



<b>Decision Maker:</b>	Councillor Robert Davis DL Cabinet Member for Built Environment
<b>Date:</b>	26 January 2015
<b>Classification:</b>	General Release
<b>Title:</b>	Fitzrovia West Neighbourhood Forum Designation
<b>Wards Affected:</b>	Marylebone High Street; West End.
<b>Better City, Better Lives Summary</b>	Contributes to the achievement of a 'Connected City', whereby residents and businesses have a greater role in decision making through the establishment of neighbourhood forums and production of neighbourhood plans
<b>Key Decision:</b>	This report does not involve a Key Decision
<b>Financial Summary:</b>	The City Council can claim £5,000 for each neighbourhood forum designated up to a maximum of five designations in a single financial year. This maximum has already been reached in Westminster within the current financial year.
<b>Report of:</b>	Director of Communications, Policy and Performance

## 1. EXECUTIVE SUMMARY

- 1.1 The Localism Act 2011 and Neighbourhood Planning Regulations 2012 enable communities to undertake neighbourhood planning. In particular, this includes the opportunity to establish a neighbourhood forum, and produce a statutory neighbourhood plan and/or a neighbourhood development order.
- 1.2 To be able to undertake neighbourhood planning, a local community group has to firstly apply for a neighbourhood area to be designated by the local authority; and then secondly apply to be designated as the representative neighbourhood forum in that area (unless there is a parish council in operation).

- 1.3 The Fitzrovia West Neighbourhood Area was designated in March 2014 (see Background Paper to this Report). Due to the predominance of business uses within the area, Fitzrovia West was designated as a 'business area'. Therefore, any Forum that is established in Fitzrovia West should fairly represent both those who work or have a business or represent a commercial organisation that operates within the area with those who live in the area. The nascent 'Fitzrovia West Neighbourhood Forum' applied for neighbourhood forum status in June 2014.
- 1.4 This report enables a designation decision to be made in relation to the proposed Fitzrovia West Neighbourhood Forum. This application was subject to a formal period for representations from 1<sup>st</sup> July to 12<sup>th</sup> August 2014. Forty-three responses were received; of which thirty-seven were supportive of the proposed neighbourhood forum (no objections were received).

## **2. RECOMMENDATIONS**

- 2.1 The Cabinet Member is requested to consider the representations received in response to consultation on the proposed Fitzrovia West Neighbourhood Forum the subject of this report, as summarised in paragraph 4.7.
- 2.2 For the reasons set out in Section 3 (and in more detail in Section 5) of this report it is recommended that the Cabinet Member makes the following decision:
- i. Designate the proposed Fitzrovia West Neighbourhood Forum as the neighbourhood forum for the Fitzrovia West Neighbourhood Area.
- 2.3 It is recommended that a formal designation notice is published under delegated authority of the Director of Communications, Policy and Performance, following the Cabinet Member decision in relation to the Fitzrovia West Neighbourhood Forum application.

## **3. REASONS FOR DECISION**

- 3.1 The proposed Fitzrovia West Neighbourhood Forum is considered to exceed the requirements of the neighbourhood planning legislation. The forum's written constitution clearly states that it has been established for the express purpose of promoting or improving the social, economic or environmental well-being of Fitzrovia West, whilst it also has a membership of more than 21 persons and is actively open to individuals who live or work in the area. Section 5 of this report sets this out in more detail.
- 3.2 The Fitzrovia West Neighbourhood Forum is considered to be representative of the designated Fitzrovia West Neighbourhood Area. Membership is drawn from different parts of Fitzrovia West and from different sections of the community, including from landowners, small business owners and workers, and residents. It is considered that purpose of the neighbourhood forum – to ensure that Fitzrovia

develops as a habitable, sustainable and neighbourly community through all means available including planning, collaborative working and community enterprise – reflects the character of the Fitzrovia West Neighbourhood Area.

- 3.3 The proposed Fitzrovia West Neighbourhood Forum received strong support during its respective period for representations. The City Council received a total of forty-three responses from across the Fitzrovia West area; of which thirty seven were supportive of the forum (no objections were received).

## 4. BACKGROUND

### Neighbourhood Planning

- 4.1 The Localism Act 2011 and Neighbourhood Planning Regulations 2012 enable communities to undertake neighbourhood planning. In particular, this includes the opportunity to develop a statutory neighbourhood plan that will become part of the development planning framework for their area, and also establish ‘permitted development’ rights for certain types of new development (through a ‘neighbourhood development order’). To be able to undertake neighbourhood planning, a local community group has to firstly apply to designate a neighbourhood area; and then secondly apply to be designated as the representative neighbourhood forum.

### Neighbourhood Forums

- 4.2 The legislation states that neighbourhood forums should consist of a minimum of 21 individuals who live or work (or are elected members of the local authority) within the area and have ‘open’ membership. The forum should represent the diversity and character of the community, with a wide range of members including residents, businesses, amenity societies, local interest groups, and voluntary sector members. Neighbourhood forum applications should contain a ‘written constitution’ setting out how the neighbourhood forum intends to operate as well as a statement setting out how the forum meets the legislative requirements (minimum of 21 members etc – see paragraph 7.1). Once a neighbourhood forum application has been received, the City Council has to publicise the application for a six week period to enable representations to be made before the neighbourhood forum can be formally designated.

### Neighbourhood Plans

- 4.3 Once a neighbourhood forum is in place, it can formally undertake neighbourhood planning, and begin to formally prepare their neighbourhood plan or neighbourhood development order. The neighbourhood development plan is a community-led framework which sets out policies in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.
- 4.4 Whilst it is up to the community (represented by the ‘neighbourhood forum’) to decide upon the content of the neighbourhood plan, there are a number of

principles that a neighbourhood plan must adhere to. The neighbourhood plan must:

- be 'in general conformity' with the City Council's strategic planning policies, currently contained in the City Plan: Strategic Policies (adopted 2013) and the London Plan;
- have regard to national planning policies;
- contribute to the achievement of 'sustainable development'; and
- not breach and should be compatible with EU obligations, Human Rights etc.

