

REQUEST FOR CEO DECISION – CD 071

Title: Designation of Old Oak Neighbourhood Forum

Executive Summary:

On 12 September 2017, OPDC Board designated the Old Oak Neighbourhood. At the same meeting, OPDC Board refused the designation of the Interim Old Oak Neighbourhood Forum because the forum did not meet the legal requirement for 21 members to either live in the neighbourhood area, work there; and/or; are elected members for a local authority that includes all or part of the neighbourhood area. The Board agreed that if an application was submitted for a forum with the requisite number of members and if OPDC officers were in a position to recommend that a forum be approved, that this decision be delegated to OPDC's Chief Executive Officer (CEO). This was in the interest of taking a timely decision.

A second application to designate the Interim Old Oak Neighbourhood was submitted to OPDC in October 2017. An eight week public consultation was carried out from 22 November 2017 to 18 January 2018. 118 responses were received as part of the public consultation. Of these responses:

- 112 responses were supportive of the forum; and
- 6 responses did not state a clear position either in support or in opposition to the proposed forum.

The application meets the relevant legislative requirements and has significant support (as demonstrated through the consultation responses). Officers are in a position to positively recommend the designation of the Old Oak Neighbourhood Forum and as such are seeking a delegated CEO decision for this.

Decision:

That the Chief Executive Officer designates the Old Oak Neighbourhood Forum as the neighbourhood forum for the Old Oak Neighbourhood Area.

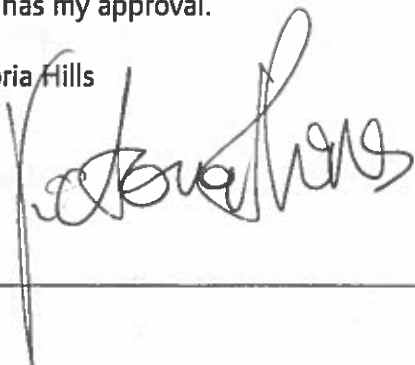
CEO AUTHORISATION

I have reviewed the request and am satisfied it is correct and consistent with the OPDC business plan and priorities. It has my approval.

Name: Victoria Hills

Position: Chief Executive Officer

Signature:



Date:

9/2/18

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Officer recommendation

1.1 Officers recommend that OPDC's Chief Executive Officer designate the Old Oak Neighbourhood Forum as the neighbourhood forum for the Old Oak Neighbourhood Area.

2. Introduction and background

2.1 Neighbourhood planning is a community led process intended to shape and promote development at the neighbourhood (i.e. local) level.

2.2 It was introduced through the Localism Act (2011) to enable communities to define Neighbourhood Areas and establish Neighbourhood Forums to draw up a Neighbourhood Plan and/or Neighbourhood Development Orders. It is guided by a range of legislation and national guidance. Local planning authorities (LPA) are required by law to support the neighbourhood planning process.

2.3 There are 4 key stages in Neighbourhood Planning:

- **Stage 1:** A community group submits applications to OPDC as the LPA to designate a neighbourhood forum and neighbourhood area.
- **Stage 2:** Public consultation takes place on the applications.
- **Stage 3:** OPDC takes a decision on the neighbourhood forum and area applications.
- **Stage 4:** If the proposed neighbourhood forum is designated as the neighbourhood forum for a neighbourhood area it can start production of a neighbourhood development plan for that area.

2.4 Neighbourhood forums are community-led groups which seek to help shape growth and development within their relevant neighbourhood areas. Groups must apply to their LPA to be designated as a neighbourhood forum. Once designated, a neighbourhood forum can develop a neighbourhood plan for its neighbourhood area. As the LPA for its area, OPDC has a statutory duty to determine applications to designate neighbourhood forums.

2.5 The Localism Act sets out four criteria that a prospective neighbourhood forum needs to meet if it is to be designated:

- a) It 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;
- b) Its membership is open to individuals who live in the neighbourhood area, individuals who work there (whether for businesses carried on there or otherwise) and individuals who are elected members (for London in respect of a London borough council) any of whose area falls within the neighbourhood area concerned;
- c) Its membership includes a minimum of 21 individuals each of whom live in the area, work in the area or are elected members for the area; and
- d) It has a written constitution.

