



# City of Westminster Cabinet Member Report

<b>Decision Maker:</b>	Cabinet Member for Business, Licensing and Planning
<b>Date:</b>	9 February 2021
<b>Classification:</b>	General Release
<b>Title:</b>	Marylebone Neighbourhood Forum Re-designation
<b>Wards Affected:</b>	Marylebone High Street, West End, Bryanston and Dorset Square and Regents Park
<b>City for All:</b>	This decision contributes to the delivery of a 'World Class City' by empowering residents of Marylebone to continue to actively contribute to their community through the development of a neighbourhood plan for their area.
<b>Key Decision:</b>	No
<b>Financial Summary:</b>	Costs of re-designating the Neighbourhood Forum will be met from existing budgets.
<b>Report of:</b>	Executive Director of Innovation and Change

## 1.0 EXECUTIVE SUMMARY

- 1.1 Westminster City Council designated Marylebone Neighbourhood Forum as the responsible body for preparing a neighbourhood plan for Marylebone in September 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 expired on 7<sup>th</sup> September 2020, and the Forum have applied to be re-designated.

## 2.0 RECOMMENDATIONS

- 2.1 That the Cabinet Member for Business, Licensing and Planning agrees to re-designate the Marylebone 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 Marylebone 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 Marylebone Neighbourhood Forum is over 430 members, and that the Forum represents the interests of local residents and businesses. The list of members has also been provided by the Forum, and the application states that the Forum have a committee made up of 18 members, which represent both resident and business interests.

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 they share a vision for Marylebone to be a vibrant place to live, work, visit, shop or study. The Forum states that they are working hard and collaboratively, reflecting the range of interests of the stakeholders and users, to develop a Neighbourhood Plan to improve the area.

3.5 Consultation on the re-designation of the Marylebone Neighbourhood Forum highlighted some support for the application, and 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 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. Only after a positive referendum outcome can the plan be 'made' i.e. adopted, by the City Council.

## **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 'A City with vibrant communities' whereby everybody with a stake in the city can actively contribute 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.

## **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 Marylebone 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.

## **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. 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 Marylebone was formally published on the City Council's website for an eight period between 18<sup>th</sup> November 2020 and 13<sup>th</sup> January 2021. This was longer than the statutory minimum requirements in order to account for the festive period. Emails were sent to ward councillors, and all relevant contacts from the City Council's 'Planning Consultation Database.'
- 9.2** Six responses to the consultation were received in total. Within these, support for the proposal was provided by Knightsbridge Neighbourhood Forum and the the Hyde Park Estate Association. Other responses received were from TFL, Port of London, Natural England and Sport England – none of whom objected to the proposal.
- 9.3** No objections to the proposed re-designation of the Neighbourhood Forum were received, nor have any competing bids for an alternative Neighbourhood Forum been put forward.

## **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 Marylebone 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**  
[swalsh2@westminster.gov.uk](mailto:swalsh2@westminster.gov.uk)

## **APPENDICES**

Appendix 1 - Marylebone Neighbourhood Forum application for re-designation

Appendix 2 – Map of Marylebone Neighbourhood Area

## **BACKGROUND PAPERS**

None

## **Appendix 1: Application to re-designate the Marylebone Neighbourhood Forum**



# Westminster City Council

## Neighbourhood Forum

### Designation Form

This form has been produced to help community groups in applying to become a designated Neighbourhood Forum. It should also be used when applying for re-designation. Please note this application form must be completed in all its parts to allow your application to be considered by the council.

Please send your completed form with the required additional documentation to [neighbourhoodplanning@westminster.gov.uk](mailto:neighbourhoodplanning@westminster.gov.uk) using "Forum designation" as subject line.

Alternatively, you can post it to:

Neighbourhood Planning  
Policy & Projects Team  
Policy, Performance and Communications  
Westminster City Hall, 17<sup>th</sup> floor  
64 Victoria Street,  
London SW1E 6QP

The Neighbourhood Planning (General) Regulations (8) 2012 sets out the information that must be included within a Neighbourhood Forum application. The information provided on this form will be published by the council. However, personal information on members within the proposed Forum as detailed in Section 6 will not be published.