Beyond the above principles it is clear that a neighbourhood plan should also address *local*, neighbourhood issues; and should also be concerned about shaping the development of a local area in a *positive* manner, rather than be used to prevent development.

- 4.5 As the neighbourhood plan will be a statutory planning document there are a number of formal stages that have to be completed in its production. The government is clear that it is the neighbourhood forum that produces the neighbourhood plan (not the local planning authority) following community involvement and information gathering. Once submitted, it is the local planning authority's responsibility to undertake a statutory period of formal consultation, and to submit the plan for examination by an independent examiner. Following successful completion of the examination, the neighbourhood plan is subject to a referendum whereby all those on the electoral register within the neighbourhood area are eligible to vote. A majority 'yes' vote in the referendum will require the City Council to formally 'make' the neighbourhood plan.

#### Fitzrovia West Neighbourhood Forum Application

- 4.6 The Fitzrovia West Neighbourhood Forum application was made to the City Council in June 2014. This followed the formal designation of the Fitzrovia West Neighbourhood Area in March 2014 (see background paper to this report). The Neighbourhood Forum application was assessed to be 'valid'. As specified by the Neighbourhood Planning Regulations 2012, the application contained:
- the name of the proposed forum;
  - a copy of the written constitution of the proposed neighbourhood forum;
  - the name of the neighbourhood area to which the application relates and a map which identifies the area;
  - the contact details of at least one member of the proposed neighbourhood forum; and
  - a statement which explained how the proposed neighbourhood forum meets the conditions (i.e. minimum of 21 individuals who live or work in the area) contained in section 61F(5) of the Town and Country Planning Act 1990 (as inserted into the Act by the Localism Act 2011, Schedule 9).
- 4.7 The City Council undertook the formal period for representations between the 1<sup>st</sup> July and 12<sup>th</sup> August 2014. A total of forty-three representations during were received. Of these, thirty-seven representations of explicit support were received from across the Fitzrovia West Neighbourhood Area. Whilst many of these were

made by residents, there were also representations of support from small businesses, people who work in the area, and landowners (e.g. Langham Estate). In addition to general expressions of support, many representations highlighted the distinctive nature of Fitzrovia and the representative nature of the forum. Furthermore, the applicants themselves provided a detailed submission which provided an update on the work and activities undertaken by the nascent forum. This has included the holding of a public meeting (attended by 70-80 people to discuss the issues facing Fitzrovia), and local campaigning to increase membership of the forum.

- 4.8 No objections were received during the period for representations. There were six 'neutral' representations from a number of agencies, including the Environment Agency, Natural England, and Transport for London, amongst others.

## 5. ASSESSMENT OF THE FITZROVIA WEST NEIGHBOURHOOD FORUM APPLICATION

5.1 The submitted Fitzrovia West neighbourhood forum application (attached in Appendix B) has been reviewed against both Section 61F (5) and (7) of the Town and Country Planning Act 1990 (as inserted into the Act by the Localism Act 2011, Schedule 9), as set out below. This assessment also takes into account amendments made to the written constitution by the applicants in November 2014 and January 2015.

5.2 **Assessment against Section 61F (5) (Town and Country Planning Act 1990)**  
Section 61F (5) of the legislation sets out the conditions that a neighbourhood forum must meet. In some respects this is a 'tick box validation exercise'. There is little requirement on the applicants to give more than the basic information. The legislation states that a local planning authority may designate an organisation or body as a neighbourhood forum if the authority is satisfied that the following four conditions have been met:

**i) Established for the express purpose of promoting or improving the social, economic or environmental well-being of an area**

**Response:** The submitted written constitution (see Appendix B) specifies that the proposed Fitzrovia West Neighbourhood Forum will promote the social, economic and environmental well-being of Fitzrovia.

**ii) Membership is open to individuals who live or work in the area? (or are elected members of the City Council)**

**Response:** The submitted written constitution (see Appendix B) states that the Fitzrovia West Forum is open to:

- any resident over 16 living in the area;
- any individual, partnership, company or other legal entity which carries on a business trade or profession within the Area and is a non-domestic rate payer;
- individuals over 16 who work within the area;
- any elected member of any Council whose ward falls within the area;
- any religious, charitable or non-profit organisation which operates within the area.

This is considered to more than meet the requirements of the legislation.

**iii) Membership includes a minimum of 21 individuals each of whom lives or works (or is an elected member) in the area**

**Response:** The proposed Fitzrovia West Neighbourhood Forum currently has a total membership of 189 individuals, each of whom lives or works or is a ward councillor within the area.

**iv) The neighbourhood forum has a written constitution**

**Response:** The application made to the City Council includes a written constitution and this is attached within Appendix B of this report.

**Assessment against Section 61F (7) (Town and Country Planning Act 1990)**

5.3 Section 61F (7) of the Act sets out the detailed considerations that a local planning authority must have regard to when determining an application for the designation of a neighbourhood forum. This includes an assessment of the representative nature of the proposed forum and whether its purpose reflects the character of the area, and is therefore a more thorough assessment of the proposed forum.

**i) The desirability of designating an organisation or body which has secured (or taken steps to secure) membership from each of the required categories (i.e. people who live, work or are elected members).**

5.3.1 **Response:** As of October 2014, the proposed Fitzrovia West Neighbourhood Forum have a total of 189 members each of whom live and/or work in the area (or are elected members of the local authority). This represents a continued increase of membership, which was originally at 152 members at the point of the neighbourhood forum application in June 2014. A particular strength of the proposed Fitzrovia West Neighbourhood Forum is that in many instances, there is no clear differentiation between those individuals who live or work in the area. The applicants have highlighted that they have a total of 132 members who identify themselves as residents, but also a total of 92 members who work, are business rate payers or who belong to organisation within the neighbourhood area. It is clear that there is therefore significant overlap between 'residents' and 'workers'. The written constitution was revised in January 2015 to make it clear that as far as reasonably practicable, Forum membership will be representative of the whole community.

