



## Executive Director/Director Non-Key Executive Decision Report

**Author/Lead Officer of Report:**

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**Report to:** Interim Head of Planning, Colin Walker

**Date of Decision:** 24/01/20

**Subject:** To approve the renewal of the designation of Broomhill, Broomfield, Endcliffe, Summerfield and Tapton Neighbourhood Forum

Which Cabinet Member Portfolio does this relate to? Transport and Development

Which Scrutiny and Policy Development Committee does this relate to? Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

Has an Equality Impact Assessment (EIA) been undertaken? Yes  No

If YES, what EIA reference number has it been given? 702

Does the report contain confidential or exempt information? Yes  No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."*

**Purpose of Report:**

To approve the renewal of the designation of the Broomhill, Broomfield, Endcliffe, Summerfield and Tapton Neighbourhood Forum (BBEST) for a further five years in accordance with section 61F of the Town & Country Planning Act 1990, to enable BBEST to continue with the preparation of a Neighbourhood Development Plan.

**Recommendations:**

The Interim Head of Planning is recommended to:

1. Designate, with immediate effect from 24 January 2020, the Broomhill, Broomfield, Endcliffe, Summerfield and Tapton (BBEST) Neighbourhood Forum as set out in the application (see Background Paper 1) as the only neighbourhood forum for the BBEST neighbourhood area for five years in accordance with section 61F of the Town and Country Planning Act 1990.
2. Publicise the Broomhill, Broomfield, Endcliffe, Summerfield and Tapton Neighbourhood Forum (BBEST) Neighbourhood Forum designation in accordance with Regulations 7 and 10 respectively of the Neighbourhood Planning (General) Regulations 2012 (as amended).

**Background Papers:**

*(Insert details of any background papers used in the compilation of the report.)*

**Background Paper 1. (PDF)**

Application to designate BBEST Neighbourhood Forum for a further five years

**Background paper 2. (PDF)**

List of comments received within consultation period

| <b>Lead Officer to complete:-</b>   |  |
|---|--|
| 1   | I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required. |
|   | Finance: Sarah Uttley  |
|   | Legal: Portia Watkins<br>Equalities: Annemarie Johnston  |
| <i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i> |  |
| 2   | <b>Lead Officer Name:</b><br>Debbie Merrill  |
|   | <b>Job Title:</b><br>Principal Planning Officer  |
| <b>Date:</b> 7 <sup>th</sup> January 2020   |  |

## 1. PROPOSAL

- 1.1 Support for producing a neighbourhood plan for the Broomhill, Broomfield, Endcliffe, Summerfield and Tapton areas of Sheffield emerged as a result of meetings of existing residents and neighbourhood groups that together had a long history of community activity within this part of Sheffield, together with local businesses and institutions.
- 1.2 The BBEST Neighbourhood Area was designated on 24<sup>th</sup> January 2015. The BBEST Neighbourhood Forum was also designated as the neighbourhood forum for the BBEST Neighbourhood Area on 24<sup>th</sup> January 2015. Neighbourhood forum designations expire after five years<sup>1</sup>. Neighbourhood area designations do not expire.
- 1.3 BBEST Neighbourhood Forum has submitted a valid application to the Council to renew their designation as the Neighbourhood Forum for BBEST Neighbourhood Area for a further five years. Renewal of the BBEST Neighbourhood Forum designation means that no other body can be designated for the BBEST Neighbourhood Area until the designation expires or is withdrawn.
- 1.4 The Council is required to validate and publicise applications for neighbourhood forums, and formally designate forums where the application meets certain legal requirements. The process is set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011 and applied to neighbourhood plans by virtue of section 38A of the Planning and Compulsory Purchase Act 2004) and accompanying Neighbourhood Planning (General) Regulations 2012 (as amended) (hereafter “the Regulations”).<sup>2</sup>
- 1.5 The Council consulted on the BBEST Neighbourhood Forum renewal application from 31<sup>st</sup> October 2019 to 12<sup>th</sup> December 2019.
- 1.6 This report recommends that the Council designates the BBEST Neighbourhood Forum for a further five years.
- 1.7 **The application:**  
The application to renew the designation of the BBEST Neighbourhood Forum is set out in Background Paper 1. It is valid and includes:
- (a) The name of the proposed neighbourhood forum. See Background paper 1. ‘BBEST Application’ paragraph 4.
  - (b) A copy of the written constitution of the proposed neighbourhood

