

Item No.	Classification: Open	Date: 03 December 2018	Decision Taker: Cabinet Member for Growth, Development and Planning
Report title:		Neighbourhood Planning – Application for the re-designation of the South Bank & Waterloo Neighbourhood Forum.	
Ward(s) or groups affected:		Borough and Bankside; St. George's	
From:		Strategic Director of Place and Wellbeing	

RECOMMENDATION

That the Cabinet Member for Growth, Development and Planning:

1. Notes the application from the South Bank and Waterloo Neighbours (SoWN), to renew its Neighbourhood Forum status that is due to expire April 2019.
2. Agrees to publicise the application for Neighbourhood Forum renewal from the SoWN for consultation in accordance with regulation 9 of the Neighbourhood Planning (General) Regulations 2012 and the Council's Neighbourhood Planning Decision Making report of 6 March 2015.

BACKGROUND INFORMATION

3. The Localism Act 2011 (by amending the Town and Country Planning Act 1990 ('the 1990 Act')) introduced new provisions which empower parish councils and designated Neighbourhood Forums ('NFs') to initiate the process for making Neighbourhood Development Orders and Neighbourhood Development Plans in relation to designated Neighbourhood Areas. The powers came into force on 6 April 2012 when the Neighbourhood Planning (General) Regulations 2012 came into force.
4. A Neighbourhood Plan is a plan which sets out policies in relation to the development and use of land in the whole, or part of, a Neighbourhood Area. It may contain a range of policies or proposals for land use development that will carry weight in the determination of planning applications. Neighbourhood Development Orders grant planning permission in relation to a particular Neighbourhood Area for development specified in the Order or for a class of development specified in the Order. Both Neighbourhood Plans and Neighbourhood Development Orders must be in general conformity with the strategic policies in the development plan for the relevant area.
5. SoWN was first designated as a Neighbourhood Forum for the South Bank and Waterloo Neighbourhood Area in March 2014, it is now applying to renew its Neighbourhood Forum status before it expires in April 2019.

Neighbourhood Plan preparation stages

6. Under regulation (8) of The Neighbourhood Planning (General) Regulations 2012, it states that where an organisation or body submits a neighbourhood forum application, it must include a series of supporting documents accompanying the application. It also needs to demonstrate that the application complies with requirements set out in 61F(5) of the 1990 Act. These will be elaborated in further detail under the section 'Key Issues for Consideration'.
7. If a body or organisation is designated as a Neighbourhood Forum for a particular Neighbourhood Area, it is authorised to act in relation to that Area for the purposes of promoting a Neighbourhood Plan/Order.
8. Once a Neighbourhood Forum has been designated, it may submit a proposal to the local planning authority for the making of a Neighbourhood Plan or Neighbourhood Development Order, which will be submitted to independent examination. If, following that examination, the Council is satisfied that the draft Plan/Order meets the requisite conditions, the Council must hold (and pay for) a referendum on the making of the Plan/Order.
9. The area, in which the referendum takes place must, as a minimum, be the Neighbourhood Area to which the proposed Plan/Order relates. The independent examiner considering the proposal may also consider whether the area for any referendum should extend beyond the Neighbourhood Area to which the draft Plan/Order relates.
10. If more than 50% of people voting in the referendum support the Plan or Order, then the local planning authority must bring it into force.
11. The Neighbourhood Area of SoWN spans across both LB Lambeth and Southwark. Since its forum designation in March 2014, SoWN has produced and submitted the Draft Neighbourhood Plan that is currently out to consultation in both boroughs between 8th November to 20th December 2018.
12. The next stage after the consultation will be submission of the Draft Neighbourhood Plan to the Independent Planning Inspector for examination. SoWN's Neighbourhood Forum status is due to expire in February and April 2019 in LB Lambeth and Southwark, respectively.
13. To avoid the situation of forum dissolution in the midst of its Neighbourhood Plan Examination, SoWN has now submitted the application to renew its Neighbourhood Forum status to both LB Lambeth and Southwark. LB Lambeth has already started the consultation, which will run between the 23rd November 2018 to 11th January 2019.
14. Regulation 9 of the Neighbourhood Planning (General) Regulations 2012 requires local planning authorities to publish the application and any supporting material (found in appendix) as soon as possible after receiving a Neighbourhood Forum application, which the local planning authority do not decline to consider under regulation 11. It is required to be publicised on the local authority's website and in any other manner as they consider is likely to bring the application to the attention of people who live, work or carry on business in the area for a minimum of 6 weeks, in order to allow for the receipt of representations.