5.3.2 The submitted written constitution sets out how the proposed forum intends to operate and involve its members in its decision making. The neighbourhood forum will hold its inaugural annual general meeting within three months of designation of the forum. General meetings of the forum will be held at least twice a year, open to all residents and businesses within the area.

5.3.3 The written constitution states that the day to day business will be managed by an elected Executive Committee, consisting of ten forum members who are representative of the area's business and residential and community membership. Alterations were made by the applicants to the written constitution in November 2014 to specify that people who were not 'business' representatives but were workers would also be eligible to become Executive Committee members. Further alterations were made to the constitution in January 2015 to explicitly state that the committee will be composed of equal numbers of business/organisation members and residents, and that co-options may be used to redress any imbalance. Committee members will be elected annually by forum members, and will each serve on a rotating basis, so that no member will remain in post for more than three years. The Executive Committee will have a Chair, Vice Chair, Secretary and Treasurer. All meetings of the Executive Committee

will be published on the Forum's website, and will be open to members of the public.

**ii) Whether membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in the area.**

**5.3.4 Response:** The written constitution of the proposed Fitzrovia West Neighbourhood Forum specifies that "forum membership will be representative of the whole community, with an equal balance between residents and businesses". The applicants have been proactive in seeking a wide range of membership, including the delivery of a leaflet to every address (business and residential) within the neighbourhood area, and the holding of a widely advertised public meeting. It is clear that representation originates from 'different places' from throughout the neighbourhood area and is not isolated to a single location. Those involved within the proposed forum include representatives from:

- London Central;
- Langham Estate;
- Howard de Walden Estate;
- University of Westminster;
- Fitzrovia Neighbourhood Association;
- Fitzrovia Community Centre;
- All Souls Primary School;
- All Souls Youth Project; and
- Holcroft Court Residents Association

There is also a wide cross section of local small businesses including pubs, cafes, art galleries and hairdressers who are members of the forum.

**5.3.5** Due to the predominance of business uses within the area, the City Council designated the Fitzrovia West Neighbourhood Area as a 'business area'. This will mean that businesses will be able to vote at the referendum stage of neighbourhood plan production (alongside the separate residential vote). It is clear that the proposed neighbourhood forum has significant worker/business representation and has also developed a written constitution that ensures appropriate and ongoing business representation.

**iii) Whether the *purpose* of the neighbourhood forum reflects (in general terms) the character of the area.**

**5.3.6 Response:** The Fitzrovia West Neighbourhood Forum application (Appendix B) sets out the mission to ensure that Fitzrovia "develops as a habitable, sustainable and neighbourly community through all means available including planning, collaborative working and community enterprise". To support this vision, the written constitution states that the forum will be guided by the following objectives:

- To promote the social, economic and environmental well-being of Fitzrovia, collaborating with Westminster Council and other bodies;

- To produce, and help to implement a Fitzrovia West Neighbourhood Development Plan that delivers the vision of the Forum and the wider community;
- To help foster community spirit and encourage local democracy and civic pride.

5.3.7 The above mission and objectives are considered to generally reflect an area of Westminster that is largely characterised by its mix and scale of residential and commercial communities. Much of the proposed neighbourhood area contains a range of restaurants and local shops, small scale businesses and wholesale showrooms, and residential accommodation on upper floors which combine to create a 'village atmosphere'. The southern boundary is dominated by Oxford Street, containing large-scale retail uses over multiple floors.

## 6. FINANCIAL IMPLICATIONS

6.1 The high level of interest in neighbourhood planning in Westminster, coupled with the statutory obligation to support neighbourhood planning clearly has financial implications for the City Council. The Government have developed a financial assistance package to enable and incentivise local planning authorities to provide support for neighbourhood planning. In relation to the designation of a neighbourhood forum, the City Council can claim £5,000 for each neighbourhood forum designated, up to a maximum of five neighbourhood forums within a financial year. This maximum has already been reached within the current financial year, and the City Council is therefore unable to claim for any additional funding in relation to the designation of the Fitzrovia West Neighbourhood Forum.

6.2 The DCLGs 'Locality Network' and their 'Supporting Communities in Neighbourhood Planning' initiative have offered support to *emerging* neighbourhood forums in the form of either grant payments (up to £7,000 to contribute to costs incurred) or through direct professional advice and support, tailored to individual needs. From November 2014 the Government have made available a new 'bridging grant' (of up to £7,000) to cover further expenditure needed by forums to March 2015. These bridging grants are available to qualifying groups who have not previously received a grant or who have received less than the maximum £7000 in grant during 2013-15. Any previous grants from the programme must have been fully spent before applying for the bridging grant. In addition, the Government have committed to the provision of a new neighbourhood planning grant from 2015 to 2018.

6.3 The City Council is currently establishing a Community Infrastructure Levy (CIL) for Westminster. The 2013 amendments to the CIL Regulations (2010 and as amended) put into legislation a duty to pass a proportion of receipts arising from developments within a local parish council's area onto the relevant parish council (there is only one local parish council in Westminster; the Queen's Park Community Council). Whilst there is no regulatory requirement to pass on a proportion of CIL funding to areas outside of a parish council, the regulations state that:

*The charging authority may use the CIL... to support the development of the relevant area by funding –*

- (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or*
- (b) anything else that is concerned with addressing the demands that development places on an area”*

6.4 Government guidance advises that in areas outside a local parish council, the charging authority will retain the Levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding.

