EXECUTIVE SUMMARY

1.1 The Localism Act 2011 and Neighbourhood Planning (General) 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 Following the designation of the Church Street Neighbourhood Area, the ‘Church Street Forum’ applied for formal neighbourhood forum status in March 2014.
1.4 This report enables a designation decision to be made in relation to the proposed Church Street Ward Neighbourhood Forum. This application was subject to a formal period for representations from 26th March to 13th May 2014. Six responses were received; of which all were supportive of the proposed neighbourhood forum.

2. **RECOMMENDATIONS**

2.1 The Cabinet Member is requested to consider the representations received in response to consultation on the proposed Church Street Neighbourhood Forum the subject of this report, as summarised in paragraph 4.8.

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 Church Street Ward Neighbourhood Forum as the neighbourhood forum for the Church Street Neighbourhood Area.

2.3 It is recommended that a formal designation notice is published under delegated authority of the Strategic Director Built Environment, following the Cabinet Member decision in relation to the Church Street Ward Neighbourhood Forum application.

3. **REASONS FOR DECISION**

3.1 The proposed Church Street Ward Neighbourhood Forum is considered to meet 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 Church Street ward, whilst it also has a membership of more than 21 persons and is open to individuals who live or work (or are elected members) within the area.

3.2 Furthermore, the Church Street Ward Neighbourhood Forum is considered to be representative of the designated Church Street Neighbourhood Area. The membership drawn from different parts of Church Street Ward and from different sections of the community. It is considered that purpose of the neighbourhood forum – to improve the physical environment, improve commercial vitality and employment opportunities, and ensure improved housing conditions – reflects the general existing character of the area.

3.3 The proposed Church Street Ward Neighbourhood Forum was supported during its respective period for representations.
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 (‘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. A neighbourhood 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 explaining out how the forum meets the legislative requirements (minimum of 21 members etc). 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 a 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 (adopted 2011) and 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.

**Church Street Ward Neighbourhood Forum Application**

4.6 Following the formal designation of the Church Street Neighbourhood Area in January 2014 (see background paper to this report), the Church Street Ward Neighbourhood Forum application was submitted to the City Council in March 2014. The application followed a public meeting held by the applicants in December 2013 to agree the written constitution and to elect representatives to form a management committee. The creation of a Church Street ward Neighbourhood Forum (under the Localism Act 2011) builds upon the work and operation of the existing Church Street ‘Neighbourhood Forum’ that has been operating since 1998.

4.7 The Church Street Ward 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 explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act (i.e. minimum of 21 individuals who live or work in the area).

4.8 The City Council undertook the formal period for representations between the 26th March and 13th May 2014 (see section 11.1). The City Council received a total of six representations, from residents, businesses, and an education provider. Two representations were made by government agencies (Natural England and Environment Agency) who provided general comments rather than explicit support or objection to the application. All other responses were in support of the Church Street Ward Neighbourhood Forum application. These responses highlighted the desire for local community representation and participation, as well as an interest to influence and shape development within the area.
5. ASSESSMENT OF THE CHURCH STREET WARD NEIGHBOURHOOD FORUM APPLICATION

5.1 The submitted Church Street Ward 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, Schedule 9) as set out below:

**Assessment against Section 61F (5) (Town and Country Planning Act 1990)**

5.2 Section 61F (5) 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 Church Street Ward Neighbourhood Forum application highlights that the forum has been established for the express purpose of promoting or improving the social, economic or environmental well-being of Church Street Ward.

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

   **Response**: The Church Street Ward Neighbourhood Forum application clearly states that membership is open to people who live or work in or serve the Ward, including Ward Councillors.

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

   **Response**: The Church Street Ward Neighbourhood Forum application highlights a total of 65 individual members of the forum, each of whom either live, work or are elected Council members within the neighbourhood 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. In determining whether to designate a neighbourhood forum, the City Council must have regard to the following three considerations:

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**: The range of membership, including from each of the required categories, is illustrated in the diagram below. The proposed forum clearly meets the legislative membership requirements.

5.3.2 The submitted written constitution sets out how the proposed forum intends to operate and involve its members in its decision making. It states that the forum is committed to holding an Annual General Meeting and at least one other meeting each year. Decisions will be made by consensus, and where this is not possible, through a majority of votes.

