



City of Westminster Cabinet Member Report

Decision Maker:	Cabinet Member for Business and Planning
Date:	28 May 2020
Classification:	General Release
Title:	Knightsbridge Neighbourhood Forum Re-designation
Wards Affected:	Knightsbridge and Belgravia
City for All:	This decision contributes to the delivery of the council's vision for 'vibrant communities' by empowering residents of Knightsbridge to continue to actively contribute to their community by carrying out neighbourhood planning responsibilities in their area.
Key Decision:	No
Financial Summary:	Costs of re-designating the Neighbourhood Forum will be met from existing budgets.
Report of:	Director of Policy and Projects.

1.0 EXECUTIVE SUMMARY

1.1 Westminster City Council designated Knightsbridge Neighbourhood Forum as the responsible body for preparing a neighbourhood plan for Knightsbridge on 21st July 2015. Under section 61F of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), Neighbourhood Forum designations expire after 5 years. The existing designation therefore expires on 21st July 2020, and the Forum have applied to be re-designated.

2.0 RECOMMENDATIONS

2.1 That the Cabinet Member for Business and Planning agrees to re-designate the Knightsbridge Neighbourhood Forum for a further period of 5 years and a

formal designation notice is published under delegated authority of the Director of Policy and Projects.

3.0 REASONS FOR DECISION

3.1 Section 61F (7) of the Town and Country Planning Act 1990 (as inserted into the Act by the Localism Act, Schedule 9) sets out the conditions that a neighbourhood forum must meet, as well as the considerations that a local planning authority must take into account when determining an application for the designation of a neighbourhood forum. These legislative aspects are set out in greater detail in Section 6 of this report.

3.2 The legislation states that a local planning authority may designate an organisation or body as a neighbourhood forum if the authority is satisfied that a number of conditions (in the table below) have been met. The existing Knightsbridge Neighbourhood Forum meets all of these conditions, and there has been no change in this since the original designation.

Condition	Met?
Established for the express purpose of promoting or improving the social, economic or environmental well-being of an area?	Yes
Membership open to individuals who live or work in the area (or are elected members of the City Council);	Yes
Membership includes a minimum of 21 individuals each of whom lives or works (or is an elected member) in the area?	Yes
The neighbourhood forum has a written constitution?	Yes

3.3 The City Council is also required to have regard to whether membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area. The application submitted by the Forum indicates that membership of the Knightsbridge Neighbourhood Forum stands at 79 members (as at 29th February 2020), and that membership is drawn from across the neighbourhood area and includes a range of people in the community including businesses, residents and cultural organisations. It also notes that anyone that works, lives, or studies in the neighbourhood area, or is a local councillor, can apply to become a member, and that the Forum's work continues to be supported by Knightsbridge Association. The list of members has also been provided by the Forum.

3.4 The City Council is also required to assess whether the *purpose* of the neighbourhood forum reflects (in general terms) the character of the area. The application submitted by the Forum for re-designation states that the Forum was established with the purpose of making Knightsbridge the most desirable and attractive residential and cultural area in London in which to live, work, study, and visit. A number of priorities are identified for the Forum, which include:

- Seeking to ensure the neighbourhood portion of CIL are utilised in line with the Knightsbridge Neighbourhood Plan;

- Reviewing the policies in the ‘made’ Knightsbridge Neighbourhood Plan and updating as necessary;
- Commenting on planning applications or consultations relating to the Neighbourhood Area.

3.5 These priorities represent strong reasons for the Neighbourhood Forum to continue to carry out neighbourhood planning responsibilities in the area. Consultation on the re-designation application also highlighted support for the application, no objections, or competing applications. Further details are provided in section 9 of this report.

4.0 BACKGROUND, INCLUDING POLICY CONTEXT

4.1 The Localism Act November 2011 and Neighbourhood Planning Regulations April 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 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. The process for re-designating a neighbourhood forum (necessary once an original designation has expired) is identical for that for the original designation. A summary of the process is set out below.

4.2 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 section 6). 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.

4.3 Once a neighbourhood forum is in place, they can formally undertake neighbourhood planning, and begin to formally prepare their neighbourhood plan or neighbourhood development order. The neighbourhood 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 (the ‘neighbourhood forum’) to decide upon the content of the neighbourhood plan, there are a number of principles that a neighbourhood plan should adhere to:

- neighbourhood planning policies should be ‘in general conformity’ with the City Council’s strategic planning policies, currently contained in the Westminster City Plan (2016), saved UDP policies, the London Plan, and have regard to national planning policies;
- it should contribute to the achievement of ‘sustainable development’;
- it should address *local*, neighbourhood issues;
- neighbourhood planning policies should be about the shaping the development of a local area in a *positive* manner, and should not be used to prevent development; and
- it should not breach, and should be compatible with EU obligations, Human Rights etc.