6.5 The proportion of CIL receipts that should be ring fenced for the areas within which they were derived is therefore dependent upon (i) whether the area has a Parish Council and (ii) whether there is a neighbourhood plan in place. The figure below summarises how the regulations should work in practice:

		Neighbourhood Plan?	
		Yes	No
Parish Council?	Yes	25% of CIL receipts uncapped, paid to Parish	15% of CIL receipts capped at £100 / dwelling, paid to Parish
	No	25% of CIL receipts uncapped, local authority consults with community	15% of CIL receipts capped at £100 / dwelling, local authority consults with community

6.6 Officers are currently working on options for the governance arrangements that will be put in place to oversee collection, spending and monitoring of CIL, which will include how decisions should be taken on application of the ‘neighbourhood proportion’.

## 7. LEGAL IMPLICATIONS

7.1 Section 61F (5) of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) (‘the ‘Act’) states that a local planning authority may designate an organisation or body as a neighbourhood forum if satisfied that it meets the following conditions:

- i) It is established for the express purpose of promoting or improving the social, economic or environmental well-being of an area;
- ii) Its membership is open to individuals who live or work in the area (or are elected members of the City Council, and the area falls with the neighbourhood area concerned);
- iii) Its membership includes a minimum of 21 individuals each of whom lives or works in the neighbourhood area concerned;
- iv) It has a written constitution; and
- v) Such other conditions as may be prescribed.

- 7.2 Section 61F (7) of the Act also states that in determining whether to designate a neighbourhood forum, the local planning authority must have regard to the desirability of designating an organisation or body which has:
- secured (or taken steps to secure) membership from each of the required categories (i.e. people who live, work or are elected members);
  - membership that is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area; and
  - a purpose that reflects (in general terms) the character of the area.
- 7.3 Regulation 10 of the Neighbourhood Planning (General) Regulations states that as soon as possible after designating a neighbourhood forum, the City Council must publish the following on our website (and in such other manner considered likely to bring it to the attention of those who live, or work in the neighbourhood area):
- the name of the neighbourhood forum;
  - a copy of the written constitution of the neighbourhood forum;
  - the name of the neighbourhood area to which the designation relates; and
  - contact details for at least one member of the neighbourhood forum.
- 7.4 If deciding to 'refuse' to designate a neighbourhood forum then the City Council has to publish a statement setting out the decision and the reasons for making that decision, as well as details of where and when the refusal statement may be inspected.
- 7.5 It is intended that a formal designation notice will be published under the delegated authority of the Director of Communications, Policy and Performance following the Cabinet Member decision in relation to the Fitzrovia West Neighbourhood Forum.
- 7.6 Section 61F (8) of the Act states that a neighbourhood forum designation ceases to have effect five years after the date that the designation was made. At this point an organisation or body would be able to reapply for neighbourhood forum status.
- 7.7 A designated neighbourhood forum can also give notice to the City Council that it no longer wishes to be designated as the neighbourhood forum for a neighbourhood area. In this instance the City Council would have to withdraw the formal designation of the neighbourhood forum and must publish a statement setting out the details of the withdrawal (and details of where this statement can be inspected).
- 7.8 In addition, Section 61F (9) of the Act states that a local planning authority can also withdraw a neighbourhood forum designation if it is considered that the body is no longer meeting the conditions to which it was designated or any other criteria that the City Council had regard to in making the designation.

## **8. STAFFING IMPLICATIONS**

- 8.1 There are implications on staff resources in respect of carrying out the City Council's duty to support neighbourhood planning, in terms of managing the neighbourhood area (and forum) application process, but also providing support to the prospective neighbourhood forums. In addition the City Council will be obliged to carry out the legal compliance assessment of any neighbourhood plans produced, support the examination (by independent examiner), and undertake the referendum. The City Council's obligation to support will be intensified by the comparatively large number of neighbourhood areas and forums within Westminster. There is currently one full time officer and one part time officer supporting the neighbourhood planning process in Westminster.

## **9. RESOURCES IMPLICATIONS**

- 9.1 The designation of additional neighbourhood forums will have resource implications for the City Council in terms of the 'duty to support', including the completion of the statutory stages of neighbourhood plan production.

## **10. BUSINESS PLAN IMPLICATIONS**

- 10.1 The City Council's Built Environment Business Plan includes a specific reference to *"Improve the quality of life, health and well-being of Westminster's communities"*.
- 10.2 The ability to enable and empower others to take responsibility for themselves and their neighbourhoods is one of the key tenets of the City Council's 'Better City, Better Lives' five year plan. In particular, it meets the City Council's aspirations of 'A Connected City', whereby residents and businesses have a greater role in decision making through the establishment of neighbourhood forums and production of neighbourhood plans.

## **11. CONSULTATION**

- 11.1 As required by the legislation, the Fitzrovia West neighbourhood forum application was formally published on the City Council's website for a six week period between 1<sup>st</sup> July and 12<sup>th</sup> August 2014. In addition, approximately 200 letters were sent to residents' groups, societies, community groups, businesses, landowners within and adjacent to the Fitzrovia West Neighbourhood Area to inform stakeholders of the Neighbourhood Forum application and how to respond if they had any comments. The City Council's 'Planning Consultation Database' was used to identify many of these consultees.
- 11.2 The City Council also publicised the application by displaying posters in the Marylebone library, Marshall Street and Jubilee Hall Sports Centres, and relevant CityWest Homes notice boards and foyers on the Holcroft Estate. Posters and

flyers were also given to the applicants to distribute. Further publicity was carried out through the use of social media (Twitter) and the City Council's ebusiness newsletter.

- 11.3 Ward Councillors within the Fitzrovia West Ward were also notified of the neighbourhood forum application.