5.3.3 The Church Street Ward Neighbourhood Forum will also have a management committee who will be responsible for the operation of the forum. The committee will consist of 21 voting members (including the chair and vice-chair) elected by the forum at its Annual General Meeting. The intention is that the committee will be broadly geographically and ethnically representative of Church Street Ward, and will consist of a majority of residents and at least one Ward Councillor. The written statement included within the application sets out the forum’s intention to ensure that the committee is representative of the community in terms of geography, age, and ethnicity as well as including residents and members of the business and voluntary sectors. The management committee will meet at least four times a year. It is intended that decision will again be made by consensus, and where this is not possible, through a majority vote.
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 Church Street Ward Neighbourhood Forum application highlights that members of the Forum are drawn from throughout the neighbourhood area, including from the major residential estates. The map below illustrates the location of members within the Church Street Ward.

The map highlights the approximate location of the proposed forum membership (in some instances this shows the address of an organisation rather than the ‘area of operation’ of that organisation).

5.3.5 The proposed neighbourhood forum includes representation from a wide range of community organisations and agencies, including:

- Marylebone Bangladesh Society;
- Mosaic Community Trust;
- Westminster Drugs Project;
- Home-Start;
- Church Army;
- St Paul’s Church;
- Wellfair2Work;
- Job Centre Plus;
- Christchurch Bentinck School;
- Portman Early Years Centre;
- Penfold Community Hub;
- Church Street Library;
• Paddington Development Trust;
• Metropolitan Police;
• CityWest Homes; and

5.3.6 There are also a number of business members involved in the proposed forum, including a local hotel, theatre, art gallery and antique dealers.

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

5.3.7 Response: The written constitution sets out the key aims and objectives of the Church Street Ward Neighbourhood Forum. These include to:

- make the environment green, attractive, safe and clean;
- promote the commercial vitality of the area, in particular Church Street Market (shops and stalls);
- promote employment opportunities for residents;
- ensure decent housing conditions;
- promote better health;
- ensure good educational opportunities for all;
- ensure good recreational opportunities for all;
- encourage the arts;
- promote inclusivity; and
- promote community involvement in the development of policies.

5.3.8 The above objectives are considered to generally reflect the character of the Church Street Ward which is primarily residential with a high proportion of social rented housing, has a higher than average unemployment rate, and contains a district shopping centre in need of further regeneration and diversity. The neighbourhood area is located within the City Council’s designated ‘North West Economic Development Area’, which aims to address the regeneration and economic needs of the principal area of deprivation in Westminster. Many of the forums’ stated purposes match the City Council’s approach to the North West Economic Development Area; for example to improve the public realm and local environment, particularly within shopping centres and housing estates.

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 has 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, within the current financial year, the City Council can claim:

- £5,000 for each neighbourhood forum designated (up to a maximum of five neighbourhood forums within the financial year);
6.2 The CLGs ‘Locality Network’ and their ‘Supporting Communities in Neighbourhood Planning’ initiative are currently offering 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.

6.3 The 2013 amendments to the Community Infrastructure Levy 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:

<table>
<thead>
<tr>
<th>Neighbourhood Plan?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parish Council?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>25% of CIL receipts uncapped, paid to Parish</td>
<td>15% of CIL receipts capped at £100 / dwelling, paid to Parish</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>25% of CIL receipts uncapped, local authority consults with community</td>
<td>15% of CIL receipts capped at £100 / dwelling, local authority consults with community</td>
</tr>
</tbody>
</table>
7. LEGAL IMPLICATIONS

7.1 Section 61F (5) of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) 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);

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.

The City Council is satisfied that the proposed Soho Neighbourhood Forum meets the above requirements.

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 Strategic Director Built Environment following the Cabinet Member decision in relation to the Church Street Ward 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 two part time officers 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’ 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 neighbourhood forum application for Church Street was formally published on the City Council’s website between 26th March to 13th May 2014. In addition, approximately 250 letters were sent to residents’ groups, societies, community groups, businesses, landowners within and adjacent to the Church Street 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. The City Council also publicised the application by displaying posters in the Church Street library, Little Venice Sports Centre, Church Street Neighbourhood Centre and relevant CityWest Homes estate offices. Further publicity was carried out through the use of social media (Twitter) and the City Council’s ebusiness newsletter and ‘MyWestminster’ newsletter.

11.2 Ward Councillors within the Church Street Ward were also notified of the neighbourhood forum application and given an opportunity to respond.

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:

Tom Kimber  
City Planning Delivery Unit  
tkimber@westminster.gov.uk  
Telephone 020 7641 3478

BACKGROUND PAPERS

- Localism Act 2011
- Neighbourhood Planning Regulations 2012
- Cabinet Member Report – Church Street Neighbourhood Area Designation September 2013
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 ‘Church Street Ward 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, Chief Operating Officer 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.
Appendix A

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.
Appendix B

Church Street Ward Neighbourhood Forum Application