


Cabinet	 TOWER HAMLETS
3 March 2021	
Report of: Ann Sutcliffe, Corporate Director, Place	Classification: Unrestricted
Neighbourhood Planning: Determination of Spitalfields Neighbourhood Forum Application	

Lead Member	Councillor Eve McQuillan, Cabinet Member for Planning and Social Inclusion
Originating Officer(s)	Steven Heywood, Planning Officer
Wards affected	Spitalfields and Banglatown; Weavers
Key Decision?	Yes
Forward Plan Notice Published	2 February 2021
Reason for Key Decision	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
Strategic Plan Priority / Outcome	1. People are aspirational, independent and have equal access to opportunities; 2. A borough that our residents are proud of and love to live in

Executive Summary

Neighbourhood forum designations expire five years after they are initially granted. The Spitalfields Neighbourhood Forum designation is therefore due to expire on 5 April 2021. The Forum has submitted an application for the designation to be renewed. This report assesses the application against the relevant legislation and guidance.

Recommendations:

Cabinet is recommended to:

1. Approve the redesignation of the Spitalfields Neighbourhood Forum as the designated neighbourhood forum for the Spitalfields Neighbourhood Planning Area, to come into force on 5 April 2021.
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 Spitalfields 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 Officers have assessed the application against the relevant legislation and guidance and believe that it meets with the requirements for approval. Only a small number of consultation responses were received, and these were all either positive, expressing no objection, or providing no comment. No reasons have been provided in any of the consultation responses to suggest that the application should not be approved. A consultation statement is provided as appendix 5.

2. ALTERNATIVE OPTIONS

- 2.1 An 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 must 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 An LP may refuse to consider an application for a neighbourhood forum in areas where a neighbourhood forum is already designated. The current neighbourhood forum designation in the Spitalfields neighbourhood Planning Area will expire on 5 April 2020. The Council could therefore refuse to consider this application until such a time as the original designation has expired. However, the neighbourhood forum has submitted their application for re-designation at this time in order to avoid a period where the area has no designated forum. If the application were not considered until the current designation expires, there would be at least a 13 week period with no forum designation, and this would likely coincide with the examination process for the recently submitted Spitalfields Neighbourhood Plan.

3. DETAILS OF THE REPORT

- 3.1 This report provides an overview of the assessment of the Spitalfields 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 Spitalfields Neighbourhood Forum application

4. 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 Spitalfields 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. 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.
- 5.3. 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.*

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

5.5. 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.*

5.6. 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*”.

5.7. 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.*

5.8. 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.

5.9. 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 area, 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.*

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

5.11. 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. SPITALFIELDS NEIGHBOURHOOD FORUM APPLICATION

- 6.1. This section provides detailed assessment of the Spitalfields Neighbourhood Forum application, in relation to the criteria outlined above.

Making the Application

- 6.2. An application was received from the Spitalfields Neighbourhood Forum to renew their designation as a neighbourhood forum on 25 November 2020. 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. On the same day, officers confirmed that the submission had been received and that the required details were included.
- 6.4. Under Regulation 11 of the 2012 Regulations, the Council may decline to consider an application for an area where there is an existing neighbourhood forum designation. The current forum designation in the Spitalfields neighbourhood planning area is in place until 5 April 2021. However, this application is being made by the currently designated forum to renew their designation, with the aim of ensuring a continuation of that designation, and not leaving the area with a period where no forum is designated. Under these circumstances, officers believe it is appropriate to consider the application.

Consulting on the Application

- 6.5. In accordance with regulation 9 of 2012 Regulations, public consultation on the Spitalfields Neighbourhood Forum application needed to be carried out for at least six weeks. The consultation began on 3 December 2020 and ended on 22 January 2021. 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 was necessary to begin the reporting cycle before the consultation process was completed. The DLT and CLT reports on this topic therefore provided a snapshot of consultation responses at the time of preparation of those reports. The MAB and CAB reports are accompanied by a consultation statement (appendix 5) setting out the methods used to publicise the consultation and the responses to the consultation.

6.8. To summarise, 17 responses were received to the consultation. Of these, 10 expressed full support for the renewal of the forum's designation (from the Attlee Centre, Spitalfields Community Group, Spitalfields Trust, Spitalfields Society, and six residents), 2 expressed no objection to the renewal (Historic England, and the Port of London Authority), and five had no comment to make on the application (Sports England, Transport for London, Natural England, the Canal and River Trust, and the Environment Agency).

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 Spitalfields 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 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.

- 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 Spitalfield Neighbourhood Forum Constitution was adopted on 30 October 2018, and states in clause 6, sub-clauses c-f 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. Concern was raised by officers that the constitution does not explicitly state that people who work in the area have the right to membership – the clause relating to business operators referred to people formally representing the interests of the business, rather than individuals who may be employed within the area but wish to join the forum on their own behalf. This has been addressed by an update to the standing orders (clause 6b), which states that anyone who works in the area has the right to membership. The forum has undertaken to update the main constitution document to reflect this at their next AGM.
- 6.14. Officers are therefore satisfied that the constitution is in conformity with 61F(5)(b).
- 6.15. *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?*
- 6.16. The Forum has 236 members at the current time, and has provided a sample of 21 members on the application form who represent different interests within the area, including local residents, business operators, a ward councillor, and representatives from community organisations.
- 6.17. *In accordance with 61F(5)(d), does the Forum have a written constitution?*
- 6.18. As discussed above, the most recent version of the Forum's constitution dates from October 2018, 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.
- 6.19. *In accordance with 61F(5)(e), does the Forum meet other conditions as may be prescribed?*
- 6.20. No other legislative or regulatory conditions have been prescribed and as such there are no matters for consideration as part of this application.

