

	<b>Cabinet</b> 8 April 2024
	<b>Report from the Interim Corporate Director Communities and Regeneration</b>
	<b>Lead Member – Cabinet Member for Regeneration, Planning and Growth (Councillor Tatler)</b>
<b>Sudbury Town Neighbourhood Forum Application – Consultation Responses</b>	

<b>Wards Affected:</b>	Sudbury, Northwick Park and Wembley Central
<b>Key or Non-Key Decision:</b>	Key
<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>	Five Appendix A: Consultation Responses and Officer Comment Appendix B: Sudbury Town Neighbourhood Forum Application Letter Appendix C: Sudbury Town Neighbourhood Forum Constitution Appendix D: Sudbury Town Neighbourhood Forum Support Statement Appendix E: Sudbury Town Neighbourhood Forum Members
<b>Background Papers:</b>	None.
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Paul Lewin, Team Leader Planning Policy 020 8937 6710 <a href="mailto:paul.lewin@brent.gov.uk">paul.lewin@brent.gov.uk</a>

## 1.0 Executive Summary.

- 1.1. For Cabinet to consider responses received to the consultation undertaken for Sudbury Town Neighbourhood Forum to be designated and associated officer responses, and for Cabinet to approve the designation of Sudbury Town Neighbourhood Forum.

## **2.0 Recommendation(s).**

- 2.1 Cabinet considers the responses received to the consultation undertaken for Sudbury Town Neighbourhood Forum to be designated and associated officer responses as set out in Appendix A.
- 2.2 Cabinet, taking into account the material submitted with and supporting the application set out in Appendices B, C, D and E, approves the designation of the Sudbury Town Neighbourhood Forum.

## **3.0 Detail**

### **3.1 Cabinet Member Forward**

- 3.1.1 Neighbourhood planning is an opportunity for residents and businesses in an area to identify their own policies at a very localised level to be applied to development in their areas. The policies that neighbourhoods can take forward are very much at their discretion, but arguably could encompass some or all of the five strategic priorities set out in the borough plan.

### **3.2 Contribution to Borough Plan Priorities & Strategic Context**

- 3.1.2 A good neighbourhood forum as a local democratic body provides a voice for local communities, consistent with the Borough Plan 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 their statutory requirements.

## **3.3 Background**

### **Neighbourhood Planning**

- 3.3.1 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.
- 3.3.2 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. The qualifying criteria and processes for establishing a neighbourhood forum are set out in the Act and Regulations.

- 3.3.3 The Act sets out that where designated a forum 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 an application for a new forum.

### **Sudbury Neighbourhood Area and Sudbury Town Residents' Association**

- 3.3.4 Sudbury Neighbourhood Area and an associated neighbourhood forum, Sudbury Town Residents Association (STRA) was initially designated on 12<sup>th</sup> December 2012. This was renewed on 8<sup>th</sup> December 2017. An application by STRA for forum status was refused by [Cabinet on 16<sup>th</sup> November 2023](#). This was for a variety of reasons related to lack of compliance with sections 61F(5) and 61(7) of the Act. Following a call in, the Resources and Public Realm Scrutiny Committee on 18<sup>th</sup> December 2023 considered Cabinet's decision. The Committee agreed to confirm the Cabinet decision. The formal refusal decision notice to STRA was sent on the 19<sup>th</sup> December 2023. The Council has not been made aware of any formal process for legal challenge of that decision being initiated by STRA.

### **Sudbury Town Neighbourhood Forum Application**

- 3.3.5 The 16<sup>th</sup> November 2023 Cabinet report set out that an alternative 'Sudbury Matters' application for a neighbourhood forum for the Sudbury Neighbourhood Area had been submitted in response to the STRA application but held in abeyance by its proponents. This was subject to a process proposed by the Council being taken forward, of third-party impartial support from specialists being provided by using Locality; a body that supports local community organisations. Locality is part funded by DLUHC to support neighbourhood planning. They appointed Urban Vision, independent consultants with expertise on arbitration, to assist. Their remit was to help find an agreed and inclusive process for taking forward a neighbourhood forum for Sudbury. STRA were invited to participate in this process and attended the first meeting but, despite being invited, did not attend any other meetings.
- 3.3.6 As part of this process the 'Sudbury Matters' group did however work with Urban Vision. The outcome of that process has been that that group submitted an application to be the prospective neighbourhood forum, under the revised title of Sudbury Town Neighbourhood Forum. The application applied to the same geographical extent as the original Sudbury Neighbourhood Area.

