

THE FUTURE ROLE OF THE NEIGHBOURHOOD DEVELOPMENT FORUM

West Hampstead Neighbourhood Forum
Workshop Debrief by Angela Koch, ImaginePlaces
22 December 2015



I'M A
NEIGHBOURHOOD
PLANNER

**NPLANNING GROUPS
COUNCILS
ARCHITECTS | PLANNERS
LOCALITY
PRINCE'S FOUNDATION
RTPI PLANNING AID ENGLAND
UCL & POLITECNICO DI MILANO
KENTISH TOWNER**

My answers only...

**Why
co-designing
with many
local people
makes sense**

• • •





Invites all local residents to a Neighbourhood Planning Workshop

On Monday 7th December from 6.30pm to 8.30pm

Light Refreshments provided



FUTURE ROLE OF THE NDF

This workshop will focus on the future role of the NDF, following the successful referendum and formal adoption of the Neighbourhood Plan.

We will include outcomes and analysis of the recent survey of our members, and encourage ideas from the community to be discussed.

Suggestions from the workshop will be taken forward to our AGM in January 2016.

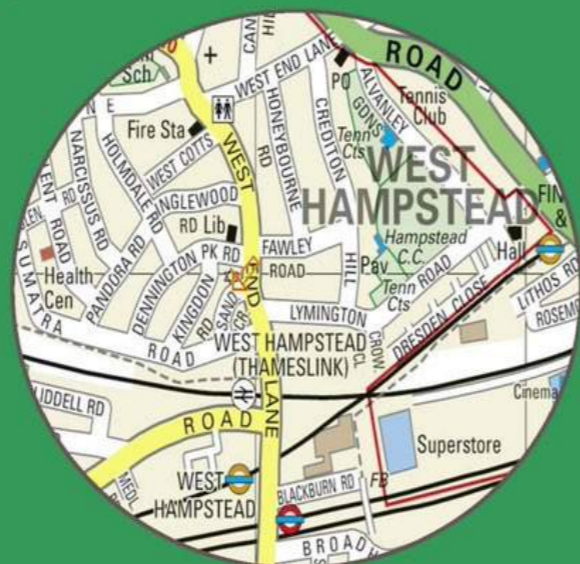
Facilitator:

Angela Koch

ImaginePlaces / Neighbourhood planning expert

Venue:

**Synagogue Hall,
Dennington Park Road,
London NW6 1AX**



Agenda

- 6.35 Welcome and Purpose of the meeting
- 6.40 Introductions
- 6.55 Survey results + reflections
- 7.05 Your constitution |
Your Plan |
Your Aims & activities for the future|

'Pre-application engagement: Sites' / 'Growth Area development/planning: Review of and recommendations on key planning application'/' CIL Project Delivery'/' Planning and Designing for better Transport, Open Spaces and Public Realm', ' NPlan monitoring' , 'Plan up-dating'/' Local Campaigning ' / 'Providing services to other NForums'

- 7.50 Organisational set-up Options, Capacity and Finance
Constituted Forum? Limited Company? Social Enterprise? Charity/Trust? Parish Council? Membership fees? Could you consider asking developers to pay for your team's advise and services?/ Local staff?
- 8.15 Conclusions and recommendations to be considered at AGM
- 8.30 Close

Thank you for participating....

JAMES EARL (CHAIR), NICK JACKSON, VALERIE JOLLIFFE, LINDA SLUYS, JOE BLACK, IAN FERRIE, CARLTON JOHNSON, STELLA TYSALL, HAZEL FINN, INES FERREIRA, P NICHOLSON, JANET CRAWFORD, MARY MURPHY, GUY SHACKLE, KEITH MOFFITT, WILL PHILIPS, EUGENE FIELD, HELENA PAUL, JOAN MOFFATT, SUE MEASURES, CLLR PHIL ROSENBERG, JILL HOOD, MARGARET MURPHY, MILA TANYA GRIEBEL & BRIGID SHAUGHNESSY.



20 min

Survey Results

45

Agenda

Your Constitution
Your Plan
Your Aims +
Activities for the
Future

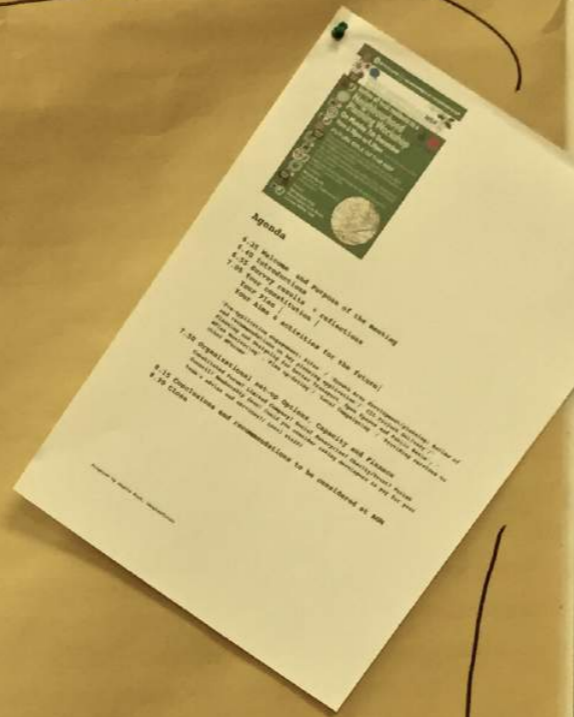
25 min

Organisational
Set-up Options

- Constituted Forum
- Limited Company | Social Enterprise
- Charity | Trust | Community School Camp
- Parish Council
- Dissolve

15

Conclusions and
Recommendations
for AGM



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Survey results + reflections |

James Earl went through the results of the survey on the future of the NDF (as previously circulated). 72 responses.

James Earl states that the overall message is that people want the NDF to continue its work and, broadly, to continue with the existing structure of the group. It's worth noting that a number of people in the room have also taken part in the survey.

LINK TO FULL SURVEY:

<https://www.surveymonkey.com/results/SM-365V9ZJC/Send>

20 min

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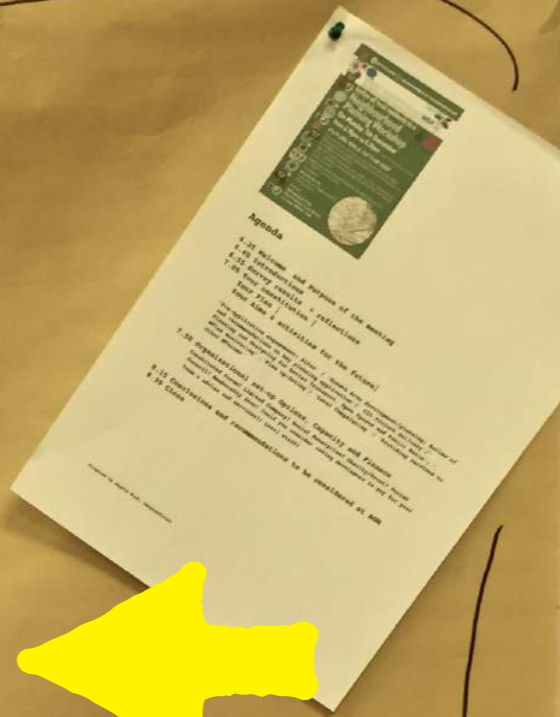
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Your constitution |
Your Plan |

...NDF: UP TO YEAR 2018 AND RENEWAL POSSIBLE!

