



Delegated Decision: Cabinet Member for Regeneration and Planning

6 January 2023

Report from the Director Regeneration Growth and Employment

Publication of Sudbury Town Residents' Association Application for Neighbourhood Forum Status

Wards Affected:	Northwick Park, Sudbury and Wembley Park
Key Decision:	No
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Appendix A: Renewal Application Appendix B: LBB to STRA Letter August 2022 Appendix C: STRA to LBB Letter October 2022 Appendix D: STRA Constitution Appendix E: STRA Support Letter
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Paul Lewin Team Leader, Planning Policy. paul.lewin@brent.gov.uk

1.0 Purpose of the Report

1.1 The purpose of the report is to present and seek the Cabinet Member for Regeneration and Planning's approval to publish Sudbury Town Residents' Association (STRA) application for Neighbourhood Forum status. The application will be subject to a minimum six-week consultation. Following consideration of the representations received, the Council will need to determine whether to approve or refuse STRA's application.

2.0 Recommendations

2.1 That the Cabinet Member for Regeneration and Planning approves the publication for consultation of Sudbury Town Residents' Association application for Neighbourhood Forum Status.

3.0 Detail

Neighbourhood Planning

- 3.1 The Localism Act 2011 introduced greater statutory provisions for local communities to shape development outcomes in their area through the planning system. Principally through this act, but also through subsequent legislation, provisions within the 1990 Town and Country Planning Act (as amended) (the Act) and the Neighbourhood Planning (General) Regulations 2012 (as amended) (the Regulations) allow communities to:
- A) set planning policies through a neighbourhood plan that forms part of the development plan used in determining planning applications, and
 - B) grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.
- 3.2 Where a community wants to take up the opportunities offered by neighbourhood planning, they can only do so where this is a 'qualifying body'. In non-parish areas, for the delivery of neighbourhood plans or Neighbourhood Development Orders, the relevant qualifying body is a neighbourhood forum. The qualifying criteria and processes for establishing a neighbourhood forum are set out in the Act and Regulations.
- 3.3 The Act sets out that a forum's designation ceases to have effect at the end of the period of 5 years beginning with the day on which it is made. To maintain forum status, or if it has lapsed, to reattain forum status, the process is the same as that for a new forum.

Sudbury Town Residents' Association (STRA)

- 3.4 STRA was initially designated as a forum on 12th December 2012. It was one of the front-runners for taking forward a neighbourhood plan. On 10th September 2015, following a positive referendum, the Sudbury Town Neighbourhood Plan was made (adopted). It was only the third in London at that time. In October 2017 STRA subsequently submitted an application to become a forum, which was granted on 8th December 2017, meaning its designation ceased to have effect by 8th December 2022.
- 3.5 STRA submitted an application for forum status on the 8th December 2022. It therefore currently does not have the status of a forum. STRA has done significant work for the betterment of the Sudbury community and area. It proposes to continue this good work, as set out in its covering letter for its application submission which is Appendix A of this report.
- 3.6 In late 2018/ early 2019 however, concerns were raised with the Council about STRA's formal decision making and inclusivity. These were initially raised by local ward councillors who had also been contacted by former executive members of STRA, people who were current members and some

who were not but lived/ worked in the forum area. STRA changed its constitution without informing the Council. Was contacted about this it reverted to the Council approved constitution in early 2019.

- 3.7 In May 2019 Council officers and local councillors were initially refused entry to STRA's AGM. At that meeting, which was fractious, it was evident that relations between some members was poor. Subsequently, officers sought to meet with STRA's executive to seek to resolve these matters and provide clarity about decision making/ processes the forum followed and how these aligned with the conditions by reference to which it was designated. STRA appointed legal advisors and a meeting occurred in August 2019. Subsequent to this, a meeting occurred with the STRA executive in September to further discuss matters. A further subsequent meeting was planned for February 2020 to include local councillors. This was postponed due to a councillor not being available. Another meeting date was not set immediately and subsequently the pandemic intervened.
- 3.8 On 3rd May 2022 STRA had its first AGM since 2019 where a new executive was appointed. Officers subsequently met most of the forum executive on 4th July 2022. The issue of STRA's likely application for forum status towards the end of the year was discussed. In a response to a request from STRA's deputy chair, the Council subsequently sent a letter on 24th August 2022 indicating matters that it considered needed to be addressed to support the retention of forum status. This is in Appendix B. The deputy chair responded on 17th October 2022 (although the email was not received by the intended Council officer recipient). This is in Appendix C. This according to STRA (in Appendix A) deals with all the points raised in the officer's letter. The Council separately offered support to STRA on 15th September 2022 to assist with the intended forum application process. STRA did not take up this offer and submitted the application material included in this report's Appendix A, Appendix B, Appendix C, Appendix D, and Appendix E.

Information required to support an application for neighbourhood forum status

- 3.9 The Regulations set out what is required when an organisation submits a neighbourhood forum application to the local planning authority. It must include:
- a) the name of the proposed neighbourhood forum,
 - b) a copy of the written constitution of the proposed neighbourhood forum,
 - c) the name of the neighbourhood area to which the application relates and a map which identifies the area,
 - d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10, and
 - e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.

