

# Cabinet



Wednesday, 21 June 2023 at 5.30 p.m.

Council Chamber - Town Hall, Whitechapel

## Agenda

### Mayor Lutfur Rahman

### Cabinet Members

Councillor Maium Talukdar	(Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning (Statutory Deputy Mayor))
Councillor Kabir Ahmed	(Cabinet Member for Regeneration, Inclusive Development and Housebuilding)
Councillor Saied Ahmed	(Cabinet Member for Resources and the Cost of Living)
Councillor Suluk Ahmed	(Cabinet Member for Equalities and Social Inclusion)
Councillor Gulam Kibria Choudhury	(Cabinet Member for Health, Wellbeing and Social Care)
Councillor Abu Chowdhury	(Cabinet Member for Safer Communities)
Councillor Iqbal Hossain	(Cabinet Member for Culture and Recreation)
Councillor Kabir Hussain	(Cabinet Member for Environment and the Climate Emergency)

[The quorum for Cabinet is 3 Members]

### Further Information

Reports for consideration, meeting contact details, public participation and more information on Cabinet decision-making is available on the following pages.



## Public Information

### Viewing or Participating in Cabinet Meetings

The public are welcome to attend meetings of the Cabinet. Procedures relating to Public Engagement are set out in the 'Guide to Cabinet' attached to this agenda. Except where any exempt/restricted documents are being discussed, the public are welcome to view this meeting through the Council's webcast system.

Physical Attendance at the Town Hall is also welcome, however, seating is limited and offered on a first come, first served basis. **Please note** that you may be filmed in the background as part of the Council's filming of the meeting.

### Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.

<http://towerhamlets.public-i.tv/core/portal/home>

### Contact for further enquiries:

Joel West, Democratic Services,  
Town Hall, 160 Whitechapel Road, London, E1 1BJ  
Tel: 020 7364 4207  
E-mail: [joel.west@towerhamlets.gov.uk](mailto:joel.west@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk>

### Electronic agendas reports and minutes.

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## A Guide to CABINET

### Decision Making at Tower Hamlets

As Tower Hamlets operates the Directly Elected Mayor system, **Mayor Lutfur Rahman** holds Executive powers and takes decisions at Cabinet or through Individual Mayoral Decisions. The Mayor has appointed nine Councillors to advise and support him and they, with him, form the Cabinet. Their details are set out on the front of the agenda.

### Which decisions are taken by Cabinet?

Executive decisions are all decisions that aren't specifically reserved for other bodies (such as Development or Licensing Committees). In particular, Executive Key Decisions are taken by the Mayor either at Cabinet or as Individual Mayoral Decisions.

The constitution describes Key Decisions as an executive decision which is likely

- a) to result in the local authority incurring expenditure which is, or the making of savings which are, above £1million; or
- b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.

Upcoming Key Decisions are published on the website on the 'Forthcoming Decisions' page through [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee)

### Published Decisions and Call-Ins

Once the meeting decisions have been published, any 5 Councillors may submit a Call-In to the Service Head, Democratic Services requesting that a decision be reviewed. This halts the decision until it has been reconsidered.

- The decisions will be published on: **Friday, 23 June 2023**
- The deadline for call-ins is: **Friday, 30 June 2023**

Any Call-Ins will be considered at the next meeting of the Overview and Scrutiny Committee. The Committee can reject the call-in or they can agree it and refer the decision back to the Mayor, with their recommendations, for his final consideration.

### Public Engagement at Cabinet

The main focus of Cabinet is as a decision-making body. However there is an opportunity for the public to contribute through making submissions that specifically relate to the reports set out on the agenda.

Members of the public may make written submissions in any form (for example; Petitions, letters, written questions) to the Clerk to Cabinet (details on the previous page) by 5 pm the day before the meeting.

## Cabinet

Wednesday, 21 June 2023

5.30 p.m.

### Pages

#### **PUBLIC QUESTION AND ANSWER SESSION**

There will be an opportunity (up to 15 minutes) for members of the public to put questions to the Mayor and Cabinet Members before the Cabinet commences its consideration of the substantive business set out in the agenda.

#### **1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

#### **2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

9 - 10

Members are reminded to consider the categories of interest, identified in the Code of Conduct for Members to determine; whether they have an interest in any agenda item and any action they should take. For further details, see the attached note from the Monitoring Officer.

Members are also reminded to declare the nature of the interest at the earliest opportunity and the agenda item it relates to. Please note that ultimately it is the Members' responsibility to identify any interests and also update their register of interests form as required by the Code.

If in doubt as to the nature of an interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services.

#### **3. UNRESTRICTED MINUTES**

11 - 20

The unrestricted minutes of the Cabinet meeting held on 24 May 2023 are presented for approval.

#### **4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR**



## 5. OVERVIEW & SCRUTINY COMMITTEE

### 5.1 Chair's Advice of Key Issues or Questions

Chair of Overview and Scrutiny Committee (OSC) to report on any issues raised by the OSC in relation to unrestricted business to be considered.

### 5.2 Any Unrestricted Decisions "Called in" by the Overview & Scrutiny Committee

(Under provisions of Section 30, Rule 59 of the Constitution).

## 6. UNRESTRICTED REPORTS FOR CONSIDERATION

### 6.1 South Quay College site lease

**Report Summary:**

The council seeks approval to enter a short-term lease with the developer for the accommodation of South Quay College. The current provision is being closed by the DFE in July 23 and there remains a continued need to ensure adequate provision for these pupils with Tower Hamlets, which cannot be accommodated in existing LBTH sites. Whilst this lease is a temporary occupation, there is an intended wider long-term solution for students with additional needs which is anticipated to address the physical site accommodation past 2024.

**Wards:** All Wards  
**Lead Member:** Deputy Mayor and Cabinet Member for Education and Lifelong Learning (Statutory Deputy Mayor)  
**Corporate Priority:** Accelerate Education

### 6.2 Neighbourhood Community Infrastructure Levy (NCIL)

21 - 48

**Report Summary:**

The report sets out the details of the review of the Local Infrastructure Fund (LIF) Programme and new approach to NCIL in the borough moving forward.

**Wards:** All Wards  
**Lead Member:** Cabinet Member for Regeneration, Inclusive Development and Housebuilding  
**Corporate Priority:** All Priorities



**Report Summary:**

Neighbourhood forum designations expire five years after they are initially granted. The Roman Road Bow Neighbourhood Forum designation expired on 16 August 2022. The Forum has submitted an application for the designation to be renewed. This report assesses the application against the relevant legislation and guidance.

**Wards:** Bow East; Bow West

**Lead Member:** Cabinet Member for Regeneration, Inclusive Development and Housebuilding

**Corporate Priority:** A council that works for you and listens to you

**7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**

**8. EXCLUSION OF THE PRESS AND PUBLIC**

Should the Mayor in Cabinet consider it necessary, it is recommended that the following motion be adopted to allow consideration of any exempt/restricted documents.

“That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the Press and Public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government, Act 1972”.

**EXEMPT/CONFIDENTIAL SECTION (PINK)**

The Exempt / Confidential (Pink) Committee papers in the Agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

**9. EXEMPT / CONFIDENTIAL MINUTES**

Nil items.

**10. OVERVIEW & SCRUTINY COMMITTEE**

**10.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business**

Chair of Overview and Scrutiny Committee (OSC) to report on any issues raised by the OSC in relation to exempt/confidential business to be considered.



**10 .2 Any Exempt / Confidential Decisions "Called in" by the Overview & Scrutiny Committee**

(Under provisions of Section 30, Rule 59 of the Constitution).

**11. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION**

**12. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS CONSIDERED TO BE URGENT**

**Next Meeting of Cabinet:**

Wednesday, 26 July 2023 at 5.30 p.m. in Council Chamber - Town Hall, Whitechapel



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# Agenda Item 2

## **DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

### **(i) Disclosable Pecuniary Interests (DPI)**

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

**DPI Dispensations and Sensitive Interests.** In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

### **(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)**

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

### **(iii) Declarations of Interests not included in the Register of Members' Interest.**

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

### **Guidance on Predetermination and Bias**

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

### **Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting**

In such circumstances the member may not vote on any reports and motions with respect to the matter.

**Further Advice** contact: Janet Fasan, Director of Legal and Interim Monitoring Officer, Tel: 020 7364 4348.

## **APPENDIX A: Definition of a Disclosable Pecuniary Interest**

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE CABINET**

**HELD AT 5.40 P.M. ON WEDNESDAY, 24 MAY 2023**

**COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL**

**Members Present in Person:**

Mayor Lutfur Rahman	
Councillor Maium Talukdar	(Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning (Statutory Deputy Mayor))
Councillor Kabir Ahmed	(Cabinet Member for Regeneration, Inclusive Development and Housebuilding)
Councillor Saied Ahmed	(Cabinet Member for Resources and the Cost of Living)
Councillor Suluk Ahmed	(Cabinet Member for Equalities and Social Inclusion)
Councillor Gulam Kibria Choudhury	(Cabinet Member for Health, Wellbeing and Social Care)
Councillor Abu Chowdhury	(Cabinet Member for Safer Communities)
Councillor Iqbal Hossain	(Cabinet Member for Culture and Recreation)
Councillor Abdul Wahid	(Cabinet Member for Jobs, Skills and Growth)

**Members In Attendance Virtually:**

Councillor Kabir Hussain	(Cabinet Member for Environment and the Climate Emergency)
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**Other Councillors Present in Person:**

Councillor Bodrul Choudhury

**Other Councillors In Attendance Virtually:**

Councillor Sirajul Islam

**Officers Present in Person:**

Stephen Halsey	(Interim Chief Executive)
Agnes Adrien	(Head of Litigation, Legal Services)
Matthew Eady	(Director of Commissioning and Culture)
Natalie Lovell	Public Health Programme Manager (Healthy Environments)
Jenny Pittam	Interim Head Contract Services
Karen Swift	(Divisional Director, Housing and Regeneration)
James Thomas	(Corporate Director, Children and Culture)
Warwick Tomsett	Joint Director, Integrated Commissioning
Joel West	(Democratic Services Team Leader (Committee))
Sharon Godman	(Director, Strategy, Improvement and

Transformation)

**Officers In Attendance Virtually:**

Caroline Holland	(Interim Corporate Director, Resources)
William Jabang	(Senior Procurement Manager)
Jignesh Parmar	(Head of Procurement)

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Janet Fasan, Director, Legal and Monitoring Officer (for whom Agnes Adrien was deputising).

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

Councillors Maium Talukdar, Suluk Ahmed and Abdul Wahid declared non-registrable interests in Item 6.3, as each had children at secondary schools who would receive free school meals as a result of the proposals in that report. The Councillors left the meeting for the duration of the discussion on the item.

**3. UNRESTRICTED MINUTES****RESOLVED:**

1. That the unrestricted minutes of the Cabinet meeting held on Wednesday 26 April be approved and signed by the Mayor as a correct record of proceedings.

**4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR**

The Mayor offered his thanks to the outgoing Lead Member for Community Safety and welcomed Councillor Abu Chowdhury to the role .He also welcomed Councillor Abdul Wahid to the Cabinet, who would be taking on the Jobs, Skills and Growth Portfolio.

**5. OVERVIEW & SCRUTINY COMMITTEE****5.1 Chair's Advice of Key Issues or Questions**

Councillor Bodrul Chowdhury, Vice Chair, Overview and Scrutiny Committee addressed the meeting on behalf of the Committee. He provided the Mayor and Cabinet with an overview of the Committee's recent work including:

At its first OSC's meeting the OSC had

- confirmed the vice chair for the committee and scrutiny leads for the subcommittees and portfolio's;

- enjoyed a Mayor's Spotlight item where the Mayor reflected on past year's achievement, key priorities and ongoing challenges and pressures and provided an overview of recent performance;
- heard examples of investment in young people such as in housing of youth service, EMA and education bursaries; and
- examined key Mayoral ambitions such as housing delivery, free school meals, recruiting more THEO's, and improving the provision of housing repairs.

The Committee had also reviewed progress of its Swimming Challenge Session action plan and held a spotlight on street and parks cleanliness. It had raised concerns about the issues of cleanliness and particularly missed waste collections.

At its meeting in May the Committee agreed two reports: food insecurity, and the review on women's safety. Both will now be moved to an action plan which will be presented to cabinet in the coming months. The Committee also received the O&S annual report which was in a film format. This would be published shortly. Councillor Chowdhury asked if all Members could help promote this.

The Mayor thanked Councillor Chowdhury for his update. He welcomed scrutiny's important role in improving services for residents.

## **5.2 Any Unrestricted Decisions "Called in" by the Overview & Scrutiny Committee**

None.

## **6. UNRESTRICTED REPORTS FOR CONSIDERATION**

### **6.1 Tower Hamlets Healthier Advertising Policy**

Councillor Maium Talukdar (Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning) introduced the report that proposed the introduction of a healthier advertising policy in Tower Hamlets to restrict the advertising of unhealthy food and drink products.

Somen Banerjee, Director of Public Health and Katy Scammell, Associate Director of Public Health provided further details.

Further to questions from the Cabinet, the Lead Member, Somen and Katie explained:

- Whilst the policy applied only to Council land, the Council would be encouraging its partners and stakeholders to follow suit. A 'phase 2' of the work will explore how the work could be extended to maximise impact.
- Work was underway with the Council's Communications Team to investigate translation to reach residents for whom English may not be a first language.

- How parents and other key stakeholders were consulted prior to the formulation of the policy.
- They would explore if public health grants could be used to recover costs of the policy

The Mayor and Cabinet welcomed the policy which they felt showed the Council was a trendsetting and leading the way in public health.

**RESOLVED** that:

1. The report is noted; and
2. The healthier advertising policy is approved.

## **6.2 Response to Overview & Scrutiny Committee's Recommendations on Increasing Female Sports Participation**

Councillor Iqbal Hossain (Cabinet Member for Culture and Recreation) introduced the report that proposed a service action plan in response to the Overview & Scrutiny Challenge session report and recommendations on "increasing women and girls access and participation in sport provision and physical activities in the borough.

Matthew Eady, (Director of Commissioning and Culture) provided further details. Caroline Holland, Corporate Director, Resources asked the Cabinet to note that, in addition to the financial comments in the report, growth bids or savings may be required to fund new initiatives if necessary.

The Mayor and Cabinet welcomed the report and made the following additional points:

- In the past, free swimming sessions encouraged residents to be active and worked well. The Council should explore if this could be introduced for women-only swimming.
- Variety and frequency of women only and culturally-sensitive sessions should be explored to encourage take-up across all the borough's residents. The Mayor indicated he was supportive of a women-only leisure facility.
- Creche provision on leisure sites could help to encourage female sports participation and should be explored as part of the wider work on insourcing leisure services.
- The Council should also support existing sport structures such as the provision of funding and/or assistance to women-only sport teams to ensure they can compete and represent the borough at competitions such as London Youth Games.

**RESOLVED** that the Mayor in Cabinet:

1. Agrees the proposed action responding to the Children & Education Scrutiny Sub-Committee Challenge Session on “Increasing Women and Girls Access and Participation in sport provision and physical activity”.

### **6.3 Recommendations for the delivery of Universal Free School Meals (UFSM) to all Secondary School Pupils**

Councillor Maium Talukdar (Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning) introduced the report that provided a summary of actions to implement the Mayor’s pledge to deliver free school meals to all secondary school pupils up to the age of 16. Councillor Talukdar explained that the Council would be the first in the country to introduce such a policy. He indicated the proposal represented a huge step forward and set an example to the rest of the country. He offered his thanks to the Mayor for his leadership to bring this policy to realisation.

Councillors Maium Talukdar, Suluk Ahmed and Abdul Wahid left the meeting at this point and for the remainder of this item.

James Thomas, Corporate Director, Children and Culture and Jenny Pittam, Interim Head Contract Services, provided further details and context. James and Jenny explained how the proposal would secure health and education benefits, as well as direct financial benefits for local residents. They offered their thanks to schools for their willingness to collaborate to meet the huge challenges posed by the introduction of such a widespread policy.

The Mayor and Cabinet welcomed the policy and made the following additional points:

- The Council should aspire to include UFSM in its base budget.
- The Council should explore if similar support could be offered to faith and other independent schools
- The proposals would help to increase local employment.
- The Council should work with local schools to ensure any impact on their budgets arising from the proposals, such as calculation of the pupil premium, are mitigated.

The Mayor welcomed the report and offered his thanks to the Lead Member, officers (both current and former), schools and all involved in the delivery of USFM. He explained how the proposal linked to the Healthier Advertising Policy (agreed earlier in the meeting). He expressed hope this investment will improve health, tackle obesity and raise educational attainment. He expressed ambition to explore the inclusion of faith and independent schools under the proposals. He asked that an appropriate communications plan be developed to accompany the launch of the policy, which should explain the phased approach.

**RESOLVED** that the Mayor in Cabinet:

1. Agrees to fund the meal price at £2.90 per pupil per day rising to £3 in year 2 of the project.
2. Agrees to a 3-phase approach to launching the project to allow schools to prepare appropriately for the delivery of meals to all secondary school pupils.
3. Agrees to fund the upfront investment costs for all the schools estimated to be a total of £722,350 to ensure schools have the correct equipment and resources to increase their catering capacity.
4. Approves the Conditions of Grant, support provision and evaluation activities for schools. These will provide a clear and consistent framework on how to derive maximum benefit from the project (encouraging uptake of good quality nutritious school meals) as well as providing data to demonstrate maximum value for money for Tower Hamlets' investment in UFSM.