FORTUNE GREEN & WEST HAMPSTEAD NEIGHBOURHOOD DEVELOPMENT FORUM

CONSTITUTION

1. Background

The Forum has been established to draw up and maintain a Neighbourhood Development Plan for Fortune Green and West Hampstead, using the powers in the Localism Act 2011.

2. Area covered by the Forum

The Area covered by the Forum is the two council wards of Fortune Green and West Hampstead. Future general meetings of the Forum may, by majority vote, alter the boundaries of the area.

3. Aims & purposes of the Forum

The Forum shall:

- Draw up a Plan for the future development of the area.
- Seek to protect existing buildings/areas of note and worth.
- Aim to preserve the 'village feel' of the area and support local businesses.
- Consider and recommend improvements for the street environment in the area.
- Seek to protect and improve community resources and facilities such as libraries, community centres and public facilities.
- Consider how to protect green spaces and bring environmental benefits to the area.
- Involve as many residents, local workers and local businesses in the process as possible.
- Attract wide support for the plan across the area, taking in a range of views.
- Campaign to have the Plan adopted by relevant bodies and by referendum.
- Work to maintain and update the Plan as necessary.

The Forum shall aim to be as inclusive as possible and shall not discriminate on the grounds of sex, race, disability, sexuality, age, or on the basis of political, religious or other opinions.

The Forum will be open to local councillors and other politicians who represent the area, but shall not be a party political body.

4. Membership

- i. Membership will be open to anyone who lives or works or has a business in the area defined in Article 2. Associate membership may be given to any interested local resident living or working outside the area.
- ii. Individuals will become members of the Forum once they have given their contact details (including where possible an email address) to the Secretary or other officer.
- iii. An up to date record of the membership shall be kept by the Secretary.
- iv. Members may resign from the Forum at any time in writing to the Secretary or verbally at a meeting.
- v. Future general meetings of the Forum may decide, by a majority vote, to impose a membership fee to assist the funding of the Forum's activities. Members may also be asked to make donations to fund the Forum's day to day running costs.
- vi. There shall be no group membership of the Forum. However, residents' associations and other local groups shall be encouraged to support and assist the work of the Forum.

5. Officers

- i. Members of the Forum shall elect by simple majority officers to carry out the business of the Forum. In order to stand for election as an officer, a candidate will need to be a member of the Forum. He/she will also need to be proposed and seconded by two other members of the Forum. Associate members of the Forum shall not be eligible for election.
- ii. The officers of the Forum shall be:
 - A Chairman/woman - who shall chair the meetings.
 - A Vice-chairman/woman – who shall provide support and assistance to the Chair.
 - A Secretary - who shall be responsible for the taking of minutes; keeping a record of members; and distribution of paperwork and emails.
 - A Treasurer - who shall be responsible for the Forum's bank accounts.
 - A Communications officer – who shall be responsible for paper/electronic circulars and a website.
- iii. Any vacancies for these posts shall be filled by an election at a subsequent general meeting, provided at least 14 days notice is given of the meeting and the election.
- iv. Any officer who does not attend a meeting without apology for six months will be deemed to have resigned.

6. General Meetings

- i. The Forum will hold general meetings open to all members.
- ii. The Secretary shall ensure that notice of the date of all general meetings is given to all members (by email where possible) not less than 7 days before the meeting.
- iii. The minutes of all general meetings shall be available (by email where possible) to all members and associate members, as well as those who have attended recent meetings. Minutes of each meeting shall be approved by the following meeting.
- iv. The quorum for all general meetings shall be 9 members.
- v. In the event of a general meeting failing to achieve a quorum, business may be discussed and proposals put to the next meeting for ratification. In the event of two consecutive ordinary meetings being inquorate, the second meeting may call a Special General Meeting. Such a Special General Meeting will be deemed to be quorate.
- vi. A general meeting may decide, by majority vote, to establish a steering committee to lead the day-to-day running of the Forum. A general meeting may also, by majority vote, decide to establish sub-committees and working groups to work on specific areas to be covered by the Plan. All committees and working groups shall report on their work to general meetings.

7. Special General Meetings

- i. The Chair, the Vice-Chair or the Secretary may at any time call a Special General Meeting of the Forum, either for the purpose of altering the Constitution, or for considering any matters which the officers may decide should be specially referred to members.
- ii. A Special General Meeting may also be called at the written request to the Secretary of not less than 5 members, who must give reasons for their request. Any matters notified to

the Secretary 14 days before the Special General Meeting shall be discussed at the meeting.

- iii. The Secretary shall give at least 14 days' notice to members of a Special General Meeting called in the circumstances set out in Article 6(v) above.

8. Voting

- i. Voting at all meetings shall be by a show of hands of members, unless otherwise resolved. Each member present shall have one vote. Votes are not transferable. Associate members shall not have a vote, unless otherwise resolved.
- ii. A simple majority of votes shall prevail, except where otherwise provided in these rules. In the event of a tied vote, the Chairman/woman shall have a second or casting vote.
- iii. Any member or associate member with a conflict of interest on an issue being discussed at a meeting shall declare it. A conflict of interest is any situation in which a member or associate member's personal interests, or duties which they owe to another body, and those of the Forum arise simultaneously or appear to clash.

9. Financial Records & Funding

- i. The Treasurer shall open a bank account in the name of the Forum. The account shall have at least two signatories.
- ii. The Treasurer shall keep proper financial records and produce annual accounts, which will be presented at appropriate meetings.
- iii. The Forum shall seek to raise money from individuals and local groups. This shall pay for the running costs of the Forum, such as administration, printing and room hire.
- iv. Where appropriate, the Forum may apply for grants and donations from public authorities, charities and other organisations.
- v. The Forum may also seek funds and sponsorship from local businesses. However, in order to avoid any conflict of interest, all payments from businesses of more than £100 will need to be approved by a majority vote at a general meeting of the Forum.
- vi. All money raised by the Forum shall be spent for the purposes laid out in the Aims of the Forum (Article 3).

10. Changes to the Constitution

- i. The Constitution may be altered at a Special General Meeting.
- ii. Any proposed changes must be given to the Secretary at least 21 days before the meeting. Any proposed changes must be circulated to all members at least 14 days before a Special General Meeting where they will be discussed. Any proposed changes must be circulated on paper to all members present at the meeting where they are being discussed.
- iii. Changes to the Constitution must be agreed by at least two-thirds of members present.

