

A Framework Document
for working relations between
Bath & North East Somerset Council and
Local Councils in its area

(known generally as the Parish Charter)

Aim of the Document

To create a framework of understanding about how Bath and North East Somerset Council and the Town Councils, Parish Councils and Parish Meetings (“the Local Councils”) in its area will work together, and with others, to deliver improvements to the economic, social and environmental well-being of the area.

Background

This document replaces the Joint Partnership Statement which was approved in 1999 and whose provisions are, where relevant, subsumed into this document.

It updates arrangements for local co-operation, consultation and partnership in the light of

1. how Bath & North East Somerset and Local Councils have developed over the years;
2. new Government initiatives (and in particular that relating to Quality Parishes);
3. the Local Strategic Partnership and other partnership arrangements that have re-shaped local service delivery and promoted joint working;
4. public expectation that local community leadership will be delivered effectively by their locally elected representatives.

Core Statement of Agreement

By signing up to this document, the Bath & North East Somerset Council and Local Councils collectively agree

1. **to recognise** Local Councils alongside Bath & North East Somerset Ward Councillors as the grass roots level of local democracy and community leadership
2. **to recognise** Bath & North East Somerset 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 Bath & North East Somerset Council and Local Councils’ representatives in the Local Strategic Partnership for the area

3. **to acknowledge** that Bath & North East Somerset Council will work in partnership with all Local Councils to promote sustainable social, economic and environmental developments for the benefit of local communities
4. **to raise** awareness among their staffs of the respective roles of the Councils signing up to this agreement
5. **to respect** and take account of the different capabilities of Local Councils to handle information and respond to consultations
6. **to engage** in regular liaison about issues of common interest
7. **to recognise** the Government's encouragement for the concept of Quality Parishes
8. **to monitor** through the Parishes Liaison Meeting the delivery of the principles and practices covered by this Charter
9. **to respond** in a helpful, timely and efficient manner to all communications from Local Councils/Bath & North East Somerset Council respectively.

Consultation, Liaison and Engagement

Bath & North East Somerset Council will

1. **consult** Local 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
 - a. key corporate arrangements which materially affect the work of Local Councils or the delivery of local services
 - b. issues of strategic policy
 - c. other issues of relevance to all or a number of Local Councils
2. **consult** an individual Local Council when a planned decision or action will have a direct and significant impact on that Local Council or its area or inhabitants
3. **allow** not less than 21 working days for any such consultation
4. **notify** to Local Councils the name of the relevant lead Officer to whom queries about the consultation may be addressed
5. **undertake** to provide sufficient information to enable a meaningful response
6. **reserve the right** exceptionally not to consult with Local 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, Local Councils will be given reasons.
7. **consult** in ways that enable all Local Councils, with or without IT support, to have the opportunity to respond
8. **take full account** of all views offered by Local Councils
9. **offer feedback** to Local Councils (individually or collectively) on the outcomes of the issue on which consultation took place
10. **host** briefing sessions on major issues that are the subject of consultation, where it is practical to do so
11. **involve** Local Councils in relevant workshop activity that helps to develop an overall approach to community leadership and the management of change

12. **promote** full engagement with Local Councils on all key local issues including the development of Parish and Town Plans
13. **look for ways** in which Local Councils might actively be engaged in the development of the Community Strategy and other key strategic policies
14. **maintain** and publish a database of planned consultation activity so that Local Councils may be aware and incorporate their considerations within their own work plans
15. **publish** agendas for the Council, Council Executive (Cabinet), Regulatory Committees, Overview and Scrutiny Panels and schedules of single Executive Member decisions suitably in advance to enable any Local Council comments to be considered at the point of decision making
16. **schedule** and organise Parish Liaison Meetings three times in each Council Year in order to achieve effective dialogue on particular issues of common interest (see terms of reference attached as Appendix 1 to this Charter)
17. **ensure** the attendance of the Chief Executive or his representative and relevant Senior Officers at each Parish Liaison Meeting
18. **support** and administer Parish Cluster meetings twice in each Council Year for each cluster, in order to facilitate direct liaison with appropriate groups of Local Councils on relevant matters (*agreed operational arrangements issued by the Highways and Transportation Service are attached as Appendix 2 to this Charter*)
19. **keep** its consultation procedures and practice under review
20. **maintain** an up-to-date list of Local Councils' preferred points of contact.