### **Information required to support an application for neighbourhood forum status**

- 3.3.7 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.

3.3.8 Each of the criteria was considered to have been met within the submission material set out in this report's appendices. Appendix B is the application letter. This includes point d) above. Appendix C is the proposed constitution, this addresses points a), b) and c). Appendix D sets out how criterion e) are met. In addition, requirements set out in Section 61F (5), such as open membership and attaining the minimum 21 members, appear to have been met when considering Appendix E. Separate information has been provided on the location and demographic characteristics of members. This is not being made publicly available due to data protection requirements. Taking account of this, the membership is considered to be representative of the area in terms of location and characteristics. Also that the Forum 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. On this basis, the application was valid to consult upon.

### **Consultation process**

3.3.9 The regulations state that consultation has to take place for a minimum of 6 weeks. Following a Delegated Decision by the Interim Director of Communities and Regeneration in consultation with the Lead Cabinet Member Regeneration, Planning and Growth on 8<sup>th</sup> January 2024, consultation on the prospective Forum's application was undertaken between 18<sup>th</sup> January 2024 and 29<sup>th</sup> February 2024. The consultation was publicised through notification to those on the planning policy database and statutory consultees, through the Council's media outlets, the Council's web-based consultation platform, within the members' bulletin, e-mail to the respective ward councillors and placing the documents attached in the appendices to this report within the Council's Wembley and Ealing Road libraries. In addition, the applicants worked to publicise the consultation with residents and businesses in the area.

### **Summary of Consultation Responses Received**

3.3.10 In total 132 responses were made to the consultation. 121 were in favour of the designation of Sudbury Town Neighbourhood Forum, five were against, two were unclear and four (statutory consultees) had no opinion either way. One councillor responded, in support, Sudbury ward member, Cllr Benea. The consultation responses received and officer responses to them are set out in Appendix A. There are no recommended changes to the Forum's application material submitted or actions it should undertake to address comments raised.

- 3.3.11 Reasons for support included it being important for local residents to have a say in planning and development in their area and that the forum would serve as a tool for the community to voice their concerns and opinions. Some people saw it as a mechanism to protect green space, some to stop additional development and some to stop development out of character with the area.
- 3.3.12 Reasons against the designation included the fact that STRA had performed the role of forum, the lack of transparency and accessibility of the prospective forum, and the Council's disregard of the previous forum's comments meant it was pointless to designate another one. In relation to the objections, it is considered that sufficient mechanisms there is nothing of concern that indicates a lack of consistency with the statutory requirements for a prospective neighbourhood forum, which is what the Council has to assess the application against.
- 3.3.13 In relation to the transparency issue raised, this will be addressed when the forum is up and running including investment in a website, the start of regular meetings, including an AGM and election of members to key positions in the forum. Officers will monitor this on an on-going basis and intervene where necessary to avoid the potential for the forum to act outside its constitution or in any other manner inconsistent the statutory requirements.

**What happens when more than one application is received for a neighbourhood forum for an area?**

- 3.3.14 As indicated, the recent history of this area has been complicated by competing applications for a forum for the area. Some respondents wrote in support of STRA and therefore did not consider that the Sudbury Town Neighbourhood Forum application should be approved. It is unusual, but not unheard of, for there to be more than one forum proposed for a neighbourhood area.
- 3.3.15 The Act makes it clear in section 61F(7)(b) that a local planning authority may only designate one organisation or body as a neighbourhood forum for each neighbourhood area. National planning practice guidance provides limited advice on what should occur if more than one application for a prospective forum is submitted for the same area. It sets out "...the local planning authority should encourage a dialogue between the applicants in order that they can consider working together as a single neighbourhood forum. The onus is on the prospective neighbourhood forums to be constructive and to reach an agreed solution."
- 3.3.16 The Council via Urban Vision has undertaken actions consistent with national practice guidance, and it has been unable to get an agreed position between STRA and what is now the proposed Sudbury Town Neighbourhood Forum. In this situation the guidance identifies "The local planning authority can then assess each neighbourhood forum application against the conditions for designation and evaluate each application in light of the factors set out in section 61F(5) and section 61F(7) of the Town and Country Planning Act 1990 Act."