#### **6.4 Record of Corporate Directors Actions 2022/23 Q4**

Councillor Saied Ahmed (Cabinet Member for Resources and the Cost of Living) introduced the report that set out, for noting by Cabinet, the Corporate Director's Actions taken under Rule 10 (section 50 Record of Corporate Director's Actions (RCDA) - Waiving of Procurement Procedures) in Part C – Codes and Protocols of the Council's constitution.

The Mayor noted and welcomed the officer decision on community pharmacies, and indicated that he wished to be sighted on any new procurement.

**RESOLVED** that:

1. The Record of Corporate Directors' Actions set out in Appendix 1 to the report is noted.

#### **6.5 Housing Capital Strategy 2023/24: Delivering at pace to increase the supply of new homes**

Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housebuilding introduced the report that, following previous Cabinet discussions concerning alternative delivery routes that limit the use of HRA funding, suggested an approach to increasing housing delivery and the resources required to maximise the development of additional social homes for rent. Karen Swift, (Divisional Director, Housing and Regeneration) added further details and context.

The Mayor noted and agreed the reasons for urgency as set out in the report. He welcomed the report's proposals which he felt:

- Presented a tried and tested approach to expand delivery of housing at



pace.

- Would begin to overturn the severe overcrowding faced in the borough and the failure of the previous administration to remedy it.
- Would remove 'red tape' to ensure homes can be freed up where wanted and viable sites be brought back into use after sitting redundant for many years.

He further explained how addressing overcrowding in the borough would realise additional benefits such as reduction in ASB and young people out on the streets. He explained how the Council would use the new approach to work with development partners, whilst ensuring supply of social homes for rent and other benefits. He also explained the possible future roles of RSLs and how the Council proposed to hold them to account.

The Cabinet welcomed the report and echoed the sentiments of the Mayor. They felt the proposed programme was ambitious and demonstrated strong leadership. They noted and welcomed the additional funding proposed for professional fees to ensure minimal delay.

The Mayor noted and amended the recommendations as follows:

- To replace all references to 'Corporate Director of Place', with 'Chief Executive'; and
- To add a requirement for consultation with the Mayor to all delegated authority resolutions.

The Mayor also explained that he wished to formally rescind a past Cabinet decision (taken under the previous administration) to dispose of the site at Bromley Hall/Lochnagar Street. The site would instead be included in the package of sites as set out in the report.

**RESOLVED** that the Mayor in Cabinet:

1. Notes the alternative delivery approaches set out in the report.
2. Rescinds the Cabinet decision of December 2021 to dispose the Bromley Hall/Lochnagar Street site and to instead include that site within the scope of the proposals in the report.
3. The Mayor will approve the Heads of Terms of the final agreements for each development package for the Joint Venture (JV) Development Agreements, following consultation with the Chief Executive and the interim Corporate Director of Resources.
4. Approves a revenue-funded budget allocation of £1.1m from the HRA to cover the professional fees for legal, and consultancy advice and any de-risking activity to potential sites being delivered through the JV Development Agreement approach to enable the alternative delivery route to be established and progressed to the issue of the tender prospectus

5. Authorise the Chief Executive, in consultation with the Mayor and the interim Corporate Director of Resources, to substitute schemes within the Approved HRA Capital Programme.
6. After prior consultation with the Chief Executive and the interim Corporate Director of Resources, the Mayor will authorise them to take all necessary steps to deliver the approved capital programme, including but not limited to going out to tender, appointing consultants and contractors in accordance with the Procurement Procedures, acquiring land interests, appropriating land from the General Fund to the Housing Revenue Account (HRA) for the delivery of new council homes and exercising other rights of appropriation, subject to approved budget.
7. Note the Equalities Impact Assessment and specific equalities considerations as set out in Section 4 of the report.

**7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**

None.

**8. EXCLUSION OF THE PRESS AND PUBLIC**

No exclusion of press and public was necessary.

**9. EXEMPT / CONFIDENTIAL MINUTES**

None

**10. OVERVIEW & SCRUTINY COMMITTEE**

**10.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business**

None.

**10.2 Any Exempt / Confidential Decisions "Called in" by the Overview & Scrutiny Committee**

None.

**11. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION**

None.

**12. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS CONSIDERED TO BE URGENT**

None.


The meeting ended at 7.07 p.m.

Mayor Lutfur Rahman

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Questions	Response
6.2 NCIL	
<p>1. How much time and money is now being wasted which was spent putting all these projects together? This includes officers time, consultancy and communication initiatives.</p>	<p>Out of the cancelled projects, around –</p> <ul style="list-style-type: none"> <li>• 38 projects have not progressed beyond the allocation stage, meaning no work has been undertaken.</li> <li>• 12 projects have had minor initial work undertaken</li> <li>• 4 projects have had more substantial work undertaken to deliver early phases to completion i.e. Noise Mapping, Community Gardens, Watney Market and Youth Outreach). It is the further phases, where work had not commenced, that have been cancelled.</li> <li>• 2 projects are progressing with other funding sources (i.e. Flat Recycling and Roman Road West)</li> </ul> <p>The remaining lines in the cancelled project table relate to pots of funding held back either pending feasibility work or for small projects which had yet to come forward. There has therefore been no work undertaken on these pots to date.</p> <p>The exact time spent by officers developing the projects isn't known.</p>
<p>2. How many of these projects that have been cancelled were residents initiative and how will this now been communicated back to all those that will be disappointed with the decision.</p>	<p>Of the cancelled projects around 34 were specific projects directly nominated by local residents and the remaining allocations were to address a specific priority theme in the relevant LIF area. In some cases, such as the community gardens programme, specific project nominations were included as part of a wider programme, and in that particular case whilst the programme has been cancelled, most of the specific project nominations have already been delivered.</p>

	<p>If the recommendations in the report are accepted, where there was a specific nominated project that will not be delivered and where contact details of the person who made the original nomination are held, those individuals will be updated via email. An update will also be provided on the relevant page of the council's website. This will be how those who submitted nominations anonymously or without providing contact details, will be updated.</p>
<p>3. Has there been a mapping exercise on wards and areas that have had projects cancelled to see if there has been any unfair advantages for chosen projects that are still going ahead?</p>	<p>No. NCIL funding must be spent in the area where it was collected. Any NCIL funding being returned from cancelled LIF projects will be allocated through the new NCIL approach in the area in which it was collected. Therefore, there is no geographic disadvantage.</p>
<p>4. Are there any legal implications for the money that will be saved from NCIL pot to fund other capital projects such as grants programme?</p>	<p>The approach to NCIL as set out in the cabinet report includes legal comments. Those comments note that all shortlisted grants will be reviewed to ensure compliance with the NCIL criteria.</p>
<p>5. The decision to cancel the recycling for flats project has been part of our wider strategy to improve our recycling rate- how will this administration combat our recycling issues in flats and make it easier for residents living in flats.</p>	<p>It should be noted that the Flat Recycling project has not been cancelled, it is simply the use of NCIL that is cancelled. The current capital programme sets out that the project is being fully funded by strategic CIL.</p>
<p>6. Does the waste emergency called by the Mayor have a funding pot that will cover flats in recycling initiatives as found by research this council did with resource for London.</p>	<p>N/A - please see response to Q5 above.</p>

<p><b>Cabinet</b></p> <p>21 June 2023</p>	
<p><b>Report of:</b> James Thomas, Director of Children &amp; Culture</p>	<p><b>Classification:</b> Part exempt</p>
<p><b>South Quay College Site Lease</b></p>	

<b>Lead Member</b>	Councillor Cllr Maium Talukdar, Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning (Statutory Deputy Mayor))
<b>Originating Officer(s)</b>	Terry Bryan, Service Head (Pupil Access and School Sufficiency)  Tracy Routledge, Head of School Buildings and Development
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Reason for Key Decision</b>	Financial threshold  This item is being proposed in the light of its value and that the lease will be a legal agreement between the developer and the Council.
<b>Forward Plan Notice Published</b>	21/04/23
<b>Strategic Plan Priority / Outcome</b>	Strategic Plan Priority/ Outcome: Accelerate Education  Tower Hamlets Place Priority/ Outcome: A better deal for children and young people: aspiration, education, and skills

**Reasons justifying urgent consideration**

It was necessary for Asset Management and Legal Colleagues to prepare and agree the ‘Head of Terms’ for the South Quay site lease, following the Mayor’s request to have sight of these before a decision could be made at cabinet. It was not possible for Asset Management and Legal to complete this before the publication deadline. Following the closure of South Quay College at the end of the current school year, the council must enter into the lease with the developer for the South Quay site by early July. This will enable the site to be prepared and ready for occupation by the Council’s maintained provision (LEAP) on the 1<sup>st</sup> September. The Council’s failure to meet this timeline could result in children and young people, being without suitable education provision.

## **Executive Summary**

Following the decision by the Department for Education (DfE) to close the current South Quay College Alternative Provision Free School in July 2023, there is need to immediately provide for the shortfall of specialist pupil places that will arise in the East of the borough. Given the DfE's relatively short notice of the school's closure, the Council has not had sufficient time to properly consider this in its wider accommodation strategy.

### Reasons for the Decision

1. To ensure a continuity of Alternative Education Provision for children who would otherwise not have access to education.
2. Ensure sufficiency of specialist places within the East of the Borough.
3. Enable this provision to be in place from September 2023.



## **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Authorise the Director of Integrated Growth and Development to enter into a lease with the developer of South Quays to the value set out within the 'Heads of Terms' presented in Confidential Appendix 1, to ensure sufficient places for pupils with additional needs from September 2023.
2. Agree the 'Heads of Terms', in Confidential Appendix 1, to enable the lease to be signed.

### **1 REASONS FOR THE DECISIONS**

- 1.1 To enable the Council to have adequate accommodation for the continuation of Alternative Education Provision (AP) in this area of the borough.

### **2 ALTERNATIVE OPTIONS**

- 2.1 If the Council did not take this decision it could result in a failure to meet its statutory duty to provide suitable education provision for Tower Hamlets children and young people.

### **3 DETAILS OF THE REPORT**

- 3.1 The Council is required ensure there is sufficient alternative education provision for pupils who are not able to receive suitable education in mainstream schools, because of exclusion, illness or other reasons. This will normally be for a limited period, based on the pupil's particular circumstances.
- 3.2 The majority of the Borough's alternative education provision is provided by the Council maintained London East Alternative Provision (LEAP), formerly known as Tower Hamlets PRU, and South Quay College a 'Free' School that was established by the DfE in 2012.
- 3.3 The DfE has now made the decision to close South Quay College from the end of the August 2023. The closure of South Quay will result in a shortfall of alternative education provision in this area of the borough. In order to address this shortfall the Council has agreed for LEAP, to expand its provision from September 2023.
- 3.4 In order to expand, LEAP will require additional accommodation for approximately 40 students for a period beginning September 2023. The space assessment to meet this requirement is estimated at between 1100 and 1400m<sup>2</sup> (14000sft).
- 3.5 It is also necessary for the accommodation to be situated within the Isle of Dogs, given the need to maintain geographical separation where there are gang and criminal exploitation concerns that could threaten the physical safety of pupils. A provision on the Isle of Dogs will also ensure that pupils living in East of the borough have equal access to an education setting that does not require them to travel long distances, jeopardising their attendance and punctuality.

3.6 LEAP currently operates out of sites in Harpley, E1, Tredegar, E3. Both of these sites already operate at full capacity and cannot be extended further in the timescale required for a September 23. Equally, neither of these sites is in the right location.

3.7 The Council's Asset Management and School Building Developments Team have considered and undertaken a review of the current limited list of suitable sites, and this is summarised as follows:

<b>Property</b>	<b>Advantages</b>	<b>Disadvantages</b>
Jack Dash House, E14 Ground floor	<ul style="list-style-type: none"> <li>3. Flexible Landlord</li> <li>4. Space currently vacant</li> <li>5. Principle of education use established</li> </ul>	<ul style="list-style-type: none"> <li>- Non LBTH Owned Asset</li> <li>- Insufficient internal and external space to meet curriculum need</li> <li>- Challenges likely with shared use and impact on office users (compatibility)</li> <li>- High development costs for short term occupation circa £1m+</li> <li>- Vehicular access limited</li> <li>- High cost rent.</li> </ul>
Shapla/Cherry Trees/Alternative vacant sites	<ul style="list-style-type: none"> <li>- LBTH Owned Assets</li> <li>- Currently Vacant</li> <li>- Principle of education use established</li> <li>- Could create a satellite site</li> <li>- Good outdoor space and parking</li> </ul>	<ul style="list-style-type: none"> <li>- Insufficient internal and external space to meet curriculum need.</li> <li>- Capital Works required to bring up to compliancy requirements due to mothballing- unlikely to be ready for Sept 23.</li> <li>- No suitable given their distance from the Isle of Dogs where the pupil need exists.</li> </ul>
Other Schools in and around the locality - playground spaces	<ul style="list-style-type: none"> <li>- There are several primary schools in the area which may have playground space that could be considered for temporary portacabins.</li> </ul>	<ul style="list-style-type: none"> <li>- Such provision would provide insufficient internal and external space to meet complex curriculum need for 40 secondary age pupils</li> <li>- Would result in a loss of valuable play and recreation space from schools.</li> <li>- Site separation issues and shared facility suitability.</li> </ul>
<b>Recommended Option</b>		
Former South Quays College Site (subject of this report)	<p>Fully set up as a school with room for the vocational learning so no need to for new fixtures and fittings.</p> <p>Ample space to accommodate further referral with minimal capital expenditure for safeguarding.</p>	<p>Non LBTH Owned Asset</p> <p>The landlord plans to redevelop the site and therefore the tenure is limited. However, a permanent AP provision has been worked through with the owner, including the need for a temporary provision whilst works progress .</p>

	<p>Provision can be up and running from September 2023.</p> <p>Right location in terms of demand for school places and school management.</p> <p>Good drop off space for those pupils requiring transport.</p> <p>Rent will be meet by DfE revenue funding.</p>	<p>Market Rent comparable with commercial spaces locally.</p>
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- 3.8 Following a review of these immediately available properties officers recommend that the expanded LEAP provision is provided on the former site of South Quay College. The South Quay site the most suitable based on the full set of requirements
- 3.9 A longer-term assessment of alternative education provision in the borough has resulted in the Council working with two local Multi Academy Trusts in applying through the government’s central free schools route to open a new Alternative Provision Free School. If successful this new school would provide up to 100 new places and would be situated in the east of the Borough.
- 3.10 Although the South Quay lease is initially for up to two years, the developer will shortly be bringing forward a development plan to include a 100+ place Alternative Provision School. The site owner has agreed for LBTH to take a lease until planning is determined and the entire development scheme (including the AP school provision) is passed to a developer. Education and Place colleagues are working together to ensure that the planning and development process considers the phasing and the need for the site to continue to provide education facilities until such time as the new accommodation is available.
- 3.11 The terms have been agreed with the developer and the amount to be paid by the Council is in line with the rental charges for this type of facility. It therefore the best consideration.
- 3.12 The funding for this short-term lease has been identified from the high needs block of the DSG.
- 3.13 Minor, but essential, health and safety works will be required to the South Quay premises. These will be carried out over the summer to enable the LEAP facility to open in September 2023.

**4 EQUALITIES IMPLICATIONS**

- 4.1 The continued provision from this site minimises the impact to a vulnerable group of young people and ensures their needs are suitable safeguarded.

## **5 OTHER STATUTORY IMPLICATIONS**

- 5.1 This provision of this lease directly impacts the Council's ability to meet its statutory provision for education.
- 5.2 The Council's Asset Management Team will agree terms in line with best value implications.

## **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 The former South Quay College site will form part of the accommodation for LEAP, which is the Council's Maintained Pupil Referral Unit, wholly funded by the High Needs Block of the Dedicated Schools Grant.
- 6.2 The previous free school provision whilst in appearance directly funded from the Department for Education, was funded through LBTH's DSG high needs block as a 'top slice'. This was taken out from funding before being allocated, this top slice will no longer take place and should therefore be minimal financial impact on taking this lease whilst an education provision continues on the site.

## **7 COMMENTS OF LEGAL SERVICES**

- 7.1 Section 120 of the Local Government Act 1972 (the Act) authorises a local authority to acquire land for the purposes of any of its functions, therefore what is proposed in the recommendation i.e. a lease would be permitted by the Act.
- 7.2 The council will also have an obligation under section 3 of the Local Government Act 1999 to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness (the best value duty) and will have to take this duty into account.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE.

#### **Appendices**

- Confidential Item 'Lease Head of Terms' for the South Quay Site (exempt)


#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- NONE.

#### **Officer contact details for documents:**

N/A

# Agenda Item 6.2

<b>Cabinet</b>  21 June 2023	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Jennifer Peters, Director, Planning and Building Control	<b>Classification:</b> Unrestricted
Neighbourhood Community Infrastructure Levy (NCIL)	

<b>Lead Member</b>	Councillor Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housebuilding.
<b>Originating Officer(s)</b>	Sarah Wilks Infrastructure Planning Manager/Dudzile Moyo Principal Programme Officer
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Reason for Key Decision</b>	Financial threshold and significant impact on wards
<b>Forward Plan Notice Published</b>	24 April 2023
<b>Strategic Plan Priority / Outcome</b>	Providing homes for the future Accelerating education Boost culture, business, jobs and leisure Empowering communities and fighting crime Working towards a clean and green future

## Executive Summary

The purpose of the report is to set out the revised Local Infrastructure Initiatives Programme 2019 - 22 following the review of LIF Programmes 1-3 in August 2022. The report also sets out the proposed approach for the implementation of the Neighbourhood Community Infrastructure Levy (NCIL), which replaces the Local Infrastructure Fund (LIF) approach that was agreed in Cabinet 6<sup>th</sup> December 2016 (revised October 2021).

Local Authorities under the CIL regulations are required to set aside 15% - 25% of CIL receipts depending on circumstances, as Neighbourhood CIL to be spent on local infrastructure projects or anything else that is concerned with addressing the demands that development places on an area. The regulations also stipulate that Local Authorities engage with local communities using their existing public engagement processes to ensure priorities for spending NCIL reflect what is expressed by the local communities.

The current Local Infrastructure Initiatives Programme approved in July 2019, consists of projects and sub-programmes valued at a total of **£29.3m**, all at different stages of delivery. In May 2022 the administrative changes within the Council brought about a review of the entire Capital Programme, necessitating the review of the Local Infrastructure Initiatives Programme to ensure delivery of Council projects align with the Council's priorities in the Strategic Plan 2022-2026. The revised Local Infrastructure Initiatives Programme which comprises of LIF Programmes 1-3 has been reduced in scope, with changes to budget and delivery timescales as set out in paragraph 3.9-3.11, with the detail of the outcome of the review set out in Appendix 1. Funding released from the programme is to be reallocated to the NCIL programme set out below.

The approach and processes for implementing NCIL for the borough have been revised to reflect the Council's delivery capacity and alignment with the Strategic Plan 2022-26, whilst also ensuring the Council meets its statutory obligations in the administering of NCIL as required by the CIL Regulations. The proposed approach for the implementation of NCIL is set in paragraph 3.12 - Table 2, in summary:

- a. 15% of CIL will be set aside as NCIL in areas without an adopted neighbourhood plan.
- b. 25% of CIL will apply to areas with an adopted neighbourhood plan, for planning permissions approved after the date the neighbourhood plan is considered adopted.
- c. The borough has been divided into 3 NCIL neighbourhood areas for the purposes of collecting and spending the NCIL.
- d. An NCIL implementation approach has been developed for NCIL investment into three programme pots considered to align with priorities in the Strategic Plan 2022-26 i.e. NCIL Community Grants that eligible local VCS organisations can apply for; Capital Projects for delivery by the Council informed by the Annual Residents Survey; Affordable Housing projects identified through the Council's affordable housing programme.

The revised LIF Programmes 1-3 sees some LIF projects to the value of £17.285m cancelled and it is proposed that the LIF funding is returned into main NCIL pot and re-allocated to the NCIL 23/24 programme onwards. The pending LIF Programme 4 was also withdrawn because of the review, with no decisions made on LIF income collected in 2021/22. This report proposes the allocation of £20.456m in total of LIF income reallocated from LIF Programmes 1-3 and unallocated LIF collected in 2021/22 and 2022/23 to the NCIL programme as set out in paragraph 3.11.

### **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Approve the revised Local Infrastructure Initiatives Programme consisting of LIF Programmes 1-3 as set out in paragraph 3.9-3.11 and Appendix 1.

2. Note the return of £17.285m of LIF from discontinued projects from LIF Programmes 1-3 to the main NCIL pot
3. Approve the proposed NCIL implementation framework for decision making on the allocation of future NCIL set out in paragraph 3.12 (Table 3) to ensure that spending of NCIL remains in accordance with CIL Regulations 2010 (as amended).
4. Approve the proposed NCIL allocations of £20.456m for 2023-24 to 2025/26 set out in paragraph 3.13 a-c.
5. Note that decisions on project level allocations of NCIL on an annual basis to Capital Programme and Affordable Housing schemes, will be made via the Council's standard Capital Programme governance process up to Cabinet.
6. Note that decisions on the allocation of NCIL to individual grants will be made via the existing Council Grants process set out in the Cabinet Paper approved at the 29<sup>th</sup> of March 2023 Cabinet meeting.
7. Delegate approval of detailed PIDs and change notes for individual projects remaining to be delivered through LIF Programmes 1 – 3 to the Director, Planning & Building Control in consultation with the Mayor and Chief Executive.
8. Note the Equalities Impact Assessment / specific equalities considerations as set out in Paragraphs 4.1-4.4

## **1. REASONS FOR THE DECISIONS**

- 1.1 The Council has a statutory duty under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) to set aside 15-25% of CIL income as NCIL for local communities to support local development by involving them in decision making processes on local investment of infrastructure, and anything else that addresses the demands that development places on an area.
- 1.2 The Council's existing approach to NCIL was adopted by Cabinet in December 2016 (as amended) and named the Local Infrastructure Fund (LIF). However, administrative changes to the Council necessitated the review of the current NCIL (LIF) approach to ensure that delivery aligns with the priorities set out in the new Strategic Plan 2022-26. This has resulted in changes to the existing LIF Programme that require a Cabinet decision. The proposed new approach to NCIL also needs formal approval in order to enact and ensure funding is spent in good time to benefit local communities.

## 2. **ALTERNATIVE OPTIONS**

- 2.1 The Council is required to approve the new NCIL approach and sub-programme allocations in order to not further delay the spending of NCIL funds currently held by the Council. This would undermine the Council's ability to provide the necessary level and quality of infrastructure to support both existing residents and to accommodate residential / commercial and associated population growth.
- 2.2 The alternative option is to continue with the existing LIF programme approach. This is not recommended as it would not adequately deliver the Council's priorities set out in the new Strategic Plan 2022-26.

## 3. **DETAILS OF THE REPORT**

### **Background**

#### Neighbourhood Community Infrastructure Levy (NCIL) Regulations

- 3.1 CIL is a pounds per square metre charge on most new development that is paid to the Council and is used to help deliver infrastructure to support the development of the area.
- 3.2 R59F of the CIL Regulations (2010 as amended) enables Councils to set aside 15% of CIL receipts (capped at £100/Council tax dwelling in the area) increasing to 25% (uncapped) where there is a neighbourhood plan in place.
- 3.3 The Regs (R59F) enables the Council to allocate a portion of CIL receipts to be spent on local priorities, with spending of this portion subject to a wider definition of:  
  
*'a) funding the provision, improvement, replacement, operation or maintenance of infrastructure; or  
b) anything else that is concerned with addressing the demands that development places on the area.'*
- 3.4 The wider definition means that the neighbourhood portion can be spent on things other than infrastructure (as defined in point a) provided it is concerned with addressing the demands that development places on the area.
- 3.5 The Government Guidance on CIL (paragraph 146) requires the Council to engage with the local communities where development has taken place, before deciding on how to spend the NCIL, and ensure that expenditure reflects the priorities expressed by the local people. The use of existing engagement mechanisms is encouraged. Where a Neighbourhood Plan is adopted in the borough, CIL guidance advises that the Council and communities should consider how NCIL could be used to deliver the infrastructure identified in the neighbourhood plan as required to address the demands of development, whilst also having regard to the infrastructure



needs of the wider area. The Government Guidance on CIL (paragraph 151) also specifically sets out that NCIL can be used to fund Affordable Housing.

### Local Infrastructure Fund Programme

3.6 The existing NCIL approach for the borough was formally approved by Cabinet on the 6<sup>th</sup> December 2016 and in the revised report of 27<sup>th</sup> October 2021. Three LIF Programmes were approved:

- LIF Programme 1 – approved in Cabinet, July 2019/Oct 2021
- LIF Programme 2 – approved in Cabinet, September 2020
- LIF Programme 3 – approved in Cabinet, October 2021

3.7 In August 2022 the LIF programme underwent a review to ensure that the delivery of local infrastructure improvements funded through NCIL was in alignment with the Council’s Strategic Priorities set for 2022-26. The LIF Programme changes reduce the scope of the LIF programme with impacts to overall programme budget, number of projects to be delivered and timescales. Appendix 1 shows the outcome of the LIF programme review, with details of projects remaining in the LIF programme including their delivery status and the projects being discontinued.

**Table 1: LIF profile current (22/23) vs revised programme**

LIF Programme	Current programme			Revised programme	Variance (re-allocated to NCIL)
	<b>Total (£m)</b>			<b>Total (£m)</b>	<b>(£m)</b>
LIF 1 (up to 2019)	6.35		LIF 1	3.537	2.813
LIF 2 (19/20)	6.056		LIF 2	3.264	2.792
LIF 3 (20/21)	16.857		LIF 3	5.177	11.680
	<b>29.263</b>			<b>11.978*</b>	<b>17.285</b>
LIF 4 (21/22)	2.349				2.349
LIF 5 (22/23)	0.822				0.822

\*Includes £525,000 of projects that are currently paused awaiting further details.

3.8 Changes to the LIF programme will be managed in accordance with the corporate capital governance change management process and the unspent LIF balance will be returned into main pot NCIL. The existing LIF Programme Working Group structure will continue to ensure the revised LIF programmes 1-3 have adequate monitoring and control processes, with monthly reporting to the Capital Delivery Working Group and Board as part of capital programme governance processes. Decisions on project level amendments will continue to be approved by the Director, Planning & Building Control.

- 3.9 The £17.285m unspent balance from the revised LIF Programmes 1-3 will be re-allocated into the main NCIL pot. As a result of the LIF Programme review, income collected in years 2021/22 and 22/23 (£3.171m) was not allocated to projects and therefore has been retained in the main NCIL pot. The total of £20.456m will be apportioned across the proposed NCIL areas as shown in Table 2 and will be spent in accordance with the new NCIL implementation arrangements set out in Table 3.

**Table 2: Available NCIL per Area**

	NCIL Area 1	NCIL Area 2	NCIL Area 3	Total NCIL
	Total £m	Total £m	Total £m	£m
Reallocated from LIF	5.146	6.362	5.777	17.285
Collected 21/22	0.471	0.929	0.949	2.349
Collected 22/23	0.313	0.465	0.044	0.822
<b>Total NCIL available per area</b>	<b>5.930</b>	<b>7.756</b>	<b>6.770</b>	<b>20.456</b>

**The Neighbourhood CIL Implementation Approach**

- 3.10 The revised NCIL approach for the borough follows discussions with the Mayor, Lead Member, Director for Planning & Building Control and officers from the Infrastructure Planning team. The agreed approach meets the CIL regulatory requirements, the needs of the borough residents and delivery capacity of the Council. Table 3 below sets out the proposed NCIL implementation framework for the annual allocations of NCIL funds.

**Table 3 – NCIL implementation framework**

<p>a) <u>NCIL Apportionment</u></p> <p>15% of CIL collected from liable developments is to be applied to all NCIL areas without a neighbourhood plan in place.</p> <p>25% of CIL collected from liable developments within the neighbourhood plan boundary is to be applied where there is an adopted neighbourhood plan. There are two adopted Neighbourhood Plans in Tower Hamlets - Isle of Dogs and Roman Road Bow Neighbourhood Plans. The 25% applies to planning applications decided after the neighbourhood plan was considered adopted.</p>
<p>b) <u>NCIL Area Boundaries</u></p> <p>Three NCIL neighbourhood areas 1-3 have been established for the purposes of spending NCIL as shown in the map below. These are considered to be proportionate to the level of levy receipts and scale of the proposed development to which the neighbourhood funding relates.</p>



The NCIL funds collected in each NCIL area will only be spent on projects that benefit that neighbourhood area. The NCIL area in which it was collected e.g. NCIL collected in NCIL Area 2 will be spent within NCIL Area 2 to benefit the neighbourhood area.

### c) Public Engagement/Consultation

The Council will use existing engagement/consultation processes to gather views on what the local people consider to be a priority for local infrastructure improvements within their local neighbourhoods. The Council carries out an Annual Residents Survey (ARS) to gather residents' feedback on the Council, local area and the quality of the services. The NCIL allocations will be informed by the residents' feedback through that survey. The survey questions are closely tied to service priorities e.g. – the last ARS 2021 identified that the top three concerns out of a list of 15 concerns from the borough-wide statistics were:

- crime and anti-social behaviour
- lack of affordable housing
- litter/dirt in the streets

The top concerns would be used to inform the NCIL allocations for capital projects for that year using neighbourhood level statistics to ensure local priorities are being addressed.

Whilst the CIL regulations do not specify a specific process for agreeing how NCIL should be spent, the Council's chosen public engagement approach will ensure that the use of NCIL funds aligns to the priorities expressed by local communities, including those set out formally in the neighbourhood plans.

As set out in section d(i) below, the Council is to allow the public to access NCIL by bidding for funds through the grants programme. This in itself means that the public will have direct engagement and access to the funding to support delivery of their priorities.

d) NCIL Programme funding

The agreed approach for NCIL funding is the three sub-programmes below in order of priority and dependent on the amount of NCIL collected for the year.

- i. Community Grants Programme – NCIL funding will be ring-fenced for the grants programme pot for community projects that address the demands development places on that area as per CIL Regulations (2010) and also reflecting the strategic priorities of the Council. This funding will enable local VCS groups to bid for different types of grants for delivering services and activities that respond to the diverse needs in communities. The grant programme will be developed and managed by the Corporate Strategy and Communities team as approved in the Cabinet Report of 29<sup>th</sup> March 2023 (Supplementary Agenda 1: Voluntary and Community Sector – Grants Policy & Outcomes Framework). All assessments for the NCIL grant awards will be undertaken internally, and recommendations agreed by the Grants Determination Subcommittee.
- ii. Capital Projects – NCIL funding will be ring-fenced for the delivery of a handful of capital projects in the capital programme. These will be selected and formalised through the Council’s Capital Programme governance process, up to Cabinet. All projects will align with priorities for delivery of infrastructure services identified through the Annual Residents Survey.
- iii. Affordable Housing Projects – NCIL funding will be ring-fenced for the delivery of affordable housing projects in the capital programme. These will be selected and formalised through the Council’s Capital Programme governance process, up to Cabinet.
- iv. Programme Management Fees: 3-4% of NCIL collected p.a will be ring-fenced for a 3-year period towards costs of the staff that administer NCIL and any associated monitoring, reporting and communications. Any unspent funds will be added back into main NCIL pot.

**NCIL Proposed Allocations 2023/24**

3.11 A total of £20.456m<sup>1</sup> is available for allocation to the three sub-programmes set out in the new NCIL framework above.

**a) Community Grants Programme (2023/24 – 2026/27) - £11.964m**

A total of £11.964m will be ring-fenced for the delivery of the VCS Grants Policy and Outcomes framework for three and a half years (October 2023-March 2027) to fund the grant pots shown in the table below.

**Table 4: Total Value of Community Grants per annum**

Grants Programme	Annual Budget (£)
Mayor’s Community Grants Programme <sup>2</sup>	2,518,000
Small Grants Programme	800,000
Emergency Grants	100,000
<b>Total Annual Grants</b>	<b>3,418,000</b>

**Table 5: Total Community Grants by NCIL area**

NCIL AREA	Total Grant per NCIL Area £m (3.5 years)
NCIL 1	3.988
NCIL 2	3.988
NCIL 3	3.988
<b>Total</b>	<b>11.964</b>

The NCIL funding above replaces £11.964m of the General Fund funding previously agreed by Cabinet in the 29<sup>th</sup> March 2023 to deliver the VCS Grants Policy and Outcomes Framework and associated grants programme. There are no other changes to or limitations on the Community Grants Programme as a result of the funding change.

Projects funded through the Community Grants Programme are required to deliver one or more of the outcomes in the accompanying prospectus and are therefore expected to align with the requirements for NCIL spend as set out in the CIL Regulations (2010). In addition, all shortlisted grants will be reviewed by the Infrastructure Planning Team to ensure that they accord with the NCIL requirements.

In addition, once the value and location of the grants awarded is known, adjustments will be made to the annual allocations for Capital Projects and Affordable Housing projects (from new NCIL funding received) by the Infrastructure Planning Team to ensure the correct spatial funding split across the 3 NCIL areas. Any annual adjustments and the addition of new funds will be approved by Mayor in Cabinet as part of budget reporting.

<sup>1</sup> Includes £525,000 of projects that are currently paused awaiting further details.

<sup>2</sup> This will work alongside the annual funding contribution of £982,000 from Public Health which will fund health related outcomes that is part of the Local Community Fund.

This paper seeks approval of the specific funding amounts required for the approved VCS Grants Policy and Outcomes Framework and associated grants for the next 3.5 years, substituting up to the General Fund allocation previously made. NCIL should be available to fund the on-going grants programme, subject to meeting the criteria for spend, in perpetuity, with specific funding amounts to be agreed once the outcome of any future grant programme is known.

