

Agenda Item 12

Neighbourhood Plan Governance

Report Type:	Public Report for Decision
Purpose of Report:	To recommend the delegation of the day to day management and formulation of the Neighbourhood Plan to the Planning & Regulatory Committee and the creation of an advisory working group to advise Planning & Regulatory Committee and Full Council.
Recommendations:	It is RECOMMENDED that: The Town Council: (a) Amends the Terms of Reference and Scheme of Delegation relating to Planning & Regulatory Committee so as to include a delegation: “13) The oversight and management of the creation of a Neighbourhood Plan and the recommendation to Full Council of the finalised plan”. (b) The addition to the Terms of Reference of Planning & Regulatory Committee so as to include “Matters relating to Neighbourhood Planning under the Planning Acts, The Localism Act 2011 and associated Acts and Regulations and making recommendations to Full Council as appropriate”. (c) Creates a Neighbourhood Plan advisory committee called the Neighbourhood Plan Working Group, comprising X3 elected Members of Planning & Regulatory Committee and X2 elected Members who are not part of that Committee, and up-to 7 non-elected members of the community who wish to be part of the Working Group (Working Group maximum of 12). (d) Resolves to adopt the Terms of Reference of the Neighbourhood Plan Working Group as appears at Appendix B.
Wards:	All Wards
Contact Officer:	Daniel Lucas – Town Clerk

1. BACKGROUND

Delegation and Terms of Reference

- 1.1. The Council has committed to bringing forwards a Neighbourhood Plan for Christchurch. This report puts further mechanisms into place to secure the governance arrangements for how the plan shall be delivered going forwards.
- 1.2. Attached at Appendix A is the scheme of delegation and terms of reference of each committee which Council has delegated to each. It shall be noted that Planning & Regulatory Committee

does not currently have the day-to-day delegation from Council to deal with neighbourhood planning. It is therefore proposed to include a specific delegation to Planning & Regulatory Committee and the addition of neighbourhood planning to its terms of reference. Members are therefore asked to consider Recommendations a) and b) above and the necessary arrangements. This delegation shall be pursuant to the Local Government Act 1972 section 101(1) which allows for the discharge of any functions by a committee, sub-committee, or an Officer of the authority.

- 1.3. This delegation shall put into place the ability of Planning & Regulatory Committee to have the swifter day-to-day oversight. Furthermore, all budgetary controls shall as is custom be reported to Resources Committee for the further scrutiny required relating to the budget as assigned for this project.

Advisory Working Group

- 1.4. Council is formally asked to create the Neighbourhood Plan Working Group which acts in an advisory capacity solely. Section 102(4) of the Local Government Act 1972 allows for this occur:

*“102 (4)A local authority may appoint a committee, and two or more local authorities may join in appointing a committee, to advise the appointing authority or authorities **[F8]**, or, where the appointing authority or each of the authorities operate executive arrangements, any executive of that or those authorities, or a committee or member of that executive,] on any matter relating to the discharge of their functions, and any such committee—*

(a)may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities; and

(b)may appoint one or more sub-committees to advise the committee with respect to any such matter.” (Underlining my emphasis).

- 1.5. Council is also asked to create the terms of reference for the Neighbourhood Plan Working Group which appear at Appendix B. These terms of reference are based on others that the appointed consultant has worked with. The Working Group shall not hold meetings in public and minutes will not be prepared as is customary with meetings of the Council. Furthermore, the Working Group cannot make binding decisions but only recommendations to the Council. The Working Group serves so as to steer the design, evolution, and shape of the emerging Neighbourhood Plan. The substantive formative decisions shall still be required of Full Council.
- 1.6. In summary the Working Group shall comprise x3 Members of Planning & Regulatory Committee and x2 non-Members. As of the time of writing the report the election of the X3 Members of Planning & Regulatory is still outstanding. With the x2 non-Members confirmed as Cllrs Coulton and Spittle.
- 1.7. Members should note the following:
 - i) The maximum number of the elected and non-elected Membership of the Working Group;
 - ii) The functions of the Group;
 - iii) The conduct of the Group;
 - iv) Roles within the Group;
 - v) Frequency of meetings and quorum.
- 1.7. Members are therefore asked to consider the attached terms of reference of the Working Group and resolve to adopt the terms of reference accordingly.

