

Draft Parish Charter

**A Framework Document for working relations between
Bromsgrove District Council and Parish Councils in
its area**

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1. Introduction

- 1.1 Bromsgrove District Council and the Parish Councils located in its area have agreed to publish a charter which sets out how they aim to work together for the benefit of local people. This Charter is the result of discussions locally to establish a new way of working and to confirm existing good practice.
- 1.2 Bromsgrove District Council acknowledges that Parish Councils are the grass-roots level of local government. By working with them and the Area Committee of the Association of Local Councils, Bromsgrove District Council aims to act in partnership with local communities, while balancing the needs of the wider community.
- 1.3 In their role as democratically accountable bodies, Parish Councils offer a means of shaping the decisions that affect their communities. They offer a means of decentralising the provision of certain services and of revitalising local communities. In turn, the Parish Councils recognise the strategic role of Bromsgrove District Council and the equitable distribution of services which it has to achieve.
- 1.4 *This Charter reflects the increasing importance attached by Central Government to partnership working and the development of Quality status for Parish Councils.*
- 1.5 *Part 2 of this Charter applies to all Parish Councils in the area. Part 3 applies to Quality Parish Councils only.*

2. Core Statement of Agreement

- 2.1 By signing up to this document, Bromsgrove District Council and Parish Councils collectively agree
 - 2.1.1 **to recognise** Local Councils alongside Bromsgrove District Council Ward Councillors as the grass roots level of local democracy and community leadership (*See Note: Parish Governance*)
 - 2.1.2 **to recognise** Bromsgrove District Council's lead role in developing strategic services and working partnerships with other service providers and units of local governance for the benefit of all communities of place and interest – and further to acknowledge the active participation of Bromsgrove District Council and Parish Councils' representatives in the Local Strategic Partnership for the area
 - 2.1.3 **to acknowledge** that Bromsgrove District Council will work in partnership with all Parish Councils to promote sustainable social, economic and environmental developments for the benefit of local communities
 - 2.1.4 **to raise** awareness among their staffs of the respective roles of the Councils signing up to this agreement
 - 2.1.5 **to respect** and take account of the different capabilities of Parish Councils to handle information and respond to consultations
 - 2.1.6 **to engage** in regular liaison about issues of common interest

2.1.7 to recognise the Government's encouragement for the concept of Quality Parishes

2.1.8 to monitor through the Parishes Forum Meeting the delivery of the principles and practices covered by this Charter

2.1.9 to respond in a helpful, timely and efficient manner to all communications from Parish Councils/ Bromsgrove District Council respectively.

2.2 Note: Parish governance

2.3 *Members of Bromsgrove District Council will attend meetings with the Parish Councils (or groups of such Councils) at a mutually agreed time to discuss matters of common interest, but the same limitations on available time (as described in Paragraph 11) apply. The District Council and Parish Councils agree to adopt the CALC Code of Practice relating to such attendance (Appendix 1). Parish Councils will send copies of their agendas and papers to Bromsgrove District Council upon request, but always to the District Council Ward Members and will invite the said Ward Members to attend the Parish Council meetings*

3. Consultation, Liaison and Engagement

3.1 Bromsgrove District Council will:

3.1.1 consult Parish Councils generally on all issues which are likely to affect their area or on which the view of the grass roots tier of local governance would be beneficial – these include:

- key corporate arrangements which materially affect the work of Parish Councils or the delivery of local services
- issues of strategic policy
- other issues of relevance to all or a number of Parish Councils

3.1.2 consult an individual Parish Council when a planned decision or action will have a direct and significant impact on that Parish Council or its area or inhabitants

3.1.3 allow not less than 21 working days for any such consultation

3.1.4 notify to Parish Councils the name of the relevant lead Officer to whom queries about the consultation may be addressed

3.1.5 undertake to provide sufficient information to enable a meaningful response

3.1.6 reserve the right exceptionally not to consult with Parish Councils where it would not be in the interests of the Council or its residents - this is most likely to be where commercially sensitive or other private information is involved. Occasionally, an urgent issue may arise which might prevent the usual consultation or at least curtail the consultation period to less than the minimum 21 working days. Where possible, Parish Councils will be given reasons.

