



City of Westminster

Cabinet Member Report

Decision Maker:	Cllr Geoff Barraclough, Cabinet Member for Planning and Economic Development
Date:	04 August 2023
Classification:	General Release
Title:	Adoption of Westminster's Statement of Community Involvement
Wards Affected:	All
Key Decision:	Yes
Financial Summary:	The costs of adopting and publishing the Statement of Community Involvement will be met within existing budgets
Report of:	Executive Director Innovation and Change

1. EXECUTIVE SUMMARY

- 1.1 This report seeks approval from the Cabinet Member for Planning and Economic Development for the adoption of the Council's new Statement of Community Involvement following consultation and subsequent minor amendments.
- 1.2 The Council is required to prepare a Statement of Community Involvement pursuant to Section 18 of the Planning and Compulsory Purchase Act 2004, as well as to undertake an update every five years pursuant to Section 10A(b) of The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.3 The Statement of Community Involvement details how the Council will engage with the community throughout the planning process. It sets out the methods for involving the community, such as public meetings or online consultations, and the timescale for engagement. The purpose of the Statement of Community Involvement is to ensure that the local community is informed and involved in the planning process, helping to promote transparency, accountability, and community confidence in the planning system.

2. RECOMMENDATIONS

- 2.1 That the Cabinet Member for Planning and Economic Development:
 - i. Adopts the Statement of Community Involvement; and
 - ii. Authorises the Executive Director of Innovation and Change to formally publish the Statement of Community Involvement.

3. REASONS FOR DECISION

- 3.1 The Council's vision for a Fairer Westminster sets out a commitment to putting community engagement first and ensuring all voices are heard in the planning process.

4. BACKGROUND & POLICY CONTEXT

- 4.1 The Statement of Community Involvement (SCI) is a document the Council is legally required to publish under Section 18 of the Planning and Compulsory Purchase Act 2004 in order to explain how we will inform, consult and involve communities in drawing up local development or other statutory planning policy documents, such as the City Plan and Supplementary Planning Documents, as well as in dealing with planning applications and appeals.
- 4.2 Local Planning Authorities are legally obliged to review their SCI's every five years to reflect changes to engagement and to respond to changes in policy. This requirement is derived from Section 10A(b) of The Town and Country Planning (Local Planning) (England) Regulations 2012. The current adopted

version of the SCI was published in 2014. Since then, not only have the Council's planning policies evolved (notably, with the new Westminster City Plan being adopted in 2021) but new technologies have also emerged, and we have learnt new ways of working with our communities particularly following the pandemic and through experiences such as Westminster Connects. A refresh to the SCI would therefore ensure we can meet our statutory duties and improve the way we engage with our communities.

- 4.3 In addition to our statutory duties as local planning authority, a review into the SCI was commenced in June 2022 to reflect the new administration's manifesto commitments to "A planning system that puts our residents first" and one of the key goals to achieve this is to "Make it easier for residents to make their voices heard".
- 4.4 To produce the SCI, we undertook initial liaison with colleagues from across the Council including the new Communities Directorate, Communications, the wider Policy & Projects team, as well as Town Planning colleagues who had recently published guidance on how to improve early engagement in developing planning schemes.
- 4.5 We also organised in-person community listening panel sessions as part of the SCI review process, to help identify what barriers exist preventing communities from participating and what the Council could do better when hosting consultations. The attendees were selected from the Resident Research Panel on a basis which tried to get as best as possible a mixture of demographics that matched the makeup of Westminster population. These sessions were hosted at the Innovation Hub in City Hall on 16 and 22 June 2022. Key issues coming from these sessions were:
 - The community hear things too late in the process, often when the scheme is already in planning application stage.
 - Sometimes planning is not visible and could be promoted more widely using newsletters and printed media beyond email notifications.
 - The planning system is very complex, and it can be hard to understand without providing visuals and presenting the information in the correct way.
 - Young people do not hear about planning.
- 4.6 We then undertook a formal internal engagement process, which occurred between 17 October and 7 November 2022, where we circulated the draft SCI document and invited comments. There were no major issues or concerns raised from this internal consultation round and feedback was positive.
- 4.7 Cabinet Member approval was then sought in November 2022 in order to undertake a period of public consultation to gauge external stakeholders opinions on the draft version of the SCI. Public consultation was then undertaken for a period of six weeks from 31 January until 14 March 2023. A total of 21 responses were received at the closure of consultation. These

responses were then analysed by officers and were found to be generally positive. Minor modifications were then undertaken to the draft SCI as detailed in Section 8 below.

- 4.8 The revised SCI was then taken for Cabinet Member approval on 15 May 2023, however, it was requested that two areas be reviewed further, namely the detail around our pre-application planning advice and exploring options for whether on-site signage for major planning applications could be implemented in a locality such as Westminster. These aspects have been looked into in more detail and have resulted in very minor modifications to certain sections of the SCI relating to the pre-application planning advice being published at the time a subsequent application is lodged and validated. These matters are also discussed at length in the accompanying Briefing Note.
- 4.9 Officers are now satisfied that the modifications required to the draft SCI remain minor in nature and we can now proceed to request formal adoption via this Cabinet Member decision as per the legal instructions detailed in Section 6 of this report.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications of publishing the SCI. All work undertaken to update the SCI has been done within existing budgets.