## **12. COMMUNICATIONS IMPLICATIONS**

- 12.1 There is a need to ensure that the any designation decisions are clearly communicated to those who live and work within the respective neighbourhood areas – in line with the City Council's legal obligations set out in Section 7 of this report.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact:**

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## **BACKGROUND PAPERS**

- Localism Act 2011
- Neighbourhood Planning Regulations 2012
- Westminster City Plan: Strategic Policies; adopted November 2013.
- Cabinet Member Report – Fitzrovia West Neighbourhood Area Designation March 2014.

For completion by the **Cabinet Member for Built Environment**

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
NAME: **Councillor Robert Davis DL**

State nature of interest if any .....  
.....

*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled 'Fitzrovia West Neighbourhood Forum Designation' and reject any alternative options which are referred to but not recommended.

Signed .....

Cabinet Member for Built Environment

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:  
.....  
.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Head of Legal and Democratic Services, City Treasurer and, if there are resources implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

## Other Implications

### 1. Risk Management Implications

- 1.1 The recommendations in this report do not have any significant Risk Management Implications

### 2. Health and Wellbeing Impact Assessment including Health and Safety Implications

- 2.1. The recommendations in this report do not have a significant impact on health and well-being.

### 3. Crime and Disorder Implications

- 3.1 The recommendations in this report do not have any significant crime and disorder implications.

### 4. Impact on the Environment

- 4.1. The recommendations in this report do not have any significant impact on the environment.

### 5. Equalities Implications

- 5.1. The recommendations in this report do not have any significant equalities implications.

### 6. Staffing Implications

- 6.1 Key staffing implications are set out in the main body of the report.

### 7. Human Rights Implications

- 7.1. The recommendations in this report do not have any significant human rights implications.

### 8. Energy Measure Implications

- 8.1. The recommendations in this report do not have any significant energy measure implications.



## **Fitzrovia West Neighbourhood Forum**

### **Contacts**

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### **History of Fitzrovia West**

#### **Gestation Jan 2013 – September 2013**

The legislation pertaining to Neighbourhood Forums was passed in late 2011. During 2012 some of Westminster's Amenity Societies started to discuss setting up Neighbourhood Forums, but unfortunately these discussions were not widely publicised. Societies spoke to societies, rather than to the residents and businesses that made up their area. By the time people of Fitzrovia became aware of the situation an extremely large Marylebone focused forum was being proposed.

After discussions with the Fitzrovia Neighbourhood Association (FNA), a cross border Fitzrovia bid was launched. Several of our current steering group were involved in that bid. Once it became clear that there was likely to be opposition to the cross border proposal, the Fitzrovia group decided to split into two, a Camden side and a Westminster side.

#### **Early discussions**

Early discussions were held before applications were sent in, with as many local organisations as possible, including the FNA. In addition, informal discussions were held with our neighbours and local businesses. These discussions revealed great interest in a Fitzrovia West Forum and little knowledge of and less interest in a larger Marylebone Forum

## Launching the bid – 26<sup>th</sup> September 2013

Once we had a clear indication that there would be support for a Fitzrovia West area, a small steering group was established and a proposal submitted

### Publicity, consultation and outreach

The steering group decided to follow a comprehensive consultation strategy, led by the techniques recommended by the City Council in its *Statement of Community Involvement*, namely; Informing stakeholders by overage through the media such as local newspapers and radio, posters, leaflets and information and on the internet and consulting stakeholders via questionnaires, public meetings and discussion groups

By December Fitzrovia West had achieved the following:

- § Set up a website that received over 650 unique hits in its first month of operation and to date has received 16,000 unique visitors. (DATA TSO HOSTS ANALYTICS)
- § Attracted over 150 subscribers to sign up as supporters
- § Regularly updated the website with information
- § Undertaken a small survey of residents and businesses
- § Contacted as many residents and local businesses as possible via a whole area leaflet drop, and individual approaches
- § Placed advertisement posters in local shops, cafes, business and residential block noticeboards
- § Continued discussions and negotiations with neighbouring groups and amenity societies
- § Held two public meetings
- § Issued articles and information to the local news-sheet and internet news providers

Since Westminster's approval of the area the steering group has focused further on

- § Improving its representativeness by enlarging the steering group
- § Finalizing the details of the constitution and posting them on the website
- § Contacting the membership to update them and update their membership details
- § Planning a renewed public consultation via a public meeting in July
- § Arranging for the election of a shadow Executive Committee to take over from the steering group for the period of consultation and Westminster's consideration of the Forum application
- § Through the good offices of one of our business members, circulating every address in the area with an invitation to our next meeting and to stand for election

## **Membership**

At the time of writing we have 152 registered forum members (June 11<sup>th</sup>). Out of these 89 have registered as residents, 49 are employees of local firms, 28 are rate-paying business members and 31 represent organizations, charities or not-for-profit working in the area. We are happy to furnish WCC with a list of names if required.

Note: there is some overlap in these figures, with about 20 members registered as residents and under another designation. We are working to remove that anomaly.

### **Profile of resident members**

Residents live in all quarters of the area and represent a good social-economic spread.

### **Businesses and Employees**

We are pleased that some of the large businesses have joined, or designated an employee to join on their behalf. Businesses involved include property developers, (For example, London Central, Langham Estates and Howard de Walden), estate agents, as well as a good selection of our local small businesses like pubs, cafes, galleries and hairdressers.

Many of our resident members also run small businesses and represent an important part of Fitzrovia's vibrant creative economic community. Our membership includes writers, artists and designers.

### **Organizations**

Organizations represented include; Holcroft Court Residents Association, University of Westminster, Fitzrovia Community Centre, All Souls Primary School, All Souls Youth Project and Fitzrovia Mums.

Our ward councilors, both from Marylebone High Street Ward and West End Ward are also automatically included, and kept up to date.

