

# Brighton & Hove City Council

## Culture, Heritage, Sport, Tourism & Economic Development Committee

## Agenda Item 60

**Subject:** Hangleton & Knoll – Re-designation of Neighbourhood Forum

**Date of meeting:** 7 March 2024

**Report of:** Executive Director Economy, Environment & Culture

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**Ward(s) affected:** Hangleton & Knoll

### 1. Purpose of the report and policy context

1.1 This report seeks approval to re-designate the Hangleton & Knoll Neighbourhood Forum. Under Section 61F(8) of the 1990 Town and Country Planning Act, a neighbourhood forum that has been designated by a local planning authority ceases to have effect at the end of five years. The Hangleton & Knoll Neighbourhood Forum was designated by delegated authority of the Executive Director Economy, Environment & Culture on 7 November 2018 and this designation expired on 7 November 2023. The Council has since received an application from the Neighbourhood Forum seeking re-designation for a further five years.

1.2 The report summarises the specific statutory and regulatory requirements which the Council must consider when deciding whether to approve the application. The application has been publicised over a 6-week period in accordance with the Neighbourhood Planning regulations. Appended to the report are copies of the Neighbourhood Forum application (Appendix 1), a summary of the relevant legislation (Appendix 2), and a summary of the public consultation responses and detailed officer responses to all the points raised (Appendix 3).

### 2. Recommendations

2.1 That Committee approves the re-designation of the Hangleton & Knoll Neighbourhood Forum.

### 3. Context and background information

3.1 The Localism Act 2011 introduced neighbourhood planning as a means of giving local communities more power to influence the future of the places in which they live. A key element of neighbourhood planning is the ability to prepare neighbourhood development plans (which are commonly referred to as 'neighbourhood plans'). Only qualifying bodies that meet specified requirements can produce a neighbourhood plan for a designated area. Neighbourhood forums are organisations or groups empowered to lead the

neighbourhood planning process in a neighbourhood area where there is no town or parish council. A neighbourhood forum must be designated in accordance with the relevant legislation.

- 3.2 In order for a local planning authority to designate a neighbourhood forum the authority must be satisfied that the neighbourhood forum meets all the statutory criteria set out in section 61F(5) of the Town and Country Planning Act 1990. Only one forum can be designated for a neighbourhood area and the forum designation lasts for five years.
- 3.3 An application for re-designation as a neighbourhood forum was submitted to the Council by Hangleton & Knoll Community Action in December 2023 (Appendix 1). The application includes:
- details of the Forum's written constitution and governance as previously approved by the Council;
  - the names of a minimum 21 Forum members who live, work or are an elected ward councillor within the neighbourhood area;
  - a map showing the geographical spread of the current members of the Forum; and
  - a renewal statement briefly summarising the Forum's work to date and its reasons for applying for re-designation.

#### **4. Analysis and consideration of alternative options**

- 4.1 The Council needs to consider whether the application to re-designate the Neighbourhood Forum complies with the requirements set out in the legislation (Appendix 2) taking account of the information provided in the Forum application (Appendix 1) and the consultation responses received (Appendix 3).
- 4.2 The council can refuse to re-designate the Neighbourhood Forum if it considers that membership of the forum is not representative, however the council would need to give reasons. This approach is not recommended in this instance. The information provided in the application (Appendix 1) shows that the Forum includes 21 members with a mix of residents distributed across the area, including many who work/volunteer within the area, plus the 3 ward councillors for Hangleton & Knoll.
- 4.3 Of the consultation responses received, 2 were from local residents and 1 from a local community facility (Hove Medical Centre), all of which supported the proposed re-designation of the Neighbourhood Forum. The other comments received were from statutory consultees (South Downs National Park Authority, National Highways, Natural England and Historic England), none of which objected to re-designation of the Forum.
- 4.4 Based on the information provided with the application and having considered all the consultation responses received, it is considered that the re-designation of the Neighbourhood Forum would meet all the requirements set out in the legislation.

## **5. Community engagement and consultation**

- 5.1 In accordance with the neighbourhood planning regulations, the Council has undertaken a 6-week period of public consultation on the applications from 12 January to 23 February 2024.
- 5.2 The publicity and consultation undertaken by the Council included:
- Publicising the neighbourhood forum renewal application on the Council website;
  - Notifying all contacts on the Planning Policy mailing list by email;
  - Notifying all Brighton & Hove ward councillors;
  - Providing a consultation response form on the online consultation portal for individuals and organisations wishing to comment;
  - Placing site notices advertising the consultation at 15 locations across the Hangleton & Knoll Neighbourhood Area;
  - Providing hard copies of the consultation documents at Hangleton and Hove libraries and the HTH Customer Service Centre.
- 5.3 A total of 7 responses were received during the consultation period, comprising 2 responses from individuals and 5 from organisations (4 of which were from statutory consultees). Appendix 3 presents analysis of the consultation responses received including a summary of the individual comments received and Council officer responses to the issues raised.

## **6. Conclusion**

- 6.1 After considering all relevant issues and all representations submitted in response to public consultation, officers consider that the application to re-designate the Hangleton & Knoll Neighbourhood Forum satisfies all the requirements set out in the legislation.
- 6.2 This report and appendices will be published on the Neighbourhood Planning webpages on the Council website and emailed to all the consultation respondents.

## **7. Financial implications**

- 7.1 There are no financial implications arising at this stage of the neighbourhood plan process. The Council takes responsibility for the later stages of the neighbourhood plan process once a draft neighbourhood plan is submitted to it by the neighbourhood forum. The Council is entitled to funding from central Government to help support this and has a specific budget set aside for neighbourhood planning.

Name of finance officer consulted: John Lack    Date consulted: 28/02/2024

## **8. Legal implications**

- 8.1 The statutory criteria for re-designating a neighbourhood forum are the same as those relating to its initial designation and these are set out in Appendix 2 to the report. The report deals with these criteria. Once a

neighbourhood forum has been designated, the designation must be published on the Council's website and in such other manner as the Council considers will bring the designations to the attention of persons living, working, or carrying on business in the neighbourhood area (Regulations 7 and 10 of the Neighbourhood Planning (General) Regulations 2012).

Name of lawyer consulted: Katie Kam      Date consulted: 28/02/2024

## **9. Equalities implications**

- 9.1 The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a "protected characteristic" and those who do not. This duty will apply to the Council when it takes formal decisions at the later stages of the neighbourhood plan process.
- 9.2 The Neighbourhood Forum will be advised to undertake an Equalities Impact Assessment when they have drafted and consulted on the Neighbourhood Plan.

## **10. Sustainability implications**

- 10.1 The purpose of the planning system is to contribute to the achievement of sustainable development and one of the 'basic conditions' on which neighbourhood plans are examined is that they should contribute to this.

## **11. Other Implications**

- 11.1 None directly related to this report.

## **Supporting Documentation**

### **1. Appendices [delete if not applicable]**

1. Hangleton & Knoll Neighbourhood Forum application, including written constitution and map showing locations where members live and work.
2. Statutory criteria for designating a Neighbourhood Forum
3. Analysis of consultation responses and officer responses to consultation comments received

### **2. Background documents [delete if not applicable]**

1. National Planning Practice Guidance on neighbourhood planning (includes links to relevant legislation) <https://www.gov.uk/guidance/neighbourhood-planning--2>