

Report To:	Cabinet	Date:	27th January 2020
Heading:	RE- DESIGNATION OF THE TEVERSAL, STANTON HILL AND SKEGBY NEIGHBOURHOOD FORUM		
Portfolio Holder:	CLLR.M.RELF, PORTFOLIO HOLDER FOR PLACE, PLANNING AND REGENERATION		
Ward/s:	STANTON HILL & TEVERSAL, SKEGBY, THE DALES AND CARSIC		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

To consider the application for the re-designation of the Teversal, Stanton Hill and Skegby Neighbourhood Forum.

Recommendation(s)

Cabinet is recommended, in accordance with the Town & Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012, as amended, to re-designate the Teversal, Stanton Hill and Neighbourhood Forum in relation to the Teversal, Stanton Hill and Skegby Neighbourhood Area.

Reasons for Recommendation(s)

National planning policy places an emphasis on neighbourhood planning and local councils facilitating neighbourhood planning. The Forum has brought forward the Teversal, Stanton Hill and Skegby Neighbourhood Plan 2017, which forms part of the Council Local Development Plan. They are an active Forum, which sets out to represent the view of the local community. Based on the information submitted, it is considered that the application meets the legislative requirements and the Council should re-designate the Neighbourhood Forum.

Alternative Options Considered

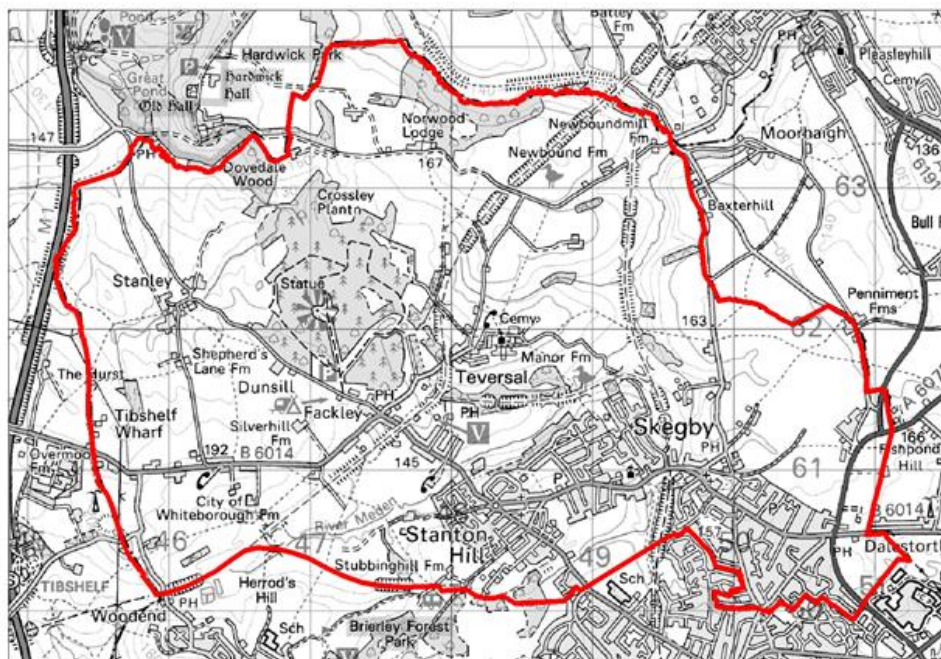
(with reasons why not adopted)

Not to re-designated the Forum. However, in compiling its recommendations, the Council has considered the evidence submitted by the Forum as well as the representations received on the consultation. Subject to their being a “relevant body” and meeting the legislation requirements, the Council must exercise its power of designation of a Neighbourhood Forum.

Detailed Information

The Localism Act 2011 introduced the right for the community to come together to draw up a Neighbourhood Development Plan (commonly called a neighbourhood plan). The Council designated the Teversal, Stanton Hill and Skegby Neighbourhood Forum in February 2015. It relates to the Neighbourhood Plan Area of the same name and covers the area to the north of Sutton in Ashfield including the settlements of Teversal, Stanton Hill, Skegby, Fackley, and Stanley, see plan set out below. The Forum has brought forward the Teversal Stanton Hill and Skegby Neighbourhood Plan, which was made on 7th November 2017.

