

Brixham with Churston, Galmpton and Broadsands Neighbourhood Forum



Application for designation of a Neighbourhood Area (Regulation 5) 19 .07. 2012

Map of Plan area on Page 4

Statement of area appropriateness to be designated as a Neighbourhood Plan area

The area (as designated in the map contained on page 3 of this document) covers the communities of Brixham, Broadsands, Churston and Galmpton. All of which are on the South East end of Torbay and have community identities that bond them together as well as shared infrastructure and access challenges. The area has a Town Council, three wards (Berry Head with Furzeham, St Mary's With Summercombe, and most of Churston with Galmpton) and two community partnerships (Brixham and Churston , Galmpton and Broadsands) covering the town centre and its rural hinterland setting. Close working across the area has been the norm for the residents and it was felt by the Community Partnerships and the Town Council that this close collaboration should be continued in producing a Neighbourhood Plan. This would mean that such a plan would truly reflect the wishes of the residents and that the Forum would include a wide range of residents with different view points on all aspects that the Plan will cover.

No part of the Neighbourhood Area proposed overlaps any part of any other Neighbourhood Area (Section 61G(7) of the Act).

Brixham Town Council is a relevant body making the application in accordance with legislation section 61G of the 1990 Town & Country Planning Act (Regulation 5c)

It is requested that Torbay Council, the Local planning authority consider this area application as no other relevant body has already made an area application.

Application for designation of a neighbourhood forum (Regulation 8)

1. The name of the proposed neighbourhood forum is:

The Brixham with Churston, Galmpton and Broadsands Neighbourhood Forum' (BWCGBNF)

With the shorter title of 'The Brixham Peninsula Neighbourhood Forum' (BPNF)

2. The written constitution of proposed neighbourhood forum. See annex one to this application (page 4)

3. The name of neighbourhood area is Brixham Peninsula and a map identifying area is attached on page 3 of this application.

4. Contact details of members of the proposed neighbourhood forum (at least 1)

(1) Councillor Jackie Stockman – Chairman

Email: Jackie.stockman@torbay.gov.uk

Tel number: 01803 851255

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

(2) Ki Barnes – Secretary

Email: ki.barnes@torbay.gov.uk

Tel number: 01803 859678

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

5. Statement of how the proposed Neighbourhood Forum meets Section 61 F(5) of the Localism Act 2011

The legislation: 61F Authorisation to act in relation to neighbourhood areas

(1) For the purposes of a neighbourhood development order, a parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council.

(2) If that neighbourhood area also includes the whole or any part of the area of another parish council, the parish council is authorised for those purposes to act in relation to that neighbourhood area only if the other parish council have given their consent.

Brixham Town Council is a Parish Council constituted in 2007 and covers part of the area of the proposed plan. As there is no other Parish or Town Council in the remaining area the Community Partnerships have been consulted and have agreed to have representatives on the Forum set up under the Town Council to create a Neighbourhood Plan for the whole area under this body.

The Forum was established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),

(b) The Forum membership is open to —

- (i) individuals who live in the neighbourhood area concerned,
- (ii) individuals who work there (whether for businesses carried on there or otherwise), and
- (iii) individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned.

