

RE-DESIGNATION OF BYFLEET NEIGHBOURHOOD FORUM

Executive Summary

The existing Byfleet Residents' Neighbourhood Forum was designated on 13 February 2014 with the primary purpose to prepare a Neighbourhood Plan. Whilst the Neighbourhood Forum has started the preparation of the Neighbourhood Plan for the Neighbourhood Area, this is not yet adopted.

Section 61F(8) of the Town and Country Planning Act 1990 advises on the life span of a Neighbourhood Forum. It emphasises that a Neighbourhood Forum ceases to have effect at the end of the period of 5 years beginning with the day on which it is made. Given that the existing Byfleet Residents' Neighbourhood Forum is now over 7 years old, it ceases to have effect in representing the community in preparing, reviewing or monitoring the delivery of the Byfleet Neighbourhood Plan. It has no statutory status as a consultee on planning applications for development within the Neighbourhood Area. In order to continue its work, the Byfleet Residents' Neighbourhood Forum has submitted a formal application to the Council to re-designate the Neighbourhood Forum for a further period of 5 years in accordance with the Planning Act and the Neighbourhood Planning (General) Regulations (2012) (as amended). The application includes a copy of a written constitution, objectives of the Forum, a Map of the Neighbourhood Area to which the Forum seeks to plan and the contact details of the relevant members of the Forum, in particular, the chair of the Forum. The application can be accessed by visiting: <https://www.woking2027.info/neighbourhoodplanning/byfleetneighbourhoodplan>. A copy is included in Appendix 1.

The procedure for re-designating a Forum is the same as designating a new Forum. It is important to highlight that there is no time limit for the existence of a Neighbourhood Area, and the application does not seek to alter any part of the existing Neighbourhood Area. In this regard, the Neighbourhood Area is not a subject for consideration. The application was widely publicised and consulted on. In particular, the application was published for consultation on the Council's website for eight weeks between 3 September 2021 and 29 October 2021 to bring it to the attention of people who live, work or do business in the area. There were public notice and Press Release in local newspapers about the application. Direct letters were sent to every household and business premises within the Neighbourhood Area. A copy of the application was deposited in Byfleet Community Library and notices were displayed by the Neighbourhood Forum.

Officers have provided advice on procedure. The assistance that is provided is all within the scope of what the Council should do to help local communities to prepare a Neighbourhood Plan.

A total of **12** individuals submitted representations by the end of the consultation period. One person submitted representation after the consultation period. An analysis of the representations is set out in paragraph 1.4.

An assessment of how the application meet the requirements of Government legislation is set out in Section 2.

Recommendations

The Council is requested to:

RESOLVE That

- (i) pursuant to Section 61F(5) of the Town and Country Planning Act 1990 (as amended) the Council approves the re-designation of the Byfleet Residents'

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Neighbourhood Forum for a further period of 5 years for the purposes of supporting the future preparation of the Byfleet Neighbourhood Plan and to ensure the effective delivery of its requirements; and

- (ii) the effective date for the re-designation of the Byfleet Neighbourhood Forum should be the date of the Council's decision on the application, in this regard, 2 December 2021.

The Council has the authority to determine the recommendations set out above.

Background Papers:

- The Neighbourhood Planning (General) Regulations 2012 (as amended).
- The Town and Country Planning Act 1990 (as amended).

