

# **ANSWERS TO POINTS ARISING FROM THE FORUM MEETING OF 25/02/2015**

## **FORUM DESIGNATION**

Under the Localism Act 2011 a local authority can decide to designate an area as a BUSINESS AREA if it is “wholly or predominately business in nature”. Westminster Council assessed the area on the square footage occupied by business and others (61%) against residential occupation (39%) and based on this and a number of other factors designated the Marylebone area as a Business Area.

The Forum has applied for Neighbourhood Forum designation for the Marylebone area. Consultation on this finished on the 21st January 2015 and we are now awaiting Westminster Council’s response and any further requirements that they may wish to see before making a decision. If the Marylebone Forum were to be designated, it would be operating in a Business Area.

## **THE FORUM CONSTITUTION**

The CONSTITUTION and its various schedules is available for inspection on the website. It deals with many matters concerning the Forum and its makeup. It has been designed to reflect the many diverse interests within the area and to achieve an equitable balance between them and it has been altered to accommodate the suggestions of Westminster officers. It has been almost 2 years in the making and will no doubt be subject to a number of further amendments before it is submitted for approval of the Forum membership at the forthcoming AGM.

The direction and administration of the Forum will be in the hands of a Representative Committee (see below) which is split 50% Resident 50% Non-Resident(Corporate /Educational/Professional Faith Groups etc).

## **PURPOSE AND POWERS OF THE FORUM**

The primary purpose of the Forum is to oversee the preparation and implementation of a Neighbourhood Plan.

However the creation of a Forum also allows it to have a major say in the allocation of a substantial percentage of the new tax on development (CIL) to various infrastructure projects within Marylebone. Westminster intends to introduce CIL charging to this area later on this year. It is hoped that this will amongst other things allow us to develop and improve the public realm in Marylebone. For more about CIL and the percentages that we will be entitled to have a say on see under NOTES below.

The Forum will also provide a wider platform for the discussion of matters of concern to the wider community within Marylebone - both resident and non-resident. This will be the first time that Marylebone has had a body to represent the entire community rather than a particular section of that community and is an opportunity to give Marylebone a powerful voice to be heard within the Westminster area and beyond

## **RELATIONSHIPS WITH THE ST MARYLEBONE SOCIETY AND MARYLEBONE ASSOCIATION**

It is not the intention that the Forum will replace the role of the St Marylebone Society or the Marylebone Association.

These organisations will continue to operate within their present spheres of interest and to represent the broader interests of their members.

Representation from the amenity organisations on the Forum committee will ensure effective liaison with the other interests on the Forum.

## **STRUCTURE OF THE FORUM**

The overall direction of the Forum will be in the hands of the REPRESENTATIVE COMMITTEE which will number between 22-26 individuals as well as up to 4 ward councillors

The Committee is split 50% Resident 50% Non-Resident which includes representatives of business operating in the area and other stakeholders in the area such as the educational, medical and, faith groups

There is a list of prospective REPRESENTATIVES on the Marylebone Forum website but this is not intended to be definitive and we are actively seeking further nominations. Potential candidates for election will be drawn from this list and presented to Forum members prior to the first Forum AGM for election at the AGM. In order to be able to maintain the balance between business and non-business Representatives those elected at the AGM will only be accepted from this list.

The Marylebone Forum area is both large and densely populated compared to other forums in London and around the country. As such it is ideally seeking candidates from established groups within its area above applications from interested individuals. This will ensure the Forum has the widest and most representative membership within its main committees. However this not an exclusive policy and each application will be considered on its merits.

The first AGM of the Marylebone Forum is currently expected to take place on 9<sup>th</sup> Sept 2015 but this is subject to the timing of Westminster Council's decision to Designate the Forum.

The Members of the Representative Committee will appoint from their number a committee of 8 to 12 people to manage the day to day business of the Forum (the MANAGEMENT COMMITTEE) with particular reference to the formulation of the Neighbourhood Plan (including the possible employment and funding of professional assistance in plan preparation). This Committee will reflect the make up of the Representative Committee. The Management Committee's purpose will be to facilitate the wishes of the Representatives. It will therefore be answerable to the Representatives for all actions taken and will require the approval or endorsement of the Representatives for all actions taken.

The Representatives also have the power to appoint sub-committees to deal with specific topics. These may be formed from time to time as and when they are deemed to be required. There will be a sub-committee to take forward the Neighbourhood Plan but there may well be others to look at infrastructure issues in specific areas both geographical and otherwise.

## COMMITMENT FROM COMMITTEE MEMBERS

Involvement as a Representative is likely to require a minimum of 4 committee meetings a year as well as attendance at various other Forum events. In addition there will be a considerable amount of associated paperwork to digest and related email correspondence. No remuneration is anticipated for this work.

The Management Committee is likely to meet on a regular basis with associated administrative duties in addition to the Representatives responsibilities. No remuneration is anticipated for this work.

Involvement in sub-committees and working groups will be on an “ad hoc” basis. Remuneration for work undertaken through these groups may be feasible and will be decided on by the Representatives

The Representatives also have the power to engage professional assistance in furthering the purposes of the Forum for which remuneration will be paid.

## THE NEIGHBOURHOOD PLAN

The Forum can write planning policies through a NEIGHBOURHOOD PLAN. The Plan is concerned with Town and Country Planning and therefore should focus on planning only. It can put in place policies to shape and regulate new development or changes of use of land or buildings. Most Neighbourhood Plans to date have been designed for relatively rural areas. Designing a Plan for an inner city area will be a complex endeavour given the number of constraints that will be encountered with the detailed strategic planning policy by Westminster Council and the Mayor’s London Plan already covering the area. However it is clear that the Plan is aimed at positively influencing development in the interests of the community, a total “No Change “ policy would not be acceptable.

