Individual Mayoral Decision 8 August 2017	TOWER HAMLETS
Report of: Ann Sutcliffe, Divisional Director, Property & Major Programmes (Acting Corporate Director of Place)	**Classification:** Unrestricted
Neighbourhood Planning: Determination of Roman Road Bow Neighbourhood Forum Application	

Lead Member	**Councillor Rachel Blake, Cabinet Member for Strategic Development**
Originating Officer(s)	Marissa Ryan-Hernandez, Strategic Planning Manager and Ellie Kuper Thomas, Planning Officer
Wards affected	Bow West and Bow East
Key Decision?	Yes
Community Plan Theme	A Great Place to Live

Executive Summary

Neighbourhood planning was introduced by the Localism Act 2011 and allows communities to help shape their local area by preparing Neighbourhood Development Plans (NDP), or Neighbourhood Development Orders (NDOs), provided they meet a number of basic conditions, including being in general conformity with the strategic policies of a development plan prepared and adopted by the local planning authority (LPA). In parished areas neighbourhood planning processes are led by parish or town councils; in other areas Neighbourhood Forums must apply to the LPA to be designated as the lead (qualifying body).

As LPA, the Council is required to determine applications for Neighbourhood Area designation in accordance with the Town and County Planning Act 1990 (as amended) (TCPA 1990) and the Neighbourhood Planning (General) Regulations 2012.

Following the designation of the Roman Road Bow Neighbourhood Area on the 6th of February 2017. The Council has received an application by the community group 'the Roman Road Bow Neighbourhood Forum' to be designated as the Neighbourhood Forum for the Roman Road Bow Neighbourhood Area. This report assesses the application for the Roman Road Bow Neighbourhood Forum against the relevant legislation and guidance.

Recommendations:

The Mayor is recommended to:

1. Approve the application for the designation of the Roman Road Bow Neighbourhood Forum.

1 REASONS FOR THE DECISIONS

1.1 Following the designation of the Roman Road Bow Neighbourhood Area on the 6th of February 2017, the Council has received an application to designate a 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")

1.3 The Government's Planning Practice Guidance ("PPG") on Neighbourhood Planning (Ref ID: 41) 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.

1.4 The Roman Road Bow Neighbourhood Forum application has been assessed by Officers against relevant provisions of the TCPA 1990, the 2012 Regulations and the PPG. Officers are satisfied that the Roman Road Bow Neighbourhood Forum application meets with the requirements for designation. The application is therefore recommended for approval and a decision should be taken in accordance with the LPA's statutory duties.

2 ALTERNATIVE OPTIONS

2.1 A LPA may designate or refuse a neighbourhood forum application. Where the LPA is satisfied that a prospective forum meets the requirements of section 61F of the TCPA 1990, the Forum may be approved. Where the LPA is not satisfied that a prospective Forum meets the said requirements, the LPA may refuse the application and give reasons for the refusal to the prospective neighbourhood forum.

2.2 Officers consider that the Roman Road Bow Neighbourhood Forum application meets the relevant legislative provisions and therefore officers recommend that the neighbourhood forum should be designated, as per the requirements of, and in accordance with, relevant legislation.

3 DETAILS OF REPORT

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

3.2 It is important to note that the designation of a Neighbourhood Forum can only be made for a designated Neighbourhood Area. The decision to designate the Roman Road Neighbourhood Area was made by Individual Mayoral Decision on the 6th of February 2017.

3.3 The content of this report is as follows:

- Section 4: provides an introduction to Neighbourhood Planning;
- Section 5: outlines the legislative and regulatory framework, relevant guidance; and
- Section 6: provides a background to the Roman Road Bow Neighbourhood Forum application and details of the assessment.

4 INTRODUCTION TO NEIGHBOURHOOD PLANNING: A COMMUNITY LED PROCESS

4.1 The Localism Act 2011 amended the 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 by the Neighbourhood Planning (General) (Amendment) Regulations 2015) and the Neighbourhood Planning (Referendum) Regulations 2012.

4.3 PPG issued by the Secretary of State for Communities and Local Government provides detailed advice relating to the neighbourhood planning system introduced by the Localism Act 2011, addressing the key stages of decision-making including the designation of neighbourhood areas.

4.4 Neighbourhood planning provides communities with the ability to prepare a Neighbourhood Development Plan (NDP) and/or Neighbourhood Development Orders (NDO), in areas designated by the LPA on application as a neighbourhood area. 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 for that neighbourhood area. A neighbourhood forum designation expires 5 years after it is made. The forum can apply for redesignation. If the LPA considers the forum to no longer meet the required criteria, the LPA can withdraw designation.