**b) Capital Projects Programme and Affordable Housing Programme  
2023/24 - £8.292m**

A total of £8.292m will be ringfenced for the Capital Projects Programme and Affordable Housing Programme. The breakdown between the two pots and allocations to individual projects will be made through the Council's Capital Programme governance process, up to Cabinet and in consideration of other available funding sources. All capital projects will align with the priorities for the delivery of infrastructure identified through the Annual Residents Survey.

**c) Programme Management Costs 2023/24 - £200k**

Programme Management Costs for 23/24 to manage the delivery of remaining projects in LIF Programmes 1-3 and establish the new NCIL process will not exceed £200k. Any remaining balance will be returned to the Capital Projects Programme and Affordable Housing Programme pots.

- 3.12 It should be noted that NCIL funding is, and will continue to be, allocated retrospectively (i.e. once the funds have been received) with any allocations set through a report to Cabinet.

**4. EQUALITIES IMPLICATIONS**

- 4.1 NCIL is a publicly led process that provides an opportunity for local people to participate in the decision-making processes for local improvements in their areas. Priorities for local infrastructure funding are determined via the Annual Residents Survey which asks local people to highlight issues of concern pertaining to service delivery that they would like to see addressed in the borough. The Annual Residents Survey uses set quotas to ensure that the sample surveyed is representative and reflective of the characteristic of the borough. The data is also weighted to the known profile of Tower Hamlets residents on ethnicity, age, gender and working status. This ensures views of hard-to-reach demographic groups are still considered at an equal proportion to the population in the final data.
- 4.2 To ensure there is not a disproportionate impact on individuals or groups that share a protected characteristic under the Equality Act 2010, the Capital Programme governance approval process requires an Equality Impact Assessment to be undertaken for each individual project. As individual projects come forward the Capital Programme Working Group will, in

accordance with the Equality Act 2010, assess and ensure that opportunities for positive equalities outcomes are being maximised and any project that will lead to differential impact is varied to mitigate the differential impact.

- 4.3 A detailed Equalities Impact Assessment will be undertaken to support the decision making on grants awards. It will present options to mitigate any potential negative impacts for protected characteristics groups.

## **5. OTHER STATUTORY IMPLICATIONS**

- Best Value Implications - The proposals set out in this document align with the Council's Best Value Duty –The proposals have regard to economy, efficiency, governance and effectiveness in that they add a layer of oversight to the allocation of funding collected through CIL to deliver infrastructure.
- Environmental (including air quality) - The processes proposed in this document will ensure effective oversight in using NCIL to deliver infrastructure. This will mean that matters such as environmental issues will be appropriately accounted for in the delivery of local infrastructure.
- Risk Management - The proposals in this document also seek to ensure that the allocation of NCIL to infrastructure projects is better informed. This will help mitigate the risk of funding not being allocated to the most needed or deliverable infrastructure projects.
- Crime Reduction - The proposals set out in this report will enable the effective delivery of infrastructure using CIL. This infrastructure might include projects that will help reduce crime and disorder and decrease anti-social behaviour.

- 5.1 [Report authors should identify any other specific issues relevant to consideration of this report. Including, but not limited to, the issues noted above. This section of the report can also be used to re-emphasise particular issues that Members must have considered before taking the decision (for example issues that may come up if an objection was taken to court). Note – Paragraph 5.1 MUST NOT be deleted.]

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 The Council has a statutory duty under the CIL Regulations 2010 to set aside 15% of CIL income as NCIL in areas where there is no neighbourhood plan and 25% where there is a neighbourhood plan in place
- 6.2 The existing approach to NCIL was adopted in Cabinet in December 2016 and has been reviewed by the current administration. This report is seeking approval of the revised Local Infrastructure initiatives programme, resulting in

a reduction in the amount of NCIL being committed by £17.285m from the original programme of £29.3m. This uncommitted sum will be transferred to the NCIL pot and is available for allocation from 2023/24 onwards. The report is also seeking approval to allocate £20.456m from this pot for schemes from 2023/24 to 2025/26 as detailed in para. 3.13 of this report, subject to them meeting the criteria for spend. When the community grants have been approved, there will need to be a report back in December on the amount of NCIL that has been utilised and how much monies from the General Fund or Public Health grant is still required.

- 6.3 The Council should only allocate NCIL funding to a project that meets the criteria after sufficient funds have been banked and not commit any spend against future funding. The proposed funding allocations outlined in this report remain within the amounts received from developers. NCIL received in subsequent years will be ringfenced to ensure sufficient resources are available in 2027/28 to fund the next 3 years of the grants scheme and will be monitored in the MTFs. If there is any shortfall, or the NCIL criteria is not met, budgets in the General Fund would be required to offset this which may result in either growth or savings depending on the outcome of the future grants process.
- 6.4 Any costs incurred relating to schemes that were cancelled as part of the review of the original NCIL programme will represent abortive costs and will be charged to revenue. There is no budget allocation for any abortive costs and they would represent an MTFs pressure.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The report details the legal basis upon which CIL is collected and may be allocated in paragraph 3. Legal Services has nothing to add to this summary. The equalities impacts are adequately summarised and explained in paragraph 4.
- 7.2 Assurance is provided that projects funded through the Community Grants Programme will be expected to align with the requirements for NCIL spend as set out in the CIL Regulations (2010) and that all shortlisted grants will be reviewed to ensure compliance.
- 7.3 Looking at Appendix 1 (“Revised LIF Programme”), the status of various projects is outlined. Appendix 1b details those proposals which will fall to be cancelled to allow the funding to be reallocated to meet new Council priorities set out in the current Strategic Plan 2022-26. In many cases, no spend has yet occurred. Indeed, it would appear that little, if anything, has been undertaken to bring these proposals forward. In these cases, the risk of challenge is assessed as being low for the very fact that the proposals have not progressed into meaningful spend and activity. However, there may be a slightly increased risk of challenge for those projects where some spend has occurred, yet the project is proposed to be cancelled. In these cases (a total of 6 projects), it is advisable that the officers should record on the project file the reason for the placing of an individual project on the list in Appendix 1b. In



all cases, the LIF Funding is to be returned to the main NCIL pot for reallocation to reflect the Council's current strategic objectives.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- 6<sup>th</sup> December Cabinet Report: Item 5.11 - Engagement and Governance relating to the CIL Neighbourhood Portion
- 27<sup>th</sup> October 2021 Cabinet Report: Item 6.3 – Local Infrastructure Fund (LIF) Virements to the Approved Capital Programme 2021-22 to 2023-24

### **Appendices**

- Appendix 1: Revised LIF Programme

### **Officer contact details for documents:**

N/A

**Appendix 1a: Completed / In Progress / Paused**

Project	LIF Programme	LIF Area	Description	Delivery Lead	LIF Allocated	Status	Spend / Committed to date	Net amount, to be reallocated
Island Garden Café and Public Toilets	1	4	Construction of new build single storey café with public toilet access to replace the existing café on site.	Capital Delivery	£250,000	Complete	£250,000.00	£0.00
Island Garden Café and Public Toilets	3 - Capital Programme	4	Additional Funding	Capital Delivery	£100,000	Complete	£100,000.00	£0.00
Youth Provision Investment Programme	3 - Capital Programme	3, 4	Following a review of youth provision, a programme of upgrade works required to the buildings which are continuing to be used to deliver youth services has been established.	Capital Delivery	£1,050,000	In progress	£1,050,000.00	£0.00
Development Co-ordination Pilot Programme	3	1, 3, 4	'Quick Win' initiatives for the purposes of mitigating the cumulative impacts of construction.	Development Co-ordination	£188,000	In progress	£188,000.00	£0.00
Development Co-ordination Programme	2	3 £150k, 4 £100k	Development of a function to coordinate construction, mitigating impacts on local people and maximising benefits	Development Co-ordination	£250,000	In progress	£250,000.00	£0.00
Living Greening Walls (Street Greening Programme) £400k	2	3	Installation of living green walls at Cyril Jackson Primary School (Limehouse)	Environmental Health	£50,000	Complete	£50,000.00	£0.00

Living Greening Walls (Street Greening Programme) £400k	2	3	Living Green Walls at the Old Palace Primary School (Bromley by Bow)	Environmental Health	£33,000	Complete	£33,000.00	£0.00
Living Greening Walls (Street Greening Programme) £400k	2	3	Living Green Walls at Bygrove Primary School	Environmental Health	£15,000	Complete	£15,000.00	£0.00
Living Greening Walls (Street Greening Programme) £400k	2	3	Aberfeldy Parklet	Environmental Health	£100,000	Paused	£100,000.00	£0.00
Contingency	3	1, 3, 4	Contingency	Infrastructure Planning	£300,000	In progress	£300,000.00	£0.00
Infrastructure Delivery Coordination Pilots Programme	1	4	Delivery of a pilot programme to develop new and innovative ways that utilities and local infrastructure can be better planned, coordinated and delivered	Infrastructure Planning	£620,000	In progress	£620,000.00	£0.00
Infrastructure Programming Team (LIF Pro 1)	1	1, 2, 3, 4	Development of a function to coordinate construction, mitigating impacts on local people and maximising benefits	Infrastructure Planning	£180,000	Complete	£180,000.00	£0.00
Infrastructure Programming Team (LIF Pro 2)	2	1, 2, 3, 4	Development of a function to coordinate construction, mitigating impacts on local people and maximising benefits	Infrastructure Planning	£150,000	Complete	£150,000.00	£0.00

Infrastructure Programming Team (LIF Pro 3)	3	1, 2, 3, 4	Development of a function to coordinate construction, mitigating impacts on local people and maximising benefits	Infrastructure Planning	£130,000	Complete	£130,000.00	£0.00
Aston Street/ Whitehorse Road Open Space	1	1	Improvements to the park space as a stand-alone project, outside the programme relating to play and ASB, subject to community consultation	Parks and Open Spaces	£80,000	Complete	£80,000.00	£0.00
Bethnal Green Garden	3	1	Resurfacing of MUGA	Parks and Open Spaces	£100,000	Complete	£100,000.00	£0.00
Improvements to Alton Green Open Space	2	3	Feasibility for redevelopment / improvements to existing green space	Parks and Open Spaces	£50,000	Complete	£50,000.00	£0.00
Improvements to St James Gardens	2	3	Improved facilities including play equipment	Parks and Open Spaces	£200,000	Complete	£200,000.00	£0.00
Inclusive Playgrounds	3 - Capital Programme	1, 4	Whitehorse Adventure playground / McDougall Gardens	Parks and Open Spaces	£250,000	Multi - Complete / In progress	£250,000.00	£0.00
Meath Gardens - Renovation of Pillars	3	1	Renovation of pillars at entrance of Meath Gardens to address health and safety concerns	Parks and Open Spaces	£30,000	Complete	£16,430.00	£13,570.00
Millwall Park*	3	4	Refurbishment of changing rooms. To be delivered as part of existing wider park improvements scheme.	Parks and Open Spaces	£100,000	Complete	£100,000.00	£0.00

Mudchute Farm Improvements	2	4	To include the provision of disability access	Parks and Open Spaces	£150,000	Complete	£150,000.00	£0.00
Mudchute Farm Improvements	3	4	Re-surfacing of path and upgrades to additional paths and including other public realm improvements. To be delivered as part of existing wider farm improvements scheme.	Parks and Open Spaces	£250,000	Complete	£250,000.00	£0.00
Pennyfields Park Improvements	2	3	Feasibility for the redevelopment/improvements to existing park	Parks and Open Spaces	£25,000	Complete	£25,000.00	£0.00
Quality Parks	3 - Capital Programme	4, 1	Island Gardens Path Resurfacing/Masthouse Terrace Feasibility/Whitehorse Open Space & Aston Street	Parks and Open Spaces	£125,000	Multi - Complete / In progress	£125,000.00	£0.00
Ravenscroft Park*	3	1	Refurbishment of playground, landscaping including installation of bins and some benches.	Parks and Open Spaces	£120,000	Complete	£120,000.00	£0.00
Ropemakers Field - Improvements to Cycling Routes	3	3	Feasibility for improvements to cycle routes	Parks and Open Spaces	£25,000	In progress	£20,000.00	£5,000.00
Shadwell Basin Improvements	2	1	Feasibility and Concept design work relating to improvements to Shadwell Basin	Parks and Open Spaces	£50,000	Complete	£50,000.00	£0.00
Spitalfields City Farm Improvements*	3	1	Improvements to farm access, toilets and integration between farm and Allen Gardens. To include addressing Health & Safety issues within the farm.	Parks and Open Spaces	£300,000	In progress	£300,000.00	£0.00

St Georges Garden	3	1	Improvements to playground and installation of benches and bins	Parks and Open Spaces	£120,000	In progress	£120,000.00	£0.00
Stepney City Farm	2	1	Improvements to public realm and upgrades to farmer's market	Parks and Open Spaces	£190,000	Paused	£190,000.00	£0.00
Stepney Green Gardens	3	1	Installation of benches/seating	Parks and Open Spaces	£30,000	In progress	£30,000.00	£0.00
Water Fountains	2	3	Installation of water fountain in Ropemakers Field and other sites TBC	Parks and Open Spaces	£70,000	In progress	£70,000.00	£0.00
Water Fountains	2	1	Installation of water fountains in Bethnal Green	Parks and Open Spaces	£75,000	In progress	£75,000.00	£0.00
Pennyfields - Cycle Permeability	3	3	Delivery of small-scale cycle permeability improvement scheme to improve access to the forthcoming Future Cycle Route 5	Parks and Open Spaces / Transport & Highways	£15,000	Paused	£15,000.00	£0.00
East of Borough Area Action Plan (Poplar Leaside Enabling Delivery Programme)	1	3	Delivery of a number of evidence studies for the East of the Borough Area Action Plan.	Place Shaping	£390,000	Complete	£390,000.00	£0.00
Poplar Leaside Enabling Delivery Programme - Underspend	1	3	Remaining balance from the original £519k allocated budget.	Place Shaping	£129,000	Complete	£129,000.00	£0.00

Central Area Good Growth	1	3	Delivery of Design Guidance SPD for the Central Area of the Borough	Place Shaping	£105,000	Complete	£105,000.00	£0.00
High Density Guidance	1	3, 4	Delivery of High-Density Guidance for high density developments	Place Shaping	£40,000	Complete	£40,000.00	£0.00
South Poplar Master Plan	1	3	Delivery of supplementary planning document for the development of land within the South Poplar area of the borough.	Place Shaping	£170,000	Complete	£170,000.00	£0.00
Poplar High Street Public Realm Improvements	2	3	Poplar High Street Public Realm/Bus service improvements (LIF financing public realm improvements)	Public Realm	£220,000	Paused	£220,000.00	£0.00
Smart Bins	1 - Capital Programme	1, 2	Delivery of 48 smart bins as an addition/replacement of street bins across LIF Areas 1 & 2.	Public Realm	£243,000	In progress	£243,000.00	£0.00
Warning Signs on Dog Fouling Programme	2	4	Warning signs around the LIF Area 4	Public Realm	£15,000	In progress	£15,000.00	£0.00
Recycling and Litter Improvement Programme	2	1 £100k, 3 £150k, 4 £100k	Details to be agreed with the LIF WG	Public Realm	£350,000	In progress	£148,500.00	£201,500.00
Recycling and Waste Bins (Birbeck Street, Kay Street and Elsa Street)	3	1	i. Feasibility work to assess recycling storage locations in LIF 1, including Kay Street, Elsa Street and Birkbeck Street. ii. Sourcing recycling bins for LIF 1, including Kay Street, Elsa	Public Realm / High Streets Team	£250,000	In progress	£250,000.00	£0.00

			Street and Birkbeck Street. iii. Activate a THH asset for a community food waste project iv. Carry out consultation activities for the food waste pilot involving local residents, businesses, market traders, place stakeholders, landowners, council organisation and schools; v. Pilot e-cargo collection vi. Use data collected to inform future waste planning and strategies for food waste collection and composting					
Public Safety Improvement Programme (LIF 2)	2	3 £250k, 4 £150k	Increasing Public Safety & Community Confidence	Public Safety	£400,000	Complete	£400,000.00	£0.00
Public Safety Improvement Programme (LIF 3)	3	1 £300k, 3 £300k, 4 £200k	Increasing Public Safety & Community Confidence	Public Safety	£800,000	In progress	£800,000.00	£0.00
Isle of Dogs & South Poplar Enabling Delivery Programme	1	3, 4	Programme enabling coordinated delivery of growth in IoD & SP composed of three packages: governance, open space, connections & placemaking.	Regeneration	£519,000	Complete	£519,000.00	£0.00
Millwall Arches - (Underneath the Arches) - Concept Design	1	4	Delivery of a feasibility study for a number of the railway arches at the edge of Millwall Park	Regeneration	£50,000	Complete	£50,000.00	£0.00
Millwall Outer Dock Slipway – Options Appraisal	1	4	Preparation of an Options Appraisal for Millwall Outer Dock Slipway	Regeneration	£80,000	Complete	£80,000.00	£0.00



