

| <b>Mayor &amp; Cabinet</b> |   |                       |
|----------------------------|---|-----------------------|
| <b>Report Title</b>        | Designation of Neighbourhood Forum and Area for Crofton Park and Honor Oak Park |                       |
| <b>Key Decision</b>        | Yes   | Item No.              |
| <b>Ward</b>                | Crofton Park  |                       |
| <b>Contributors</b>        | Executive Director for Resources & Regeneration & Head of Law                   |                       |
| <b>Class</b>               | Part 1  | Date:<br>16 July 2014 |

## **1. Summary**

- 1.1. The Council has received an application for the designation of a Neighbourhood Forum (NF) and an application for the designation of a Neighbourhood Area for Crofton Park and Honor Oak Park.
- 1.2. The Council has undertaken consultation with the local community regarding the two applications.
- 1.3. Council officers have assessed both applications as meeting the required conditions for formal designation as set out in the relevant legislation. Officers recommend the designation of both the neighbourhood forum and neighbourhood area.
- 1.4. The formal designation of the neighbourhood forum and neighbourhood area would allow the forum to prepare a neighbourhood plan for the area.

## **2. Purpose**

- 2.1. This report seeks the Mayor's approval for the formal designation of the applications from Crofton Park and Honor Oak Park Neighbourhood Forum as a designated Neighbourhood Forum and a Neighbourhood Area. This designation allows the Forum to prepare a Neighbourhood Plan (NP).

## **3. Recommendations**

### **(1)**

- 3.1. The Mayor is recommended to approve the designation of the Crofton Park and Honor Oak Park Neighbourhood Area as set out at Annex 1 and Annex 2.

### **(2)**

- 3.2. The Mayor is recommended to approve the designation of the Crofton Park and Honor Oak Park Neighbourhood Forum as set out at Annex 3 and Annex 4.

**(3)**

- 3.3. The Mayor is recommended to authorise the Executive Director for Resources and Regeneration to give the required publicity to the designations.

#### **4. Policy Context**

- 4.1. The Localism Act 2011 allows Neighbourhood Forum to prepare Neighbourhood Plans that once adopted are legal documents that must be considered when making decisions on planning applications. They are prepared by the local community but formally adopted after a successful referendum held by the Council. Once adopted they become part of the Development Plan for the Borough and as such are part of the Council's policy framework.
- 4.2. The Council's current policy framework includes all adopted development plans that form part of the Lewisham local development framework (LDF). The contents of this report are consistent with the Council's policy framework as in order to adopt a Neighbourhood Plan it must be in 'general conformity' with the Council's Core Strategy which is the primary development plan document in the LDF.
- 4.3. This report supports the achievements of the Sustainable Community Strategy policy objective Empowered and responsible : where people can be actively involved in their local area and contribute to tolerant, caring and supportive local communities, and Clean, green and liveable: where people live in affordable, high quality and adaptable housing, have access to green spaces and take responsibility for their impact on the environment.

#### **5. Background**

- 5.1. The Localism Act 2011 sets out permissive powers which allow local communities to influence the planning of their area by preparing Neighbourhood Plans. In areas such as Lewisham where there are no Parish Councils a Neighbourhood Forum must be designated by the Council to obtain the right to prepare a Neighbourhood Plan.
- 5.2. Neighbourhood Plans are led by local people who set out how they want their local area to develop. Local people set out the vision and planning policies for their own neighbourhood. They are about local issues rather than strategic planning issues. They must take account of national planning rules and be in 'general conformity' with the existing adopted planning framework for Lewisham. The governments aim is that they will promote development, they are not about attempts to stop development.