- 3.1.7 **consult** in ways that enable all Parish Councils, with or without IT support, to have the opportunity to respond
- 3.1.8 **take full account** of all views offered by Parish Councils
- 3.1.9 **offer feedback** to Parish Councils (individually or collectively) on the outcomes of the issue on which consultation took place, **host** briefing sessions on major issues that are the subject of consultation, where it is practical to do so. (For administrative ease where there are several parish councils this will be done collectively through the Forum.)
- 3.1.10 **involve** Parish Councils in relevant workshop activity that helps to develop an overall approach to community leadership and the management of change
- 3.1.11 **promote** full engagement with Parish Councils on all key Parish issues including the development of Parish Plans (*see note: Parish Plans*)
- 3.1.12 **look for ways** in which Parish Councils might actively be engaged in the development of the Sustainable Community Strategy and other key strategic policies
- 3.1.13 **maintain** and publish a database of planned consultation activity so that Parish Councils may be aware and incorporate their considerations within their own work plans
- 3.1.14 **publish** agendas for the Council, Cabinet, Regulatory Committees, Overview and Scrutiny Committees and in advance to enable any Parish Council comments to be considered at the point of decision making
- 3.1.15 **schedule** and organise Parish Forum Meetings four times in each Council Year in order to achieve effective dialogue on particular issues of common interest (see terms of reference attached as Appendix 2 to this Charter)
- 3.1.16 **ensure** the attendance of the Chief Executive or his representative and relevant Senior Officers at each Parish Forum Meeting
- 3.1.17 **keep** its consultation procedures and practice under review
- 3.1.18 **maintain** an up-to-date list of Parish Councils' preferred points of contact.

3.2 **Note: Parish Plans**

- 3.2.1 *The District Council will encourage Parish Councils to produce Parish Plans and will provide advice and support where practicable.*
- 3.2.2 *The Council will publish separate guidance for how parish plans can be presented at the Local Strategic Partnership Board and considered by the Council's Cabinet. As previously discussed with Parish Councils the District Council would like to treat the Parish Plans as local information sources.*
- 3.2.3 *The District Council will take account of the proposals and priorities contained within Parish Plans in developing and implementing sustainable community strategies as they affect the Parish areas concerned, provided that each Parish Plan conforms to the District Council's policy framework and has been subjected to a rigorous Parish consultation and participation*

process which includes consultation with District Council Ward Members. Bromsgrove District Council will strengthen links between the Parish Council(s) in order to improve delivery of Parish priorities.

3.2.4 *Parish Councils are encouraged to precept adequately in order to fund the action plan developed through the Parish Plan process.*

3.3 Parish Councils will:

3.3.1 **endeavour** to take part in relevant consultations and to respond within the given timescales

3.3.2 **ensure** prompt responses to invitations from Bromsgrove District Council to attend workshops, briefing meetings etc.

3.3.3 **ensure** that agenda items for Parish Forum Meetings are notified to the Democratic Services team in accordance with the published lead-in times for agenda planning for those meetings

3.3.4 **consult** with District Council ward members on a regular basis.

4 Information and Communication

4.1 Effective working between Parish Councils and Bromsgrove District Council depends on clear information being available to all. To promote this and effective communication

4.2 Bromsgrove District Council will

4.2.1 **provide** information electronically wherever possible (including access to important Parish issues, e.g. highways works) and keep this information up-to-date

4.2.2 **encourage** all Parish Councils to equip themselves to receive information electronically

4.2.3 **provide** information in conventional formats where requested so as not to disadvantage those Parish Councils that do not have access to computers

4.2.4 **maintain** an up to date list of Members and Officers, their duties and their contact details

4.2.5 **use** plain language in all its communications and explain technical terms and acronyms

4.2.6 **ensure** there is a full understanding among Members and Officers of the role of Parish Councils and the importance of engagement with those Councils on all relevant matters

4.2.7 **provide** an acknowledgement of information requests within 5 working days with an indication of when the substantive response will be sent and

generally will apply its customer care standards to any correspondence or telephone calls from Parish Councils

