



Brixham Town Council

Town Council Office, Brixham Town Hall
New Road, Brixham, TQ5 8TA

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Town Clerk: Mrs Tracy Hallett



Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

4th September 2017

Dear Sirs

Renewal of Brixham Peninsula Neighbourhood Area and Forum Designations

At the Town Council's meeting on Thursday 31st August it was **resolved** to formally apply to Torbay Council for the continuation of the designation of (1) the Brixham Peninsula Neighbourhood Area and (2) the Brixham Peninsula Neighbourhood Forum in accordance with the Neighbourhood Planning (General Regulations) 2012 (as amended).

Please find attached to this letter the application details.

If you require any further information in support of this application, please do not hesitate to contact me.

Yours faithfully

Tracy Hallett

Tracy Hallett
Town Clerk



Brixham Town Council

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Application for Re-designation of Neighbourhood Forum and area

Application is hereby made to Torbay Council as the Local Planning Authority for the continuation of the designation of (1) the Brixham Peninsula Neighbourhood Area and (2) the Brixham Peninsula Neighbourhood Forum in accordance with the Neighbourhood Planning (General Regulations) 2012 (as amended).

Name of the Neighbourhood Forum

The name of the neighbourhood forum is 'The Brixham with Churston, Galmpton and Broadsands Neighbourhood Forum' (BWCGBNF), with the shorter title of 'The Brixham Peninsula Neighbourhood Forum' (BPNF).

Neighbourhood Area

The name of neighbourhood area is Brixham Peninsula and a map identifying the area is shown in annex 1.

Constitution

A copy of the constitution is shown in annex 2.

Contact Details

Chair:

Cllr Jackie Stockman

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Email: jackie.stockman@torbay.gov.uk

Address: Winsome, Higher Furzeham Road, Brixham TQ5 8QP

Secretary:

Mrs Tracy Hallett, Town Clerk

Tel: 01803 859678

Email: info@brixhamtowncouncil.gov.uk

Address: Town Council Office, Town Hall, New Road, Brixham TQ5 8TA

Reasons for this renewal application

The Brixham Peninsula Neighbourhood Forum was formally designated in December 2012 and as such the designation's 5 years life span is set to expire on 6th December 2017.

The existing Forum submitted a Neighbourhood Development Plan to Torbay Council on 21st August 2017 under Regulation 15. Although responsibility passed to Torbay 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).

It is expected that the Forum will need to retain legal status until at least the Referendum and there is no certainty that this stage will be reached before the designated Area and Forum expiration date.

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

Under Regulation 9A of the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, Torbay Council is required to make a designation decision not later than 13 weeks after such Application is published.

