

Birmingham City Council

Report to the Leader

30th June 2020



Subject: PUBLIC CONSULTATION ON TEMPORARY AMENDMENTS TO THE STATEMENT OF COMMUNITY INVOLVEMENT DUE TO COVID-19 RESTRICTIONS

Report of: Interim 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference: N/A		
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 undertake public consultation on temporary amendments to the SCI to address the impacts due to Covid-19 restrictions, for a period of four weeks during June and July 2020.

2 Recommendations

- 2.1 Approves the public consultation on temporary amendments to the Statement of Community Involvement (SCI) due to Covid-19 restrictions for a period of four weeks commencing in June 2020
- 2.2 Notes that following the consultation, a further report will be produced for Cabinet to adopt the temporary amendments to the Statement of Community Involvement.

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 a number of 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 principles 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 are to be conducted via video platform for the foreseeable future with written representations in place of public speaking.

3.6 The temporary changes will be subject to public consultation during June and July 2020 in line with City Council constitutional requirements for documents of this type. The consultation period of four weeks is shorter than usual for such documents but this is deemed to be sufficient given that the changes are only temporary; the urgency to approve the temporary changes; 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 will then be presented to Cabinet in September 2020 for approval and adoption by the City Council.

4 Options considered and Recommended Proposal

4.1 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 Temporary amendments to the regulations to accompany these Acts 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.

5 Consultation

- 5.1 Officers from the Inclusive Growth Directorate have been involved with the preparation of the temporary amendments to the SCI consultation document. The launch of the public consultation on the temporary amendments will be the start of both internal and external consultation on the document. This is the first and only consultation stage for the temporary amendments to the SCI which will commence shortly following Cabinet Member approval. The consultation process will be 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. However, the consultation period will be shorter than normal for documents of this type for the reasons highlighted in paragraph 3.6 of this report.
- 5.2 The consultation document and relevant material for the temporary amendments will be published online and all those on the Planning Policy Consultation Database including all Birmingham City Council Members will be notified. All feedback and comments received will be taken into consideration in formulating the final version of the temporary amendments to the SCI which will be presented to Cabinet in September 2020 for recommended adoption by the City Council.

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. This allows time 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 such 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 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 temporarily replace Birmingham's existing SCI which was adopted in January 2020.

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 2) 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 - Equality Assessment of the Temporary Amendments to the Statement of Community Involvement due to Covid-19 restrictions

9 Background Documents

- 9.1 Statement of Community Involvement agreed at Cabinet meeting on 21st January 2020