



**Resources and Public Realm  
Scrutiny Committee**  
18 December 2023

**Report from the Corporate Director  
of Governance**

**Call-in: Cabinet decision (16 November 2023) re Sudbury  
Town Resident Association application for Neighbourhood  
Forum status**

<b>Wards Affected:</b>	Sudbury, Northwick Park and Wembley Central
<b>Key or Non-Key Decision:</b>	Not applicable
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	<p>Three:</p> <p>Appendix 1: Call-In Form</p> <p>Appendix 2: Report to Cabinet (16 November 23) - Sudbury Town Residents' Association application for Neighbourhood Forum Status</p> <p>Appendix 2a: Appendix A Cabinet report (16 November 23) - STRA Renewal Application</p> <p>Appendix 2b: Appendix B Cabinet report (16 November 23) - Council response to STRA (August 22)</p> <p>Appendix 2c: Appendix C Cabinet report (16 November 23) - STRA response to Council (October 22)</p> <p>Appendix 2d: Appendix D Cabinet report (16 November 23) - STRA Constitution</p> <p>Appendix 2e: Appendix A Cabinet report (16 November 23) - STRA Support Letter</p> <p>Appendix 2f: Appendix F Cabinet report (16 November 23) - STRA Forum Consultation Response Summary</p> <p>Appendix 2g: Appendix G Cabinet report (16 November 23) - STRA Draft Refusal Statement</p> <p>Appendix 3: Call-In Protocol</p>
<b>Background Papers:</b>	None

**Contact Officer(s):**

(Name, Title, Contact Details)

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## 1.0 Executive Summary

- 1.1 A decision taken by Cabinet on 16 November 2023 in respect of an application from the Sudbury Town Residents Association for Neighbourhood Forum status has been called-in for consideration by the Resources and Public Realm Scrutiny Committee, in accordance with Standing Order 14.

## 2.0 Recommendation(s)

- 2.1 That the Committee considers the call-in and agrees to one of the following outcomes:
- 2.1.1 The Committee does not wish to refer the matter back to the decision maker or to Council, at which point the decision is deemed to be confirmed and takes effect immediately following the meeting; or
  - 2.1.2 The Committee agrees to refer the original decision back to Cabinet for reconsideration, in light of any observations made during consideration of the call-in; or
  - 2.1.3 Having had regard to the advice of the Corporate Director of Governance or Corporate Director of Finance & Resources, the Committee considers the decision is contrary to the Council's Budget or Policy Framework, at which point it refers the matter to the next practicable meeting of the Council, subject to the provisions of Standing Orders.

## 3.0 Detail

### Contribution to Borough Plan Priorities & Strategic Context

- 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 there 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 with the qualifying criteria and processes for establishing such a forum set out in the Act and Regulations.
- 3.3 As a local democratic body, a Neighbourhood Forum provides a voice for local communities, consistent with the Thriving Communities Priority: Desired Outcome 1 of 'Enabling our Communities'. The Council works with and encourages Forums where communities wish to set them up, ensuring that they meet the statutory requirements, with each designated Forum ceasing to have effect at the end of a period of 5 years and needing to reapply to maintain this status.

### **Background**

- 3.4 Cabinet (16 November 2023) received a report from the Corporate Director of Communities & Regeneration outlining the process undertaken to assess an application from the Sudbury Town Residents' Association to maintain its status as the Neighbourhood Forum for the Sudbury Town Neighbourhood Area, along with the outcome of the associated consultation on that application. Having considered the report, Cabinet decided to refuse the application with the minute recording the decision as follows:

*Councillor Tatler (as Cabinet Member for Regeneration, Planning & Growth) introduced a report outlining the outcome of the consultation process undertaken on an application from the Sudbury Town Residents' Association (STRA) to be the Neighbourhood Forum for the Sudbury Town Neighbourhood Area and seeking a decision on the application.*

