

Tettenhall District Community Trust



**THE TETTENHALL DISTRICT
COMMUNITY TRUST**

Constitution For Tettenhall District Community Trust Tettenhall District C.I.C

**From: OUR PLACE, OUR PLAN 2014 THROUGH TO
OUR DISTRICT (2024) – COMMUNITY LEADERSHIP**

Basic Conditions:

Neighbourhood Planning Policy Framework 2023

Town and Country Planning Act 1990

Neighbourhood Planning (General) Regulations 2012

Wolverhampton City Council Neighbourhood Forum Application – Sep2024

Preamble

Tettenhall “District” Community Council (TDCC) was the body, styled as such with elected “Community [*Councillors*]” but covered by “Neighbourhood Planning”, which delivered the Tettenhall Neighbourhood Plan, 2014; Our Place Our Plan. The plan was adopted by the Wolverhampton City Council [“WCC”] in 2014.

The Wolverhampton City Council Leader has in 2024 stated that Tettenhall should be recognised as its own “District”.

This document is to determine the written constitution of the Tettenhall District Community Trust (TDCT), and its subsidiary entities and working group; Tettenhall District C.I.C and Tettenhall Community Forum, plus other committees and structure, articles and memoranda for:

- Statement of Key Aims and Purpose of the TDCT
- Statement of compliance clauses
- Description of the key objects of the TDCT, through which it achieves its key aims and purpose
- Articles & Memoranda for TDCT, its membership and operational processes
- The determination and adoption of TDCT as a Community Council (styled as “Community Trust”) for Neighbourhood Planning
- Approval of Neighbourhood Area and Forum designation

1) Key Purpose

The TDCT is established for:

The express purpose of promoting and improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned “The Tettenhall Ward(s)”

Development of the Neighbourhood Plan and Neighbourhood/Community Orders, as the qualifying body under 2012 neighbourhood plan regulations in the absence of Parish or Town Council.

- Neighbourhood Plan
- Neighbourhood Development Orders
- Community Right To Build Orders

To act as an advisory and consultation body for Wolverhampton City Council as Local Planning Authority (LPA) for matters affecting the district, developments relevant to policies in the neighbourhood plan, solutions and strategies for the district and development plans.

To be a consultation body for Central, Regional and Local government on the Tettenhall Neighbourhood Plan.

Registration under Wolverhampton City Council “Statement Of Community Involvement” for:

- Consultation on Planning Documents (DPD, SPD, LDD)
- Duty To Cooperate

2) Legal Structure & Grants

The application for the forum is as an incorporated structure, using a company limited by guarantee and registered as a Community Interest Company – Tettenhall District C.I.C. The recorded asset lock for the C.I.C is “Creative Blackcountry”

A CIC is a legal form which was set up primarily for social enterprises – i.e. organisations trading for social benefit. A key advantage of a CIC is that it reassures funders and stakeholders that the asset lock and community purpose are regulated.

The Tettenhall District C.I.C seeks to hold basic grant funding of £10,000, to support neighbourhood plan development, with a further £8,000 of additional grant funding available, subject to additional criteria.

Other grants and funds shall be obtained separate to neighbourhood plan funds, by Tettenhall District C.I.C, to fund its interests and initiatives. We seek to hold council funding and other gifts and donations for the development and administration of the district.

3) Key Aims & Objects

Established for the express purpose of promoting or improving the social, economic and environmental wellbeing of Tettenhall District, consisting of the WCC electoral wards of; Tettenhall Regis, Tettenhall Wightwick. Comprising 12 Neighbourhood Areas Of:

Claregate & Aldersley | Stockwell End | Tettenhall Village | Wrottesley | Wergs & Danescourt | Regis | Tettenhall Wood | Wightwick | Compton | Finchfield | Castlecroft | Smestow

Guide future direction of the district through neighbourhood partnerships, delegated powers, roles and planning policies, working with WCC.