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<sup>1</sup> [Town and Country Planning Act 1990](#) Paragraph 61F (8) (a)

<sup>2</sup> See Chapter 3 of Part 6 of the Localism Act 2011, sections 61E to 61I and Schedule 4B of the Town and Country Planning Act 1990 and regulations 5-11 of the [Neighbourhood Planning \(General\) Regulations 2012](#)

forum. See Background paper 1. 'BBEST Application' paragraph 5. and the copy of the BBEST Constitution attached to the application.

- (c) The name of the neighbourhood area to which the application relates and a map which identifies the area. See Background paper 1. 'BBEST Application' paragraph 6, and the map of BBEST Neighbourhood Area attached to the application.
- (d) The contact details of at least one member of the proposed neighbourhood forum to be made public in the event of designation as required by regulation 10 of the Regulations. See Background paper 1. 'BBEST Application' paragraph 7.
- (e) A statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F (5) of the Town and Country Planning Act 1990. See Background paper 1. 'BBEST Application' paragraphs 8.1 to 8.8.

## 1.8 **The designation process:**

1.8.1 The application process to renew a neighbourhood forum designation is the same as the original designation process. The Regulations' require the Council to publicise the applications for a period of 6 weeks to allow representations to be made before determining the applications<sup>3</sup>. Section 3 'Consultation' below describes the consultation that has been carried out.

1.8.2 The Regulations also prescribe the dates by which a determination on each application should be made, in this case by the date which is 13 weeks following the day on which the applications are first publicised<sup>4</sup>. This means in order to comply with the Regulations and to make the renewal on expiry of the original designation, the decision must be made on 24<sup>th</sup> January 2020 by the Council (see also section 4.3 Legal Implications).

## 1.9 **Criteria for forum application:**

A local planning authority must consider the following questions when considering an application for designation of a neighbourhood forum regardless of whether it is a first designation or a renewal:

- (a) *Does the area consist of or include the whole or any part of the area of a parish council?* (Section 61F(4) of the 1990 Act)  
Answer: No.
- (b) *Is it 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?* (Section 61F(5)(a) of the 1990 Act)

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<sup>3</sup> Regulation 9

<sup>4</sup> Regulation 9A (2)(b) provides that the time period for determination is 13 weeks

Answer: Yes. See Background paper 1. 'BBEST Application' paragraph 8.1 and the BBEST Constitution attached to the application, paragraph 3.

- (c) *Is membership open to individuals who live in the neighbourhood area concerned, and or work there, and or are elected members of the City Council?* (Section 61F(5)(b) of the 1990 Act)

Answer: Yes. See Background paper 1. 'BBEST Application' paragraph 8.2.

- (d) *Does membership include a minimum of 21 individuals each of whom either live in the neighbourhood area concerned, work there, or are an elected member of the City Council?* (Section 61F(5)(c) of the 1990 Act)

Answer: Yes. See Background paper 1. 'BBEST Application' paragraphs 8.3 and 8.4.

- (e) *Does it have a written constitution?* (Section 61F(5)d) of the 1990 Act)

Answer: Yes. See Background paper 1. 'BBEST Application' paragraph 5; and copy of BBEST Constitution Attached to the application.

- (f) *Has it secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual who lives in the area, at least one individual who works in the area and one elected member in the area?* (Section 61F(7)(a)(i) of the 1990 Act)

Answer: Yes. See Background paper 1. 'BBEST Application' paragraphs 8.3 to 8.6.

- (g) *Is membership drawn from different places in the neighbourhood area concerned and from different sections of the community in that area?* (Section 61F(7)(a)(ii) of the 1990 Act)

Answer: Yes. See Background paper 1. 'BBEST Application' paragraph 8.7.

