
PROPOSED NEIGHBOURHOOD FORUM FOR MARGATE

To: Cabinet – 1 May 2014

Main Portfolio Area: Housing and Planning Services

By: Director of Community Services

Classification: Unrestricted

Ward: Westbrook, Garlinge, Salmestone, Dane Valley, Cliftonville East, Cliftonville West, Margate Central

Summary: Neighbourhood plans can be prepared by local communities and are led by Town or Parish Councils or a Neighbourhood Forum in areas which do not have a Town or Parish Council. The second stage of the neighbourhood planning process is to designate a Neighbourhood Forum if the area proposed is not parished.

The Council received an application from a proposed neighbourhood forum in Margate to designate it as a Neighbourhood Forum. The Council has consulted on the application, as required by legislation. This report sets out the responses to the consultation and recommends that the proposed Margate Neighbourhood Forum is designated.

For Decision

1.0 Introduction and Background

- 1.1 Under the Localism Act 2011, the government has introduced new legislation that gives greater weight to community-led planning. The Act introduced four new community rights, including the right to plan, which gives communities the right to have a say in the future of the places where they live, through drawing up a neighbourhood plan.
- 1.2 Neighbourhood plans are prepared by a relevant body (as defined in section 61G of the 1990 Town & Country Planning Act) who can either be a town or parish council, or a neighbourhood forum in areas not covered by town or parish councils. Neighbourhood forums are designated by the Council. Once adopted, neighbourhood plans become a statutory plan for the neighbourhood planning area. Planning policies in neighbourhood plans will carry the same weight as local plan policies in making decisions on planning applications.
- 1.3 Neighbourhood plans need to be compatible with national planning policies and the policies in the Council's local plan. The Council's Local Plan will set the context within which neighbourhood plans will sit. Neighbourhood plans will be about local rather than strategic issues, for example, where new shops, offices or homes should go or how a development site allocated in the Local Plan should come forward and what it should look like. They should be focused on guiding development and cannot be used to block development.

- 1.4 Annexes 1, 2 and 3 set out a summary of the steps in the process of developing a neighbourhood plan, copies of the submissions from the potential Margate Neighbourhood Forum and a copy of the consultation responses received.

2.0 The Current Situation – Application Submitted and Consultation

- 2.1 As there is currently no town or parish council for Margate, the potential Margate forum has submitted an application to become a neighbourhood forum.
- 2.2 The Council is obliged under the Neighbourhood Planning Regulations to carry out a public consultation on proposed neighbourhood plan area for a minimum of 6 weeks. The consultation for the Margate neighbourhood plan forum was carried out from 6th January-14th February 2014. The following methods were used for the consultation:
- Applications and relevant documents available on the consultation portal for comment, with information and links from the Councils website.
 - People registered on the consultation portal were contacted inviting comments on the consultations
 - Paper copies of the consultations documents and questionnaire available at the Gateway and local libraries
 - Adverts in local newspapers
 - Posters displayed
 - Notices displayed in the affected wards

Margate Neighbourhood Forum

Proposal

- 2.3 The proposed Neighbourhood Forum submitted a statement that the forum membership comprises at least 21 individuals representing a variety of ages, skills professions and life experiences and including newcomers to the area and long term residents. It states that members include volunteers who support and maintain street schemes, residents associations, heritage and civic associations and general health, welfare and voluntary organisations. The statement explains that forum members give energy to preserving, extending and regenerating heritage architecture, quality of life, accessible and affordable transport, a sustainable and active coastline and opportunities for education art and leisure.

Summary of Responses

- 2.4 There were 20 responses to the consultation on the designation of a neighbourhood forum. Responses were received from community groups and residents. All responses supported the application with the exception of one objection. The objection stated that having observed different activities some of the members had previously been involved in, they did not consider that they always act in the best interest for the people of Margate. The objector found at least one member to be actively hostile to people outside of their chosen group, and did not want to be represented by the group.

3.0 Options

- 3.1 The Council can use the information submitted with the application and responses to the consultation to determine whether or not the forum meets the legal requirements. If it does the Council must designate the forum.
- 3.2 Under the legal requirements, a neighbourhood forum must have:
- 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.

- membership open to people living and working in the area, and elected members for the area (reasonable steps must be taken to secure at least one of each)
 - a minimum of 21 members from above groups
 - a written constitution
- 3.3 In determining whether to designate a neighbourhood forum the Local Planning Authority must have regard to the desirability of designating an organisation of body:
- which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual within each of the following; persons living in the area, persons working in the area, and elected members;
 - whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area; and
 - whose purpose reflects (in general terms) the character of that area.
- 3.4 If the Council refuses to designate the area, the relevant legislation requires the reasons for refusal to be publicised.
- 3.5 The designation of a Neighbourhood Forum lasts for five years from the date of designation unless the Council has a reason to withdraw the designation.
- 3.6 One comment received during the public consultation objected to the proposed forum. The neighbourhood planning process involves a considerable amount of public consultation in preparing and writing a neighbourhood plan. The Neighbourhood Planning Regulations require the forum to submit a consultation statement setting out who was consulted, details of issues raised and how these were considered. Eventually the neighbourhood plan will be subject to a public referendum and has to be voted for by 51% of voters in a before the plan can be adopted. It is considered that the representation of the forum on behalf of the people of Margate would be self-regulating as they would not be able to progress a neighbourhood plan without public consultation and support or with insufficient support in the referendum.
- 3.7 It is considered that the written constitution and the supporting statements submitted to the Council confirm that the above conditions have been met. It is recommended that the Council should approve the designation of the proposed Margate neighbourhood forum.

4.0 Corporate Implications

4.1 Financial and VAT

- 4.1.1 The designation of the areas will not result in any direct financial or VAT implications. However future work on developing neighbourhood plans will require Council resources including staff time.
- 4.1.2 There will also be administrative costs associated with consultations and other stages of neighbourhood plan preparation, such as advertising, printing and the referendum.
- 4.1.3 The government have set up a fund to cover the costs of neighbourhood planning. This is proposed to cover both staff costs and administrative costs.
- 4.1.4 The Council can obtain the funding as each neighbourhood plan proposal reaches a particular stage:

- £5,000 following each neighbourhood area designation
- £5,000 following each neighbourhood forum designation
- £5,000 when a LPA publicises a neighbourhood plan prior to examination
- £20,000 on successful completion of a neighbourhood plan examination

4.1.5 Democratic services are considering the potential costs of a referendum, based upon the two applications we have received, to understand whether the funding available will cover the costs to the Council.

4.2 Legal

4.2.1 The relevant provisions for neighbourhood planning are set out in Sections 61E to 61Q of the Town and Country Planning Act 1990 (as amended). The Neighbourhood Planning (General) Regulations 2012 set out the requirement for the Council to consult for a minimum of 6 weeks, following the submission of an application for the designation of a proposed neighbourhood plan area and proposed neighbourhood plan forum.

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4.2.5 Section 61 F of the Town and Country Planning Act states that ‘an organisation or body may be designated for a neighbourhood forum only if that area does not consist of or include the whole or any part of the area of a parish council’.

4.2. The legislation requires the following to be submitted in an application for a neighbourhood planning forum

- The name of the proposed forum
- A copy of the written constitution
- The name and map of the relating neighbourhood area
- The contact details of at least one member of the proposed forum to be made public
- A statement showing how the proposed forum:
 - is established to promote or improve the social, economic and environmental well being of an area that consists of or includes the neighbourhood area for the NDP (this can also relate to businesses)
 - has 21 individual members and membership is open to the following groups :
 - People living in the area;
 - People who work there;
 - County council, district or London borough councillors for the area;
 - has a written constitution.

4.2.7 It is considered that the proposed Margate Neighbourhood Forum met these requirements with their application.

4.2.8 The Council is currently consulting on a governance review for Margate. In the event that the result of this review is the establishment of a parish council for Margate, it is likely that this would be in place by spring 2015. In those circumstances, the neighbourhood forum would cease to be the relevant body able to take forward a neighbourhood plan.

4.3 Corporate

4.3.1 Neighbourhood planning proposals support the following Corporate Plan priorities:

- Priority 1 – Economy and Growth
- Priority 3 – Community and Voluntary

Priority 7 - Home and Community
Priority 10 – Working in Partnership
Priority 11 – Preserving our Public Spaces

4.4 Equity and Equalities

- 4.4.1 An Equalities Impact Assessment has not been carried out as there are no plans or projects identified at this stage – only the areas to which any neighbourhood plans will apply.

The Constitution for the Margate neighbourhood forum states that:

‘The Forum shall take no action unless it is motivated by the purposes of the organisation and shall not discriminate against any individual or group on the basis of age, disability, nationality, race, ability, marital status, sexuality, gender, political or religious beliefs and that it is open to all who support the purpose of the Margate neighbourhood plan.’

5.0 Recommendation

- 5.1 That Cabinet approve the designation of the Margate neighbourhood forum.

6.0 Decision Making Process

- 6.1 This is a non-key decision subject to call in.

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Reporting to:	Madeline Homer, Director of Community Services

Annex List

Annex 1	Outline of Neighbourhood Planning Process
Annex 2	Margate Submission – Plan Area Statement, Map, proposed Forum Statement, Constitution
Annex 3	Consultation Responses – Margate Forum

Corporate Consultation Undertaken

Finance	Sarah Martin, Financial Service Manager
Legal	Peter Reilly, Litigation Solicitor
Corporate	Hannah Thorpe, PR & Publicity Manager