- 5.3. When the plan has been through all the stages of preparation, examination and a successful referendum the Council must adopt the plan as a statutory planning document and it will become part of the development plan for the borough. Under planning law the development plan is the primary consideration when considering planning applications.
- 5.4. The Localism Act 2011 introduced changes to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004. These changes set out the local planning authorities responsibilities as:
- Agreeing and designating the area of the neighbourhood plan
  - Agreeing and designating a neighbourhood forum
  - Providing advice and support to the neighbourhood forum in preparing the neighbourhood plan
  - Arranging and paying for an Independent Examination of the neighbourhood plan
  - Arranging and paying for a local referendum
- 5.5. The local authority must agree to a neighbourhood forum being a 'qualifying body' for the purposes of the Act and must agree the area for which a neighbourhood plan or development order is to be prepared. There are specific requirements set out in the Act and the neighbourhood planning regulations for neighbourhood forums to be designated as qualifying bodies and for the local authority to set other conditions.
- 5.6. The regulations require that an application to be designated a Neighbourhood Forum and Area must include the following information:
- A copy of the written constitution of the proposed forum;
  - A map showing the proposed neighbourhood area;
  - A statement explaining how the proposed forum is established to promote or improve the social, economic and environmental wellbeing of the area;
  - A statement explaining that membership is drawn from different places in the neighbourhood area and from different sections of the community;
  - A list of at least 21 members of the proposed forum.
- 5.7. The Crofton Park and Honor Oak Park neighbourhood forum and area applications were received by the planning service on 15<sup>th</sup> January 2014. The application documents can be found at Annexes 1 to 4.
- 5.8. The regulations and guidance on establishing a neighbourhood form and area are light touch as detailed above. The planning service checked that the correct paperwork had been submitted and then arranged for the statutory 6 week publicity to be given to the applications.
- 5.9. The designation of a neighbourhood forum and a neighbourhood area are two separate processes, which none the less can be undertaken simultaneously.

Section 7 of this report considers whether the forum application meets the statutory requirements, and section 8 of this report considers whether the area application meets the statutory requirements.

## **6. Public consultation**

- 6.1. The Council undertook public consultation which went above and beyond the requirements of the legislation.
- 6.2. The applications were placed on the planning policy webpage and comments invited. In addition to this statutory requirement, a publicity notice was circulated to all households and businesses in the proposed area and in a further 150m buffer zone around the proposed area so that those on the boundary would have the opportunity to comment. A letter or email was sent to all local people on the planning policy data base inviting comment and providing details of where further information could be obtained. The applications and associated information were also placed in the planning information office at Laurence House and at the Crofton Park and Honor Oak Park library for people to inspect. The public consultation period lasted for six weeks.
- 6.3. Eighty four responses to the consultation were received from members of the public and from organisations. There were twenty seven representations in support of the proposal, eight offering qualified support, and thirty seven against the proposal. The remaining twelve representations provided general comments without stating support or objections.

### *Supporting comments*

- 6.4. Those offering unqualified support for the proposals stated a variety of reasons for offering support, including agreement with the proposed forum constitution, agreement with the proposed boundary, and the belief that the proposal will enhance the community and will increase community cohesion.
- 6.5. Those offering qualified support stated that they supported the proposals in principle, whilst also raising issues with the detail of the proposals. The majority of those offering qualified support raised issues in relation to the boundary of the area, and to the fact that those outside the boundary will not be able to influence issues within the proposed area. Please see paragraph 6.8 for further discussion regarding respondents' views of the boundary. One respondent offering qualified support raised a separate issue, stating that they would support the forum if the forum will campaign for improved train services.

