



# City of Westminster Cabinet Member Report

<b>Decision Maker:</b>	Cllr. Geoff Barraclough - Cabinet Member for Planning and Economic Development
<b>Date:</b>	29 July 2022
<b>Classification:</b>	General Release
<b>Title:</b>	Re-designation of the Hyde Park and Paddington Neighbourhood Forum
<b>Wards Affected:</b>	Hyde Park
<b>Policy Context:</b>	This decision contributes to the delivery of a city with vibrant communities by empowering residents of Hyde Park and Paddington 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 Hyde Park and Paddington Neighbourhood Forum as the responsible body for preparing a neighbourhood plan for Hyde Park on 9<sup>th</sup> June 2017. 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 9<sup>th</sup> June 2022, and the Forum have applied to be re-designated. A consultation was carried out between 13<sup>th</sup> May and 24<sup>th</sup> June 2022. A formal decision to re-designate the Forum is required by 12<sup>th</sup> August 2022.

## 2.0 RECOMMENDATIONS

2.1 That the Cabinet Member for Planning and Economic Development agrees:

- To re-designate the Hyde Park and Paddington Neighbourhood Forum for a further period of 5 years
- 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 7 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 Hyde Park and Paddington 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 Hyde Park and Paddington Neighbourhood Forum consists of 89 resident and 38 business members, and that the Forum represents the interests of local residents and businesses. 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 to give a voice to the residents and representatives of businesses and organisations of the Neighbourhood and to reflect their aspirations and concerns, and to work to sustain and improve the area's

economy, environment, quality of life, and amenity of its residents, businesses, and visitors.

- 3.5 Information has been provided to officers by the forum, detailing how they are representative of the area. The Forum has a good mixture of business and resident members, with the majority of members being residents. The geographic spread of the members is across the whole designated area. A mapping exercise was carried out based upon the membership details provided. This exercise appears to show that the Forum has members from different parts of the neighbourhood area. The socio-economic status of members and other equalities data are not available from the forum, as the Neighbourhood Planning regulations do not require this information to be obtained by Forums, and therefore it would not be considered reasonable for the council to request personal data of this type from members.
- 3.6 Consultation on the re-designation of the Hyde Park and Paddington Neighbourhood Forum highlighted support for the application, with 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 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 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 to 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 3. 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. A formal decision to re-designate must be taken within 13 weeks of the start of such consultation, i.e. by 12<sup>th</sup> August 2022 in this instance.

**4.3** Once a neighbourhood forum is in place, they can formally undertake neighbourhood planning, and begin to 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: 2022 in this instance:

- neighbourhood planning policies should be ‘in general conformity’ with the City Council’s strategic planning policies, currently contained in the City Plan (2019-2040), 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 retained 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 KEY MANIFESTO PRIORITIES**

**5.1** Neighbourhood Planning is a key area to support the vision for a Fairer Council – as it is an avenue where the Council can facilitate and enable residents and

businesses within the City to respond to planning issues and positively influence development within their local area. The forum would have control over the development of a neighbourhood plan, access to community CIL, and the ability to grant community development orders, which grant planning permission for certain kinds of development.

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1 The expenditure of re-designating the Neighbourhood Forum is expected to be minimal 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 its 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 Hyde Park and Paddington 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 two officers supporting the delivery of neighbourhood planning in Westminster, alongside other planning policy work.

## **9.0 CONSULTATION**

**9.1** As required by the legislation, the neighbourhood forum application for Hyde Park and Paddington was formally published on the City Council's website for a six-week period between 13<sup>th</sup> May 2022 and 24<sup>th</sup> June 2022. Emails were sent to ward councillors, and relevant contacts from the City Council's 'Planning Consultation Database'.

**9.2** 9 letters were received in total, 9 of which supported the re-designation of the Hyde Park and Paddington Neighbourhood Forum. The letters of support included Transport for London, 3 local residents, and 1 local councillor.

## **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 Hyde Park and Paddington 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: Aidan Marshall at [amarshall@westminster.gov.uk](mailto:amarshall@westminster.gov.uk)**

## **APPENDICES**

Appendix 1: Application to re-designate the Hyde Park and Paddington Neighbourhood Forum

## **BACKGROUND PAPERS**

None



**Declaration of Interest**

I have no interest to declare in respect of this report

Signed:  Date: 29 July 2022

NAME: **Councillor Geoff Barraclough**

Cabinet Member for Planning and Economic Development

State nature of interest if any

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*(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 **Hyde Park and Paddington Neighbourhood Forum Re-designation** and reject any alternative options which are referred to but not recommended.

Signed  .....

Cabinet Member for Planning and Economic Development

Date ...29 July 2022.....

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, 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.