4.5 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.

4.6 Both NDPs and NDOs need to be in general conformity with the strategic policies of the Council's 'Local Plan': Core Strategy (2010) and Managing Development Document (MDD) (2013).

4.7 A NDP 'made' in accordance with the relevant legislative provisions forms part of the Council's statutory 'Development Plan' (comprising the Local Plan and London 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.

4.8 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.

Community Infrastructure Levy

4.9 The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2013 ("the CIL Regulations") were supplemented by the Community Infrastructure Levy Guidance Note, published by DCLG on 26 April 2013. The 2013 guidance was replaced by the Government's online PPG on 6 March 2014.

4.10 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.

4.11 The Community Infrastructure Levy PPG states (at paragraph 072) that:

"... In England, communities that draw up a neighbourhood plan or neighbourhood development order (including a community right to build order), and secure the consent of local people in a referendum, will benefit from 25 per cent of the levy revenues arising from the development that takes place in their area. This amount will not be subject to an annual limit. ..."

4.12 Therefore, where a NDP or NDO has been adopted, the Council must consult with the relevant local community as to how this 25 per cent proportion of CIL receipts will be spent. However, in Tower Hamlets, following the decision made in Cabinet in December 2016, the Council will be consulting all residents across the borough as to how this 25 per cent of CIL should be spend, irrespective of neighbourhood planning status.

Overview of Neighbourhood Planning at LBTH

4.13 The determination of applications to designate neighbourhood areas and neighbourhood forums are decisions exercised by the Mayor of Tower Hamlets.

4.14 Such applications are required by the Council to be submitted using the Council's neighbourhood planning application forms.

4.15 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 uses to make decisions.

4.16 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.

4.17 The Council is required to publicise applications for the designation of neighbourhood areas and forums for a period of six weeks. In addition to that basic legislative requirement, Officers are guided by best practice and also consult with the following:

- Government agencies
- Associated Ward Councillors

5 NEIGHBOURHOOD FORUM APPLICATIONS: RELEVANT LEGISLATION AND GUIDANCE

5.1 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.

Making an application

5.2 Regulation 8 of the 2012 Regulations 2012 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."

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

Consulting on an application

5.4 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."*

Determining an application

5.5 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 members 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.

5.6 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.

5.7 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."

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

5.9 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 NEIGHBOURHOOD FORUMS: ROMAN ROAD BOW APPLICATION, CONSULTATION AND ASSESSMENT

6.1 This section provides the background to the Roman Road Bow Neighbourhood Forum application and a summary of the assessment. This section of the report outlines how the Roman Road Bow Neighbourhood Forum application was processed and assessed under the following headings: 1) making an application; 2) consulting on an application; and 3) designating a forum.

Making an application

Application submission and validation

6.2 An application to be designated as the Neighbourhood Forum for The Roman Road Bow Neighbourhood Area was received from the community group 'Roman Road Bow Neighbourhood Forum' on 2nd June 2017. The application contained:

- The name of the proposed neighbourhood forum;
- A copy of the written constitution of the proposed 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 proposed forum which could be made public
- A statement which explains how the proposed neighbourhood forum meets the conditions contained in 61F(5) of the 1990 Act.

6.3 The submitted application was validated in accordance with regulation 8 of the 2012 Regulations.

Consultation on application

Public Consultation Process:

6.4 In accordance with regulation 9 of 2012 Regulations, public consultation on the Roman Road Bow Neighbourhood Forum application was carried out for six weeks between the 8th of June 2017 and the 19th of July 2017, inclusive.

6.5 The application was advertised in the East London Advertiser and all application documents were made publically available on the Council's website, in the Council Town Hall and in Idea Store Bow.

6.6 The advertisement in the East London Advertiser, and other publicity material including emails to stakeholders and the information available at the Town Hall and Idea Store Bow leaflet stated that if a designation is made no other organisation or body may be designated for that neighbourhood area until the designation expires or is withdrawn; details of how to make representations; and the date by which those representations must be received, being not less than 6 weeks from the date on which the application was first published.

Summary of Representations Received:

6.7 All representations received during the consultation period have been taken into account in the determination of this application. The representations have been taken into account to the extent that the representations address considerations which are relevant to the Council's decision having particular regard to the statutory requirements for designation specified in section 61F of the TCPA 1990 and guidance within paragraphs 016, 017, 089, 090, 091, 038 and 039 of the PPG. Further detail on the public consultation representations is included at Appendix 2: Public Consultation Summaries

6.8 Representations were made both in support of and in objection to the proposed forum. Representations were made by local residents, in the area and statutory bodies as follows:

- 1 individually submitted objection
- 8 individually submitted support statements
- 6 individually submitted neutral statements
- 1 individually submitted concerned statement
- 2 individually submitted no comment statements

6.9 Of the above representations, 10 were from local residents, and 8 from statutory bodies. No representations were received from business or landowners in the area.