- 4.2.8 **afford** Parish Councils the opportunity to speak at any meeting of the Planning, Overview and Scrutiny Boards for up to 3 minutes on any specific agenda item or on a general matter not featured on the agenda but relevant to the remit of the body.
- 4.3 Note: Parish Councils will have only the same legal rights as members of the public unless they are also members of the District Council. This means that although they have a right to attend meetings they have no right to speak or take part in meetings other than as explained above. Similarly, they can be excluded from a meeting if the Council has resolved to exclude the public because it is considered that publicity would prejudice the public interest by reason of the confidential nature of the business or for some other reason stated in the resolution and arising out of the business to be transacted.
- 4.4 Parish Councils will
 - 4.4.1 **provide**, and keep up to date, information to Bromsgrove District Council's Democratic Services Team about the Parish Council including the name and contact details of the Clerk and Chairperson
 - 4.4.2 **provide** an email address wherever possible
 - 4.4.3 **have the right** to initiate the Council's Complaints Procedure if they are dissatisfied with an action of Bromsgrove District Council, its response to a request for information or a failure to consult

5 Standards Committee

- 5.1 Bromsgrove District Council and the Parish Councils have adopted Codes of Conduct based on the national model Code of Conduct. Parish Councils will work with Bromsgrove District Council's Standards Committee to promote and maintain high standards of conduct, including the provision of Ethical Framework training.
- 5.2 The arrangements for the appointment of Parish Council representatives to serve on the Standards Committee are as set out in the Council's Constitution.

6 Local Neighbourhood Partnerships

- 6.1 Bromsgrove District Council has introduced the concept of Local Neighbourhood Partnerships. The partnerships are designed to provide a setting, where the three tiers of local government, local strategic partners and residents can work together on tackling local issues and improve resident's satisfaction. (The District Council held two stakeholder events in December 2008 and agreed that it will undertake further consultation with the parish councils on the sequencing of the proposed roll out of LNPs in future years.) The District Council expects to roll out two LNPs per year, in

consultation with parish councils. An annual consultation event will be held in December each year with representatives from each of the three tiers of local government to look at the specific issues of roll out in their areas and to learn lessons from the previous pilots.

- 6.2 Bromsgrove District Council will publish a terms of reference for the LNPs once approved by Cabinet in July 2009. A senior officer from Bromsgrove District Council will be attached to each LNP and a budget delegated to each LNP, based on the number of District Councillors in each LNP. The budget allocation will be £5,000 per District Councillor, making a total amount of £195,000 once the concept is rolled out completely.

7 Devolution of Services

- 7.1 Parish Councils may request Bromsgrove District Council to devolve to them the running of services or may wish to fund services to a higher level than that provided by Bromsgrove District Council.
- 7.2 Where any such requests are made, Bromsgrove District Council will consider this where it provides best value, taking account of quality, cost, Parish preferences and practicality. Bromsgrove District Council will also consider the service implications of the request and the effect of such arrangements on the cost and standards of the services offered elsewhere in the Council's area. Where such a request is not good value or practicable, Bromsgrove District Council will, in consultation with the Parish Council, explore alternative solutions to encourage more Parish-level input to services.
- 7.3 In the light of response to the request, the Parish Council will indicate whether it wishes to continue with its request. If so, Bromsgrove District Council will convene a formal meeting to discuss the issue with a view to making a recommendation to the Cabinet. The recommendation may be to refuse, grant or modify the Parish Council's request.
- 7.4 If, on its own initiative, Bromsgrove District Council wishes to propose to devolve services to Parish Councils, it will provide all necessary information as detailed above to enable the Parish Council(s) to reach a decision on the proposal. If there is agreement to proceed, Bromsgrove District Council will appoint a senior officer to advise on and oversee the transfer of responsibility, and to maintain liaison for a minimum period of twelve months.
- 7.5 Where a Parish Council takes on the provision of a certain service, the financial arrangements and partnership framework agreement will be agreed by Bromsgrove District Council and the relevant Parish Council.

