

REPORT TO EXECUTIVE

Date of Meeting: 8 July 2021

Report of: Deputy Chief Executive

Title: New Statement of Community Involvement

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 The report concerns Exeter's new Statement of Community Involvement (SCI). This is a document, that every Local Planning Authority must prepare, that sets out how the public, organisations and other interested parties will be involved in planning matters. The new SCI will replace the existing SCI that was adopted in 2005.

1.2 The draft SCI (attached to this report as Appendix A) will be published for consultation alongside the Exeter Local Plan 'Issues Consultation' due to take place this autumn. A report will then be brought back to Executive to summarise consultation responses and explain how the SCI has been amended. The final SCI will then be adopted by the Council.

2. Recommendations:

2.1 That the Executive approves the contents of the draft SCI (Appendix A) for public consultation for eight weeks commencing in September 2021; and

2.2 That the Executive gives delegated authority to the Deputy Chief Executive, in consultation with the Council Leader and the Portfolio Holder for City Development, to agree minor changes to the draft SCI document before it is published for consultation.

3. Reasons for the recommendation:

3.1 To provide an up-to-date SCI that addresses all legislative requirements, and ensures the public, organisations and other interested parties can input into decisions on planning applications and help inform the new Exeter Local Plan.

4. What are the resource implications including non financial resources?

4.1 Consulting on the draft SCI will take place at the same time as the Exeter Local Plan 'Issues Consultation' and has no additional resource implications.

5. Section 151 Officer comments:

5.1 There are no additional financial implications for Council to consider contained within this report.

6. What are the legal aspects?

The preparation of an SCI, setting out how a local authority will involve its communities, businesses and other interested parties in the preparation of planning policies and in determining individual planning applications, is a legal requirement under section 18 of the Planning and Compulsory Purchase Act 2004. There are currently no formal or regulatory requirements setting out how an SCI should be prepared and there is no legal requirement to consult on its contents. However, it is considered best-practice to consult on a draft SCI before it is adopted.

7. Monitoring Officer's comments:

The Monitoring Officer has no additional comments.

8. Report details:

Background

8.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare an SCI which covers how the Council will consult on planning policy and planning applications. Exeter's existing SCI was adopted in 2005 and is therefore somewhat dated. Furthermore, the Town and Country Planning (Local Planning) England Regulations 2012 requires Local Planning Authorities to review their SCI every 5 years from adoption. A review of the existing SCI reveals that it does not meet the current legislative requirements, specifically in that it fails to specify how the authority will deal with the duty to support Neighbourhood Planning.

8.2 The draft SCI meets the legislative requirements, balances the need to consult with the need to make rapid progress on the new Exeter Local Plan, and has been drafted to allow flexibility in changing times.

The Draft SCI

8.3 The draft SCI recognises that planning affects us all, shaping the places we work in, live in and the services and facilities we use. As such it is important that everyone understands how they can comment on and be involved in making these decisions regarding planning policy and planning applications.

8.4 The aim has been to produce a draft SCI that takes a clear and logical approach so that it is useable by the general public. Efforts have been made to avoid technical language and the document has been designed so that it is attractive and accessible. The text attempts to answer key questions that individuals and organisations may have in relation to community involvement, namely:

- How do we consult?
- Who do we consult?
- What is the best way to make a comment?
- What can I comment on?
- What happens to the comments you make?

8.5 We are living in uncertain times. The ways in which we have undertaken engagement and consulted with the public has had to change over the last year. Whilst going forward Covid-19 restrictions are likely to ease, it will be necessary to remain flexible in our approach to community involvement. The draft SCI allows for this flexibility of approach whilst making a clear commitment to meet all legislative requirements.

8.6 What is unlikely to change, at least in the foreseeable future, is the resource constraint that the council must operate under. This document recognises that resources are limited and therefore focuses on practical consultation methods which can be used going forward. In a key revision to the current SCI, the new document puts more emphasis on digital communication to go alongside more traditional approaches.

8.7 The draft SCI, proposed for consultation, is attached at Appendix A to this report.

Consultation

8.8 Whilst there is no legislative requirement for consultation on the SCI, it is proposed to consult on this document for a period of eight weeks to meet best practice and adhere to the Councils' Consultation Charter. The draft SCI will be published on the Council's website so that residents and stakeholders can easily see what is proposed and how to comment.

Way Forward

8.9 Once the consultation period is complete, responses will be analysed and consideration given to what changes may be needed to the draft SCI. A report will be brought back to Executive detailing the results of the consultation, explaining how we have taken these into account and providing the final document. This document will be recommended for adoption.

9. How does the decision contribute to the Council's Corporate Plan?

The new SCI, when adopted, will determine how we consult on planning applications and planning policy, including the new Exeter Local Plan. In this way the new SCI will help deliver development that meets three corporate objectives; "Building Great Neighbourhoods", "Tackling Congestion and Accessibility" and "Promoting Active and Healthy Lifestyles".

10. What risks are there and how can they be reduced?

10.1 Uncertainty has been introduced by the Government's stated intention to reform the planning system. Whilst the Queen's Speech in May of this year committed to introduce a Planning Bill, which could possibly be brought to Parliament in the autumn, the timing, and certainly the contents, are by no means clear. Furthermore, the Government has warned Local Planning Authorities not to delay in response to this and has stressed that transitional arrangements will be put in place. Nevertheless, the introduction of new legislation could mean changes are needed to the SCI prior to adoption or an early review of the SCI will be needed. We will keep members informed as more clarity from the Government emerges on the extent of reforms, when they will be effective and any transitional arrangements.

10.2 Therefore, whilst there are no specific risks associated with consulting on the draft SCI, there is a risk that external factors (such as the introduction of the Planning Bill or new Government legislation related to covid-19) may mean that the SCI needs to be revised prior to adoption. We will report back to Executive following consultation and advise if any changes are needed.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal, potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

There are no direct carbon/environmental impacts arising from the recommendations. However, the draft SCI suggests the potential use of significant electronic, online and social media platforms which will help minimise the carbon impact of consultations.

13. Are there any other options?

Whilst the preparation of an up-to-date SCI is a statutory requirement, there is an option of not consulting on the SCI; this is not, however, considered to be appropriate as it is best practice to consult and ensures adherence with the Councils' Consultation Charter.

Deputy Chief Executive, Bindu Arjoon

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

- Statement of Community Involvement (Adopted 13 December 2005)
- Equality Impact Assessment: Draft SCI

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