15. Following Regulation 9 and working jointly with LB Lambeth, it is appropriate for LB Southwark to commence the consultation on SoWN's forum renewal application for a period of 7 weeks, accounting for public holiday during the Christmas period.

KEY ISSUES FOR CONSIDERATION

The requirements of regulation 8 of The Neighbourhood Planning (General) Regulations 2012

16. SoWN has submitted the following supporting documents to accompany the application, including:
 - The name of the proposed Neighbourhood Forum (Appendix A)
 - A copy of the written constitution of the proposed neighbourhood forum (Appendix B)
 - The name of the neighbourhood area to which the application relates and a map which identifies the area; (Appendix C)
 - The contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; (Appendix D & Appendix A)
 - A Renewal Statement (Appendix E)

As such, the Council considers that the requirements of Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 have been satisfied in relation to this application.

The requirements of section 61F subsections (5) & (7) of Town and Country Planning Act 1990

17. Under subsection (7) of section 61F in the 1990 Act , it states a local planning authority must, in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, have regard to the desirability of designating an organisation or body, which has secured (or taken reasonable steps to attempt to secure) its membership to include, at least one individual who lives in the neighbourhood area concerned, or works there, or is an elected member. The membership should be drawn from different places in the neighbourhood area concerned, and from different sections of the community in that area, and whose purpose reflects in general terms the character of that area.
18. In the Renewal Statement submitted by SoWN (Appendix E), it states that the current membership of SoWN includes more than 400 members who live or work in the neighbourhood, as well as a ward councillor. They have conducted research to understand the demographic makeup of the neighbourhood area, and believe that the current members are drawn from across the area, across the socio-economic spectrum, and a range of ethnicities, ages, faith groups etc. It also states that SoWN has take the wide variety of the business interests found in their Neighbourhood Area into account. They are also running ongoing events to engage with the local community, and to widen membership on SoWN openly and continuously.

19. SoWN have previously been designated as the Neighbourhood Forum for the South Bank and Waterloo Area, the Council still consider SoWN to satisfy the requirements set out under section 61F(5) and (7) of the 1990 Act.
20. The Council does not propose to make a decision as to whether to designate the applicant organisation as Neighbourhood Forum for the South Bank and Waterloo Area until the period for making representations has expired and any representations received have been considered.

Consultation

21. The application will be publicised on Southwark website for a period of 7 weeks between 20th Dec to 7th February 2019, accounting one additional week for Public Holiday during Christmas Period. It will be publicised using the following methods:
 - Publicising a Press notice in the Southwark News
 - Sending out emails to subscribers in the Planning Policy mailing list, in addition to statutory consultees.
 - Updating relevant webpage on the Southwark's website

Financial implications

22. There is no financial implication for the Council at this stage regarding Forum Renewal.
23. However, should the Neighbourhood Plan for SoWN proceed to the referendum stage, it will incur inevitable cost to the Council. This cost could be similar to a ward election, which is usually around £25,000 per referendum. It is likely to be shared between LB Lambeth and Southwark, since SoWN is a joint operation between the two boroughs. More information regarding the cost of referendum will be revealed once the Draft Neighbourhood Plan has been submitted to the Independent Planning Inspector. A separate IDM report will be drafted before SoWN start its referendum process.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

23. The recommendation requests that the Cabinet Member for Growth, Development and Planning notes the application from the SoWN to renew its Neighbourhood Forum status, and authorises publication of the application for consultation in accordance with regulation 9 of the Neighbourhood Planning (General) Regulations 2012 and the Council's Neighbourhood Planning Decision Making report dated 6 March 2015.
24. In March 2014 SoWN was designated as Neighbourhood Forum for the South Bank and Waterloo Neighbourhood Area, their status is due to expire in April 2019.
25. In considering an application for a neighbourhood forum, the Council must be satisfied that the applicant body/organisation meets the conditions set out in section 61F(5) of the 1990 Act and the Council must also have regard to the matters set out in 61F(7) of the 1990 Act. Officers have assessed the application

against these criteria and found them to comply (as explained at paragraph 19 of this report).