The council will only accept Neighbourhood Forum applications in areas where a Neighbourhood Area has been designated.

If you need further assistance for completing the form, please email [neighbourhoodplanning@westminster.gov.uk](mailto:neighbourhoodplanning@westminster.gov.uk).



# Westminster City Council Neighbourhood Forum Designation Form

## Supporting documentation

As detailed in sections 3 and 5 of this form, you will need to provide supporting documentation.

## Next steps

Following the submission of the form the council will:

- Check the application is valid
- Publish the application for a minimum six-week period to allow for representations
- Consider representations and make a decision whether to designate a Neighbourhood Forum.

Once a Neighbourhood Forum is established, the Forum can consult with the wider community to develop a Neighbourhood Plan for their Neighbourhood Area.

## START OF FORM

### 1. Application type

- Designation  Re-designation of Neighbourhood Forum

### 2. Name of the proposed Neighbourhood Forum

Marylebone Forum

If applying for re-designation, has the name of the proposed Neighbourhood Forum changed?

- Yes  No

If yes, please state the name of the previous/existing Neighbourhood Forum

If applying for re-designation, please explain why you believe the Forum should be re-designated. This should include what work you have done so far. Please move to question 3 if you are applying to designate a new Neighbourhood Forum.

Marylebone Forum was first designated in 2015:

- i. The Forum created a limited company (Marylebone Forum Ltd), with 6 directors and annual accounts filed accordingly;
- ii. Marylebone Forum has a steering committee comprising an equal number of business and resident members. Members include stakeholder representatives from the 2 local amenity



- societies, faith groups, small businesses, the 2 landed estates and the 3 local BIDS. Current committee members (18) are listed on the website;
- iii. Regular meetings of the committee are held, together with public AGMs, minutes are posted on the website. We have held meetings virtually since July. Our next meeting will be the 2020 AGM (due in May but postponed due to coronavirus);
  - iv. Developing a draft Neighbourhood plan: initial ideas were drafted and a wide local consultation was undertaken in 2017. Progress was put on hold in 2018 pending adoption of the Westminster City Plan. Work resumed in 2019 with a streamlined list of 7 local policies. The next step is professional advice as to viability and evidence base, which we expect to start at the end of this year
  - v. The Forum carried out a wide public consultation on priorities for Neighbourhood CIL funding in 2018. A CIL sub-committee was set up to review applications for local projects and to reach out to less represented and more vulnerable groups in the hope of spreading CIL utilisation. Since the WCC Neighbourhood CIL process opened up in 2019, we have received 5 applications for Neighbourhood CIL, and supported 4, which have all been successful at WCC CIL Committee, totalling £240k. Projects include improvement works at St Marylebone parish church and St Marylebone CE High School;
  - vi. Community engagement: we advertise consultations widely in the local area, and have held meetings and consultations at key locations and events including St Marylebone parish church, St Marylebone 6<sup>th</sup> Form and Marylebone Summer Fayre (currently all meetings are virtual). We maintain a website with a contact page, and a list of members. Following the coronavirus lockdown, we have set up an e-newsletter and mailing list.

**3. Please attach a written copy of the Forum’s constitution to your application form**

- Written constitution attached <https://www.maryleboneforum.org/> Please refer to our website for Constitution

As a guide, a written constitution could contain:

- The name and purpose of the Neighbourhood Forum,
- Working arrangements including sub-groups, partners and their roles,
- Pattern of meetings and details of how decisions will be made, details of governance, including official positions
- Arrangements for management and financial management, membership and procedures for replacement of members where necessary.

**4. Name of designated Neighbourhood Area the Forum is proposing to represent**

Marylebone

**5. Please attach a map of the Neighbourhood Area to your application form**

- Map attached indicating the Area with a clear boundary





## 7. Authority to act on behalf of a Neighbourhood Area

This section provides the opportunity to set out the purpose, aims and ambitions of the Neighbourhood Forum and to demonstrate how its membership is representative of the local community.

