



City of Westminster

Cabinet Member Report

Decision Maker:	Cabinet Member for Planning and Economic Development
Date:	24 January 2024
Classification:	General Release
Title:	Mayfair Neighbourhood Forum Re-Designation
Wards Affected:	West End
Key Decision:	No
Financial Summary:	The costs of approving this application will be met within existing budgets
Report of:	Executive Director Innovation and Change

1. EXECUTIVE SUMMARY

- 1.1 Westminster City Council designated the Mayfair Neighbourhood Forum as the responsible body for preparing a Neighbourhood Plan for Mayfair on 10 January 2014. Under section 61F of the Town and Country Planning Act 1990 (as amended by Schedule 9 the Localism Act 2011), Neighbourhood Forum designations expire after five years. The existing designation therefore expires on 16 January 2024 and the Mayfair Neighbourhood Forum have applied to be re-designated.
- 1.2 Public consultation was carried out between Friday, 17 November 2023 until Friday, 5 January 2024, during which time no comments were received.
- 1.3 A formal Cabinet Member decision is required to re-designate the Mayfair Neighbourhood Forum and publish a designation notice on the Council's website as per our statutory duties.

2. RECOMMENDATIONS

- 2.1 That the Cabinet Member for Planning and Economic Development agrees:
- i. To re-designate the Mayfair Neighbourhood Forum for a further period of five years; and
 - ii. Authorises the Executive Director of Innovation and Change to formally publish a designation notice.

3. REASONS FOR DECISION

- 3.1 Section 61F(7) of the Town and Country Planning Act 1990, as inserted into that Act by Schedule 9 of the Localism Act 2011, 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 This 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 have been met, as set out in the table below. The existing Mayfair Neighbourhood Forum (the Forum) meets all of these conditions, and there has been no change in this since the original designation.

Condition	Compliance
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 applicable Neighbourhood Area and from different sections of the community in that area. The application submitted by the Forum indicates their membership consists of 630 members, comprised of a mixture of residents, businesses, organisations, land owners and community associations. It is therefore considered that the Forum satisfies this requirement in that it represents the interests of a diverse and representative group drawn from the designated Neighbourhood Area.

3.4 It is noted that the socioeconomic status of members and other equalities data has not been provided as the Neighbourhood Planning (General) Regulations 2012 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.

3.5 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 submitted application for re-designation states that the Forum was established to promote and improve the social, economic, and environmental well-being of Mayfair through the production of a Neighbourhood Plan along with following on to deliver on that plan. The Mayfair Neighbourhood Plan became formally 'made' on 24th December 2019, meaning it was adopted as part of Westminster's statutory development plan and is operational in the designated Neighbourhood Area for the purposes of assessing planning applications. This demonstrates that the Forum has fulfilled their primary objectives in preparing and having adopted a Neighbourhood Plan for their area, with the focus now shifting to delivering the plan through implementation and monitoring. The Forum has stated in their application submission that delivery has been, and will continue to be, achieved through the following means:

- Monitoring the usage of the plan to ensure its effectiveness;
 - Reviewing planning applications to ensure compliance with policies and guidance contained within the plan;
 - Undertaking a number of projects such as increasing greening, highlighting the route of the River Tyburn and improving the area around Park Lane;
 - Initiating investigations into issues such as rough sleeping, homelessness and antisocial behaviour;
 - Continuing to engage with members of the Forum and the wider community, including Westminster City Council and adjusting their focus as needed;
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- Continuing to assess and update their Articles of Association; and
 - Influencing the expenditure of CIL and Section 106 funds.
- 3.6 Consultation on the re-designation of the Mayfair Neighbourhood Forum resulted in no objections or competing applications. Further details are provided in Section 8 of this report.
- 3.7 Finally, it is noted that Neighbourhood Planning is a key area to support the vision for a Fairer Council tranche of the broader Fairer Westminster strategy as it is an avenue where the Council can enable residents and businesses within the City to respond to planning issues and positively influence development within their local area.

4. BACKGROUND & POLICY CONTEXT

- 4.1 The Localism Act 2011 and The Neighbourhood Planning (General) 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, known as a 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 become necessary as designations only last for a prescribed five year period. The process for re-designation is identical to that for the original designation. A summary of this 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, such as consisting of a minimum of 21 members etc (see commentary in Section 3. Once a Neighbourhood Forum application has been received, the Council has to publicise the application for a minimum period of six weeks to enable representations to be submitted. A formal decision to re-designate must then be taken within 13 weeks of the start of such consultation, which in this instance is by 16 February 2024.
- 4.3 Once a Neighbourhood Forum is in place, they can formally undertake Neighbourhood Planning activities, and begin to prepare their Neighbourhood
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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 Neighbourhood Forum to decide upon the content of the Neighbourhood Plan, there are a number of principles that a plan should adhere to:
- Policies should be in ‘general conformity’ with the Council’s strategic planning policies contained in the City Plan 2019-2040, the London Plan (2021), and have regard to national level planning policies such as the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG);
 - It should contribute to the achievement of ‘sustainable development’;
 - It should address local issues and priorities;
 - Policies should be about the shaping the development of a local area in a positive manner and should not be used to prevent or otherwise inhibit development; and
 - It should not breach, and be generally compatible with, retained EU obligations which broadly relate to assessing impacts on areas of environmental significance, upholding 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 followed during in the plans production. The government is clear that it is the Neighbourhood Forum that produces the Neighbourhood Plan, not the local planning authority, and this should be done following community involvement and information gathering. Once submitted, it is the responsibility of the local planning authority to undertake a statutory period of formal consultation, and to coordinate the plan being submitted for examination by an independent examiner. Following successful completion of the examination, the Neighbourhood Plan is subject to a local referendum whereby all those on the electoral register within the designated Neighbourhood Area are eligible to vote. Only after a positive referendum outcome can the plan be ‘made’, meaning it is adopted by the Council and becomes operational.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no significant financial implications arising from this application. Tasks associated with checking and publicising the application, as well as preparing the necessary reports equate to approximately 1-2 days of officer time. All work undertaken by officers has been done within existing budgets.
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6. LEGAL AND GOVERNANCE IMPLICATIONS