### *Objections*

- 6.6. Those objecting to the proposals did so mainly regarding two issues: the constitution and the boundary. These two objections are described in turn in the following paragraphs.
- 6.7. Eighteen respondents objected to the constitution, expressing a concern that the wording of the constitution prohibits those from outside of the area from taking part in the forum. All of these eighteen respondents linked this to a concern that the boundary of the proposed neighbourhood area does not include the whole of Honor Oak Park in the eyes of objectors, and that this may result in people outside the boundary being excluded from influencing nearby issues.
- 6.8. Forty five respondents raised concerns regarding the proposed boundary of the neighbourhood area, generally stating that areas have been excluded that should have been included. The majority of these concerns relate to the Honor Oak Park area, with a minority of concerns relating to other areas. A summary of the number of responses regarding each excluded area can be found below:
- Thirty seven respondents referred to areas of Honor Oak Park west of the railway line being excluded, including One Tree Hill, the allotments, Camberwell New Cemetery, Honor Oak Sports Ground including the area immediately surrounding it (within Southwark Borough), Devonshire Road, Honor Oak Park (road), Honor Oak Road, Boveney Road, Brenchley Gardens (Southwark Borough), Hengrave Road, Honor Oak Rise (Southwark Borough), and Brockley Way (Southwark Borough);
  - Three respondents referred to Polsted Road being excluded;
  - One respondent referred to the area to the west of St Dunstan's College being excluded - Ravensbourne Road, Winterstoke Road, Blythe Hill and Stanstead Grove;
  - One respondent referred to Braxfield Road being excluded;
  - One respondent referred to the area up to Whitbread Road being excluded (north of the proposed area);
  - One respondent referred to Chudleigh Road west of Bexhill Road being excluded; and
  - One respondent referred to Elsiemaud Road being excluded.
- 6.9. Objections to being excluded from the area were married with the concern that the constitution of the forum would prevent those from outside the area from influencing decisions within the area.
- 6.10. Additionally, objections were received on the following grounds:
- four respondents stated the forum will be a waste of resources,
  - three respondents stated that the forum will add another layer of bureaucracy,
  - one respondent stated there was insufficient information to comment,
  - one respondent stated the constitution should refer to local businesses,
  - one respondent stated the forum will be too limited, and will only be a protest group,

- one respondent stated the scope and objectives are not clearly set out,
- one respondent stated the proposals should not be led by a councillor,
- one respondent stated it is not clear what benefit the forum would bring, and
- one respondent stated that a neighbourhood plan will have no benefit for residents, and that the Council should produce plans for areas.

6.11. A summary of each representation can be found at Annex 5.

## **7. Crofton Park and Honor Oak Park Neighbourhood Forum application**

7.1. Section 61F (7) of the Town and Country Planning Act 1990 (as inserted into the Act by the Localism Act, Schedule 9) sets out the conditions that a neighbourhood forum must meet, as well as the detailed considerations that a local planning authority must take into account when determining an application for the designation of a neighbourhood forum.

7.2. In assessing the application for a neighbourhood forum the Council will consider the application against the conditions and considerations set out in legislation and in doing so will wish to ensure that the proposed forum is representative of its area.

7.3. The legislation states that a local planning authority may designate an organisation or body as a neighbourhood forum if the authority is satisfied that the following four conditions have been met. In some respects this is a 'tick box validation exercise'. The legislation does not require applicants to give more than the basic information. The four conditions are considered below:

### **i) Established for the express purpose of promoting or improving the social, economic or environmental well-being of an area**

7.4. **Response:** The written constitution states at paragraph 1.2 that the "purpose of the Forum is to promote or improve the social, economic and environmental well-being of the Crofton Park Ward".

7.5. This purpose is reiterated and reflected in the Forum Objectives, found in paragraphs 4 and 4.1 of the constitution: The objectives include:

- improving the Crofton Park Ward area for the benefit of the inhabitants of the area;
- promoting the social, economic and environmental well-being of the area; and
- fostering community spirit and social cohesion and encouraging civic pride.

7.6. The written stated purpose of the Forum and the Forum Objectives therefore meet the legal requirement for the forum to be established for the express purpose of promoting or improving the social, economic or environmental well-being of an area.

**ii) Membership is open to individuals who live or work in the area (or are elected members of the Council whose area falls within the neighbourhood area concerned)**

7.7. **Response:** The written constitution states that “Membership is voluntary and open to individuals who live or work in the Neighbourhood Area and to elected members of Lewisham Council’s Crofton Park Ward, who have an interest in assisting the Forum to achieve it’s objectives and who are willing to adhere to the rules of the Forum”.

7.8. It is therefore considered that the Forum constitution meets membership eligibility requirements set out in the legislation, as individuals who live or work in the area and elected members of the Council whose area falls within the neighbourhood area are able to join.

7.9. In spite of the constitution meeting the legal requirements, there have been eighteen objections to the constitution in conjunction with the proposed neighbourhood area, due to the fear that those who live outside the proposed area will be excluded from influencing nearby issues. The forum application could not be refused on these grounds, as the minimum legal requirements are met, however officers have taken the concerns of objectors on board, and have worked with the proposed forum to address these concerns through changes to the consultation.