Local Councils will:

1. **endeavour** to take part in relevant consultations and to respond within the given timescales
2. **ensure** prompt responses to invitations from Bath & North East Somerset Council to attend workshops, briefing meetings etc.
3. **ensure** that agenda items for Parish Liaison Meetings are notified (normally by the Secretary of the Local Councils Group) to the Democratic Services team in accordance with the published lead-in times for agenda planning for those meetings
4. **ensure** agenda items for Parish Cluster meetings are notified to the relevant administrative officer within the Bath & North East Somerset Council

Information and Communication

Effective working between Local Councils and Bath & North East Somerset Council depends on clear information being available to all. To promote this and effective communication

Bath & North East Somerset Council will

1. **provide** information electronically wherever possible (including access to important local issues, eg highways works) and keep this information up-to-date
2. **encourage** all Local Councils to equip themselves to receive information electronically

3. **provide** information in conventional formats where requested so as not to disadvantage those Local Councils that do not have access to computers
4. **maintain** an up to date list of Members and Officers, their duties and their contact details
5. **use** plain language in all its communications and explain technical terms and acronyms
6. **ensure** there is a full understanding among Members and Officers of the role of Local Councils and the importance of engagement with those Councils on all relevant matters
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 Local Councils
8. **afford** Local Councils the opportunity to speak at any meeting of the Council, Council Executive and Overview and Scrutiny Committee 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.

Local Councils will

1. **provide**, and keep up to date, information to Bath & North East Somerset's Communications and Marketing Manager about the Local Council including the name and contact details of the Clerk and Chairperson
2. **provide** an email address wherever possible
3. **have the right** to initiate the Council's Complaints Procedure if they are dissatisfied with an action of Bath & North East Somerset Council, its response to a request for information or a failure to consult

Standards Committee

Bath & North East Somerset Council and the Local Councils have adopted Codes of Conduct based on the national model Code of Conduct. Local Councils will work with Bath & North East Somerset Council's Standards Committee (and through its Parishes Sub Committee) to promote and maintain high standards of conduct, including the provision of Ethical Framework training.

The arrangements for the appointment of Local Council representatives to serve on the Standards Committee and its Parishes Sub Committee are as set out in the Council's Constitution.

Local Community Leadership (Neighbourhood Working)

Bath & North East Somerset Council may from time to time wish to consider initiatives for neighbourhood working as part of the development of its community leadership role. Any such considerations will be developed in full consultation with Local Councils. This recognises the collective role that is shared with Local Councils in delivering local community leadership.

Devolution of Services

Local Councils may request Bath & North East Somerset Council to devolve to them the running of services or may wish to fund services to a higher level than that provided by Bath & North East Somerset Council.

Where any such requests are made, Bath & North East Somerset Council will consider this where it provides best value, taking account of quality, cost, local preferences and practicality. Bath and North East Somerset 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, Bath & North East Somerset Council will, in consultation with the Local Council, explore alternative solutions to encourage more local-level input to services.

In the light of response to the request, the Local Council will indicate whether it wishes to continue with its request. If so, Bath & North East Somerset Council will convene a formal meeting to discuss the issue with a view to making a recommendation to the appropriate Executive Member or to the Council Executive as a whole. The recommendation may be to refuse, grant or modify the Local Council's request.

If, on its own initiative, Bath & North East Somerset Council wishes to propose to devolve services to Local Councils, it will provide all necessary information as detailed above to enable the Local Council(s) to reach a decision on the proposal. If there is agreement to proceed, Bath & North East Somerset 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.

Where a Local Council takes on the provision of a certain service, the financial arrangements and partnership framework agreement (*ref. report of the Joint Working Party on Quality Parishes, section 2.3 Recommendations*) will be agreed by Bath & North East Somerset Council and the relevant Local Council.

Quality Parishes

Without affecting any of the commitments and agreements stated elsewhere in this Charter in respect of all Local Councils, Bath & North East Somerset Council reaffirms that it will work with Local Councils that have attained Quality Parish status in all of the ways described in this Charter. It will:

1. **strengthen** the links between the Quality Parish and the Local Strategic Partnership in order to improve the delivery of local priorities
2. **support** any request from a Quality Parish in acting as an information or access point for Bath & North East Somerset services
3. **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 Bath & North East Somerset Council.

Conflict Resolution

From time to time there may arise issues upon which Bath & North East Somerset Council and Local Councils are initially unable to agree. In such cases, either the Bath & North East Somerset Council or the Local Council(s) concerned may raise the item at a Parishes Liaison Meeting. If it is not possible to identify a solution there, the Liaison Meeting may, with mutual consent, appoint a Joint Working Party to examine the issue in depth and to come up with recommendations.

The Liaison Meeting will determine the servicing and administrative arrangements at the time it appoints a Joint Working Party.

Nothing in the above paragraph shall prevent Local Councils from establishing their own Working Party at any time which may make and present recommendations direct to Bath & North East Somerset Council or through the Liaison Meeting.

Bath & North East Somerset Council, or its Executive, will consider any recommendations arising from a Joint Working Party or a Local Councils' Working Party at the first appropriate opportunity. The Council will report its decision to the Local Councils concerned.

Development Control

This Charter recognises the special rights and arrangements that exist for Local Councils with regard to the development control process, which is required to be conducted in an open, fair and transparent manner.