6.1 Section 61F(5) of the Town and Country Planning Act 1990, as amended by Schedule 9 of 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:

- It 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 the carrying on of trades, professions or other businesses in such an area).
- Its membership is open to –
 - Individuals who live in the neighbourhood area concerned;
 - Individuals who work there (whether for businesses carried on there or otherwise); and
 - Individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned.
- Its membership includes a minimum of 21 individuals each of whom –
 - Lives in the neighbourhood area concerned;
 - Works there (whether for a business carried on there or otherwise); or
 - Is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned.
- It has a written constitution.
- Such other conditions as may be prescribed.

6.2 Section 61F(7) of the Town and Country Planning Act 1990 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 or work in the area 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.
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- 6.3 Regulation 10 of the Neighbourhood Planning (General) Regulations 2012 states that as soon as possible after designating a Neighbourhood Forum, the Council must publish the following information 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.
- 6.4 If deciding to 'refuse' to designate a Neighbourhood Forum, the Council must publish a statement setting out the decision and the reasons for making such a decision, as well as details of where and when the refusal statement may be inspected.
- 6.5 It is intended that a formal designation notice will be published under the delegated authority of the Executive Director of Innovation and Change following the Cabinet Member decision in relation to the Mayfair Neighbourhood Forum.
- 6.6 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 reapply for Neighbourhood Forum status.
- 6.7 A designated Neighbourhood Forum can also give notice to the Council that it no longer wishes to be designated as the Neighbourhood Forum for a Neighbourhood Area. In this instance the Council would have to withdraw the formal designation of the Neighbourhood Forum and must publish a statement setting out the details of the withdrawal, including details of where this statement can be inspected.
- 6.8 In addition, the 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 Council had regard to in making the designation.
- 6.9 The Cabinet Member Terms of Reference delegate the powers of this decision to the Cabinet Member. Paragraph 33.12 of the Council's Constitution requires that all Cabinet Member decisions must be published on the Council's website for five clear days before the decision is taken. Any representations received during this period must be considered by the decision-maker before the decision is taken.

7. STAFFING IMPLICATIONS

- 7.1 There are implications on staff resources in respect of carrying out the Council's duty to support Neighbourhood Planning. This relates to the
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management of the Neighbourhood Area and Neighbourhood Forum application processes, as well as in providing support to the Neighbourhood Forum in the formulation of their Neighbourhood Plan which is a technical process and thus a resource intensive task. In addition, the Council will be obliged to carry out the legal compliance assessment of any Neighbourhood Plans produced, support the examination process undertaken by an independent examiner, and then to coordinate the local referendum.

- 7.2 The Council's obligation to support is intensified compared to other local authorities given the large number of Neighbourhood Areas and Neighbourhood Forums within Westminster. There are currently two dedicated officers supporting the delivery of Neighbourhood Planning in Westminster, alongside other planning policy work.

8. CONSULTATION

- 8.1 As required by the legislation, the Mayfair Neighbourhood Forum re-designation application was formally published on the Council's website for a period of seven weeks between 17th November 2023 and 5th January 2024. This publication period was extended by a week above the minimum six week period to account for the festive period.
- 8.2 Emails were then sent to relevant contacts from the Council's 'Planning Consultation Database' advising of the opening of consultation and providing links to the consultation material on the Council's website.. This included ward councillors and other key stakeholders relevant to the Mayfair area, such as residents' groups, amenity societies, community groups, businesses and landowners.
- 8.3 No representations or competing applications were made during the consultation period.

9. EQUALITIES IMPLICATIONS

- 9.1 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.
- 9.2 The 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:
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- 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.

9.3 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.

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

10 CARBON IMPACT

10.1 None.

11 IMPACT ON THE ENVIRONMENT

11.1 None.

12. HEALTH & WELLBEING IMPACT ASSESSMENT, INCLUDING HEALTH AND SAFETY IMPLICATIONS

12.1 None.

If you have any queries about this report or wish to inspect one of the background papers please contact:

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Appendices:

Appendix 1 – Mayfair Neighbourhood Area Map.


Appendix 2 – Mayfair Neighbourhood Forum Re-Designation Application, Part 1.

Appendix 3 – Mayfair Neighbourhood Forum Re-Designation Application, Part 2.

Appendix 4 – Mayfair Neighbourhood Forum Articles of Association

Declaration of Interest

I have no interest to declare in respect of this report

Signed:  Date: 16 January 2024

NAME: **Councillor Geoff Barraclough**

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 **Mayfair 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 ...16 January 2024.....

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.