- (h) *Does the purpose reflect (in general terms) the character of that area?* (Section 61F(7)(a)(iii) of the 1990 Act)

Answer: Yes. See Background paper 1. 'BBEST Application' paragraphs 8.3 and 8.5 and the BBEST Constitution attached to the application, paragraph 2.

- (i) *Is there another proposed or designated neighbourhood forum for the proposed neighbourhood area?* (Section 61F(7)(b) of the 1990 Act)

Answer: No.

- (j) *Has the organisation or body made an application to be designated?* (Section 61F(7) (c) of the 1990 Act)

Answer: Yes.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 Neighbourhood planning contributes directly to delivering the outcomes of the Corporate Plan priority of:
- Thriving neighbourhoods and communities – this outcome relates to the activities and assets that make local neighbourhoods attractive, inclusive, safe, accessible, and vibrant so that Sheffield people feel happy and content and proud of where they live.
- 2.2 The renewed designation of BBEST Neighbourhood Forum will allow it to continue its work on preparing a neighbourhood plan, which would be intended to positively contribute to enabling sustainable development.
- 2.3 A neighbourhood plan for the BBEST Neighbourhood Area allows the local community to promote development within their area while having a greater say in the way that development takes place.

## **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 The Regulations<sup>5</sup> require the application to be publicised on the Council website and in any manner that will bring the applications to the attention of people who live, work, or carry on business in the area.
- 3.2 The application was publicised on the Council's website on 31 October 2019 and comments on the BBEST Neighbourhood Forum application were invited for a six week period (as required by the Regulations) from the 31 October to 12 December 2019.
- 3.3 An Equality Impact Assessment (EIA reference no. 658) was completed in respect of this consultation on 30 October 2019. In addition to publication on the Council's website ([Neighbourhood planning](#)), the following steps were taken to publicise the application in line with the Regulations and the EIA action plan:
- The application was available to view at:
    - First Point, Howden House, Union Street
    - Central Library, Surrey Street
    - Broomhill Library, Taptonville Road
    - Citizen Space: [Sheffield City Council - Citizen Space](#)
  - Notices were displayed within the Neighbourhood Area
  - Letters were sent to local contacts drawn mainly from the

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<sup>5</sup> [The Neighbourhood Planning \(General\) Regulations 2012](#) – Regulations 6 and 9.

- Sheffield Local Plan consultee database
- Councillors for the Broomhill and Sharrowvale Ward and the Fulwood Ward and were notified
- Councillors for the Wards bordering the proposed neighbourhood area (Ecclesall, Crookes and Crosspool, Walkley) were notified
- The Cabinet Member for Transport and Development, the Chairs of the Planning and Highways Committee, and the Chairs of the South West and Central Local Area Partnership were all notified.

3.4 Eight representations of support were received by the Council by the 12<sup>th</sup> December 2019 deadline, and one comment that did not relate to the BBEST area or to the proposed Neighbourhood Forum re-designation. There were no objections to the application. The comments are listed at background paper 2.

#### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

##### 4.1 Equality of Opportunity Implications

4.1.1 To comply with the Town & Country Planning Act 1990, Section 61F (5) the Council must be satisfied that the application for designation of a neighbourhood forum meets certain conditions relating to accessibility of membership and representation of the local area. Evidence of openness, representativeness and intent are provided within Background paper 1. 'BBEST Application'. See paragraphs 8.3 to 8.7

4.1.2 In addition to these legislative requirements the Council also has a statutory Public Sector Equality Duty under section 149 of the Equality Act 2010 to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and other prohibited conduct;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a protected characteristic and persons who do not share it.

This Equality Duty applies to the designation of a neighbourhood forum.

