



**Delegated Decision: Interim
Corporate Director of Communities
and Regeneration in consultation
with the Cabinet Member for
Regeneration, Planning and Growth**

8 January 2024

**Report from the Interim Director
Regeneration, Growth and
Employment**

**Lead Cabinet Member
Regeneration, Planning and Growth**

Sudbury Town Neighbourhood Forum Application

Wards Affected:	Sudbury, Northwick Park and Wembley Central
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	Appendix A: STNF Application Letter Appendix B: STNF Constitution Appendix C: STNF Support Statement Appendix D: STNF Members
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 Executive Summary.

1.1. To consider and approve consultation on the Sudbury Town Neighbourhood Forum application.

2.0 Recommendation(s).

2.1. That the Interim Director of Communities and Regeneration in consultation with the Cabinet Member for Regeneration, Planning and Growth approves the issuing of the Sudbury Town Neighbourhood Forum application for consultation.

3.0 Detail

Contribution to Borough Plan Priorities & Strategic Context

- 3.1.1 A good neighbourhood forum as a local democratic body 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 their statutory requirements.

3.2 Background

Neighbourhood Planning

- 3.2.1 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.
- 3.2.2 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.
- 3.2.3 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 regain forum status, the process is the same as that for an application for a new forum.

Sudbury Neighbourhood Area and Sudbury Town Residents' Association

- 3.2.4 Sudbury Neighbourhood Area and an associated neighbourhood forum, Sudbury Town Residents Association (STRA) was initially designated on 12th December 2012. This was renewed on 8th December 2017. An application by STRA for forum status was refused by [Cabinet on 16th 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 18th 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 19th December 2023.

Sudbury Town Neighbourhood Forum Application

- 3.2.5 The 16th November 2023 Cabinet report set out that the majority of responses objected to STRA's application to be a neighbourhood forum. It identified 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.
- 3.2.6 As part of this process the 'Sudbury Matters' group did however work with Urban Vision. The outcome of that process has been that a new group has submitted an application to be the prospective neighbourhood forum. This is instead of the 'Sudbury Matters' application. The group, if designated, to be known as Sudbury Town Neighbourhood Forum, will apply to the same geographical extent as the original Sudbury Neighbourhood Area.

Information required to support an application for neighbourhood forum status

- 3.2.7 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.
- 3.2.8 Each of the criteria have been met within the submission material set out in this report's appendices. Appendix A is the application letter. This includes point d) above. Appendix B is the proposed constitution, this addresses points a), b) and c). Appendix C 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 D. 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. On this basis, the Council considers the application valid to consult upon.

Consultation process

3.2.9 The regulations state that consultation has to take place for a minimum of 6 weeks. Subject to the period for call of the decision to approve the application for consultation successfully being passed, it is anticipated consultation will commence by the 18th January 2024. The consultation will be 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.

3.2.10 The consultation responses will be summarised and are likely to be taken to Cabinet for a decision on whether to approve Sudbury Town Neighbourhood Forum application.

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

3.2.11 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."

3.2.12 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 the other group. 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."

3.2.13 As the Council has received a valid application from the prospective Sudbury Town Neighbourhood Forum, it is in a position to undertake consultation on it. The results of this consultation will allow it to evaluate the application and determine whether it should be approved.

Options

3.2.14 There are two options reasonably considered to be open to the Council.

These are to:

- a) approve the consultation, or
- b) not to approve the consultation.

Option a) approve the consultation

3.2.15 As a valid application consistent with the minimum requirements set out within the Act and regulations has been submitted, this is recommended. Normally a local planning authority must determine a valid application for a neighbourhood forum within 13 weeks. An exception to this is where there is another neighbourhood forum application that covers the same neighbourhood area. Notwithstanding this, the application from STRA has now been formally refused and the Council should proceed as the regulations require to determine the Sudbury Town application as soon as is practicable. The sooner it is consulted upon, the sooner the Council will be in a position to make a decision. On this basis it is considered this is the best option.

Option b) not to approve the consultation

3.2.16 As a valid application consistent with the minimum requirements set out within the Act and regulations has been submitted, this is not recommended. It will cause unnecessary delay to the determination of the application, which is inconsistent with legal requirements on determination times and of the general duty of supporting neighbourhood planning.

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. The consultation process will be accommodated within existing revenue budgets.

6.0 Legal Considerations

6.1 The Council will follow the necessary processes associated with consultation on the application as required.

7.0 Equality, 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 this would be the case if any prospective forum were approved.

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 3.2.9. Engagement will occur with the communications team regarding any wider social media items/ press releases.

Report sign off:

Gerry Ansell
Interim Director Regeneration, Growth and
Employment