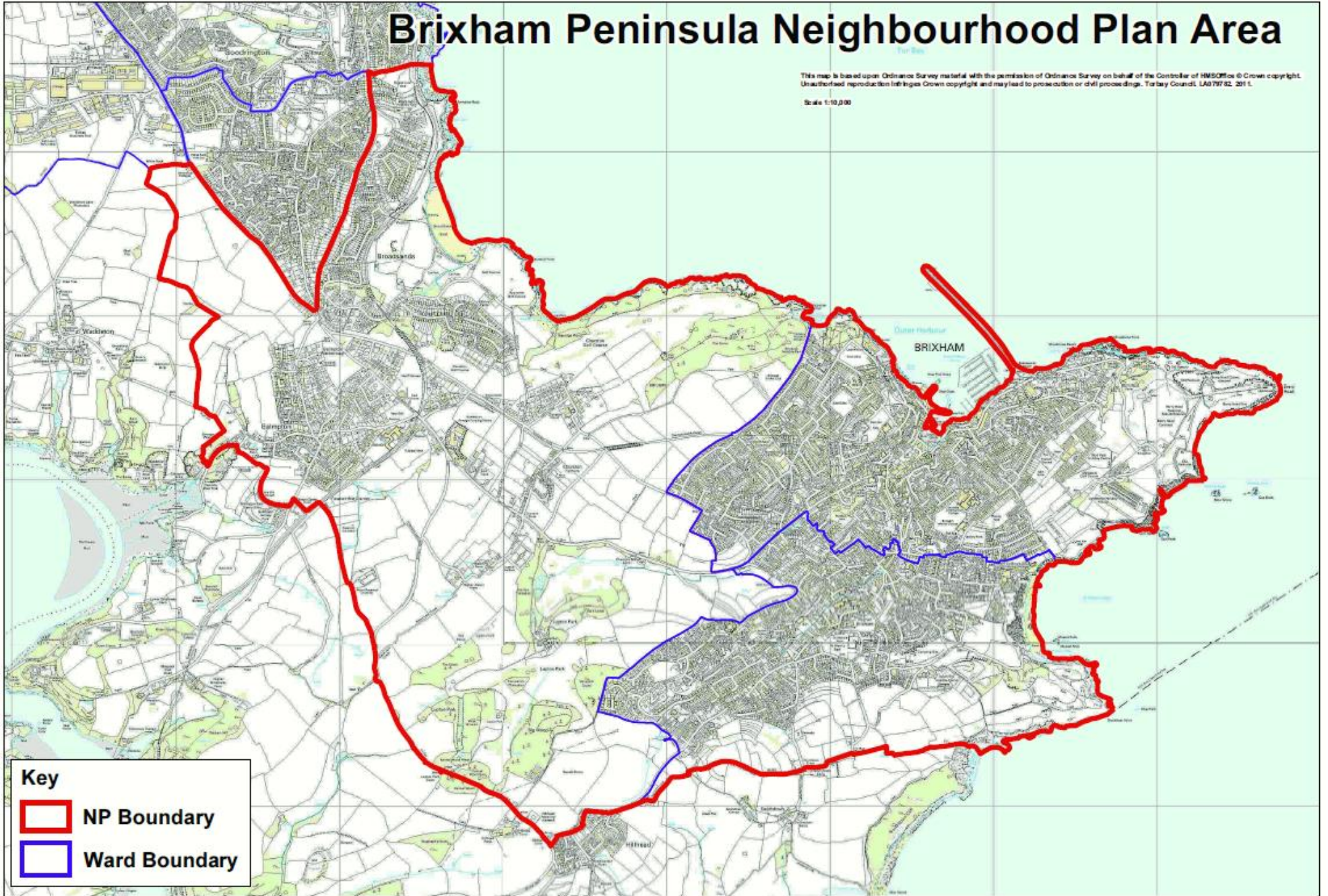
The Application is therefore being made in advance of the present expiry date to enable a seamless continuation from 6 December 2017 and enable Torbay Council to publish the applications alongside the Regulation 16 notice in respect of the Neighbourhood Plan submitted thereby saving Torbay Council both 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.

Brixham Peninsula Neighbourhood Plan Area

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Scale 1:10,000



Annex 2

This current Constitution was amended at a Forum meeting on 15th January 2014

Constitution Review.

It was agreed to amend the Constitution to read:

5.9 The Forum will comment on planning applications in the Forum area that materially affect the outcome of the plan. The comment to be agreed at a Forum meeting by a two thirds majority of those present.

It was also agreed that members should be under the same indemnity as given by Torbay Council to Torquay and Paignton Neighbourhood Forums.

Constitution

Brixham with Churston, Galmpton and Broadsands Neighbourhood Plan Forum

1. Name:

The name of this Forum shall be “Brixham with Churston, Galmpton & Broadsands Neighbourhood Plan Forum” hereinafter referred to as “the Forum”.

2. Location:

The place of meeting for the Forum (or a working Group) will be decided by the chairman or any leaders of any Working Groups associated with the Forum.

3. Steering Group Membership: Representatives of:

Retailers from the agreed area
Landowners from the agreed area
Councillors (Torbay and Brixham) from the agreed area
Community Partnerships from the agreed area
Residents of the agreed area

Membership is voluntary

3.1 Officers of the Forum are to be Chairman, Vice Chairman, Secretary and Treasurer to be elected annually.

3.2 New members may join by applying either verbally or in writing (including e mail) to the Forum Chair or Brixham Town Clerk.

3.3 The decision on acceptance of individual membership application is the responsibility of the Steering Group. Refusal to accept an application for membership must be given to the applicant by the Chair or the Vice Chair, including a reason for refusal.