2.6 The Localism Act also requires the OPDC, in considering whether to designate a neighbourhood forum, to consider whether the:

- a) Forum has secured, or taken reasonable steps to secure, membership that includes at least one individual from the three categories i.e. people who live, work or are elected members for the area;

- b) Membership is drawn from different places in the area and different sections of the community in the area; and
- c) The purpose of the forum reflects (in general terms) the character of the area.

2.7 Once designated, a forum ceases to have effect after 5 years. OPDC is also able to withdraw a designation where they consider that the Forum is no longer meeting the conditions by reference to which it was designated.

Neighbourhood Plans

2.8 Following the designation of a neighbourhood forum and area, the forum can commence preparation of a neighbourhood plan and/or neighbourhood development order(s). A neighbourhood plan must undergo a public consultation and independent public examination, before it is sent to a referendum carried out by the relevant borough(s). If the plan receives the support of 50% or more of those who vote in the referendum it then be 'made' by the LPA.

2.9 Neighbourhood plans provide planning policies for land within the neighbourhood area. A neighbourhood development order is an order which grants planning permission for development specified in the order or for development of any class specified in the order. Both neighbourhood plans and neighbourhood development orders need to be in general conformity with OPDC's development plan. They also need to be consistent with national policy. Once adopted, a neighbourhood plan forms part of the statutory development plan for the area within which it is situated.

2.10 The preparation of neighbourhood development plans and neighbourhood development orders are led by the relevant neighbourhood forum with support from LPA. The support provided by the LPA can vary and may include provision of officer time, relevant information and assistance with preparation of the evidence base to support the neighbourhood plan.

2.11 The stages in the neighbourhood plan's preparation are set out below.

Stage	Responsibility
Pre-submission draft neighbourhood plan prepared	Forum
Consultation on pre-submission draft plan	Forum
OPDC provides response to consultation	OPDC
Submission draft neighbourhood plan prepared	Forum
Submission draft neighbourhood plan provided to OPDC for publication.	OPDC
Publication of submission draft neighbourhood plan by OPDC.	
Submission of draft neighbourhood plan for examination.	OPDC
Examination undertaken	OPDC
Local referendum held	Local Borough
OPDC Planning Committee makes recommendation for plan to be made (assuming it has passed the referendum)	OPDC
OPDC Board adopts neighbourhood plan	OPDC

Old Oak Neighbourhood Area

2.12 On 12 September 2017, OPDC Board designated the Old Oak Neighbourhood Area which differed from the area applied for by the Interim Old Oak Neighbourhood Forum. A map of the area and rationale for designation is set out in the Old Oak Neighbourhood Area Decision Document located in Annex A.

Previous Old Oak Neighbourhood Forum application and refusal

2.13 On 12 September 2017, OPDC Board refused the designation of the Interim Old Oak Neighbourhood Forum as the neighbourhood forum for the designated Old Oak Neighbourhood Area. The application was refused due to the interim forum not meeting the legal requirement to have 21 members who either live in the neighbourhood area, work there; and/or; are elected members for a local authority that includes all or part of the neighbourhood area. This results from the changes made to the designated area. The reasons for refusing to designate the forum are set out in the Old Oak Neighbourhood Forum Refusal Statement. This is located in Annex B.

Delegation of decision to designate Old Oak Neighbourhood Forum

2.14 On 12 September 2017, OPDC Board agreed that, should OPDC officers be in a position to recommend that a forum is approved for the designated Old Oak Neighbourhood Area, that this decision is delegated to OPDC’s Chief Executive Officer to support a timely decision.

3 Overview of the revised Old Oak Neighbourhood Forum application

3.1 The second application to designate the Old Oak Neighbourhood Forum was submitted to OPDC in October 2017. The submitted application material can found in Annex C.

3.2 Figure 1 shows the approximate addresses of the prospective neighbourhood forum members. The application identifies 53 potential neighbourhood forum members comprised of:

- 49 residents
- 3 people working in the area
- 1 elected representative

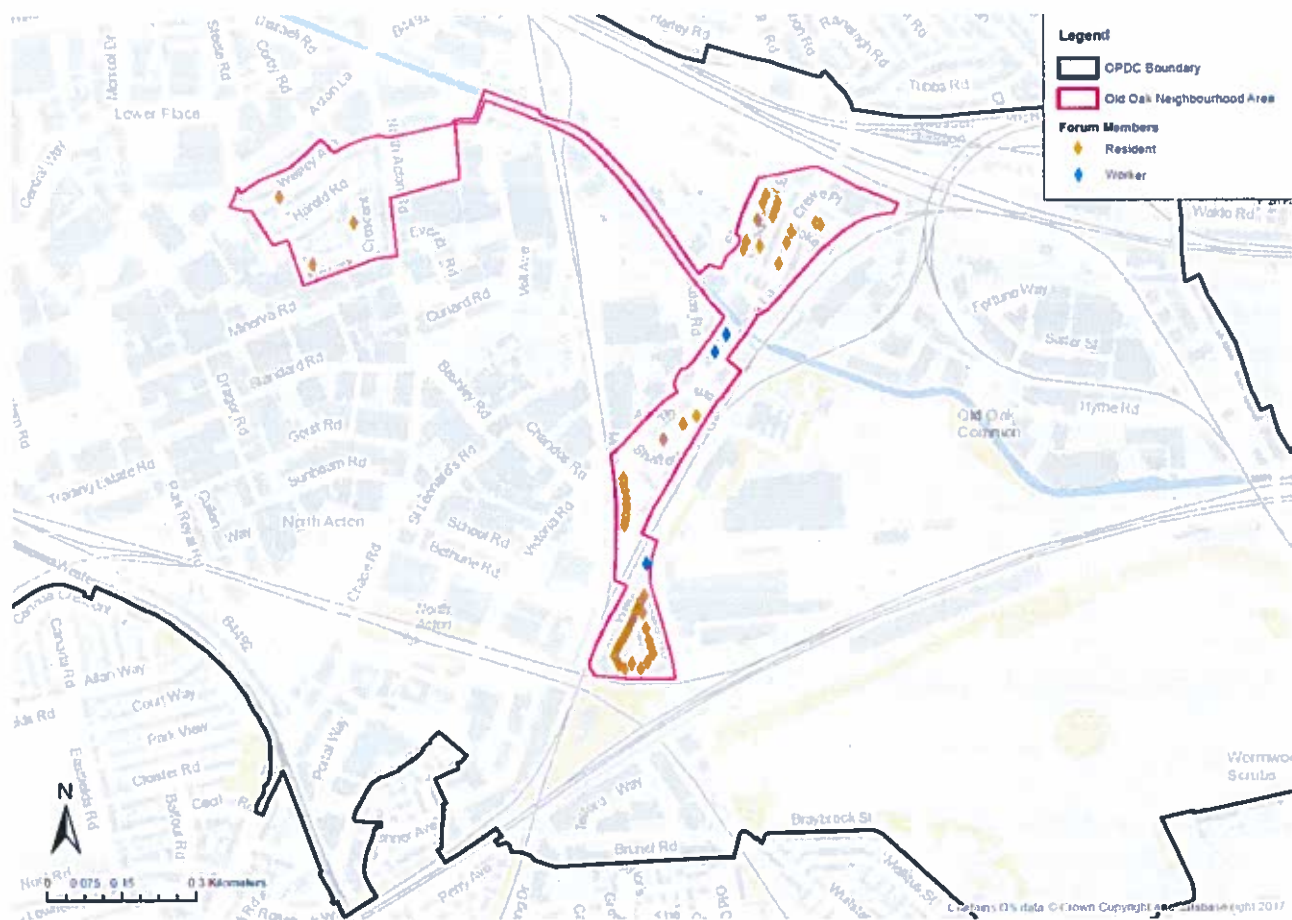


Figure 1 – Members’ addresses within the Old Oak Neighbourhood Area

4 Overview of the Old Oak Neighbourhood Forum public consultation and summary of responses

- 4.1 In accordance with the Neighbourhood Planning (General) Regulations, OPDC published the application for an eight week public consultation from 22 November 2017 to 18 January 2018. OPDC has 13 weeks in which to determine the application from the start of consultation. A 13 week period is required as the application does not cross local planning authority boundaries. Cross boundary applications have a 20 week determination period.
- 4.2 The following engagement activities were undertaken as part of the public consultation:
- Application documents were made available on OPDC's website;
 - Application documents were made available for inspection at City Hall, The Queen's Walk, More London Riverside, London SE1 2AA; and
 - Public notices were published in local newspapers.
- 4.3 In total, 118 responses were received as part of the public consultation on the proposed Old Oak Neighbourhood Forum application. 84 of these responses were from within the Old Oak Neighbourhood Area. 28 of the responses were from outside of the area or did not state an address. A complete schedule of the responses to the consultation can be viewed at Annex D. Responses can be grouped as:
- 112 responses were supportive of the forum. 84 of these were from within the Old Oak Neighbourhood Area. Of the 112 supportive responses, respondents were comprised of:
 - 81 residents within the neighbourhood area;
 - 22 residents outside of the neighbourhood area;
 - 1 residents' association within the neighbourhood area;
 - 1 community organisation outside of the neighbourhood area;
 - 2 businesses or employees within the neighbourhood area;
 - 3 businesses or employees outside of the neighbourhood area
 - Respondent who did not identify their location or position.
 - 6 responses did not state a clear position either in support or in opposition to the proposed forum. These were received from local residents, statutory consultees and a community organisation. These respondents were located outside of the Old Oak Neighbourhood Area.
- 4.4 There were no responses objecting to the designation of the forum.
- 4.5 Figure 2 identifies the location of resident/business occupier and resident association respondents to the consultation. Respondents supporting the designation were located within each of the residential neighbourhoods within the Old Oak Neighbourhood Area, from surrounding areas of Harlesden, East Acton and North Kensington and from outside of London. The residential neighbourhoods are The Island Triangle, Midland Terrace, Shaftesbury Gardens, Wells House Road and the Wesley Estate.