26. Regulations 8 to 12 of the Neighbourhood Planning (General) Regulations 2012 set out the requirements that must be satisfied by the applicant body/organisation in making an application for designation of a Neighbourhood Forum. Officers explain at paragraph 16 of this report that the documents submitted to the Council in support of the application satisfy the initial qualifying criteria for the acceptance of the application for consultation. Following this stage, there is a statutory requirement for applications for Neighbourhood Forums to be publicised for a period of at least 6 weeks (Regulation 9). It is only after the publicity period that the Local Planning Authority will be in a position to consider the representations received and determine the application. It should be noted that pursuant to Regulation 9A, the Council must determine the application within 20 weeks from the date that the application is first publicised.
27. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the Council, must in the exercise of their functions: (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not.
28. In addition, the Human Rights Act 1998 imposed a duty on the Council as a public authority to apply the European Convention on Human Rights; as a result the Council must not act in a way which is incompatible with these rights. The most important rights for planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property).
29. The decision in this report is not considered to impact on equalities or human rights.
30. Paragraph 7 (Part 3 (D)) of the Southwark Constitution provides that it is the role and function of the Cabinet Member to agree to significant policy issues in relation to their area of responsibility. Paragraph 17 of this part delegates to the Cabinet Member for Regeneration and New Homes (new title since 2018 elections is Cabinet Member for Growth, Development and Planning) responsibility for agreeing broad consultation arrangements, in relation to their areas of responsibility.
31. Decision 2 of (Table A), paragraph 16, of the Council's Neighbourhood Planning Decision Making report dated 6 March 2015 clearly states that the decision to agree an application for designation of a neighbourhood forum for 6 weeks consultation and consideration of the consultation responses thereafter can be taken by Individual Cabinet Member decision (IDM). It is therefore considered that the recommendation sought in this report falls within the Cabinet Member's decision-making remit.

Strategic Director of Finance and Corporate Services (PW18/012)

32. This report is requesting the Cabinet Member for Growth, Development and Planning to note the application from the South Bank and Waterloo Neighbours (SoWN), to renew its Neighbourhood Forum status that is due to expire April 2019.
33. This report is also requesting the Cabinet Member for Growth, Development and Planning to agree to publicise the application for Neighbourhood Forum renewal from the SoWN for consultation in accordance with regulation 9 of the Neighbourhood Planning (General) Regulations 2012 and the Council's Neighbourhood Planning Decision Making report of 6 March 2015.
34. The strategic director of finance and governance notes that there are no new immediate financial implications arising from this report. Should the Neighbourhood Plan for SoWN proceed to the referendum stage, it will be subject to future IDM report, including identifying resources for any new commitments.
35. Staffing and any other costs connected with this report are to be contained within existing departmental revenue budgets.

Equalities Impact Assessment

36. 32. The Council consider an Equalities Impact Assessment will not be needed for this occasion. As SoWN has complied with subsection (7) of section 61F in the 1990 Act, elaborated under 'Key Issue for Consideration'.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Localism Act	http://www.legislation.gov.uk/ukpga/2011/20/content/s/enacted	planpolall@southwark.gov.uk
The Neighbourhood Planning Regulations	http://www.legislation.gov.uk/uksi/2012/637/contents/made	planpolall@southwark.gov.uk

APPENDICES

No.	Title
Appendix A	Neighbourhood Forum Re-application to Southwark
Appendix B	Constitution CIO
Appendix C	Designated SoWN Area April 2014
Appendix D	Steering Group Membership October 2018
Appendix E	2018 Renewal Statement

AUDIT TRAIL

Lead Officer	Juliet Seymour
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Report Author	Liang Wu	
Version	Final	
Dated	03 December 2018	
Key Decision?	No	
<i>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</i>		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Support Services	04/12/2018	