4.5 As the neighbourhood plan is 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. Only after a positive referendum outcome can the plan be ‘made’ i.e. adopted, by the City Council.

4.6 Knightsbridge Neighbourhood Forum were the first forum in Westminster to successfully go through the above process, and their neighbourhood plan ‘made’ by the council on 11th December 2018. However, neighbourhood planning matters do not end upon the making of a plan. As set out in their application for re-designation, future responsibilities for the Neighbourhood Forum will include updating their plan in response to any changes in higher tier policy (including the emerging London Plan and City Plan), and making applications for projects funded by the neighbourhood portion of CIL in their area.

5.0 City for All

5.1 The ability to enable and empower others to take responsibility for themselves and actively contribute to their community is one of the key tenets of the City Council’s ‘City for All’ commitments. In particular, continuing to support neighbourhood planning in Westminster meets the City Council’s aspirations of aspirations of ‘A vibrant community’ whereby everybody with a stake in the city can be at the heart of decision-making actively contributing to their community.

6.0 FINANCIAL IMPLICATIONS

6.1 The expenditure of re-designating the Neighbourhood Forum is expected to be immaterial and will be met from existing budgets. Aside from minimal printing costs of making application material publicly available, tasks associated with

checking the application and preparing the necessary reports equate to approximately 1-2 days of officer time.

- 6.2 While the MHCLG provide some grant funding to support the roll out of neighbourhood planning, the City Council is not eligible to make any claims to cover the costs of re-designating the neighbourhood forum. If the Neighbourhood Forum propose to make updates to their neighbourhood plan, and these are required to go through examination and referendum, funding assistance may be available from the MHCLG to help cover the costs the City Council will incur as a result of these processes.

7.0 LEGAL IMPLICATIONS

- 7.1 Section 61F 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);
 - 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 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 2012 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 must 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 Policy and Projects, following the Cabinet Member decision in relation to the Knightsbridge Neighbourhood Forum.
- 7.6 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 re-apply 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, the City Council 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.
- 7.9 The Director of Law has considered this report and is satisfied that the proposed Knightsbridge Neighbourhood Forum re-designation complies with the statutory provisions set out in paragraphs 7.1 – 7.8 above.

8.0 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 processes, but also providing support to the prospective neighbourhood forums in the development of their neighbourhood plans and assisting with applications for the use of neighbourhood CIL funds. 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.
- 8.2 The City Council's obligation to support is intensified compared to other local authorities by the large number of neighbourhood areas and forums within Westminster. There are currently six officers supporting the delivery of neighbourhood planning in Westminster.

9.0 CONSULTATION

- 9.1 As required by the legislation, the neighbourhood forum application for Knightsbridge was formally published on the City Council's website for a six-week period between 18th March 2020 and 29th April 2020. Email notifications

of the consultation were also sent to all Westminster councillors, and relevant contacts from the City Council's 'Planning Consultation Database.'

- 9.2 16 letters of support for the re-designation were received. No letters of objection or competing applications have been forthcoming. The majority of responses were from local residents, and support has also been provided by the Knightsbridge Association, some representatives of the business community, and all three ward members.

10.0 EQUALITIES IMPLICATIONS

- 10.1 Under the Equalities Act 2010 the council has a "public sector equality duty". This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;

- to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to
- foster good relations between persons who share a relevant protected characteristic and those who do not share it.

- 10.2 The City Council is also required to have due regard to the need to take steps to take account of disabled persons' disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life. The 2010 Act states that "having due regard" to the need to promote equality of opportunity involves in particular having regard to:

- the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic;
- take steps to meet the needs of persons sharing a protected characteristic that are connected with it;
- take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and
- encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

- 10.3 The courts have held that "due regard" in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equalities implications of the decision.

- 10.4 The equalities impacts of re-designating the Knightsbridge Neighbourhood Forum have been considered and it is concluded that there are none.

11.0 BUSINESS PLAN IMPLICATIONS

11.1 None.

12.0 IMPACT ON THE ENVIRONMENT

12.1 None.

13.0 HEALTH, WELLBEING IMPACT ASSESSMENT INCLUDING HEALTH AND SAFETY IMPLICATIONS

13.1 None.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Sean Walsh at swalsh2@westminster.gov.uk

APPENDICES

Appendix 1 is the Knightsbridge Neighbourhood Forum application for re-designation

BACKGROUND PAPERS

None

Appendix 1: Application to re-designate the Knightsbridge Neighbourhood Forum

Cabinet Member for Business and Planning

Declaration of Interest

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

Signed: _____ Date: _____

NAME: _____
Councillor Matthew Green

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 **Knightsbridge Neighbourhood Forum Re-designation** and reject any alternative options which are referred to but not recommended.

Signed

Cabinet Member for Business and Planning: Councillor Matthew Green

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:
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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 Director of Law, Strategic Director Finance and Performance and, if there are resources implications, the Strategic Director of 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.