# Neighbourhood Planning

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# Establishing a neighbourhood forum

A toolkit for neighbourhood planners

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# Introduction

Neighbourhood planning, one of the Government's key reforms from 2011's Localism Act, has proved popular with communities. Not only are neighbourhood plans popular, they are important, because they are used by local planning authorities to guide decisions about planning permission and investment in neighbourhood plan areas.

This resource is designed to help groups or individuals who want to establish a neighbourhood forum and to develop a suitable constitution. It looks in some detail at the issues to be considered when agreeing a constitution, as well as the importance of record keeping, to help ensure that designation of the forum by the local planning authority is as straightforward as possible.

When plans are in areas with a parish or town council, there is no need to establish a neighbourhood forum. Town or parish Councils lead the neighbourhood planning process in these areas though many have set up wider groups as advisory bodies to help develop their neighbourhood plan.

In areas where there is no parish or town Council, a neighbourhood forum has to be established. This must meet legislative requirements and the 2012 neighbourhood plan regulations so that it can be designated by the local planning authority as the qualifying body to produce a neighbourhood plan for its area. The process of establishing the forum can be led by a community group, business or group of individuals. In some cases the constitution of an existing community group can be used.

Basic requirements of forming a neighbourhood forum:

- [Established for] the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned
- A purpose that reflects the character of the area in general terms
- Membership open to people living and working in the area, and elected members for the area (reasonable steps must be taken to secure at least one of each)
- A minimum of 21 members from above groups
- Membership drawn from different places in the area and different sections of the community.

A prospective neighbourhood forum is not required to have a member from each membership category in order to be designated. It must have an open membership policy, but it cannot force people to be a part of something they may not wish to be a part of. The local planning authority must consider whether the prospective neighbourhood forum has secured or taken reasonable steps to attempt to secure

membership from each category and from different places and sections of the community in that area.

All of this is not difficult, but each neighbourhood planning area is different. Ensuring that the processes of a forum are clear – through the agreement of a constitution for the forum - may require some discussion about how to balance interests and views and still include as many people and organisations as possible.

You can find guidance here on how to establish a forum, and learn how it can assist with enabling the neighbourhood plan to be informed and shaped by all interests and constructive working relationships from the outset. An important element is to talk to the local planning authority early in the process.

## Important links between the neighbourhood area and neighbourhood forum

**Forum membership eligibility**

The neighbourhood area is the area in which neighbourhood planning policies will be developed by any forum agreed as the qualifying body by the local planning authority.

An application to the local planning authority to agree the boundary of a neighbourhood area can be made at the same time as the application for a forum to be designated as the qualifying body. But they can also be done separately.

This is important because the neighbourhood area, in addition to being the area in which neighbourhood plan policies will be applied, is also the area from which neighbourhood forum members must be drawn. As a result the neighbourhood area map must be attached to the forum constitution in order to provide clarity on whether individuals and organisations (including businesses) are eligible for membership of the forum.

Even if an applicant is only applying to designate a neighbourhood area, the process requires confirmation that the applicant is capable of becoming a qualifying body in terms of its membership and its objectives.

**The Referendum on the neighbourhood plan**

The other important link between a neighbourhood plan and a forum is that when all stages of a neighbourhood plan have been completed, and potentially amended as a result of an independent examination, a referendum must be passed in order for the neighbourhood plan to come into force.

The neighbourhood area defines the area from which residents who have registered to vote can be drawn to participate in the final referendum, so gaining their active support for the forum's work is a good way to ensure a positive referendum result. The examiner may also recommend that the referendum area should be extended beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that

they will have a substantial, direct and demonstrable impact beyond the neighbourhood area.

It's worth remembering that the final neighbourhood plan referendum will also be influenced by whether an area is agreed by the local planning authority as a 'business area'. If it is, the plan will be subject to two referendums and both must agree on the neighbourhood plan for it to be brought into force. If the two referendums do not agree then it will be up the Local planning authority to decide whether the plan can be brought into force. The referendums will be:

- One for residents who are registered to vote in the neighbourhood area that the neighbourhood plan covers
- One for businesses who pay Non Domestic Rates (business rates) in the neighbourhood plan area.

## When a neighbourhood area is designated as a business area

**A local planning authority can designate a neighbourhood area as a business area:**

- With the agreement of the neighbourhood forum before an application is made to designate the forum and neighbourhood area or
- When they make a decision on the designation, after they have conducted their own six week consultation on the application required by the legislation and regulations.

A neighbourhood plan area can only be agreed as a business area when the neighbourhood area is considered to be 'wholly or predominantly used for business. So if a proposed neighbourhood area includes an area that is largely town centre, industrial estate or Business Park, it is possible that the Local planning authority will designate it as a business area.

To ensure that this is addressed before an application for an area and forum is made, it is sensible to check with the Local planning authority early on that it does not regard the area as wholly or predominantly used for business.

If it does, consultation on the neighbourhood plan area before the designation application is made, should specifically include businesses. In addition, businesses should be represented among the 21 members of the forum needed to make an eligible application to the Local planning authority for forum designation.

It also has implications for the constitution of a forum, its membership, its commitment to inclusion, its affiliations and the ways it deals with conflicts of interest.

Engaging with businesses at this early stage is therefore important. It can include activities such as:

- Gathering business contacts in the area from the local authority, local chamber of commerce and other forum members
- Making face to face contact by visiting business premises in the area
- Asking businesses to support the process of consultation on the area by providing help with venues/catering for meetings, help with printing costs etc.
- Ensuring that any publicity on the neighbourhood plan includes the potential effects on businesses in the area
- Holding specific events aimed at businesses in the proposed neighbourhood area.

The following checklist is to enable a group of individuals, a business or a community group to consider:

1. Which clauses they wish to include in their constitution
2. What specific issues may need to be considered under each clause
3. Suggested additions based on forum constitutions that have already been through the application process.

The checklist highlights the specific points that are relevant to the work of a forum and assumes that the forum will not be a company regulated by company legislation. It also takes into consideration the voluntary nature of many neighbourhood forums which are mainly reliant on volunteers and have limited resources. These factors affect many practical administrative and other issues around the running of the forum which are governed by its constitution, such as:

- Timing – notice given for meetings
- Planning – aligning key decisions in the neighbourhood planning process with forum meetings to ensure accountability to forum members and allow the work of the forum to highlight the involvement of the wider community
- Available time and resources – for administration of membership, meetings and communications
- Conflict Resolution – Having clear guidance in the constitution can help to ensure that a forum's work is not delayed or rendered ineffective by disputes between members and that all meetings are respectful and constructive.

When creating your own constitution it can be very helpful to consider the constitutions of forums that have already been agreed by Local Planning Authorities. This can save time and duplication of effort and help to create a constitution for your forum that reflects local views about governance of the

forum, the existence of other organisations locally and the nature of your neighbourhood plan area. A range of examples can be found at: www.neighbourhoodplanning.org

### Examples of neighbourhood forum constitutions agreed by Local Planning Authorities

Business area forum constitutions

- Altrincham Town Centre business neighbourhood forum
- Trafford Metropolitan Borough Council
- South Bank and Waterloo neighbourhood forum (Cross-boundaries)
- Liverpool Innovation Park business neighbourhood forum - Liverpool City Council

Non-business area forum constitutions

- Central Ealing neighbourhood forum
- London Borough of Ealing
- Marton West neighbourhood plan forum
- Middlesbrough District Council
- Norland neighbourhood forum
- Royal Borough of Kensington and Chelsea
- Unity in Our Community neighbourhood planning forum (Leasowe)
- Shoreham Beach neighbourhood forum

## Constitution Checklist

| Neighbourhood Forum Constitution check list | | | | |
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| Possible constitution clause | Purpose of the clause(s) | Why? | Issues to consider | Potential clauses to add/include |
| Name of the forum | To ensure that the name of the forum is clear | A name for the forum is required by the Neighbourhood Planning Regulations 2012 | Whether other groups with the word forum in their name exist in the neighbourhood area already and may cause confusion. | Add 'neighbourhood plan' into the forum name or exclude the word 'forum' |
| Neighbourhood area | To define the area for which the neighbourhood plan will be produced and from where members can be drawn. | To set out eligibility to join the forum and provide clarity about the area that the neighbourhood plan policies and proposals will cover. | Members may wish to check their own eligibility or the eligibility of other members. It is also important to have these eligibility requirements easily accessible so that potential members' eligibility can be easily checked in whatever process is adopted in the constitution. | Ensure that the neighbourhood area map is included in the constitution and on the membership form. |
| Objectives of the forum | To be clear about the purpose of the forum and its activities. | Section 61F(5) (a) of Town and Country Planning Act (1990) states that forums must be established to promote the social economic and environmental well-being of the neighbourhood plan area.<br><br>Other objectives can be included but this objective must be. | Whether the forum is likely to want to continue in some form beyond the five years that the legislation sets out as the lifespan of a forum once it has been agreed by the Local planning authority. See 'Alteration of the constitution' clause below. | In addition to the requirement to promote social, economic and environmental well-being the following could be added:<br>• To produce a neighbourhood plan<br>• To provide opportunities to influence local decision making/ promote citizenship<br>• Encourage openness and transparency between all organisations about the services and plans for the area<br>• To promote community cohesion. |

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| Inclusion/Equalities Statement | To commit members to acting legally in relation to preventing discrimination against specific groups. | To ensure that forums are bound by their constitution to act legally. | Although there are legal requirements to prevent discrimination, many forums have also used this clause to publicly declare their commitment to doing so. They may also add a commitment to seek out the views of those in the community who may be harder to reach. | Clauses related to membership that commit the forum to disregard age, sex and so on.<br><br>Clauses related to the way the forum will work – inclusively, maximising local input etc. |
| Affiliations | To outline any official connections (membership or other endorsements to other organisations) or rule out such connections. | To state publicly their independence or connections to other organisations. | Some forums want to be clear that they are not connected to any organisations in their area that are religious or political since that suggests that they may have a particular view on some issues. | A statement that rules out affiliations to political, religious or other organisations. |
| Powers of the forum | To set out the powers that the forum needs to carry out its activities and meet its objectives. | To inform forum members of the powers the forum can exercise, so that it can be held to account. | Whether all the activities of a forum are to be carried out by forum members. What activities are likely to be needed to enable a forum to meet its objectives including how it spends money and how decisions are made about this. | Powers to work with consultants, conduct research, hold seminars and training, cooperate with others, exchange information, employ staff and take any other legal actions that are necessary to achieve the forum's objectives. |
| Membership of the forum | To be clear about who can join the forum and how they can become members. | Section 61F(5) (b) of the Town and Country Planning Act (1990) states that membership of a forum must be open to individuals who live or work in the neighbourhood | Whether individuals can join under more than one category of membership.<br><br>Whether individuals who live or work outside the neighbourhood area and are not elected members of a Council for the area should also | Acceptable methods by which individuals can apply for membership e.g. printed form or electronically-<br><br>How membership eligibility is verified (particularly for community organisations and individuals who work in |

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| | | area and individuals who are elected members of a county council, district council or London borough | be members so that they can influence the work of the forum.<br><br>Whether an age limit should be set for membership. Whether Associate membership could be offered instead to those outside an age limit or the neighbourhood area.<br><br>Selection arrangements for representatives from community groups and businesses.<br><br>Whether community organisations or businesses should have more than one named individual as a member to represent them at forum meetings so they can arrange substitutes to attend.<br><br>Whether membership of the forum will remain open for a fixed period of time or whether, when the forum membership reaches a specific number, it will be closed.<br><br>Whether community groups need to be located in the neighbourhood area in order to be eligible for membership. | the neighbourhood area)<br><br>Process for agreeing members and any right of appeal for refusals.<br><br>Clarify membership categories and any associated conditions.<br><br>'Associate membership' category that could have:<br><br>• No voting rights at any forum meeting<br>• whose attendance at any forum meeting does not count towards a quorum for the meeting<br>• No right to stand for Committee/Officer roles but can participate in the forums work and discussions so their views can be heard.<br><br>Community group membership conditions that require that they deliver services in or are located in the neighbourhood area<br><br>Arrangements for resignation of membership or its termination/suspension and any appeal process. |

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| Decision Making/Voting Rights | To set out who can vote, by what method, how votes are counted and how decisions voted upon are made or 'carried'. | Some voting methods require more organisation and administration than others.<br><br>Clarity for members on what happens if votes are tied. | Whether proxy votes can be used.<br><br>Whether all members have voting rights.<br><br>Whether the Chair should have a casting or second vote in the event of a tied vote | Make clear when votes will be held on some issues if necessary. |
| Conflicts of interest | To set out how conflicts of interest will be managed. | Conflicts of interest can damage a forum's reputation and local trust and confidence in its work. It can also delay the work of the forum and discourage applications for membership. | How business interests are to be considered (landowners or those who have a financial interest in the final plan). | These can be dealt with under membership eligibility or via a specific clause on declarations of interest and how they affect voting rights and participation in meetings. |
| Conflict Resolution | To set out a process by which conflicts can be resolved. | Prevent delay in the conduct of the forum's work. | If a neighbourhood plan area is a business area and includes businesses that are also developers of own land in the area. | A simple process that includes who will make a final decision about any dispute. |
| Management Committee of the forum (this can also be called The Executive Committee, the Steering group etc.) | To set out arrangements under which the management committee can operate. | Between meetings of all forum members (General Meetings), the Committee keeps the forum's work going, makes decisions to present to forum General Meetings and Annual General Meetings and ensures that all work done is within the limits of the constitution. | Whether forum members in all membership categories may stand as committee members<br><br>Maximum and minimum numbers that can be elected.<br><br>Whether co-options to the committee of individuals from other organisations are possible. | Who can stand for election to officer and committee roles?<br><br>Set achievable maximum and minimum numbers for the Committee. |

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| Management<br><br>Committee Officers | To set out the officer roles and responsibilities needed by the forum | To ensure that the Management Committee acts within the constitution and can be held to account by the wider forum membership and external stakeholders. | Given that most forum members are volunteers, whether an officer role can be shared by more than one forum member.<br><br>Whether the constitution should include details on the role of elected officers as well as normal committee members. | Arrangements for substitution of officers and committee members at meetings and replacement between annual elections or on resignation. |
| Meetings:<br><br>• Management Committee meetings<br>• Full forum General Meetings<br>• Annual General Meetings<br>• Working Groups | To set out arrangements for convening and holding these meetings – how often they will take place, how members are notified of meetings, minimum number of members necessary to conduct business of forum. (Quorum). | So that members know how they operate and whether meetings are held in within the terms of the constitution. | Minimum and maximum number of meetings in all categories in each year.<br><br>Consider achievable numbers to meet a quorum for general and annual general meetings of the forum.<br><br>Arrangements for working groups if desired. | Quorums for all meetings<br><br>Add requirements for Management Committee members' representation on working groups.<br><br>Set out requirements for terms of reference for working groups.<br><br>Set out whether it is possible to co-opt non forum members into working groups. |
| Finance | How funds secured by the group will be kept, used and accounted for to the wider membership and external organisations. | To ensure transparency and accountability for all funds received by the group. | Whether there should be provision for a subscription/joining fee. | Bank account and signatory arrangements by the Committee or Treasurer. Add fee element to the membership form. |
| Neighbourhood planning | To formalise how the forum will deal with key decisions relating to the production of the neighbourhood plan. | To reassure members about the forum's commitment to ensuring the production of the neighbourhood plan takes all views on board. | Whether the forum's discussions will be confined to forum members only or to people and organisations in the wider neighbourhood area.<br><br>Whether and how forum meetings will consider neighbourhood plan documents at key stages of the plan making process. | |

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| Alteration of the constitution | To enable the constitution to be kept up to date with changing circumstances. | Organisations can find that their decision making processes become unworkable over time. It is important to have a transparent agreed process to make necessary changes that members can agree on. | Some neighbourhood forums may want to change quorum for meetings or arrangements for voting to accommodate new communication methods.<br><br>Others may want to change the role of the forum when the neighbourhood plan is complete.<br><br>Some may want to consider becoming Parish or Community Councils. Read more about this here. | At what kind of meeting alterations can be considered, what notice is required, who can request alterations and how they will be made available for discussion. |
| Dissolution | To set out the circumstances under which the forum would close and what would happen to any assets. | Neighbourhood forums have a defined life of 5 years. This period starts from when they are designated by their Local planning authority. | Forums may wish to consider whether there is a role for the forum after their neighbourhood plan had been made. This could include:<br>• Monitoring planning applications in the neighbourhood plan area<br>• Monitoring the application of Plan policies in the Plan area<br>• Monitoring and influencing the use of Community Infrastructure Levy spending in the Plan area<br>• Involvement in the delivery of Plan proposals for improvements in the Plan area.<br>• Work with the local planning authority on their local plan. | That the forum may consider its future when the neighbourhood plan is 'made' (comes into force). |

## Record keeping for forums

Record keeping for forums is particularly important for three key reasons:

1. Neighbourhood forum meetings and events can be a key consultation mechanism in developing a neighbourhood plan.

One of the documents submitted with a neighbourhood plan is the 'Consultation Statement'. A Consultation Statement must fulfil the legal obligations of the neighbourhood plan Regulations 2012. Section 15(2). Part 5 of the regulations sets out that a consultation statement should contain:

a) Details of the persons and bodies who were consulted about the proposed neighbourhood development plan

b) Explanation of how they were consulted

c) Summary of the main issues and concerns raised by the persons consulted

d) Description of how these issues and concerns have been considered and addressed

e) As forum membership, meetings and activities are one of the main ways in which wider involvement of individual residents/workers, businesses, community groups and elected members can take place, it is important that good records are kept as the process progresses. This prevents the need to spend time re-visiting these activities to extract who was involved and when.

A key starting point for this is keeping good records of forum membership. If this is comprehensive from the start, information related to how age, gender, ethnicity, employment status, business representation and so can be collected and the participation of different groups can be tracked for every event.

The forum must also ensure that it complies with the requirements of Data Protection so that members know how their personal details will be used.

It will also enable the forum to keep its membership representative across the neighbourhood area, to fill any gaps and ensure that it meets legislative requirements.

The forum Membership Form template in Appendix A provides an idea of the type of information that it is useful to collect. This could be when people and organisations join the forum, or attend forum events and activities about the neighbourhood plan.

2. Forum members and the forum's activities provide a good basis on which to build support ahead of the referendum on the neighbourhood plan or order.

It is important to raise awareness early about the forum's work, in order to maximise the chances of a positive result at referendum. Making available minutes, agendas and other documents on a regularly maintained web site or on request is one way to build support for the plan.

3. Forum records can provide a key part of the evidence base for a neighbourhood plan since they may contain key decisions about what policies or proposals should be included in the plan and what criteria or other evidence was used to make these decisions.

As the neighbourhood planning process progresses the forum will make key decisions about what policies or proposals are to be included and how decisions were made; whether they were made at a Committee meeting, working group or full forum meeting and what information and evidence was provided to inform the decisions. To enable this, accurate records need to be kept.

## Appendix: Forum Membership Form Template

This form shows that there is no overlap between membership categories so that one person can only represent a view at Forums for themselves as an individual OR as a representative of a business or community group. This is to make sure that individual at meetings can exercise only one vote. If Forums decide that they wish for this not to be the case then a member would have to circle all the categories that apply to them as an individual and exercise more than one vote.

Include a map that shows the agreed Neighbourhood Forum area.

Please write clearly:

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| Name: |
| Member type – please circle ONE category<br>1. Individual who lives in the neighbourhood area<br>2. Individual who works in the neighbourhood area<br>3. Individual who is an agreed Community Group Representative<br>4. Elected Member of a district, county or London Borough Council |
| Postal Address (Home, Employment or Community Group) |
| Email Address: |
| Telephone Number: |

ADDITIONAL DETAILS WHICH HELP US ENSURE THAT THE NEIGHBOURHOOD FORUM REPRESENTS ALL PEOPLE IN THE NEIGHBOURHOOD

| | |
|---|---|
| 1. Gender: Please circle MALE / FEMALE | |
| 2. Age | Years |
| 3. Do you have any disabilities? Please circle YES / NO | |
| Ethnic origin I would describe myself as – PLEASE TICK the appropriate box | |
| A White: | |
| British | |
| English | |
| Scottish | |
| Welsh | |
| Northern Irish | |

| | |
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| Other, please specify: | |
| B Mixed: | |
| White and Black Caribbean | |
| White and Black African | |
| White and Asian | |
| Other, please specify: | |
| C Asian, Asian British | |
| Indian | |
| Pakistani | |
| Bangladeshi | |
| Other, please specify: | |
| D Black, Black British | |
| Caribbean | |
| African | |
| Other, please specify: | |
| E Chinese, Chinese British | |
| Chinese | |
| Other, please specify: | |

Data Protection Statement e.g.

All information supplied will be held by (insert name of forum), and will remain secure and confidential. Your details will only be used for the purposes of notifying you about forum meetings and activities and will not be passed on to any third parties or used for marketing purposes in accordance with the Data

Protection Act 1998

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For formal Government guidance on Neighbourhood planning please visit gov.uk