7.10. The proposed forum has agreed to insert a new category of membership, called ‘associate membership’, which is open to those who have an interest in the neighbourhood area who are not residents of the area. Associate members can attend meetings, engage in discussions, and volunteer for forum activities. The key restriction for associate members is that they cannot vote during the annual general meeting of the Forum, for example they cannot vote for the election of the management committee. It is considered that this additional category of membership, which goes above and beyond the legal requirement, will result in the forum being open to individuals from outside the area, and can address the concerns of those outside the area who feared they would be excluded

7.11. In conclusion, the membership rules for the forum satisfy the legal requirements, and furthermore go beyond these legal requirements to ensure that those outside of the proposed boundary are able to participate.

**iii) Membership includes a minimum of 21 individuals each of whom lives or works (or is an elected member) in the area**

7.12. **Response:** The forum application included the details of 24 members, of which:

- 16 live in the area,
- 7 work in the area,
- and 1 is an elected member for the area.

7.13. The forum therefore meets the requirements of 21 eligible members. Please see below for a more detailed analysis of the membership of the forum..

**iv) The neighbourhood forum has a written constitution**

7.14. **Response:** The applicant has provided a written constitution, which is available as Annex 4 to this report.

7.15. In addition to the four conditions set out above, the legislation also states that a local planning authority has to have regard to three further considerations. The three further considerations are addressed below:

**i) The desirability of designating an organisation or body which has secured (or taken steps to secure) membership from each of the required categories (i.e. people who live, work or are elected members).**

7.16. **Response:** The forum meets this requirement, as it has 24 members, of which:

- 16 live in the area,
- 7 work in the area,
- and 1 is an elected member for the area.