3.4 The Town Clerk shall be responsible for the maintenance of an up to date list of members.

3.5 The list of members shall be made available for inspection to members as soon as possible when requested.

3.6 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 members to the Secretary in writing. The request must include the reasons for requesting the list. It is the Steering Groups decision on whether the request is accepted or refused. No decision on refusal needs to be given.

3.7. Members may be excluded from the Forum. It is only the Steering Group that has authority to exclude a member and must be authorised by the Forum Chair. Exclusion and the reasons for exclusion are to be given in writing to the excluded member by the Forum Chair.

4. Forum Membership:

Retailers from the agreed area

Landowners from the agreed area

Councillors (Torbay and Brixham) from the agreed area

Community Partnership from the agreed area

Residents of the agreed area

Membership is voluntary

Minimum number 21

5. Objectives:

5.1 To produce 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.

5.2 To establish appropriate working groups, with appropriate members to enable the progress and completion of sections of the Neighbourhood plan.

5.3 Ensuring full community involvement in all work relating to the Neighbourhood plan.

5.4 To be the central point of contact on all communication and consultation between the Forum and Torbay Council and any other external organisation or individual on matters concerning the Neighbourhood Plan.

5.5 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.

5.6 Liaising with other Committees of the Town Council 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.

5.7 Obtaining guidance on any Supplementary Planning Guidance for incorporation of the Neighbourhood plan into the Local Development Framework.

5.8 To work with neighbouring authorities, to ensure that any documents prepared for the Town, or for the neighbouring areas, take account of the relationship of the Town with those areas.

5.9 The Forum will comment on planning applications in the Forum area that materially affect the outcome of the plan. The comment to be agreed at a Forum meeting by a two thirds majority of those present.

6 Executive Committee Roles:

6.1 Chair:

- Shall be the chief presiding officer and chairperson for the Forum and meetings with a casting vote in any tie of votes only
- Shall 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.
- Shall provide leadership and motivation
- Shall enforce the Constitution

6.2 Vice Chair:

- Shall be the Chair's alternate in their absence, with all the duties and responsibilities of the chair during the Chair's absence.
- Shall be from another area of the neighbourhood than that of the Chairman

6.3 Secretary:

- Shall be responsible for maintaining all meeting records and notes
- Shall be responsible for correspondence with Forum members, including e mail

6.4 Treasurer:

- Shall be responsible for maintaining all budgetary records
- Shall be responsible for monitoring expenditure
- Shall be responsible for the publication of statement of accounts

7. Composition and Meetings of the Forum Representatives Group(s):

7.1 The Representatives Groups 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.

7.2 Meetings of the Representatives Group may also be attended by all members of the Steering Group and any other properly constituted sub groups.

8. Affiliations, Operations and Independence:

8.1 The Forum is a subsidiary of Brixham Town Council and shall not be affiliated to any political party or organisation.

8.2 The Forum is to make the plan in the first place and therefore, at least until the plan is made, shall not express any views on any particular planning application (other than those it may make itself) prior to the completion of the Neighbourhood Plan. Individual Forum Members can comment on planning applications but not in the name of the Forum.

8.3 All members of the Forum shall act in meetings of the Forum and any Representative Group(s) in the best interests of the Forum and the residents 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/>

8.4 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 Forum Group Meetings

9.1 At least 7 days notification must be given to its members for a Forum or Group meeting.

9.2 The Forum Group Meeting may:

1. Receive and comment on the report from group
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.

9.3 At least 5 members must be present at the start of the Forum or group meetings for it to be declared quorate. Group meetings shall be chaired by a person it elects from amongst its members.

9.4 All Forum members shall be entitled to attend the Forum meeting to propose and vote for motions and to stand for election. Voting shall be by a show of hands.

10. Confidentiality:

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:

10.1 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.

10.2 This Agreement imposes no obligation upon Recipient with respect to any Confidential Information (a) that was in Recipient's possession before receipt from Discloser; (b) is or becomes a matter of public knowledge through no fault of Recipient; (c) is rightfully received by 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, Discloser; or (e) is independently derived by Recipient.

11. Constitution Amendments:

11.1 This Constitution shall become effective upon approval by the first General Meeting.

11.2 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.

12. History of the Constitution

Adopted 27.07.11

First Review 15.01.14