We have also fostered good relations with our neighbouring areas. FitzEast Neighbourhood Area and The Soho Neighbourhood Area. These also represented as observers in our forum, but do not have voting rights. A letter of invitation has recently gone to Marylebone Neighbourhood Area, and The Oxford Street BID and we are very hopeful that they too will join us in discussions.

Current membership thus demonstrates a good balance between business and resident communities. We are aware that for the neighbourhood plan to be successful it will need to address both business and resident issues in equal measure. Thus we have made efforts to ensure that businesses and local organisations are well represented on the elected executive committee, as well as on The Forum.

Our constitution requires that decision making processes are equitable. The constitution does not tie us down to a particular method of ensuring the committee is numerically representative. There are a number of equity requirements that sit alongside the need to represent both businesses and residents. Instead the constitution imposes a duty on the committee to ensure that it is representative.

- An important safeguard of this is enshrined in our constitution
- Executive members are to be elected
- Their term of office is limited to a maximum three years
- Minutes of meetings are to be made public and
- The committee will meet in public

It is our intention to run shadow elections in July on a 50/50 basis, requiring voters to vote for 5 each of resident and business/organisation candidates. The constitution allows the committee to co-opt a further three members, if it desires to redress any imbalance or lack of skill among those elected. Co-opted members must be voted in at the next general meeting.

### **Membership Drives**

Despite our lack of funds, we initiated a major membership drive before Christmas 2013. We have delivered a letter/leaflet to every address, business or residential home within our neighbourhood area. The response has been good and broadly reflects the diversity of people within the area.

We are initiating a further mail-out this week, to encourage people to join and to take part in this six week consultation period. This drive will include the slightly enlarged area that Westminster City Council established, i.e. the West Side of Portland Place.

We also continue to make overtures to big business in our area and to local developers.

### **Our purpose in relation to the character of the area**

Fitzrovia West is a mixed retail, commercial and residential area. The normal land-use pattern on main streets is of shops on the ground floor of buildings, and offices, flats or both above. Side streets and the more northern streets are much more residential. In addition there are larger retail outlets at the boundaries of our area, in particular on Oxford Street. WCC has designated the area as a business neighbourhood area, ensuring that both residents and businesses must give their approval to the Neighbourhood Plan.

For residents and businesses, Fitzrovia is defined by its atmosphere as much as its built form. In our survey of forum members (November 2013) many people

mentioned the friendliness of the area. They liked the mixed use, the variety, as well as the qualities of independent shops and cafes. People also mentioned the rich mix of small business. It is considered by many to be village-like and quiet (not adjectives that one would immediately think to attach to the centre of a world city). The pleasant aspects of walking and cycling around the area were also mentioned.

Our mission and purpose, as expressed in our draft constitution, reflects the aspects that are valued by Fitzrovians, are as follows:-

**Mission :** Our mission is to ensure that Fitzrovia develops as a habitable, sustainable and neighbourly community through all means available including planning, collaborative working and community enterprise.

### **Objectives**

- § To promote the social, economic and environmental well-being of Fitzrovia, including with Westminster Council and other relevant bodies;
- § To produce, and help to implement a Fitzrovia West Neighbourhood Development Plan that delivers the vision of the Forum and the wider community;
- § To help foster community spirit and encourage local democracy and civic pride.

In addition, we have formulated a vision, a set of values and an approach by which we will work

**Our Vision :** A vibrant, prosperous, creative and connected neighbourhood where people from all sectors and communities enjoy well being and work collaboratively to ensure that their living and working needs and interests are met in an inclusive and equitable manner.

**Values and Approach :** We believe that locally managed change can be positive. We will work constructively and collaboratively with Westminster City Council, The Greater London Authority and other bodies to ensure that our local voice is recognised and our views respected.

### **Our Values**

We seek to be transparent and democratic, collaborative and inclusive, creative and innovative, equitable and neighbourly.

### **Our Approach**

We will:

- § Value the intrinsic character of the area, recognising that it stems from the dynamism and diversity of the residential community, the vitality and mix of businesses as well as the quality of architecture and urban design;
- § Contribute to discussions and initiatives beyond our boundaries that can support our aims and those of our neighbouring communities;
- § Work constructively with local developers and landowners to ensure that any development proposal that comes forward has local input at an early stage and

contributes to the intrinsic qualities of Fitzrovia that makes this area habitable, socially and economically vibrant and sustainable;

- § Work with the authorities and funding bodies to ensure that the infrastructure, physical, economic, social, educational and digital, of Fitzrovia is improved in relevant ways and that funding for the area is fair;
- § Take advantage of any powers, including statutory powers, given to a designated Neighbourhood Forum.

## Draft Constitution 12 January 2015

### Fitzrovia West Neighbourhood Forum (“The Forum”)

#### Key Principles

1. *Membership of the Forum is open to all those who live or work in the area or are elected members of any council whose ward falls within the Area. It will have a minimum of 21 members.*
2. *Day-to-day business will be managed by an elected Executive Committee which will report regularly to the Forum*
3. *The Executive Committee will be elected annually by the Forum, on a rotating basis to ensure continuity, aiming for an equal number of business and resident members.*
4. *All meetings of the Executive Committee and Forum will be publicised on the website and will be open to the public to encourage maximum participation.*
5. *The Executive Committee will aim to reach decisions by consensus but as a last resort issues will be decided by majority vote.*
6. *In all our work, through our actions, policies and employment, we will seek to promote equal opportunity in terms of race, (including colour, nationality, ethnic or national origin) religion, belief or lack of religion/belief, gender, disability, age, sexual orientation, whether someone is or is becoming a transsexual, whether someone is married or in a civil partnership and whether someone is pregnant or has a child. We seek both to be representative of the community and to represent the community fairly and equitably, drawing our membership from all parts of the Area and all sections of the community in the Area and reflecting in general terms the character of the Area.*

#### Mission

Our mission is to ensure that Fitzrovia develops as a habitable, sustainable and neighbourly community through all means available including planning, collaborative working and community enterprise.