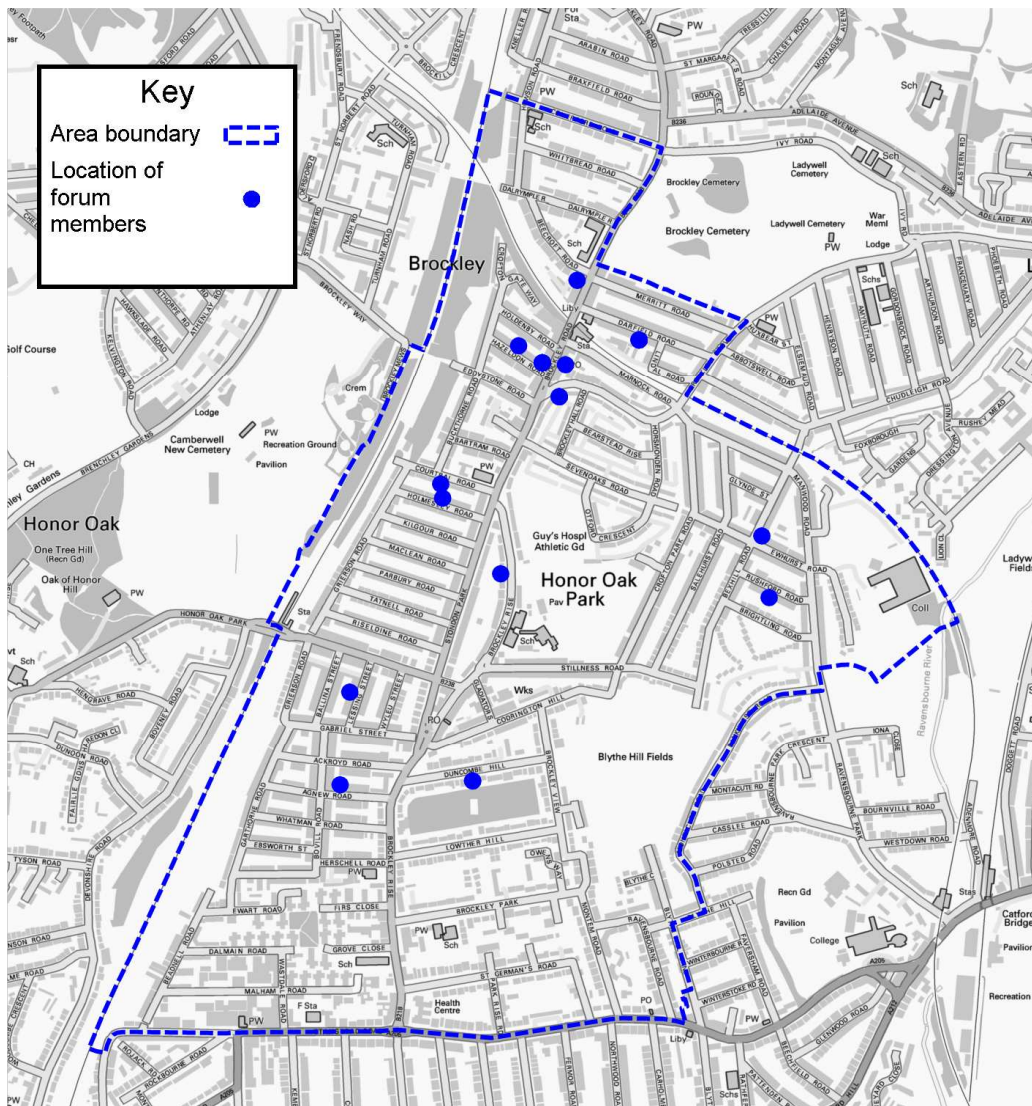


ii) Whether membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in the area.

7.17. **Response:** The map below shows the geographic distribution of members of the Crofton Park and Honor Oak Park Neighbourhood Forum.

7.18. Members are drawn from different places within the proposed neighbourhood area. The members are not clustered in one specific location (see map below – please note that the locations of forum members are approximate, and that two or more forum members who share a similar postcode will be represented by only one dot on the map).

7.19. Members are also from different sections of the community. Membership includes residents of different areas; workers including café workers; shop owners; florists; opticians; and elected councillors.



**iii) Whether the *purpose* of the neighbourhood forum reflects (in general terms) the character of the area.**

- 7.20. **Response:** The written constitution states at paragraph 1.2 that the “purpose of the Forum is to promote or improve the social, economic and environmental well-being of the Crofton Park Ward”.
- 7.21. This purpose is reiterated and reflected in the Forum Objectives, found in paragraphs 4 and 4.1 of the constitution: The objectives include:
- improving the Crofton Park Ward area for the benefit of the inhabitants of the area;
  - preparing in partnership with the local planning authority a Neighbourhood Plan for the area or in partnership with other forums in the wider area;
  - conserving the character of the area;
  - promoting the social, economic and environmental well-being of the area;
  - working with members of the local community in assessing the priority of needs, and working together to address these needs;
  - encouraging the goodwill and involvement of the wider community; and
  - fostering community spirit and social cohesion and encouraging civic pride.
- 7.22. It is considered that the purpose of the forum reflects the character of the area. The area is classified as an area of stability and managed change in the Council’s Core Strategy. The purpose of the forum, to improve the social, economic and environmental well-being of the area without large scale growth or wholesale physical change, is therefore entirely in-keeping with the character of the area.
- 7.23. The objectives to work in partnership with the local planning authority and other forums, to encourage the involvement of the wider community, and to foster community spirit and social cohesion are all welcomed, and are especially relevant in ensuring those objectors who are outside of the area will not feel marginalised or excluded from the process and from the local community.
- 7.24. It is therefore considered that the purpose, and the objectives, reflect the character of the area, and therefore meet the legal requirements.

## **Neighbourhood forum application conclusion**

- 7.25. The neighbourhood forum application meets the requirements of the Town and Country Planning Act (1990) (as amended) and the Neighbourhood Planning (General) Regulations (2012). It is recommended that the forum be designated by the Mayor of the London Borough of Lewisham.

### **8. Crofton Park and Honor Oak Park Neighbourhood Area application**

- 8.1. Section 61G of the Town and Country Planning Act 1990 (as inserted into the Act by the Localism Act, Schedule 9) sets out the conditions that an application for a neighbourhood area must meet, as well as the considerations that a local planning authority should take into account when determining an application for the designation of a neighbourhood area.
- 8.2. The London Borough of Lewisham does not contain any parish councils, and there are currently no designated neighbourhood areas, therefore a number of the conditions and considerations do not apply. In light of these facts, there are two conditions and considerations relevant to this application, which are addressed in turn below.

