

CREATE streets

Demonstration of Community Organisation:

1. This Statement outlines how the applicant, the Mount Pleasant Neighbourhood Forum, is a community organisation as per:
 - 1.1. [Paragraph 3 of Schedule 4C to the Town and Country Planning Act 1990 \(as amended\)](#)
 - 1.2. [Regulation 13 of the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#).
 - 1.3. It references the [Mount Pleasant Neighbourhood Forum Constitution](#)

2. [Paragraph 3 of Schedule 4C to the Town and Country Planning Act 1990 \(as amended\)](#) states:

"Meaning of "community organisation"

3(1)For the purposes of this Schedule a "community organisation" is a body corporate—

(a)which is established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area, and

(b)which meets such other conditions in relation to its establishment or constitution as may be prescribed. "

3. [Regulation 13 of the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#) states that:

"Prescribed conditions for community right to build organisations"

13.—(1) *For the purposes of paragraph 3(1)(b) of Schedule 4C to the 1990 Act, the following additional conditions are prescribed for any community organisation which is not a parish council—*

(a)individuals who live or work in the particular area for which the community organisation is established ("the particular area") must be entitled to become voting members of the community organisation (whether or not others can also become voting members); and

(b)the constitution of the community organisation must—

 - (i)provide that taken together the individuals who live in the particular area—*
 - (aa)hold the majority of the voting rights; and*
 - (bb)have the majority on the board of directors or governing body, of the community organisation;*
 - (ii)include a statement—*
 - (aa)that the community organisation will carry on its activities for the benefit of the community in the particular area or a section of it; and*
 - (bb)indicating how it is proposed the community organisation's activities will benefit the community in the particular area (or a section of it);*
 - (iii)provide that any assets of the community organisation may not be disposed of, improved or developed except in a manner which the community organisation consider benefits the community in the particular area or a section of it; and*
 - (iv)provide that any profits from its activities may only be used to benefit the community in the particular area or a section of it (the payment of profits directly to*

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members or directors is not to be considered a benefit to the community in the particular area or a section of it);

(v) provide that in the event of the winding up of the community organisation or in any other circumstances where the community organisation ceases to exist, its assets must be transferred to another body corporate which has similar objectives; and

(vi) provide that the organisation has at least 10 members, living in different dwellings to each other, who live in the particular area.

4. [Planning Practice Guidance](#) states that this means:

4.1. "the community organisation must be a body corporate and meet minimum membership requirements.

4.2. Its constitution must allow people who live or work in the neighbourhood area to become voting members.

4.3. Those who live in the area must have the majority of voting rights.

4.4. The constitution must also ensure that the community organisation's assets can only be disposed of, improved, or developed for the benefit of the community."

5. In each of the above requirements in [Paragraph 3 of Schedule 4C to the Town and Country Planning Act 1990 \(as amended\)](#) and [Regulation 13 of the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#), this is the case for the applicant, as outlined in the [constitution](#), and below:

Requirement	How the Mount Pleasant Neighbourhood Forum Constitution meets this requirement
Within Paragraph 3 of Schedule 4C to the Town and Country Planning Act 1990 (as amended):	
<p>3(1) For the purposes of this Schedule a "community organisation" is a body corporate—</p> <p>(a) which is established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area, and</p> <p>(b) which meets such other conditions in relation to its establishment or constitution as may be prescribed</p>	<p>The Constitution States:</p> <p>"The Forum is established for the express purpose of promoting and/ or improving the social, economic and environmental well-being of individuals living and working in the area including promoting the carrying on of trades, professions or other businesses, primarily through the development and implementation of a Neighbourhood Plan and such other purposes as the Forum may from time to time decide." (2.1)</p>

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<p>Within Regulation 13 of the Neighbourhood Planning (General) Regulations 2012:</p>	
<p><i>(a) individuals who live or work in the particular area for which the community organisation is established ("the particular area") must be entitled to become voting members of the community organisation (whether or not others can also become voting members);</i></p>	<p>The constitution allows people who live or work in the neighbourhood area to become voting members: "Membership of the Forum shall be open to any individual who lives or works or is a Ward Councillor within the area defined in Article 1.2." (4.2)</p>
<p><i>(b) the constitution of the community organisation must—</i></p> <p><i>(i) provide that taken together the individuals who live in the particular area—</i></p> <p><i>(aa) hold the majority of the voting rights; and</i></p> <p><i>(bb) have the majority on the board of directors or governing body, of the community organisation;</i></p>	<p>Those who live in the area have the majority of voting rights:</p> <p><i>"For a decision of the Forum to be valid, it requires majority support amongst all Members who are present and voting at a General Meeting, and also requires majority support amongst all Members who are residents on the Forum who are present and voting at the meeting."</i> (4.1)</p> <p>Furthermore, whilst "anyone aged 16 or over and not resident in the area but with an interest in it" can be invited to become an Associate Member (4.6) only full members of the Forum are entitled to vote (4.8).</p> <p>Those who live in the area have the majority on the Management Committee: <i>"The Management Committee is elected by members at the Forum's Annual General Meeting and consists of at least 7 members including Chair, Secretary and Treasurer. The procedure used to elect the committee should favour broad representation from different communities in the area. More than 50% of the committee shall be residents."</i> (7.2)</p>
<p><i>(ii) include a statement—</i></p> <p><i>(aa) that the community organisation will carry on its activities for the benefit of the community in the particular area or a section of it; and</i></p> <p><i>(bb) indicating how it is proposed the community organisation's activities will benefit the community in the particular area (or a section of it);</i></p>	<p>The constitution states:</p> <p><i>"The Forum is established for the express purpose of promoting and/or improving the social, economic and environmental well-being of individuals living and working in the area including promoting the carrying on of trades, professions or other businesses, primarily through the development and implementation of a Neighbourhood Plan and such</i></p>

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	<p><i>other purposes as the Forum may from time to time decide.</i></p> <p><i>2.2 Promote sustainable development in the neighbourhood area (sustainable development means 'development which meets the needs of the present without compromising the ability of future generations to meet their own needs').</i></p> <p><i>2.3 Enable residents, landowners, occupiers and workers to discuss local issues and to help representation of their views in decisions affecting the area</i></p> <p><i>2.4 Help to create, maintain and foster good relations between all the stakeholders which share the area.</i></p> <p><i>2.5 Help to preserve and enhance the integrity of the conservation area.</i></p> <p><i>2.6 Do anything else which is lawful for the attainment of the ends above including raising funds" (Section 2)</i></p>
<p><i>(iii)provide that any assets of the community organisation may not be disposed of, improved or developed except in a manner which the community organisation consider benefits the community in the particular area or a section of it;</i></p>	<p><i>The constitution states:</i></p> <p><i>"All income to the Forum is used to further the Aims and Objectives of the Forum given in this Constitution and for no other purposes." (12.1)</i></p> <p><i>"If the Forum votes to disband, any assets held in the name of the Forum after the payment of all debts and liabilities will be applied towards charitable purposes for the benefit of residents in the area." (13.2)</i></p>
<p><i>(iv)provide that any profits from its activities may only be used to benefit the community in the particular area or a section of it (the payment of profits directly to members or directors is not to be considered a benefit to the community in the particular area or a section of it);</i></p>	<p><i>The constitution states:</i></p> <p><i>"All income to the Forum is used to further the Aims and Objectives of the Forum given in this Constitution and for no other purposes." (12.1)</i></p> <p><i>"If the Forum votes to disband, any assets held in the name of the Forum after the payment of all debts and liabilities will be applied towards charitable purposes for the benefit of residents in the area." (13.2)</i></p>
<p><i>(v)provide that in the event of the winding up of the community organisation or in any other circumstances where the community organisation ceases to exist, its assets</i></p>	<p><i>The constitution states:</i></p> <p><i>"If the Forum votes to disband, any assets held in the name of the Forum after the payment of all debts and liabilities will be applied towards</i></p>

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<i>must be transferred to another body corporate which has similar objectives; and</i>	<i>charitable purposes for the benefit of residents in the area.” (13.2)</i>
<i>(vi) provide that the organisation has at least 10 members, living in different dwellings to each other, who live in the particular area.</i>	The constitution states “The Forum must have a minimum of 21 members at all times.” (3.1) Whilst ‘anyone aged 16 or over and not resident in the area but with an interest in it’ can be invited to become an Associate Member (4.6) only full members of the Forum are entitled to vote (4.8).

6. This document and the evidence contained herein demonstrates that the Mount Pleasant Neighbourhood Forum meets all of the requirements and conditions of a Community Organisation, and therefore is a Community Organisation.