

# Birmingham City Council

## Report to Cabinet

21<sup>st</sup> January 2020



**Subject:** ADOPTION OF THE 'STATEMENT OF COMMUNITY INVOLVEMENT'

**Report of:** INTERIM DIRECTOR, INCLUSIVE GROWTH

**Relevant Cabinet Member:** Councillor Ian Ward, Leader of the Council

**Relevant O &S Chair:** Councillor Tahir Ali, Economy and Skills;

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: <b>006329/2019</b>		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

### 1 Executive Summary

1.1 To seek authority to adopt the revised Statement of Community Involvement (SCI).

### 2 Recommendations

2.1 That Cabinet approves the adoption of the revised Statement of Community Involvement (SCI) contained in Appendix 1 of this report.

### **3 Background**

- 3.1 It is a legal requirement for an up-to-date Statement of Community Involvement (SCI) to be adopted and published by local planning authorities under the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017).
- 3.2 The SCI is part of the local planning framework and sets out how the City Council will engage people in various aspects of its land use planning work. It outlines how the City Council will consult, who it will consult with and when it will consult for both planning applications and planning policy documents. The purpose of the SCI is therefore to guide and help make public consultation more effective and meaningful and encourage more people to take part in the planning process.
- 3.3 The City Council originally adopted a SCI in 2008. This document has now been updated to reflect the legal changes which have taken place since, but also to reflect changes in the way the City Council engages and communicates with stakeholders and citizens. This version of the SCI will therefore supersede the existing 2008 SCI.
- 3.4 The main changes to the SCI since the original version published in 2008 are as follows:-
  - Updated references to legislation including the Housing and Planning Act 2016, the Neighbourhood Plan Act 2017 and the latest regulations associated with them (the SCI therefore includes new sections on Neighbourhood Plans and the Community Infrastructure Levy (CIL).
  - Updates to reflect the latest national and local planning documents including the National Planning Policy Framework (NPPF) and Birmingham's Local Plan.
  - Increased emphasis on the City Council's commitment to equality and inclusivity as part of its statutory duty under the Equality Act 2010.
  - Updated references to the latest City Council Plan and corporate policies on community cohesion and localism.
  - References to the latest forms of consultation including more emphasis on online consultation and the increased use of social media in engaging a wider audience for consultation on planning matters.
- 3.5 A draft of the SCI was approved by Cabinet on 14<sup>th</sup> May 2019 and was then subject to public consultation for a period of 12 weeks.
- 3.6 Following consultation, all comments received were considered and helped to inform the final version of the SCI now recommended for adoption, with changes made where appropriate. During the twelve week consultation period, a total of 20 individuals/organisations responded generating approximately 150 separate comments. Comments came from various individuals as well as organisations including Acocks Green Neighbourhood Forum, the Birmingham Law Society, the Canals and Rivers Trust, Birmingham and Black Country Wildlife Trust and Natural

England. A summary of these, including the City Council's response to each point raised, is included in a Consultation Statement attached as Appendix 2.

3.7 The main comments raised during the consultation included:

- General support for the aims, purpose, principles and objectives of the document
- Better methods of engagement and early engagement with the public in planning consultations to be maximised.
- Clear understanding about the role that consultees (including members of the public) have in the planning consultation process
- There needs to be continued engagement with a diverse range of bodies during planning consultations
- More emphasis needs to be placed on the importance of the need to provide greater weight to those with protected characteristics as defined by the Equality Act 2010.

3.8 As a result, the changes made included:

- Simplification of parts of the document to ensure plain English is being used.
- More emphasis within the document on the importance of engagement at the early stages in the production of planning documents and policies
- More explicit reference to the requirements of the Equality Act 2010 to ensure that opportunities to engage and consult with groups or individuals representing the 'protected characteristics' were maximised and that key proposals were adequately signposted to those communities who will be particularly affected.

## **4 Options considered and Recommended Proposal**

- 4.1 Do Nothing: It is a legal requirement for an up-to-date Statement of Community Involvement (SCI) to be adopted and published by local planning authorities under the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017). The Localism Act 2011 in particular emphasises the importance of enabling communities to contribute towards shaping the places where they live. This is therefore not deemed an option.
- 4.2 The SCI was previously updated in 2008 since when legal requirements and consultation methodologies used by the City Council have changed sufficiently to warrant an updated version of the SCI to be produced.

## **5 Consultation**

- 5.1 Officers from the Inclusive Growth Directorate have been involved with the preparation of the Statement of Community Involvement (SCI). Internal and external consultation on a draft version of the SCI took place from Monday 3<sup>rd</sup> June 2019 for a period of 12 weeks. This was the first and only consultation stage for the SCI

which was carried out under the provisions of the Planning and Compulsory Purchase Act 2004, and the revised procedures required by the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 5.2 A consultation statement has been produced and will be published which is attached as Appendix 2 to this report. All feedback and comments received were taken into consideration in formulating the final version of the SCI now being recommended for adoption by the City Council.

## **6 Risk Management**

- 6.1 The programme for the adoption of the SCI allows flexibility to account for any potential issues. This allows time for discussion with stakeholders and for issues to be addressed, as well as the processing of any comments made.
- 6.2 Other risks are addressed elsewhere in this report, including Section 4 on the risks of not having the SCI, and section 7.3 on the financial implications.

## **7 Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

- 7.1.1 The SCI is consistent with the Council Plan 2018-2022 (as updated in 2019) and, in particular, helps to deliver Priority 6 of the outcome; 'Birmingham is a great city to live in' which states that we will 'foster local influence and involvement to ensure that local people have a voice in how their area is run'.
- 7.1.2 The principles of the SCI reflect those of the Community Cohesion Strategy for Birmingham, particularly in promoting inclusive economic growth that benefits everyone across Birmingham and helping to empower and engage neighbourhoods to be active participants in local solutions and decisions.
- 7.1.3 The SCI will also deliver the objectives set out in the Council's framework on Localism in Birmingham as it will help to tailor future engagement on planning matters to be more efficient, better suited to the area and aim to make residents feel that they are more in control of decision making in their local area.

### **7.2 Legal Implications**

- 7.2.1 The preparation of the SCI is being carried out in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017) and is prescribed under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. Once adopted, it will replace Birmingham's existing SCI which was adopted in 2008.

### **7.3 Financial Implications**

7.3.1 The SCI has been prepared using existing Inclusive Growth Directorate (Planning and Development) staff resources and existing approved revenue budgets. There are no on-going financial implications from the adoption and operation of the SCI.

#### **7.4 Procurement Implications (if required)**

7.4.1 No implications.

#### **7.5 Human Resources Implications (if required)**

7.5.1 No implications

#### **7.6 Public Sector Equality Duty**

7.6.1 The SCI was prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies consider the needs of all individuals in shaping policy. Preparation of the SCI included carrying out an Equality Impact Analysis (Appendix 3) which identified that the report recommendations will not have an adverse impact on the protected groups and characteristics under the Equality Act 2010.

### **8 Appendices**

8.1 List of Appendices accompanying this report (if any):

- Appendix 1 – Statement of Community Involvement Document (Adoption version)
- Appendix 2 – Consultation Statement
- Appendix 3 – Equality Impact Analysis

### **9 Background Documents**

9.1 None