#### **i) Whether the application is submitted by a body which is capable of being designated as a neighbourhood forum.**

- 8.3. This condition is met in the case of the application made by Crofton Park and Honor Oak Park Neighbourhood Forum. The assessment found in section 7 of this report outlines that the applicant is capable of being formally designated as a neighbourhood forum.

## **ii) Whether the area is considered to be an appropriate area.**

- 8.4. The government's implementation of neighbourhood planning is characterised by a 'light touch' approach in terms of regulations and guidance, with the assumption that local authorities should not stand in the way of a community's wish to create a neighbourhood area.
- 8.5. This 'light touch' approach to determining neighbourhood area applications is seen in the National Planning Policy Guidance (the NPPG), which states that "The local planning authority should aim to designate the area applied for".
- 8.6. The NPPG states that a local planning authority should only refuse to designate an area applied for if it considers the area "is not appropriate". The NPPG gives guidance as to the issues that could be considered when setting the boundaries of a neighbourhood area, and this guidance can be used to help consider whether the proposed area is so erroneous as to be considered "not appropriate".
- 8.7. The NPPG guidance states that electoral ward boundaries can be an appropriate starting point when setting the size of an area, and that the following considerations could be taken into account:
- village or settlement boundaries, which could reflect areas of planned expansion;
  - the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities;
  - the area where formal or informal networks of community based groups operate;
  - the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style;
  - whether the area forms all or part of a coherent estate either for businesses or residents;
  - whether the area is wholly or predominantly a business area;
  - whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway;
  - the natural setting or features in an area;
  - size of the population (living and working) in the area.

- 8.8. In the case of the current application, the Crofton Park Ward boundary has been used as the area boundary. The use of the existing ward boundary accords with a number of suggested considerations in the NPPG set out above.
- 8.9. The proposed area takes advantage of the existing formal ward assembly network that operates in the ward, and within the wider Borough. This would give the proposed forum the ability to build upon the existing community network, community contacts and the community cohesion that has been established through the assembly.
- 8.10. The proposed area also takes advantage of existing infrastructure and physical features that help define a natural boundary, as suggested by the NPPG. The entirety of the western boundary is defined by the Norwood Junction to London Bridge rail line, the entirety of the southern boundary is defined by Stanstead Road (A205 south circular), and part of the northern boundary is defined by the Thameslink Rail line.
- 8.11. However, it is also acknowledged that a significant number of objections have been received regarding the proposed area boundary, with a particular emphasis on the western boundary in the Honor Oak Park area where the boundary follows the Norwood Junction to London Bridge rail line.
- 8.12. There are two main areas of complaint raised by objectors, addressed in turn below.
- 8.13. First, concerns have been raised that those who live west of the railway line, but who use the amenities of Honor Oak Park parade, would be excluded from having an influence over the issues within the area. This is considered to be a valid concern which accords with the NPPG consideration that neighbourhood areas can be defined by catchment areas for local amenities.
- 8.14. However, it is also considered that there are no definitive catchment boundaries for local amenities in continuous urban areas such as those within the Borough, unlike the situation in rural neighbourhood which may have clearly defined settlement boundaries. In continuous urban areas there will always be an inherent concern by some members of the community on either side of a proposed boundary that they should either be included or excluded from the area. It should also be considered that catchment areas to local services are only one of the suggested approaches to defining neighbourhood areas set out in the NPPG.
- 8.15. In light of the inherent difficulties of defining a boundary in a continuous urban area and in light of the fact that the proposed boundary adheres with other considerations taken from the NPPG guidance, it is not considered that the objections and concerns raised in regards to the proposed area can be considered to render the area as “not appropriate” in the words of the NPPG.

