

Birmingham City Council

Report to Cabinet

8th September 2020



Subject: **ADOPTION OF TEMPORARY AMENDMENTS TO THE STATEMENT OF COMMUNITY INVOLVEMENT DUE TO COVID-19 RESTRICTIONS**

Report of: **Acting Director, Inclusive Growth**

Relevant Cabinet Member: **Councillor Ian Ward - Leader**

Relevant O &S Chair(s): **Councillor Lou Robson, 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: 007756/2020		
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, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 The Statement of Community Involvement (SCI) is part of the local planning framework. 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.
- 1.2 As a result of the Covid-19 pandemic social distancing restrictions and access to public buildings has meant that some of the methods of consultation outlined in the SCI are currently not possible.

- 1.3 This report seeks authority to adopt temporary amendments to the SCI to address the impacts of the Covid-19 restrictions. The temporary amendments provide the flexibility to adapt Government restrictions in place at the time. Once Government requirements for social distancing have been lifted and it is safe to return to the consultation methods and practices set out in the existing SCI published in January 2020, the January 2020 SCI will once again be brought back into effect through delegated authority.

2 Recommendations

- 2.1 Approves the adoption of temporary amendments to the Statement of Community Involvement (SCI) due to Covid-19 restrictions.
- 2.2 Notes that the temporary amendments will remain in place until Government requirements for social distancing have been lifted but provide sufficient flexibility to adapt to further changes in Government guidance in the meantime.
- 2.3 Delegates authority to the Acting Director, Inclusive growth to bring the existing SCI, published in January 2020, back into use once Government requirements relating to social distancing have been lifted.

3 Background

- 3.1 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.
- 3.2 The existing SCI was adopted by the Council at the Cabinet meeting on 21st January 2020 and it is a legal requirement for an up-to-date 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).
- 3.3 However, since adoption, the outbreak of the Covid-19 pandemic and ensuing restrictions on social distancing and access to public buildings has meant that some of the methods of consultation outlined in the SCI are currently not possible. This has been recognised by Government which has revised guidelines for local planning authorities concerning Local Plans to enable them to adapt to new planning practices and means of consulting with the public on a temporary basis whilst current restrictions are in place <https://www.gov.uk/guidance/plan-making#covid19>
- 3.4 The revised guidance therefore states that *“local planning authorities will need to assess their Statements of Community Involvement to identify which policies are inconsistent with current guidance on Covid-19 and make any temporary amendments that are necessary to allow plan-making to progress, and that*

continue to promote effective community engagement by means which are reasonably practicable.”

3.5 This has resulted in numerous proposed temporary wording changes to the SCI which are indicated in bold italics on the amended version attached to this report as Appendix 1. The main wording changes are as follows:-

- Emphasis and clarification throughout the document that social distancing guidance in existence at any given time, should be observed at all times.
- Temporary removal of face to face engagement methods as a means of community involvement in the preparation of Development Plan Documents, Supplementary Planning Documents and informal masterplans/ frameworks
- Temporary suspension of hard copies of consultation documents being available to view at Council offices and libraries until COVID-19 restrictions have been lifted and these facilities can be safely re-opened. Instead, provision will be made to distribute hard copies of consultation documents by post on request for those with specific requirements or who cannot access any documents electronically.
- Wider use of online means of communication; for example, social media, online exhibitions and ‘virtual’ drop-in events on approved video platforms.
- Additional clarification on consultation methods for the ‘Submission’ stage of local plan documents.
- All planning applications to be submitted electronically
- Planning Committees will continue to be conducted via video platform for the foreseeable future with written representations in place of public speaking.

3.6 A public consultation on the proposed amendments was held for four weeks during July 2020 (3rd – 31st July). This period was shorter than usual for such documents but was deemed sufficient, given the urgency to approve the changes; the fact that the changes are only temporary and the fact that the document has only recently been approved by the City Council following consultation in 2019.

3.7 Following consultation, the final version of the temporary changes is now being presented to Cabinet for approval and adoption by the City Council. The amendments will remain in place until Government requirements for social distancing have been lifted, but provide sufficient flexibility to adapt to any further changes in Government guidance in the meantime. The existing SCI, published in January 2020, will then be brought back into use by the Acting Director, Inclusive Growth under delegated authority as recommended within this Report.

4 Options Considered and Recommended Proposal

- 4.1 **Option 1 - Do Nothing:** It is a legal requirement for an up-to-date 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 **Option 2 – Introduce Temporary Changes to the SCI:** Temporary amendments to the regulations to accompany the Acts referred to above have stipulated that local planning authorities must make temporary amendments to their SCI to ensure that current regulations and restrictions regarding the Covid-19 outbreak are taken into account. This is the recommended option

5 Consultation

- 5.1 Internal and external consultation on a draft version of the temporary amendments took place from Friday 3rd July 2020 for a period of 4 weeks. This was the first and only consultation stage for the temporary amendments to the SCI which was carried out under those 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 permitted under the present restrictions related to Covid-19.
- 5.2 All feedback and comments received were taken into consideration in formulating the final version of the temporary amendments to the SCI now being recommended for adoption. A total of 11 responses were received during the consultation period. A consultation statement has been produced which summarises the comments received and any consequent amendments to the SCI and is attached as Appendix 2 to this report.
- 5.3 The consultation responses were generally supportive and did not raise any significant issues in relation to the proposed amendments. Clarification was sought to ensure the amendments were flexible enough to change in line with continuing changes to national restrictions made by the Government and whether a review date for the temporary amendments needed to be set. The SCI has therefore been modified to ensure that the amendments provide sufficient flexibility to adapt to when restrictions are relaxed or lifted altogether. This additional flexibility also negates the need to provide a review date as the temporary amendments will only continue to apply whilst any relevant Government requirements for social distancing remain in place.

6 Risk Management

- 6.1 The programme for the adoption of the temporary amendments to the SCI allows flexibility to account for any potential issues. Time has been allowed for discussion with stakeholders and for issues to be addressed, as well as the processing of any

comments made given that the consultation relates only to the proposed amendments themselves and that those amendments are only temporary.

- 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 and the proposed temporary amendments are 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 amended 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 temporary amendments to 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 temporary amendments to the SCI has been 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 insofar as current Covid-19 restrictions allow. Once adopted, it will temporarily replace Birmingham's existing SCI which was adopted in January 2020, whilst Government requirements for social distancing remain in place.

7.3 Financial Implications

- 7.3.1 The temporary amendments to the SCI have 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 temporary version 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 original SCI and the temporary amendments have been 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 temporary amendments to 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 Appendix 1 Temporary Amendments to the Statement of Community Involvement due to Covid-19 restrictions

Appendix 2 Consultation Statement

Appendix 3 Equality Assessment of the Temporary Amendments to the Statement of Community Involvement due to Covid-19 restrictions

9 Background Documents

Cabinet Report 21st January 2020 - Adoption of the Statement of Community Involvement

Cabinet Member Report 30th June 2020 - Public Consultation on temporary amendments to the Statement of Community Involvement due to Covid-19 restrictions.