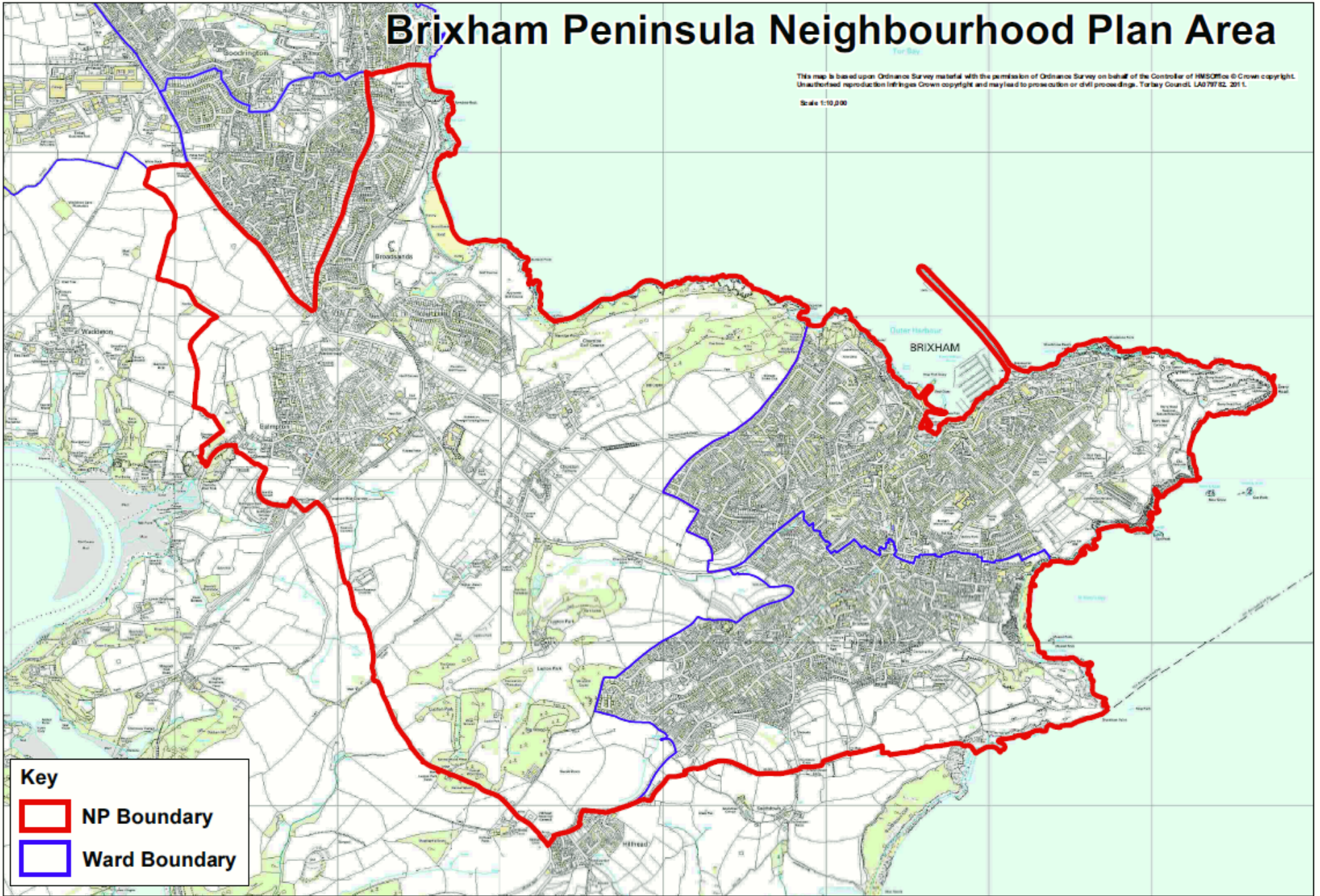
(c) The Forum membership includes a minimum of 21 individuals each of whom—

- (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 a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,

(d) The Forum has a written constitution and attached to this document is the Brixham Peninsula Neighbourhood Forum Constitution (paragraphs 3, 4 and 5.1 refer) that meet Section 51F(5).

Brixham Peninsula Neighbourhood Plan Area

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Scale 1:10,000



Annex 1

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: A minimum of 21 individuals each of whom live, work or are elected Members of the Neighbourhood Plan Area and at least one person representing each.

The Forum is open to all individuals who meet one of the above criteria.

The Forum is seeking representatives that general reflect the character of the area and from different places and sections of the community including:

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, by majority vote.

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:

The Forum is open to all individuals who meet one of the criteria in para 3.

The Forum is seeking representatives that general reflect the character of the area and from different places and sections of the community including:

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

4.1 For the avoidance of doubt, no person who qualifies under paragraph 3 above shall be excluded or refused membership from the Forum.

4.2 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 members to the Town Council office in writing. The request must include the reasons for requesting the list. It is the Steering Group's decision on whether the request is accepted or refused. No decision on refusal needs to be given.

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.

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.

8.5 The Forum will also give primacy to the strategic policy context new Local Plan prepared by the Council.

9 Forum Group Meetings

9.1 At least 7 days notification must be given to its members for a Forum or Group meeting. The details of the time and place of meetings will be made widely available including on the Council's website.

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 non-council 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. The public Forum meetings shall be open to any member of the public to observe.

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 Herein after, 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.

11.3 Any amendments by the Forum must be notified to Torbay Council for approval.

12. History of the Constitution

Adopted 27.07.11

Second Review 19.07.12