- 8.16. Nevertheless, the concerns of those outside of the boundary, both in the Honor Oak Park area and in other areas surrounding the boundary, have been noted, and passed on to the applicants. It is considered that these concerns have been addressed through alterations to the constitution of the proposed forum. Please see paragraphs 7.8 to 7.11 of this report for further details.
- 8.17. The second main area of complaint raised by objectors is that the boundary excludes local features and amenities located west of the rail line in the London Borough of Southwark which are used by residents living within the proposed neighbourhood area. The local features and amenities include One Tree Hill park, the allotments, Camberwell New Cemetery, and Honor Oak Sports Ground. The fact that these amenities are outside of the proposed neighbourhood boundary means that a future neighbourhood plan for Crofton Park and Honor Oak Park will not be able to include policies regarding these amenities.
- 8.18. The Council does not have the power to designate a neighbourhood area outside its own administrative boundaries, therefore the Council cannot make the decision to extend the proposed neighbourhood area into Southwark.
- 8.19. However, the issues can still be considered as to whether the exclusion of these local features and amenities makes the proposed neighbourhood area “not appropriate” in the words of the NPPG.
- 8.20. It is accepted that the amenities in question are likely to be used by some of the residents within the proposed neighbourhood area. However, it is also considered that the inherent difficulty of defining boundaries in continuous urban areas, as discussed in the paragraphs above, must once again be taken into account.
- 8.21. The use of One Tree Hill, the allotments, Camberwell New Cemetery and Honor Oak Sports Ground is not exclusive to residents of Honor Oak Park. Those living around the Wood Vale Estate, Brenchley Gardens and Brockley Way will also utilise these amenities. Indeed, if joint neighbourhood area applications were to be submitted instead to designate Honor Oak Park residential area in Lewisham Borough along with the amenities in Southwark Borough, then it could face opposition from those who use the amenities who do not live in Honor Oak Park.
- 8.22. It is accepted that people from a number of different neighbourhoods use these amenities. Therefore, it is not considered that amenities in question are an essential part of the proposed neighbourhood area, nor is it considered that the proposed neighbourhood can be considered “not appropriate” because of the exclusion of these amenities.
- 8.23. Officers have taken into account the relevant legislation, the National Planning Policy Guidance (NPPG), the applicant’s submission and the representations received from the community. Officers have followed the NPPG guidance, and have found that the boundary of the area follows existing physical features

and takes advantage of existing formal community networks. Whilst the boundary is contested in some locations, it is considered that this stems from an inherent difficulty in finding an acceptable cut-off point in a continuous urban area, and it is considered that the issues raised are not so serious as to render the area as “not appropriate”.

- 8.24. The NPPG states that the Council should aim to designate the area applied for, unless the proposed area is considered “not appropriate”. In the current case the area is considered to be appropriate, and therefore officers recommend that the proposed area should be formally designated as a neighbourhood area.

## **9. Legal implications**

- 9.1 The Localism Act allows local communities to shape their areas through the use of Neighbourhood Development Plans, which set out policies in relation to the development and use of land in a particular neighbourhood.
- 9.2 By virtue of section 61 G (1) of the Town and Country Planning Act a neighbourhood area means an area within the area of a local authority which has been designated by the authority as a neighbourhood area. The power to designate only arises where a relevant body, as defined by section 61G(2) has applied to the LPA for designation as a neighbourhood area.
- 9.3 A relevant body includes a body “which is or is capable of being” designated a neighbourhood forum. The designation of a Neighbourhood Area and the Neighbourhood Forum may be dealt with under one report, they are nevertheless two separate decisions.
- 9.4 The Town and Country Planning, England - Neighbourhood Planning (General) Regulations 2012 sets out what the Council must do regarding publicity for a designated forum. This states at regulation 10 that 'as soon as possible after designating a neighbourhood forum, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring to the attention of people who live, work or carry on business in the neighbourhood area: (a) the name of the neighbourhood forum; (b) a copy of the written constitution of the neighbourhood forum; (c) the name of the neighbourhood area to which the designation relates; and (d) contact details for at least one member of the neighbourhood forum.
- 9.5 The discretion given to local authorities by section 61G is broad. The exercise of that discretion turns on the factual and policy considerations which exist in the individual case at the time the determination is made.
- 9.6 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.7 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

9.8 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

9.9 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

9.10 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>



## **10. Financial Implications**

- 10.1 There are no additional costs to the Council arising from this report. The planning service have a duty to support neighbourhood forum in preparing neighbourhood plans and to this end there is an impact on the planning service in terms of staff time however these costs will be contained within the existing planning service budget.