#### Objectives

- § To promote the social, economic and environmental well-being of Fitzrovia, collaborating with Westminster Council and other relevant bodies;
- § To produce, and help to implement a Fitzrovia West Neighbourhood Development Plan that delivers the vision of the Forum and the wider community;
- § To help foster community spirit and encourage local democracy and civic pride.

## 1. The Area

1.1. The Area shall be the area shown in the map in Appendix 1.

1.2. As defined, the Area falls solely within the London Borough of Westminster.

## 2. Membership

2.1 Membership of Fitzrovia West Neighbourhood Forum is open to:

- § Any resident over 16 living within the Area, each of whom shall have one vote at any General Meeting of the Forum;
- § Any individual, partnership, company or other legal entity which carries on a business trade or profession within the Area and is a non-domestic rate payer (“Business”); each Business will have one vote at any General Meeting of the Forum and may nominate up to two members to exercise that right on its behalf.
- § Individuals over 16 who work within the Area, each of whom shall have one vote at any General Meeting of the Forum, subject to a maximum of 5 votes per organisation
- § Any elected member of any Council any of whose ward falls within the Area, each of whom shall have one vote at any General Meeting of the Forum
- § Any religious, charitable or non-profit organisation, which operates within the Area (“Organisation”); each Organisation will have one vote at any General Meeting of the Forum and must nominate up to two members to exercise that right on its behalf.
- § For the avoidance of doubt, an individual who qualifies for membership on more than one of the grounds set out above shall have only one vote at any General Meeting of the Forum

2.2 So far as reasonably practicable, Forum Membership will be representative of the whole community, with an equal balance between businesses and residents.

2.3 The Forum shall have a minimum of 21 members.

2.4 Those wishing to be members should notify the Executive Committee or, prior to formal designation of the Forum, the Fitzrovia West Steering Group, with their contact details and information on their qualification to be a member. The Executive Committee or as the case may be the Steering Group will consider the notification and if satisfied that the person who has given the notification is qualified to be a member, will enter that person on the list of members, whereupon they will become a member. The Forum shall maintain an up-to-date list of members’ names and contact details for the purposes of involving them in the work of the Forum.

2.5 The Executive Committee, by resolution passed at a meeting thereof, may terminate or suspend the membership of any member, if in its opinion his/her/its conduct is prejudicial to the interests and objectives of the Forum, PROVIDED THAT the Business, Organisation or individual member (as the case may be) shall have the right to be heard by the Executive Committee before the final decision is made. There shall be the right of appeal to an independent arbitrator appointed by mutual agreement.

2.6 The Executive Committee, by resolution passed at a meeting thereof, may terminate the membership of any member if that that member has not responded to repeated (at least three) written requests to confirm his/her/its membership over a six month period.

### **3. Executive Committee**

3.1. An Executive Committee comprising 10 members will be elected by the Forum at its first AGM to carry out the day-to-day work of the Forum.

3.2 Elections to the Executive Committee will then take place each year as follows. Each elected committee member will serve on a rotating basis so that at the second and third AGMs at least three members will stand down; and at the fourth AGM the remaining members will stand down, and elections will be held to fill the vacant spaces, which three-year pattern will be repeated in subsequent years. No member shall remain in post for more than three years without standing down in this way. Members may stand for re-election.

3.3 The Executive Committee will be composed and representative of the area's business and residential community, including large and small business, organisations or associations, workers and residents. Subject to the decision of any general meeting, the committee shall be composed of equal numbers of business/organisation members and residents. A balance should also be maintained in co-options and among the officers of the committee. Co-options may also be used to redress any imbalance.

3.4. The quorum for the Executive Committee shall be 6 members.

3.5. Between GMs the Executive Committee may co-opt, by resolution of a majority of the Executive Committee, up to 3 additional/replacement members so that the committee may never exceed 13 members nor contain more than 3 co-opted members. Co-opted members will have the same voting rights as other members of the Executive Committee.

3.6 Any member who has been co-opted shall stand down at the AGM immediately following their co-option but may stand for election at that AGM in accordance with para 3.2 above.

3.7 The Executive Committee will elect the following officers of the Forum from its number: Chair, Vice Chair, Secretary and Treasurer. If the Chair is a Business/Organization representative or worker, the Vice-Chair will be a resident, and vice-versa.

3.8. The Chair (or the Vice Chair when acting as Chair) will

- § have a casting vote at any Executive Committee or General Meeting
- § be responsible for the presentation of a report of the work of the Forum and the Executive Committee to each General Meeting of the Forum.

3.10. The Secretary will make minutes of General and Executive Committee Meetings available to the members of the Forum within three weeks of the meeting unless impracticable.

3.11 The Treasurer shall

- § Be responsible for maintaining the accounts of the 'Fitzrovia West Neighbourhood Forum' and presenting the annual accounts to the Forum at the AGM
- § Be responsible for presenting an annual budget for the following year to the Forum at the AGM
- § Submit a detailed summary of the accounts at every Executive Committee meeting

3.12. Any member of the Executive Committee may call a meeting of the Executive Committee. The Executive Committee shall meet at least quarterly to carry out the work of the Forum. Members of the Forum may attend meetings of the Executive Committee as observers.

3.13. Sub-committees or working parties may be appointed by the Executive Committee to carry out specific tasks, to consider policies and to advise the Executive Committee. Such bodies may be appointed from within or outside the membership of the Forum but will be responsible to the Executive Committee and report to the Executive Committee as required by it and to the next Annual General Meeting.