*In presenting the report, Councillor Tatler reminded members of the original background behind the introduction of neighbourhood planning which had been to provide residents and businesses in a specific area with the opportunity to engage in the identification of localised planning policies designed to assist in shaping development outcomes across the relevant area. Where local communities wanted to take up these opportunities there was a requirement to establish a Neighbourhood Forum as the relevant "qualifying body" with a requirement for Forum status to be renewed every five years. Members were advised that STRA had initially been designated as a Forum in December 2012 with the Sudbury Town Neighbourhood Plan having subsequently been adopted in September 2015. They had then successfully reapplied for Forum status in December 2017 with the current application to renew this status submitted in December 2022. As required, the current application had been subject to a statutory consultation process which had run from January – February 2023 with a summary of the responses detailed within Appendix F of*

*the report. Of the 30 responses received members were advised that seven were in support of STRAs continued designation as a Forum, 16 had raised objections and the remaining seven had been submitted by statutory consultees. As part of the consultation responses, members also noted that a prospective counter application for Neighbourhood Forum status had been received from another organisation "Sudbury Matters". Given the issues raised in objection to STRAs application as part of the response to the consultation (as detailed within section 3.2.13 of the report) and as it was only possible for one Forum to be designated in any specific area, attempts had been made to engage and arbitrate with STRA utilising an independent organisation who specialised in providing support to local community organisations. Despite these efforts. Members were advised it had not been possible to resolve the concerns identified and having applied the statutory criteria and tests (as set out within the Town & Country Planning Act 1990 and Neighbourhood Planning (General) Regulations 2012) in assessing the application and considered the outcome of the consultation process and lack of progress it had been possible to make with STRA in addressing the issues identified, it had been recommended that STRAs application for Neighbourhood Forum status should be refused.*

*Members were supportive of the approach outlined, having considered the attempts made to engage with STRA and representations received following consultation on their application for Neighbourhood Forum status, which it was noted had included concerns relating to the transparency, accessibility and diversity of the organisation along with a lack of focus on neighbourhood planning activities or clarity on the distinction between the Forum and wider Resident Association business and perceived lack of political impartiality.*

*Officers were thanked for their work in engaging with STRA throughout the renewal process and it was **RESOLVED** to confirm that the Council refuse STRA's application to be the Neighbourhood Forum for the Sudbury Town Neighbourhood Area as set out in the refusal statement in Appendix G of the report.*

- 3.5 The Cabinet decision to refuse the application from the Sudbury Town Residents Association has subsequently been called-in by five members of the Council, with details of the call-in attached as Appendix 1 to this report.
- 3.6 The Cabinet report on which the called-in decision was based has been attached at Appendix 2 to this report.
- 3.7 The procedure for dealing with the call-in and the conduct of the Scrutiny Committee meeting is attached at Appendix 3 of this report.

#### **4.0 Stakeholder and ward member consultation and engagement**

- 4.1 None specifically applicable to this report.

#### **5.0 Financial Considerations**

5.1 There are no direct financial considerations arising from this covering report. The financial considerations relating to the called-in decision have been detailed within the Cabinet report (attached as Appendix 2) which formed the basis of the original decision made.

## **6.0 Legal Considerations**

6.1 There are no direct legal considerations arising from this covering report. The procedure for dealing with the call-in and options available to the Resources & Public Realm Scrutiny Committee have been set out in Appendix 3 of the report with the legal considerations relating to the called-in decision having been detailed in the Cabinet report (attached as Appendix 2 of this report) which formed the basis of the original decision made.

## **7.0 Equality, Diversity & Inclusion (EDI) Considerations**

7.1 There are no direct Equality, Diversity & Inclusion considerations arising from this covering report.

## **8.0 Climate Change and Environmental Considerations**

8.1 There are no direct climate change and environmental considerations arising from this covering report.

## **9.0 Communication Considerations**

9.1 There are no direct communication considerations arising from this covering report.

**Report sign off:**

**Debra Norman**

Corporate Director of Governance