## **11. Equalities Implications**

- 11.1. The Equality Act 2010 became law in October 2010. The Act aims to streamline all previous anti-discrimination laws within a Single Act. The new public sector Equality Duty, which is part of the Equality Act 2010, came into effect on the 5 April 2011.
- 11.2. The Equality Duty has three aims. It requires public bodies (including local authorities) when making decisions to have due regard to the need to
- eliminate unlawful discrimination, harassment, victimisation and any conduct prohibited by the Equality Act 2010
  - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
  - foster good relations between people who share a protected characteristic and people who do not share it.
  - The Council's Comprehensive Equality Scheme for 2012-16 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.

- 11.3. The Council will need to advise the Neighbourhood Forum if an Equalities Analysis Assessment (EAA) should be prepared as part of the preparation of the neighbourhood plan.
- 11.4. An EAA is the process of systematically analysing a proposed policy to identify what effect, or likely effect, will follow from the implementation of a policy for different groups in the community. By undertaking the EAA as part of the Neighbourhood Plan process it will ensure that equalities impacts have been fully taken into account in a systematic way.

## **12. Environmental implications**

- 12.1. There are no specific environmental implications arising from this report.

## **13. Conclusion**

- 13.1. The Localism Act 2011 introduced a discretionary power for local communities to prepare neighbourhood plans. The Council has a duty to assist with the preparation of neighbourhood plans. The first stage of neighbourhood planning is the designation of neighbourhood forums and areas.
- 13.2. The Council received an application to designate a neighbourhood forum for Crofton Park and Honor Oak Park and an application to designate a neighbourhood area for Crofton Park and Honor Oak Park. Officers consider that the applications meet the requirements of the relevant legislation.
- 13.3. Officers consider that the proposed forum's membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in the area, and that the purpose of the neighbourhood forum reflects (in general terms) the character of the area. Therefore it is recommended that the proposed neighbourhood forum is formally designated.
- 13.4. Also, officers consider the proposed neighbourhood area to be an appropriate neighbourhood area in regards to local physical and social characteristics. Therefore it is recommended that the proposed neighbourhood area is formally designated.
- 13.5. Officers acknowledge that a number of objections have been raised to the applications regarding the exclusion of those outside the neighbourhood area from participation in the forum in combination with a concern that the boundary of the area should be wider. Officers consider that the legal requirements of the applications have been met, and that the area cannot be considered to be "not appropriate", and therefore the applications should be approved. However, in light of objectors' concerns, the Council has worked with the Forum to widen forum membership to include those who live outside of the proposed boundary, albeit without forum voting rights. Officers consider that this should promote community cohesion and will ensure that those outside of the proposed boundary are able to participate.

## Background documents

| Short Title Document                         | Date | File Location  | File Reference  | Contact Officer | Exempt |
|--|------|----------------|-----------------|-----------------|--------|
| Neighbourhood Planning (General) Regulations | 2012 | Laurence House | Planning Policy | Brian Regan     | No     |
| Town and Country Planning Act (as amended)   | 1990 | Laurence House | Planning Policy | Brian Regan     | No     |
| Localism Act                                 | 2011 | Laurence House | Planning Policy | Brian Regan     | No     |

If you have any queries on this report, please contact Brian Regan, Planning Policy Manager, 3<sup>rd</sup> floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8774.

### **Annex 1: Crofton Park and Honor Oak Park Neighbourhood Area Application Form**

### **Annex 2: Crofton Park and Honor Oak Park Proposed Neighbourhood Area Map**

### **Annex 3: Crofton Park and Honor Oak Park Neighbourhood Forum Application Form**

### **Annex 4: Crofton Park and Honor Oak Park Neighbourhood Forum Constitution**

### **Annex 5: Summary of Consultation Responses**