

Committee/Meeting: Cabinet	Date: March 2012	Classification: Unrestricted	Report No: CAB 079/112
Report of: Corporate Director Jackie Odunoye Originating officer(s) Owen Whalley, Head of Planning & Building Control Helen Smith, Consultation and Engagement Officer, Plan Making		Title: Statement of Community Involvement Revision Wards Affected: All	

Lead Member	Cllr Rabina Khan Cabinet Member for Housing
Community Plan Theme	A Great Place to Live
Strategic Priority	Providing effective local services and facilities

1. **SUMMARY**

- 1.1 The Statement of Community Involvement (SCI) outlines Tower Hamlets Council's commitments for engaging and consulting with residents, businesses and other stakeholders on planning related matters. It sets out when the Council will consult and how the process will be carried out.
- 1.2 The Council needs to bring its SCI up to date to reflect changing ways of engaging the community and to ensure our community involvement is efficient and effective, given increasing budget constraints. The proposed changes outlined in this report will ensure that the Council is consulting on planning applications in the most effective way, including the use of new technology to support this. It is the intention to:
- change the emphasis on how we consult;
 - make more use of new technology; and
 - better target local residents and other stakeholders.
- 1.3 The changes to the SCI and associated savings set out in this report were outlined in the 'General Fund Capital and Revenue Budgets and Medium Term Financial Plan 2012-2015' report considered by Cabinet on 11 January 2012. The draft budget was approved for consultation and is due to go back to Cabinet in February for a recommendation that it is adopted by full Council. The Budget Savings Report highlighted the nature of the changes that will make these savings and this report provides further detail on the specific

proposed amendments to the SCI, which will need to be subject to public consultation in their own right.

2. DECISIONS REQUIRED

The Mayor in Cabinet is recommended to:-

- 2.1 Agree that amendments to the Statement of Community Involvement, as set out in Appendix 1 to the report, be the subject of a 6 week period of public consultation to be carried out with a view to subsequent adoption by Cabinet; and
- 2.2 Authorise the Director of Development and Renewal to make any appropriate and necessary minor amendments to the Statement of Community Involvement prior to consultation.

3. REASONS FOR THE DECISIONS

- 3.1 The Planning Service is comprehensive in how it consults the local community and other stakeholders. The adopted SCI embraced public consultation and has been approved in support of a period of extensive growth when communities were very uncertain of change. However, improvements in technology and new service provision options introduced by the Council, including free access to the internet in Idea Stores and libraries, has meant that many residents can better access information online.
- 3.2 The proposed changes to the scope of the SCI would mean:
 - An increase in the use of established new technology to support the local community to understand what is happening in their area;
 - A more modern, streamlined, less paper/space reliant but still legally robust service;
 - A subsequent reduction, over time, in the amount of administration staff time required to support the planning application consultation process.
 - The local community would have a wider range of ways of being informed about development activity and proposals;
 - Evolving a more responsive system rather than being consulted in line with rigid guidance, the local community could also begin to identify how they wish to be consulted, when or if at all; and
 - Reduction in spend on these activities.
 - The Council would still exceed the statutory minimum for notifying the local community on planning applications and other related matters

4. ALTERNATIVE OPTIONS

Retain Existing Arrangements

- 4.1 The alternative option is to leave the current requirements in place. In times of reduced local government budgets, it is considered that this would not be an efficient option. It will mean continuing to undertake consultation which far exceeds the legal requirements, but in some cases is not considered to be effective, and at a significant cost to the Council. It would also mean that the Council would not be making best use of new technology, which is increasingly becoming residents' preferred means of communication.

5. BACKGROUND

- 5.1 The SCI is a statement of a local authority's policy for involving local people and other stakeholders in plan making and in carrying out consultation on planning applications. The purpose of the SCI is to introduce transparency and consistency into the planning consultation process and ensure that the local community understands how they can participate and how the Council will engage and involve them in the planning process. It seeks to enable improved involvement in planning issues that will affect local communities and facilitate regeneration.
- 5.2 It is considered that the proposed changes will ensure that the Council is consulting on its planning documents and planning applications in the most effective way, in particular using new technology to do this. It is the intention to focus consultation on meeting our statutory requirements, complemented by the use of the Council's My Tower Hamlets portal.

6. BODY OF REPORT

- 6.1 The Council needs to regularly review its SCI to ensure it is up to date and fit for purpose in a changing local government context. Currently, the Council considerably exceeds its statutory requirements in the way it consults. With less resources and new technology now more readily available than when the SCI was first produced in 2006, it is considered appropriate to review our approach. In doing so a savings proposal of £75,000 over three years has been identified.
- 6.2 The proposed changes ensure that the Council is consulting on planning applications in the most effective way, in particular using new technology. By re-focussing consultation to the statutory requirements and complementing this with the use of the Council's My Tower Hamlets portal, stakeholders will be able to tailor their area of planning interest and receive automated email updates when applications are received. This will provide a more efficient and targeted approach. The cost of the necessary updates to My Tower Hamlets to incorporate these changes will be less than £10,000

and has been identified and accounted for in Planning and Building Control budgets.

- 6.3 It is estimated that the Council sends out on average over 160,000 consultation letters on planning applications and other associated applications each year. It is estimated that there is a response rate of approximately 2%. By streamlining consultation and giving users the means to tailor how and when they want to be consulted, it is considered that this will ensure a more effective service, reducing costs and potential for consultation fatigue.

