

Executive

22 October 2020

Report of the Corporate Director of Economy and Place
Portfolio of the Executive Member for Economy and Strategic Planning

Temporary Amendments to the Council's Statement of Community Involvement

Summary

1. The purpose of this report is to seek approval from Members for temporary amendments to be made to the Council's Statement of Community Involvement (SCI). It reflects the need to revise planning related public access and involvement procedures contained in the Council's SCI in response to current social distancing restrictions as a result of the Coronavirus (COVID-19) Pandemic. Face to face consultation events and the availability of hard copies of documents are proposed to be temporarily suspended
2. To ensure meaningful engagement remains during the pandemic, alternative methods have been proposed to include virtual meetings where face to face is not possible, and nominating an advocate for those who do not have access to online methods of consultation which take precedence in light of social distancing measures. Social media will also be used to publicise consultations. It is anticipated that the temporary amendments to the SCI can be removed once it is safe to resume all standard consultation methods.

Recommendations

3. The Executive is asked to:
 - (1) agree the recommended temporary revisions to the Council's adopted SCI (as shown in Annex A) to reflect the specific requirements arising from national guidance and procedures on dealing with coronavirus implications; and

- (2) authorise Officers to publish the covering note to the adopted SCI on the Council's website; and
- (3) agree to delegate authority to the Corporate Director of Economy and Place in consultation with the Executive Member for Economy and Strategic Planning to determine when the temporary arrangements as shown in Annex A cease to have effect.

Reason: To ensure that consultation and engagement in the planning process remains effective at a time when restrictions have been placed on face to face social interactions to help combat the spread of coronavirus.

Background

4. A key aim of the planning system is to strengthen community and stakeholder involvement in the development of local communities. Under the provisions of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to prepare an SCI which sets out the Council's proposals for how the community will be consulted on planning policy documents and planning applications.
5. Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) Local Planning Authorities must review their SCIs at least once every 5 years to ensure that policies remain relevant and effectively address the needs of the local community. A full review of the adopted SCI is currently underway and will be reported to Members in due course. It is anticipated that the SCI will remain largely unchanged from the adopted SCI and most of the proposed changes are factual, save for the proposed addition of new consultation methods. There are anticipated to be more substantive changes to part three of the SCI in relation to planning applications. As such, the outcomes of this wider, more formal review of the SCI will require city wide consultation.
6. National Planning Practice Guidance was published earlier this year to encourage authorities to undertake an immediate review of their SCIs and update the policies where necessary so that plan-making can continue under the current COVID-19 pandemic. As such, the SCI has been reviewed in light of this to consider which consultation methods cannot temporarily be used due to social distancing restrictions and should be suspended, until it is safe to reinstate the full range of methods. Temporary suspensions to consultation methods and proposed

alternatives are set out in Annex A. This document is proposed to sit alongside the main SCI as a covering note.

Consultation

7. National Planning Practice Guidance¹ confirms that there is no requirement in legislation for local planning authorities to consult when reviewing and updating their SCI, although it is good practice to inform the public of their intentions to update the document and of the changes that have been made. However, where a local planning authority has made a pledge in their SCI to consult on any changes, they may wish to take independent legal advice on how best to proceed.
8. The revised Guidance issued by the Government require an urgent change to the SCI to enable compliance with the current pandemic restrictions in place. Some of the methods cannot be implemented under the current restrictions and therefore Officers are proposing the temporary suspension of some measures, where necessary, for the duration of the pandemic in order to comply with the issued guidance. These changes are only temporary, until it is safe to reinstate all consultation methods. Further, we are recommending that the decision on when to lift these temporary suspensions, is subject to a delegated decision to the Corporate Director of Economy and Place in consultation with the Executive Member for Economy and Strategic Planning.
9. It is Officer's view that the temporary suspension of the consultation methods listed in Annex A that are required to take account of social distancing requirements during the current unprecedented COVID-19 Pandemic, do not amount to either of the scenarios that would require a formal review of the SCI engaged at para 13.2. As such, should members be minded to approve the temporary covering note to the SCI, it is sufficient to publicise the changes to the SCI, as encouraged under national guidance.

Analysis

10. To ensure that consultation and engagement in the planning process remains effective at a time when restrictions have been placed on face to face social interactions to help combat the spread of COVID-19 the Council is proposing a temporary update to its SCI. Such a review is supported by the national Planning Practice Guidance. Officers consider

¹ Paragraph: 078 Reference ID: 61-078-201200513

that these proposed temporary changes are necessary to ensure that plan making can continue and that the Council continues to promote effective community engagement by means which are reasonably practicable at this time. Should the recommendation not be accepted this could potentially lead to legal challenges for failure to comply with duties placed on the Local Planning Authority in its SCI. Given that these temporary changes are necessary in the existing situation, it would not be considered beneficial to consult on them.