Regeneration Team Enabling Delivery Programme	2	1, 3, 4	To support the work of the Regeneration Led Enabling Delivery Programme	Regeneration	£370,000	Complete	£370,000.00	£0.00
Regeneration Team Led Enabling Delivery Programme PID	3	1, 3, 4	To support the work of the Regeneration Led Enabling Delivery Programme	Regeneration	£375,000	Complete	£375,000.00	£0.00
Thames Path Feasibility Study	1	1, 3, 4	Feasibility & concept design work for Thames Path National Trail, with end goal to provide open access along its entire length within the borough as close to the river as possible, and the promotion of culture opportunities.	Regeneration	£100,000	Complete	£100,000.00	£0.00
Thames Path Programme LIF 2	2	1 £125k 3 £250k, 4 £125k	Improvements to the Thames Path, river accessibility and quality	Regeneration	£500,000	Complete	£380,000.00	£120,000.00
Isle of Dogs & South Poplar Enabling Delivery Programme - Underspend	1	3, 4	Remaining balance from the original £1m allocated budget.	Regeneration / Place Shaping	£311,000	Complete	£311,000.00	£0.00
EV Charging Points	3 - Capital Programme	1, 3, 4	Commercial Road Car Pound, Toby Lane +Public use charging points	Transport & Highways	£975,000	In progress	£466,391.00	£508,609.00
Secure Cycle Parking	1	1, 1, 2, 2	Delivery of secure cycle parking facilities for Nestor House, Old Bethnal Green Road and Coborn Road/Roman Road area, E3	Transport & Highways	£120,000	Complete	£120,000.00	£0.00

Youth Bicycle Schemes	1	1, 2, 3, 4	Delivery of projects in several locations in the borough that will engage youths identified as being at risk of committing cycle related crime or anti-social behaviour in a cycle maintenance 'build-a-bike' programme using 2nd hand bikes.	Transport & Highways	£50,000	Complete	£50,000.00	£0.00
<b>Total</b>					<b>£12,333,000</b>		<b>£11,484,321</b>	<b>£848,679</b>

### Appendix 1b: Cancelled

Project	LIF Programme	LIF Area	Description	Delivery Lead	LIF Allocated	Status	Spend / Committed to date	Net amount, to be reallocated
Barkantine Shops and Area Improvements	2	4	Improvements to shop fronts and associated public realm	Capital Delivery	£245,000.00	Cancelled	£0.00	£245,000.00
Enterprise Hub Feasibility	3	4	Feasibility to consider the viability of delivering an Enterprise Hub in the Isle of Dogs	Economic Development	£25,000.00	Cancelled	£0.00	£25,000.00
Living Greening Walls (Street Greening Programme £400k)	2	1, 4	Remaining Funding not covered by the above projects	Environmental Health	£200,000.00	Cancelled	£0.00	£200,000.00
Noise Mapping	1	3, 4	Delivery of a noise mapping product, annual updates.	Environmental Protection	£75,000.00	Cancelled	£75,000.00	£0.00
Redevelopment of Roman Road / St Stephen Road Car Park	1	2	Redevelopment of Roman Road / St Stephen Road Car Park	High Streets Team	£14,500.00	Cancelled	£0.00	£14,500.00
Roman Road West Town Centre Regeneration	1 - Capital Programme	2	Roman Road West Town Centre Regeneration	High Streets Team	£209,250.00	Cancelled	£0.00	£209,250.00

Whitechapel Market Improvements*	3	1	Improvements to the market and public realm	High Streets Team	£230,000.00	Cancelled	£0.00	£230,000.00
Community Centre Enhancement / Refurbishment Programme (LIF 2)	2	1 £250k, 3 £500k, 4 £250k	Grant programme to support LIF project delivery by local community organisations	Infrastructure Planning	£1,000,000.00	Cancelled	£4,200.00	£995,800.00
Community Centre Enhancement / Refurbishment Programme (LIF 3)	3		Grant programme to support LIF project delivery by local community organisations	Infrastructure Planning	£600,000.00	Cancelled	£0.00	£600,000.00
Reserve money held back, pending feasibility.	3	3	Reserve money held back, pending feasibility.	Infrastructure Planning	£1,439,834.00	Cancelled	£0.00	£1,439,834.00
Small Works Programme	3	1 £150k, 3 £200k, 4 £150k	To support urgent interventions	Infrastructure Planning	£500,000.00	Cancelled	£64,000.00	£436,000.00
Unallocated in Capital Programme	3 - Capital Programme	3, 4	Unallocated in Capital Programme	Infrastructure Planning	£481,344.00	Cancelled	£0.00	£481,344.00
Bartlett Park Adventure Playground	3 - Capital Programme	3	Design and costs complete, was omitted from main refurb of Bartlett Park. Could benefit from some of this if all not available.	Parks and Open Spaces	£800,000.00	Cancelled	£0.00	£800,000.00
Inclusive Playgrounds	3 - Capital Programme	1	Swedenborg Gardens Playground	Parks and Open Spaces	£110,000.00	Cancelled	£0.00	£110,000.00
Jollies Green Playground Improvements	3	3	Re- surfacing for playground and gym, including installation of additional bins and benches	Parks and Open Spaces	£50,000.00	Cancelled	£0.00	£50,000.00
Millwall Park (Ropewalk) *	3	4	Feasibility for improvements to the walkway	Parks and Open Spaces	£25,000.00	Cancelled	£0.00	£25,000.00
Museum Garden Improvements	2	1	Various improvements, such as drainage, fencing, public paths and bicycle parking	Parks and Open Spaces	£190,000.00	Cancelled	£0.00	£190,000.00
Quality Parks	3 - Capital Programme	4	Masthouse Terrace Feasibility	Parks and Open Spaces	£50,000.00	Cancelled	£0.00	£50,000.00

Sidney Square	1	1	Improvements to Sidney Square Open Space	Parks and Open Spaces	£250,000.00	Cancelled	£0.00	£250,000.00
Sports in Parks	3 - Capital Programme	1	Stepney Green 5 a side/ Swedenborg Gardens Gym	Parks and Open Spaces	£240,000.00	Cancelled	£0.00	£240,000.00
Swedenborg Gardens Entrances*	3	1	Improvements to access and amenity	Parks and Open Spaces	£100,000.00	Cancelled	£0.00	£100,000.00
Wapping Green	3	1	Accessible entrance and seating	Parks and Open Spaces	£50,000.00	Cancelled	£0.00	£50,000.00
Weaver's Fields*	3	1	Improvements to park entrances	Parks and Open Spaces	£100,000.00	Cancelled	£0.00	£100,000.00
Communities Driving Change	1 - Capital Programme	1 £50k, 3 £150k, 4 £110k	Communities Driving Change	Public Health	£310,000.00	Cancelled	£0.00	£310,000.00
Flat Recycling Package	3 - Capital Programme	1, 3, 4	To improve access to recycling and waste infrastructure for residents living in existing purpose-built flats.	Public Realm	£1,025,316.00	Cancelled	£0.00	£1,025,316.00
Limehouse Public Realm Improvements	2	3	Various enhancements to improve general outlook of the area -Salmon Lane/Commercial Road pedestrian and cycle crossing safety improvements	Public Realm	£220,000.00	Cancelled	£0.00	£220,000.00
Public Realm Improvements Mile End Station	1	2	Public realm improvements (street cleaning)	Public Realm	£100,000.00	Cancelled	£0.00	£100,000.00
Bethnal Green Town Centre & Public Realm Improvements	3	1	Progress phase 1 of Bethnal Green Regen programme with roll out of quality stalls for traders, piloting food waste collection & recycling for businesses and welcome sign on the bridge by entrance to the town centre.	Public Realm / High Streets Team	£400,000.00	Cancelled	£0.00	£400,000.00
Castalia Square Public Realm Improvement	3	4	Public realm improvements - to include tree planting and/or greening and markets stalls.	Public Realm / High Streets Team	£300,000.00	Cancelled	£0.00	£300,000.00


Food Recycling Bins	3	2	Sustainability & food waste recycling improvements for Roman Road Market	Public Realm / High Streets Team	£87,560.00	Cancelled	£0.00	£87,560.00
Watney Market Improvements	1 - Capital Programme	1	To modernise, secure and improve the existing Watney Market stall, storage and waste provisions, including Watney Trader Toilets	Public Realm / High Streets Team	£175,000.00	Cancelled	£25,000.00	£150,000.00
Spitalfields Town Centre Public Realm Improvements	2	1	To include street cleaning and provision of bins - Fournier Street, Wilkes Street & Commercial Street	Public Realm / Waste	£100,000.00	Cancelled	£0.00	£100,000.00
Whitechapel High Street Public Realm Improvements	2	1	To include street cleaning and removal of graffiti - Whitechapel Road/Aldgate Station	Public Realm / Waste	£100,000.00	Cancelled	£0.00	£100,000.00
Community Gardens Programme	2	1 £100k, 2 £37.5k, 3 £200k, 4 £100k	Grant programme for local groups to delivery of food growing allotments and others forms of green community infrastructure	Regeneration	£437,500.00	Cancelled	£118,189.17	£319,310.83
Frank Dobson Square	3	1	Improvements to the public square to tackle ASB, including landscaping.	Regeneration	£250,000.00	Cancelled	£7,142.00	£242,858.00
Reserved Funding to deliver Millwall Slipway Park	1	4	Reserved Funding to deliver Millwall Slipway Park	Regeneration	£1,779,579.46	Cancelled	£0.00	£1,779,579.46
Thames Path Programme LIF 3	3	1, 3, 4	Improvements to the Thames Path, river accessibility and quality	Regeneration	£500,000.00	Cancelled	£0.00	£500,000.00
Brabazon Street Improvements	3	3	Improvements to address pedestrian safety concerns. To be delivered through the School Streets Programme	Transport & Highways	£100,000.00	Cancelled	£0.00	£100,000.00
Ferry Street	3	4	Installation of dropped Kerbs	Transport & Highways	£50,000.00	Cancelled	£0.00	£50,000.00

Fieldgate Street Road Improvements	3	1	Public realm improvements in the area behind East London Mosque to allow disability access	Transport & Highways	£250,000.00	Cancelled	£0.00	£250,000.00
Improvements to walking and cycling routes	3	1	Improvements to walking/cycling routes from Buxton Street to Hanbury Street.	Transport & Highways	£200,000.00	Cancelled	£0.00	£200,000.00
Improvements to Walking/Cycling Access - St Johns Park Area	3	4	Improve walking and cycling access /motor vehicle access restrictions.	Transport & Highways	£250,000.00	Cancelled	£0.00	£250,000.00
Installation of Cycle Storage/Hangars	3	3	Installation of cycle storage facilities/bicycle hangars in specific locations around Limehouse /Poplar	Transport & Highways	£80,000.00	Cancelled	£0.00	£80,000.00
Installation of Cycle Storage/Hangars*	3	1	Installation of bicycle storage and hangars in several sites across LIF Area	Transport & Highways	£250,000.00	Cancelled	£0.00	£250,000.00
Limehouse Cut Path Improvement	3	3	Feasibility study for the Re-surfacing of the canal towpath to improve path for pedestrian and cyclist use including addressing water logging concerns.	Transport & Highways	£30,000.00	Cancelled	£0.00	£30,000.00
National Cycle Route 1	3	4	Improvements to the National Cycle Route 1. To include Feasibility Study	Transport & Highways	£270,000.00	Cancelled	£0.00	£270,000.00
Newcastle Draw Dock - Public Realm Improvements	3	4	Public Realm improvements, including greening of area.	Transport & Highways	£100,000.00	Cancelled	£0.00	£100,000.00
Public Realm Improvements - Corner Hackney Road/Columbia Road	2	1	Improvements to open space located on the corner Hackney Rd/Columbia Road to reduce ASB	Transport & Highways	£100,000.00	Cancelled	£0.00	£100,000.00

Redchurch Street - Enhancement to Public Realm	3	1	Superficial enhancement of public realm to improve pedestrian access to shopping environment. To include feasibility study.	Transport & Highways	£130,000.00	Cancelled	£0.00	£130,000.00
Saunders Ness Road - Pedestrian and Cycle Path Improvements	3	4	Walking and Cycle path improvements.	Transport & Highways	£200,000.00	Cancelled	£0.00	£200,000.00
Stewart Street - Pedestrian Access to Riverfront	3	4	Pavement improvements leading to Riverfront	Transport & Highways	£100,000.00	Cancelled	£0.00	£100,000.00
Stinkhouse Bridge improvement	3	3	Re-painting of ground bridge elements (parapet beams, carriageway beams, etc), and footway re-surfacing	Transport & Highways	£250,000.00	Cancelled	£0.00	£250,000.00
Traffic Calming - MastMaker Road	3	4	Traffic calming and speed reduction measures	Transport & Highways	£100,000.00	Cancelled	£0.00	£100,000.00
Traffic Calming on Manchester Road/East Ferry Road/Casillis Road	3	4	Traffic calming and speed reduction measures. .	Transport & Highways	£250,000.00	Cancelled	£0.00	£250,000.00
Traffic Calming on Westferry Road	3	4	Feasibility study to consider options for addressing concerns around road safety & concept design for the proposed cycle route 5.	Transport & Highways	£50,000.00	Cancelled	£0.00	£50,000.00
Upgrades to walking routes Brick Lane area	3	1	To be included in the pedestrianisation scheme in Brick Lane	Transport & Highways	£250,000.00	Cancelled	£0.00	£250,000.00
Upper North Street Traffic Calming	3	3	Delivery of speed reduction measures. To include feasibility study	Transport & Highways	£250,000.00	Cancelled	£0.00	£250,000.00
Willis Street improvement	3	3	Improvements to pedestrian walkways at Wills Street/Hay Currie Street junction	Transport & Highways	£100,000.00	Cancelled	£0.00	£100,000.00

Street Greening - A1206	3	4	Street Trees/Greening along A1206 to address pollution	Trees / Public Realm	£100,000.00	Cancelled	£0.00	£100,000.00
Youth Outreach Programme (LIF 2)	2	1	Delivery of youth programme to reduce youth ASB around the LIF area	Youth Services	£200,000.00	Cancelled	£200,000.00	£0.00
Youth Outreach Programme (LIF 3)	3	1, 3, 4	Delivery of youth programme to reduce youth ASB around the LIF area	Youth Services	£500,000.00	Cancelled	£0.00	£500,000.00
<b>Total</b>					<b>£16,929,883</b>		<b>£493,531</b>	<b>£16,436,352</b>



<p><b>Cabinet</b></p> <p>21 June 2023</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Interim Corporate Director, Place</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Neighbourhood Planning: Determination of Roman Road Bow Neighbourhood Forum Application</b></p>	

<b>Lead Member</b>	<b>Councillor Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housing</b>
<b>Originating Officer(s)</b>	Marc Acton Filion, Planning Officer
<b>Wards affected</b>	Bow East; Bow West
<b>Key Decision?</b>	Yes
<b>Forward Plan Notice Published</b>	17/11/2022
<b>Reason for Key Decision</b>	Significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority
<b>Strategic Plan Priority / Outcome</b>	<p><b>1. People are aspirational, independent and have equal access to opportunities;</b></p> <p><b>2. A borough that our residents are proud of and love to live in</b></p>

**Executive Summary**

Neighbourhood forum designations expire five years after they are initially granted. The Roman Road Bow Neighbourhood Forum expired on 16 August 2022. The Forum has submitted an application for the designation to be renewed. This report assesses the application against the relevant legislation and guidance.

**Recommendations:**

The Mayor in Cabinet is recommended to:

1. Support the redesignation of the Roman Road Bow Neighbourhood Forum as the designated neighbourhood forum for the Roman Road Bow Neighbourhood Planning Area.
2. Note the specific equalities considerations as set out in Paragraph 7.1.

## **1. REASONS FOR THE DECISIONS**

- 1.1 Tower Hamlets Council has received an application to renew the designation of the Neighbourhood Forum for the Roman Road Bow Neighbourhood Area.
- 1.2 The Council is required to determine applications for the designation of Neighbourhood Forums in accordance with the Town and County Planning Act 1990 (as amended) ('TCPA 1990') and the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations'). The Government's Planning Practice Guidance ("PPG") on Neighbourhood Planning (Ref ID: 41-021-20140306) also provides guidance on the determination of such applications, which states that the role of the Local Planning Authority (LPA) is to take decisions at key stages in the neighbourhood planning process.
- 1.3 Under the modifications to the 2012 Regulations made by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, the Council must make a decision on applications for neighbourhood forum designations within 13 weeks of starting a consultation on the application.
- 1.4 Council officers are satisfied that the Neighbourhood Forum meets (and exceeds) the minimum legal criteria to be designated as a neighbourhood forum as set out in Section 61F of the TCPA 1990.
- 1.5 The public was notified of the Neighbourhood Forum's application for redesignation and was invited to respond. One response was received in support of the redesignation and no responses were received objecting to the redesignation or proposing alternative forums to represent the neighbourhood planning area.

## **2. ALTERNATIVE OPTIONS**

- 2.1 An LPA may designate or refuse a Neighbourhood Forum application. Any reason for refusal must be in accordance with section 61F(5) of the TCPA.
- 2.2 Any decision reached by the LPA as to whether to designate the Roman Road Bow Neighbourhood Forum is subject to two legal tests, both of which may be open to challenge. The first test is whether the decision is correct in law. While the law allows the LPA to make a discretionary decision, a decision to refuse would need to be justified. This leads to the second legal test – that any decision reached by a local authority must be reasonable, and not an irrational decision, assessed on the Wednesbury Principle. The Wednesbury Principle establishes that, in order for the courts to overturn a decision of a local authority, the local authority must have made a decision so unreasonable that no reasonable authority could possibly have made it. The Wednesbury decision considers that giving undue relevance to facts that in reality lack the relevance for being considered in the decision-making process demonstrates irrational decision-making. In this case, considering facts or considerations beyond the criteria established for assessing applications for

the designation of neighbourhood planning forums, as set out in section 61(F)(5) of the TCPA could be considered unreasonable and open to challenge through the courts.

