

Over Hulton Neighbourhood Forum

Appendix 3 – Confirmation of meeting legislative requirements – comments in red

[Section 61F\(5\) of the Town and Country Planning Act 1990 as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.](#)

61FAuthorisation to act in relation to neighbourhood areas

(1)For the purposes of a neighbourhood development order, a parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council. **The Neighbourhood Area does not include a Parish Council**

(2)If that neighbourhood area also includes the whole or any part of the area of another parish council, the parish council is authorised for those purposes to act in relation to that neighbourhood area only if the other parish council have given their consent. **The Neighbourhood Area does not include a Parish Council**

(3)For the purposes of a neighbourhood development order, an organisation or body is authorised to act in relation to a neighbourhood area if it is designated by a local planning authority as a neighbourhood forum for that area. **N/A**

(4)An organisation or body may be designated for a neighbourhood area only if that area does not consist of or include the whole or any part of the area of a parish council. **The Neighbourhood Area does not include a Parish Council**

(5)A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions—

(a)it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area), **Purposes highlighted in constitution**

(b)its membership is open to— **Membership rules stated in constitution.**

(i)individuals who live in the neighbourhood area concerned,

(ii)individuals who work there (whether for businesses carried on there or otherwise), and

(iii)individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,

(c)its membership includes a minimum of 21 individuals each of whom— **Confirmed in appendix 2 Membership data**

(i)lives in the neighbourhood area concerned,

(ii)works there (whether for a business carried on there or otherwise), or

(iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,

(d) it has a written constitution, and [Appendix 1 Over Hulton Area Forum Consitution](#)

(e) such other conditions as may be prescribed.