In order for the council to designate a Neighbourhood Forum to act on behalf of a Neighbourhood Area, the council needs to be satisfied that the following conditions contained in Section 61F (5) of Schedule 9 of the Town and Country Planning Act 1990 (as amended by the Localism Act) are met:

- a) The proposed Forum is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the Neighbourhood Area concerned (whether or not it is also established for the express purpose of promoting and carrying on of trades, professions or other business in such an area).
- b&c) Membership is open to and includes a minimum of 21 individuals each of whom – live in the Neighbourhood Area concerned, work there (whether for business carried out there or otherwise) and are elected members within the Neighbourhood Area.
- d) It has a written constitution (as detailed in section 2), and
- e) such other conditions as may be prescribed. (Note: nothing additional is required by the council for this condition).

We share a vision for Marylebone to be a vibrant place to live, work, visit, shop or study. We cherish Marylebone's unique character and heritage, whilst striving towards the highest standards for new development, public spaces and local amenities.

We recognise that Marylebone is a heritage area, bound by many different planning policies, and that many types of users benefit from the area in different ways.

The Forum is working hard and collaboratively, reflecting the range of interests of the stakeholders and users, to develop a Neighbourhood Plan, which, we hope, will enhance our area.

The Forum is consulting on how to allocate CIL (Community Infrastructure Levy) funds to local projects.

## 8. Membership of proposed Neighbourhood Forum

Please list people within your proposed Neighbourhood Forum. Whilst this list is not strictly required by the Neighbourhood Planning (General) Regulations 2012, it does enable the proposed Neighbourhood Forum to demonstrate that membership is widely drawn from across the neighbourhood from a range of people in the community.



<https://www.maryleboneforum.org/> Please refer to our website for a list of the Committee Members (18), listed below. In addition, we have a total of 430 members who receive email correspondence, attached.

1. Penny Alexander (Baker Street Quarter)
  2. Kay Buxton (Marble Arch BID)
  3. Kevin Coyne (Rotary Club)
  4. Canon Stephen Evans (St Marylebone Parish Church)
  5. Steve Wong (New West End Company)
  6. Simon Loomes (Portman Estate)
  7. Leonora Schofield (British Land)
  8. Andrea Merrington (Howard de Walden Estate) (**Secretary**)
  9. Isabelle Faulkner (EIFA International School)
- 
1. Alan Bristow
  2. Michael Bolt
  3. Sarah Buttleman
  4. Tim Carnegie
  5. Sheila D’Souza
  6. Ann Marie Johnson
  7. Richard Lovell
  8. Ian Macpherson (**Treasurer**)
  9. Yael Saunders (**Chair**)

A Neighbourhood Forum is required to have a minimum of 21 individuals, however there is no maximum number. If you have additional members, please list and attach your application form.

	<b>Name (and Email -optional)</b>	<b>Resident or Business Address</b> If you work in the area please include company name	<b>Interest in area</b> Resident / Worker / Councillor		
1			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



4			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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39			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**END OF FORM**



City of Westminster



## Neighbourhood Area Designation Notice

*Section 61G of the Town and Country Planning Act 1990 (as inserted by Schedule 9 Part 1 of the Localism Act (2011)) provides a local planning authority the power to designate an area as a neighbourhood area.*

*Under The Neighbourhood Planning (General) Regulations 2012 Part 2 Regulation 7 a local planning authority must publish on their website, and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area;*

