Torquay Neighbourhood Plan
Community led Planning

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 Forum will be to promote or improve the social, economic and environmental well-being of Torquay through those objectives and those in section 3 below.

1.2 The Localism Bill 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.

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.

1.4 Each Plan has now been made and form part of the Development Plan for Torbay and will be used in making development decisions.

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; Wellswood; St Marychurch and District; Ellacombe; Cockington, Chelston and Livermead; Watcombe, Willows and Higher Barton; and Hele and Lower Barton.

3.0 Objectives

The objectives of the Forum are:

3.1 To produce or modify the Neighbourhood Plan for Torquay and to monitor, support and defend its implementation as part of the Development Plan and its interpretation in decision making.

3.2 To make changes to the Plan in response to changes in the Local Plan and to planning decisions and to consultations in as timely a fashion as possible to further the social, economic and environmental well-being of individuals living, or wanting to live, work or visit Torquay.

3.3 To establish appropriate project groups, with appropriate members to support the Plan

3.4 Ensure full community involvement in all work relating to the Neighbourhood Plan.

3.5 Make appropriate arrangements for providing public information about the Plan

3.6 Liaise and co-operate with the Forums for ~~Brixham and Paignton~~other areas of Torbay.

4.0 Forum membership

4.1 Membership of the Forum is open to individuals:-

(a) who live in Torquay
(b) who work in Torquay
(c) who are Torbay Councillors in Torquay
(d) who own property in Torquay
(e) who are retailers in Torquay
(f) who represent local organisations operating in Torquay
(g) who own businesses in Torquay

For the avoidance of doubt all members of the Community Partnerships of Torquay are automatically eligible to be members of the Forum

4.2 Membership is voluntary.

4.3 The number of members shall be not less than 21.

4.4 For the avoidance of doubt, no person who qualifies under paragraph 4.1 above shall be excluded or refused membership from the Forum unless expressly authorized by the Steering Group.

5.0 The Steering Group and responsibilities

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

(a) An Executive Committee made up of the Forum Chairperson, Vice Chairperson, Communications Officer, and Treasurer;

(b) the Chairperson, or designated representative of each of the Community Partnerships of Torquay;

(c) up to 4 Councillors, ensuring a political balance.

(d) other members of the Forum determined by the Steering Group from time to time, and co-opted as appropriate to achieve the objectives.

(e) all members of the Steering Group will represent a wider network. There will be no individual members of the Steering Group.

5.2 Membership is on a voluntary basis

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.

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

5.5 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.

5.6 The Secretary will update the list of members and maintain a list in conjunction with the Community Partnership Office.

5.7 If a member is unable to attend a Forum meeting s/he should send a substitute representative from the network s/he is representing unless exceptional circumstances make this impossible.

5.8 The list of Steering Group members shall be made available for inspection to Forum members as soon as possible when requested.

5.9 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.

5.10 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.

5.11 Should the Steering Group need to vote to resolve an issue their members will take into account the views of the wider Forum membership. The vote will require a majority of Steering Group members present or votes can also be taken purely by email providing 7 full days are allowed for responses. The results of a vote, including the details of each Steering Group member's ballot, will be made available to all Forum members.

5.12 Steering Group meetings are open to observers. Observers can participate in the meeting at the discretion of the chairperson, but they will not have any voting rights.

5.13 The Steering Group will lead preparation or modification of the Neighbourhood Plan, and monitoring implementation after adoption

5.14 The Community Partnership volunteer representatives will ensure that their respective Partnerships are kept informed and involved in the preparation or modification of the Neighbourhood Plan and monitoring of the Plan before and after adoption

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

5.16 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.

5.17 The Forum contact details and all Plan information will be held in a central site (with back up facilities) agreed by the Steering Group members and will be held in accordance with Data Protection, Freedom of Information and Environmental Information requirements.