6.10 Matters raised in support of the proposed forum included, but were not limited to: support for the proposed Forum's constitution, which is considered to be developed in a correct and proper manner; the representativeness of the proposed Forum's membership (which includes businesses, residents and community groups); the engagement the proposed Forum has undertaken and has planned; and the proposed commitment to improving the social, economic and environmental well-being of the neighbourhood.

6.11 Matters raised in objection to the proposed forum included, but were not limited to: Concerns about the lack of clarity over the role of the plan and the forum and limited public consultation, in particular with regards to the constitution; Concern that the neighbourhood forum designation could have a detrimental impact on the conservation areas which are represented by the Mile End Old Town Residents Association; Concerns raised regarding the accountability of the constitution and concerns over costs to the Council; about the Forum being unrepresentative and having the ability to refuse, terminate or suspend membership of the Forum. There were also concerns about unrepresentative influences on planning decisions and that the proposed forum will not bring additional benefits to local citizens, particularly those who live on the edges of the designated Neighbourhood Area.

Determining an application: designating a Forum

6.12 The following section of this report considers the application against relevant legislation Section 61F of the TCPA 1990.

6.13 Where the assessment is made with reference to a neighbourhood area, the area used is the Roman Road Bow Neighbourhood Area as designated by Individual Mayoral Decision on the 6th February 2017.

Section 61F(5) considerations

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?

6.14 The proposed 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 proposed forum application outlines that, amongst other aims and objectives, the forum seeks to encourage greater social interaction and involvement, especially by minority groups; promote and develop economic well-being of the area; and increase environmental wellbeing by using the newly developed public realm framework.

6.15 A concern was raised during the consultation that the designation of the neighbourhood forum might undermine the status of the conservation areas within the neighbourhood area. Neighbourhood planning does add another layer of planning policy for a neighbourhood area, however any forthcoming neighbourhood plan will have to be in conformity with the borough's Local Plan, the London Plan and national planning policy and designations. This will include those policies which seek to protect or enhance heritage assets, including conservation areas. In addition the purpose and objectives included in the submitted constitution include 'protecting the area's heritage'.

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?

6.16 Forum membership is open to everyone who lives, works or represents the Area as an elected member. The Constitution of the Roman Road Bow Neighbourhood Forum (dated 31st May 2017) states that forum membership is open to everyone (above the age of 16) who lives or works in the area, business operators in the area (who can nominate up to two people in their membership application) and elected London Borough of Tower Hamlets Council members who represent wards in the area.

6.17 The Constitution also states that the Forum committee may refuse membership, or terminate or suspend the membership of any member, by resolution passed at a Committee meeting where the Committee considers that such membership would be detrimental to achieving the objectives.

Although the above was raised as a concern within the consultation responses received, the refusal or termination of a membership is not considered to contravene the legislative requirement for open membership but is to ensure the Forum can function effectively. The inclusion of such a clause in a constitution has been widely used by other designated Neighbourhood Planning Forums including: the Isle of Dogs Neighborhood Planning Forum, the Knightsbridge Neighborhood Forum and the Hyde Park and Paddington Neighborhood Forum (amongst others).

6.18 It is considered that the constitution is in conformity with 61F(5)(b).

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?

6.19 The forum has a membership which includes a minimum of 21 people, each of whom lives, works (whether for business carried out there or otherwise) or represents the Roman Road Bow Neighbourhood Area as an elected member. The application form states a membership of 250 and provides the names of 40 members (one name is included twice). Through a mapping exercise of the provided forum members' postcodes and consideration of their interests and relevant backgrounds, it can be discerned that the list of members are drawn from the Neighbourhood Area and represent those who live, work or represent the Area.

6.20 Concerns were raised within the consultation responses about there being limited public interest in the prospective forum and therefore that the designation of the Neighbourhood Forum could lead to unrepresentative planning decisions. However, as set out below, the prospective Forum has undertaken sufficient steps to secure membership from different areas and different sections of the community and is made up of a mix of individuals from across the local area. The Forum also complies with the minimal requirements in accordance with 61F(5)(c) above and has over the minimum of 21 members. The proposed Forum is therefore considered to be representative of the local community.

In accordance with 61F(5)(d), does the forum have a written constitution.

