

Report title	Amendments to the Council’s adopted Statement of Community Involvement – Post-Consultation
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Department	Planning Policy
Exempt?	No

Purpose of report:

- **To RESOLVE**

Synopsis of report:

Members will be aware that proposals were brought to Planning Committee on the 20th December 2023, and were unanimously supported by the committee subject to public consultation.

The purpose of this report is to inform members of the responses received to the consultation regarding amendments to the Statement of Community Involvement.

These proposals amend the digital format of representations which it will accept in response to planning consultations from email to standardised web form as this may significantly reduce the risk of breaches of the General Data Protection Regulation (GDPR) legislation occurring, with regards to the accidental publication of personal data.

Following discussion on this topic the committee authorised the Planning Policy Team to undertake a consultation on a limited number of changes to the Council’s adopted Statement of Community Involvement. This consultation ran between the Wednesday 3rd January and Wednesday 14th February 2024. This period has now concluded and the responses received from the consultation are being brought before the committee.

Recommendation(s):

That the Planning Committee AGREES that:

The amendments to the Statement of Community Involvement contained in Appendix 1 which were subject to Public Consultation between 3rd January and 14th February 2024 are adopted.

1. Context and background of report

1.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires each Local Authority to prepare a Statement of Community Involvement (SCI). The SCI is a document that explains the process by which a Local Authority involves the community and other stakeholders in the key processes that affect the spatial development of an

area: including during the formulation of Local Development Documents and as part of the consideration of planning applications / enforcement processes.

- 1.2 Members will recall that at Planning Committee on [Wednesday 20th December 2023](#) an amendment to the SCI. This involved modifying the means of collecting comments on planning applications to improve data security. This was approved for public consultation by the committee.

2. Report and, where applicable, options considered and recommended

- 2.1 As this consultation was limited to a limited number of modifications an extract of the adopted SCI was published showing the proposed changes (these can be viewed in full in Appendix 1). These included the addition of three means of consultation in paragraph 1.29, a new paragraph added numbered 1.34 including details of the new approach regarding the webform and a redrafting of paragraph 4.15.
- 2.2 The rationale for amending the SCI was set out in the report to Planning Committee on Wednesday 20th December. This essentially amounted to adopting measures to prevent GDPR breaches and changing the means of submitting comments on Planning Applications. This was unanimously supported by the committee. The proposed modifications were subject to consultation which took place between Wednesday 3rd January and Wednesday 14th February 2024. This item has been brought back to committee following the conclusion of the consultation period.
- 2.3 This consultation was circulated to all those signed up to the Planning Policy mailing list, copies of the documents were distributed to the libraries within the Borough, placed in the lobby of the Civic Centre and the consultation was posted on the Councils website.
- 2.4 At the conclusion of the consultation of the consultation eight representations were received, a detailed breakdown of these can be viewed in full in Appendix 2. A summary of the main issues has been included below:
 - Retention of the ability to email relevant comments rather use a web form would be preferable to statutory consultees;
 - Email should be the primary means of communicating consultations with postal letters used as a supplementary measure;
 - The form should not restrict users providing comprehensive representations and should allow for attachments;
 - The acceptance of postal representations is commended as it is an inclusive measure;
 - Any webform used should be suitable for those with visual impairments. This may include Alt Text or Screen readers.
- 2.5 It is not considered that significant material matters arise in these comments and no formal alterations to the amendments consulted on are proposed. With regards Statutory consultees discretion will remain with the Planning Management Team, as it does now, as to whether to accept email responses from statutory consultees. A generous allowance will be made for the attachment submitted. The feedback will be provided to the IT team with regards the construction of the webform to ensure best endeavours that the form does not disadvantage those with visual impairments, if problems arose the Council's Planning Management Team have the discretion to make alternative arrangements to assist disadvantaged users.

3. Policy framework implications

- 3.1 Every Local Planning Authority is currently required to prepare an SCI in line with the provisions contained in the Planning and Compulsory Purchase Act 2004. This is required to be updated every five years in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) . As our current SCI was adopted in 2021 our document is considered up to date.
- 3.2 This document sets the terms of not just how we consult our stakeholders but also how they can engage with us on planning matters. As we are proposing to amend this document a period of public consultation was undertaken. This process has now concluded.

4 Resource implications/Value for Money

- 4.1 Any costs associated with the amendment of the SCI itself, and any subsequent changes to the Council's processes will be met within the existing annual budgets allocated to the different teams within the Planning Department, and within existing resource.

5. Legal implications

- 5.1 The Information Commissioner's Office (ICO) upholds information rights in the public interest. They have various powers to take action for a breach of the GDPR or the Data Protection Act 2018.
- 5.2 Tools at the ICO's disposal include assessment notices, warnings, reprimands, enforcement notices and penalty notices (administrative fines). For serious breaches of the data protection principles, they have the power to issue fines of up to £17.5 million or 4% of an organisation's annual worldwide turnover, whichever is higher.
- 5.3 There are other associated risks with sensitive information being disclosed such as reputational damage to the Council and harm to the individual.

6. Equality implications

- 6.1 The Council has a Public Sector Duty under the Equalities Act 2020 to have due regard to the need to:
- a) Eliminate unlawful discrimination, harassment or victimisation;
 - b) Advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it;
 - c) Foster good relations between those who share relevant and persons who do not share those characteristics;

in relation to the nine 'Protected Characteristics' stated within the Act.

- 6.2 An Equalities screening has been carried out in support of this report. This screening has assessed that there are unlikely to be any potential negative impacts on any protected characteristics if the proposed amendments to the SCI are adopted. Instead it is anticipated that there would be positive impacts for all parts of the community as a result of the decreased likelihood of a data breach occurring which

could release sensitive personal information, potentially related to protected characteristics into the public domain. Allowing stakeholders to still respond to planning consultations by postal letter will continue to ensure that those who are unable to respond digitally, which could include older people, are not excluded from the planning process.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 No environmental /sustainability/biodiversity implications are anticipated by the proposed amendments to the SCI given that the amendments only seek to amend the format of digital communication which the Council will accept for planning consultations.

8. Risk Implications

- 8.1 The changes proposed to the SCI as shown in Appendix 1 are designed to limit risks associated with sensitive information being accidentally disclosed due to human error. Such disclosures can cause reputational damage to the Council, as well as harm to the individual whose information has been disclosed. Only allowing representations to be submitted through an online webform as proposed through this report is expected to minimise these risks.

9. Other implications

- 9.1 None identified.

10. Timetable for Implementation

- 10.1 If the committee were minded to adopt the replacement text then no further public consultation would be required. The steps to introduce the webform would be taken at the Head of Planning's discretion with regards timing bearing in mind service and Digital Services department capacity and operational considerations.

11. Conclusions

- 11.1 The committee is recommended to adopt the amendments to the Statement of Community Involvement contained in Appendix 1, which were subject to Public Consultation between 3rd January and 14th February 2024.

12. Background papers

[Planning Committee Wednesday 20th December 2023](#)

13. Appendices

- Appendix 1 – Proposed Changes to the SCI
- Appendix 2 – Summary of representations