11. Dissolution

- i. If a meeting by simple majority decides that it is necessary or appropriate to close down the Forum, a Special General Meeting shall be called by the Secretary to consider whether or not to do so.
- ii. The Forum may only be dissolved at a Special General Meeting called for that purpose. All members must be notified of such a meeting at least 21 days before it takes place.
- iii. Upon dissolution, funds and possessions held by the Forum will be disposed of according to (a) the wishes of the meeting and (b) in far as not disposed of under (a), for any of the aims and purposes set out in Article 3.

(This Constitution was adopted as the Constitution of the Fortune Green & West Hampstead Neighbourhood Development Forum at a meeting held on 26 March 2012).

Facts:

Forum as is:

- can employ people
- and will be able to comment on planning applications (emerging Housing and Neighbourhood Planning Bill)

Recommendations:

- Worth checking current insurance and liabilities cover
- Perhaps a incorporation worth considering

FORTUNE GREEN & WEST HAMPSTEAD NEIGHBOURHOOD PLAN

Adopted by Camden Council September 2015



1 x Vision

6 X Objectives

Policies 1 to 19

Recommendations A to L

Delivery Plan with Actions

> the latter does not mention the Forum

Recommendations:

- Realise that your policies need to be well understood by investors and Camden Council's Development Control and Planning Committee members to be effective
- More on-line engagement on incoming Planning Application (getting more people involved)
- More collaborative Planning and Design workshops right at the start of the process (Design Charrettes, Enquiry by Design and similar)

DISCUSSION AND PRIORITISING

Your Aims & activities for the future |

- 'Pre-application engagement: Sites'
- 'Growth Area development/planning:
Review of and recommendations on key planning application'
- 'CIL Project Delivery'
- 'Planning and Designing for better Transport,
Open Spaces and Public Realm'
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20 min

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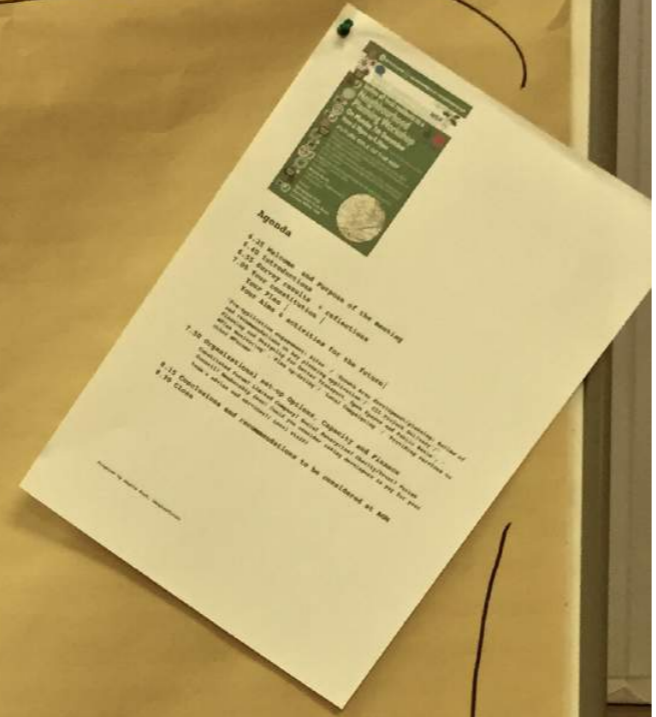
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Conclusions and
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Organisational set-up options,
Capacity and Finance |

Can be combined ...

Companies Limited by Guarantee

Community Interest Company

Constituted Organisation

+ MoU with LA such as Look! St Albans

Neighbourhood Dev. Forum

Community Council

Community Dev. Trust

Community Land Trust

Charity

Business Improvement
District

POLICY MAKING

**POLICY INTERPRETATION
POLICY DETAIL**

POLICY IMPLEMENTATION

PROJECT & POLICY DELIVERY

DEVELOPMENT TRUSTS

<http://www.dtascot.org.uk/content/what-is-a-development-trust>

<http://www.communitylandtrusts.org.uk>

Development trusts are about active citizens coming together to address local issues creatively using self-help, trading for social purpose and ownership of buildings and land to bring about long-term social, economic and environmental benefits in their community.

Development trusts:

- Operate in both rural and urban areas, often in neighbourhoods which have experienced the worst economic decline.
- Are independent, but work with the public sector, private businesses and with other community groups.
- Are community 'anchor' organisations, delivering services and facilities, finding solutions to local problems and helping other organisations and initiatives succeed.
- Create wealth in communities - and keep it there.

How to set up a Community Trust:

Development Trusts are organisations which operate in the [United Kingdom](#) that are:

- community based, owned and led
- engaged in the economic, environmental and social regeneration of a defined area or community
- independent but seek to work in partnership with other private, voluntary and public sector organisations
- self-sufficient or aiming for self-sufficiency, and not for private profit.

There is no set form of legal structure, and a development trust may be registered as a [company limited by guarantee](#), a [community interest company](#) or an [industrial and provident society](#). Many register as charities.

The activities undertaken by development trusts are various and include:

- running the local shop and [post office](#)
- developing [play park](#) and recreational facilities
- managing a [housing development](#)
- developing [renewable energy](#) projects such as [wind farms](#)
- setting up training programmes.

They are informed by a belief that community regeneration which is achieved through community owned enterprise is the way to build strong and sustainable communities.



COMMUNITY (DEVELOPMENT) TRUST



EXETER

ST JAMES FORUM

for a balanced and vibrant neighbourhood

EXETER ST JAMES

COMMUNITY TRUST LTD

a shared interest

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Why a TRUST and shares scheme has been set up

The Trust has been set up to enable the projects identified in the Exeter St James Neighbourhood Plan to be turned from ideas into reality. The initial member/shareholder investment sets up the Trust.

You'll help to create a lasting legacy for future generations

By supporting the Trust you are helping St James to help itself to be a better place to live and work. Once established the Trust will be able to raise significant funds to achieve its objectives and aspirations.

Buying & owning shares

To become a member you need to make a one-off minimum purchase of 5 £1 ordinary shares - each shareholder gets a vote at Trust meetings whether s/he had invested £5 or £500 – but you are welcome to make investment of sums larger than £5. This money will be used to provide the initial working capital for the Trust. Please complete the application form and send it with your cheque or cash to our registered office 15 Powderham Crescent Exeter EX4 6DA. You will receive a share certificate

The Background

Exeter St James Community Trust is a spin-off from the successful Exeter St James Forum. A 91.6% Yes vote in the May 2013 referendum endorsed the St James Neighbourhood Plan created by the Forum – the first ever urban Neighbourhood Plan adopted by its local authority in the country.