6.21 The forum submitted a written constitution entitled 'CONSTITUTION ROMAN ROAD BOW NEIGHBOURHOOD FORUM' and dated 31st May 2017, with their application on 2nd June 2017.

6.22 As detailed above there have been concerns raised by consultees on the validity of the Forum's constitution and its accountability as a public body. There were particular concerns that the activities of the proposed Forum may place an onus on local authority/tax payer funding. However it should be noted that the constitution does not place any liability on the Council. In addition the Council does not provide funding for neighbourhood planning activities and funding is derived through central government. The Forums constitution is considered to be in accordance with the required legislation.

In accordance with 61F(5)(e), does the forum meet other conditions as may be prescribed?

6.23 No other legislative or regulatory conditions have been prescribed and as such there are no matters for consideration as part of this application.

6.24 In terms of the Council's guidance, the forum's application demonstrates how the Forum will embed the Council's aspirations within the Community Plan, Local Plan and Diversity and Equalities Statement into their activities.

In accordance with 61F(6) does the forum meet other prescribed conditions.

6.25 The Secretary of State has not prescribed any conditions in the 2012 Regulations.

Section 61F(7) considerations

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?

6.26 The proposed forum secures membership and has taken 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. Forum membership includes residents, local community and religious organisations representatives, resident association representatives and local business representatives.

6.27 The Forum has sought engagement from local Ward Councillors and has received endorsement from a number of local councillors as well as the membership of one Ward Councillor.

6.28 The forum has taken reasonable steps to secure these members through a number of methods including publicising the Forum's work through social media, leaflets, events and public consultation meetings. A concern was raised during consultation that the engagement and consultation undertaken to date by the prospective Forum was not sufficient. Whilst it is considered that sufficient engagement has been carried out to meet the requirements of the legislation, the Forum is encouraged to undertake further community engagement and consultation and take on board the concerns raised during this consultation, as they proceed with further neighbourhood planning activities.

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?

6.29 The proposed Forum secures membership from different places in the area. Through the use of a mapping exercise and with reference to forum members' postcodes, and consideration of the interest and relevant background of the persons identified as members in the application form, it can be discerned that the forum's membership is drawn from different places in the area and different sections of the community.

6.30 The majority of members have a residential focus however members include business owners, religious leaders and chairs of local community groups. Members of the Forum are drawn from the two wards of the Forum area and include members from the MEOTRA area of the designated Neighbourhood Area (as strongly recommended in the Individual Mayoral Decision report on the designation of the Roman Road Bow Neighbourhood Area).

In accordance with 61F(7)(a)(iii), does the forum's purpose reflect the character of the Area.

6.31 The purpose of the proposed Forum (as stated in the application) and the objectives of its Constitution state that the Forum seeks to promote and improve the social and economic and environmental wellbeing of the proposed neighbourhood area. Specifically it includes supporting local businesses and traders and high street; improving public realm; protecting the area's heritage; increasing community infrastructure; and improving connectivity. This purpose reflects the character of the Roman Road Bow Neighbourhood Area which is primarily residential, centred on the Roman Road East Town Centre. It also reflects the Area's mix of some areas of poor public realm and lack of connectivity with a large number of conservation areas and heritage assets.

In accordance with 61F (7)(b) will designation result in only one organisation or body as Neighbourhood Forum for each neighbourhood area?

6.32 The designation will result in the creation of one forum for one area.

In accordance with 61F(7)(c) will designate of an organisation or body as a neighbourhood forum only occur where an organisation or body has made an application to be designated?

6.33 The proposed forum made an application for designation as a forum on 2nd June 2017, and the application was subsequently validated.

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 to this application as the forum is recommended for approval.

Conclusion

6.35 The Roman Road Bow Neighbourhood Forum has demonstrated that its application meets the relevant requirements to be designated as the neighbourhood forum for the Roman Road Bow Neighbourhood Area, as designated by Individual Mayoral Decision on 6th February 2017.

6.36 As such, Officers are satisfied that the proposed Forum meets the conditions and provisions within section 61F of the TCPA 1990, the 2012 Regulations 2012 and the Tower Hamlets Neighbourhood Planning Guidance Note.

Officers' Recommendation

6.37 Designate the prospective Roman Road Bow Neighbourhood Forum as the Neighbourhood Forum for the Roman Road Bow Neighbourhood Area, as designated by Individual Mayoral decision on 6th February 2017.

7 COMMENTS OF THE CHIEF FINANCE OFFICER

7.1 Following the approval by Individual Mayoral decision on 6th February 2017, of the application to designate an area of Roman Road Bow Neighbourhood as a Neighbourhood Planning Area in accordance with the statutory requirements of the Localism Act 2011, this report seeks consideration of an application to establish a Neighbourhood Planning Forum within the area.

