

PART A)

**DORE NEIGHBOURHOOD FORUM RE-DESIGNATION
REPORT OF THE HEAD OF LAW**

“PDNPA” MEANS PEAK DISTRICT NATIONAL PARK AUTHORITY

“SCC” MEANS SHEFFIELD CITY COUNCIL

Officer Delegation Scheme Reference: *7.E-20 to approve (but not to refuse) applications for designation of neighbourhood forums*

1. Purpose of the report

1.1 Report on the renewal of designation of Dore Village Society as the Neighbourhood Forum for Dore Neighbourhood Area.

2. Decision:

2.1 That the Head of Law on behalf of PDNPA designates Dore Village Society as the neighbourhood forum for the next 5 years from 16 October 2019 for that part of Dore Neighbourhood Area which lies within the PDNPA boundary subject to the following:

the Society should notify PDNPA if

- (a) total membership decreases below 1000 members;
- (b) there is a change in membership criteria;
- (c) there is a change in member voting rights; and
- (d) for no charge, give notice to all elected councillors and all PDNPA members assigned with special responsibility for the Dore Neighbourhood Area of all meetings where decisions are made related to neighbourhood planning together with a copy of any agenda, reports and the minutes of such meetings.

Decision made by:

Date

**ANDREA MCCASKIE
HEAD OF LAW**

date decision made

3. Options Considered- Report of Adele Metcalfe, Community Policy Planner

3.1 Dore Village Society is the existing neighbourhood forum for Dore Neighbourhood Area.

3.2 Dore Village Society is the only organisation which has applied to be the neighbourhood forum for Dore neighbourhood area. All aspects of Dore Village Society’s forum application have been scrutinised to ensure that it meets the requirements of legislation. Dore Village Society is an existing organisation and is well supported by the Dore community.

4. Key issues and background information

4.1 Neighbourhood planning is delivered by neighbourhood forums for neighbourhood areas (or within parished areas by the parish or town council).

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- 4.2 The Authority is required to validate and publicise applications for neighbourhood forums and designate forums where the applications meet 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).
 - 4.3 Dore Neighbourhood Area was designated by PDNPA on 13 October 2014 and by SCC on 16 October 2014. Dore Village Society was also designated as the neighbourhood forum for the Dore Neighbourhood Area on 16 October 2014 by SCC and PDNPA. Neighbourhood forum designations expire after five years.
 - 4.4 The Dore Neighbourhood Area boundary lies within both SCC and PDNPA areas. This means the designation (and subsequent renewals) of a neighbourhood forum must be made by both authorities.
 - 4.5 Dore Village Society has submitted a valid application to both SCC and PDNPA to renew their designation as the Neighbourhood Forum for Dore Neighbourhood Area for a further five years. Renewal of the Dore Neighbourhood Forum designation means no other body can be designated for the Dore Neighbourhood Area until the designation expires or is withdrawn.
 - 4.6 SCC and PDNPA undertook a joint consultation on the Dore Neighbourhood Forum renewal application from 5th June 2019 to 17th July 2019.
 - 4.7 This report recommends that Dore Village Society is designated as Dore Neighbourhood Forum for a further five years from 16th October 2019.

5. Policy and Corporate Risk Implications

- 5.1 PDNPA is obliged to make a decision

6. Human Rights and Equalities Issues

6.1 To comply with the Town & Country Planning Act 1990, Section 61F (5) PDNPA must be satisfied that the application for designation of a neighbourhood forum meets certain conditions to do with accessibility of membership and representation of the local area. Evidence of openness, representativeness and intent are provided within the Dore application and within supplementary information supplied at appendix 2. See:

- Point 5 of the Dore application; and
- Sections 2 & 3 of the constitution (appendix 1)
- Supplementary information in section 1,5 and 6 at appendix 2

6.2 In addition to these legislative requirements the Authority also has a statutory Public Sector Equality Duty under section 149 of the Equality Act 2010 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.

6.3 Information has been supplied for an equalities assessment and is equally neutral affecting all local people equally regardless of age, sex, race, faith, disability and sexuality. The membership fee seems to be set so as to not unduly exclude people. No negative equality impacts have been identified.

7. Financial Implications (include consultation feedback from Finance)

7.1 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. The current rates are set out in a letter from the chief planner dated June 2019. The designation or resignation of a neighbourhood forum will allow a claim for £5,000 up to the limit of 5 forums. Neither SCC nor PDNPA have met the limit and can make a claim. Previous grant has been split 4:1 SCC:PDNPA as SCC is the lead authority in this case.