4.1.3 An Equality Impact Assessment has been completed (no. 702). Overall there are no significant differential, positive or negative, equalities impacts from renewing the designation of a neighbourhood forum for the BBEST Neighbourhood Area for a further 5 years. The designation decision will be published on the Council's website and via the networking and communication channels already established by BBEST Neighbourhood Forum. Potential barriers to accessing participation and consultation opportunities throughout the neighbourhood plan process have been considered for all impact

groups. In particular the forum is open to all people who live, work or carry out business within the neighbourhood plan area equally, regardless of age, sex, race, faith, disability or sexuality. BBEST publicise the benefits of membership alongside updates on the neighbourhood plan progress on a regular basis in a newsletter and via website news posts and via social media channels, giving people a choice of how and how much to become involved.

## 4.2 Financial and Commercial Implications

4.2.1 The Government's current financial support to local planning authorities for neighbourhood planning allows local planning authorities to recoup some of the cost they incur during the neighbourhood planning process<sup>6</sup>. The designation of a neighbourhood forum will allow a claim for £5,000 towards the costs of supporting and administering the designation of the neighbourhood forum. Renewal of designations also entitles the Council to claim. Sheffield has not yet met the limit of 5 forum designations set by Government and so the Council will be entitled to claim costs.

4.2.2 Any additional costs that cannot be recouped from the Government's current financial support are met from the existing service budgets.

4.2.3 In October 2018, Cabinet approved proposals for the distribution of the Community Infrastructure Levy (CIL) neighbourhood portion, including that 10% be retained to support the development of neighbourhood plans<sup>7</sup>, forming part of a separate neighbourhood planning budget to be managed by the Planning Service.

## 4.3 Legal Implications

4.3.1 Section 61F(5) of the 1990 Act permits a local planning authority to designate an organisation or body as a neighbourhood forum if the authority is satisfied that it meets the necessary conditions as prescribed in that section such as:

- it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area;
- its membership is open to a minimum of 21 individuals who live or work in the area or who are area elected members of the Council; and
- it has a written constitution.

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<sup>6</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/814380/June\\_2019\\_Chief\\_Planner\\_Letter\\_-\\_NP\\_Grant\\_2019-20.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814380/June_2019_Chief_Planner_Letter_-_NP_Grant_2019-20.pdf)

<sup>7</sup> [Cabinet Report 17th October 2018 Community Infrastructure Levy Neighbourhood Portion \(Local CIL\)](#) Paragraph 1.14

- 4.3.2 BBEST has complied with Regulation 8 of the Regulations which prescribes what a forum application must contain (see paragraph 1.7 above). The Council has complied with Regulation 9 which requires the Council to publicise a forum application (see section 3 above) and Regulation 9A (1) and (2) (b) require the decision on the application to be made within 13 weeks of publication of the application.
- 4.3.3 If the neighbourhood forum designation is renewed, the Council then needs to comply with Regulation 10 by publicising details of the designation, including a copy of the written constitution of the forum, the name of the neighbourhood area to which the forum designation relates, and contact details for at least one member of the forum.
- 4.3.4 Section 61F(8)(a) of the 1990 Act states that a designation of a neighbourhood forum ceases to have effect five years from the day on which it is made. This doesn't affect the validity of any proposal for a neighbourhood plan made before the end of that period.

#### 4.4 Other Implications

- 4.4.1 There are no other implications relevant to this decision.

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 BBEST is the only organisation which has applied to be the neighbourhood forum for the BBEST Neighbourhood Area. Only one forum can be designated for any neighbourhood area and as there was no objection during the consultation no alternative option has been proposed or considered. If the Council is satisfied that the application complies with the Regulations then it may renew the designation of the neighbourhood forum.

### 6. **REASONS FOR RECOMMENDATIONS**

- 6.1 A local planning authority may designate an organisation (or indeed renew its designation) as a neighbourhood forum if the authority is satisfied that it meets certain conditions. The forum application complies with the relevant criteria as summarised in paragraph 1.9 and 4.3.1 to 4.3.3 above and so the Council may renew the designation of the neighbourhood forum and publicise it accordingly.

## **BACKGROUND PAPERS**

**Background Paper 1. - The BBEST Neighbourhood Forum renewal application**

**Background Paper 2. – List of comments received within the consultation period**