7.2 The Council has a duty to provide support and advice to Area Forums which will incur additional administration costs, and these must be contained within existing budgets. Funding has historically been made available by the DCLG to assist with these costs, subject to an annual maximum sum dependent upon the number of determinations within the particular financial year. Since 1st April 2016 however, the funding arrangements have been changed so that they are no longer year specific. Local planning authorities are able to claim £5,000 for each of the first five area designations that it makes, with a further £5,000 for each of the first five forum designations. The Roman Road Bow Neighbourhood Forum is the fifth forum designation that the Council has made so it will receive a £5,000 contribution, however as a total of five forum designations and six area designations will now have been made any further designations will not be eligible for DCLG support.

7.3 An element of any Community Infrastructure Levy (CIL) that is generated within a Neighbourhood Planning Area can be allocated specifically to support development within that same area, depending on the status of the Neighbourhood Planning Forum. The appropriate conditions are set out in paragraphs 4.9 to 4.12 of this report. The level of these resources could be substantial and will need to be taken into consideration when determining the allocation of other funding streams across the borough in conjunction with the Council's capital strategy.

7.4 In certain circumstances Neighbourhood Development Orders would exempt certain types of development, or development on a particular site, from requiring planning permission (paragraph 4.5). If this is the case, the Authority will not receive a planning fee, although it will also not incur the costs of processing and determining the application. It is anticipated that the exemption will only relate to a limited number of smaller developments, so any reduction in planning fee income should be relatively minor, however the impact must be closely monitored once the new system is in place.

8 LEGAL COMMENTS

8.1 This report recommends that the Mayor approves the application for the designation of the Roman Road Bow Neighbourhood Forum. The statutory framework is set out in this report in considerable detail. In this instance it is

recommended that the decision is taken by way of an individual mayoral decision as opposed to being taken by the Mayor in Cabinet. This is because the Council are required by the regulations to determine an application for a neighbourhood forum within 13 weeks of the application being first publicised. Owing to the gap in Cabinet meetings over August, this would have meant delaying the start of the consultation period to be able to meet this deadline. Given the purpose of the 13 week determination period was to speed up decision taking on neighbourhood forum applications, this would be defeated if the decision has to be deferred to the next cabinet.

8.2 The consultation period in respect of the proposed neighbourhood forum (in accordance with Regulation 9 of the Neighbourhood Planning (General) Regulations 2012) was completed on 19 July 2016 and the summary of representations received is set out at paragraphs 6.7 to 6.11 of this report.

8.3 The Council may designate the proposed forum if it is satisfied that the relevant body meets the conditions set out in Section 61F(5) of the Town and Country Planning Act 1990 (as amended) (listed in paragraph 5.5 of this report). The Council must also have regard to the matters set out in Section 61F(7) of that Act (as detailed in paragraph 5.7 of this report).

8.4 The forum application has been assessed against these statutory criteria and has been found to comply with them. Legal Services are satisfied that Officers have had proper regard to these factors in formulating their recommendation.

8.5 The designation will have effect for a period of five years, unless the Council decides to withdraw it, either because the organisation no longer meets the conditions for approval or because the body itself elects. During these five years, no other organisation or body may be designated as a neighbourhood forum for the area.

8.6 In deciding whether to designate a neighbourhood forum, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. An Equality Analysis Quality Assurance Checklist has been undertaken (see Appendix 3). Section 9 of this report indicates that no negative equality impacts arise at this stage. The position will be reviewed if and when any proposed Neighbourhood Plan and/or Neighbourhood Development Order are brought forward by the designated forum (should the Council decide to designate) for the relevant area.

8.7 The Council's decision on the forum must also be publicised as soon as possible after the decision is made (Regulation 10 of the Neighbourhood Planning (General) Regulations 2012).

9 ONE TOWER HAMLETS CONSIDERATIONS

9.1 One Tower Hamlets principles have been considered so far as they impact upon the determination of applications to become Neighbourhood Forums and Areas. The implications of determining these applications on the protected

characteristics outlined in the Equalities Act 2010 have been considered using the Council's Equality Analysis Quality Assurance Checklist and it has been considered that no further action needs to be taken at this stage.

9.2 Due regard for the nine protected groups will be embedded in the preparation and production of any resultant Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO).

9.3 Furthermore, NDPs and NDOs are required to be in general conformity with the Council's Local Plan and as such will give due consideration to One Tower Hamlets considerations and the Community Plan.