The extensive local research and consultation which was undertaken in order to write the Neighbourhood Plan identified projects which the community would like to see undertaken – first and foremost of those potential projects was the wish that Queen's Crescent Garden be improved. Other popular project ideas included the development of sustainable homes, finding/improving allotments and heritage walks.

In order to undertake projects, St James Forum needs a 'body corporate' which

can take them on. The Forum itself is not sufficient to take on the lease for Queen's Crescent Garden once the City Council has compulsorily purchased it. To this end Exeter St James Community Trust Ltd was set up in July 2014 and granted charitable status by HMRC in December.

A sense of pride, ownership and community values... a shared interest

The Trust will give St James the opportunity to create and run its very own park which has been neglected for many years. Community consultation shows us that the residents and friends of St James would like to see Queen's Crescent Garden as an airy, green space with a play area, seating, a pop up cafe and garden with volunteers working on and making it a beautiful place to visit and walk through.

A QCG events programme could include an antiques fair, arts festival, Shakespeare productions, plant sales, coffee mornings, speakers – just add your imagination!

Imagine what else we might do – perhaps acquire land for community use, create affordable housing with the help of the Homes and Communities Agency, support a new St James allotment association in its dealings with Network Rail, find grants to plant trees, repair walls and railings and generally improve the appearance of all our streets.

<http://www.exeterstjamesforum.org>



Since the Local Government and Public Involvement in Health Act 2007 finally allowed new local councils to be created in London, there has been a lot of interest from community and campaign groups in the creation of new parish councils (often with Community Council status), in their areas. The strongest campaign to emerge was from around late 2010 in Queens Park, Paddington. Westminster City Council cut the funding to deliver much needed services to residents in this deprived area and local people - through the help of the Paddington Development Trust (and NALC) decided to campaign for a Community Council (with parish status) to deliver much needed services.

On 22 January 2011 the formal campaign to introduce a community council in Queen's Park was launched by residents with the support of Queen's Park Forum, with the aim of providing an ongoing voice for local residents. In April 2011, the Queens Park campaign presented to Westminster Council - the principal authority for the area - over 1400 signatures asking for a parish council. On 28 May, 2012, Queens Park residents formally voted 'yes' to having a Community Council with parish status in their area. The result was announced at Marylebone town hall - 1100 residents or 68% voted 'yes'. Westminster City Council subsequently agreed to the creation of the council. The first parish elections in Queens Park ward took place on 22 May, 2014.

<http://www.nalc.gov.uk/our-work/create-a-council>

<http://www.queensparkcommunitycouncil.gov.uk>

Community Infrastructure Levy (CIL)

The community infrastructure levy is a new levy that local authorities in England and Wales can choose to charge on new developments in their area. Camden Council's overview document provides a quick guide to the levy. The levy is designed to be fairer, faster and more transparent than the previous system of agreeing planning obligations between local councils and developers under section 106 of the Town and Country Planning Act 1990.

In areas where a community infrastructure levy is in force, land owners and developers must pay the levy to the local council. The charges are set by the local council, based on the size and type of the new development.

The money raised from the community infrastructure levy can be used to support development by funding infrastructure that the council, local community and neighbourhoods want, like new or safer road schemes, park improvements or a new health centre.

The community infrastructure levy:

- gives local authorities the freedom to set their own priorities for what the money should be spent on
- gives local authorities a predictable funding stream that allows them to plan ahead more effectively
- gives developers much more certainty from the start about how much money they will be expected to contribute
- makes the system more transparent for local people, as local authorities have to report what they have spent the levy on each year
- rewards communities receiving new development through the direct allocation of a proportion (15% or 25% depending on whether a Neighbourhood Plan is in place) of levy funds collected in their area

*Camden Council have the intention to allocate 25% which boundary?
via councillor led Area Action Groups.*

Inspired by the past, picture your future...

LOOK! St Albans
our community voice on design

HOSTING COLLABORATIVE DESIGN PROCESSES: MEMORANDUM OF UNDERSTANDING WITH LOCAL AUTHORITY

Welcome
to
Look! St Albans

This is our community voice
on design - the way everyone
can influence what this
precious city looks like as it
develops.

Contact us here!



<http://www.lookstalbens.org/about-us.html>

Look! St Albans is to be transparent, proactive, respectful, collaborative, open, diverse, explorative and community-rooted.

Inspired by the past, picture your future...

LOOK! St Albans
our community voice on design

<http://www.lookstalbans.org/about-us.html>

“At our inaugural AGM the community unanimously agreed to use independently externally facilitated design charrettes as the best way of getting people involved, focused, working together to design buildings befitting St Albans.

We aim to work for a broadly-supported consensus in designing buildings and surrounding open spaces at the outline and full planning application stage (pre-application consultation).

We aim to collaborate with significant city centre developers and their planning and design teams through a structured facilitated public design charrette.

To do this we will need to obtain part funding from the developer for each series of facilitated charrettes and associated meetings.

We the community will give our time to the process free of charge and will bring to the table the community-endorsed draft design codes.

We will provide to each developer and their planning and design team unprecedented access to local knowledge and widely connected interests. At the end of charrettes and associated meetings we aim to provide hand-drawn illustrations, a list of the codes applied, and the relevant supporting text - available to all, and summarised in a short presentation.

We will produce to each developer, the Local Planning Authority, the Highways Authority and widely accessible local news channels a letter of recommendation for the jointly-created designs, supported by Look! St Albans’

"It was excellent to see so many people expressing opinions and being taken so seriously." - Lady Verulam



A design charrette is a relatively short focused collaborative planning method; which brings the talents energies and local knowledge of interested parties to the table, to tackle site specific design aspects of buildings and surrounding open spaces.

Charrettes need to be independently externally facilitated to give confidence to all involved that all voices are heard, not just those who shout the loudest, in reaching a consensus view.

To safeguard a successful charrette process you need independent external design experts in their own their professions, architects, urban designers, highway engineers etc who also have the added skill of being trained facilitators. Design facilitators have the ability to draw fast at the same time listen and discuss options in an impartial and even handed way.

The mutually beneficial aims;

- To cut down the time it takes to go through the planning process.
- Ensure we have investment in our city centre to keeping our city centre thriving
- Ensure new buildings and spaces are, in part, designed with people who know St Albans best and consider to be a worthy legacy for future Albanians.

Before the charrette we will hold a design briefing session, and after each charrette there will be a results and feedback session at times to try to ensure as many members of the community who want to take part can take part.

Remember, everyone has a view which matters!

<http://www.lookstalbans.org/about-us.html>

COMPANIES LIMITED BY GUARANTEE

Introduction

Companies limited by guarantee are widely used for **charities**, community projects, clubs, societies and other similar bodies. Most guarantee companies are not-for-profit companies - that is, they do not distribute their profits to their members but either retain them within the company or use them for some other purpose. Most such companies need their articles to be drafted for that particular organisation, and this is the main specialised work to be undertaken.