3.14 In furtherance of the Forum objectives, but not otherwise, the Executive Committee of the Forum may exercise the power to:

- § Invite and receive contributions and raise funds where appropriate, to finance the work of the Forum, and open a bank account to manage such funds.
- § Publicise and promote the work of the Forum and organise meetings, training courses, events or seminars etc
- § Work with groups of a similar nature and exchange information, advice and knowledge with them, including cooperation with adjoining Neighbourhood Forums

such as Marylebone, Soho and Fitzrovia East and with other voluntary bodies, charities, statutory and non-statutory organisations

- § Employ staff (who shall not be members of the Executive Committee) and volunteers as are necessary to conduct activities to meet the objectives
- § Take any form of action that is lawful, which is necessary to achieve the objectives of the Forum, including taking out any contracts which it may see fit.

3.15 The Executive Committee shall at all times work under a duty to represent the whole community in their decision making process. In particular the Executive Committee should have regard to the demographic mix of the population in the Area and the differing views of Business, large and small, Employees, Residents and Local Organisations.

3.16 member of the Executive Committee shall cease to hold office if he or she:-

- § Is disqualified from holding office by virtue of section 178 of the Charities Act 2011 (or any statutory modification or re-enactment of that provision) or
- § Becomes incapable by reason of mental disorder, illness or injury of managing his or her own affairs,
- § Is absent without the permission of the Executive Committee from all its meetings held within a period of six months and the Executive Committee resolves that he/she shall cease to hold office
- § Is subject to a vote of no confidence from a General Meeting of the Forum
- § Notifies the Executive Committee in writing of his/her resignation

#### **4. Meetings**

4.1. The Annual General Meeting (AGM) of the Forum will be held initially within 3 months of designation of the Forum by Westminster City Council, and annually thereafter within 10-14 months of the previous AGM.

4.2. A General Meeting may be called by decision of the Executive Committee, or by 10 members of the Forum or 10% of members whichever is the greater delivering a written request signed by each of them to the Secretary.

4.3. General meetings of the Forum will be held at least twice a year

4.4 For all General Meetings, a notice of the meeting and details of any resolutions to be put to it will be sent to all Forum members at least 21 days before the meeting.

4.5. At any General Meeting each member present in person or by a representative (except for the Chair's casting vote) will have one vote. Where practicable, arrangements will be made to enable members unable to attend to appoint a proxy.

4.6. Decisions of General Meetings will be by simple majority except where this constitution provides otherwise.

4.7 The quorum for a General Meeting shall be 21 members.

4.8. Forum meetings are open to all residents, workers and businesses in the area whether members or not and to observers from interested stakeholder groups including all statutory bodies and other appropriate organisations/bodies, none of whom will be entitled to vote unless they are members of the Forum according to the terms of Section 2 above.

4.9 A General Meeting has the power to remove by a vote of no confidence any member of the Executive Committee.

## **5. Notices**

5.1. Notices to members will be deemed delivered if sent to the member's last notified email address or, where no email address is given, sent by post to the last notified address.

## **6. Finance**

6.1. The Forum will have the power to raise funds as necessary for its activities, by grant, donation or any other appropriate means. All funds and other assets held by or on behalf of the Forum (whatever their source) shall be held by or on behalf of the members of the Forum for the time being and shall be applied solely in accordance with the terms of this Constitution.

6.2. The Executive Committee will open one or more bank accounts as necessary in the name of the Forum. All funds raised for the Forum will be held in such accounts. The Executive Committee will nominate bank signatories.

6.3 Cheques and other financial transactions of the Forum require two signatories.

6.4 Any resolution which will involve incurring liability of £5000 or more shall be approved in advance by a General Meeting of the Forum.

6.5. The Executive Committee will where appropriate insure any assets held by the Forum, and where appropriate by insurance or otherwise indemnify its members against liabilities arising from their work for the Forum.

6.6 A member of the Executive Committee is entitled to be reimbursed from the property of the Forum or may pay out of such property reasonable expenses properly incurred by him or her when acting on behalf of the Forum.

6.7 A member of the Forum who is not a member of the Executive Committee may be paid a reasonable and proper remuneration for any goods or services supplied to the Forum. Subject to that and paras 6.6 and 8.3, none of the income or assets of the Forum may be paid or transferred directly or indirectly to any member of the Forum.

## **7. Register of Executive Committee Members' Interests and Forum Members' conflict of interest**

7.1. The Secretary will maintain a Register of Executive Committee Members' Interests setting out any financial interests in the Area or any other interest that could be deemed to have an influence on decisions likely to come before the Executive Committee and the Forum.

7.2. Executive Committee members will abstain from voting on any matter in which they have a financial interest.

7.3 Other members of the Forum must declare any conflict of interest before partaking in discussion of, and potentially voting on, any matter. By majority vote of the Executive Committee, an individual may be asked not to participate in said discussion or vote.

## **8. Amendments and Dissolution**

8.1. Amendments to the body of this Constitution will be by decision of a General Meeting carried out in accordance with section 3 above, with the exception that such a vote will only be carried if supported by 75% or more of those voting.

8.2. The Forum may be dissolved by decision of a General Meeting specifically called for this purpose and carried out in accordance with section 3 above, with the exception that such a vote will only be carried if supported by 75% or more of those voting.

8.3. In the event of dissolution, any property or funds held by or for the Forum will be, subject to the agreement of the Members at General Meeting, allocated to one or more nominated organisations set up to continue the work of the Forum, or, in the absence of any such organisation and subject to any statutory regulations, distributed equally to the constituent local organisations who are its members (but not to individual members).

8.4. The Forum will carry out a formal review of its functions and achievements four years after its designation as a Neighbourhood Forum.

8.5. Following such review, and consultation with its members, the Forum will decide to continue, amend or dissolve itself as considered appropriate at the end of the five year term as laid down in the Localism Act.

# Appendix 1 Fitzrovia West Area

