

Committee(s): Planning & Transportation Committee	Date(s): 14/05/2020
Subject: Temporary changes to City Corporation Statement of Community Involvement	Public
Report of: Director of the Built Environment	For Decision
Report author: Peter Shadbolt, Department of the Built Environment	

Summary

The City Corporation adopted a Statement of Community Involvement (SCI) in 2016 setting out how it will consult with its communities in undertaking its planning functions. The consultation methods adopted go beyond statutory minimum requirements for consultation. The SCI arrangements include measures for the provision of physical copies of documents, the physical display of documents, mailouts, an in-person enquiries service and the holding of physical consultation meetings and site visits. These methods of consultation are not deliverable at present due to temporary movement restrictions as a result of the Covid-19 pandemic.

To ensure the planning system can continue to operate (in accordance with government guidance) while also ensuring any potential prejudice to stakeholders (due to adjustments in consultation methods) is addressed, temporary changes to the SCI are proposed. These changes temporarily suspend those aspects of the SCI which require physical meetings, the physical display of documents or the physical provision of documents. These changes would be operational until after the summer recess, following which there would be a review, with the intention to implement the full requirements set out in the SCI as soon as possible once movement restrictions are removed and consistent with Government health guidance. During this period, the City Corporation will continue to provide services electronically or through virtual meetings and meet other statutory requirements for publicity, inspection and consultation, where possible.

Recommendation(s)

Members are asked to:

- Agree to the temporary suspension of those provisions of the City Corporation's Statement of Community Involvement which require physical meetings, the physical display or the physical provision of documents.
- Delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman:
 - to review this suspension of SCI provisions following the summer recess, extending the suspension for a further temporary period if required;

- agree the reinstatement of SCI provisions earlier than set out above if consistent with Government health guidance.

Main Report

Background

1. Section 18 of the Planning & Compulsory Purchase Act 2004 requires that a local planning authority should prepare a Statement of Community Involvement (SCI) setting out how the authority intends to consult the public when preparing planning policies and deciding planning applications. The SCI should be viewed alongside statutory requirements for public consultation set out in primary and secondary legislation, particularly The Town and Country Planning (Development Management Procedure) (England) Order 2015 and The Town and Country Planning (Local Planning) (England) Regulations 2012. The SCI must be reviewed every 5 years from the date of adoption. There is no statutory requirement for consultation on changes to the SCI.
2. The City Corporation adopted a SCI in July 2016. The SCI sets out the standards of consultation that the City Corporation aims to achieve in performing its planning function duties. It is intended to provide a clear explanation that allows the community to know how and when they will be involved in the preparation of planning policies and in the determination of planning applications. The SCI sets out the intention that the City Corporation will meet, and where possible exceed, the statutory minimum legal requirements for consultation.

Current Position

3. The City of London Corporation is following the NHS and Public Health England guidance on Covid-19 for activities and public interaction. This has placed temporary limitations on the ability of the City Corporation's Planning Service to fully meet the requirements for consultation on planning applications and planning policy documents set out in the City Corporation's Statement of Community Involvement.
4. The Ministry of Housing Communities and Local Government (MHCLG) wrote to Chief Planners in March 2020 to the following effect:

"We understand that some councils are concerned about the implications of COVID-19 for their capacity to process planning applications within statutory timescales. It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy.

We ask you to take an innovative approach, using all options available to you to continue your service. We recognise that face-to-face events and meetings may have to be cancelled but we encourage you to explore every opportunity to use technology to ensure that discussions and consultations can go ahead. We also encourage you to consider delegating committee decisions where appropriate. The Government has confirmed that it will introduce legislation to allow council committee meetings to be held virtually for a temporary period, which we expect will allow planning committees to continue.

We encourage you to be pragmatic and continue, as much as possible, to work proactively with applicants and others, where necessary agreeing extended periods for making decisions.”

Proposals

5. The City Corporation has adjusted its procedures to ensure that the statutory minimum standards for public consultation on planning applications and planning policy documents can be adhered to during the restrictions imposed to deal with Covid-19. These measures include the City Corporation’s cleansing service staff who are in the City posting site notices for new planning applications and extending the time period for commenting on applications from 21 days to 28 days. For planning policy, the proposed pre-submission consultation on the draft Local Plan has been delayed until after the summer recess in anticipation of it proceeding once movement restrictions are lifted. Further details are set out in Appendix 1.
6. The City of London SCI sets out specific standards for consultation the City Corporation aims to achieve, which build on the minimum requirements set out in legislation. These additional standards depend on the consultation subject and the affected stakeholder groups, and can include:
 - Making physical copies of planning application and policy documents available for inspection in the Guildhall and City libraries;
 - Direct mailing of neighbour notification letters, leaflets and policy summary documents to City residents, businesses and property occupiers;
 - Providing public information displays, where appropriate, in the Guildhall and City libraries;
 - Holding public meetings, smaller stakeholder meetings and forums in City locations and/or attending community, amenity group or other representative body meetings in person;
 - Undertaking site visits; and
 - Providing a drop-in service to discuss planning matters at the Built Environment Enquiries Desk at Guildhall.
7. Access, movement and operational restrictions in place to deal with the Covid-19 pandemic mean that delivery of these consultation methods in person or through the availability of physical documents in line with the requirements set out in the SCI is not currently possible. Where feasible, planning documents are being made available online and Members and officers are able to undertake virtual meetings via online software packages. Although many consultees will be fully able to engage with the process, there is a risk that the inability to meet SCI standards could reduce opportunities for engagement and this should therefore be addressed.
8. In order to aid communication about the changes, it is proposed that those provisions in the SCI which extend beyond the statutory minimum requirements, or which require the display or provision of physical copies of documents or require physical meetings/provision of information, be temporarily suspended. This suspension should run initially from the date of this Committee until the end of the summer recess, or until such time as Covid-19 restrictions allow the

resumption of planning services in person from the Guildhall. During this period, the City Corporation will continue to provide services electronically or through virtual meetings and meet all statutory requirements for consultation. In the event it is not possible to meet all such requirements, alternatives will be put in place and publicised, where possible. To address potential prejudice to stakeholders, the changes, including additional engagement procedures, will also be extensively communicated electronically and through the City Corporation's website.