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1.0 Introduction

- 1.1 Section 61F(8) of the Town and Country Planning Act 1990 (Act) sets the time limit for the life of a Neighbourhood Forum. It advises that a Neighbourhood Forum ceases to have effect at the end of the period of 5 years beginning with the day on which it is made. The existing Byfleet Residents' Neighbourhood Forum was designated in February 2014. It is over 5 years old and ceased to have effect from February 2019. The existing Neighbourhood Forum has submitted an application to re-designate the Neighbourhood Forum for a further period of 5 years. This is in line with the requirements of the Planning Act. The Council has a duty to consider the application in the same manner as it would have done for a new application. The application has to satisfy the tests set out in Section 61F(5) of the Town and Country Planning Act 1990 to be approved.
- 1.2 The Act prescribes the list of requirements against which the application should be determined. The application has to be published for at least 6 weeks to give local residents the opportunity to comment on it. The Forum should comprise at least 21 members who live and or work or do business in the Neighbourhood Area. The Forum should be inclusive and representative of the general characteristics of the community. The Forum should have a name, contact details of its leaders and a constitution.
- 1.3 The application was published for eight weeks consultation between 3 September 2021 and 29 October 2021. It was widely publicised as set out in the Executive Summary. The length of time during which the application was publicised and the means of publicising it were all in line with the requirements of the Act and the Council's Statement of Community Involvement. Due to the COVID 19 pandemic and associated advice on social distancing, the application was published for a period of eight weeks instead of the usual six weeks.
- 1.4 A total of 12 individuals submitted representations by the end of the consultation period. 11 of them were expressively supportive of the application to designate the Neighbourhood Forum. One person submitted comments on a number of issues, in particular, on the consultation process and a range of matters that are unrelated to the application. There was one representation about the protection of the fire station that was submitted after the consultation period. As can be seen from this analysis, there has been an overwhelming support for the application by those people who made representations. Copies of the representations can be inspected by an arrangement with the Planning Policy Team.
- 1.5 It is stressed that there is already a designated Byfleet Neighbourhood Area. The application is not seeking to alter the Neighbourhood Area.

2.0 Assessments of the application against the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Localism Act 2011.

- 2.1 The Town and Country Planning Act 1990 (as amended) sets out a list of requirements against which an application for the designation of a Neighbourhood Forum should be determined. A local authority may designate a body as a Neighbourhood Forum if it is satisfied that it meets the following conditions:
 - 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;
 - its membership is open to:
 - individuals who live in the neighbourhood area concerned;
 - individuals who work there (whether for businesses carried on there or otherwise) and

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- individuals who are elected members of the district and/or County councils any of whose area falls within the neighbourhood area concerned;
 - its membership includes a minimum of 21 individuals each of whom:
 - lives in the neighbourhood area concerned;
 - work there;
 - is an elected member of the district or county any of whose area falls within the neighbourhood area concerned;
 - it has a written constitution;
 - such other conditions as may be prescribed.
- 2.2 The Council should also have regard to whether the membership of the Forum is drawn from different places in the Neighbourhood Area concerned and its purpose reflects the general character of the area when determining an application to designate a Neighbourhood Forum.
- 2.3 Officers are satisfied that the Byfleet Residents' Neighbourhood Forum re-designation application submitted by the existing Byfleet Residents' Neighbourhood Forum broadly covers the above requirements. How it seeks to do so is addressed below.
- 2.4 **Appendix 1** of the report contains the application, within which is a constitution of the proposed Byfleet Residents' Neighbourhood Forum. Section 1 of the constitution sets out the objectives of the Forum. It explicitly seeks to promote the social, economic and environmental well-being of residents of the Neighbourhood Area. It also seeks to foster community spirit and encourage civic pride. There is no reason to doubt this intent.
- 2.5 The proposed Neighbourhood Forum comprises over 21 members who live and or work in the designated Neighbourhood Area. As at July 2021, there were about 623 members of the Forum. The membership of the Forum include local Ward councillors and a County Divisional Councillor. The formation of the Forum had been opened on a voluntary basis to anyone who lives or works in the area and wished to join. Membership of the Forum is also drawn from different segments in the Neighbourhood Area (see Section 2 of the Constitution). The Neighbourhood Area is divided into north, east and west. The membership of the Forum is broadly spread across these areas with slightly less of the members residing in the north. Based on the information provided, there is a reasonable spread of membership across the Neighbourhood Area. There is a good balance of female and male members. Given the composition and character of the proposed Neighbourhood Forum, Officers are satisfied that the application satisfies the requirements of the Act and the Regulations.
- 2.6 The application includes a constitution for the Neighbourhood Forum, which covers the following:
- Objectives of the Forum;
 - Membership;
 - Committee;
 - Finance;
 - Neighbourhood Development Plan;
 - General policies and principles;
 - How alterations to the Constitution will be carried out; and
 - How the Forum may be dissolved.