2. IMPLICATIONS

Legal

- 2.1. The delegation of this extra function to Planning & Regulatory committee shall ensure the effective day-to-day oversight of the Neighbourhood Plan progress. Alongside this delegation the Working Group can provide the necessary direction and impetus to help the emerging Plan take shape. Fundamentally, this Working Group cannot make binding decisions but only recommendations.

Environmental

- 2.2. None.

Financial and Risk

- 2.3. None.

Equalities

- 2.4. None.

Consultation and Engagement

- 2.5. The Working Group shall shape the necessary consultation requirements for the plan preparation.

3. CONCLUSION

- 3.1. Members are asked to consider the report and to approve the recommendations outlined.

Appendices:

Appendix A – Existing Committee Delegations/Terms of Reference with amendment required
Appendix B – Neighbourhood Plan Working Group Terms of Reference.

Appendix A

TERMS OF REFERENCE AND SCHEME OF DELEGATION TO COMMITTEES

COMMUNITY COMMITTEE

The supervision and management of the Town Council's:

Recreation grounds;

Open spaces;

allotments and land interests;

The furtherance and pursuit of health and well-being by co-operation with local sports clubs and associations with leisure, recreational and past-time activities as part of its cause;

The advancement of the present recreational facilities available;

The promotion of the arts and heritage across the Town;

The oversight and management of large external events held upon Town Council land and the grant of licences accordingly;

The exercise of statutory functions relating to nominations of assets of community value, Town Greens and those discretionary powers outside the terms of reference of the Planning and Regulatory Committee;

Matter relating specifically to Druitt Gardens and Hall.

Delegated to Community Committee

- 1) To be responsible for the supervision and management of the Town Council's recreation grounds and open spaces;
- 2) To be responsible for the supervision and management of the Town Council's allotments and land interests;
- 3) To liaise with external organisations, and other local authorities responsible for providing sport and recreation;
- 4) To be responsible for the advancement and maximisation of the use of the Town Council's recreational offering;
- 5) To promote and encourage an expansion of sport and leisure activities within the community
- 6) To promote and encourage the arts and conservation and heritage of the Town;
- 7) To recommend to Resources Committee any changes required in terms of the management and supervision of the Town Council's recreation grounds, open spaces and allotments, including personnel;
- 8) To oversee and recommend to Council any changes to the Council's annual budget concerning the Terms of Reference of the Committee;
- 9) To liaise and promote the holding of events upon Town Council property and oversee any application process for large external events including the grant or otherwise of a licence to hold the event;

10) To recommend to Resources Committee charges, rates and fees for services within the purview of the Committee.

PLANNING AND REGULATORY COMMITTEE

Planning recommendations (objections, approvals or neutral) to the Bournemouth Christchurch and Poole Unitary Council (the "Unitary Council");

The consideration of comment and participation in planning appeals (inclusive of all planning related matters such as enforcement, tree works consent, compulsory purchase or otherwise within the remit of the Planning Acts and associated regulations);

The recommendation to the Unitary Council of the issue of formal Notices concerning enforcement, as well as notices such as section 215 notices (untidy land notices) not considered "enforcement" by the 1990 Act;

Highway, footpath and waterway matters;

To monitor traffic management through the town and its environs and make the necessary recommendations as appropriate;

To monitor Tree Preservation Orders and those trees within Conservation Areas as defined;

To monitor Christchurch Town Council's Conservation Areas and issues relating to such;

To monitor tourism and employment across the town;

To monitor the tidiness of the Town;

To encourage conservation and environmental protection and the furtherance of bio-diversity across the Town and its environs;

Matters relating to the Licensing Act 2003 and associated Regulations, as well as those Acts which deal with environmental protection inclusive of air quality, pest control, pollution control and statutory nuisances inclusive of litter.

Matters relating to Neighbourhood Planning under the Planning Acts, The Localism Act 2011 and associated Acts and Regulations and making recommendations to Full Council as appropriate

Delegated to the Planning and Regulatory Committee

- 1) To comment on all planning applications and associated applications including those related to listed buildings and conservation areas, advertisements, trees, and so on. To delegate to the Town clerk as necessary to comment upon any application before the Unitary Council which is placed before a Committee or otherwise of the Unitary Council for its consideration within the terms of the comment as resolved by the Committee. Such delegation may direct the Town Clerk to appear in person before the Committee of the Unitary Council to present the Town Council's comments;
- 2) To recommend the service of any statutory notice under the Planning Acts or associated primary and secondary legislation including matters relating to enforcement, compulsory purchase and so on;
- 3) To respond on behalf of the Council to planning appeals and the consideration of whether the Town Council should appear in person at an appeal;
- 4) To oversee and recommend to Council any changes to the Council's annual budget concerning the Terms of Reference of the Committee;
- 5) To liaise with other agencies on matters concerning roads, footpaths and waterways;