- 6.21. In terms of the Council's guidance, the Forum's application provides a significant amount of detail on the steps the Forum has taken to engage with local people over the previous 7 years and during the development of the neighbourhood plan.
- 6.22. The application acknowledges that the Forum has previously struggled to achieve a representative level of engagement from the significant Bengali population of their area. In 2017, when the Forum was undertaking a significant consultation effort through the community engagement platform Commonsense, they commissioned The East London Citizens Organisation (TELCO) to specifically engage this community, and took out a Bengali-language advert in the newspaper Janomat and delivered bilingual leaflets to addresses in the area. They also engaged with the local Sikh community to gather further consultation responses. In response to this, 37% of respondents to the consultation were categorised as British-Bengali/Bangladeshi (compared to 43% of the Spitalfields and Banglatown ward in the 2011 census figures). Figures for consultation responses from other ethnic groups were also broadly representative of the 2011 census figures. For more detail, see section 2a of the application form.
- 6.23. In accordance with 61F(6) does the Forum meet other prescribed conditions?
- 6.24. The Secretary of State has not prescribed any conditions in the 2012 Regulations.

Determining the Application: Section 61F(7) considerations

- 6.25. 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 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 and religious organisations representatives, local business representatives and an elected Tower Hamlets Councillor.
- 6.27. 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?
- 6.28. The Forum has drawn a large number of members from across the area. The Forum recognises that their membership, being around two-thirds White British/White Irish does not fully match the demographic profile of the wider Spitalfields and Banglatown work, but highlights that engagement efforts with other communities over the past few years has led to an increase in the diversity of the forum among members in general and also among committee members. A significant amount of detail on this engagement work is provided in the application form, in sections 2a and 3b. Consultation responses from the Spitalfields Trust and Spitalfields Society, and from one of the residents,

commented on the representativeness of the Forum, and that it has worked well to increase diversity and inclusiveness and represents people from a wide range of backgrounds.

- 6.29. *In accordance with 61F(7)(a)(iii), does the Forum's purpose reflect the character of the Area?*
- 6.30. The objectives of the Forum are stated in clause 3 of the constitution, and include promoting the social, economic, heritage, and environmental wellbeing of the area; preparing a neighbourhood plan for the area; encouraging the involvement of the wider community in the development of the plan; fostering community spirit and encouraging civic pride; and promoting prosperity through economic growth and investment. These objectives can all be considered to reflect the character of the local area, which contains a high level of ethnic diversity, a number of significant heritage assets and conservation areas, and notable commercial areas such as Brick Lane.
- 6.31. *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 application is for the renewal of the existing designation of the neighbourhood forum for the Spitalfields Neighbourhood Planning Area. Following designation, there will still only be one designated neighbourhood forum for this area.
- 6.33. *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?*
- 6.34. The Forum made an application for designation on 25 November 2020.
- 6.35. *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?*
- 6.36. This report recommends approval of the application. If a refusal is made by CAB, reasons will be provided to the Forum.

Conclusions

- 6.37. Officers are satisfied that the application for the renewal of the Spitalfields Neighbourhood Forum designation meets the conditions and provisions within section 61F of the TCPA 1990 and the 2012 Regulations, and recommend that the application be approved.

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 Spitalfields 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 material financial implications emanating from this report which seeks support for the re-designation of the Spitalfields Neighbourhood Forum as the designated neighbourhood forum for the Spitalfields Neighbourhood Planning Area as it meets the conditions and provisions within section 61F of the TCPA 1990 and the 2012 Regulations
- 9.2 Costs associated with the consultation process and assessment of the application amount to £221 for a public notice and staff time. These funds will be taken from the Plan Making team budget.
- 9.3 There is no Parish Council in place for the Spitalfields 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:

- approval of this report, which was presented to MAB on 10 February 2021 along with a consultation statement attached as an appendix and a final officer recommendation;
- approval supporting the re-designation of the Spitalfields Neighbourhood Forum as the designated neighbourhood forum for the Spitalfields Neighbourhood Planning Area; and
- 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 Spitalfields Neighbourhood Forum is likely to have a significant effect on communities living or working within the Spitalfields 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 Spitalfields 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 Spitalfield 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 Spitalfields 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: Spitalfields Neighbourhood Forum Application Form
- Appendix 2: Spitalfields Neighbourhood Area Map
- Appendix 3: Spitalfields Neighbourhood Forum Constitution
- Appendix 4: Spitalfields Neighbourhood Forum Standing Orders
- Appendix 5: Consultation Statement
- Appendix 6: Equalities Impact Assessment Screening

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

- NONE

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