Protect the character, heritage, residents' associations matters affecting the district as a whole, management of business, amenity, ecology, and enforcement of local services and processes for the District. Sustain Tettenhall District interests (residents group(s), business, heritage and amenity).

Support and coordinate concerns from groups and individuals in the district for planning, consultation and funding for neighbourhood solutions.

Promote neighbourhood plan policies, campaigns for neighbourhood policies and funding consultations.

Engage in partnerships and council locality activity, local planning escalations, consultations appropriate to the council SCI policy and neighbourhood plan SSP's

Consult with WCC under the 2014 Neighbourhood plan for changes affected by new 2024 WCC Local Plan, and any future plan consultations.

To hold its own development fund through a CIC incorporated for the development of the District.

Administration of provided services and facilities, such as community services, allotments where WCC can agree to an effective approach with the forum taking responsibility for its own local services and facilities.

4) Statement Of Powers:

The Trust steering group has incorporated for its constitution the Tettenhall District Community Interest Company (Tettenhall District CIC, registered with Companies House), for the express purpose of the promotion and improvement of the social, economic and environment wellbeing of the district. We seek to hold appropriate council funding and other gifts and donations for the development and administration of the district.

Actions and activities undertaken by the Tettenhall District CIC, shall be governed solely by The Company Directors, its Management Committee, reporting to its AGM or individual grant bodies for the purpose of that grant only. The Company Directors are solely are severally liable for CIC trading activity, which shall not be affected by council funding for neighbourhood planning.

Delegated power to lead on Strategies And Solutions for the District, which currently rests entirely with Ward Councillors. Right to be consulted on planning matters which shall therefore require a district submission, along with ward submissions, appropriate to the justifications of a community council.

Delegated power to represent planning responses for the district and to consult with other bodies concerning developments in the district, in the manner appropriate to a community council's aims.

Delegated power of enforcement of existing processes such as Tree Safety, and Green Space Management.

Right to form working groups interacting with Wolverhampton City Council on Action Plans and Campaigns, Case Studies which require co-operation between WCC and Steering Group. Rock Action Plan TNP20-24-1 refers to an example of where solutions within WCC powers and roles are required which need joint working to achieve outcomes.

Right to request financial oversight of actions and solutions relevant to the district and present case studies for determination in scoping during budget build, Smestow Valley Supplementary Management Plan and Road Safety Initiative Funds refer. Right to be consulted during scoping phase of budgetary assessments for WCC initiatives where it is appropriate for the District to request its appropriate apportionment of spend.

4.1) Guidance On Delegated Powers

- *The TDCT shall obtain Delegated Powers Of Planning for the purpose of preparation of a Neighbourhood Plan, SSP's, and ongoing consultation with WCC for the future development of the designated area (previously referred to as TNP7 in the neighbourhood plan 2014). Approval of Neighbourhood Plan changes and adoption in WCC local plans shall remain the competence of WCC, with support from the designated area Ward Councillors.*
- *The TDCT shall implement and govern an incorporated model in its submission to WCC. The TDCT incorporation shall be eligible to hold funds, obtain grants, enter into contracts and employment agreements, subject to the objects and articles of its association, to be provided in support of the Application for Designation Of Neighbourhood Area and Forum. In summary these purposes shall be for the economic and social development of the designated area.*
- *The TDCT shall engage with WCC through an MOU to be defined by WCC Local Planning.*
- *The TDCT shall operate under General Powers Of Competence, which shall also be approved by WCC.*
- *The TDCT shall have the right to be consulted and the right to present consultation responses to the relevant WCC planning or governance committee.*

5) Compliance

The TDCT, its working groups and related entities, commits in its constitution and for its members and elected representatives to be compliant with the following clauses:

- Commit members to acting legally in relation to preventing discrimination against specific groups.
- Membership shall not be prejudicial against any 'protected' characteristic; eg age, gender, sex, race, political views
- Elected members shall provide a public statement to outline any official connections (membership or other endorsements to other organisations) or rule out such connections.
- A conflict of interests register shall be maintained, and any member whether resident or elected shall declare such conflict of interest to the trust chair, either per term or per subject matter that the forum is determining. The Trust Steering Group shall make the decision on how conflicts will be dealt with. For conflicts concerning the trust chair, the chair of Tettenhall Community Forum shall make the decision along with other members of the Trust Steering Group, at which meeting the Trust Chair shall not be present.
- Comply with the General Data Protection Regulation (GDPR)
- Ensure compliance and registration with Information Commissioners Office (ICO)

5.1) Support Of Protected Characteristics

The TDCT shall support and promote, and uphold values in support of fairness to the following characteristics:

- Intrinsic characteristics: for example young, elderly, men, women, LGBT+, disabled, ethnic groups;
- Socio-economic characteristics: for example tenants, owner-occupiers, low income, small business owners, larger firms, creative industries, not-for-profit sector, public sector, private sector, non-car owners, parents, single people, unemployed, students;
- Interests/knowledge/expertise: for example housing, employment, transport (including public transport), urban design, retail, built heritage, natural environment, sports and recreation, education/skills, culture, city or town centres, night economy (e.g. food, drink, entertainment), communications, health, knowledge economy, crime and anti-social behaviour, play, waste and recycling.

6) Company Objects (Tettenhall District C.I.C)

6a) Community Interest Statement (Section A: Beneficiaries)

1. We, the undersigned, declare that the company will carry on its activities for the benefit of the community, or a section of the community. {TDC CIC36 Final APR24}

“The Company’s activities will be focussed on providing benefit to the c23,000 inhabitants of the wards of Tettenhall Regis and Tettenhall Wightwick (together “The Tettenhall Wards”) in the City Of Wolverhampton”.

6b) Section B: Activities & Related Benefit

Activities	Community Benefit
To be responsible for the production of a replacement Tettenhall Neighbourhood Plan.	<i>The existing neighbourhood plan expires in 2026. The Tettenhall District C.I.C will work closely with the Tettenhall Community Forum to produce an update before April 2025 in line with the requirements under the Locality Act 2011.</i>
Promoting and improving the social, economic and environmental wellbeing of the Tettenhall Regis & Whitwick wards.	<i>The community will benefit from the constant vigilance and oversight of the CIC which will engage with local forums and businesses to ensure that: 1) the character of the local area is maintained; 2) historic buildings are protected; 3) local planning applications are sympathetic to the local communities that they pertain to; 4) businesses are supported and employment protected in so far as possible; 5) traffic</i>
To seek and hold funds for local projects on behalf of the Tettenhall Wightwick and Regis wards.	<i>The funds will be targeted to support and enhance the lived experience of residents in the Tettenhall District.</i>
A consultation body for Central, Regional and Local government on the Tettenhall Neighbourhood Plan	<i>To be a vehicle (though not exclusively) through which Central, Regional and Local Government bodies can fulfil their regulatory obligations to consult with representative local residents’ groups which have been duly recognised as such by Wolverhampton City Council (“WCC”) in relation to the Tettenhall District of WCC.</i>
the company makes any surplus, it will be used for the benefit of the local community as directed by the elected membership of the CIC.	

7) Neighbourhood Area Policy Improvement Guidelines

Following a review of Our Place Our Plan and analysis of Wolverhampton Local Plan 2024, the Steering Group and Community Forum determined that the following amendments and additions need to be covered by District Activity in neighbourhood plans, or MOU agreements to Local Plan, going forwards.

Subject to discussion with WCC these articles either become planning policies, roles or powers within the District:

a) District Recognition

Councillor Simpkins has stated that Tettenhall, Wednesfield and Bilston should be recognised as Districts for their own direction setting. The forum needs to be recognised and included in district initiatives, working groups and consultations.

b) Green Belt & Other Spaces

The overwhelming opinion of the meeting was the continued importance of defending every inch of green space in the neighbourhood against any and all attempted incursions, due to the chronic shortage of land in the neighbourhood. Strengthening the position to enable a watching brief on land which may not yet be categorised as green spaces; such as that attached to commercial or business premises eg Schools Community Church Henwood Road, large gardens (Stockwell House) and land for sale opposite The Mermaid; was also recommended.