Proposed Amendments

- 6.4 The proposed savings will arise from the changes to how the Council consults on the planning application process. These include:
- Not advising consultees in writing of the outcome of an application. Instead, the initial consultation letter will advise third parties to refer to the website for information. Local people and other stakeholders will also be encouraged to register on My Tower Hamlets for email alerts, which will offer more information and provide links directly to the application online;
 - Reducing the extent of the consultation boundary for consultation letters. Instead, limit the extent of the boundary for consultation on minor applications and review the boundary for each major application;
 - Reducing reliance on site notices. Instead, limit the number to the statutory levels, for 'significant' developments which is defined in the SCI;
 - Reducing consultation on Tree Applications in conservation areas. Instead, continue to display site notices and discontinue newspaper adverts and neighbour consultation;
 - Reducing the scope of re-consultation exercises. Instead, only re-consult those who made comments in respect of the initial consultation letter; and
 - Reducing weekly reports on applications received. Instead, use My Tower Hamlets as a mechanism for automatic updates on applications received, whilst reinforcing engagement with elected Members by continuing to send a weekly list of all planning allocations to Ward Councillors.
- 6.5 The benefit of these changes to the user includes:
- The ability for users to tailor consultation to an area of interest;
 - Reducing the potential for over-consulting users on matters which do not interest them;
 - More accessible information available for the whole Borough;
 - Direct contact through increasingly used forms of communication; and
 - Provision of a more efficient service, which is better value money.

Consultation on the proposed amendments to the SCI

6.6 In accordance with legislation and the Council's current SCI, it is proposed to undertake consultation on these amendments for 6 weeks. Activity will include:

- Notifying Tower Hamlets Ward Councillors
- Putting a notice in East End Life and on the Council's website;
- making the document available on the website and at the Council offices;
- Notifying general consultation bodies who we consider appropriate.
- and
- Advising interested parties about the consultation via email
- Notifying authorities any part of whose area is in or adjoins Tower Hamlets
- Providing a hotline and email address for queries on the revisions to the SCI and for comments to be received.
- Notifying the Mayor of London

Conclusions

6.7 The Council is duty bound to consult on all planning applications and will continue to do so in an effective and accessible manner.

6.8 Access to the planning process remains open to all and will not be charged for as part of this process.

6.9 By adding new ways for people to get involved, using increasingly popular forms of technology it will give stakeholders more of an opportunity to get involved where their interests lie.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

7.1 This report seeks agreement to amendments to the process of Planning consultation as set out in the Council's Statement of Community Involvement. The Mayor in Cabinet has approved that savings of £75,000 in this area be taken forward as part of the Council's budget and policy framework. These proposed amendments will facilitate the delivery of a more cost-effective consultation process and delivery of those savings.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

8.1. Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) ("PCPA 2004") confirms that an SCI is a Local Development Document ("LDD") and not a Development Plan Document, thus removing the

requirement for independent examination. Section 26 of the PCPA 2004 states that the Council can prepare an LDD revision at any time.

- 8.2. Following the recommended consultation period at para 2.1 of this report, the Council is authorised pursuant to s23(1) of the PCPA 2004 to adopt the SCI by resolution either in the form proposed, or so as to take into account representations or other matters the Council sees fit.
- 8.3. Adoption of the SCI is cabinet function pursuant to the default provisions of section 13(2) of the Local Government Act 2000.
- 8.4. In carrying out the function of reviewing the SCI, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. Regard must be had to the equality analyses that have been carried out to date, noted at paragraph 9.4 of this Report. These may need to be further developed in light of the formal consultation.

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 The SCI is a primary means to enable the community to engage with shaping their environment, through the planning process. Since inception the SCI has added clarity and consistency to the consultation process for planning, and in defining the role of community participation. It has resulted in increased participation, by a diverse range of communities in shaping the development of Tower Hamlets planning policy and decision making. The proposed amendments seek to update our consultation processes in line with new government regulations and guidance, as well as emerging best practice.
- 9.2 The SCI sets out a range of measures to consider when engaging with Tower Hamlets' communities. Equalities is placed at the heart of the Council's decision making processes and the SCI seeks to fulfil this responsibility and ensure that everyone has the opportunity to have their say as part of the overall planning process.
- 9.3 Specific efforts are made by the Council in designing consultation which encourages contributions to the planning process from the widest possible cross-section of the community. Consultation is tailored to the make up, needs and interests of all different groups in an area to help them participate effectively in planning issues.
- 9.4 A detailed full Equality Analysis was completed in consideration of the savings proposals, which will be published on the Councils website at the same time as the Cabinet papers for 7 March 2012. It was not considered that these proposals would have a significant impact on any particular group, although it was noted that older people are less likely to have access to the internet and therefore the new measures being put in place. To help mitigate any potential impact Idea Stores will be provided with a weekly hardcopy of planning

applications which people can use as an alternative to the online solution should they prefer.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 The SCI seeks to enable improved understanding of planning issues that will affect local communities and help facilitate environmental improvements in the Borough.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 The proposed amendments to the SCI reflect current Council best practice and updated government requirements. Consultation on these amendments will be undertaken in accordance with the relevant regulations to ensure a transparent and robust process that safeguards the Council against any potential future legal challenge.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 When considering an application, officers identify whether a proposal includes specific measures to assist in 'designing out crime'. The SCI ensures that by enabling the public to have their say, they can provide specific local knowledge to assist with this.

13. EFFICIENCY STATEMENT

- 13.1 It is estimated that the Council sends out on average over 160,000 consultation letters on planning applications and other associated applications each year. It is estimated that there is a response rate of approximately 2%. By streamlining consultation and giving users the means to tailor how and when they want to be consulted, it is considered that this will ensure a more effective service, reducing duplication, costs and potential for consultation fatigue. This will lead to savings of £75,000 over three years.

14. APPENDICES

Appendix 1 – Amended Statement of Community Involvement
Appendix 2 – Equalities Assessment

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Brief description of "background papers"

Name and telephone number of holder
and address where open to inspection.

None

N/A