10 BEST VALUE (BV) IMPLICATIONS

10.1 Under Section 3 Local Government Act 1999 the Council 'must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'.

10.2 During the determination of this application the Council has worked with the prospective Forums where appropriate, having regard to economy, efficiency and effectiveness, and in conformity with statutory requirements as detailed in the TCPA (1990).

10.3 At the stage when Forums are developing Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDOs), the plans and orders will add an additional layer of detail to the Council's Development Plan and look to steer the future development of land in the relevant area. This will better allow the existing and future community to contribute to economic, environmental and social improvements in their area and benefit from the resultant development.

11 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

11.1 Determining Neighbourhood Forums applications does not have any discernable impacts on the environment.

11.2 At the stage where established Neighbourhood Forums are developing NDPs or NDOs for designated Neighbourhood Areas consideration will be given to action of a greener environment. Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC an SEA may be required of plans and programmes which "determine the use of small areas at a local level. In accordance with Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 ("the 'Regulations"), the responsible authority will determine whether a Strategic Environmental Assessment (SEA) is necessary. The Council will act as necessary to provide advice to designated Forums in respect of the requirements to carry out an SEA.

12 RISK MANAGEMENT IMPLICATIONS

12.1 The application recommendations have been reported through a number of internal groups that consider risk management issues and mitigation. These include:

- Development & Renewal Directorate Management Team
- Corporate Management Team

13 CRIME AND DISORDER REDUCTION IMPLICATIONS

13.1 Determining Neighbourhood Forums applications does not have any discernable impacts on crime and disorder.

13.2 At the stage where established Neighbourhood Forums are developing NDPs or NDO's for the designated Neighbourhood Areas consideration may be given to crime and disorder where the Forum wish to pursue the implications of crime and disorder on the built environment.

14 SAFEGUARDING IMPLICATIONS

14.1 There are no specific safeguarding implications associated with this report.

Linked Reports, Appendices and Background Documents

Linked Report

1. Neighbourhood Planning: Determination of Roman Road Bow Neighbourhood Area report.

Appendices

1. Appendix 1: Roman Road Bow Neighbourhood Area Map
2. Appendix 2: Consultation Summary Reports
3. Appendix 3: Equality Analysis Quality Assurance Checklist

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

- NONE

Officer contact details for documents:

- Ellie Kuper Thomas
- ellie.kuperthomas@towerhamlets.gov.uk
- 020 7364 3648

Appendix 3: EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	**Determination of Roman Road Bow Neighbourhood Planning Forum Applications**
Directorate / Service	**Development & Renewal**
Lead Officer	**Ellie Kuper Thomas**
Signed Off By (inc date)	**Marissa Ryan-Hernandez (08/08/2017)**
Summary – to be completed at the end of completing the QA (using Appendix A) (Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)	**Proceed with implementation** Based on the QA a Full EA will not be undertaken at this stage. As a result of performing the QA checklist the proposed decision making process for Neighbourhood Planning Forum applications does not appear to have any adverse effects on people who share *Protected Characteristics* and no further actions are recommended at this stage. Due regard for the nine protected groups will be embedded in the preparation and production of any resultant Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO).

Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Y	
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Y	At this stage, the impacts of the proposals will not be felt upon persons with protected characteristics. At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely adverse impacts on people who share Protected Characteristics. Officers can share information on the latest Council's Borough Profile to provide an overview of the equality groups to the Forum. Any Neighbourhood Development Plan or Order will need to be in general conformity with the Council's Local Plan.
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	n/a	The degree to which there are impacts from approving the proposal for a Neighbourhood Planning Forum are not known. There is no reliable qualitative and quantitative data to support claims made about impacts, where there are known to be impacts. Neighbourhood Planning is a new planning policy tool. In future, there may be a need to capture information to be able to assess impact.
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	n/a	Neighbourhood Planning is a new planning policy tool. In future, evidence may be developed nationally.
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	In accordance with Neighbourhood Planning Regulations, public consultation and the Council's reporting cycle allow for input into the recommendations for determining applications

