

PAIGNTON NEIGHBOURHOOD FORUM

- Clifton with Maidenway.
- Collaton St Mary.
- Goodrington with Roselands.
- Kings Ash.
- Preston.
- Roundham with Hyde.
- and Hookhills, part of Churston with Galmpton



Constitution

1.0 Name

- 1.1 The name of the Forum shall be the Paignton Neighbourhood Forum (hereinafter referred to as “the Forum”).

2.0 Area of Benefit

- 2.1 The area in which the Forum will pursue its objects is the Paignton Neighbourhood Area, which is the area designated by Torbay Council for which the Forum has produced a Neighbourhood Plan.
(See also Appendix A.01 - Community Partnerships)

3.0 Purpose (Object)

- 3.1 The purpose of the Paignton Neighbourhood Forum is:-
- 3.1.1 To monitor the Neighbourhood Plan for the Paignton Neighbourhood area and to decide how it will be monitored and reviewed, including frequency of review.
 - 3.1.2 To assess how effective the Neighbourhood Plan is in practice and how it is being used.
 - 3.1.3 To produce an annual monitoring report.
 - 3.1.4 To review how the policies are being applied to shape decisions on planning applications (development management).
 - 3.1.5 To determine whether projects and/or actions identified are being achieved.
 - 3.1.6 To monitor the level of money raised through the Community Infrastructure Levy (CIL) and how such monies are being used.

- 3.1.7 To ensure the Neighbourhood Plan aims/objectives are being achieved taking into account changes to national and local policy.
- 3.1.8 To monitor changes in the local area.
- 3.1.9 To continue to promote and improve the social, economic and environmental well-being of the Paignton Neighbourhood area.
- 3.1.10 Any other appropriate purpose agreed by the Forum.
(See Appendix A.02 - Reviewing Plans - Summary of factors to be considered)

4.0 Working Arrangements

- 4.1 The Forum will maintain a record of decisions made, including who is entitled to vote in the making of decisions;
- 4.2 The Forum will determine details of how decisions will be recorded (whether written or held on an electronic device) and how minutes of meetings will be approved;
- 4.3 The Forum will determine details of governance, including the duties of official positions (e.g. chair, vice-chair, secretary, treasurer) and agree procedures for election to positions as well as the means and duration of the notice given regarding elections to positions and other governance issues;
(See Standing Orders SO.07 to SO.10 regarding the role of Officers)
- 4.4 The Forum will determine the composition of any executive committee, working groups, or sub-groups, a definition of their roles, and the procedure for appointment or election to such groups;
- 4.5 The Forum will provide a statement of the powers to be delegated to the executive committee, working groups, and sub-groups;
- 4.6 The Forum will determine the frequency and pattern of meetings including an Annual General Meeting, executive committee and other sub-group meetings (the Forum will normally meet monthly);
(See Standing Orders SO.07 to SO10 regarding the role of Officers)
- 4.7 An Annual General Meeting of the Forum shall take place within the first three months of each year;
- 4.8 The Forum will determine the procedure for calling an extraordinary general meeting;

- 4.9 The Forum will determine the arrangements for financial management;
(See Clause 9 below)
- 4.10 The Forum will determine details of how declarations of interest and potential conflicts of interest will be recorded and managed.
(For example - Conflicts of interest could include where any Neighbourhood Plan policy would affect the business interests of a Forum member)

5.0 Membership

- 5.1 The Forum will comprise not less than 21 individuals. Membership of the Forum is open to individuals who live or work in the Paignton Neighbourhood Area. It is also open to individuals who are elected members of Torbay Council whose ward falls within the Paignton Neighbourhood Area.
(Definition of “individuals who work in the Paignton Neighbourhood Area” – they are individuals with a genuine long term business interest in the area)
- 5.2 Membership shall be drawn from different parts of the Paignton Neighbourhood Area and different sections of the community in the Paignton Neighbourhood Area.
- 5.3 Members shall be accepted by the Forum; resignations from membership shall be received by the Forum.
- 5.4 Associate membership may be granted to individuals who live outside the Neighbourhood area. An Associate member may be permitted to take part in Forum meetings at the discretion of the Chair but will have no voting rights.

6.0 Officers

- 6.1 Officers of the Forum shall be Chair, Vice-Chair, Secretary and Treasurer elected each year at an Annual General Meeting of the Forum.
(Any nominee for election as an Officer of the Forum must be a non-council member nor should they be an active member of any Political Party or radical pressure group)
(See Standing Orders SO.07 to SO.10 regarding the role of Officers)
- 6.2 Officers shall form the Executive of the Forum and any action or recommendation made by the Executive shall require approval of the Forum at a properly convened meeting before implementation.
- 6.3 The officers shall have the power to recommend co-option to their number for specific purposes. Such co-options must receive the approval of the Forum before appointment.

7.0 Quorum

- 7.1 For Forum meetings held in public a quorum shall be fourteen (14) members or 5% of the membership, whichever is the less, meeting together at a properly convened and constituted meeting or replying to a properly authorised circular to, or ballot of members.
- 7.2 A quorum of the executive committee shall be three (3) members of that committee.

8.0 Powers

- 8.1 In furtherance of its objects the Forum may -
 - 8.1.1 Invite and receive contributions and raise funds where appropriate, to finance the work of the Forum, and maintain a bank account in the name of the Forum to manage such funds;
(See Clause 9 below)
 - 8.1.2 Publicise and promote the work of the Forum and organise meetings, training courses, events or seminars;
 - 8.1.3 Work with groups of a similar nature and exchange information, advice and knowledge with them, including cooperation with Brixham Peninsular Neighbourhood Forum and Torquay Neighbourhood Forum, other voluntary bodies, charities, statutory and non-statutory organisations;
 - 8.1.4 Employ staff and volunteers as are necessary to conduct activities to meet the purposes/objects of the Forum;
 - 8.1.5 Take any form of action that is lawful, which is necessary to achieve the purposes/objects of the Forum, including taking out any contracts which it may see fit.

9.0 Finance

- 9.1 The funds of the Forum shall be kept in the name of the "Paignton Neighbourhood Forum" at a Bank or Building Society agreed by the Forum.
- 9.2 Payment from such funds shall only be made on the authority of the Forum.
- 9.3 All cheques, Bank Drafts etc. drawn on Forum funds shall be signed by the Treasurer and at least one other person as authorised by the Forum.
(See also Standing Order SO.10.iii)

- 9.4 Cheques, Bank Drafts, etc. in respect of payments due to the Forum must be made payable to the "Paignton Neighbourhood Forum".
- 9.5 Members may be entitled to reimbursement of reasonable expenses incurred on Forum business only if approved in advance by the Forum. Any claim for the payment of expenses must be endorsed by the Chair or Secretary and submitted in a timely manner.
- 9.6 The financial year of the Forum shall be 1 January to 31 December.

10.0 Review and Revision *(see Appendix A.02)*

- 10.1 The Forum will review and revise the Paignton Neighbourhood Plan from time-to-time, to reflect changing contexts and changing needs or issues around effectiveness.
- 10.2 Reviewing the Paignton Neighbourhood Plan to assess any need for revision may be done as part of the monitoring process. The decision to revise the Neighbourhood Plan, and any subsequent actions to achieve this, can only be achieved by the Forum.
- 10.3 The Forum agrees that collective consideration of information gained through monitoring must support any decision to determine at what point revision becomes desirable.
(For example, monitoring could identify inadequacies with the drafting of policies)
- 10.4 Monitoring and review should be a continuous process.

11.0 Procedure for updating the Neighbourhood Plan

- 11.1 Updating the Neighbourhood Plan document will involve the following steps;
 - 11.1.1 Update the sections of the Plan describing community and stakeholder engagement recognising changes that may have taken place.
 - 11.1.2 Update the evidence section of the Plan to reflect the most recent data and update all references to national and local policy.
 - 11.1.3 Review policies, revising them as necessary, including their supporting rationale and evidence.
 - 11.1.4 Consider the need for site allocations and/or Local Green Space designations.

- 11.1.5 Undertake an overall edit of the plan to ensure it reflects current circumstances.

12.0 Statutory process

- 12.1 Where the Neighbourhood Plan is proposed to be revised, there are certain options in terms of statutory process, depending on the extent of that revision.
- 12.2 Minor (non-material) updates that would not materially affect policies may be made by the Local Planning Authority, with the consent of the Forum. In these circumstances, there is no need to repeat Regulation 14 consultation, examination and the referendum. Similar provisions exist for correcting errors in a plan, though this will probably have been done already, as part of the examination process.
- 12.3 If the Forum wish to make modifications that do materially affect the policies in the Neighbourhood Plan, the Plan would need to go through the later stages of the statutory process, from pre-submission consultation (Regulation 14) onwards, although a referendum may not be required.
(See Clause 12.5 and Clause 12.6 below)
- 12.4 If updates are proposed by the Forum that would materially affect policies, there are certain additional requirements. These are:
 - 12.4.1 at the Regulation 14 consultation stage (pre-submission) the Forum must state whether it believes that the modifications are so significant or substantial as to change the nature of the Plan, giving reasons;
 - 12.4.2 when sending the Plan to the independent examiner, the Local Planning Authority must state whether it believes that the modifications are so significant or substantial as to change the nature of the plan, giving reasons. A copy of the original plan must also be submitted to the independent examiner;
 - 12.4.3 the independent examiner will then decide whether the modifications proposed change the nature of the Plan and the Forum must decide whether to proceed with the examination.
- 12.5 A referendum is not required if an independent examiner decides that the modifications are not so significant or substantial as to change the nature of the Plan and would meet the basic conditions (with modifications if necessary). In this circumstance, the Local Planning Authority must make

the plan within five (5) weeks of receiving the independent examiner's report (or as agreed with the Forum).

- 12.6 However, if the independent examiner finds that proposed modifications do change the nature of the plan, the Local Planning Authority would need to publicise and consider the examiner's report in the same way as for a new neighbourhood plan and a referendum would be required.

13.0 Confidentiality

- 13.1 The Forum will endeavour to apply the relevant General Data Protection Regulation (GDPR) to all personal data held by the Forum. The Forum recognises that the GDPR is a legal framework that sets guidelines for the collection and processing of personal information from individuals.

14.0 Appendices and Standing Orders

- 14.1 Any Appendix to this Constitution and Standing Order shall both be treated as an integral part of this Constitution.

15.0 Alteration(s) to the Constitution

- 15.1 The procedure for altering or amending this Constitution.
15.1.1 Alterations to this Constitution can only be made by meetings of the Forum and agreed by a two thirds majority of members present and voting.

16.0 Duration

- 16.1 The duration of the Paignton Neighbourhood Forum is five (5) years from 06 December 2017.
(Ends 05 December 2022)
- 16.2 The procedure for dissolving the Paignton Neighbourhood Forum, in the event that it is no longer required is given at Clause 17 below.

17.0 Disbanding of Forum

- 17.1 The Forum can only be disbanded at a duly advertised Special Forum Meeting called for the purpose of deciding whether to disband, to which all Forum members shall be invited. The decision to disband the Forum shall be taken if supported by two thirds of members present and voting at the Special General Meeting.

- 17.2 If the vote is for the Forum to be disbanded, any assets held in the name of the Forum (after payment of all debts and liabilities) will be passed to other organisations having similar objectives to those of the Forum as agreed by a majority of remaining members.

END

This Constitution of the Paignton Neighbourhood Forum
was approved by an Extra-Ordinary General meeting of the Forum
held on Xxxxxday XX Xxxxx 20XX.

[This Constitution replaces all previous Constitution(s) of the Paignton Neighbourhood Forum.]



APPENDIX to Paignton Neighbourhood Forum Constitution

A.01 Community Partnerships

The Neighbourhood Area includes the Community Partnerships (where they exist) in the following Torbay Council wards - Clifton with Maidenway; Collaton St. Mary; Goodrington with Roselands; Kings Ash; Roundham with Hyde; Paignton Town; Preston and the Hookhills area of Churston with Galmpton.

A.02 Checklist (a. to e.): Reviewing Plans - Summary of factors to be considered

- a. **Effectiveness:** Consideration of the effectiveness of the existing plan may be assessed through monitoring of planning decisions. Where a neighbourhood plan is not having the desired effect, then this may indicate a need for redrafting of policies or introduction of additional policies.
- b. **National Legislation and Policy:** There tends to be frequent amendments to planning legislation and national policy and guidance. These should be monitored, as stated previously. Such changes may have a positive or negative impact on the policies of the neighbourhood plan. National policy may be a 'material consideration' that may justify a departure from certain neighbourhood plan policies.
- c. **Local Policy:** As with changes to national policy, changes to local policy through revision of the local plan or strategic plan may have an impact on certain neighbourhood plan policies. Where local plan and neighbourhood plan policies differ on non-strategic matters, the later plan carries more weight. So the impact of adoption of local plan documents after the making of a neighbourhood plan would need to be considered carefully.
- d. **Local Circumstances and Evidence:** Changing local circumstances could include economic, social or environmental changes. New evidence should be taken into account to identify and assess the impact of local changes.
- e. **Local opinion:** Continuing community and stakeholder engagement may highlight local issues or concerns that may influence a decision on whether or not to revise the neighbourhood plan.