c) Children's Community Facilities

Play areas for children needs more focus. Existing facilities need policy decisions to protect and enhance their attractiveness. For example damage caused by vandalism should be restored as a matter of policy and tackled via the Local Community Policing Policy. There is room for additional facilities eg in the grounds of the Schools Community Church in Henwood Road and further investment in facilities for children to enjoy and learn in our GREEN SPACES but without detriment to their preservation.

d) Community Facilities & Infrastructure

The TDCT should lead on proposing development and implementation of solutions and strategies to improve community facilities, providing increased use and satisfaction, improved amenity, wellbeing and availability of services.

e) Planning

Recent developments, for example the McCarthy and Stone developments, have provoked strong reactions from residents who have had various levels of success challenging development's height, style and intrusion on adjacent properties. The planning aspect would benefit from a much stronger wording on height, style and density.

f) Enforcement of Planning Conditions

The plan should facilitate the enforcement of planning conditions during developments. Parking restrictions for contractors were not enforced during the development of Clock Gardens, Tree Preservation Orders were ignored at the development at the bottom of Malthouse Lane, wall preservation at Stockwell House has been ignored. All of these failures of enforcement occurred during the current plan so we should establish better influence and control regarding enforcement in the next plan.

g) Technology

It was generally felt that the benefits of current and new technologies and social media should receive more emphasis in the plan as an overarching policy in supporting all the other policies and operation of the Forum and its administration. Consultation by the Forum with other bodies will be necessary.

h) Transport

The members are frustrated by their inability to influence the catalysts of a dramatic explosion in traffic volumes created by new housing and other developments outside the area. WCC is obliged to export some of its housing targets and development targets outside its area because of lack of available land. However the inevitable consequence of that is a surge of traffic from these developments through the neighbourhood, mostly heading beyond Wolverhampton rather than into Wolverhampton. Oversight of civil infrastructure contributions for Ward Solutions are required.

i) Housing

Changes to the current plan are required which state protections to heritage and views, but do not state density objectives. These may be at odds with Local Plan objectives.

j) Road Safety

Dissatisfaction within the District of police enforcement and appropriate share of spend on road calming measures, compared to other wards.

k) Licencing Policies & Planning Applications

The forum should have an overall policy and right to be consulted on matters of licencing, reviews and planning applications, where the District feel that style of its neighbourhood may be affected, such as through excessive high street licenced premises, or schools now operating as licenced premises for venue hire.

8) Neighbourhood Area Plan Renewal Guidelines

It is the intention of the Trust to re-assess and possibly revise its current Neighbourhood Plan each time a major revision of principal or local authority “Local Plans” are produced. Local Planning Authorities (LPA's) should provide due consideration of Tettenhall Neighbourhood Plans and provide adequate timescales for consultation and re-publication of the Tettenhall Neighbourhood Plan.

9) Tettenhall Community Forum MOA

Tettenhall Community Forum is a working group formed under the Tettenhall District Community Trust (steering group). The forum is registered with Wolverhampton City Council local planning under Neighbourhood Plan, Locality Act and SCI statutes.

- The forum has an express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned;
- A purpose that reflects the character of the area in general terms

9.1) Tettenhall Community Forum Key Aims

Sustain Tettenhall District interests (residents group(s), business, heritage and amenity). Promote local interests via its social media activities and channels, but limited to the exclusion of press releases and formal trust communications or reports.

Support and coordinate concerns from groups and individuals in the district for planning, consultation and funding for neighbourhood solutions.

Promote neighbourhood plan policies, campaigns for neighbourhood policies and funding consultations.

Produce Case Studies, Appeals and promote local community initiatives and development projects, but limited to the exclusion of Action Plans and Neighbourhood Plan policies, which shall be the responsibility of elected trustees and governed by the neighbourhood committee or steering group.

