

Report for: Cabinet Member Signing - 9 March 2018

Title: Highgate Neighbourhood Forum Re-designation

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Ward(s) affected: Highgate, Crouch End and Muswell Hill

Report for Key/ Non Key Decision: Key

1 Describe the issue under consideration

- 1.1 The Highgate Neighbourhood Forum ('the Forum') was designated by the Council on 18th December 2012. The Forum has since prepared a plan for the Highgate Neighbourhood Area ('the Neighbourhood Area'), which includes parts of Haringey and Camden boroughs. Following independent examination and a local referendum, the Highgate Neighbourhood Plan ('the Plan') was adopted by the Council in July 2017 and it now forms part of the statutory development plan.
- 1.2 The Localism Act 2011 provides that neighbourhood forums must be designated for a period of 5-years. Formal designation of the Highgate Neighbourhood Forum expired on 17th December 2017. The Forum is therefore seeking re-designation as the body responsible for facilitating neighbourhood planning in Highgate. Applications for re-designation have been submitted to both Haringey and Camden Councils given the cross-borough extent of the Neighbourhood Area.
- 1.3 This report sets out the content of the applications, summarises responses to public consultation on these and makes recommendations on the decision to designate.

2 Cabinet member introduction

- 2.1 Neighbourhood planning enables communities to play an important role in shaping the areas in which they live. Specifically, through the preparation of neighbourhood plans communities are able to set out a shared vision and planning policies for their local area. These plans support the Council's Local Plan in providing a framework for managing development and growth, such as for new housing and jobs, as well as focussing priorities for investment in community infrastructure.

3 Recommendations

3.1 It is recommended that:

The Cabinet Member for Housing, Regeneration and Planning resolves to designate the Highgate Neighbourhood Forum pursuant to Section 61F of the Town and Country Planning Act 1990.

4 Reasons for decision

4.1 The Council has a duty to support and facilitate the neighbourhood planning process in Haringey as required by the Town and Country Planning Act 1990 (as amended) (“the Act”). In addition, the local authority is required to take decisions on applications for neighbourhood forums within prescribed timescales, as set out in The Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”). For applications made to more than one local authority the time limit is 20 weeks.

4.2 Officers from both Haringey and Camden have assessed the applications for the Highgate Neighbourhood Forum against the statutory requirements and have had regard to responses received as part of the public consultation on these. It is considered that the applications satisfactorily meet all of the statutory requirements.

5 Alternative options considered

5.1 As set out above the Council is required to support the neighbourhood planning process and make certain decisions within prescribed time periods, including the decision to designate a neighbourhood forum. Therefore the only alternative option would be to not designate the Highgate Forum. This option has been discounted as the Highgate Forum have met the statutory tests for being designated, and there have been no consultation responses received which dispute this.

6 Background information

6.1 Neighbourhood planning was introduced by the Localism Act 2011 which amended current planning legislation by adding new sections and schedules. These came into force on 6th April 2012. Regulations have also been made which specify the procedures which must be undertaken when implementing the arrangements.

6.2 This allows communities to influence the development and growth of their local area through the production of a neighbourhood development plan, a neighbourhood development order or a community right to build order.

6.3 In Haringey, neighbourhood planning is taken forward by 'neighbourhood forums' that will designate a 'neighbourhood area' for which to focus their proposals.

6.4 The Highgate Forum were the first community group in Haringey to make use of the new legislation and were designated a Forum by the Council in December 2012.

Summary of the Application

6.5 In line with the Regulations the Highgate group submitted an application to Camden and Haringey Councils on the 7th December 2017 for the re-designation of the neighbourhood forum. The Area covered by the Forum does not need to be re-designated.

6.6 Under Regulation 8, relating to the designation of a neighbourhood forum, the group submitted the following information;

- Application for Highgate neighbourhood forum re-designation including details of how the Forum meets the conditions contained in section 61F(5) of the Act and made available contact details of one member of the Forum.
- Written constitution of the neighbourhood forum

6.7 Camden and Haringey Councils are satisfied that the application submitted for designation of a neighbourhood forum meet the requirements set out in Regulation 8 and section 61F(5) of the Act.

6.8 The Highgate neighbourhood forum has 800 individuals on their mailing list and a committee of 21 people, including six Councillors from the relevant Camden and Haringey wards. The Haringey Councillors involved are Councillors Morris, Hare and Carter. It is open and free to join for anyone who lives or works in the area.

6.9 The neighbourhood forum application states that the forum engaged its members via a dedicated web site, mail outs to people on the mailing list and mentions on other websites and via their affiliate organisations, of which there are 43. The forum endeavours to reach all sectors of the community from across all geographical areas. This is an ongoing process and they will continue to engage with as many individuals, businesses and resident's associations as possible through a variety of ways.

6.10 The group has so far engaged with various sub groups in the area including schools, residential and care homes, businesses and special interest groups.

