

Open Report on behalf of Andy Gutherson, County Commissioner for Economy and Place

Report to:	Executive
Date:	18 December 2018
Subject:	Draft Statement of Community Involvement
Decision Reference:	I016908
Key decision?	Yes

Summary:

The County Council is under a statutory duty to review its Statement of Community Involvement (SCI) by 2019. The current SCI was last updated in 2014 and sets out how the County Council will engage and consult the public and stakeholders on the preparation of draft minerals and waste policy documents and during the determination of planning and related applications.

A proposed Draft SCI (attached as Appendix A) has been prepared for public consultation commencing in January 2019 for a six weeks period, subject to the approval of the Executive. In due course, the results of this exercise would help the Executive assess whether the measures set out in the document would be proportionate and effective.

Recommendation(s):

That the Executive approve the Draft Statement of Community Involvement attached to this report as Appendix A for public consultation for a period of six weeks commencing in January 2019.

Alternatives Considered:

Not to progress with the public consultation on the Draft SCI.

Reasons for Recommendation:

The Council is required to review the current SCI by October 2019 and then, if necessary, update the document. It is, however, already considered that the document needs to be updated with respect to changes in legislation and to make it more user friendly. Furthermore, it is considered that the potential role of social media in publicising planning matters needs to be given greater emphasis.

In due course, the results of the consultation exercise would allow the Executive to assess whether the proposed measures set out in the Draft SCI are effective and proportionate or whether amendments are needed before it can be recommended for adoption by the full County Council.

Background

1. The County Council is required by the Planning and Compulsory Purchase Act 2004 to have a Statement of Community Involvement (SCI) setting out how it will engage and consult the public and stakeholders with respect to:
 - the preparation of minerals and waste planning policy documents; and
 - the determination of planning applications, including related applications such as applications for listed building consent.
2. The current SCI was last updated in 2014 and, under the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations"), the County Council is required to review the document by October 2019 (five years from the last update). It is considered that the SCI does need to be updated to:
 - take account of changes to legislation;
 - increase the use of social media; and
 - make the document clearer and more "user friendly".
3. A Draft SCI, attached as Appendix A, has been prepared which sets out the statutory requirements for publicity and consultation together with the additional measures that will be used by the County Council to encourage communities and stakeholders to become involved. Paradoxically there is no statutory consultation procedure set out in legislation for the preparation of a new SCI. However, given the subject matter is community involvement, it is considered that the Draft SCI should be subject to consultation for a six week period commencing in January 2019. This would include consultation with the relevant "Specific Consultation Bodies" such as parish councils, and "General Consultation Bodies", such as voluntary bodies, as defined in the 2012 Regulations.
4. The draft SCI has been produced in consultation with the County Council's Community Engagement Team to ensure that it conforms to the Council's Community Engagement Strategy. That team would be providing further advice on the consultation process to help ensure that "Seldom Heard Groups", including those with protected characteristics, are reached. In addition, the Draft SCI will be publicised on the County Council's website and through social media.
5. Following the consultation procedure, any representations received will be reported to the Executive together with any recommended amendments to the Draft SCI to address those representations. The Executive will then be asked to endorse the Draft SCI (with amendments, if necessary) and to recommend its adoption by the full County Council.

Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

An Equality Impact Assessment has been undertaken. The proposed changes to the SCI seek to increase the publicity given to the making of planning decisions, reaching out further to local communities including people with protected characteristics. This should help to ensure that people with protected characteristics become aware of the opportunities to become involved in the planning process, potentially with positive outcomes for these groups. The response form for the consultation on the Draft SCI would, however, include a question asking respondents to identify any impacts as a result of protected characteristics and these will be fully taken into account to ensure that the final SCI

enables participation in the Council's engagement activities equally without regard to protected characteristics.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

It is considered that the Draft SCI would contribute to the aims of the JSNA and JHWS by improving the consultation/publicity given to planning matters that could affect the environment, thereby increasing the opportunity for representations to be made about the impacts and for remediation to be put in place.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

This obligation has been considered but is not thought to be directly affected by the proposals in this report.

Conclusion

Consultation on the Draft SCI would allow proper consideration by communities and stakeholders on the measures the County Council would take to encourage their participation in planning decisions. It would therefore help the County Council to assess whether the proposed measures are effective, whilst at the same time remaining proportionate.

Legal Comments:

Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires the Council to review its Statement of Community Involvement every five years.

Under s23(5) of the Planning and Compulsory Purchase Act 2004, a Statement of Community Involvement must be adopted by resolution of the authority. The final decision to adopt the new Statement is therefore reserved to full Council on the recommendation of the Executive. It is within the remit of the Executive to decide to consult on the draft document referred to in the Report prior to formulating its recommendation.

The decision is consistent with the Policy Framework and within the remit of the Executive.

Resource Comments:

Accepting the recommendation to approve the Draft Statement of Community Involvement for public consultation, should have no material impact on the Council's budget.

Consultation**Has The Local Member Been Consulted?**

Not applicable at this stage. All County Council Members would be consulted under the proposed consultation to be commenced in January 2019.

Has The Executive Councillor Been Consulted?

Yes

Scrutiny Comments

The Environment and Economy Scrutiny Committee considered a report on the Draft Statement of Community Involvement on 27 November 2018 and agreed to support the recommendation to proceed with a public consultation for a period of six weeks commencing in January 2019.

The Committee agreed to pass on the following comments to the Executive as part of the consideration of this item.

- The Committee stressed the need to set the correct level of expectation when publicising and notifying the public on planning application.
- The Committee supported greater use of both the County Council's social media channels and targeted social media such as Facebook.
- The Committee highlighted the need to be clear that any comments made directly on social media would not be accepted and stressed the need to ensure that social media engagement included clear guidance on where and how to submit comments to the County Council.
- A member of the Committee queried whether the proposal to issue press notices in the Lincolnshire Echo for certain types of application was a token gesture, due to the levels of press coverage across the County. It was also highlighted that the Lincolnshire Echo does not cover the whole of the County.

Has a Risks and Impact Analysis been carried out?

Not applicable

Appendices

These are listed below and attached at the back of the report	
Appendix A	Draft Statement of Community Involvement
Appendix B	Equality Impact Assessment

Background Papers

No background papers within section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Adrian Winkley, who can be contacted on 01522 554818 or adrian.winkley@lincolnshire.gov.uk.