- 6) To monitor on behalf of the Council the tidiness of the town;
- 7) To be responsible for the Conservation Area issues in the town;
- 8) To liaise with statutory undertakers and local authorities on matters relating to their own street furniture, signage, building structures and public seating;
- 9) To be responsible to the Council for any action in respect of conservation and environmental protection;
- 10) To assist other agencies with the promotion of tourism and employment across the town, including but not limited to signage;
- 11) To be responsible for the Town Council's public lighting;
- 12) To make representations where appropriate to the Unitary Council in matters concerning the Licensing Act 2003 and other regulatory Acts.
- 13) **The oversight and management of the creation of a Neighbourhood Plan and the recommendation to Full Council of the finalised plan**

RESOURCES COMMITTEE

Receive financial statements on the Council's accounts;

The preparation of the Annual Accounts;

Grants to outside bodies including to individuals under the Legate's Legacy;

The fixing of charges and rents and fees taking in to account recommendations from Council or other Committees;

The instruction and authorisation and negotiation of land transactions;

Preparation of any leases and the heads of terms for such leases;

The overview and management of any insurance provision required of the Town council;

The overview and management of any office equipment and furniture required by the Town council;

The management and maintenance of the Council's buildings;

The management and performance of the Council's staff including annual appraisal of the Clerk and recommendations to Council as appropriate;

Matters relating to salaries and pensions of the Council's staff;

Assigning co-signatories to the Council's Bank accounts and updating as and when required.

Delegated to the Resources Committee

- 1) To receive the Town Clerk's report on the position of the Council's account at least once per cycle;
- 2) To oversee and recommend to Council any changes to the Council's annual budget concerning the Terms of Reference of the Committee;
- 3) To consider and determine applications for grant aid including those within the Legate's Legacy fund and its specific terms of reference;
- 4) To fix charges for services, licences and fees within the purview of the committee taking into account recommendations from Council or other Committees;
- 5) To fix rents for any premises under the control of the committee;
- 6) To negotiate land transactions on behalf of the Council including the content of leases;

- 7) To be responsible for all of the Council's insurance matters;
- 8) To be responsible for the repair and maintenance of all the Council's built assets, fixtures and fittings with the exception of any shelters upon open space/recreational land which falls within the purview of Community Committee;
- 9) To deal with the Council's Human Resources including matters relating to staff such as performance, salaries and pensions, as well as hiring and dismissal and make recommendations to Council as necessary.

Appendix B



Neighbourhood Plan Working Group Terms of Reference Christchurch Town Council

Agreed by Council on:
Minute Reference:
Version: 1.0
Revision(s):
Owned by: Town Clerk

Background

The Christchurch Neighbourhood Plan Working Group was set up with the agreement of Christchurch Town Council to help manage the process for and prepare a Neighbourhood Plan for the parish of Christchurch.

Responsibilities

The Town Council is the 'responsible body' for the preparation of the Neighbourhood Plan, although ultimately the community will decide through the referendum whether the plan should be used.

The Neighbourhood Plan Group's objective is to identify, through community engagement and evidence gathering, local need and priorities which relate to land use planning, and use these to prepare a Neighbourhood Plan for Christchurch Parish, and support the Town Council in its examination and referendum.

The Neighbourhood Plan Working Group will cover the following functions:

- Preparation, monitoring and review of a programme for producing the Neighbourhood Plan;
- Applications for grant funding
- Liaison with officers from BCP Council and other statutory bodies likely to be involved in the Neighbourhood Plan
- Informing and consulting with the local community and other interested bodies, as necessary to progress the Neighbourhood Plan and with the aim of making sure that all members of the community are able to be involved in the process
- Gathering of evidence required to support the emerging policies
- Appointment of professional advisors as necessary to assist with preparation of the Plan
- Preparation of a draft Neighbourhood Plan with any revisions following public consultation.

The Neighbourhood Plan Working Group will make recommendations to the Town Council before progressing at key stages in the process – in particular:

- Agreement of vision and aims of the plan
- Agreement of pre-submission draft for consultation

The plan-making process ultimately remains the responsibility of the Town Council as the qualifying body. As a minimum, the Town Council will be responsible for the consideration of consultation responses on the pre-submission draft, and the submission of the plan to the District Council for examination.