Consultation on the application for the proposed Highgate neighbourhood forum

6.11 The Councils carried out a joint consultation on the application to avoid consultation fatigue and expense. Under Regulations 6 and 9 the Councils were required to publicise the applications to those who live or work in the area to which the applications refer.

6.12 The consultation took place between the 15th January and 26th February 2018.

- 6.13 All Haringey Members were notified of the submitted applications and the consultation.
- 6.14 The consultation was publicised through advertisements in the Ham and High and the Haringey Independent; site notices around the proposed area; web site updates and; email and postal mail out.
- 6.15 A total of 29 responses to the consultation of the applications were received. The summary of these representations and the Council's response are set out in Appendix A. All of the representations express support for the re-designation of the neighbourhood forum with the exception of two, one of which was the Noel Park Labour group branch. These objections were opposed to re-designating the Forum because the objectors believes the Forum is not a representative body of the local area and that very few people voted in the referendum on the Highgate Neighbourhood Plan. However the Councils are satisfied that the membership of the Forum is open and accessible to all residents and businesses in the area, and the evidence submitted shows that there is a broad membership base, which is representative of the population in the area. The Forum have demonstrated that they have made efforts to engage various groups and different sections of the community. There is no other evidence presented to demonstrate that this is not the case. A low turnout in a local referendum on a neighbourhood plan is not a reason to refuse re-designation.

Cross borough working

- 6.16 Officers from Camden and Haringey have been working closely on managing this process, and will continue to do so to ensure consistency in advice to the forum and regulations are met throughout the process.
- 6.17 Camden will report to their Lead Member recommending agreement to designate the neighbourhood area and neighbourhood forum on the xx March 2018

Next Steps

- 6.18 If re-designated, the neighbourhood forum may revise or develop a new neighbourhood plan, and would consult on the proposals with the wider community and other key stakeholders. They would continue to be a statutory consultee on Planning Applications within the Highgate Forum Neighbourhood Area.

7 Contribution to strategic outcomes

- 7.1 The Plan aligns with our Corporate Plan vision and objectives to actively manage and drive growth and development across the borough, specifically:
- **Priority 3 (Clean and Safe Environment)** by ensuring protection of Highgate natural environment and, where possible, increase and enhance provision, public access and use, where appropriate.
 - **Priority 4 (Growth)** by maximising opportunities for residential and commercial growth and development targeted at areas that can accommodate change and have the capacity to do so.

- **Priority 5 (Housing)** by enabling the delivery of new homes and ensuring such growth and development results in a high quality and attractive residential amenity

8 Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

- 8.1 Highgate Neighbourhood forum, “The Forum” was designated in December 2012 for a period of 5 years. The formal designation expired in December 2017.
- 8.2 This report seeks the approval of the Cabinet Member for Housing, Regeneration and planning to re-designate the Highgate Neighbourhood Forum pursuant to Section 61F of the Town and Country Planning Act 1990.
- 8.3 The report states that officers of Camden and Haringey Councils are satisfied that the application submitted for re-designation meet the requirements set out in Regulation 8 and section 61F(5) of the Town and Country Planning Act 1990.
- 8.4 The forum does not depend on the Council for funding. It however gets support in terms of officers time during consultation and referendum on local plans.
- 8.5 Cost incurred by the Council during such process can be claimed back from the government.
- 8.6 Finance has no concern over the recommendation to re-designate the Highgate Neighbourhood Forum.

Legal

- 8.7 The Assistant Director of Corporate Governance has been consulted on the preparation of this report, and makes the following comments.
- 8.8 As noted above to qualify as a forum the body must comply with the applicable provisions of the Act and Regulations. Namely that the Council may designate the body as a neighbourhood forum if satisfied it complies with the following conditions:

- (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 (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area);
- (b) its membership is open to—
 - (i) individuals who live in the neighbourhood area concerned,
 - (ii) individuals who work there (whether for businesses carried on there or otherwise), and
 - (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) its membership includes a minimum of 21 individuals each of whom comply with the requirements in (b) above; and
- (d) it has a written constitution.

8.9 The Council must in determining this application have 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 subparagraphs listed in 8.3(b) above;
- (ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area; and
- (iii) whose purpose reflects (in general terms) the character of that area.

8.10 The decision to determine the application must be made within 20 weeks beginning with the date the application was first publicised

8.11 The decision to determine this application is an executive one.

Equalities

8.12 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

8.13 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

8.14 The Council has paid due regard and is satisfied that the equality duty has been met, in particular it is noted that the forum is open and free to join for anyone who lives or works in the area and that appropriate outreach has taken place. The Council has and will continue to remind the forum of their duty in this regard.

9 Use of Appendices

- A. Highgate Neighbourhood Forum Re-Designation Application
- B. Responses to Consultation

10 Local Government (Access to Information) Act 1985

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