11. The temporary changes proposed are set out at Annex A. The changes relate to suspending the availability of documents at West Offices reception and the city's libraries, and holding face to face meetings. Where measures cannot be complied with, where possible, an alternative has been proposed, for example holding virtual meetings using software platforms such as Skype and Zoom. A number of temporary changes are also proposed in relation to part three of the SCI regarding consultation on planning applications. For example, during the pandemic standard consultation periods have been temporarily extended.
12. It is made clear in the proposed covering note at Annex A that the suspension of any consultation methods due to the COVID-19 Pandemic is only temporary. When it is safe to do so the full range of consultation methods will be reinstated. In acknowledgement that in response to current guidance on staying at home and away from others consultation is temporarily primarily to be carried out online it is also recognised that not everyone is online. As such, for those who have no access to email or the internet, it is recommended that the best way to get involved and send in comments is to ask a relative or friend to email in comments. It is also made that clear that during the Covid-19 restrictions if residents have difficulty providing feedback Officers will be available to discuss matters by telephone. Up to date contact details are provided.
13. It is considered that the temporary suspension of face to face consultation methods immediately necessary due to the COVID-19 Pandemic, do not change the fundamental 'policy approach' to consultation originally set out in the adopted SCI. Should members be minded to approve the updated SCI these changes will be publicised. This will be done through the Council's social media channels, as well as updating the Council's website.
14. Members are also requested to agree to delegate authority to the Corporate Director of Economy and Place in conjunction with the

Executive Member for Economy and Strategic Planning in deciding when to lift the temporary suspensions, when the current health pandemic allows. It is anticipated that the covering note to the SCI will be removed from the website, as and when it is safe for all consultation methods to be reinstated. This decision will be publicised as above.

Council Plan

15. In relation to the Council Plan 2019-2023 (Making History, Building Communities), by seeking to maintain the involvement of the community across a range of planning policy matters and planning applications during the pandemic, the covering note to the adopted SCI will help to meet all of the outcomes namely:

- Well-paid jobs and an inclusive economy
- A greener and cleaner city
- Getting around sustainably
- Good health and wellbeing
- Safe communities and culture for all
- Creating homes and world-class infrastructure
- A better start for children and young people

Implications

16. The following impacts have been assessed:

- **Financial** – None
- **Human Resources (HR)** – None
- **One Planet Council / Equalities** – There will continue be positive benefit in ensuring all parts of the community can partake in consultation and ensuring consultation methods are up-to-date.
- **Legal** – Without updating the SCI as proposed in this report, the Council could come under criticism or legal challenge for not being able to carry out consultation in accordance with its commitments, as set out in the SCI at present. The proposed changes reflect specific guidance and regulations that have been issued at a national level to allow consultation to be carried out in alternative ways in light of the COVID-19 pandemic.
- **Crime and Disorder** - None

- **Information Technology (IT)** – There will be increased reliance on IT through the use of virtual meetings/events to replace face to face meetings, for the duration of the COVID-19 Pandemic. Mechanisms are already in place to enable the use of a number of platforms for hosting virtual meetings.
- **Property** - None
- **Other** – None

Risk Management

17. In compliance with the Council's risk management strategy, the main risks associated with updating the SCI are risks arising from failure to comply with the laws and regulations relating to planning.

Contact Details

Authors:

Frances Harrison
Development Officer
Forward Planning
01904 551388/ 07923213873

Chief Officer Responsible for the report:

Mike Slater Assistant Director Planning and
Public Protection
01904 551300

Alison Cooke
Forward Planning Manager
(Interim)
Forward Planning
01904 551467/ 07767318135

Report
Approved



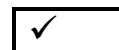
Date 12 October 2020

Specialist Implications Officer(s)

Legal:-
Sandra Branigan
Senior Solicitor
01904 551040

Finance:-
Patrick Looker
Finance Manager
01904 551633

All



Wards Affected:

For further information please contact the author of the report

Background Papers:

Statement of Community Involvement (2007)

<https://www.york.gov.uk/downloads/file/1388/cd016-city-of-york-statement-of-community-involvement-sci-adopted-december-2007->

Annexes

Annex A: Proposed Statement of Community Involvement Update October 2020

List of Abbreviations Used in this Report

COVID-19 – Coronavirus

SCI – Statement of Community Involvement