8. Legal Implications (include consultation feedback from Legal)

8.1 Any legal implications are in the report.

9. 9.1 **The Application**

The application to renew the designation of the Dore Neighbourhood Forum is set out in Appendix 1. It is valid¹ in terms of the information submitted and includes:

- (a) The name of the proposed neighbourhood forum. See Dore Application point 1.
- (b) A copy of the written constitution of the proposed neighbourhood forum. See the Dore Application point 2 and Appendix 1 of the Application.
- (c) The name of the neighbourhood area to which the application relates and a map which identifies the area. See Dore Application point 3 and point 4 and the map attached to the Application.
- (d) The contact details of at least one member of the proposed neighbourhood forum. See Dore Application point 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 Dore Application point 5 and Appendix 2.

9.2 **The designation process**

The application process to renew a neighbourhood forum designation is the same as the original designation process. The regulations require the planning authorities to publicise the application in a prescribed manner for a period of 6 weeks to allow representations to be made before determining the applications.

- 9.3 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. 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 by 16th October 2019 by both SCC and PDNPA (see also section 4.3 Key Issues and Background Information).

¹ under Paragraph 8, Part 3 Neighbourhood Forums, Neighbourhood Planning (General) Regulations 2012 (as amended)

9.4 As lead Authority, SCC undertook the following consultation:

- The applications were publicised on the Council's website on 5 June 2019 and comments on the Dore Neighbourhood Forum application were invited for a six week period from the 5 June 2019 to 17 July 2019
- The application was available to view from:
First Point, Howden House, Union Street
Central Library, Surrey Street
Totley Community Resource & Information Centre, Baslow Road
Citizen Space: Sheffield City Council - Citizen Space
The Council's website: Neighbourhood planning
- Notices were displayed within the Neighbourhood Area
- Letters were sent to local contacts drawn mainly from the Sheffield Local Plan consultee database
- Councillors for the Dore & Totley Ward and Councillors for the Ward bordering the proposed neighbourhood area (Fulwood) were notified
- The Cabinet Member for Transport and Development, the Chairs of the Planning Board, and Chair of the South West Local Area Partnerships were all notified
- The applications were publicised on social media (Twitter and Facebook) during June and July 2019.

The application was also publicised on the PDNPA website from 5 June 2019 to 17 July 2019.

One representation of support for the designation was received by the 17th July 2019 deadline.

9.5 **Criteria for Designation**

The Authority can only designate a neighbourhood forum for Dore Neighbourhood Area if it does not consist of or include the whole or any part of the area of a parish council².

Answer: it does not include a parish area.

² Town and Country Planning Act 1990, C8, Part III Section 61F(4)

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- 9.6 PDNPA must be satisfied that the proposed neighbourhood forum meets the following conditions³:
- (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.
- Answer: Satisfied. See the Dore Application point 5, the constitution paragraph 2, and Appendix 2 to the application.
- (b) membership is open to individuals who live in the neighbourhood area concerned, and or work there, and or are elected members of the City Council.
- Answer: Satisfied. See the Dore application point 5. and Appendix 2 of the Dore application.
- (c) membership includes 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?
- Answer: Satisfied. See the Dore application section 5. and Appendix 2 of the Dore application.
- (d) it has a written constitution?
- Answer: Satisfied. See Appendix 1 of the Dore application.
- 9.7 In determining the above, PDNPA needs to have regard⁴ to whether Dore Village Society:
- (a) has 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.
- Answer: Yes. See the Dore application Appendix 2 point 6.
- (b) membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area.
- Answer: Yes. See the Dore application Appendix 2 point 5.
- (c) the purpose reflects (in general terms) the character of that area.
- Answer: Yes. See the Dore application section 5 and the objectives of the constitution in the application Appendix 1, paragraph 2.
- (d) there is another proposed or designated neighbourhood forum for the proposed neighbourhood area.
- Answer: No.
- (e) the organisation or body made an application to be designated.
- Answer: Yes.

³ Town and Country Planning Act 1990, C8, Part III Section 61F (5)

⁴ Town and Country Planning Act 1990, C8, Part III Section 61F (7)

10. List of Consultees

Reg Cooper, assistant solicitor

11 Matters arising from consultation

None

12.

Appendices:

Appendix 1 - Dore Village Society Application and Appendices to the Application

Report Author, Job Title and Publication Date

Adele Metcalfe, Community Policy Planner, 16th October 2019