

## Delegated Cabinet Member Key Decision Report

<b>Decision Maker and Portfolio area:</b>	<b>Councillor Roberts, Cabinet Member for Housing</b> <b>In consultation with Helen Lockwood, Deputy Chief Executive, People and Place</b>
<b>Date of Decision:</b>	<b>8 October 2020</b>
<b>Subject:</b>	<b>Chadderton Neighbourhood Area and Forum applications</b>
<b>Report Author:</b>	<b>Simon Rowberry</b>
<b>Ward (s):</b>	<b>Chadderton North, Chadderton Centre and Chadderton South</b>

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### Reason for the decision:

#### Summary:

To approve the decision to refuse to designate Chadderton neighbourhood area and to refuse designation of The Chadderton Partnership as a neighbourhood forum in accordance with the Town and Country Planning Act 1990 (the Act) and the Neighbourhood Planning (General) Regulations 2012 (the Regulations); and to publish those decisions (the decision document and refusal statement).

#### ***What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):***

Option 1 – To approve the decision to refuse to designate Chadderton neighbourhood area and to refuse designation of The Chadderton Partnership as a neighbourhood forum in accordance with the Act and the Regulations; and to publish those decisions (the decision document and refusal statement).

Option 2 – There is no other option. The Council must make a decision whether the applications

meet the relevant parts of the Act and the Regulations. The Forum does not meet the requirements of Section 61F(5) of the Act and therefore it would not be legal to approve designation.

**Recommendation(s):**

To approve the decision to refuse to designate Chadderton neighbourhood area and to refuse designation of The Chadderton Partnership as a neighbourhood forum in accordance with the Act and the Regulations; and to publish those decisions (the decision document and refusal statement).

The council must publish the decision document and refusal statement along with details of where and when the document and statement can be inspected on the council' website. The council will make two copies of the documents listed in the Appendices available in Chadderton Library

**Implications:**

*What are the **financial** implications?*

It is expected that the costs of publication will be no more than £50 and will be funded from existing resources held within the Planning Department.

(Jamie Kelly)

What are the **procurement** implications?

None.

*What are the **legal** implications?*

The Council may designate an organisation as a neighbourhood forum if it is satisfied that the organisation meets the conditions in section 61F of the Act. One of the conditions is that its membership includes a minimum of 21 individuals, each of whom lives or works in the neighbourhood area concerned or is an elected member of the Council for the neighbourhood area (section 61F((5)(c) of the Act). (A Evans)

*What are the **Human Resources** implications?*

None.

**Equality and Diversity Impact Assessment** attached or not required because (please give reason)

Not required. An EIA will be undertaken as part of a Neighbourhood Plan.

*What are the **property** implications*

No specific comments (P Wood).

**Risks:** No specific comments (M Stenson)

**Co-operative agenda** The decision links to thriving communities as it has involved a process of engaging residents.

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Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

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**Reason why this Is a Key Decision** (2) to be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the area of the local authority.

The Key Decision made as a result of this report will be published within **48 hours** and cannot be actioned until **five working days** have elapsed from the publication date of the decision, i.e. before 3 December 2019, unless exempt from call-in.

This item has been included on the Forward Plan under reference HSG-04-20.

**List of Background Papers under Section 100D of the Local Government Act 1972:**

**There are no background papers for this report**

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<b>Report Author Sign-off:</b>	<i>S.Rowberry</i>
<b>Date:</b>	17.09.2020

Please list any appendices:-

<b>Appendix number or letter</b>	<b>Description</b>
1	Chadderton Neighbourhood Area decision document
2	The Chadderton Partnership Forum Refusal Statement
3	Issues raised in relation to the Chadderton Partnership Neighbourhood Forum and Chadderton Neighbourhood area applications and Oldham Council's response
4	Comments submitted

### **Background:**

Oldham Council received an application for the designation of "The Chadderton Partnership" forum and an application to designate the Chadderton neighbourhood area (Chadderton North, Chadderton Central and Chadderton South wards).

The neighbourhood area application is required to comply with regulation 5 of the Regulations. This states that a submission for an area application to the local planning authority (LPA) by a relevant body must include:

- a map which identifies the area to which the area application relates;
- a statement explaining why the area is considered appropriate to be designated as a neighbourhood area; and
- a statement that the organisation or body making the application is a relevant body.

Section 61G(2) of the Act includes within the definition of a relevant body "an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area)." The Chadderton Partnership forum application was submitted to ensure that the body is a "relevant body".

A map and statement explaining why the area is considered appropriate to be designated as a neighbourhood area was submitted.