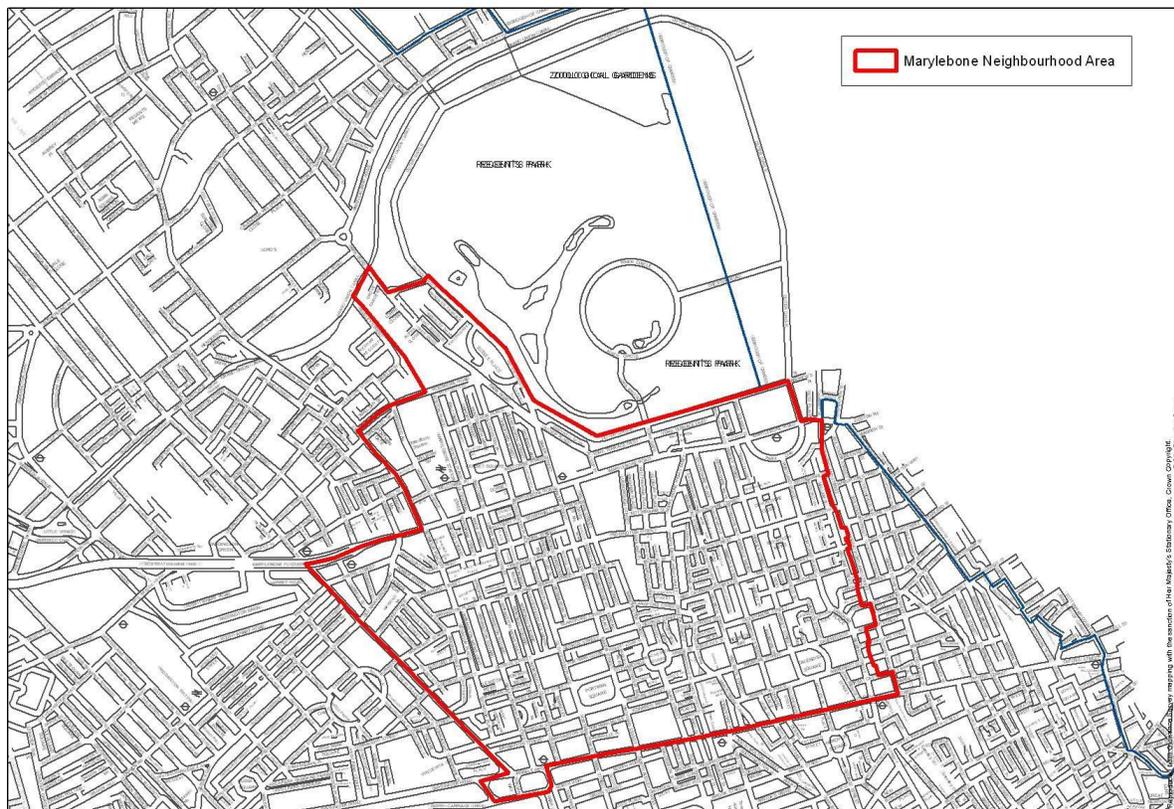
- *the name of the neighbourhood area*
- *a map which identifies the area; and*
- *the name of the relevant body who applied for the designation.*

### Neighbourhood area application

<b>Name of proposed neighbourhood area</b>	Marylebone Neighbourhood Area
<b>Name of applicant</b>	Marylebone Forum
<b>Representation period</b>	20th May - 28th June 2013

## Neighbourhood area designation

Notice is hereby given that Westminster City Council, through a decision made on 28 March 2014 by its Cabinet Member for The Built Environment, has designated the revised Marylebone Neighbourhood Area. The boundary of the area is shown edged red on the map below.



### Reasons for decision:

The designated Marylebone Neighbourhood Area includes the key areas and features that represent 'Marylebone' that was largely supported during its period for representations. However it is considered that the subsequent application and support for a separate neighbourhood area (Fitzrovia) should therefore require a revised eastern boundary to the west of Great Portland Street. Furthermore, Regent's Park is not considered to be part of Marylebone but a separate geographic entity in its own right. Designation as a neighbourhood business area is considered to be applicable in this instance, due to the business nature of the area, and part location within the City Council's designated Core Central Activities Zone.

Rosemarie MacQueen

Strategic Director Built Environment

Cabinet Member for Business, Licensing and Planning: Councillor Matthew Green

**Declaration of Interest**

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

Signed:

Date:

NAME:

Councillor Matthew Green

Cabinet Member for Business, Licensing and Planning

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

Signed .....

Cabinet Member for Business, Licensing and Planning

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, Director of Legal Services, 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.