6. LEGAL IMPLICATIONS

- 6.1 Section 18(1) of the Planning and Compulsory Purchase Act 2004 states that “The local planning authority must prepare a statement of community involvement.” Section 18 sets out the matters that must be included in a statement of community involvement.
- 6.2 Pursuant to the section of the Council’s constitution entitled ‘Terms of Reference – Delegations to All Cabinet Members’, the Cabinet Member for Planning and Economic Development is “*responsible for the strategic direction of planning policy and service, including the adoption of Westminster’s local plan, supplementary planning documents and all other related documentation as required under the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004*”.
- 6.3 Section 18(3) of the Act provides that a Statement of Community Involvement is a local development document. It is therefore subject to sections 17(8) and 23(5) of the Planning and Compulsory Act 2004, which state that local development documents must be adopted by resolution of the authority, and that they will only be local development documents insofar as they are adopted by resolution of the local planning authority. In accordance with Schedule 3, footnote 7 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, functions relating to local development documents which are not development plan documents are the responsibility of the executive of an authority.

- 6.4 For these reasons, a resolution of the Cabinet Member for Planning and Economic Development to adopt the SCI amounts to a resolution of the local planning authority for these purposes.
- 6.5 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires that SCIs are reviewed every five years. This update to the SCI will bring us into line with these statutory duties.

7. CARBON IMPACT

- 7.1 The Council is committed to becoming a carbon neutral Council by 2030 and a carbon neutral city by 2040. Whilst the SCI is not considered to have a direct impact on carbon emissions, it may have an indirect impact on the environment through increasing community involvement in the planning system, which in turn may impact the built environment which accounts for approximately 70% of Westminster's greenhouse gas emissions.

8. CONSULTATION

- 8.1 Public consultation on the draft SCI was open for a period of six weeks from 31 January to 14 March 2023. Consultation documents were made available on the Council's website at this [link](#). Stakeholders were made aware of the consultation by notification to our planning consultation database.
- 8.2 We received a total of 21 responses during the consultation period. As a result of these comments, some modifications have been made to the SCI. The modifications largely relate to minor textual amendments to various sections through the SCI, such as specifically mentioning previously omitted groups like Business Improvement Districts or Amenity Societies as key consultees.
- 8.3 One key change to note has been the clarification that Pre-Application discussions between applicants and the Council are confidential at that early stage to allow for free and frank discussions between applications/developers and the Council, however, we have now committed to publishing these at subsequent planning application stage should a formal planning application be lodged and validated.
- 8.4 We also made a minor modification to Page 7 of the SCI following feedback from colleagues in the Communities team that we should make reference to our duties with regards to Equalities Impact Assessments.

9. ENVIRONMENTAL IMPACT

- 9.1 There is not considered to be a direct impact on the environment through the SCI, however, as detailed in Section 7 above, the SCI may have minor indirect positive impacts on the environment by improving interactions with the planning system that in turn impact the built and natural environment.

10. HEALTH AND SAFETY IMPLICATIONS

- 10.1 The SCI has the potential to positively contribute to community cohesion given the benefits derived from engaging the community in decision-making process and the related sense of feeling more connected to their community and to each other. This sense of community can have positive impacts on mental health and wellbeing, as individuals who feel supported and connected to others may be less likely to experience feelings of isolation or depression.

11. EQUALITIES IMPLICATIONS

- 11.1 Under the Equalities Act 2010 the Council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;

- to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to
- foster good relations between persons who share a relevant protected characteristic and those who do not share it.

- 11.2 The Council is also required to have due regard to the need to take steps to take account of disabled persons’ disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life. The 2010 Act states that “having due regard” to the need to promote equality of opportunity involves in particular having regard to:

- the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic;
- take steps to meet the needs of persons sharing a protected characteristic that are connected with it;
- take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and
- encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

- 11.3 The courts have held that “due regard” in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equalities implications of the decision.

- 11.4 The SCI is considered to have a positive impact on our equalities obligations in that it ensures our community engagement activities and documents are accessible to all, including those with disabilities, sensory impairments or limited English language skills.
- 11.5 Whilst it is acknowledged that a greater emphasis on digital engagement has taken place, the SCI has been careful to consider the potential impacts of this on particular groups that may have limited access to digital mediums, such as older generations. Our approach to engagement has therefore sought to continue to engage these groups by utilising a range of consultation methods, including providing hard copies of documents when requested, using local or regional newspapers and radio stations, using leaflets and letterbox drops, and hosting in-person events.
- 11.6 The SCI also promotes inclusivity by promoting involvement from all sections of the community, including those who are underrepresented in the planning process, whilst also ensuring that there is no discrimination or bias towards any particular group or individual within the planning process.

If you have any queries about this report or wish to inspect one of the background papers please contact:

Brandon Avery, Policy Officer (Planning)
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Appendices:

Appendix A - Draft Statement of Community Involvement

Declaration of Interest

I have no interest to declare in respect of this report

Signed:  Date: 04 August 2023

NAME: **Councillor Geoff Barraclough**

State nature of interest if any

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(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled **Adoption of Westminster’s Statement of Community Involvement** and reject any alternative options which are referred to but not recommended.

Signed 

Cabinet Member for Planning and Economic Development

Date ...04 August 2023.....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, Strategic Director Finance and Performance and, if there are resources implications, the Strategic Director of Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.