Why use a guarantee company?

The main reason for a charity, community project, etc. to be a company limited by guarantee is to protect the people running the company from personal liability for the company's debts, just as a business may be set up as a company **limited by shares** for the same reason. Sometimes funding bodies, such as local authorities, insist on an organisation being registered as a company limited by guarantee.

Limited liability

If a charity, community project, club, etc. is not registered as a limited company, then the people running it (typically the management committee or a similar body) can be made personally liable for its unpaid debts. This can be a real risk. Some charities, community groups, sports clubs, etc. can be substantial enterprises, with liabilities that cannot easily be turned off. They may have leasehold premises, employ people, have equipment on finance contracts, etc. If the income does not meet these outgoings, the organisation may become insolvent, and the people running it (though not usually the members at large who are not on the committee) can be made personally liable for the shortfall. This can happen because of unforeseen and unfortunate circumstances, such as the sudden withdrawal of financial support from a body such as the local authority.

With a company, on the other hand, the company itself is a separate legal entity and it, not the people who own or run it, is liable for its debts. In a company **limited by shares**, the shareholders' liability is limited to the amount the shareholder has agreed to pay for his or her shares. In a company limited by guarantee, the **liability is limited** to the amount of the guarantee set out in the company's articles, which is typically just £1.

In both a company limited by shares and one limited by guarantee, the people running the company (the directors) will only incur any personal liability for the company's debts if they have been guilty of some wrongdoing, such as wrongful or fraudulent trading.

What is different about a guarantee company?

A company limited by guarantee is much like an ordinary private company limited by shares. It is registered at **Companies House**, must register its accounts and an annual return each year, and has directors. A major difference is that it does not have a share capital or any shareholders, but members who control it. This is explained more fully below.

Members, not shareholders

In a company limited by guarantee, there are no shareholders, but the company must have one or more members. Subject to any special provisions in the company's articles, the members will be entitled to attend general meetings and vote, and in most companies that means they can appoint and remove the directors, and have ultimate control over the company. Many clubs operate on this basis. The members meet at the Annual General Meeting and elect a committee to manage the club on their behalf, and subject to the rules in the club's constitution. If the club is a company, the same rules will apply and will be set out in the company's articles. By and large, the company law provisions relating to general meetings, resolutions, etc. in ordinary share companies apply to companies limited by guarantee.

Just as in a company **limited by shares** there may be different classes of shares, it is possible to have different classes of members in a guarantee company. There may be non-voting members, for example, or members who have restricted rights in some other way. In a sports club, for example, there may be junior members (those under a certain age) who cannot vote, or social members, who pay a lower subscription but cannot use the sports facilities.

COMPANIES LIMITED BY GUARANTEE

Directors

A company limited by guarantee, as a private company, must have at least one director. Most guarantee companies have several. The directors may be given some other title, such a committee, management committee, board of managers, trustees, or governors. Whatever title they may be given, if they are in day to day control of the company they are, in law, directors of that company. Their powers will depend on the terms of that particular company's articles, but typically they are given very wide powers of management. Just as in a company **limited by shares**, these powers are conferred on the directors collectively, when they are sitting as a board and passing resolutions for the management of the company. They may, of course, set up sub-committees, etc. and delegate powers to them, and may give particular directors special responsibilities, such as treasurer, membership secretary, etc. In some companies, some or even all the directors may be appointed by one or more outside bodies, such as charities or local authorities who are backing the project. Some directors may be elected by particular interest groups.

No share capital

The fact that a company limited by guarantee cannot have a share capital limits its fund-raising capacity, simply because it cannot issue shares to those who back it and join it. For this reason, some projects that are not essentially profit-motivated are set up as companies limited by shares. Many such companies impose subscriptions and/or a joining fee. A guarantee company can borrow money and may issue debentures or debenture (loan) stock. As there are no shareholders, it is not possible to own a company limited by guarantee in the way that a company with a share capital is owned by its shareholders. The members of the guarantee company control it, in the same way as shareholders control a share company, but they do not have any shares or other security in the company that they can sell to another.

'Not for profit'

A company limited by guarantee is not prohibited from distributing its profits by the **Companies Act** or any other law, but it is commonplace for restrictions to be put on profit distribution in the company's articles. Such restrictions will usually apply both to profits while the company is running and to the distribution of assets (after paying creditors) when the company is wound up. In many cases, but by no means all, these restrictions are reinforced by a prohibition on any payment of salaries or fees to the directors.

Exemption from having 'Limited' at the end of the name

A not for profit company limited by guarantee can be exempted from having the word 'Limited' (or 'Ltd') at the end of its name if it is set up for certain objects. These are the promotion of commerce, art, science, education, religion, charity or any profession.

Community Companies limited by guarantee

The majority of not-for-profit companies and incorporated social enterprises are limited by guarantee. Companies which are registered as charities with the **Charity Commission**, for example, cannot be limited by shares and must be limited by guarantee.

Even where there is no requirement for a company to be limited by guarantee, it is still commonplace for incorporated social enterprises to be so. Generally speaking, this is because of the fact that shares are associated with profit and, in particular, the individual shareholder's ability to take profit out of a company, for personal gain, in the form of dividends. As most social enterprises exist to benefit a community or charitable cause rather than to make money for the people who run them, such a constitutional form is sometimes seen to be incongruous to the overall aims of the business, and the guarantee model is in turn seen as providing a more suitable framework. Of course, this is not to say that every worthwhile social enterprise has to be limited by guarantee: many **CICs**, for example, are limited by shares and find this an essential means of garnering investment which can then help them in the pursuit of their objects.

CREATING AND RUNNING YOUR COMMUNITY COUNCIL...

Local councils provide services to meet local needs and improve community wellbeing.

What is it?

Local (community, neighbourhood, parish, village and town) councils are the first level of local government. They provide communities with a democratic voice and a structure.

How can you take part?

To set up your own town or parish council, you'll need to first give your local authority a petition containing the signatures of at least 10% of the local population. The petition must:

- ➔ state exactly what it proposes, ie creating a parish or town council for a defined area
- ➔ contain the signatures of at least 10% of local electors, based on the most recent electoral register - you'll need more signatures for areas with fewer than 2,500 electors

If the petition is valid, your local authority will carry out a 'community governance review' to see if a local council should be created.

You can get more information and advice about what you need to do from the National Association of Local Councils' (NALC).

25% COMMUNITY INFRASTRUCTURE IS PAID DIRECTLY TO THE COMMUNITY COUNCIL

CREATING AND RUNNING YOUR COMMUNITY COUNCIL...

What powers and duties do Local Community Councils have?