3.10 The first four criteria have been met within the submission material set out in this report's appendices. In relation to e) the following are the most relevant aspects of 61F(5) are:

- a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),
- b) its membership is open to—
 - (i) individuals who live in the neighbourhood area concerned,
 - (ii) individuals who work there (whether for businesses carried on there or otherwise), and
 - (iii) individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
- c) its membership includes a minimum of 21 individuals each of whom—
 - (i) lives in the neighbourhood area concerned,
 - (ii) works there (whether for a business carried on there or otherwise), or
 - (iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned.

3.11 Also of particular relevance is Section 61F (7), which sets out when determining whether the applicant has met subsection (5), the local authority has to have regard to the desirability of designating an organisation or body –

- (i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of sub-paragraphs (i) to (iii) of subsection (5)(b),
- (ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and
- (iii) whose purpose reflects (in general terms) the character of that area...

3.12 In relation to 61F(5) (c) 21 members are identified, whilst a total of 1837 membership is identified in Appendix A. This is clearly a very large number and is likely to contain a broad cross-section of the population and parts of the area. The sample mix as presented however does not satisfactorily address 61F(7)(ii) in evidencing it is reflective of a representative range of different places and different sections of the community. Further information will have to be sought and provided that shows STRA either fulfils appropriate representation, or if not, that attempts to get this representation have been pursued.

Options

3.13 There are essentially two options open to the Council:

- a) Do not publish the application, or
- b) Publish the application for consultation for a minimum six-week period.

Do not publish the application

3.14 Normally the Council would go through a draft submission in advance of a formal submission from a prospective forum. This would enable it, prior to any issues that might be raised through the consultation process, to satisfy itself that the application has met the minimum submission requirements referenced in the regulations and is likely to be able to be approved. This has not happened in this submission case.

3.15 In relation to the membership as identified in paragraph 3.12 additional information will have to be provided for the Council to consider it compliant. In addition, many of the points that the Council considered important matters for STRA to address as set out in the Appendix B have not been addressed in this application. This includes the paying of a subscription fee being a potential barrier to open membership and therefore unsustainable in allowing open access.

3.16 To resolve these matters, the Council could seek to not publish the application and revert to STRA to work through the points in its letter in Appendix B. There is however, no indication of the time that this might take for STRA to respond, even if it were persuaded that those actions had merit. The Council has a statutory duty from publication of the application for its determination within 13 weeks. The main benefit of this option is that in not publishing the application, the statutory timetable for determination of the application does not begin until all outstanding matters have been resolved.

Publish the application for consultation for a minimum six-week period.

3.17 As indicated notwithstanding the outstanding issues related to the Appendix B letter, arguably STRA has provided what could be termed the minimum required to meet the basis tests for submission set out in legislation. This allows for publication and consultation to occur. Those making representations can comment on the material as it stands. If the representations identify inadequacies or concerns within the application material or the way that STRA has previously operated or might operate in the future, then these can be addressed by the Council and STRA before the Council makes a decision on whether to approve STRA's status as a forum. The only likely issue with this approach is that there may be a lengthy period to resolve these matters. This may extend the final decision date well over the statutory 13 weeks period allowed.

3.18 On balance, notwithstanding the outstanding issues raised in the Appendix B letter it is considered that option b) should be pursued.

Next stages

- 3.19 The Council will publish the application included the material provided in Appendices A-E of this report for a minimum of six weeks, consistent with regulations and the Council's Statement of Community Involvement. It will be advertised on the Council's website and notifications sent to statutory consultees and those on the Local Plan consultation list. The documents will be made available in Brent Council libraries. It is likely, as has occurred in the past, that STRA will notify all its members of the application.

Post Consultation Process

- 3.20 The Council will consider all of the responses received. These will be summarised, responded to and where appropriate recommended actions to amend any issues of concern will be identified. If there are any issues that are considered so significant that not addressing them would likely cause the Council to refuse the application, STRA will be provided with an opportunity to deal with these prior to any formal decision being made.
- 3.21 This work will be contained within a Consultation Statement that will be made publicly available once a decision is made. It is anticipated that Cabinet will make the decision. Due to the timing of Cabinet and the internal processes associated with preparation of reports for that meeting, it is likely that the Council will exceed the 13-week statutory deadline.

4.0 Financial Implications

- 4.1 The consultation is likely to be limited in its resource requirements, covering matters such as printing of consultation material and officer time. This expenditure has been accounted for in the existing planning policy budgets.

5.0 Legal Implications

- 5.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) set out the processes that need to be followed by the Council in publishing and then determining a forum's application. The Council will follow these processes. The forum status if approved lasts for five years. It may be withdrawn by the Council where it considers that the forum no longer meets the conditions by reference to which it was designated, or any other criteria to which the authority were required to have regard in making the designation.

6.0 Equality Implications

- 6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

6.2 Due to the statutory role forums have, they must also reflect the above in their everyday actions and decision making. The Council in having oversight of forums has the ability to remove forum status if it considers the forum is not acting in accordance with the Act.

7.0 Consultation with Ward Members and Stakeholders

7.1 A briefing note has been prepared for ward members on the application. As indicated, formal consultation includes a range of statutory bodies plus local interested parties on the Council's local plan consultation database.

Report sign off:

Alice Lester

Director of Regeneration, Growth and Employment