### **3. DETAILS OF THE REPORT**

3.1 This report provides an overview of the assessment of the Roman Road Bow Neighbourhood Forum application.

3.2 The content of the report is as follows:

- Section 4 provides an introduction to neighbourhood planning
- Section 5 outlines the relevant legislative framework and guidance
- Section 6 provides an assessment of the Roman Road Bow Neighbourhood Forum application

### **3. INTRODUCTION TO NEIGHBOURHOOD PLANNING: A COMMUNITY-LED PROCESS**

4.1. The Localism Act 2011 amended the Town and Country Planning Act (TCPA) 1990 to make provision for neighbourhood planning, which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

4.2. The legislative provisions concerning neighbourhood planning within the TCPA 1990 are supplemented by the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Neighbourhood Planning (Referendum) Regulations 2012. Planning Practice Guidance issued by the Secretary of State for Communities and Local Government provides detailed advice relating to the neighbourhood planning system, addressing the key stages of decision-making including the designation of Neighbourhood Areas.

4.3. Neighbourhood planning provides communities with the ability to prepare a Neighbourhood Development Plan (NDP) and/or Neighbourhood Development Orders (NDO), in Neighbourhood Areas designated by the LPA on application. Neighbourhood planning powers may only be exercised by bodies authorised by the legislation. In a Neighbourhood Area where there is a parish council, only a parish council may make proposals for a NDP or NDO. In Neighbourhood Areas without a parish council, only a body designated by the LPA as a Neighbourhood Forum may bring forward proposals. A Neighbourhood Forum designation expires 5 years after it is made. A Forum can apply for redesignation. If the LPA considers the Forum to no longer meet the required criteria, the LPA can withdraw designation.

4.4. NDPs set out policies in relation to the development and use of land in all or part of a defined Neighbourhood Area and may include site allocations, or

development principles for allocated sites. They may also include character appraisals and seek to establish community facilities and/or identify areas for public realm improvements. NDOs allow for planning permission to be granted in the circumstances specified and exempt certain types of development, or development in certain areas, or on particular sites, from the usual requirement to apply to the LPA for a grant of planning permission.

- 4.5. Both NDPs and NDOs need to be in general conformity with the strategic policies of the Council's Development Plan: the Tower Hamlets Local Plan (2020) and the London Plan (2016).
- 4.6. An NDP that has been 'made' in accordance with the relevant legislative provisions forms part of the Council's statutory Development Plan and, as such, will be accorded full weight when determining planning applications. NDPs will form a new spatial layer to the Council's planning policy and guidance.
- 4.7. NDP policies will be developed by a Neighbourhood Forum through consultation with stakeholders in their relevant Neighbourhood Area and through engagement with Council Officers. Proposed NDP policies must be supported by an up-to-date evidence base to ensure that they are reasonable, sound and justified. Before the NDP is 'made' it must be subject to pre-submission publicity and consultation, submitted to the LPA for a legal compliance check, publicised for consultation, submitted for independent examination, found by the independent examiner to meet the basic conditions specified in the legislation, and passed at a referendum. Following the Neighbourhood Planning Act 2016, an NDP must be given some weight in determining planning applications once it has passed examination – even before it has passed at a referendum.

### **Community Infrastructure Levy**

- 4.8. The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2013 ('the CIL Regulations') were supplemented by the Government's online PPG on 6 March 2014.
- 4.9. The CIL Regulations, as explained by the PPG, make provision for how CIL receipts may be used in relation to neighbourhood planning in those areas which have Parish Councils and those which do not. Tower Hamlets currently does not have any Parish Councils and, as such, the Council retains the revenue generated by CIL. A community governance review was held in 2019 to determine whether a parish council should be established for the Roman Road Bow area. On 17 July 2019, the Council agreed that there should be no change to existing community governance arrangements.
- 4.10. The Community Infrastructure Levy PPG states (at paragraph 145) that in areas where there is a 'made' NDP or NDO in place, 25% of CIL collected in the neighbourhood area should be spent in that area. Where there is a parish council in place, the money should be passed to the parish council for them to

spend directly. Paragraph 146 states that “if there is no parish or town council, the charging authority will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding”.

- 4.11. Therefore, where an NDP or NDO has been adopted, the Council is required to consult with the local community as to how this 25% proportion of CIL receipts will be spent. Irrespective of this regulation, the Cabinet in December 2016, agreed to undertake this for all areas of the borough whether or not an NDP or NDO has been adopted.

### **Overview of Neighbourhood Planning at LBTH**

- 4.12. The determination of applications to designate Neighbourhood Areas and Neighbourhood Forums are decisions exercised by the Mayor of Tower Hamlets. Such applications are required by the Council to be submitted using the Council’s neighbourhood planning application forms.
- 4.13. The Council has published guidance to assist prospective Neighbourhood Forums to understand what is involved in becoming a Forum and designating an area and the criteria the Council use to make decisions. This guidance advises prospective Forums to liaise with officers prior to applications being submitted. This allows those proposing to make neighbourhood planning obligations to meet relevant legislative requirements.

## **5. NEIGHBOURHOOD DEVELOPMENT PLANS: RELEVANT LEGISLATION AND GUIDANCE**

- 5.1. This section outlines the relevant legislative framework and guidance as they relate to the submission and consideration of applications for neighbourhood planning forums.
- 5.2. Before a neighbourhood forum can be designated for an area, the area must be designated a Neighbourhood Planning Area. Roman Road Bow was designated as a neighbourhood planning area on the 6<sup>th</sup> February 2017 through an Individual Mayoral Decision.
- 5.3. The designation of neighbourhood planning area is governed by Sections 61F, G and H of the Town and Country Planning Act 1990. Section 61H states that:

*Neighbourhood areas designated as business areas*

*(1)Whenever a local planning authority exercise their powers under section 61G to designate an area as a neighbourhood area, they must consider whether they should designate the area concerned as a business area.*

*(2)The reference here to the designation of an area as a neighbourhood area includes the modification under section 61G(6) of a designation already made.*

*(3) The power of a local planning authority to designate a neighbourhood area as a business area is exercisable by the authority only if, having regard to such matters as may be prescribed, they consider that the area is wholly or predominantly business in nature.*

*(4) The map published by a local planning authority under section 61G(8) must state which neighbourhood areas (if any) are for the time being designated as business areas.*

- 5.4. At the time of designating the neighbourhood planning area, the area was not considered either wholly or predominantly business in nature, nor is it considered so now.
- 5.5. The Council has a statutory duty to determine applications to designate Neighbourhood Forums in accordance with the relevant legislation: TCPA 1990 Section 61F and the Neighbourhood Planning (General) Regulations 2012.
- 5.6. Regulation 8 of the 2012 Regulations specifies the criteria that:

*Where an organisation or body submits a neighbourhood forum application to the local planning authority it must include—*

- (a) the name of the proposed neighbourhood forum;*
- (b) a copy of the written constitution of the proposed neighbourhood forum;*
- (c) the name of the neighbourhood area to which the application relates and a map which identifies the area;*
- (d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and*
- (e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.*

5.7. Upon receipt of an application, it is validated in accordance with the above.

5.8. In accordance with Regulation 9 of the Neighbourhood Planning (General) Regulations 2012, the authority must publish the following on their website and in such a manner as to bring the application to the attention of people who live, work or carry on business in the area to which the application relates:

- (a) a copy of the application;*
- (b) a statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;*
- (c) details of how to make representations; and*

- (d) *the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first publicised.*

5.9. Regulation 11 of the 2012 Regulations allows that “*Where a neighbourhood forum has been designated in relation to a neighbourhood area under section 61F of the 1990 Act, and that designation has not expired or been withdrawn, a local planning authority may decline to consider any neighbourhood forum application made in relation to that neighbourhood area*”.

5.10. Section 61F of the TCPA (1990) specifies that an LPA may designate a relevant body as a Neighbourhood Forum if the authority is satisfied that it meets conditions identified in 61F(5) relating to purpose, membership and a constitution. The conditions are as follows:

- a) *It [the Forum] is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purposes of promoting the carrying on of trades, professions or other businesses in such an area).*
- b) *It [the Forum] has a membership is open to:*
  - (i) *Individuals who work in the neighbourhood area concerned*
  - (ii) *Individuals who work there (whether for business carried out there or otherwise)*
  - (iii) *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.*
- c) *It [the Forum] membership includes a minimum of 21 individuals each of whom –*
  - (i) *Lives in the neighbourhood area concerned*
  - (ii) *Works there (whether for business carried on there or otherwise), or*
  - (iii) *Is an elected member of a county council, district council or London Borough Council any of whose area falls within the neighbourhood area concerned.*
- d) *It [the Forum] has a written constitution*
- e) *Such other conditions as may be prescribed.*

5.11. Section 61F(6) states a local planning authority may also designate an organisation or body as a Neighbourhood Forum if they are satisfied that the organisation or body meets prescribed conditions. The Secretary of State has not prescribed any conditions in the 2012 Regulations.

5.12. Section 61F(7) of the Act also requires that a LPA

- (a) *must in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood*

*are, having regard to the desirability of designating an organisation or body –*

- (i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of the sub-paragraphs (i) to (iii) of subsection (5)(b).*
- (ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area*
- (iii) whose purpose reflects (in general terms) the character of that area*
- (b) may designate only one organisation or body as neighbourhood forum for each neighbourhood area*
- (c) may designate an organisation or body as a neighbourhood forum only if the organisation or body has made an application to be designated, and*
- (d) must give reasons to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the applications.*

5.13. The Forum application is assessed against the above legislative criteria and public consultation responses. The following section assesses the application against the above criteria.

5.14. Once designated, section 61F(8) states that the Forum designation expires after 5 years to the day of designation. In addition, section 61F(9) states that:

*A local planning authority may withdraw an organisation or body's designation as a neighbourhood forum if they consider that the organisation or body is no longer meeting—*

- (a) the conditions by reference to which it was designated, or*
- (b) any other criteria to which the authority were required to have regard in making the designation;*

*and, where an organisation or body's designation is withdrawn, the authority must give reasons to the organisation or body.*

## **6. ROMAN ROAD BOW NEIGHBOURHOOD FORUM APPLICATION**

6.1. This section provides detailed assessment of the Roman Road Bow Neighbourhood Forum application, in relation to the criteria outlined above.

### **Making the Application**

6.2. An application was received from the Roman Road Bow Neighbourhood Forum to renew their designation as a neighbourhood forum on 18 August 2022. The application contained:

- 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 application relates and a map which identifies the area
- The contact details of at least one member of the Neighbourhood Forum which could be made public
- A statement which explains how the Neighbourhood Forum meets the conditions contained in 61F(5) of the 1990 Act (provided through responses to the questions on the application form)
- An appendix containing a number of documents demonstrating engagement that has been undertaken within the local community during the neighbourhood forum's current five year designation

6.3. Officers confirmed that the submission had been received and that the required details were included.

### **Consulting on the Application**

6.4. The application was received in the lead up to the Referendum on the Roman Road Bow Neighbourhood Plan, which took place on 13 October 2022. Given that consulting on the redesignation of the neighbourhood forum in the lead up to the referendum would likely cause confusion among voters/residents, it was decided to delay the consultation on the redesignation until the referendum was complete.

6.5. In accordance with regulation 9 of 2012 Regulations, public consultation on the Roman Road Bow Neighbourhood Forum application was carried out for at least six weeks. The consultation began on 17 November 2022 and ended on 12 January 2023. This was more than the required 6 weeks, in order to account for the holiday period which fell in the middle of the consultation, and to ensure that all interested parties had suitable opportunity to submit responses.

6.6. The Neighbourhood Planning (General) and Development Management Procedure (Amendment ) Regulations 2016 insert regulation 9A into the 2012 Regulations. This states that:

- (1) *Where a local planning authority receive a neighbourhood forum application which they do not decline to consider under regulation 11, the authority must determine the application by the date prescribed in paragraph (2)*
- (2) *The date prescribed in this paragraph is:*
  - (a) *In a case where the neighbourhood area to which the application relates falls within the areas of two or more local planning authorities, the date which is the last day of the period of 20 weeks beginning with the day immediately following that on which the application is first publicised in accordance with regulation 9;*
  - (b) *In all other cases, the date which is the last day of the period of 13 weeks beginning with the day immediately following that on which the application is first publicised in accordance with regulation 9.*

- 6.7. Due to this requirement that the application be determined within 13 weeks of the consultation process beginning, and given the timescales of the Cabinet reporting process, it is necessary to begin the reporting cycle before the consultation process is completed. At the time of DLT and CLT, the consultation was on-going and few responses had been received.
- 6.8. The consultation is now complete. Seven responses have been received, one of which explicitly supports the redesignation and none of which object to the redesignation.

### **Determining the Application: Section 61F(5) considerations**

- 6.9. *In accordance with section 61F(5)(a), is the Forum established for the express purpose of promoting or improving promoting or improving the social, economic and environmental wellbeing?*
- 6.10. The Forum was established for the express purpose of promoting or improving the social, economic and environmental wellbeing of the Roman Road Bow Neighbourhood Area. The application outlines that the Forum aims, among other things, to improve community safety and cohesion, promote civic pride in the area, improve the quality of the public realm, protect and promote heritage and conservation assets, identify areas for environmental improvement, and promote sustainable development that contributes to the health of the local economy while managing negative impacts.
- 6.11. *In accordance with section 61F(5)(b), is Forum membership open to everyone who lives, works (for business carried out there or otherwise) or represents the Area as an elected member?*
- 6.12. The most recent version of the Roman Road Bow Neighbourhood Forum Constitution was adopted on 31 May 2017, and states in clause 6 that membership is open to those who live in the area; business operators in the area; voluntary and community groups in the area; and elected borough council members representing the area.
- 6.13. Officers are therefore satisfied that the constitution is in conformity with 61F(5)(b).
- 6.14. *In accordance with 61F(5)(c), does the Forum have a membership which includes a minimum of 21 people, each of whom lives, works or represents the Area as an elected member?*
- 6.15. The Forum has provided a sample of 21 members on the application form who represent different interests within the area, including local residents, workers, a ward councillor, and representatives from community organisations.
- 6.16. *In accordance with 61F(5)(d), does the Forum have a written constitution?*

- 6.17. As discussed above, the most recent version of the Forum's constitution dates from May 2017, and is accompanied by a set of standing orders that provide guidance on the application of the constitution. There are no requirements in the legislation for the constitution to contain particular items, other than for membership to be open to those who live, work, carry out business, or are elected representatives of the area, and this requirement has been met.
- 6.18. *In accordance with 61F(5)(e), does the Forum meet other conditions as may be prescribed?*
- 6.19. No other legislative or regulatory conditions have been prescribed and as such there are no matters for consideration as part of this application.
- 6.20. The application also includes details of engagement efforts over the course of its plan-making process in accordance with the guidance on the Council's application form.
- 6.21. *In accordance with 61F(6) does the Forum meet other prescribed conditions?*
- 6.22. The Secretary of State has not prescribed any conditions in the 2012 Regulations.

#### **Determining the Application: Section 61F(7) considerations**

- 6.23. *In accordance with 61F(7)(a)(i) does the Forum secure or take reasonable attempts to secure at least one individual who lives in the area, works in the area or is an elected member of the representing the area?*
- 6.24. The Forum has secured membership of at least one individual who lives in the area, works in the area or is an elected member of the representing the area. Forum membership includes residents, local community organisation representatives and an elected Tower Hamlets Councillor.
- 6.25. *In accordance with 61F(7)(a)(ii), does the Forum's membership draw from different places in the area and different sections of the community?*
- 6.26. The Forum has drawn a large number of members from across the area.
- 6.27. *In accordance with 61F(7)(a)(iii), does the Forum's purpose reflect the character of the Area?*
- 6.28. The objectives of the Forum are stated in clause 3 of the constitution, and include supporting local businesses and traders; improving the public realm, green and open spaces, and underused space; increasing community capacity infrastructure; working towards a safer and cleaner neighbourhood; improving connectivity and accessibility of movement into and around the area; ensuring development supports and enriches our community and high street; and protecting the area's heritage and celebrating our diverse identities and cultures.

- 6.29. *In accordance with 61F(7)(b) will designation result in only one organisation or body as Neighbourhood Forum for each Neighbourhood Area?*
- 6.30. The application is for the renewal of the existing designation of the neighbourhood forum for the Roman Road Bow Neighbourhood Planning Area. Following designation, there will still only be one designated neighbourhood forum for this area.
- 6.31. *In accordance with 61F(7)(c) will designation of an organisation or body as a Neighbourhood Forum only occur where an organisation or body has made an application to be designated?*
- 6.32. The Forum made an application for designation on 18 August 2022.
- 6.33. *In accordance with 61F(7)(d) will reasons be given to an organisation or body applying to be designated as a Neighbourhood Forum where the authority refuse the applications?*
- 6.34. This section is not relevant, as the report recommends approval.

## **Conclusions**

- 6.35. Officers are satisfied that the application for the renewal of the Roman Road Bow Neighbourhood Forum designation meets the conditions and provisions within section 61F of the TCPA 1990 and the 2012 Regulations.

## **7. EQUALITIES IMPLICATIONS**

- 7.1. Officers have used the Council's Equality Impact Assessment Screening tool to consider impacts on people with the protected characteristics outlined in the Equalities Act 2010 (Appendix 6). It is considered that the proposals in this report do not have any adverse effects on people who share the protected characteristics and no further action is required at this stage.

## **8. OTHER STATUTORY IMPLICATIONS**

- 8.1. This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.

- 8.2. Best Value Implications: During the determination of the submission the Council has worked with the Roman Road Bow Neighbourhood Forum where appropriate, and in line with our neighbourhood planning guidance, having regard to economy, efficiency, and effectiveness, and in conformity with the statutory requirements as detailed in the relevant legislation.
- 8.3. Consultations: See paragraphs 6.5-6.8 above.
- 8.4. Other implications: determining neighbourhood forum applications does not have any discernible implications on environmental issues, risk management, crime reduction, or safeguarding.

## **9. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 9.1 There are no financial implications emanating from this report which seeks support for the re-designation of the Roman Road Bow Neighbourhood Forum as the designated neighbourhood forum for the Roman Road Bow Neighbourhood Planning Area as it meets the conditions and provisions within section 61F of the TCPA 1990 and the 2012 Regulations
- 9.2 Any costs associated with the consultation process and assessment of the application are deemed immaterial and will be met from within existing revenue budget provision.
- 9.3 There is no Parish Council in place for the Roman Road Bow area. As a result, the CIL regulations 2010 allow the Council to retain any CIL income collected from this area but it must reinvest 25% of this income back into the local community. Should the application be accepted then this will need to be considered when using this CIL funding.

## **10. COMMENTS OF LEGAL SERVICES**

- 10.1. This report requests Cabinet:
  - 10.1.1. approval of this report, which will be presented to Cabinet on 25 January 2023 along with a consultation statement attached as an appendix and a final officer recommendation;
  - 10.1.2. to support the re-designation of the Roman Road Bow Neighbourhood Forum as the designated neighbourhood forum for the Roman Road Bow Neighbourhood Planning Area; and
  - 10.1.3. to note the Equalities considerations listed at paragraph 7.1 and Appendix 6 of this report as it applies to the proposed measures.
- 10.2. Pursuant to section 9D of the Local Government Act 2000 all functions of an authority are executive functions unless they are specified as not in

either the 2000 Act or the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). The decision on designating a Neighbourhood Forum is not a specified function and is therefore a decision for the Executive. The Executive is also authorised to consider the proposed recommendations in this report as they comprise a 'Key Decision' as defined in Section 3 of the Council's Constitution. Paragraph 6 of Section 3 of the Constitution defines 'Key Decision' as an executive decision which is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions. As stated above in this report, the Roman Road Bow Neighbourhood Forum is likely to have a significant effect on communities living or working within the Roman Road Bow Neighbourhood Planning Area given that the Neighbourhood Forum was established for the express purpose of promoting or improving the social, economic and environmental wellbeing of the Roman Road Bow Neighbourhood Area. The Forum aims among other things, to improve community safety and cohesion, promote civic pride in the area, improve the functionality of the public realm, protect and promote heritage and conservation assets, identify areas for environmental improvement, and promote sustainable development that contributes to the health of the local economy while managing negative impacts.

- 10.3. The legislative framework for the designation of neighbourhood forums by the Council and their operative measures are set out in detail in this report and are contained in the Town and County Planning Act 1990 (as amended) ('TCPA 1990') and the Neighbourhood Planning (General) Regulations 2012(as amended) ('the 2012 Regulations'). The Government's Planning Practice Guidance ("PPG") on Neighbourhood Planning (Ref ID: 41-021-20140306) also provides guidance on the determination of such applications, which states that the role of the Local Planning Authority (LPA) is to take decisions at key stages in the neighbourhood planning process.
- 10.4. Section 61(F)(5) to (7) of the TCPA 1990 sets out the conditions that must be satisfied before a local authority may designate an organisation or body as a neighbourhood forum. This report provides a comprehensive assessment of the Roman Road Bow Neighbourhood Forum's application for re-designation as a neighbourhood forum and concludes that the conditions set out in this section of the TCPA 1990 satisfied in recommending Cabinet to approve the same provisionally, pending a final report on the results of the public consultation.
- 10.5. Regulation 9 of the 2012 Regulations requires the Council to publicise valid neighbourhood forum applications in the areas where they are proposed to operate and invite public representations for a minimum 6 week period.
- 10.6. The 2012 Regulations were amended by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016. Under regulation 9A(2)(b) of the amended 2012 Regulations, the Council must make a decision on applications for neighbourhood forum designations within 13 weeks of starting a consultation on the application.

10.7. The Equality impacts of the proposed measure to redesignate the Roman Road Bow Neighbourhood Forum is set out in paragraph 7.1 and Appendix 6 of this report. It is considered that the proposed recommendations do not have any adverse effects on people with protected characteristics and no further action is required at this stage. Members must have regard to these equality impacts when reaching a decision.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- Appendix 1: Roman Road Bow Neighbourhood Forum Application Form
- Appendix 2: Roman Road Bow Neighbourhood Area Map
- Appendix 3: Roman Road Bow Neighbourhood Forum Constitution
- Appendix 4: Equalities Impact Assessment Screening
- Appendix 5: Consultation Statement
- Appendix 6: Internal Legal Advice

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- NONE

### **Officer contact details for documents:**

Marc Acton Filion

[Marc.actonfalion@towerhamlets.gov.uk](mailto:Marc.actonfalion@towerhamlets.gov.uk)

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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Roman Road Bow Amended Neighbourhood Planning Area

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## CONSTITUTION

### ROMAN ROAD BOW NEIGHBOURHOOD FORUM

#### 1. NAME

Roman Road Bow Neighbourhood Forum referred to elsewhere in this Constitution as the “Forum”, is the name of our Neighbourhood Forum as defined in the Town and Country Planning Act 1990, as amended by the Localism Act 2011.

#### 2. NEIGHBOURHOOD AREA

The Forum’s neighbourhood area, referred elsewhere in the Constitution as the “Area” falls within the boundaries of the London Borough of Tower Hamlets (LBTH).

To the **north**, the Area extends to the boundary of Victoria Park. At the **north-eastern** reach, this includes a section of Cadogan Terrace that belongs to LBTH; and the buildings on St Marks Gate including the Montessori school and Growing Concerns garden centre. At the **north-western** reach, the Area includes Old Ford Road up to the bridge crossing the Regents Canal.

To the **east**, the Area extends to the A12.

To the **south**, the Area extends to the middle of the A11. It includes the buildings and pavements on the northern side of the A11, including the island on which stands St Mary’s Bow Church. It excludes the houses, tube stations and pavement on the southern side of the A11.

To the **west**, the Area extends to the Regent’s Canal including Whitman Road, the shops under The Green Bridge on the northern side of Mile End Road (A11) only, Clinton Road, Haverfield Road, Mile End Climbing Wall, the Palm Tree and Bow Wharf.

**Roman Road** is the high street that runs through the area uniting smaller enclaves including Old Ford and MEOTRA. The area includes the stretch of Roman Road that falls in the postcode of E3, from Parnell Road until the bridge over the Regents Canal.

#### 3. PURPOSE and OBJECTIVES

The purpose of the Forum is to promote and improve the social, economic and environmental

well-being of its residents and businesses. We will do this by creating a cohesive community built around a flourishing high street and by specifically:

- a) **Supporting** our local businesses and traders.
- b) **Improving** our public realm, green and open spaces, and underused space.
- c) **Increasing** community capacity infrastructure.
- d) **Working towards** a safer and cleaner neighbourhood.
- e) **Improving** connectivity and accessibility of movement into and around the area.
- f) **Ensuring** development supports and enriches our community and high street.
- g) **Protecting** the area's heritage and celebrating our diverse identities and cultures.

#### **4. POWERS**

In furtherance of these overarching objectives the Forum Committee may exercise the power to:

- Invite and receive contributions and raise funds where appropriate, to finance its work and to open a bank account to manage such funds.
- Set up working groups with terms of reference to undertake tasks in furtherance of its objectives. All such working groups must include at least one committee member.
- Publicise and promote the work of the Forum and organise meetings, training courses, events or seminars relevant to its work.
- Work with groups of complementary nature including other voluntary bodies, charities, statutory, and non-statutory organisations who want to affiliated with the Forum, and elected members; and to exchange information, advice and knowledge with them.
- Employ staff (who shall not be members of the Management Committee) as necessary to conduct activities that meet the objectives of the Forum.
- Take any lawful form of action which is necessary to achieve the overarching objectives of the Forum, including taking out any contracts agreed by the Management Committee, for instance the acquisition of premises either short or long term.

#### **5. AFFILIATIONS**

The Forum shall not be affiliated to any political party.

#### **6. MEMBERSHIP**

- Membership is open to all people aged 16 years and over who meet any one of the following criteria:
- Membership is open to all who live or work in the neighbourhood area.
- Membership is open to all business operators in the neighbourhood area. Business operators may nominate up to two people in their membership application, but they may only exercise one voting right at General and Annual General Meetings.
- Membership is open to all constituted voluntary, community and statutory groups that operate in the neighbourhood area. Voluntary, community and statutory groups may nominate up to two people in their membership application, but they may only exercise one voting right at General and Annual General Meetings.
- Membership is open to elected London Borough of Tower Hamlet Council members who represent wards in the neighbourhood area.
- The Forum Committee members shall be drawn from different geographical places in the neighbourhood area and different sections of the community.

- The Forum shall have a minimum of 21 (twenty one) members, and the Forum Secretary shall maintain a register of members at all times and make it available to any Forum member or the public who requests it.
- Members will apply for membership and the Forum Committee shall have the power to accept members.
- Any the Forum member may resign from membership by providing the Forum Committee Secretary with written notice.
- The Forum Committee may refuse membership, or may terminate or suspend the membership of any member by resolution passed at a Forum Committee meeting where it is considered membership would be detrimental to the Forum's objectives and activities.

## **7. FORUM COMMITTEE**

The Forum Committee shall be elected at the Forum Annual General Meeting and shall consist of a minimum of 7 (seven) members up to a maximum of 15 (fifteen). The quorum for the Committee will be 3 members.

The Forum will elect the following officers of the Forum from its membership: Chair, Secretary, Treasurer, Outreach Officer, Membership and Events Officer and Media Officer and any other role that is deemed necessary. The general term of Office is 1 year.

The Chair shall be responsible for:

- Calling and chairing meetings of the Forum Committee, General Meetings and Annual General meetings of the Forum membership (unless specifically delegated to another Forum Committee member in writing).
- Exercising a casting vote on elections and resolutions at meetings of the Forum and its Committee.
- Taking decisions on day-to-day matters between meetings of the Forum Committee after electronic consulting with other committee member.

The Treasurer shall be responsible for:

- Establishing the Forum bank account and acting as a joint signatory on the account with two other member of the Forum Committee; maintaining the Forum financial records.
- Setting out a draft budget in the first year, and ensuring that the Forum stays within its budget
- Preparing and presenting an annual budget, at the Forum Annual General Meeting
- Submitting a detailed summary of all Forum monies received and spent at every Committee meeting.
- Submitting a detailed summary of all detailed assets held by the Forum Annual General Committee.

The Secretary shall be responsible for:

- Organising all Forum meeting dates, times and venues.
- Taking and circulating the minutes of all Forum meetings - making them available to all members.
- Keeping a copy of the Forum Constitution for inspection by members of the public and Forum members.
- Keeping a register of committee members' interests which might be deemed to influence decisions on matters likely to come to the committee

The Media Officer shall be responsible for:

- Maintaining and updating the Forum website
- Preparing and presenting draft materials for the promotion of the Forum in the neighbourhood Area, including any organised events and activities.
- Actively promote and advertise the Forum via social media.

The Membership Officer shall be responsible for

- Maintaining a register of the Forum members
- Promoting membership of the Forum within the neighbourhood area
- Being the first point of contact over issues concerning membership
- Ensuring membership adheres to current Data Protection legislation

The Outreach Officer shall be responsible for

- Making contact with key community groups including BME groups
- Organising outreach meetings and events and facilitating these
- Taking any action necessary to ensure the Forum is representative of the Area

All decisions at the Forum meetings shall be made on a show of hands of members who are entitled to vote at the meeting.

## **8. GENERAL MEETINGS**

### a) General Meetings

- General Meetings of Forum members shall take place at least twice a year. Notice and an Agenda for a General Meeting will be provided to members 14 (fourteen) days in advance.
- The quorum required for a General Meeting to conduct business shall be 7 (seven) Forum members.
- The Secretary will make Minutes of General and Committee meetings available to members of the Forum within two weeks of the meeting unless impracticable.
- Organisations that are affiliated to the Forum will be encouraged to communicate such information to their membership.

### b) Annual General Meetings/Special Meetings

An Annual General Meeting of the Forum members shall take place once in every calendar year. Notice and an Agenda for an Annual General Meeting will be provided to Forum members 21 (twenty-one) days in advance. The quorum required for an Annual General Meeting to conduct business shall be 12 (twelve) Forum Members.

The Annual General meeting shall:

- Elect the Forum Committee.
- Receive a report from the Forum Committee of the Forum activities that have taken place in that year.
- Receive a Financial report and statement from the Treasurer
- Receive reports from other officers as relevant

Elections to the Forum Committee shall take place as follows:



- Forum members shall notify the Forum Secretary of their intention to stand for a place on the Forum Committee in writing and at least 7 (seven) days before the Annual General Meeting takes place.
- At the Annual General Meeting elections shall be held on the basis of a show of hands for each candidate.
- Special Meetings may be called from time to time by the Forum Committee to consider amendments to the constitution or dissolution of the Forum. These shall be subject to the same notice and quorum as Annual General Meeting.

The Committee may co-opt up to three additional members to the Committee in any year, and may also co-opt an appropriate replacement for any Committee Member who stands down for any reason during the year. Co-opted members will have the same voting rights as other Committee members. A co-opted member may be elected as an officer. The Committee may remove from the Committee any member who fails to attend two consecutive meetings of the Committee without good reason.

## **9. FORUM FINANCES**

- Any money acquired by the Forum including donations, contributions and bequests, shall be paid into an account operated by the Forum Committee in the name of the Forum.
- All funds must be applied to the Forum objectives and for no other purpose.
- The Treasurer plus 2 (two) Forum Committee Members shall be designated as authorised signatories to any and all Forum Bank Account(s).
- Two designated authorised signatories shall sign all deeds, cheques and legal documents of the Forum.
- Two authorised signatories must approve in writing all payments in advance, including any online or debit card transactions.
- Any income/expenditure shall be the responsibility of the Treasurer who will be accountable to ensure funds are utilised effectively and that the Forum stays within its budget.
- Official accounts shall be maintained, and will be examined annually by an independent accountant who is not a member of the Forum.
- An annual financial report shall be presented by the Treasurer at the Forum Annual General Meeting.

## **10. DECLARATION OF INTERESTS**

The Secretary will keep a Register of Committee members' Interests detailing financial interests in the neighbourhood area or any other interest which could be deemed to have an influence on decisions likely to come before the Forum Committee.

Members will abstain from voting on any matter in which they have a financial interest.

Any participant in any meeting of the Forum, including committees, sub-committees and working parties, will disclose to the meeting any financial interest s/he has in any topic under discussion, and will not discuss or vote on such topic except with the express approval of the meeting.

## **11. AMENDMENTS TO THE CONSTITUTION**

Any changes to this constitution must be agreed by a majority vote at a special general meeting, called specifically for the purpose under the same conditions that apply to Annual General Meetings specified above, with the exception that such a vote will only be carried if supported by 75% or more of those voting.

Proposed amendments to this Constitution of Forum must be conveyed to the Secretary formally in writing. The Committee shall then decide whether to put the proposed amendment(s) to a Special General Meeting for discussion and decision. The Forum Committee will notify their decision to the proposer(s) of the amendment(s) in writing.

## **12. DISSOLUTION**

The Forum may be dissolved if deemed necessary by the members in a majority vote at a special meeting, with the exception that such a vote will only be carried if supported by 75% or more of those voting.

Any assets or remaining funds after debts have been paid shall, subject to the agreement of the Members at a General Meeting, be allocated to one or more nominated organisations set up to continue the work of the Forum or in the absence of any such organisation and subject to any statutory regulations, be distributed equally to the constituent local organisations who are its members (but not to individual members).

In accordance with the Localism Act, a formal review of the functions and achievements of the Forum will be carried out five years after its formation. Following such review, and following consultation with its members, the Forum will decide to continue, amend or dissolve itself as considered appropriate.

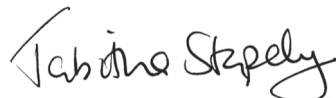
This constitution was adopted at the General Meeting of the Roman Road Bow Neighbourhood Forum held at

Location: Interact Hub

Date: 31 May 2017

Signed by (PRINTED): Tabitha Stapely

Signed by (SIGNATURE):



Forum Role: Steering Committee Member

# Equality Impact Analysis Screening Tool

## Section 1: Background information

Name of completing officer	Date of screening
Marc Acton Fillion	01/12/2022
Service area and Directorate responsible	
Strategic Planning, Place Directorate	
Approved by (Director / Head of Service)	Date of approval
	Click or tap to enter a date.