The forum application must meet the requirements specified in regulation 8 of the Regulations. This states where an organisation or body submits a neighbourhood forum application to the local planning authority it must include:

- (a) the name of the proposed neighbourhood forum;
- (b) a copy of the written constitution of the proposed neighbourhood forum;
- (c) the name of the neighbourhood area to which the application relates and a map which identifies the area;
- (d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and
- (e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.

The forum application, constitution and forum membership form were all provided.

The Council was satisfied prior to consultation that the relevant sections within the Act and the Regulations had all been met. Details of the 21 members of the forum were provided to the Council.

In line with the Regulations the decision was made to publicise the area and forum applications on the Council's website and in other appropriate ways to bring the applications to the attention of people who live, work or carry on business in the Chadderton Neighbourhood Area for six weeks.

### **Current position:**

The consultation generated a lot of interest within the Chadderton area. There were approximately 220 representations against and 75 representations in support of the applications.

In addition, there were comments made by statutory consultees although these organisations did not comment on the area or forum, they provided useful information.

The 'Issues raised in relation to the Chadderton Partnership Neighbourhood Forum application and Chadderton Neighbourhood area application and Oldham Council's response' (Appendix 3) summarises the key issues that were raised and Oldham Council's response.

The key issues raised were:

- Communication prior to application being submitted;
- Make-up of the forum;
- Membership form;
- Whether Chadderton partnership is a 'Relevant body';
- Constitution in relation to membership;
- Plan intentions;
- Development and the Green Belt;
- Size of the Chadderton neighbourhood area;
- North Chadderton Forum;
- Consultation;
- Misunderstanding of the consultation being a vote;
- Determination of planning applications; and
- Funding

Support for the designation of Chadderton Partnership and the Chadderton neighbourhood area was also expressed.

In responding to the issues raised the Council considered that it would be useful to plot the addresses of the 21 members against the ward boundaries in order to justify further that membership is drawn from different places in the neighbourhood area as required by section 61F (7) of the Act. However, this highlighted that one member, despite having a Chadderton address, lived within the Werneth ward.

As the forum application only included the minimum of 21 members, and not more to offset the loss of this member, the application cannot be approved.

The Council is required to make a decision on the area and forum applications, within 13 weeks of the application being publicised.

Chadderton Partnership may re-submit an amended application. It is recommended as set out in Appendix 3 that the constitution is amended to address some of the objections to the application. Oldham Council considers that ideally the constitution should provide for a right of appeal against the refusal or termination of membership of the Partnership. That right of appeal should be to persons who were not involved in the decision being appealed.

The proposed Partnership may also wish to amend the constitution to make clearer that the purpose and principles would be the criteria for assessing the refusal or termination of membership.

It has also come to light that an alternative group are also keen to submit an application to be designated as a neighbourhood forum which includes Chadderton North. There cannot be two neighbourhood forums covering the same area.

It is understood that the two groups have met previously but were unable to agree a common purpose.

Planning practice guidance states that the local planning authority should encourage a dialogue between the applicants in order that they can consider working together as a single neighbourhood forum. The onus is on the prospective neighbourhood forums to be constructive and to reach an agreed solution.

If prospective neighbourhood forums cannot agree to work together one course of action open to a local planning authority is first to designate a neighbourhood area if it has not already done so. This provides certainty about the conditions that any organisation or body will need to meet in order to be designated as the neighbourhood forum for the particular neighbourhood area.

The local planning authority can then assess each neighbourhood forum application against the conditions for designation and evaluate each application in light of the factors set out in section 61F(5) and section 61F(7) of the Act.

Therefore, it is recommended that the two potential forums be urged to come to an agreed solution, otherwise the Council may have to use its powers to designate the area and assess each forum as described above, if two competing applications are submitted.

### **Proposals:**

Option 1 – To approve the decision to refuse to designate Chadderton neighbourhood area and to refuse designation of The Chadderton Partnership as a neighbourhood forum in line the Act and the Regulations; and to publish those decisions (the decision document and refusal statement).

Option 2 – There is no other option. The Council must make a decision whether the applications meet the relevant parts of the Act and the Regulations. The Forum does not comply with Section 61F(5) of the Act and therefore it would not be legal to approve designation.

### **Conclusion:**

To approve the decision to refuse to designate Chadderton neighbourhood area and to refuse designation of The Chadderton Partnership as a neighbourhood forum in accordance with the Act and the Regulations; and to publish those decisions (the decision document and refusal statement).

Signed: Helen Lockwood, Deputy Chief Executive, People and Place

*Hannah Roberts*

Date: 8<sup>th</sup> October 2020