

Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice

Date: 10 March 2025

Public Authority: Summertown & St. Margaret's Neighbourhood Forum

Address: sstmnf.secretary@gmail.com

Decision (including any steps ordered)

1. The complainant has requested any monitoring or assessments regarding actions planned by the Summertown & St. Margaret's Neighbourhood Forum (the Forum), which relate to Equality Act 2010 protected characteristics and Public Sector Equality Duty.
2. The Commissioner's decision is that the Forum is not a public authority for the purposes of EIR.
3. The Commissioner does not require further steps

Request and response

4. On 14 November 2024, the complainant wrote to the Forum and requested information in the following terms:

"Please could you provide any monitoring or assessments in terms of
1) need 2) actions taken 3) actions planned to be taken, in your
possession in respect of any of the Equality Act 2010 protected
characteristics and Public Sector Equality Duty."
5. The Forum responded on 10 December 2024 advising that it was not subject to the Freedom of Information Act 2000 (FOIA).

6. On 8 January 2025, the Forum maintained that it was not subject to the FOIA and explained that it was also not subject to the EIR.

Background

7. The Neighbourhood Forum was established in 2013 and comprises an open forum of residents and those working in the designated areas of Summertown and St. Margaret's to be involved in the planning and improvement of their neighbourhood's future.¹
8. The Neighbourhood Forum is comprised of an open forum of residents or those working in the designated areas of Summertown and St. Margaret's. A Steering Committee is elected from volunteers, whose management decision-making is subject to the Forum's Constitution and stipulated procedures.
9. Its primary purpose is to create a Neighbourhood Development Plan for the Summertown and St Margaret's area, guiding future development and planning decisions in the community. It allocates CIL (Community Infrastructure Levy) money received from the Oxford City Council and initiates and implements relevant projects for improving the infrastructure and amenities of the neighbourhood.

Scope of the case

10. The complainant contacted the Commissioner on 9 January 2025 to complain about the way their request for information had been handled.
11. The Commissioner considers whether the Forum is considered a public authority under EIR.

Reasons for decision

Is the requested information environmental?

12. Given the findings set out below, the Commissioner does not need to make a determination of whether the information is or is not environmental. He merely notes that, as the Forum supports local
-

¹ [Our Forum — Summertown & St. Margaret's Neighbourhood Forum](#)

residents and individuals working within the areas to be involved in planning and improvement of the neighbourhoods, any information held regarding monitoring or assessments in relation to actions taken/planned to be taken, would likely be environmental information.

What is a public authority?

13. For the purposes of the EIR, an organisation will be a public authority if it is, or is under the control of:
 - a government department; or
 - any other body designated as a public authority by FOIA; or
 - a body that carries out functions of public administration.
14. The Forum is clearly not a government department, nor has it being designated as a public under FOIA. The Forum advised the complainant that it has no legal personality, no employees, no premises and no regular income. It explained that the Forum is totally reliant on volunteers.
15. The Neighbourhood Forum's primary role is to be involved in the planning and improvement of their neighbourhood's future. While the Neighbourhood Forum works closely with the local planning authority (Oxford City Council), it does not have direct decision-making powers or regulatory authority. Its activities are advisory and consultative rather than administrative.
16. Neighbourhood forums are not automatically classified as public authorities unless they are explicitly designated as such or perform public administrative functions.
17. That leaves the question of whether the Forum carries out functions of public administration. There are two tests to satisfy:
 - Has the Forum been entrusted in law with functions relating to the environment? And, if it has;
 - Does the Forum have special powers to carry out those functions?

Entrustment

18. In order to be classified as a public authority, an organisation must have been entrusted in law with functions relating to the environment. In practical terms, this usually means that the state must have passed a law, requiring the organisation to carry out certain functions it would more usually carry out itself.

19. The complainant argued that the Forum has been charged with producing the Neighbourhood Plan under the Localism Act 2011.
20. The Commissioner notes that the Localism Act 2011 places a legal duty on local planning authorities to support and advise groups wanting to do neighbourhood planning. These groups are called neighbourhood forums. The Neighbourhood forums lead the neighbourhood planning process and formulate Neighbourhood Development Plans and Orders, which can guide and shape development in a particular area.²
21. Neighbourhood Development Plans must meet several conditions to ensure plans are legally compliant and take account of wider policy considerations. These conditions are:
 - They must have regard to national planning policy
 - They must be in general conformity with strategic policies in the development plan for the local area (such as in a core strategy), and
 - They must be compatible with EU obligations and human rights requirements.
22. An independent qualified person, normally a planning inspector, will check that Neighbourhood Development Plans meets these conditions before going to the next stage of being voted on in a local referendum. If proposals pass the referendum, the Local Planning Authority is under a legal duty to bring them into force.
23. Whilst the Commissioner notes that the Localism Act 2011 places a legal duty on local planning authorities, in this case Oxford City Council, to support and advise groups wanting to do neighbourhood planning, the act does not require the organisation, in this case the Forum, to carry out certain functions it would usually carry out itself.
24. As the act does not require the Forum to carry out these functions instead of Oxford City Council, the Commissioner does not consider that the Forum has been entrusted in law with functions relating to the environment. The first test is therefore not met.
25. Due to the above, the Commissioner does not consider that the Forum carries out functions of public administration and therefore is not a public authority for the purposes of the EIR.

² [Neighbourhood Planning](#)

Right of appeal

26. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

27. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Michael Lea
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF