

PAIGNTON NEIGHBOURHOOD FORUM

- Blatchcombe
- Clifton with Maidenway
- Goodrington, Roselands & Hookhills
- Paignton Town
- Preston



Town and Country Planning, England The Neighbourhood Planning (General Regulations) 2012 (as amended)

Application is hereby made to Torbay Council as the Local Planning Authority for the continued designation of (1) the Paignton Neighbourhood Area and (2) the Paignton Neighbourhood Forum in accordance with the above Regulations.

Why the Applications have been made

The existing Forum submitted a Neighbourhood Development Plan to the Council on 18 August 2017 under Regulation 15. Although responsibility passed to the Council once the Neighbourhood Plan was submitted, the Neighbourhood Forum still needs to have legal status in order to agree any post examination modifications (or to withdraw the Plan, if such agreement is not possible). So the Forum will at least need to retain legal status until the Referendum. There is no certainty that this stage will be reached before the 5 year term of the designated Area and Forum expire on 6 December 2017. There is no provision in the relevant legislation for continuing the designations other than by the Applications hereby made.

Under Regulation 9A the Council is required to make a designation decision in an unparished area not later than 13 weeks after such Application is published. The Applications are therefore being made 14 weeks in advance of the present expiry date to enable a seamless continuation from 6 December 2017 and enable the Council to publish the applications alongside the Regulation 16 notice in respect of the Neighbourhood Plan submitted thereby saving the Council both time and money.

The Regulation 5 and 8 Applications are the same as the originals made in 2012 with updates only where necessary to reflect circumstances that have changed since 2012.

(1) Application for designation of a Neighbourhood Area (Regulation 5)

A Map which identifies the area to which the Application relates is included at Page 4 (Regulation 5a)

Statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area (Regulation 5b)

The neighbourhood plan area (as identified by the map on page 4) covers the Torbay Community Partnership areas of Blatchcombe, Clifton with Maidenway, Goodrington Roselands and Hookhills, Paignton Town, and Preston. All are in the Paignton area of Torbay and have community identities that bond them together through a shared town centre as well as agreed development, infrastructure and access challenges. Close working by and between the Partnerships community members has been the norm for the designated Forum which has collectively produced a Neighbourhood

Plan for the Neighbourhood Area. As evidenced by the Plan documents submitted this truly reflects the wishes of the community and of a Forum that includes a wide range of community members with different view points on all aspects of the Plan.

No part of the Neighbourhood Area overlaps any part of any other Neighbourhood Area (Section 61G(7) of the Act). The boundary is the same as the Paignton Neighbourhood Area defined in the Torbay Local Plan adopted by the Council on 10 December 2015.

Statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Town & Country Planning Act (Regulation 5c)

The network of Torbay Community Partnerships has been operating for many years. All sixteen Community Partnerships agreed with Council representatives at a meeting on 17th September 2011 to the proposal that three Neighbourhood Plans should be produced covering Torbay – one each for Torquay, Paignton and Brixham. To give effect to this, the five Community Partnerships of Paignton as previously referred to above agreed to establish the Forum for Paignton covering the area identified by the Map on page 4.

The Forum subsequently established has operated successfully, initially on an interim basis, since October 2011, and following designation in 2012, has been recognised for 'Front Runner' financial support by central government.

No part of the specified Neighbourhood Area consists of or includes the whole or any part of the area of a parish council (Section 61G(3b) of the Act).

This application is submitted by the elected Chairman and elected Secretary on behalf of the Forum as a relevant body (Section 61G(2b)).

(2) Application for designation of a Neighbourhood Forum (Regulation 8)

The name of the Neighbourhood Forum (Regulation 8a) will continue to be:

'Paignton Neighbourhood Plan Forum' (PNPF)
With the shorter title of **'The Paignton Neighbourhood Forum'** (PNF)

The written Constitution of the Neighbourhood Forum (Regulation 8b) is attached at Annex 1 to this application (see page 5).

The name of the Neighbourhood Area to which this Application relates is **'Paignton Neighbourhood Plan Area'** and the Map which identifies the area is attached on page 4 of this Application (Regulation 8c).

Contact details of members of the Neighbourhood Forum (at least 1) are (Regulation 8d):

- (1) David Watts – Chairman
Email dwdw@paigntonneighbourhoodplan.org.uk
Web: <http://www.paigntonneighbourhoodplan.org.uk/>
Telephone: 01803 523434
Address: Weston Villa, 34 Totnes Road, Paignton, TQ4 5JZ

(2) Mike Parkes – Secretary
Email: mike.parkes1945@gmail.com
Telephone: 01803 469185
Address: Brooke Vale, Long Road, Paignton TQ4 7PQ

Statement explaining how the Neighbourhood Forum meets the conditions contained in Section 61F(5) of the Act (Regulation 8e)

(a) the Constitutions of the Forum (see Annex 1) and each of the Community Partnerships have the express purpose of promoting or improving the social, economic and environmental well being of the Neighbourhood Area (Section 61F(5)a);

(b) membership is open to (Section 61F(5)b)–

- (i) individuals who live in the neighbourhood area,
- (ii) individuals who work there (whether for businesses carried on there or otherwise), and
- (iii) individuals who are elected members of Torbay Council whose area falls within the neighbourhood area concerned,

(c) as evidenced in the Submitted Plan Accompanying Documents, membership of the Forum greatly exceeds a minimum of 21 individuals each of whom (Section 61F(5)b) —

- (i) lives in the neighbourhood area concerned,
- (ii) works there (whether for a business carried on there or otherwise), or
- (iii) is an elected member of Torbay Council

(d) it has a written constitution (Section 61F(5)d), and

(e) there are no other conditions that have been prescribed (Section 61F(5)e).

Further, the Forum has already secured a membership that meets the “desired” criteria of Section 61F(7) of the Act, namely:-

- (i) has secured membership that includes more than one individual falling within each of the subparagraphs (i) to (iii) of subsection (5)(b),
- (ii) membership drawn from different places in the neighbourhood area and from different sections of the community in that area, and
- (iii) whose purpose reflects (in general terms) the character of that area

Map of the Neighbourhood Area:



Application Date: 25 August 2017

Constitution

1.0 Introduction

- 1.1 Torbay Council is the Local Planning Authority for the area of Brixham, Paignton and Torquay. Torbay's Community Partnerships were established by the Torbay Strategic Partnership in September 2004. The Forum has the following Aim and Objectives under the Constitution last reviewed and revised in May 2012:-

Aim:

To bring together local people to add value and achieve a better quality of life for the local community.

Objectives:

- To promote the economic, social, health and environmental well being of the Community within each Partnership area;
- To provide an opportunity for local people to influence local decision making;
- To encourage openness and transparency amongst statutory agencies and provide an opportunity for local people to influence the priorities and services of these agencies;
- To improve community leadership for the benefit of the whole area;
- To improve democratic participation by local people;
- To develop area plans to benefit the local community and Torbay as a whole.

The express purpose of the Paignton Neighbourhood Plan Forum will continue to be to promote or improve the social, economic and environmental well-being of an area through these objectives and those in section 6 below.

- 1.2 The Localism Bill and subsequent Act encouraged local communities to set up a Neighbourhood Forum to lead the preparation of a Neighbourhood Plan. It was agreed by the Community Partnerships and Torbay Council that three Neighbourhood Plans would be prepared – one for each of Brixham, Paignton and Torquay. Once agreed, each Neighbourhood Plan will form part of the Development Plan for Torbay and will be a key factor in making development decisions.
- 1.3 In October 2011, representatives and Councillors from all five Community Partnerships in Paignton met and agreed to establish the Neighbourhood Forum for Paignton. The Neighbourhood Area and Neighbourhood Forum for Paignton attained designated legal status on 6 December 2012 (Council Minute 93).

2.0 Forum name and the neighbourhood area

- 2.1 The name of the Forum shall continue to be “Paignton Neighbourhood Plan Forum” hereinafter referred to as “the Forum”.
- 2.2 To ensure no overlap with the Brixham and Torquay Neighbourhood Plans, Paignton neighbourhood area, hereafter referred to as “the Neighbourhood Area”, consists of the Community Partnership areas of Blatchcombe CP, Clifton with Maidenway CP, Goodrington with Roseland & Hookhills CP, Paignton Town CP, and Preston CP.

3.0 Location of meetings and frequency

- 3.1 The place of meeting for the Forum (or a working Group) will be decided by the chairperson or any leaders of any Working Groups associated with the Forum.
- 3.2 The Forum will normally meet monthly, or at such frequency necessary to ensure preparation, completion, review and monitoring of the Plan is progressed in accordance with the Project Plan.

4.0 Steering Group membership and responsibilities

- 4.1 The Forum will be managed by a Steering Group, when considered by the Forum to be necessary, consisting of:-
 - (a) the Forum Chairperson, Vice Chairperson, Secretary, and Treasurer;
 - (b) the co-opted Chairperson, Vice Chairperson, and Ward Councillors from Community Partnerships of the Neighbourhood Area;
 - (c) other members of the Forum determined by the Forum from time to time.
- 4.2 Membership is voluntary.
- 4.3 Officers of the Forum will continue to be a Chairperson, Vice Chairperson, Secretary, and Treasurer to be elected by the Forum. The Forum will appoint these from non-council members of the Forum. Each shall remain in their respective appointments until such time as the Neighbourhood Plan is submitted to Referendum and the outcome is known, or for such shorter period as the appointment holder or Forum may decide.
- 4.4 New members may join by applying either orally or in writing (including by email) to the Forum Secretary or by completing a Forum membership application in hardcopy or via the Forum website.
- 4.5 The decision on acceptance of individual membership applications is the responsibility of the Chairperson. Refusal to accept an application for membership must be given to the applicant by the Chairperson, or the Vice Chairperson, including the reason for refusal.
- 4.6 The Forum Secretary shall be responsible for the maintenance of an up to date list of members.
- 4.7 The list of Forum members shall be made available for inspection to Forum members as soon as possible when requested.
- 4.8 Subject to any statutory requirements relating to the release/access to information, the lists of members are the sole ownership of the Forum. Any outside organisation or individual that is not a member of the Forum must request a list of Forum members to the Forum Secretary in writing. The request must include the reasons for requesting the list. It is the Forum's decision on whether the request is accepted or refused. No reason on refusal needs to be given.
- 4.9 Members may be excluded from the Steering Group when it exists. Only the Forum shall have authority to exclude a member from the Steering Group and must be

authorised by the Forum Chairperson. Exclusion and the reason for exclusion must be given in writing to the excluded member by the Forum Chairperson.

- 4.10 The Forum will lead preparation of the Neighbourhood Plan, and monitor implementation after adoption, in accordance with the “Guidance on Neighbourhood Planning in Torbay” published by the Council in September 2011, and any amendment notified to the Forum.
- 4.11 The co-opted Community Partnership volunteer representatives will ensure that their respective Partnerships are kept informed and involved in the preparation of the Neighbourhood Plan and monitoring of the Plan after adoption.
- 4.12 The elected Council representatives will ensure that the views of the Forum are taken fully into account when the Plan is considered by the Council.
- 4.13 The employed officers of the Council will maintain any Forum contact details and all Plan information in accordance with Data Protection, Freedom of Information and Environmental Information requirements.
- 4.14 The Council as the Local Planning Authority will ensure that the work of the Forum in relation to all mapping information falls within the scope of the Licence held by the Council from the Ordnance Survey.

5.0 Forum membership

- 5.1 Membership of the Forum will continue to be open to individuals:-
 - (a) who live in the Neighbourhood Area
 - (b) who work in the Neighbourhood Area
 - (c) who are Torbay Councillors in the Neighbourhood Area
 - (d) who own property in the Neighbourhood Area
 - (e) who are retailers in the Neighbourhood Area
 - (f) who represent local organisations operating in the Neighbourhood Area
- 5.2 Membership is voluntary.
- 5.3 The number of members shall be not less than 21.
- 5.4 For the avoidance of doubt, no person who qualifies under paragraph 5.1 above shall be excluded or refused membership from the Forum.

6.0 Objectives

- 6.1 To produce and gain approval to the Neighbourhood Plan in as timely a fashion as possible to further the social, economic and environmental well-being of individuals living, or wanting to live, in the area.
- 6.2 To establish appropriate working groups, with appropriate members to enable the progress, completion and monitoring of the Neighbourhood Plan.
- 6.3 To endeavour to ensure full community involvement in all work relating to the Neighbourhood Plan.

- 6.4 To be the central point of contact on all communication and consultation between the Forum and Torbay Council and any other organisation or individual on matters concerning the Neighbourhood Plan.
- 6.5 To make appropriate arrangements for full publicity for the Neighbourhood Plan, any related events and subsequently when the results thereof have been prepared for consultation.
- 6.6 To liaise with the Forums for Brixham and Torquay on preparation of specific aspects of the Neighbourhood Plan and in particular with the Torbay Council officers, Councillors and or Committees relating to Planning, the Environment , Heritage, Health, Leisure and sport or any other issue touched upon in the Neighbourhood Plan.
- 6.7 To obtain guidance for incorporation of the Neighbourhood Plan into the statutory Development Plan.
- 6.8 To work with neighbouring authorities, to ensure that any documents prepared for the Plan area, or for the neighbouring areas, take account of the relationship of the Plan area with those areas.

7.0 Executive committee roles

- 7.1 The Chairperson will:-
- be the chief presiding officer and chairperson for the Forum and meetings with a casting vote in any tie of votes only;
 - lead the Forum in all communication and business with external organisations and individuals, being its spokesperson;
 - have the power to take decisions on urgent matters between meetings of the Forum;
 - provide leadership and motivation;
 - enforce the Constitution and ensure meetings are conducted efficiently, fairly, and harmoniously.
- 7.2 The Vice Chairperson will:-
- be the Chairperson's alternate in their absence, with all the duties and responsibilities of the Chairperson during the Chairperson's absence;
 - be from another area of the neighbourhood than that of the Chairperson.
- 7.3 The Secretary will:
- prepare and issue agendas, notes and reports for the Forum meetings;
 - issue minutes for the Chairperson's approval prior to circulation;
 - notify membership details to the-Chairperson;
 - report to the Forum on all related administrative matters in conjunction with the other officers of the Forum.
- 7.4 The Treasurer will:
- maintain and report on the financial accounts and insurance requirements of the Forum in conjunction with the Chairperson.
 - report to each meeting of the Forum, or at such other frequency as the Forum considers appropriate, the finance held by, or on behalf of, the Forum and funds uncommitted and available for use by the Forum.

- The Forum Chairperson, Vice Chairperson and Treasurer shall continue to be the authorised signatories of the Forum's Bank Account.
- All Forum funds held by the Council on the Forum's behalf will continue to be used only when authorised by the Forum through the Forum Treasurer or Chairperson.

8.0 Composition and meetings of the Forum Representatives Sub-Group(s)

- 8.1 The Representatives Sub-Groups (where such exist) shall comprise representatives, who shall all be members of the Forum, of the properly constituted residents groups (including schools and churches) and business groups in the area.
- 8.2 Meetings of the Representatives Sub-Group may also be attended by members of the Executive Committee and any other properly constituted sub-groups.

9.0 Affiliations, operations and independence:

- 9.1 The Forum will continue to operate a collaborative working arrangement with the Council and the Community Partnerships and shall not be affiliated to any religious or political party or organisation.
- 9.2 The Forum shall make the plan in the first place and may comment on planning applications or proposals that could reasonably be expected to impact upon the objectives of the plan either before or after the plan is produced. Where such comments are made, they shall be submitted to the Council following approval by the Chairperson of the Forum.
- 9.3 All members of the Forum shall act in meetings of the Forum and any Sub-Group(s) in the best interests of the Forum and the community of the area and shall follow the good governance guidelines set out in the attached guidance (or any updating thereof). <http://www.goodgovernancecode.org.uk/>
- 9.4 The Forum shall act in accordance with best practice in the preparation of neighbourhood plans and in accordance with Government guidance for such preparation and shall seek to work collaboratively with the Local Planning Authority to achieve this.
- 9.5 The Local Planning Authority will continue to indemnify Forum members against reasonable legal costs and expenses arising from recommendations made in good faith as set out in the Council's Model Constitution for Neighbourhood Forums in Torbay.

10.0 Forum & Sub-Group meetings

- 10.1 At least 7 days notification must be given to its members for a Forum or Sub-Group meeting. The details of the time and place of meetings will be made widely available including on the Forum's website.
- 10.2 The Forum Meeting may:-

1. Receive, comment on and determine the report from any Sub-Group or Executive Committee member
 2. confirm the identity of the community organisations entitled to attend the Forum
 3. approve the annual report and accounts where relevant
 4. adopt constitutional amendments.
- 10.3 To reflect the principle of a community led approach, at least 5 non-council members must be present at the start of a Forum or a Sub-Group meeting for it to be declared quorate. Sub-Group meetings shall be chaired by a person it elects from amongst its members. The meeting-in-public Forum meetings shall be open to any member of the public to observe.
- 10.4 All Forum members shall be entitled to attend the Forum meeting and where at least 4 days prior notice has been given to the Chairperson or Forum Secretary to propose and vote for motions and to stand for election. Voting shall be by a show of hands of Forum members only.

11.0 Confidentiality

- 11.1 It is understood, and agreed to, that the disclosure of confidential information may provide certain information that is, and must be kept, confidential. To ensure the protection of such information, and to preserve any confidentiality necessary under patent and/or trade secret laws, it is agreed that:
- (i) The Recipient shall limit disclosure of Confidential Information to members of the Forum having a need to know. Forum members will not disclose the confidential information obtained from the discloser unless required to do so by law.
 - (ii) This Agreement imposes no obligation upon the Recipient with respect to any Confidential Information (a) that was in the Recipient's possession before receipt from the Discloser; (b) is or becomes a matter of public knowledge through no fault of the Recipient; (c) is rightfully received by the Recipient from a third party not owing a duty of confidentiality to the Discloser; (d) is disclosed without a duty of confidentiality to a third party by, or with the authorization of, the Discloser, or (e) is independently derived by the Recipient.

12.0 Conflict resolution within the Forum

- 12.1 At all times, the Forum will recognise the primary need to encourage community involvement in, and support for, the Neighbourhood Plan. The Forum will also give primacy to the Local Plan prepared by the Council, unless it is found in the course of preparing or amending the Neighbourhood Plan there is doubt any policy or proposal in the Local Plan is credible, justifiable or achievable.
- 12.2 If it proves not possible for the Forum to reach agreement by majority vote of those present at a Forum meeting during any stage of preparing or amending the Neighbourhood Plan, every effort shall be made by the membership of the Forum to resolve the difference by negotiation. Where this does not resolve the situation, the Forum will ensure that the alternative view is included in the relevant stage of community engagement, and the Forum will adopt the position of the majority response from the community arising from that stage.

13.0 Constitution Amendments

- 13.1 This Constitution shall become effective upon approval by the Forum.
- 13.2 Hereinafter, this Constitution may be amended at a meeting of the Forum by a two-thirds majority vote of those members present. Proposed amendments must be submitted with a seconder in writing at least twenty-one days before the meeting, cf 10.4 above. Any proposed amendments by the Forum will be notified to Torbay Council for information.

14.0 History of the Constitution

Adopted: In draft 19th January 2012.

Amended: Submission 3rd May 2012.

Updated: Re-designation application 25th August 2017.