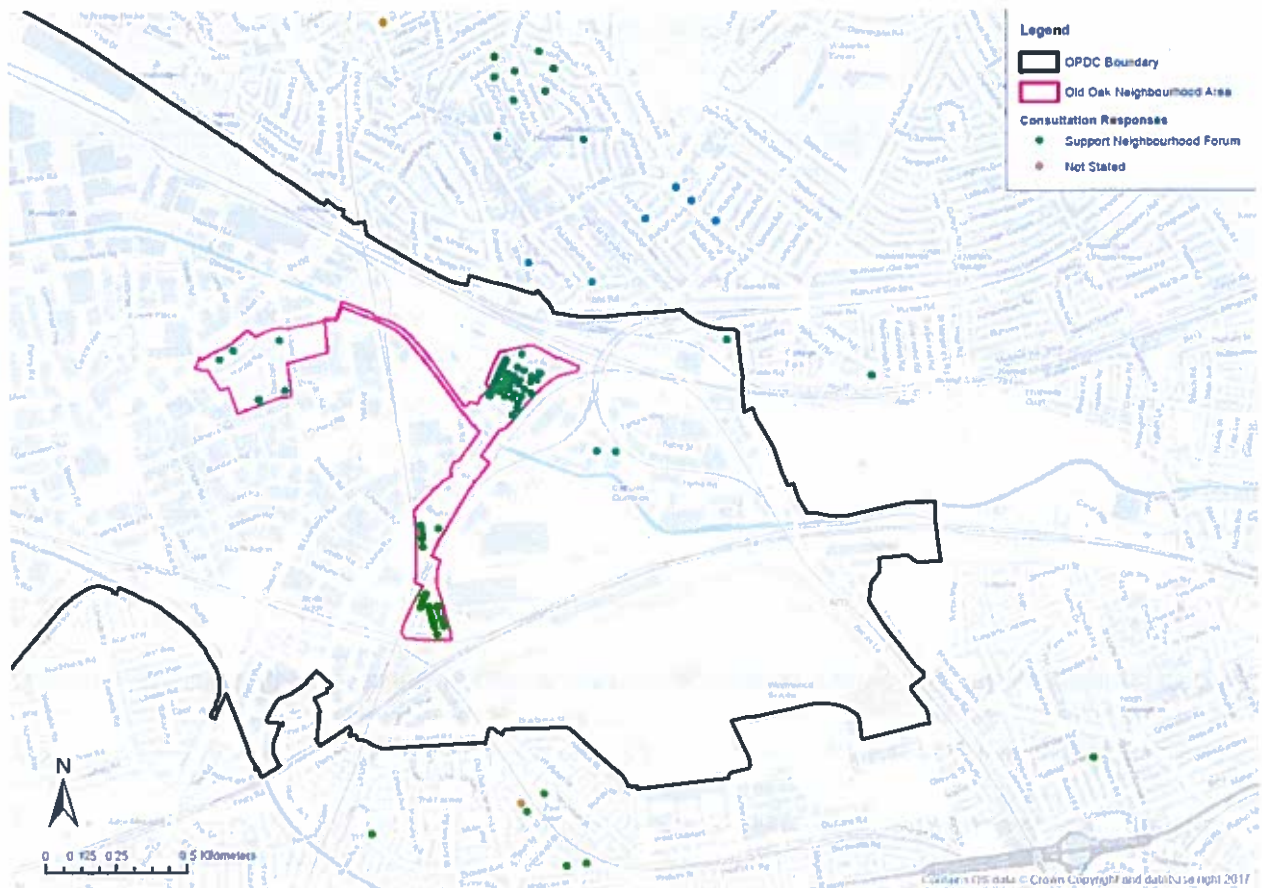


Figure 2: Approximate locations of respondents

4.6 In addition to responses stating their view on the proposed forum, 33 responses expressed their disappointment of the designation of a smaller Old Oak Neighbourhood Area by OPDC Board on 12 September 2017, than the area applied for at the time.

5 Officer assessment

5.1 Officers have assessed the proposed Forum in relation to designated Old Oak Neighbourhood Area. Officers consider that the application material successfully demonstrates how the forum meets the requirements of the four criteria of the Act set out in paragraph 1.5. Officers also consider that the forum meets the requirements of the Act set out in paragraph 1.6 by:

- securing members who live, work or are elected members for the area;
- ensuring membership is drawn from different places and sections of the community in the Old Oak Neighbourhood Area demonstrated by residential and business members and their locations shown in figure 2; and
- demonstrating that the forum reflects the character of the area in having a significant proportion of residential members, reflecting the residential neighbourhoods and business members reflecting the local business community.

6 Next steps

6.1 Should the Old Oak Neighbourhood Forum be designated, OPDC will publish the following material in accordance with Neighbourhood Planning (General) Regulation 10 (2012):

- the name of the neighbourhood forum;
- a copy of the written constitution of the neighbourhood forum;
- the name of the neighbourhood area to which the designation relates; and
- contact details for at least one member of the neighbourhood forum.

- 6.2 Once designated, OPDC will work proactively to support the Old Oak Neighbourhood Forum in the development of any neighbourhood plan.

7 Officer recommendation

- 7.1 Officers recommend that OPDC's Chief Executive Officer designate the Old Oak Neighbourhood Forum as the neighbourhood forum for the Old Oak Neighbourhood Area.

8 Project Initiation Document (PID)

- 8.1 This Chief Executive Officer decision will not result in the commencement of new workstreams. As such a Project Initiation Document is not required.

9 Equality comments

- 9.1 The Localism Act sets out requirements for the forum to demonstrate how its membership is drawn from different sections of the community and that the forum seeks to promote or improve the social, economic and environmental wellbeing of an area. Officers consider the forum successfully meets these requirements and will benefit all sections of the community, including those exhibiting protected characteristics.

10 Financial comments

- 10.1 OPDC can claim £5,000 funding from the Ministry of Housing, Communities and Local Government for designation of the neighbourhood forum. The grant will be claimed and paid to the GLA, and will be allocated to OPDC as part of the Functional Body grant allocation.

11 Legal comments

- 11.1 If a forum is designated for the Old Oak Neighbourhood Area, the forum may wish to develop a neighbourhood plan. As described earlier in this report, following a neighbourhood plan being made it would then form part of the statutory development plan for the area. If a neighbourhood area is designated, OPDC must take decisions at key stages in the neighbourhood planning process and provide advice or assistance to the neighbourhood forum if it wishes to bring forward a neighbourhood plan.

Appendices and supporting papers:

- a. Annex A – Old Oak Neighbourhood Area Decision Document
- b. Annex B – Old Oak Neighbourhood Forum Refusal Statement
- c. Annex C – Second Old Oak Neighbourhood Forum application
- d. Annex D – Schedule of responses to the consultation

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the OPDC website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Note: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Peter Farnham has drafted this report in accordance with OPDC procedures and confirms that:

Financial and Legal advice:

The Finance team has commented on this proposal, and this decision reflects their comments. ✓

The Legal team has commented on this proposal, and this decision reflects their comments. ✓

CHIEF FINANCIAL OFFICER:

I confirm that financial implications have been appropriately considered in the preparation of this report.

Signature



Date

8 February 2018

DIRECTOR OF PLANNING

I confirm that I have reviewed this request and can confirm that I am satisfied it is correct and consistent with the OPDC business plan and priorities. It has my clearance and can be referred to the CEO for final approval.

Signature:



Date: 08 Feb 2018