Appendix 3 to this Charter sets out the working arrangements between Bath & North East Somerset Council and Local Councils in the development control process.

Review and Operation of the Charter

Bath & North East Somerset Council will put in place arrangements to review the operation of the Charter initially after the first year of operation (and thereafter every 2 years) to ensure that the principles and detailed commitments given in it are upheld.

This version of the Charter was approved by the Parishes Liaison Meeting on 15th February, 2006 and by the Bath and North East Somerset Council on 30th March, 2006.

THE PARISH LIAISON MEETING

Its Membership

1. The Bath and North East Somerset Council will appoint representatives to the Parish Liaison meetings in such numbers as it decides. One of its representatives will chair each meeting.
2. The Parish and Town Councils will each be entitled to send their nominated representative and Clerk to the meetings.
3. The Local Councils Association for the Council's area will be entitled to send representation to the meetings in their own right.
4. Officers of Bath and North East Somerset Council will attend meetings as necessary to advise and to assist discussion.

Its Purpose

5. The Liaison Meeting will provide an opportunity for the discussion of issues of common interest, identified by the Council or by Parish/Town Councils (individually or collectively), that are relevant for discussion in this forum.
6. Items of relevance are likely to be those:
 - * that have a direct impact on all, or a significant number of, Parish/Town Councils;
 - * that support an effective working partnership between tiers of local government;
 - * relating to the Parish Charter;
 - * where a collective view from Local Councils would be helpful.
7. Items that are not likely to be relevant for the Liaison meeting include
 - * those that relate to a single, or small number of, Parish /Town area(s)
 - * those for which other effective channels of communication exist (including issues that are already the subject of detailed consultation);
8. The infrequency of Liaison Meetings means that it is not a practical forum through which to engage in routine consultation.

CLUSTER GROUP MEETINGS.

Parish Cluster Groups have been established to enable **all** B&NES Council service matters to be discussed between Parish Councils and relevant B&NES Council Officers.

Meetings will be held twice a year for each of the Cluster Groups.

Ward Councillors will be encouraged to attend Cluster Group meetings.

Management of the agenda for each meeting -

- a. Parish Councils will be asked for agenda items one month before a meeting.
- b. The items will be collated into the agenda by topics rather than by Parishes.
- c. The agenda will be distributed two weeks before the meeting.
- d. Single Parish items will be avoided, unless they impact on other Parishes.
- e. The use of written statements by Officers will be encouraged - such statements to go out with the agenda.
- f. Brief statements of current service issues will be made at the beginning of the agenda.
- g. Discussion of current consultations (if any) will take place early in the agenda.

Conduct of the meetings -

- a. Meetings will be chaired at Executive Member or Head of Service level.
- b. Attendance from a Local Council should be limited to a manageable number, so as not to dominate a meeting.
- c. Officers attending a meeting will need to be well informed as to the current issues, the current consultations and the problems identified in the agenda.
- d. Officers attending a meeting will need to be authorised to commit to actions.

Action Notes of the meetings are to be precise, with the Action Officer named and the timescale to the completion of the Action stated.

Monitoring of the Actions will be done by the Transportation and Highways Service.

(The following arrangements are agreed in respect of development control functions and the important partnership that exists between Bath & North East Somerset Council and all Local Councils)

Bath & North East Somerset Council will conduct its development control process in an open, fair and transparent manner. In this context it will :

1. **consult** relevant Local Councils on all applications for planning permission or other consents under the Town and Country Planning Acts or other relevant legislation;
2. **make one** copy available to each relevant Local Council of every such application on which they are being consulted
3. **provide** a list of neighbours notified within the parish for each application
4. **allow** 21 days for the submission of representations by Local Councils
5. **undertake** to report all such representations to the relevant committee determining the application and to ensure the representation is taken fully into account, OR
6. **on Officer delegated decisions**, ensure the representation is placed before the Officer at the time the matter is determined
7. **notify** all Local Councils of planning decisions
8. **afford** Local Councils the opportunity to speak at a Development Control meeting for up to 3 minutes on each proposal on the agenda on which the Local Council has given notice of its wish to make representations
9. **endeavour** to make planning case officers available to attend Local Council meetings, at the request of the Local Council, to offer factual information or to clarify information about significant or highly controversial applications
10. **make** periodic training places available to representatives of Local Councillors and/or Local Council Clerks to help in their understanding of the planning process and of matters that have a bearing on the determination of planning matters
11. **adopt** and adhere to a Planning Code of Conduct and in this respect will apply the highest standards of integrity to the management and delivery of its development control and planning enforcement responsibilities.

Local Councils will:

1. **reply** promptly in writing / e mail to all planning applications received from Bath & North East Somerset 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** Bath & North East Somerset Council in delivering its development control responsibilities with integrity and otherwise in accordance with the agreed Planning Code of Conduct.