8 Quality Parishes

- 8.1 Without affecting any of the commitments and agreements stated elsewhere in this Charter in respect of all Parish Councils, Bromsgrove District Council reaffirms that it will work with Parish Councils that have attained Quality Parish status in all of the ways described in this Charter. It will:

- 8.1.1 support any request from a Quality Parish in acting as an information or access point for Bromsgrove District services
- 8.1.2 give the Quality Parish the opportunity to put forward proposals to take on aspects of the delivery, management and monitoring of significantly larger scale services provided by Bromsgrove District Council.

9 Conflict Resolution

- 9.1 From time to time there may arise issues upon which Bromsgrove District Council and Parish Councils are initially unable to agree. In such cases, either the Bromsgrove District Council or the Parish Council(s) concerned may raise the item at a Parishes Forum Meeting. If it is not possible to identify a solution there, the Parish Forum may, with mutual consent, appoint a Joint Working Party to examine the issue in depth and to come up with recommendations.
- 9.2 The Forum Meeting will determine the servicing and administrative arrangements at the time it appoints a Joint Working Party.
- 9.3 Nothing in the above paragraph shall prevent Parish Councils from establishing their own Working Party at any time which may make and present recommendations direct to Bromsgrove District Council or through the Parish Forum.
- 9.4 Bromsgrove District Council, or its Cabinet, will consider any recommendations arising from a Joint Working Party or a Parish Councils' Working Party at the first appropriate opportunity. The Council will report its decision to the Parish Councils concerned.

10 Development Control

- 10.1 This Charter recognises the special rights and arrangements that exist for Parish Councils with regard to the development control process, which is required to be conducted in an open, fair and transparent manner.
- 10.2 Appendix 3 to this Charter sets out the working arrangements between Bromsgrove District Council and Parish Councils in the development control process.

11 Review and Operation of the Charter

- 11.1 The working and effectiveness of the Charter will be reviewed annually by the Parish Councils' Forum and the views of the District Council and of all Parish Councils in the District will be invited before the meeting at which the review takes place.

CALC CODE OF PRACTICE RE ATTENDANCE OF DISTRICT COUNCILLORS AT PARISH COUNCILS

Introduction

1. A good working relationship between Parish Councils and the Parish County and District (Principal) Councillors is essential if Parish service provision is to be delivered in an efficient and effective way.
2. The Parish Principal Councillors have a special and important role to play as links between Parish Councils and the other tiers of Parish government, and this should be recognised if the Parish Council is to obtain the maximum benefit from them. However, it is accepted that a balance needs to be struck which makes it clear that Parish Principal Councillors are not members of the Parish Council and that their participation at meetings is by invitation only.

The Legal Position

3. At meetings of Parish Councils, Principal Councillors have only the same legal rights as members of the public unless they are also members of the Parish Council. This means that although they have a right to attend meetings they have no right to speak or take part in meetings. Similarly, they can be excluded from a meeting if the Council has resolved to exclude the public because it is considered that publicity would prejudice the public interest by reason of the confidential nature of the business or for some other reason stated in the resolution and arising out of the business to be transacted.

Guiding Principles

4. For a Parish Council and Principal Councillor relationship to develop in a mutually beneficial way the following guiding principles should be adopted.

Invitation to attend

5. The Clerk should invite the Parish Principal Councillor(s) to attend all meetings of the Parish Council and the Annual Parish/Town Meeting. This could be achieved by the Parish Council adopting NALC Model Standing Order No. 74 which states: "*A Summons and Agenda for each meeting shall be sent, together with an invitation to attend, to Principal Councillors for the appropriate division or ward.*"

Opportunity to speak

6. The Parish Council agenda should provide an opportunity during the meeting for the Principal Councillors to present a report to the Parish Council and for the Council to question them. This can be achieved by including "County Councillor's Report and "District Councillor's Report" as items on the Agenda. The Principal Councillors will also be able to speak during any period set aside by the Parish Council for public participation. In addition, in view of their special role and depending on business being discussed, the Chairman of the Council may wish to invite the Principal Councillor(s) to speak during a meeting on a particular topic. This needs to be exercised carefully to avoid individual members of the public, who may also wish to speak on this topic, feeling they are being discriminated against unfairly.

