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

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

(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 proposed neighbourhood plan area (as identified by the map on page 3) covers the Torbay Community Partnership areas of:

- Torre and Upton
- Torquay Town Centre
- Shiphay and The Willows
- Wellswood and Torwood
- St. Marychurch and District
- Ellacombe
- Cockington, Chelston and Livermead
- Barton and Watcombe
- Hele and Lower Barton

All are in the Torquay area of Torbay and have community identities that bond them together through a shared town centre as well as development, infrastructure and access challenges. Close working of the Partnerships has been the norm for the community which it has been agreed collectively should be continued by producing a Neighbourhood Plan for the proposed Neighbourhood Area. This would mean that such a plan would truly reflect the wishes of the community and a Forum that would include a wide range of community members with different view points on all aspects 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).

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 nine Community Partnerships of Torquay as previously referred to above agreed to establish the Forum for Torquay covering the area identified by the Map on page 3.

The Forum has operated successfully on an interim basis since October 2011 and 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 proposed Neighbourhood Forum (Regulation 8a) is:

> **'Torquay Neighbourhood Plan Forum'** (TNPF)
> With the shorter title of '**The Torquay Neighbourhood Forum'** (TNF)

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

The name of the proposed Neighbourhood Area to which this Application relates is **'Torquay 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 proposed Neighbourhood Forum (at least 1) are (Regulation 8d):

(1) Name: Susie Colley (Chair)
Email: chair@torquaynp.org

(2) Name: Mike Lister (Vice Chair)
Email: vicechair@torquaynp.org

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

(a) the constitution of the Forum proposed (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 proposed Neighbourhood Area (Section 61F(5)a);

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

(i) individuals who live in the proposed 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) membership includes 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 interim 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 proposed 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 proposed:

Application Date: 17/07/12

Annex 1

Torquay Neighbourhood Plan Forum

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. Each Community Partnership has the following Aim and Objectives under the Constitution last reviewed and revised in March 2011,:-

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

1.2 The Localism Bill encouraged local communities to set up a Neighbourhood Forum to lead the preparation of a Neighbourhood Plan. It has been agreed by the Community Partnerships and Torbay Council that three Neighbourhood Plans will 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 nine Community Partnerships in Torquay met and agreed to establish the Neighbourhood Forum for Torquay.

2.0 Forum name and the Neighbourhood area

2.1 The name of the Forum shall be "Torquay Neighbourhood Plan Forum" hereinafter referred to as "the Forum".

2.2 To ensure no overlap with the Brixham and Paignton Neighbourhood Plans, Torquay Neighbourhood area, hereafter referred to as "the Neighbourhood Area", consists of the Community Partnership areas of Torre and Upton, Torquay Town Centre, Shiphay and the Willows, Wellswood and Torwood, St Marychurch and District, Ellacombe , Cockington, Chelston and Livermead , Barton and Watcombe and Hele and Lower Barton

3.0 Location of meetings and frequency

3.1 The place of meeting for the Forum (or a Project Team) will be decided by the chairperson or any leaders of any Project groups associated with the Forum.

3.2 The Steering Group will normally meet monthly, or at such frequency necessary to ensure preparation of the Plan is progressed in accordance with the approved Project Plan.

4.0 The Steering Group and responsibilities

4.1 The Forum will be managed by a Steering Group consisting of:-

(a) the Forum Chairperson, Vice Chairperson, Secretary, and Treasurer;
(b) the 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 are to be a Chairperson, Vice Chairperson, Secretary, and Treasurer to be elected by the steering group of the Forum. The Forum will appoint these officers from non-council members of the Forum. Each shall remain in their respective appointments until such time as the Neighbourhood Plan is submitted to Torbay Council for Adoption, or for such shorter period as the appointment holder or Forum may decide.

4.4 New members may join by applying either verbally or in writing (including by email) to the Forum Secretary or to the Council's Community Partnership office.

4.5 The decision on acceptance of individual membership applications is the responsibility of the steering group. 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 Secretary will update the list of members and maintain a list in conjunction with the Council's Community Partnership Office.

4.7 The list of members shall be made available for inspection to 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 members to the Forum secretary 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.

4.9 Members may be excluded from the Steering Group. Only the Steering Group 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 Steering Group will lead preparation of the Neighbourhood Plan, and monitoring 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 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 before and after adoption

4.12 The Steering Group will ensure that their respective networks and partnerships are kept informed and involved in the preparation of the Neighbourhood Plan and monitoring of the Plan after adoption.

4.13 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.

4.14 The employed officers of the Council will maintain the Forum contact details and all Plan information in accordance with Data Protection, Freedom of Information and Environmental Information requirements.

4.15 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 License held by the Council from the Ordnance Survey.

4.16 Steering Group members who have been nominated for role of Officers will be elected by secret ballot.

5.0 Forum membership

5.1 Membership of the Forum is 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
(g) who own businesses 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 paragraoh 5.1 above shall be excluded or refused membership from the Forum.

6.0 Objectives

6.1 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.

6.2 To establish appropriate project groups, with appropriate members to enable the progress and completion of sections of the Neighbourhood Plan.

6.3 Ensuring full community involvement in all work relating to the Neighbourhood Plan.

6.4 The Officers of the Forum shall 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 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 Liaise with the Forums for Brixham and Paignton 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 Obtaining guidance for incorporation of the Neighbourhood Plan into the statutory Development Plan.

6.8 The Forum shall 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 organizations 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 Council's Community Partnerships Office
- report to the Forum on all related administrative matters in conjunction with the officers of the Council.

7.4 The Treasurer will:

- maintain and report on the financial accounts and insurance requirements of the Forum in conjunction with the Council's Community Partnership office;
- report to each meeting of the Forum the finance held by, or on behalf of, the Forum and funds uncommitted and available for use by the Forum.

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

8.1 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.

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

9.0 Affiliations, operations and independence:

9.1 The Forum is a collaborative working arrangement of the Council and the Community Partnerships and other local groups and shall not be affiliated to any political party or organisation.

9.2 The Forum is to 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 Representative 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 indemnify Forum members against reasonable legal costs and expenses arising from recommendations made in good faith.

10.0 Forum Group meetings

10.1 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 Forum's website.

10.2 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.

10.3 To reflect the principle of a community led approach, at least 10 non-council members must be present at the start of a Forum or a Group meeting 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.

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 new Local Plan prepared by the Council, unless it is found in the course of preparing the Plan there is doubt any policy or proposal in the new Local Plan is credible, justifiable or achievable.

12.2 If it proves not possible for the Forum to reach agreement during any stage of preparing the Plan, every effort shall be made by the membership of the Forum to resolve the difference by negotiation.

12.3 In the course of developing the Neighbourhood Plan, if serious conflict arises within the Forum regarding any issue and is unable to be resolved then the Steering Group will intervene and come to a decision regarding the issue by way of a majority vote of the Steering Group members. This vote may be instigated by way of 50% of the Steering Group members making it known to the Chair that a vote is required. All members of the Forum including those who are not members of the Steering Group may propose that an issue is put to the Steering Group for a vote.

13.0 Constitution Amendments

13.1 This Constitution shall become effective upon approval by the Interim Forum.

13.2 Hereinafter, this Constitution may be amended at a meeting of the Forum by a two-thirds majority vote of those Steering Group members present. Proposed amendments must be submitted with a seconder in writing at least twenty-one days before the meeting. Any proposed amendments by the Forum must be notified to Torbay Council.

14.0 History of the Constitution

Adopted:18/06/12