

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE HEAD OF PLANNING

Decision Made: 30th May 2013

Designation of Neighbourhood

Issue for Decision

To consider designating the North Loose Residents' Association (NLRA) as a Neighbourhood Forum

Decision Made

The application submitted to Maidstone Borough Council on 12th March 2013 by the North Loose Residents' Association is **approved**

Reasons for Decision

Consultation

Consultation commenced on Monday 18th March 2013 and ended at 5pm on Sunday 28th April 2013. The consultation was advertised as follows:

1. Leaflet distributed to all households in the area at start of consultation
2. Poster advertising the consultation put on display on notice boards in Loose Parish
3. Neighbourhood Plan Area application (including a map) posted on Maidstone Borough Council's website and on the NLRA website
4. News release to local papers
5. Loose parish council members, ward members and adjoining ward members were made aware of the consultation via email

Representations Received During Consultation

11 representations were received during consultation – all of them were made in support of designating the area as a Neighbourhood Area. Two of the representations received supporting the application were made by Elected Members

Considerations

1. Did the application and consultation information include a statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn?

YES – such a statement was included as part of the consultation material

2. Did the neighbourhood forum application include:
- a. The name of the proposed neighbourhood forum
 - b. A copy of the written constitution of the proposed neighbourhood forum
 - c. The name of the neighbourhood area to which the application relates and a map which identifies the area
 - d. The contact details of at least one member of the proposed neighbourhood forum
 - e. A statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act

Yes to ALL. See the related attachments below

Conclusion

The North Loose Residents Association has already been designated as a Neighbourhood Area and is considered a relevant body¹ under the Localism Act 2011.

The Association was established in 2003 and represents over 1,000 members. The area the NLRA covers is the whole of the non-parished sections of South Ward and does not overlap any other adjoining parish. It includes over 2,000 houses, 45 business premises, a school, leisure centre, bowls club, hockey club, allotments and services such as doctors, dentist and care home.

Several representations were received in favour of the Association being designated as a neighbourhood forum and the application has met the criteria outlined in Part 3, S.8 of the Neighbourhood Planning Regulations 2012. The plan area is considered acceptable in planning terms and the NLRA has followed due process in line with the Neighbourhood Planning (General) Regulations, Part 2, S. 5(1).

Alternatives considered and why rejected

The decision to designate NLRA as a neighbourhood forum has been made for the reasons stated above. The alternative is to reject the application but the council is satisfied that due process has been followed and no representations were made during the consultation to the contrary.

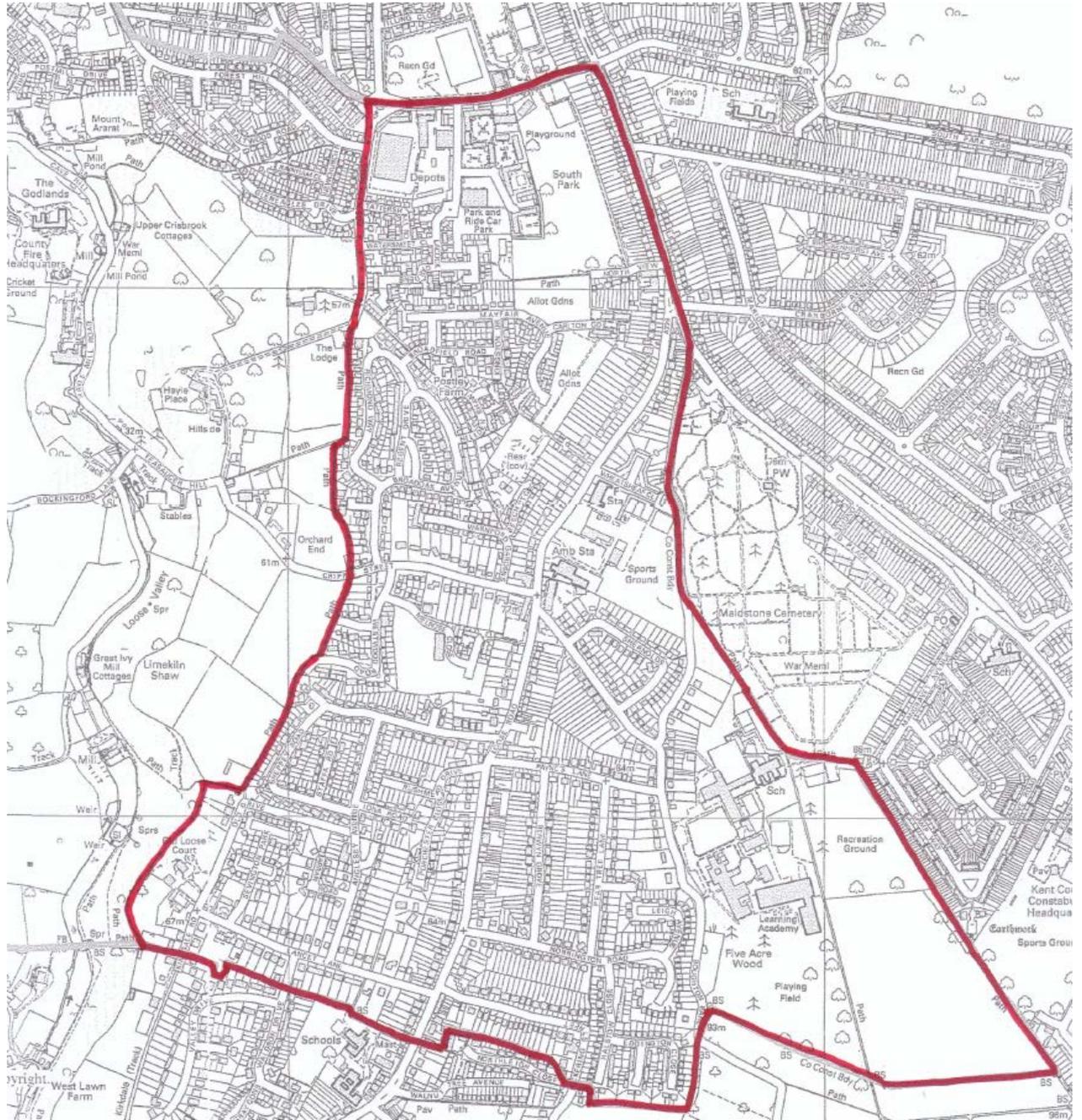
Background Papers

None

R. L. Jarman

¹ For the definition of "relevant body" see section 61F (5) of the 1990 Act (inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c.20).

Signature: _____
Rob Jarman, Head of Planning





North Loose Residents' Association

A strong clear voice

CONSTITUTION

Updated March 2013

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1. NAME

The Association shall be called the North Loose Residents Association (NLRA).

North Loose is defined as all the non-parish area of South Ward of Maidstone as outlined on the attached map.

2. OBJECTIVE

The Association shall be a non-political, non-sectarian and democratic organisation formed to represent the residents of North Loose.

- It shall have the objectives of promoting the quality of life of the residents, the environment and the amenities in North Loose.
- It shall actively promote the views of the members of the Association and a sense of Community within the area.

It will work and co-operate with local organisations to achieve these ends.

3. MEMBERSHIP

3.1 Membership shall be open to any resident of North Loose on payment of the annual subscription due on 1st April each year. The membership year runs from 1 April to 31 March.

3.2 Any person wishing to become a member of the Association shall apply for membership by completing and forwarding the membership application form to the Membership Secretary.

3.3 Any member wishing to object to an application for membership should notify the Secretary in writing.

3.4 In declining an application the Committee may give a reason but shall not be obliged to do so.

3.5 A member shall cease to be a member of the Association immediately if expelled from the Association under the provisions of clause 12, or if his resignation in writing is delivered to the Secretary.

3.6 A member whose subscription has not been paid shall cease to be a member on the expiration of the period of two months from the date on which the subscription was due for payment.

3.7 A former member of the Association who wishes to rejoin as a member may do so without the necessity for a further formal application for membership, unless the Committee decides otherwise.

3.8 Any new member who joins on or after 1st January should automatically have that membership carried forward for the whole of the following membership year. This should apply to new members only, not existing ones who renew late.

3.9 At the Committee's discretion, the Association will accept members who do not live in the area but have demonstrated interest and support for the Association. These members will be called 'Associate Members' and will not have any voting rights. The Association will not be obliged to become involved in matters outside our geographical boundary.

4. OFFICERS

4.1 The Officers of the Association shall be the Chair, Vice Chair, Secretary and Treasurer.

4.2 No member of the Association shall simultaneously hold the office of more than one Officer of the Association.

4.3 Each of the Officers of the Association shall be elected at the Annual General Meeting of the Association, and shall retire annually at the ensuing Annual General Meeting, but shall be eligible for re-election.

4.4 In the event of a vacancy arising during the year in the office of any Officer of the Association, the Committee shall choose one of their number to fill such vacancy until the ensuing Annual General Meeting.

4.5 The Secretary will maintain minutes of all meetings and these will be signed by the Chairman to confirm their accuracy and completeness. The Treasurer will maintain proper books of account for the Association.

5. COMMITTEE

5.1 The Committee of the Association shall consist of the Officers of the Association, together with five other members of the Association, who shall be elected at the Annual General Meeting of the Association, and shall retire annually at the ensuing Annual General Meeting, but shall be eligible for re-election.

5.2 The Committee may from time to time co-opt further members of the Association to serve on the Committee until the ensuing Annual General Meeting, whether to fill a vacancy arising, or as an additional member, except that the total number of members of the Committee (including Officers) shall at no time exceed eleven. Co-opted members shall be entitled to participate fully in the proceedings of the Committee.

5.3 The Committee shall meet at least 4 times each year to transact the ordinary business of the Association and any member of the Association may attend these meetings as an observer.

5.4 A quorum at meetings of the Committee shall be four members of the Committee, including at least one of Officer.

5.5 The Committee may from time to time appoint sub-committees to undertake on its behalf such aspects of the Association as it shall think fit, and members of such sub-committees may include members of the Association who are not members of the Committee.

5.6 Proceedings of the Committee and of any sub-committees shall be regulated in such manner as the Committee may from time to time decide.

5.7 Any Officer or Committee member must refer to the other Officers or other Committee members prior to addressing any issue personally, which may necessitate them using their official NLRA title in such matters. This is to ensure that any comments or actions they may take is not seen as the opinion of the NLRA Committee / Members where such statement or action has not been agreed by the Committee.

5.8 Any breach of clause 5.7, where reference to the Officers or Committee has not been

agreed prior to any comment or action being undertaken by the individual, will be deemed non-compliance of this clause and will be auctioned under section 12 of the articles, where the member could be expelled from the Association, subject to appeal.

5.9 The Committee shall make a report to each Annual General Meeting of the Association concerning the affairs of the Association since the previous Annual General Meeting.

6. MANAGEMENT

6.1 The affairs of the Association shall be managed by the Committee and the Committee shall have power to determine any issue arising in connection with the affairs of the Association which is not specifically provided for in the Articles.

6.2 The Committee may from time to time formulate and publish such rules as it thinks expedient for the efficient and harmonious running of the Association (but in the case of any conflict between such rules and this Constitution, the Constitution shall prevail).

6.3 Any issue of policy determined by the Committee or any rules published by the Committee may be varied by a resolution of members at a General Meeting of the Association, provided that such resolution is not in conflict with this Constitution and is not retrospective in application.

6.4 In the event of such variation being made, the policy or rules (as the case may be) shall not be further varied by the Committee in a manner inconsistent with the resolution.

6.5 The Committee shall have the authority to purchase property or land which will enable it to protect or enhance the quality of life for the residents of North Loose.

6.6 The Committee shall take out insurance policies in relation to public liability, any assets and other insurances which they believe appropriate.

7. GENERAL MEETINGS

7.1 An Annual General Meeting of the Association shall be held in each year in March for the purpose of receiving reports from the Executive Committee, to receive the audited accounts of the Association, to elect an auditor and to elect the Executive Committee members for the following year.

7.2 A Special General Meeting of the Association shall be convened by the Committee if a request for such a meeting signed by at least ten members of the Association is delivered to the Secretary, stating the reason for the meeting, and such meeting shall take place within one month of the receipt of such request.

7.3 A Special General Meeting of the Association may be convened by the Committee on its own initiative at any time.

7.4 The Chairman, if present, shall chair all General Meetings of the Association, and in their absence some other member of the Committee shall chair the meeting.

7.5 Notice of all General Meetings of the Association shall be given to all members of the Association no later than four weeks prior to the date fixed for the meeting.

7.6 Any member may propose a motion to be discussed at a General Meeting provided that written notice of the proposed motion is delivered to the Secretary no later than two weeks prior to the date fixed for the meeting.

7.7 The chairman of the meeting may permit discussion of other business at a General Meeting if he thinks fit.

7.8 A quorum at General Meetings of the Association shall be twenty members present in

person.

7.9 If fifteen minutes after the time fixed for a General Meeting of the Association no quorum shall be present, the meeting shall be adjourned to a new date and in the case of a General Meeting which has been adjourned due to the lack of a quorum (but not of a meeting adjourned for any other reason) such number of members as are actually present at the adjourned meeting shall constitute a quorum.

7.10 Each member has the right to attend and vote at the Annual General Meeting.

7.11 Voting at General Meetings of the Association shall be by show of hands, and in the event of parity of voting the chairman of the meeting shall have a second or casting vote.

8. NOMINATIONS

8.1 Nominations for the posts of Officers or Committee members shall be in writing, and shall be signed by a proposer and a seconder, both of whom shall be members of the Association, and also by the person nominated.

8.2 Nominations must reach the Secretary no later than one week prior to the date fixed for the Annual General Meeting.

9. SUBSCRIPTIONS AND FEES

9.1 Each member of the Association shall pay an annual subscription, the basic amount of which for the time being shall be decided at the Annual General Meeting of the Association. Subscriptions shall be due for payment by the end of April in each year in respect of the year to the following 12 months.

9.2 The Annual General Meeting may authorise the Committee to increase the basic amounts of subscriptions prior to the ensuing Annual General Meeting.

9.3 The Committee may determine from time to time the amount of fees to be charged for any event where it is of the opinion of the committee that fees ought to be charged.

10. ACCOUNTS

10.1 The Committee shall arrange for accounts to be prepared in respect of the financial affairs of the Association for each year ending on 31 December.

10.2 The accounts for each year shall be presented to the Annual General Meeting of the Association for approval.

11. GUESTS

11.1 Any member may invite a guest to attend the Association's functions at any time, but in the event of the facilities being inadequate to accommodate all those who wish to attend, priority shall be given to members.

11.2 The Committee may from time to time place a limit on the number of occasions on which a non-member may attend the Association's functions without being required to apply for membership.

11.3 If such a limit is for the time being in force, a non-member who has applied for membership shall be permitted to attend the Association's functions until his application for membership has been considered by the Committee, even if the limit imposed by the Committee is thereby exceeded.

12. CONDUCT

12.1 In the event of a complaint being made to the Committee about the conduct of a member of the Association the Committee may investigate the complaint.

12.2 On investigating such a complaint the Committee shall give the member about whose conduct the complaint has been made an opportunity to be heard.

12.3 If on investigating such a complaint the Committee is of the opinion that the member has behaved in an unacceptable manner or in such a manner as to cause injury to the interests of the Association, then the Committee may expel the member from the Association.

12.4 An appeal shall be made to a General Meeting of the Association against any decision to expel a member of the Association following the investigation of a complaint about his conduct.

12.5 Notice of such an appeal must be in writing, and delivered to the Secretary within two weeks of the notification to the member of the decision of the Committee.

12.6 In the event of an appeal being made against it, the decision of the Committee shall not be put into effect until the appeal has been determined.

12.7 On the appeal being heard by a General Meeting of the Association, the General Meeting shall have power to overrule the conclusion of the Committee, or to uphold it.

13. ALTERATIONS TO THE CONSTITUTION

13.1 No alterations shall be made to these articles except at a General Meeting of the Association.

13.2 In order for a resolution to alter these articles at least two-thirds of the votes cast on the resolution must be in favour.

14. WINDING-UP

14.1 In order for a resolution that the Association shall be wound up to have effect, at least two-thirds of the votes cast on the resolution must be in favour, and in addition the number of votes cast in favour of the resolution must exceed one-half of the number of members of the Association entitled to attend and vote at the General Meeting at which the resolution is put.

14.2 If a resolution that the Association shall be wound up is passed, the Committee shall be responsible for winding up the affairs of the Association, and unless the winding up has been initiated with a view to amalgamating the Association with some other Association (in which case any surplus assets and funds may be transferred to such other Association), any surplus assets and funds shall be transferred to such of the organisations mentioned in clause 14.3 as may be specified in the resolution initiating the winding up, and if no such organisation is so specified, to such of those organisations as the Committee may think fit.

14.3 The organisations referred to in clause 14.2 are

Any local Registered or recognised charitable body

March 2013

**Statement showing compliance with S.61F of the Localism Act
2011**



North Loose Residents' Association

A strong clear voice

Application for designation of a Neighbourhood Forum

The name of the Neighbourhood Forum is:
North Loose Residents Association Neighbourhood Forum.

The written Constitution of the proposed Neighbourhood Forum (Regulation 8b) is attached below.

The name of the proposed Neighbourhood Area to which this application relates is 'North Loose Residents Association Neighbourhood Plan Area' and the map which identifies the area is also attached below.

Contact details of members of the proposed Neighbourhood Form are:

Sean Carter – Chairman of Planning
46 Broadoak Avenue, Maidstone, Kent ME15 6DH
phone: 01622 672667
email: neighbourhoodplanning@northloose.co.uk

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 has the express purpose of promoting or improving the social, economic and environmental well being of the proposed Neighbourhood Area.

(b) Membership is open to:

- individuals who live in the proposed neighbourhood area;
- individuals who work there (whether for businesses carried on there or otherwise)

(c) Membership includes a minimum of 21 individuals each of whom lives or works in the neighbourhood area concerned.

North Loose Residents Association
12 March 2013