9. To ensure that the suspension is managed in a flexible way and can respond to what could be rapidly changing circumstances over the coming weeks and months, it is recommended that the Town Clerk, in consultation with the Chair and Deputy Chairman of this Committee be authorised to:
 - agree the reinstatement of SCI provisions earlier than set out above if consistent with Government health guidance, or
 - to agree the extension of the suspension of aspects of the SCI for a further period of time, if necessary.

Any such change would be reported back to this Committee for information.

Corporate & Strategic Implications

10. The proposals in this report will enable the City Corporation to continue to offer high quality planning services to City business, developers and residents, meeting the 3 strategic aims of the Corporate Plan 2018-23, contribute to a flourishing society, support the economy and shape outstanding environments.

Implications

11. There are no financial implications arising from this report.
12. The proposals outlined in this report will ensure the Planning Service continues in operation in accordance with government expectations, while also ensuring any potential prejudice to stakeholders is addressed.
13. Whilst the City Corporation would normally consult on any proposed change to the SCI before introducing these changes, there is no statutory requirement for consultation. The current Covid-19 situation is unprecedented, and changes need to be introduced as soon as possible to enable planning decisions to be taken without the risk of the City Corporation not complying with the SCI. In these circumstances it is considered that there is a justification for introducing these temporary changes without full consultation. Officers will in each circumstance do what they can to ensure that the impact of not being able to comply with certain steps currently set out in the SCI are mitigated so far as possible (see Appendix 1).

Conclusion

14. The City Corporation is required to adopt a Statement of Community Involvement (SCI) setting out how it will consult with its communities in undertaking its planning functions. The City's SCI was adopted in 2016 and sets out a range of consultation methods which aim to go beyond statutory minimum requirements for consultation. The SCI standards include measures for the provision of

physical copies of documents, the physical display of documents, mailouts, an in-person enquiries service and the holding of physical consultation meetings and site visits. These methods of consultation are not deliverable due to current movement restrictions as a result of the Covid-19 pandemic.

15. To aid communication and understanding of the position and address any risk of prejudice to stakeholders, it is proposed to amend the engagement processes, supplement alternative methods in lieu of the physical methods that cannot currently be used, and widely publicise the new arrangements. The changes include temporarily suspending those aspects of the SCI which require physical meetings, the display of documents or the physical provision of documents. These changes would be operational until after the summer recess, with delegated authority given to the Town Clerk, in consultation with the Chairman and Deputy Chairman of this Committee, to reinstate SCI provisions or extend the suspension of these provisions in response to the changes in Government guidance on the Covid-19 restrictions.

Appendices

Appendix 1 – Changes to planning consultation procedures implemented by the City Corporation in response to Covid-19 restrictions.

Background Papers

City of London Statement of Community Involvement (SCI):

<https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/planning-policy/local-plan/Documents/sci-2016-final.pdf>

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**Appendix 1:
Changes to planning consultation procedures implemented by the City Corporation in response to Covid-19 restrictions.**

Planning Applications

- **Site Notices, Press Notices and Neighbour Letters** – the wording has been amended to indicate that viewing of applications and plans at the Guildhall is not feasible due to Covid-19 restrictions. Notices and letters indicate that applications and plans are available to view on the City Corporation’s website. Officers will consider whether the boundary for neighbour notification letters should be extended in respect of a particular application on a case by case basis.
- **Hard Copies of Applications and Plans** – given that hard copies of documents cannot be made available at the Guildhall, or other locations, if any member of the public has difficulty accessing applications and plans, they are asked to contact the Planning Service and information will be posted to them.
- **Site Notices** - City Corporation’s cleansing service staff who are in the City, are posting site notices for new planning applications.
- **Press Notices** – press notices are normally placed in City AM. Due to circulation restrictions during the Covid-19 pandemic, press notices will be placed in the Evening Standard, which is continuing to print and distribute physical copies. Nearly 19,000 physical copies are being distributed in the City daily. Distribution spans Aldgate bus station, trollies (Bank etc), Mainline bins (Cannon St etc), TFL bins (Liverpool St etc) and retail (Tesco Cheapside).
- **Comments on planning applications** – the 21 day period to comment on planning applications and submit objections has been extended to 28 days.
- **Website** – the City Corporation’s website has been updated and will continue to be reviewed and updated on a regular basis to ensure that City communities are kept up to date on planning applications.

Planning Policy Documents

- **Local Plan** - pre-submission consultation on the draft City Plan was due to take place in June and July 2020. The draft Plan will now be made available on the City Corporation’s website following approval of the draft Plan by Court of Common Council on 21 May 2020. Formal consultation on the draft Plan will take place following the summer recess, subject to a review of the potential for consultation consistent with Government guidance
- **Planning Obligations SPD** - Consultation on a draft review of the City Corporation’s Planning Obligations Supplementary Planning Document will similarly be deferred until after the summer recess, timed to coincide with consultation on the draft Local Plan.