

**Agenda Item 8,
Officer Revised Recommendation**

Cabinet Meeting

23 February 2023

(Revisions shown in bold text)

- 1.1 Discussions between officers and the Neighbourhood Forum applicants have been ongoing to seek the amendments proposed in the published report. Please refer to full report for further details about the extent and need for changes.
- 1.2 Following a meeting of the Forum Steering Group, the Council have been notified of changes to the previously submitted constitution which address points raised in the recommendation 3.1 ii) and iii) and 3.2 i) of the Report. Our Legal Services Team have also provided some additional advice.
- 1.3 The Forum has amended the Constitution Section 8.3 to follow the same Code of Conduct as Community Partnerships. This code of conduct as been included in Appendix C for reference.
- 1.4 In response to recommendation 3.2 v) this has been removed as it is a point of clarification sought from the forum rather than a change to be made. Officers will work with the Forum to seek more clarity on this arrangement but it is not considered necessary for it to be considered in the decision making for members.
- 1.5 Given the changes made the recommendation has been amended as follows:

Revised Recommendation:

That Cabinet recommends to Council

- 3.1 Following consideration of all representations received at the close of consultation on 23rd January 2023 **and that a refreshed TNF Constitution has been received (22nd February 2023)**; that the **Torquay** ~~NE~~ Neighbourhood Forum be designated as the Neighbourhood Planning body (“Qualifying Body”) for the **existing/previously approved** Torquay Neighbourhood Area, subject to:

- i) Evidence, **presented prior to Council on 7 March 2023**, that the Forum meets the minimum Forum requirements (section 61F(5) & (7) of the of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) **(this documentation should demonstrate that the criteria are met (the criteria are set out in more detail in para 1.7 of the Supporting Information to this the Report))**.
- ~~ii) Agreement to alter the TNF Constitution Section 12.1 relating to further Constitutional Amendments as set out below:
Hereinafter, this Constitution may be amended with approval of the LPA through a vote of the Steering Group by not less than a two thirds majority vote of the Steering Group members in a quorum meeting or by email vote. Proposed amendments must be agreed at a Steering Group meeting and circulated at least 14 days in advance of the next meeting or not less than 14 days prior to close of email voting. Any amendments by the Forum must be notified and agreed by Torbay Council.~~
- ~~iii) Agreement to Delete Section 8.5 of the TNF Constitution: The Local Planning Authority will indemnify Forum members against reasonable legal costs and expenses arising from the content of the Neighbourhood Plan~~

3.2. **and that** ~~In addition,~~ the following amendments and clarification are ~~made requested as follows~~ **to the proposed Neighbourhood Forum’s constitution to support the transparency of the forum in response to the concerns raised during the consultation:**

~~That the proposed Forum’s Constitution be amended as follows;~~

- ~~i) to ensure that Forum executive and steering group members follow the same Code of Conduct as elected Torbay Council Members—~~
~~amend Section 8.3 as follows: 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 community of the area and shall follow best practice guidance on governance following the same Code of Conduct as elected Torbay Council Members.~~
- ~~ii) i) To fulfil Sections 6.4, 7.3 and 7.4 of the Constitution: The Forum provide an undertaking to publish on a website, appropriate and timely manner: meeting agendas, minutes and associated documents (where appropriate) within a reasonable period.~~
~~Minor Factual corrections~~
- ~~iii) ii) In Section 3.6 to modify wording to “other areas of Torbay” instead of reference to Paignton and Brixham only~~
~~Liaise and co-operate with any Forums or Qualifying Bodies for~~

other areas of Torbay.

- iv) ~~iii)~~ **In Section 4.1 to modify wording to “automatically eligible as members”, including eligible, to reflect that membership is voluntary as set out in Section 4.2. For the avoidance of doubt all members of the Community Partnerships of Torquay are automatically *eligible* as members of the Forum. This **request** is to accord with the following statement in Paragraph 4.2 ‘Membership is voluntary’.**

Clarification sought:

- v) ~~Section 5.3 Officers of the Forum are to be a Chairperson, Vice Chairperson, Communications Officer and Treasurer to be elected by the steering group of the Forum on an annual basis.~~

~~Clarification is sought in the roles identified in terms of the Communications Officer and Secretary. It is noted that a Secretary has not been identified as an ‘Officer of the Forum’ and will not be voting member of the Forum Steering Group.~~

Appendix 1a: Updated Constitution Submitted by Torquay Neighbourhood Forum (Track Changes)

Appendix 1b: Updated Constitution Submitted by Torquay Neighbourhood Forum (Final Version)

Appendix 1c: Community Partnership Code of Conduct (January 2013)