Engage in partnerships and council locality activity, local planning escalations, consultations appropriate to the council SCI policy and neighbourhood plan SSP's

Consult with LPA's under the current Neighbourhood Plan for changes affected by new Local Plan consultations.

9.2) Tettenhall Community Forum Objects

The forum shall be registered under SCI and NPPF frameworks for the purpose of consultation with the council for all relevant matters appropriate to all current Tettenhall Neighbourhood Plan Site Specific Policies, and any council proposals affecting the Tettenhall District (Wards) which require DSP or SSP proposals at council committee. This means pre-consultation alongside ward councillors where a District Submission shall be required, or ward submissions by councillors must obtain a statement from TCF, or TDCT committees.

Consult with Wolverhampton City Council (for items relevant to and affecting all Tettenhall District council wards) on all planning matters, pre and full consultations, for which in the absence of any council committee governance the 2017 Tettenhall Neighbourhood Plan shall provide the framework for full consultation.

The forum shall provide consultation, working with the TDCC steering group, for matters appropriate to WCC local plans and development of future Tettenhall District interests and impacts to current Tettenhall Neighbourhood Plan.

The TCF shall be chaired by an elected member, chosen by and who attends the Steering Group, or their representative. The TCF may elect its vice chair who may govern meetings in the absence of TDCT steering group members.

The TCF may form a residents' operating committee, of not less than 6 people, to govern management of their activities, campaigns, consultation or funded projects, and for the governance by residents with the TDCT elected trustees and its committees. They shall provide reports when requested by an officer of the TDCT, or a Director or treasurer of the CIC. A total of 2 of the operating committee shall be eligible to attend each TDCT committee meeting(s), and may request attendance at their forum any officer of the TDCT, a Director or treasurer of the CIC, or any ward councillor under the powers of general competence.

The Chair of the TCF may call at any time a public meeting for any matter they deem relevant, including matters of oversight. Agenda items for AGM and extraordinary general meetings may be authorised by a meeting of the Residents' Operating Committee and TCF chair, following a supermajority vote of greater than 66%, including requests for reports and documentation to be provided by an elected officer, or a call for votes to be cast, with no less than 4 weeks notice before a scheduled AGM, or requested EGM.

10) Guidance Notes On Neighbourhood Area, Forum & Voting

- *A neighbourhood area can include land allocated in strategic policies as a strategic site. Where a proposed neighbourhood area includes such a site, those wishing to produce a neighbourhood plan should discuss with the local planning authority the particular planning context and circumstances that may inform the local planning authority's decision on the area it will designate.*
- *A neighbourhood plan must be in general conformity with, and plan positively to support, the strategic policies of the development plan.*
- *The neighbourhood area shall be consistent with WCC ward maps, as 'child' wards of the principal LPA – Wolverhampton City Council.*
- *These shall be Tettenhall Regis, Tettenhall Wightwick (Together "Tettenhall Wards"); 2021 Census population @10,640 households. A total of approx. 23,000 residents.*
- *A vote on planning policy proposals, neighbourhood plan amendments and action plans is carried by majority vote of eligible trust members, (over 50%). Project proposals may be voted for by the CIC management committee majority (over 50%). Action Plans, strategies and solutions, and communications may be governed at the discretion of the steering group, or its committees by majority vote (over 50%) of eligible officers and*
- *The WCC may require a split referendum by residents and business vote for a revised neighbourhood plan, or extension of the area to be covered.*
- *Costs and governance of a referendum are covered by WCC.*

11) COMMITTEE STRUCTURES & WORKING ARRANGEMENTS

The Neighbourhood area shall elect 12 members to the TDCC council (neighbourhood committee)

The elected members shall elect their Chair and Vice-Chair

The chair shall appoint a steering group, which shall meet at least monthly to manage the ongoing business of the TDCC. The steering group may co-opt stakeholders and ex-officio WCC members, not exceeding 6 for the purpose of managing the interests and aims of the neighbourhood area.