Local councils have a variety of powers and duties, all of which impact directly on the community. The following are all under the remit of local councils:

- Allotments
- Burial Grounds, Cemeteries, Churchyards and Crematoria
- Bus Shelters
- Bye-laws - the power to make bye-laws concerning:baths and washhouses (swimming pools), cycle parks, mortuaries and pleasure grounds
- Clocks - public clocks can be provided and must be maintained
- Community Centres, Conference Centres, Halls, Public Buildings
- Drainage - of ditches and ponds
- Entertainment and the Arts
- Footpaths
- General Spending - parish councils can spend a limited amount of money on anything they deem of benefit to the community that is not covered by the other specific responsibilities described in this list
- Gifts - parish councils may accept gifts
- Highways - lighting, parking places, right to enter into discussions about new roads and road widening, consent of parish council required for diversion or discontinuation of highway, traffic signs and other notices, tree planting and verge maintenance
- Land - acquisition and sale of
- Legal proceedings - power to prosecute and defend any legal proceedings in the interests of the community, power to take part in any public enquiry
- Litter - provision of litter-bins and support for any anti-litter campaigns
- Planning - parish councils must be notified of, and display for residents, any planning applications for the area. Any comments submitted to the planning authority by the parish council must be taken into account
- Postal and Telecommunication Facilities - power to pay a public telecommunications operator any loss sustained in providing services in that area
- Public conveniences - provision and maintenance of public toilets
- Recreation - provision of recreation grounds, public walkways, pleasure grounds, open spaces, village greens, gymnasiums, playing fields, holiday camps and boating ponds
- Rights of Way - footpath and bridleway maintenance
- Seats (public)
- Signs - danger signs, place names and bus stops signs
- Tourism - financial contributions to any local tourist organisations allowed
- Traffic Calming
- War Memorials
- Water Supply - power to utilise stream, well or spring water and to provide facilities for general use

<http://www.localgov.co.uk/Parish-council-responsibilities/29135>

RECENT/EXPECTED CHANGES TO MAKE CREATING A LOCAL COUNCIL 'EASIER' & WITH MORE RIGHTS...

The New Housing Bill as and when enacted will Neighbourhood Forums are on the same footing as Parishes - that they will have the right to request that the LPA notify them of all applications within their area. Whether they chose to comment\object is up to the Parish\Forum. LPA officers then to consider any comment\objection when they are preparing their decision\recommendation to committee.

The Department Communities Local Government (DCLG) intends to make it easier to create a parish council by cutting by a quarter the number of petition signatures needed to start the new parish creation process - **from 10% of the local electorate to 7.5%, and by reducing the time local authorities can take to decide on parish council applications to a maximum of a year.**

They will also be making it easier for **neighbourhood forums whose neighbourhood plan has been passed at its referendum to kick-start the process, by removing entirely the need for them to gather signatures on a petition.**

Instead, they will be able simply to submit a proposal to create a new parish council which will trigger the local authority carrying out a community governance review - the process by which local authorities decide on new parish proposals. Forums which have had their plans passed at referendum have already demonstrated that they have a strong grasp of what the local community wants, making the need to gather signatures for a petition unnecessary, particularly when the local authority will consult the community itself as part of the governance review process.

BUSINESS IMPROVEMENT DISTRICTS (BIDS)

<http://www.britishbids.info/about-bids/what-is-a-bid/>

Business Improvement Districts (BIDs) have now been operating across the UK for over a decade and, as such, are showing maturity and professionalism. However, with well over 200 BIDs now established around the country, not all are sufficiently satisfying the needs of the businesses that fund them. These Guiding Principles have been produced for the industry as a 'voluntary code of conduct' and should be of equal importance to new locations considering a BID, as they are to the very well-established BID companies. The Guiding Principles can be read [here](#)

A BID is a business-led and business funded body formed to improve a defined commercial area. The benefits of BIDs cited by the businesses they represent are wide-ranging and include:

- Businesses decide and direct what they want for the area
- Businesses are represented and have a voice in issues effecting the area
- BID levy money is ring-fenced for use only in the BID area – unlike business rates which are paid in to, and redistributed, by government
- Increased footfall
- Improved staff retention
- Business cost reduction
- Area promotion
- Facilitated networking opportunities with neighbouring businesses
- Assistance in dealing with the Council, Police and other public bodies

Key BID Facts

- In the UK, the majority of BIDs exist in town centres, however they are also in industrial, commercial and mixed-use locations.
- The BID mechanism allows for a large degree of flexibility and as a result BIDs vary greatly in 'shape' and size.
- The average size of a BID is 300-400 hereditaments, with some of the smallest having fewer than 50 hereditaments and the largest at over 1,000.
- Annual income is typically £200,000-£600,000 but can be as little as £50,000 per annum and over £2 million.
- Legislation enabling the formation of BIDs was passed in 2003 in England and Wales (with subsequent regulations published in 2004 and 2005 respectively) and in 2006 in Scotland.
- The first BID in England started in January 2005.
- The first Scottish BID started in April 2008 as did the first Welsh BID.
- BIDs were first established in Canada and the US in the 1960s and now exist across the globe, including in South Africa, Germany, Japan, New Zealand and Australia.

Developing a BID

- A BID can only be formed following consultation and a ballot in which businesses vote on a BID Proposal or Business Plan for the area.
- The ballot is run by the local authority or outsourced by the local authority to a third party.
- All businesses eligible to pay the levy are balloted for a minimum of 28 days.
- In the UK, for a BID to go ahead the ballot must be won on two counts: straight majority and majority of rateable value. This ensures that the interests of large and small businesses are protected.
- There is no minimum turnout threshold.
- Industry Criteria and Guidance Notes are published to support locations during the development phase

BUSINESS IMPROVEMENT DISTRICTS (BIDS)

<http://www.britishbids.info/about-bids/what-is-a-bid/>

BID Documents

- The BID Proposal or Business Plan sets out businesses' priorities for improvements for the area and area services, as well as how the BID will be managed and operated.
- This document becomes legally binding once a ballot has been won and becomes the framework within which the BID will operate.
- An Operating Agreement is entered into between a BID and their local authority governing how the BID levy monies are collected and administered and passed over to the BID.
- BIDs enter into Baseline Agreement with their local authority and other service providers, which specify the level of service provision in the area. These ensure that any services the BID provides are additional.
- The BID legislation together with a variety of policy BID documents are available to download from our [Resources](#) section

Operating a BID

BID Levy and Funding

- A BID is funded through the BID levy, which is a small percentage of a businesses' rateable value. The majority of BIDs charge 1% of rateable value, however there are some that have opted for higher levies, particularly in smaller locations with lower rateable values and industrial areas.
- Once a ballot is successful the BID levy is mandatory for all eligible businesses. BIDs can choose to exempt certain businesses from paying the levy (and therefore from voting in the BID ballot). Many BIDs exempt the smallest businesses; and some exempt certain business sectors.
- BIDs are often successful at attracting funding in addition to the BID levy. They are particularly attractive to public sector grant making bodies due to the private sector match-funding available through the BID levy. Local authorities, property owners, and businesses outside the BID area can all provide additional income for BIDs through voluntary agreements.