6.0 Executive committee

6.1 The Executive Committee 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.

6.2 The Chairperson will:-

- be the chief presiding officer, call and chair meetings of the Forum and the Steering Group;
- have the casting vote in any tie of votes only;
- be the Forum's spokesperson with external organisations and individuals. Should the Chairperson feel it necessary to express a personal opinion on any matter regarding the Neighbourhood Plan and its wider context they should make it clear this is a personal opinion and not that of the Forum Steering Group, not the Forum as a whole;
- have the power to take decisions on urgent matters between meetings of the Forum, in consultation with at least one other committee member, and communicate these decisions as soon as possible to the Steering Group;
- provide leadership and motivation, and facilitate the involvement of the community of Torquay in the Neighbourhood Forum;
- enforce the Constitution and ensure meetings are conducted efficiently, fairly, and harmoniously;
- report to the Forum on all related administrative matters in conjunction with the officers of the Council.

6.3 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.

6.4 The Communications Officer will:

- Be responsible for general communications on the work of the Neighbourhood Forum;
- Oversee the consultation and campaign activities of the Forum;
- Update and maintain the Forum website;
- Oversee the Forum's social media presence.

6.5 The Treasurer will:

- maintain and report on the financial accounts and insurance requirements of the Forum in conjunction with the 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;
- ensure there are 3 signatories to the Forum's bank account at all times, with cheques and transfers signed by 2 of the 3 signatories;
- ensure the Forum remains solvent at all times;
- ensure invoices are paid on a timely basis and in accordance with the budget or by agreement of the Officers;
- ensure the Forum accounts are audited on an annual basis.

6.6 The officers will be supported by a Secretary. The Secretary will support the Steering Group but will not be a voting member of the Steering Group, s/he will:

- prepare and issue notes and reports for the Forum meetings;
- issue minutes for the Chairperson's approval prior to circulation;
- maintain a database of members and Steering Group members, with support from the Community Partnerships Office;
- Provide general administrative support to the Steering Group and the Forum.

7.0 Location of meetings and frequency

7.1 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.

7.2 The Steering Group will meet at such a frequency necessary to fulfill its function.

7.3 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.

7.4 To reflect the principle of a community led approach, at least 6 non-council members must be present at the start of a Forum or a Steering Group meeting for it to be declared quorate. Any Forum meetings shall be open to any member of the public to observe.

7.5 To fulfil Sections 6.4, 7.3 and 7.4 of the Constitution: The Forum will publish on its website, in an appropriate and timely manner: meeting agendas, minutes and associated documents (where appropriate) within a reasonable period.

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8.0 Affiliations, operations and independence:

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8.1 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.

8.2 The Forum may comment on planning applications or proposals that could reasonably be expected to impact upon the objectives of the plan. Where such comments are made, they shall be submitted to the Council following consultation with the Community Partnership in whose area the development is taking place and the Steering Group 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 community of the area and shall follow best practice guidance on governance, following the Code of Conduct for Torbay Community Partnerships.

8.4 The Forum shall seek to work collaboratively with the Local Planning Authority to achieve a successful Plan

9.0 Confidentiality

9.1 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.

10.0 Conflict resolution within the Forum

10.1 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 comply with the strategic policies in the Local Plan prepared by the Council.

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

10.3 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 Chairperson 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.

11.0 Complaints Procedure

11.1 If a Forum member wishes make a complaint about an action of the Forum, or about a member of the Forum regarding an issue of relevance to the Forum's business, they should first and foremost address this complaint to the Chairperson of the Forum. If the complaint is directed at the Chairperson, the complainant should address one of the other Executive Committee members. The receiver of the complaint shall endeavor to bring about an acceptable conclusion to the matter through informal dialogue.

11.2 If an informal dialogue has not brought about an amicable conclusion a presentation by the respective parties to the steering group will take place at the next Steering Group meeting and the matter will be determined though a vote, in line with article 5.11. The vote of the Steering Group is final.

12. Constitution Amendments

12.1 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 to and agreed by Torbay Council.

13.0 History of the Constitution

Adopted: 18.06.2012

Amended: 02.06.2014

Amended: 12.07.2022

Amended: 22 Feb 2023 by Steering Group, subject to LPA Approval, 01 March 2023 further amendments required by LPA.