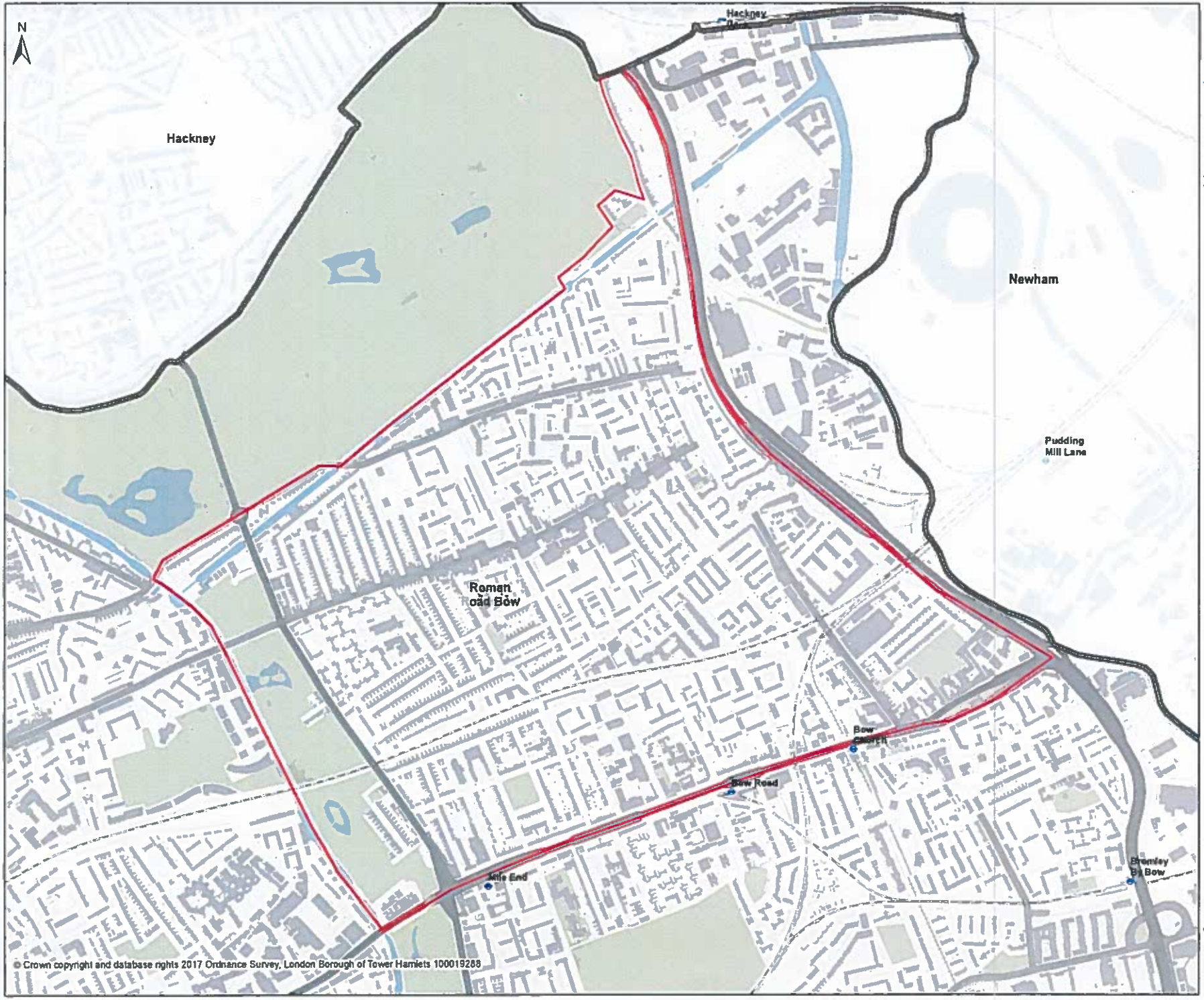
			being taken forward.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Formal public consultation was carried out for six weeks. This is the statutory period of public consultation.
3	**Assessing Impact and Analysis**		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	No	Neighbourhood Planning is a new planning policy tool. There is no evidence of impacts. At the stage when a Neighbourhood Development Plan or order is being prepared, links may be established.
b	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	No	Neighbourhood Planning is a new planning policy tool. There is no evidence of impacts. At the stage when a Neighbourhood Development Plan or order is being prepared, an understanding will be development and assessed for unequal impacts.
4	**Mitigation and Improvement Action Plan**		
a	Is there an agreed action plan?	n/a	
b	Have alternative options been explored	n/a	It is our statutory duty to support forum and area applications where they are meet legislative requirements. We are required by the Localism Act (2011) to designate an appropriate area where an application is submitted.
5	**Quality Assurance and Monitoring**		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely adverse impacts on people who share Protected Characteristics. At the stage of submitting the Neighbourhood Development Plan or Order, the Council will consider the impact on the plan or order on the protected characteristics.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	Yes	At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely

			adverse impacts on people who share Protected Characteristics. At the stage of submitting the Neighbourhood Development Plan or Order, the Council will consider the impact on the plan or order on the protected characteristics.
6	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	N/A	There is no executive summary