The TDCC neighbourhood committee shall meet at minimum once per quarter, including a full AGM once per year. Any resident, business representative or ward councillor shall be empowered to make representation to the chair of TDCC for discussion at neighbourhood committee.

The TDCC committees (pending decision by Ian Cully / COO as to in which group) shall co-opt ward council representatives (one per ward) for the purpose of managing the interests and aims of the neighbourhood plan.

A full revision of the Neighbourhood Plan, and consultation response to WCC local plan shall be made by majority vote at a neighbourhood area 'town hall'

Changes to neighbourhood plan under TNP7 shall be reviewed and voted for by majority at full TDCC neighbourhood committee.

The Chair of TDCC shall appoint a Treasurer of the Development Fund, who shall chair the management committee. The management committee shall consist of Treasurer, Chair and Vice Chair from TDCC Steering Group, Chair Of Operating Committee from TCF, which shall form a minimum of 4 directors of the development fund. Obs and Arts of the CIC shall be specified by the Treasurer.

The TCF Shall elect an operating committee of 6 people, two of whom shall be eligible to be co-opted to the Steering Group and Management Committee for oversight in non voting roles. Other Obs and Arts from TCF refer to its procedures.

The TDCC may operate an advisory council, chaired by an elected TDCC member, which shall consist of elected TDCC members, plus co-opted stakeholders.

The Directors of the CIC (TDCC Development Fund Ltd) shall be a minimum of 4, to be appointed by the Chair of TDCC Steering Group, 2 members, plus a Treasurer who may be a TDCC elected member (or co-opted if such is unavailable), plus a nominated director from the Operating Committee of the TCF. The Chair Of The TDCC, or their nominated rep shall have an extra casting vote.

A full **neighbourhood** forum including nominated ward council representatives shall meet to govern activities relating to the auspices of TDCC, including:

- delegated planning matters
- general powers of competence,
- matters appropriate to incorporated aims of its district development fund (CIC)
- matters presented by the TCF, which is the community forum for consulting with the community and local council activities

Steering Group

Management Committee (CIC)

Committee Officers

Meetings

AGM

Working Groups (to be formed per case study)

Finance

Neighbourhood Planning (Planning Committee)

Alteration of the constitution

Dissolution

ROLES OF TDCT Officers

leading the development of strategies and plans (through the NP and consultation with WCC) for the area, balancing different needs, identifying priorities and targeting resources in a time of fiscal constraint

For district area of TDCC, transfer of competence to TDCC in lieu of parish due to existence of NP is necessary

Recruit volunteers and stakeholders

Sustain Tettenhall District interests (residents group(s), business, heritage and amenity).

Support and coordinate concerns from groups and individuals in the district for planning, consultation and funding for neighbourhood solutions.

Promote neighbourhood plan policies, campaigns for neighbourhood policies and funding consultations.

Engage in partnerships and council locality activity, local planning escalations, consultations appropriate to the council SCI policy and neighbourhood plan SSP's

Consult with WCC under the 2017 Neighbourhood plan for changes affected by new 2024 WCC Local Plan consultations.

Membership Criteria

The Trust, and its related working groups and incorporated bodies are open to the following eligible classes of membership:

- Residents, whose main residence is in the neighbourhood area.
- Business Leaders, or those who work or provide employment or services in the area.
- Elected members, who are Trustees, elected at an AGM, or EGM/SGM, who are elected for a 5 year term.
- CIC Legislation requires that it may not be a political body, therefore its Directorships and Management Committee members may be drawn only from members who are not elected to a local authority as political party members.
- Elected members of a local authority are eligible for co-opted membership of trust committees and working groups, at the discretion of the chair, but may attend forum meetings under the class of membership as Residents, or those who work in the area.

A prospective neighbourhood forum is not required to have a member from each membership category in order to be designated. A neighbourhood forum must have an open membership policy, but it cannot force people to be a part of something they may not wish to be a part of.

Elsewhere for the purpose of the constitution, elected members means Trustees elected for a 5 year term.

Doc: TDCT Constitution V1 NAFAppFinal - Sep2024

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