Governance and Management

- The vast majority of BIDs are not-for-profit companies limited by guarantee.
- BIDs set out how they will be governed in their BID Proposal or Business Plan and Company Articles of Association.
- Most BIDs are governed by a board made up of BID levy payers representing the BID area.
- BID management teams vary with the size, focus and budget of each BID but will generally encompass management, administration, business engagement, marketing and communications and project management
- BID Management [Training, Development](#) and [Networking Forums](#) are available for BID staff and board members

Performance Measurement

- It is important for BIDs to measure performance to demonstrate the return on investment to levy payers through activities in the area.
- [Industry Accreditation](#) is focused on ensuring quality management systems exist within BIDs

Renewing a BID

- BIDs operate for a maximum of five years within the legislative framework. If they wish to continue they must go through a renewal ballot process to secure another BID term of up to five years.

For more information email contact@britishbids.info

<https://www.gov.uk/guidance/business-improvement-districts>

FUNDING

- A) ON-GOING ADMIN COSTS
- B) PROJECT SPECIFIC COSTS

Membership fees

Precept / Levy (Community Council & BID only)

Donations

Grants

Community Infrastructure Levy / Section 106

Community Shares

Crowdfunding

Financed via banks

Often combined ...

In discussion, the following issues were raised:

There is a lack of trust between local people and Camden Council

- > Need to focus on trust-building
- > Less time wasting

Understanding the power of the grown local network / NDF should 'stay local'

- > How do/ can we monitor the Plan?
- > How can we explain the plan policies and recommendations to those that invest and make decisions?
- > More collaborative working!
- > The NDF should seek to influence, not just oppose
- > We need master-planning/guidance for the Growth Area

The planning system favours development (presumption in favour of sustainable development)

Is there an issue to lead a Campaign as well as work collaboratively with developers?

- > Timing of it is critical. Start collaboratively and see how it goes.

Who does the work?

- > What do we focus on for the next 12-24 months?
- > Do we need staff?

We need to involve more people

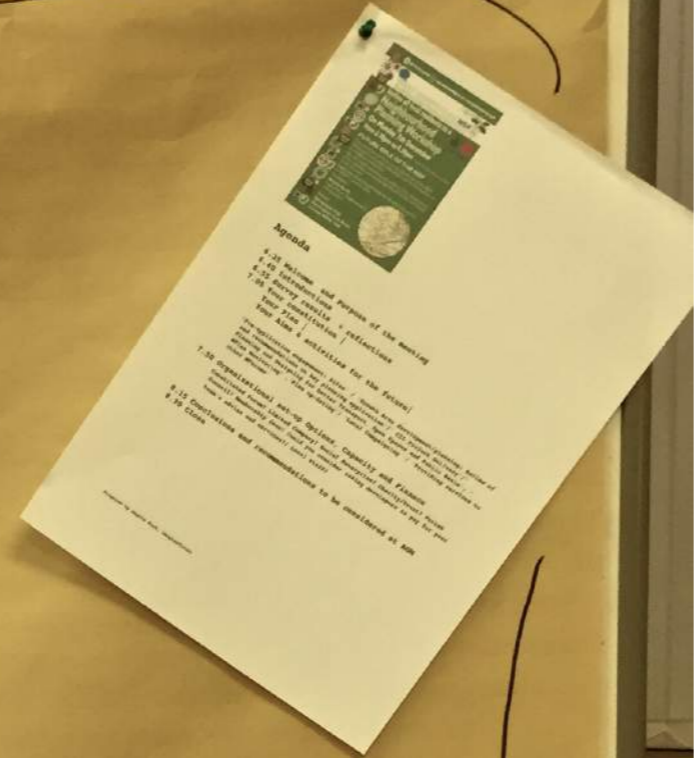
- > including online/ forum

DISCUSSION AND PRIORITISING

20 min

Survey Results

45



Agenda

Your Constitution
Your Plan
Your Aims +
Activities for the
Future

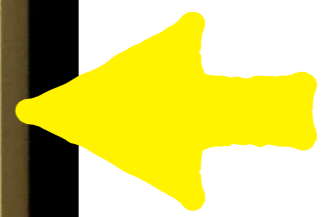
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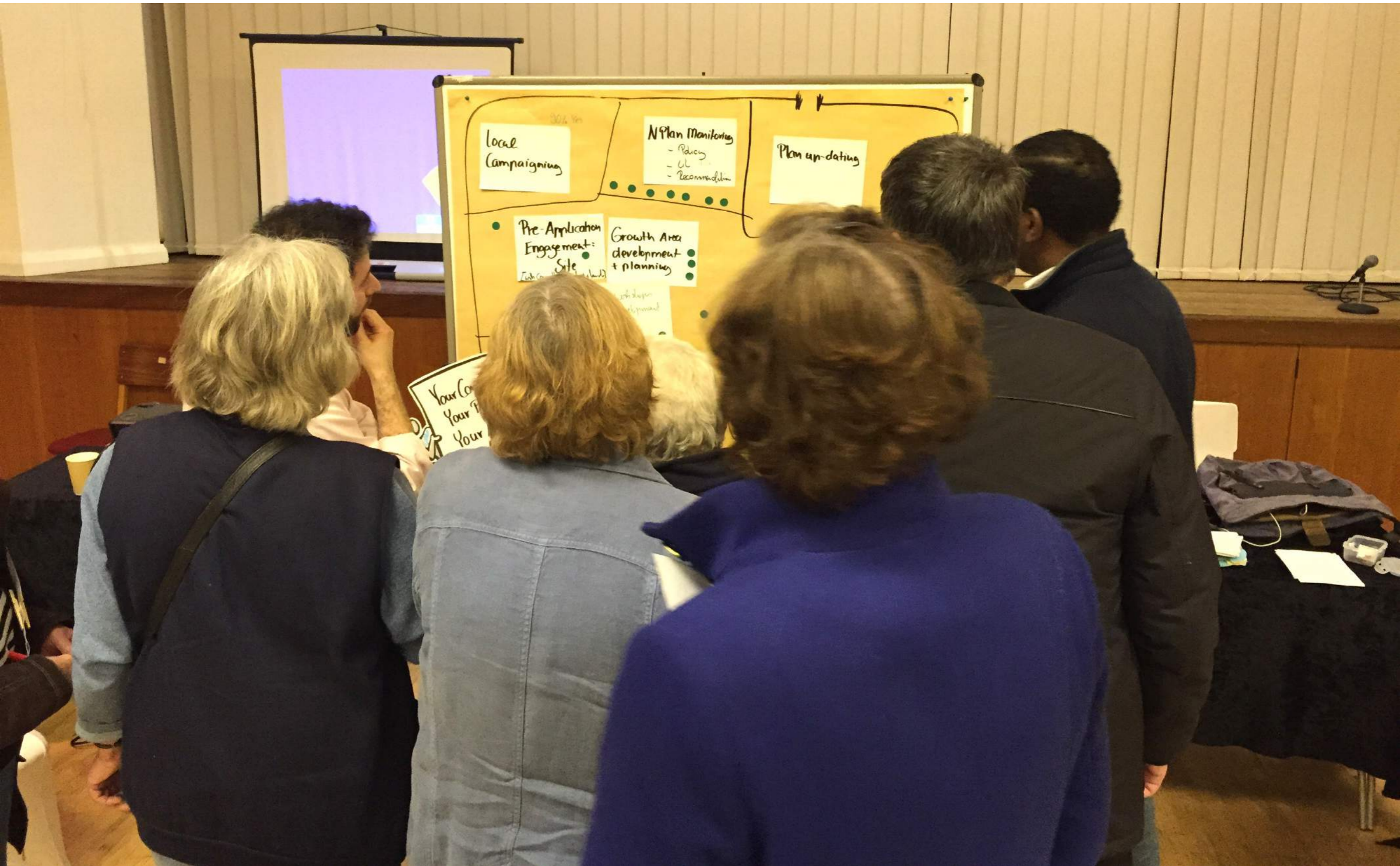
Organisational
Set-up Options