Applications for grant funding may be considered by the Neighbourhood Working Plan Group on behalf of the Town Council, with any funds to be held by the Town Council. The Neighbourhood Plan Group will not incur expenditure that is not covered by confirmed grant funding without prior authority or approved delegation as appropriate from the Town Council or one its committees.

Subject to resources, the Town Council may provide administrative or financial support for the Neighbourhood Plan project.

The Group shall be dissolved once its objectives have been attained and/or when the Town Council consider its services are no longer required.

Membership and Conduct

The Neighbourhood Plan Group will include at least 5 members of the Town Council together with volunteers living or working in the Neighbourhood Plan area.

Members of the Neighbourhood Plan Group should live or work in the neighbourhood plan area, or otherwise clearly show that they have skills or knowledge that would be of use to the process.

The Group should normally consist of at least 5 and up to 12 Members. New members may join the group at any time, having made contact with the Chairman, although the initial maximum is 12, the Working Group can recommend to Full Council an increased maximum be considered.

Members who no longer wish to be actively involved should inform the Neighbourhood Plan Group.

Members who miss 3 consecutive meetings with no reason may be assumed to have left the group.

A list of people on the Group will published and updated as appropriate.

All members of the Group will abide by the principles and practice of the Town Council Code of Conduct and shall sign acceptance of such accordingly. All members of the Neighbourhood Plan Group are expected to

- > support the Neighbourhood Plan process
- > operate in a democratic, transparent and fair fashion
- > treat other Members of the Group with respect and dignity
- > allow opinions and ideas to be put forward by all
- > work constructively with all sectors of the community
- > look positively for solutions to enable development that is needed locally to come forward, whilst protecting those features that are most valued

Anyone approaching a member of the Committee with confidential or commercially sensitive information should be directed to the Secretary or Chairman. Members must respect issues of sensitivity and confidentiality which come to their notice as a result of being a member of the Group.

Members of the Group do not act individually for the Group unless specifically agreed by the Group.

By joining the Neighbourhood Plan Group, any person agrees to abide by these terms of reference. If a member of Neighbourhood Plan Group consistently fails to abide by these terms, the Group may reconsider their membership based upon a majority vote of those present.

Roles within the Neighbourhood Plan Group

The Chair, Vice-Chair and the Secretary will be appointed by the Group. The Group may determine the process for their selection.

Role of the Chair: to preside over meetings of the Group and the setting of the agenda so that its business is carried out efficiently and in line with these terms of reference. To represent the Group when appropriate at public meetings and in response to media requests.

Role of the Vice-Chair: to chair meetings of the Group in the absence of the Chair

Role of the Secretary: to take notes of the Group meetings, record main decisions and action points. To undertake the administration of the Group, with reference to decisions as made.

Town Council representative: regularly report back to the Town Council on progress

Neighbourhood Plan Group meetings

The Neighbourhood Plan Group meetings will normally be held on XXX at XXXX. However, these arrangements may be subject to change dependent on the work programme and availability of sufficient group members.

A quorum for meetings of the Group will exist when one third or more of the members are present at the meeting. In the event of less than one third of the member organisations being present, the meeting may proceed, but no voting decisions will be taken.

Decisions made by the Group should normally be by consensus. All members of the Group are entitled to one vote. Matters put to the vote will be determined by simple majority on a show of hands from those present; in the case of an equal vote the Chair may give a casting vote.

Members of the public or representatives from relevant organisations with an interest in the Neighbourhood Plan may attend to observe the meeting (and can join in debates at the invitation of the Chairman) but are advised to contact the Chairman in advance to check that the meeting is being held and the likely agenda.

These notes of these meetings will be published on the Neighbourhood Plan website.

Declarations of Interest

Neighbourhood Plan Group members should complete a register of interests form on joining the group, which will be held by the Secretary and may be made available to the Group, the Town Council and to the public on request.

At meetings members will be expected to declare any personal or prejudicial interests where decisions or recommendations could result in potential advantage or disadvantage, whether financial or otherwise, to them, their family or close associates. They should not be involved in making any decision regarding that issue.

Reviewing the Terms of Reference

The Town Council will be asked to approve the terms of reference of the Neighbourhood Plan Group and any relevant amendments to them suggested by the Group to ensure that they remain fit for purpose.