

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

Lead Member	Councillor Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housing
Originating Officer(s)	Marc Acton Filion, Planning Officer
Wards affected	Bow East; Bow West
Key Decision?	Yes
Forward Plan Notice Published	17/11/2022
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 Roman Road Bow Neighbourhood Forum expired on 16 August 2022. The Forum has submitted an application for the designation to be renewed. This report assesses the application against the relevant legislation and guidance.

Recommendations:

The Mayor in Cabinet is recommended to:

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

1. REASONS FOR THE DECISIONS

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

2. ALTERNATIVE OPTIONS

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

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

3. DETAILS OF THE REPORT

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

3.2 The content of the report is as follows:

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

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

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

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

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

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

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

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

Community Infrastructure Levy

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

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

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

Overview of Neighbourhood Planning at LBTH

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

5. NEIGHBOURHOOD DEVELOPMENT PLANS: RELEVANT LEGISLATION AND GUIDANCE

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

Neighbourhood areas designated as business areas

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

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

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

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

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

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

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

- 5.7. Upon receipt of an application, it is validated in accordance with the above.
- 5.8. In accordance with Regulation 9 of the Neighbourhood Planning (General) Regulations 2012, the authority must publish the following on their website and in such a manner as to bring the application to the attention of people who live, work or carry on business in the area to which the application relates:
- (a) a copy of the application;*
 - (b) a statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;*
 - (c) details of how to make representations; and*

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

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

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

a) *It [the Forum] is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purposes of promoting the carrying on of trades, professions or other businesses in such an area).*

b) *It [the Forum] has a membership is open to:*

- (i) *Individuals who work in the neighbourhood area concerned*
- (ii) *Individuals who work there (whether for business carried out there or otherwise)*
- (iii) *Individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned.*

c) *It [the Forum] membership includes a minimum of 21 individuals each of whom –*

- (i) *Lives in the neighbourhood area concerned*
- (ii) *Works there (whether for business carried on there or otherwise), or*
- (iii) *Is an elected member of a county council, district council or London Borough Council any of whose area falls within the neighbourhood area concerned.*

d) *It [the Forum] has a written constitution*

e) *Such other conditions as may be prescribed.*

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

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

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

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

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

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

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

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

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

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

6. ROMAN ROAD BOW NEIGHBOURHOOD FORUM APPLICATION

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

Making the Application

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

- The name of the Neighbourhood Forum
- A copy of the written constitution of the Neighbourhood Forum

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

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

Consulting on the Application

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

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

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

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

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

Determining the Application: Section 61F(5) considerations

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

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

Determining the Application: Section 61F(7) considerations

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

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

Conclusions

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

7. EQUALITIES IMPLICATIONS

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

8. OTHER STATUTORY IMPLICATIONS

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

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

9. COMMENTS OF THE CHIEF FINANCE OFFICER

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

10. COMMENTS OF LEGAL SERVICES

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

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

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

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

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

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

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

- NONE

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