The Town and Country Planning Act 1990 Section 61F (8) sets out that the designation of a forum ‘ceases to have effect at the end of the period of 5 years beginning with the day on which it is made’. Consequently, the Forum has to applied to the Council to renew its designation for a further 5 years in accordance with the provisions of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and The Neighbourhood Planning (General) Regulations 2012 as amended. Re-designation will enable the Neighbourhood Forum to act under the relevant legislation in relation to the designated Neighbourhood Plan Area, which remains unchanged.



A valid application for the re-designation of the Forum was received on 25th November 2019, comprising:

- a) the name of the neighbourhood forum;
- b) a copy of the written constitution of the 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;
- e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F (5) of the 1990 Ac; and
- f) A list of the names and address of 24 members of the Forum.

The Regulations state that a neighbourhood forum application should be publicised for a period of not less than six weeks (the formal period for representations) before the Council can consider the respective designations. The application for the Forum was open to representations for the period from 27th November 2019 to 9th January 2020. No responses were received. This is not considered unusual based on other council's consultations on the designation of neighbourhood forums.

The Town and Country Planning Act 1990 Section 61F(5) states that local planning authorities may designate an organisation or body as a neighbourhood forum if the following conditions are met:

- a) It is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned.
- b) Its membership is open to-
 - i. Individuals who live in the neighbourhood area concerned,
 - ii. Individuals who work there, and
 - iii. Individuals who are elected members of a county council, or district council any of whose area falls within the neighbourhood area concerned.
- c) Its membership includes a minimum of 21 individuals, each of whom lives or works or is an elected member any of whose area falls within the neighbourhood area.

The Statement submitted with the application identifies that the Forum has been established to promote or improve the social, economic and environmental wellbeing of the area. Clearly, the Forum has brought forward a made Neighbourhood Plan. It has been verified by officers that it has more than 21 members who live or work or are members of the District Council covering the area including parties who live and/or work in the area and members would be elected councillors. A written constitution has been submitted with the application. It is reflective of the Statement. The Council is satisfied from the information provided that the Forum has met the following elements of the Act, (Section 61F (7)) which it must consider when determining the designation, that is:

- The organisation or body 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 of living, working or are council members any of whose area falls within the neighbourhood area.
- The membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and
- The organisation's purpose reflects (in general terms) the character of the neighbourhood area.

Should the Council approve the application for the renewal of the Forum, no other organisation can be designated as a neighbourhood forum for the Teversal, Stanton Hill and Skegby Neighbourhood Area until the designation is withdrawn or expires. This will only affect the ability to use neighbourhood planning powers. It will not affect the establishment or existence of any other community, charitable, neighbourhood or voluntary organisations in the area.

Implications

Corporate Plan:

The designation of the Forum will contribute towards the Corporate Plan's purposes including working more closely with our communities in delivering the changes we all want to see in Ashfield.

Legal:

An application for the designation of a neighbourhood forum can be made by a "relevant body" under the provisions of The Neighbourhood Planning Regulations 2012, as amended. Once a valid application is made, the Council is required to consider whether or not to designate the neighbourhood forum. The Regulations require that the Council determine the application within 13 weeks beginning with the day immediately following that on which the application is first publicised in accordance with regulation 9.

Finance:

There are limited direct costs associated with the consultation of the Neighbourhood Forum under regulation 9. However, for the financial year 2019/2020, local planning authorities (lpa) can claim £5,000 for the first five neighbourhood forums they designate. The limit of five forums applies to the total number of areas designated in the lpa (i.e. it includes claims made in the past for forums designated) and includes the re-designation of forums. As the Council has only designated one forum to date, if the forum is re-designated the Council will be able to claim the sum of £5,000.

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
Legal challenge to the designation of the Forum. This is considered to be minimal	The Council has followed the requirements of relevant legislation for the designation of the forum.

Human Resources:

There are no direct HR implications contained within this report.

Equalities:

The equalities impacts of designating the Neighbourhood Forum have been considered and it is concluded that there are none.

Other Implications:
(if applicable)

Reason(s) for Urgency
(if applicable)

Reason(s) for Exemption
(if applicable)

Background Papers

The following background papers are available on the Council's website:

The application for the Neighbourhood Forum including:

- A copy of the written constitution;
- Map of the identified area;
- A statement explaining how the proposed neighbourhood forum meets the conditions set out in Section 61(F) The Act.

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