While 1310 Forums have now applied for designation in the UK only 106 have so far reached the stage of submitting a plan for examination. Neighbourhood Plans can consider a wide range of social, environmental and economic issues arising from the use and development of land. Specific areas which can be influenced are still to some extent being defined but some examples are given below:

- Level of growth/Site Allocations/Size and Design of Development/Concentration of Employment /Land Use
- Urban design/Character/Green Spaces/Protection of Built Heritage/Character of Conservation Areas.
- Pedestrian Convenience/Environment /Local Accommodation need /Layout/Public Realm generally/ Parking and Storage
- Shop Front Design/Residential Conversion/Urban Design

So the areas of involvement can be wide but advice from professionals already involved in the process is that focus on a few key areas is much more effective and more likely to lead to an acceptable Plan. .

A substantial volume of information on Neighbourhood Forums and Neighbourhood Planning is now available on the Marylebone Forum website.

## THE EVIDENCE BASE

The Plan will be submitted to Westminster Council whose job will be to check that it complies with the various legal requirements including those of community consultation. If this is the case it will be referred an expert in Neighbourhood Planning, known as an INDEPENDENT EXAMINER, whose job is to ensure it complies with the various strategic policies both national and local, contributes to sustainable development and is compatible with EU obligations

So the Plan must be community based and will only be accepted if it is clear that it has been derived from a good EVIDENCE BASE that demonstrates this. But the Plan must also be compliant with the wider strategic objectives already in force in the area.

This will involve collection of statistical data, forecasts and opinion from all constituent parts of the local community to show that the plan truly reflects community views .

Once the Plan is approved, with any necessary amendments by the Examiner, it will be submitted to a REFERENDUM of both residents and business in the area. Both will be able to vote on the Plan and if both groups vote in favour it will be adopted and have the same statutory force as Westminster's Local Plan. If only one group votes in favour then Westminster Council will be able to decide whether to adopt it.

## NEXT STEPS

You have requested that we organise a SEMINAR on Neighbourhood Planning and, subject to demand, we intend to do this, led by an expert in the field of Neighbourhood Planning.

As requested, we will participate in any meetings organised by specific groups of local residents to raise further questions on the Forum and its operations.

We are actively pursuing various avenues of funding for the Forum.

We are actively looking at methods of further community engagement and publicity to spread the word about the Forum, within the context of our very limited budget

We will be in active dialogue with Westminster Council concerning any matters arising from our application for designation as a Neighbourhood Forum and to carry out any other matters they may require to achieve Forum designation

We will organise and prepare for the FORUM AGM. The anticipated date for this is in September subject, of course, to Westminster Council's progress on our designation.

We will continue to encourage members of the local community to put their names forward for roles on the Forum. Details of all candidates who wish to be proposed for election as Representatives will be published on our website at least a month in advance of the AGM.

Post AGM we will go on to look at evidence gathering, this and the outcome of community engagement activities should enable us to clarify key issues for the Plan to address, from these it will be necessary to sift out any non-planning matters.

## NOTES

### WHAT IS CIL?

CIL stands for the COMMUNITY INFRASTRUCTURE LEVY. It is a levy that allows local authorities to raise predetermined funds from developers undertaking new building projects in their area.

The Government believes that CIL, which replaces the previous system of agreeing planning obligations between local authorities and developers (known as section 106 agreements), gives local authorities the freedom to determine how this money should be spent and provides a more predictable funding stream to plan and deliver the required infrastructure.

### HOW IS CIL CHARGED?

CIL will determine a fixed rate for new development provided in a particular area. It will be based on the net increase in floorspace provided and calculated in pounds per square metre. CIL allows different rates to be set for different types of development.

Local authorities do not have to introduce CIL and may choose not to do so. Similarly section 106 agreements are still available to use. However if the local authority does decide to set a levy it must be assessed looking at the available evidence, consulted upon and externally examined to ensure it is reasonable.

The proposed rate should not be so high that it puts at risk the overall development of the area. Local authorities must therefore consider the viability of development in their particular area when setting a levy.

Once agreed local authorities will then be able to levy the charge on most new development. There are some exceptions from the levy, such as affordable housing and some charitable purposes. The levy is payable when development starts, though the local authority may have a policy of phasing payments.

### WHAT WILL IT FUND?

The local authority decides how and when the levy will be spent and publishes a list of infrastructure items it intends to direct monies towards at the time it adopts CIL. The local authority is required to publish this on its website.

This list could include things like roads, flood defences, schools, health centres, social care, play areas and parks, sports facilities and other community facilities.

The money can only be used to fund infrastructure projects needed as a result of the development. It cannot be used to rectify existing infrastructure deficiencies unless they are made worse by the development. The levy can also be used to support the ongoing maintenance of the infrastructure.

## **INCENTIVE FOR LOCAL COMMUNITIES**

Local authorities must pass on a proportion of the monies collected to Neighbourhood Forums for them to spend on infrastructure projects to support new development in their area.

In April 2013 the Government brought into force legislation that local authorities operating CIL will be required to pass on 25% of the money raised from new development within a Neighbourhood Plan Area to the neighbourhood community itself. The community can then decide how the money is spent. The Neighbourhood Plan must have successfully been through a local referendum and brought into force.

Communities that do not have a Neighbourhood Plan in place will receive 15% of CIL, subject to a cap of £100 per council tax dwelling in the area. In areas without a Parish council but with a Neighbourhood Forum the local authority must agree with the local community how the money will be spent.