- Constituted Forum
- Limited Company / Social Enterprise
- Charity / Trust *Community Shared Company*
- Parish Council
- Dissolve

15

Conclusions and
Recommendations
for AGM





Local Campaigning

NPlan Monitoring
- Policy
- U
- Recommendation

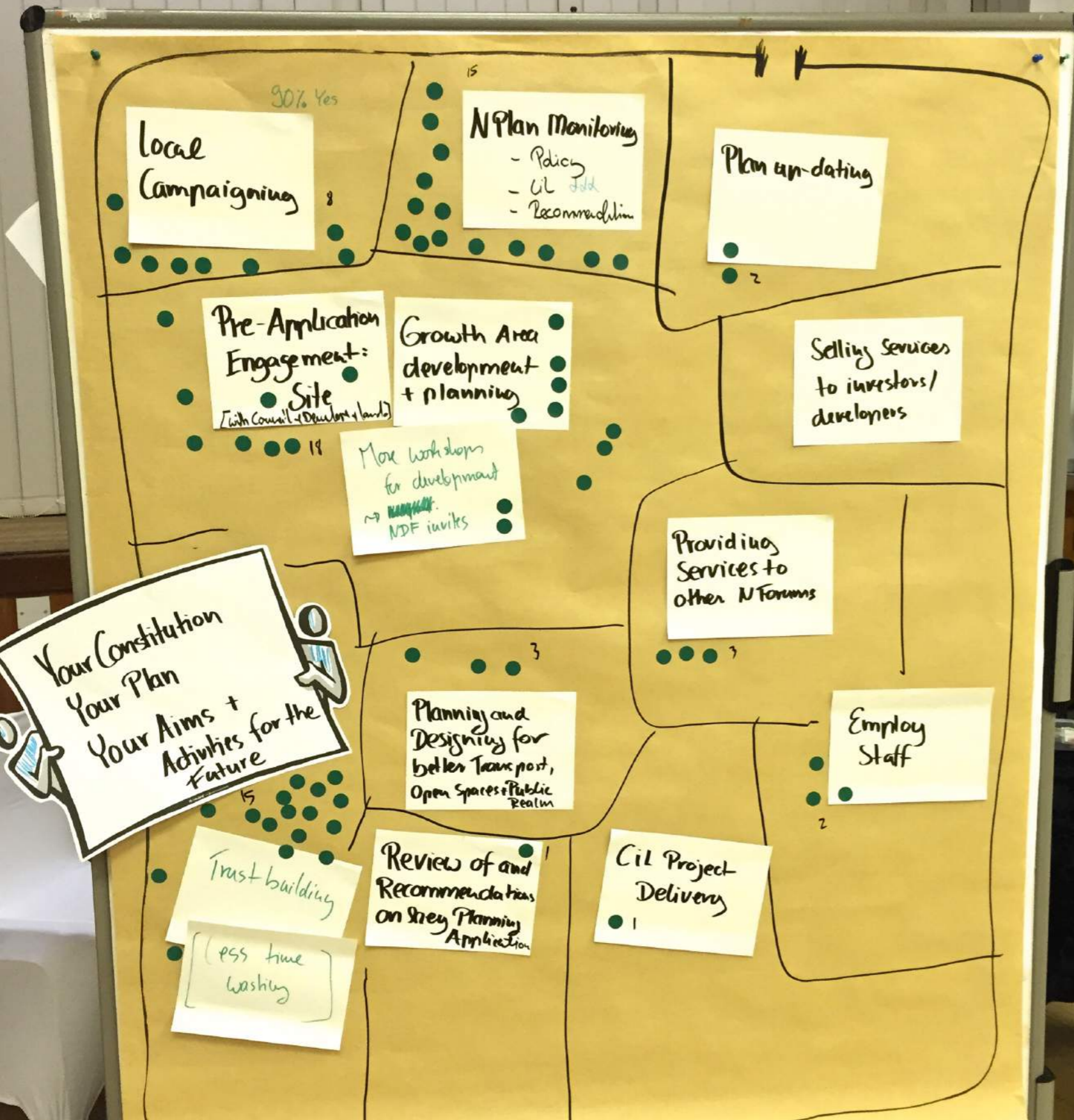
Plan updating

Pre-Application Engagement: Site

Growth Area development + planning

Your Co
Your P
Your

RECOMMENDATIONS RE FUTURE ACTIVITIES VOTES



18 Pre-Application Engagement
Growth Area Dev.
More workshops | NDF invites

15 Trust building
[with Camden Council] |
Wasting less time

14 NPlan Monitoring

8 Local Campaigning

3 Planning and
Designing for better
Transport, Open Spaces...

3 Providing services
to other NForums

3 Employing Staff

2 NPlan up-dating

1 CIL Project Delivery

1 Review of and
recommendations on
key Planning Applications

0 Selling Services
to investors/developers

RECOMMENDATIONS RE FUTURE ACTIVITIES FOR AGM

- Keep the NDF! (check on insurance liability cover)
- Focus on trust building! – with each other & Camden Council
- It seems fire-fighting will take up most of your capacity!
- Find more examples of good pre-application consultation!
- Understand your power and use it!
- Enable a range of funding to be received!
- Build relationship with other groups (e.g. CIL transparency!)
- Use technology and how you can a) engage more people in pre-application phase (outline & detailed applications) and b) disseminate information
- Enable more people to engage with the delivery of the NPlan – spreading the word about the NDF & raising its profile, use range of methods and levels of commitment
- Consider a more formalised membership structure!

18 December 2015

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