Appendix A

(Sample) Equality Assessment Criteria

Decision	Action	Risk
As a result of performing the QA checklist, it is evident that due regard is not evidenced in the proposal and / or a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share *Protected Characteristics*. It is recommended that the proposal be suspended until further work or analysis is performed – via a the Full Equality Analysis template	**Suspend – Further Work Required**	**Red**
As a result of performing the QA checklist, the policy, project or function does not appear to have any adverse effects on people who share *Protected Characteristics* and no further actions are recommended at this stage.	**Proceed with implementation**	**Green:**



TOWER HAMLETS

GIS for Place Directorate

Roman Road Bow Neighbourhood Planning Area London Borough of Tower Hamlets

LEGEND

- Roman Road Bow Neighbourhood Planning Area
- Borough Boundary

Scale @ A4: 8,000

0 0.04750.095 0.19 0.285 0.38 Kilometers

Created by:GIS Team
LONDON BOROUGH OF TOWER HAMLETS
Date: 14/02/2017

APPENDIX 2

Roman Road Bow Neighbourhood Planning Forum: Public Consultation Summary

1) Role of this document

This document provides a summary on the level of representation, and the matters discussed within representations, during the formal public consultation period for the applications to establish a Neighbourhood Planning Forum made by the Roman Road Bow Neighbourhood Planning Forum.

The report takes account of relevant planning matters in representations submitted to the London Borough of Tower Hamlets.

This paper has been prepared by the London Borough of Tower Hamlets 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.

2) Consultation activities undertaken by the Council

The formal public consultation period ran from the 8th of June 2017 to the 19th of July 2017

Consultation activities undertaken by the Council were carried out in accordance with Neighbourhood Planning Regulations. Activities undertaken were as follows:

- Provision of consultation information and application material on the Council's website (www.towerhamlets.gov.uk).
- Provision of consultation information and application material to the council Town Hall, and the Idea Store Bow for inspection by interested parties.
- Provision of information to elected Councillors in the relevant areas and other stakeholders.
- Publication of a Public Notice in the East London Advertiser.

These activities also followed the principles of the guidance for the production of policy documents as set out in the Council's Statement of Community Involvement (SCI).

2) Approach to categorising representations made

During the public consultation period, the public are able to make representations on the contents of the area and forum applications submitted to the Council. Typically, representations are made by local residents, local Councillors, landowners, businesses, interests groups, statutory consultees and neighbouring Local Authorities. Representations were not made by all parties directly consulted.

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:

Support	Have stated explicit support, or support has been inferred from the contents of the representation
Object	Have stated explicit objection, or objection has been inferred from the

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

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.

When analysing the representations, regard is given to legislative requirements related to the Forum and Area proposals.

4) Summary of responses related to the Forum based application

Number of representations received

Support	Objection	Neutral	No comment	Petition	Concerned	Total
8	1 (received by email and letter)	6	2	0	1	18

Comments made by statutory bodies and neighbouring boroughs:

- No comments were made on the purpose, membership or constitution of the proposed Forum.

Summary of matters raised in support:

- The proposed Forum demonstrates clear commitments to working with local organisations to promote and improve the social, economic and environmental well-being of its neighbourhood, as required in legislation;
- The proposed Forum has members from local business, residents and community groups from the Neighbourhood Area, as required in legislation;
- The proposed Forum has invited local community members, especially reaching out to the Area's various diverse communities, to take part in meetings and activities of the Forum to grow the Forum, and is planning further engagement;
- The proposed Forum will help to improve the local area and could help make better use of spaces;
- The proposed Forum provides assurance that it will embed the Council's guidance and aspirations, as provided in the Local Development Framework, Community Plan and Single Equality Framework into its activities;
- Support and agreement with the Forum's constitution, which is considered to be developed in a correct and proper manner.

Summary of matters raised in objection:

- Concerns about the lack of clarity over the role of the plan and the forum and limited public consultation, in particular with regards to the constitution;
- Concern that the Neighbourhood Forum designation could have a detrimental impact on the Conservation Areas, which are represented by the Mile End Old Town Residents Association;

- Concerns over the proposed constitution's accountability - which could result in the Council picking up costs;
- The proposed Forum is able to refuse or terminate and suspend memberships which may result in it being unrepresentative;
- The proposed forum will not bring additional benefits to local citizens, particularly those who live on the edges of the designated Neighbourhood Area.

Summary of matters raised as concerns:

- Only a few people have shown an interest in the proposed Forum – which may lead to unrepresentative influences on planning decisions;
- There may be conflicts of interest between the requirements of the smaller neighbourhoods within the designated Neighbourhood Area;
- There seems to be no activity proposed by the Forum that is not already supported or managed by the Council;
- Public engagement with the Council already works well, both directly and via elected local councillors.