Principal Councillor who is also a Parish Councillor:

7. If a Principal Councillor is also a member of the Parish Council (s)he is entitled to speak and vote on any business in the same way as any other member of the Council. However, it is good practice for them to remember that, because of their membership of a Principal Council, they are in fact in a different position from the rest of the Parish Council and should bear this in mind when debating issues.

Seating Arrangements

8. Seating arrangements for the Principal Councillors should be chosen carefully to avoid the impression being given that the Principal Councillors are members of the Parish Council. A position apart from the Parish Council and other members of the public is probably advisable; there is no necessity for the Principal Councillors to have to sit with other members of the public.

Correspondence:

9. The Clerk should send the Parish Principal Councillors copies of correspondence between the Parish Council and the Principal Councils. This could be achieved by the Parish Council adopting NALC Model Standing Order No. 71 (*check*) which states: "*Unless the Council otherwise orders, a copy of each letter ordered to be sent to a Principal Council shall be transmitted to the Principal Councillor for the division or ward as the case may require.*"

Principal Councillors' Reports This should be included in what the Parishes will do

10. Principal Councillors should, where possible:

- attend Parish Council meetings in their division/ward when time permits;
- prepare a brief report for each Parish Council meeting, to be made in person or relayed to the Clerk;
- provide the Clerk with a copy of relevant correspondence *in the public domain* to the Councillors on Parish Council business;
- advise the Parish Council when relevant Parish and strategic matters of interest are to be considered by the Principal Council in public session;
- make an annual report to the Annual Parish Meeting.

Consultation and Collaboration

11. Principal Councillors should seek to ensure that the Council Charter is applied, and, in particular ensure that:

- liaison between the three tiers of Parish government is improved;
- Parish Councils are advised when opportunities occur for collaboration with the other tiers;
- Principal Councils consult Parish Councils on relevant Parish and strategic matters.

APPENDIX 2

Terms of Reference for the Parish Council Forum

DEVELOPMENT CONTROL

(The following arrangements are agreed in respect of development control functions and the important partnership that exists between Bromsgrove District Council and all Parish Councils)

Bromsgrove District Council will conduct its development control process in an open, fair and transparent manner. In this context it will:

1. **consult** Parish Councils on applications for planning permission within their relevant administrative boundary under the Town and Country Planning Acts or other relevant legislation;
2. **make** available to each relevant Parish Council the facility to view such applications and plans and submit comments
3. **allow** 14 days for the submission of representations by Parish Councils in accordance with the requirements of the Town and Country Planning General(Procedure) Order 1995
4. **undertake** to report a summary of all such representations to the relevant committee determining the application and to ensure the representation is taken into account,

OR

5. **on Officer delegated decisions**, ensure the representation is placed before the Officer at the time the matter is determined
6. **make available via the Council's Web site** all planning decisions taken by Bromsgrove District Council.
7. **afford** Parish Councils the opportunity to speak at a Development Control meeting for up to 3 minutes on each proposal on the agenda that is within their Parish and on which the Parish Council has given notice of its wish to make representations, and in accordance with the terms of public speaking as published by Legal and Democratic services.
8. **endeavour** to make planning case officers available to attend Parish Council meetings, at the request of the Parish Council, to offer factual information or to clarify information about significant or highly controversial applications
9. **make** training places available to representatives of Parish Councillors and/or Parish Council Clerks to help in their understanding of the planning process and of matters that have a bearing on the determination of planning matters
10. **adopt** and adhere to a Planning Code of Conduct and in this respect apply the highest standards of integrity to the management and delivery of its development control and planning enforcement responsibilities.

Parish Councils will:

1. **reply** within 14 days in writing / e mail and or other electronic means such as the Bromsgrove District Council's Public Access facility to all planning applications within their Parish and which they have commented upon Council
2. **comment** on planning applications on planning grounds only and specify as fully as possible the reasons for any objection to, or support for, a particular application
3. **attend** meetings, briefings and training courses as appropriate in order to gain a fuller understanding of the planning process
4. **assist** Bromsgrove District Council in delivering its development control responsibilities with integrity and otherwise in accordance with the agreed Planning Code of Conduct.