**The Equality Act 2010 places a ‘General Duty’ on all public bodies to have ‘due regard’ to:**

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with ‘protected characteristics’ and those without them
- Fostering good relations between those with ‘protected characteristics’ and those without them

This Equality Impact Analysis provides evidence for meeting the Council’s commitment to equality and the responsibilities outlined above. For more information about the Council’s commitment to equality, please visit the Council’s [website](#).

## Section 2: Summary of proposal being screened

**For the purpose of this document, ‘proposal’ refers to a policy, function, strategy or project**

Name of proposal
Roman Road Bow Neighbourhood Forum Redesignation
The aims/objectives of the proposal
The proposal is to redesignate the Roman Road Bow Neighbourhood Forum as the Neighbourhood Forum for the Roman Road Bow Neighbourhood Planning Area.

### Section 3: Equality Impact Analysis screening

Is there a risk that the policy, proposal or activity being screened disproportionately adversely impacts (directly or indirectly) on any of the groups of people listed below ?  Please consider the impact on overall communities, residents, service users and Council employees.  This should include people of different:	Yes	No	Comments
▪ <b>Sex</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The forum does not exclude members on the basis of sex.
▪ <b>Age</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The forum does not exclude members on the basis of age.
▪ <b>Race</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The forum does not exclude members on the basis of race.
▪ <b>Religion or Philosophical belief</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The forum does not exclude members on the basis of religion or philosophical belief.
▪ <b>Sexual Orientation</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

			The forum does not exclude members on the basis of sexual orientation.
<ul style="list-style-type: none"> <li>▪ <b>Gender re-assignment</b> status</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The forum does not exclude members on the basis of gender reassignment status.
<ul style="list-style-type: none"> <li>▪ People who have a <b>Disability</b> (physical, learning difficulties, mental health and medical conditions)</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The forum does not exclude people who have a disability.
<ul style="list-style-type: none"> <li>▪ <b>Marriage and Civil Partnerships</b> status</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The forum does not exclude members on the basis of marriage and civil partnership status.
<ul style="list-style-type: none"> <li>▪ People who are <b>Pregnant</b> and on <b>Maternity</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The forum does not exclude people who are pregnant and on maternity.
<p>You should also consider:</p> <ul style="list-style-type: none"> <li>▪ <b>Parents and Carers</b></li> <li>▪ <b>Socio-economic</b> status</li> <li>▪ People with different <b>Gender Identities</b> e.g. Gender fluid, Non-binary etc.</li> <li>▪ Other</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal is unlikely to have any impacts on people with these characteristics.

If you have answered **Yes** to one or more of the groups of people listed above, **a full Equality Impact Analysis is required**. The only exceptions to this is if you can 'justify' the discrimination (Section 4). **If there are equality impacts on Council staff please complete the restructure equality impact analysis on the ['Organisational change process' pages of the intranet](#).**

## Section 4: Justifying discrimination

Are all risks of inequalities identified capable of being justified because there is a:	
(i) <i>Genuine Reason</i> for implementation	<input type="checkbox"/>
(ii) The activity represents a <i>Proportionate Means</i> of achieving a <i>Legitimate Council Aim</i>	<input type="checkbox"/>
(iii) There is a <i>Genuine Occupational Requirement</i> for the council to implement this activity	<input type="checkbox"/>

## Section 5: Conclusion

Before answering the next question, please note that there are generally only two reasons a full Equality Impact Analysis is not required. These are:

- The policy, activity or proposal is likely to have **no or minimal impact** on the groups listed in section three of this document.
- Any discrimination or disadvantage identified is **capable of being justified** for one or more of the reasons detailed in the previous section of this document.

### Conclusion details

Based on your screening does a full Equality Impact Analysis need to be performed?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have answered **YES** to this question, please complete a full Equality Impact Analysis for the proposal

If you have answered **NO** to this question, please detail your reasons in the 'Comments' box below

Comments
Given that this decision is to redesignate a forum that has already been in place for several years, it is unlikely to give rise to any equalities impacts. The forum has not displayed any evidence of discriminatory behaviour.

**Appendix:  
Roman Road Bow Neighbourhood Forum Redesignation  
Consultation Statement  
January 2023**

Introduction

1. On 18 August 2022, the Roman Road Bow Neighbourhood Forum applied to the Council to redesignate the Forum as the Neighbourhood Forum for the Roman Road Bow Neighbourhood Planning Area. The application was assessed to be in keeping with the relevant regulations, and in accordance with Regulation 9 of the Neighbourhood Planning (General) Regulations 2012 an eight week public consultation period was held between 17 November 2022 and 12 January 2023.
2. This document provides a summary at the level of representation of matters raised during the consultation period. The report takes account of relevant planning matters in representations submitted to the London Borough of Tower Hamlets. This paper has been prepared for public information and to inform the Council's decision making process – it is not intended to address any of the issues raised during the consultation period.

Consultation activities undertaken by the Council

3. Consultation activities undertaken by the Council were carried out in accordance with the Neighbourhood Planning Regulations and the principles expressed in the Council's Statement of Community Involvement. The activities undertaken were as follows:
  - The Roman Road Bow Neighbourhood Planning Forum application form and map were placed on the Council's website
  - An email announcing the consultation and explaining where the relevant information could be found was sent to everyone on the Plan Making Team's consultation database
  - A public notice was published in the Docklands & East London Advertiser

Approach to categorising representations made

4. During the public consultation period, members of the public are able to make representations to the council regarding the redesignation of the Neighbourhood Forum.
5. The purpose of this consultation is to allow any other groups or individuals to object to the redesignation of the Neighbourhood Forum. Reasons for objecting may include the existing Neighbourhood Forum not being representative of the area. Objectors may also wish to form an alternative neighbourhood forum for the Neighbourhood Planning Area or part thereof.

6. This document presents representations in no particular order. Representation figures calculate submitted responses and as such do not limit representations to one per household or one per business. The following categories have been used to categorise representations:

<b>Support</b>	Have stated explicit support, or support has been inferred from the contents of the representation
<b>Object</b>	Have stated explicit objection, or objection has been inferred from the contents of the representation
<b>Neutral</b>	Have offered comments but not determined if they object or support the application
<b>Petition</b>	A written objection signed by multiple signatories
<b>No comment</b>	Where no comment has been made and no position on the matter can be inferred
<b>Concerned</b>	Do not state they object but highlight areas of concern

7. The following summaries have been derived from an analysis of the consultation responses. Please note, representations did not always specify support or objection to the area and Forum. The summary of responses paraphrases comments made by representors and, to avoid repetition, makes reference to the same matter once only.
8. When analysing the representations, regard is given to legislative requirements related to the Forum and Area proposals.

### Summary of representations

Number of representations received:

Support	Objection	Neutral	No comment	Petition	Concerned	Total
1	0	1	5	0	0	7

9. A total of 6 responses were received to the consultation.
10. The following organisations responded to state that they had no comment to make on the application: Environment Agency, Sport England, Natural England, Historic England and the Port of London Authority.
11. One response from a resident of the Neighbourhood Planning Area was in support of the redesignation.
12. A response was received from the Canal and River Trust that made comments on the Neighbourhood Planning Area but did not include any comments in support of or against the redesignation of the Neighbourhood Forum and has been classed as 'neutral'.



## **Roman Road Bow Neighbourhood Plan**

I have been asked to look at the proposed (re)designation of the neighbourhood forum previously involved in the Roman Road Neighbourhood Plan designation following MAB in late March 2023.

Various queries were raised revolving around –

- Level of consultation undertaken
- Membership of the Forum

## **Make-Up of Forum**

This matter is considered in two parts. First, the statutory legislative requirements governing the make-up of any forum in the country and, second, the Applicant/Forum's own constitutional obligations.

### **a) Legislation**

The requirements to form a neighbourhood forum are set out in s61F(5) of the Town and Country Planning Act 1990 (as amended) ("TCPA"). This section is set out below. 2 of these requirements directly impact on the make-up of the Forum.

The first is that membership of the forum is

- "open" to all over 16 who live/work in the area; or
- are business operators in the area; or
- are local members of LBTH.

The second is that it must have a membership of at least 21 such persons.

### **b) Constitution**

A minimum of 21 members is required to make-up a neighbourhood forum. The precise make-up of the Applicant/Forum is detailed in its Constitution -

<http://romanroadbowneighbourhoodplan.org/wp-content/uploads/2017/05/RRBNF-constitution-20170515.pdf>

Specifically, at paragraph 6, the Constitution notes in respect of *general membership* of the Applicant/Forum –

- Membership is open to "*all people over the age of 16 who meet any one of the following criteria*"
- a) "*all who live or work in the neighbourhood area*"
- b) "*all business operators*"
- c) "*all constituted voluntary, community and statutory groups*"
- d) "*elected LBTH members*" representing wards in the neighbourhood area.

Looking directly at the make-up of the Applicant/Forum Committee, again in paragraph 6, the Constitution states that this committee “shall be drawn from different geographical places in the neighbourhood area and different sections of the community”

The purpose of the Applicant/Forum is set out below, reflecting the diversity of the neighbourhood area -

### 3. PURPOSE and OBJECTIVES

*The purpose of the Forum is to promote and improve the social, economic and environmental and well-being of its residents and businesses. We will do this by creating a cohesive community built around a flourishing high street and by specifically:*

- a) **Supporting** our local businesses and traders.*
- b) **Improving** our public realm, green and open spaces, and underused space.*
- c) **Increasing** community capacity infrastructure.*
- d) **Working** towards a safer and cleaner neighbourhood.*
- e) **Improving** connectivity and accessibility of movement into and around the area.*
- f) **Ensuring** development supports and enriches our community and high street.*
- g) **Protecting** the area’s heritage and celebrating our diverse identities and cultures.*

### c) Advice

It is for the Applicant/Forum to be satisfied in the first instance that it is properly constituted in accordance first with any statutory requirements and second with their own governance arrangements. Once it is so satisfied, it may apply to LBTH as the local planning authority for designation as a neighbourhood forum.

LBTH’s responsibility is to designate a relevant body as a neighbourhood forum if it is satisfied that the conditions set out in s61F(5) are met. This is a discretionary power.

Coupled with the wording of the Forum’s Constitution, the legal requirements are met. Membership eligibility of the Forum is wide – see paragraph 6 of the Constitution. There is no bar imposed because of age; gender; ethnicity; disability and so on.

### Consultation

This may be split into constituent parts.

#### a) Length of Consultation Period

Consultation on the application to be (re)designated as a neighbour forum was conducted over the period 17 November 2022 to 12 January 2023, an 8-week period which took in Christmas.

Legislation requires that the consultation period should be “not less than 6 weeks from the date on which the application is first publicised” – Reg 9(d) of The Neighbourhood Planning (General) Regulations 2012.

### Advice

The length of the consultation undertaken meets the required criteria in that it exceeds the minimum statutory requirements.

### b) Means of consultation

Consultation was undertaken by using the local press and LBTH website. There was no consultation using libraries or contacting businesses/residents directly.

Reg 9 of The Neighbourhood Planning (General) Regulations 2012 states *“a local planning authority must .... on their website and in such 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”*

LBTH has adopted planning guidance documents which advises that the *“Council will undertake statutory public consultation for a six week period. Consultation will be carried out in line with the national legislation and guidance.”* –

[https://www.towerhamlets.gov.uk/Documents/Planning-and-building-control/Strategic-Planning/Neighbourhood-Planning/NHBD\\_Planning\\_Guidance\\_Note\\_Stage\\_1\\_0418.2.pdf](https://www.towerhamlets.gov.uk/Documents/Planning-and-building-control/Strategic-Planning/Neighbourhood-Planning/NHBD_Planning_Guidance_Note_Stage_1_0418.2.pdf)

### Advice

The means of consultation meets the required criteria. It was carried out in the proper manner in accordance with the statutory requirements and our own published consultation procedure for designating neighbourhood forums.

### c) Low response rate to the consultation

Seven responses have been received. One explicitly supports the application. The others do not object.

### Advice

This is consultation, not a plebiscite. If people choose not to reply, then that is their choice. In many ways it is not too dissimilar to a planning application where there are no public responses to an application, a decision still has to be made.

A decision is still required whether to redesignate (or not) the Neighbourhood Forum. Legislation (see “d) Failure to determine the application on time following consultation” below) states that LBTH *“must”* determine the application by a particular date.

The low response rate, whilst disappointing, cannot be used as a reason to not determine the application.

Neither can it be used as a reason to refuse the application – see “Potential Reasons for Refusal” below. The application may only be refused in accordance with s65F TCPA and low consultation response does not feature as a reason for refusal.

#### d) Failure to determine the application on time following consultation

The legal requirement (Reg 9A of The Neighbourhood Planning (General) Regulations 2012, as amended by The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016) is that applications for designation as a neighbour forum must be determined by *“the date which is the last day of the period of 13 weeks beginning with the day immediately following that on which the application is first publicised in accordance with regulation 9.”*

In other words, there is a 13-week period from publishing the application. This 13-week window has now passed, and no decision has been made.

#### Advice

Legislation does not say what should happen or what rights an applicant has if the application is not determined in time. This is unlike, for example, an application for planning permission whereby the applicant for planning permission may appeal to the Secretary of State against the non-determination of a planning application by the local planning authority.

Similarly, legislation does not say that a failure to determine the application for designation means that it lapses and falls by the wayside.

The applicant has the right to apply to the courts for an order requiring LBTH to make a decision. But given the time, expense and likely delay this may involve, an applicant in this situation may be better advised to put pressure on LBTH to reach a decision.

Pragmatically speaking, the advice is that LBTH should make a decision. If that decision is to refuse the application, the applicant would have to be given reasons and would have the right to seek a review of the decision in the Planning Court. Both the reasons for the refusal and the delay in reaching a decision would be vulnerable to a challenge.

If the application is granted by LBTH and the Forum is designated, the risk of a challenge from any other 3<sup>rd</sup> party in this instance would appear to be minimal given the low number of replies to the consultation and the fact that no objection has been received.

The risk is further marginalised as there does not appear to be a “rival” bid for designation which may otherwise look to challenge any decision.

#### **Potential Reasons for Refusal**

The decision whether or to designate is discretionary – use of the word “may” in s61F(5) TCPA.

Any reason for refusal must be in accordance with s61F(5) TCPA.

S61F(5) TCPA reads – *“A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions—*

*(a) 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),*

*(b) its membership is open to—*

*(i) individuals who live in the neighbourhood area concerned,*  
*(ii) individuals who work there (whether for businesses carried on there or otherwise), and*  
*(iii) 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,*

*(c) its membership includes a minimum of 21 individuals each of whom—*

*(i) lives in the neighbourhood area concerned,*  
*(ii) works there (whether for a business carried on there or otherwise), or*  
*(iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,*

*(d) it has a written constitution, and*

*(e) such other conditions as may be prescribed.”*

No “such other conditions” as contained in s61F(5)(e) have yet been introduced by the Secretary of State.

Reading the legislation, the implication is that an application may only be refused if it fails to meet any of the tests set out in s61F(e).

Guidance is give in s61F(7) TCPA ) on how to approach s65F(5) – “A local planning authority—

*(a) 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—*

*(i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of sub-paragraphs (i) to (iii) of subsection (5)(b),*  
*(ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and*  
*(iii) whose purpose reflects (in general terms) the character of that area”*

This section of the legislation guides the decision-maker to look at

- *desirability of designation* – it would on the face of it be difficult to say that designation was not desirable. There has been a forum in place for the last 5 years; the plan was adopted by LBTH in November 2022 so it cannot be said that such a forum has no use; the out-going forum clearly is of a view there is desirability (otherwise, why bother applying for redesignation)

Desirability of designation will be more appropriate for applicants which

- secure or have taken reasonable steps to secure members who live or work in the neighbourhood or are elected members of LBTH ward in the neighbourhood – note that these are “low bar” tests and even in the event of non-compliance, all that need be taken are reasonable steps. Looking at the Forum’s website and its Constitution, it would be difficult to justify refusal on these grounds

- draw members from different places in the neighbourhood and different communities in that area – note that the only requirement is for “different” places and communities. It is not a requirement for *all* communities and places. Again, looking at the Forum’s website and Constitution, it is not a “closed” shop and it is up to individual residents whether or not they wish to get involved with it
- have purposes reflecting the character of that area – again, a simple read of the website shows this to be the case.

Given the fact that this is an application by the existing Forum to be redesignated, the question “what has changed” in the last few years to make the previously “acceptable” and designated Forum now undesirable?

If refused, the applicant must be given reasons and the decision may be vulnerable to challenge in the courts.

### **Potential Consequences**

Any decision reached by LBTH whether to designate the Applicant as a neighbourhood forum or not is subject to two legal tests, both of which may be open to challenge.

The first test is whether the decision is correct in law (see above).

The second is that any decision reached by a local authority must be a reasonable, and not an irrational, decision assessed on the Wednesbury principle. The classical formulation of an irrational decision is a decision that “is so unreasonable that no reasonable authority could ever have come to it.”

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