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- 2.7 The Constitution provides a clear objective to improve the well-being of the people in the area. It covers how the Forum will manage its activities and provides a useful basis for holding it to account.
- 2.8 Officers are not aware of any other prescribed conditions that should be taken into account in determining the application.
- 2.9 Based on the above assessment, Officers are satisfied that the requirements of the Act, in particular, of Section 61F(5), and the Regulations have been met by the application. Consequently, the Council is requested to resolve to re-designate the Byfleet Residents' Neighbourhood Forum to take effect from the date of the Council's decision, in this case 2 December 2021 for a further period of 5 years

3.0 Conclusion

- 3.1 Neighbourhood planning is another layer of plan making being actively promoted by Government through the Localism Act. It is part of the Government's overall agenda to devolve decision making to local communities. The Core Strategy offers an in-principle support to it and Officers have been supporting local communities about how this could be taken forward. The Council has recently approved a number of applications to re-designate a Neighbourhood Forum. There is precedence to guide Members in the decision making process.
- 3.2 The work of the Neighbourhood Forum is fundamental to the preparation and review of the Neighbourhood Plan. Given that the Byfleet Neighbourhood Area is yet to have an adopted Neighbourhood Plan, and the Forum continue to have an ambition to prepare one, the re-constituted Neighbourhood Forum could continue to have a vital role for making sure that the Plan is progressed to adoption and for ensuring that development proposals in the Neighbourhood Area are determined in accordance with the Neighbourhood Plan. The existing Byfleet Residents' Neighbourhood Forum has submitted an application to re-designate the Neighbourhood Forum in order to be able to legitimately continue its activities in the Neighbourhood Area. Officers are satisfied that the proposed Neighbourhood Forum application meet the requirements of Government legislation and should be approved.

4.0 Corporate Strategy

- 4.1 The re-designation of the Neighbourhood Forum and the preparation of the future Neighbourhood Plan would support the objectives of the Corporate Plan. It would empower the residents of Byfleet Neighbourhood Area to work together and in partnership with the Council to shape development in the area. This would help create a sense of place that the community would choose to live and work.

5.0 Implications

Finance and Risk

- 5.1 There is no perceived significant financial implications as a result of the re-designation of the Neighbourhood Forum. There is a risk of a legal challenge if the Council failed to determine the application without clear reasons for doing so.

Equalities and Human Resources

- 6.1 There will be on-going staff resources to provide advice to the Neighbourhood Forum. This will be met from existing staff resources and budget. There are no equalities implications as a result of this report.

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Legal

- 5.2 The Council has a legal duty to determine applications for the designation/re-designation of a Neighbourhood Forum. Failure to do so without substantive reasons could open the Council to legal challenge. In particular, a local planning authority must make a decision on an application to designate a Neighbourhood Forum within 13 weeks. This time period is prescribed and as such every effort should be made to consider the application in an expeditious manner within the prescribed deadline. The Forum have no objection to the application being determined at this Council meeting. There are no substantive reasons why the application should not be determined.

6.0 Engagement and Consultation

- 6.1 The Council has a statutory duty to consult on the application for the re-designation of the Neighbourhood Forum. The Council published the application for eight week consultation between 2 September 2021 and 29 October 2021. A Public Notice was published in the newspapers. Direct letters were sent to every household and business premises in the Neighbourhood Area. Copies of the application were deposited at Woking and Byfleet Libraries and notices were displayed by the Neighbourhood Forum. The extent of public consultation is in accordance with the Act and the Statement of Community Involvement.

REPORT ENDS