3.3.17 A period of more than 6 weeks has passed since the decision letter was received by STRA for the refusal of their application for neighbourhood forum status. As a planning related decision captured by the Town and Country Planning Act 1990, it is according to the Civil Procedure Rules and Practice Directions Part 54.4 Judicial Review and Statutory Review provisions, subject to a 6-week limit for such challenges. It is unlikely that a judicial review would now be accepted by the courts due to the passage of time. As such, the Council is able to consider the only outstanding application for the Sudbury neighbourhood area made by the Sudbury Town Neighbourhood Forum.

### **Options**

- 3.3.18 There are three options reasonably considered to be open to the Council. These are to:
- a) approve the designation without any changes,
  - b) approved the designation subject to changes being implemented, or
  - c) not to approve the designation.

#### **Option a) approve the designation**

3.3.19 As a valid application consistent with the minimum requirements set out within the Act and regulations has been submitted, this is recommended. The consultation responses have been overwhelmingly positive and indicate a strong desire for a forum to represent the area. Given the Localism Act and other legislation and guidance, there is a clear expectation that where possible, forums should play an active role in representing their communities. Although there has been some support for STRA shown in this consultation, in the context of the overall level of responses it is very limited. This gives some confidence that the community has effectively 'moved on' and that the proposed forum is unlikely to not be supported in its legitimacy and actions by the local community. Officers have a good relationship with the representatives of the prospective forum. Their collaborative working with Urban Vision indicates a desire to have good working relationships with those they engage with, an openness and a willingness to be represent the whole community as best as possible.

3.3.20 Given the recent history associated with getting a forum to represent Sudbury, in the initial phases at least, officers will engage with and have oversight of the forum's activities more than might have occurred with other forums. Legislation does, however, allow for the Council to remove a forum's status where it considers it is no longer consistent with the statutory requirements that enabled its designation.

3.3.21 On this basis it is considered this is the best option.

#### **Option b) approve the designation subject to changes being implemented**

3.3.22 As a valid application consistent with the minimum requirements set out within the Act and regulations has been submitted and the consultation has raised no issues that indicate changes are required, this is not recommended.

### **Option c) to not approve the designation**

3.3.23 As a valid application consistent with the minimum requirements set out within the Act and regulations has been submitted and the consultation has raised no significant issues, this is not recommended. There is an expectation that where communities seek to be represented by a valid forum that approval can be given within a timely manner.

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

4.1 This is set out above in consultation process.

## **5.0 Financial Considerations**

5.1 It is not anticipated that making the recommended decision will result in any immediate budgetary impacts. Engagement with and support of the forum will be accommodated within existing revenue budgets. Any financial commitments arising from the forum in the future will be subject to separate approval. The designation of a forum does not have any impact on the split between neighbourhood (25%) and strategic CIL (75%) that currently applies within this area.

## **6.0 Legal Considerations**

6.1 The legal process has been highlighted within the body of this report. Neighbourhood Planning (General) Regulations 2012 sets out the process for approving the designation of the neighbourhood Forum.

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

7.1 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.

7.2 The neighbourhood forum membership would be expected to be as representative as possible of the diversity of the local population it represents.

The Council has sought evidence that statutory tests have been complied with and is of the opinion that membership is representative.

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

8.1 None directly relevant to this decision. Neighbourhood forums can progress neighbourhood plans which might set out policies or neighbourhood development orders that impact on climate or environmental considerations. Any such work would be subject to Council scrutiny and decision-making with any such impacts likely to be subject to Strategic Environmental Assessment where significant impacts might be anticipated.

## **9.0 Communication Considerations**

9.1 As indicated, the decision is likely to be publicised in accordance with the methods set out in 3.3.9. Engagement will occur with the communications team regarding any wider social media items/ press releases.

**Report sign off:**

***Alice Lester***

Interim Corporate Director of Communities and  
Regeneration