

A Statement of Partnership
between County, District and
Parish and Town Councils

North Hertfordshire
Parish Charter

DRAFT

Date of this draft – 2nd November 2010

1 INTRODUCTION

Notes

- 1.1 Throughout this charter, the term 'Parish Council' refers to all Parish Councils, Town Councils and Parish Meetings.
- 1.2 North Hertfordshire District Council will be referred to as 'NHDC' and Hertfordshire County Council will be referred to as 'HCC' in this document.
- 1.3 Responsible for the content of this document will be the NHDC Policy Manager.

Background

- 1.4 This Charter is the result of discussions between HCC, NHDC and Parish Councils in North Hertfordshire to establish and maintain effective ways of working. It has the full commitment of all three tiers of local government.
- 1.5 The aim is simple – to enhance the roles of Parish Councils in North Hertfordshire, with particular attention to improving consultation about policies and decisions which may affect their communities.
- 1.6 These aspirations have reinforced the desire to place local communities at the heart of the decision making process.
- 1.7 There are currently 25 Parish Councils, 6 Parish Meetings and 2 Town Councils within North Hertfordshire, all playing a valuable role in local democracy. Parish Council representatives possess unique knowledge which can only help decision-makers make more informed decisions. The Parish Councils have made it clear that they would like more influence on services that affect their communities and this Charter formally recognises this wish.
- 1.8 It is important that moves to enhance the roles of parishes should recognise that there are significant variations both in the resources and in the ambitions of Parish Councils within North Hertfordshire. This Charter does not seek to establish a detailed framework by which HCC and NHDC services may be devolved to Parish Councils as it is recognised that some may not wish, or be in a position, to take on extra responsibilities.
- 1.9 HCC and NHDC will work in partnership with all Parish Councils in North Hertfordshire to promote sustainable social, economic and environmental development for the benefit of local communities. To this end, Parish Councils are represented on the North Hertfordshire Partnership – the Local Strategic Partnership (LSP) for the district – and are consulted in respect of the Sustainable Community Strategy for North Hertfordshire and its implementation. Similarly, the Hertfordshire Association of Parish and Town Councils (HAPTC) is represented on Hertfordshire Forward (the County LSP).
- 1.10 Furthermore, this Charter reflects the increasing importance attached by Central Government to the development of Quality Parish status for Parish Councils. The first part of this Charter (Part 1) applies to all Parish Councils in the area and the second part (Part 2) applies to Quality Parish Councils only.
- 1.11 The implications of this Charter will be reviewed annually (alongside the Rural Strategy) such that minor modifications can be made if required; with agreement of proposed amendments being undertaken at the Annual Parish and Town Councils Conference. Additionally, there will be a major review every five years, including a full consultation with all appropriate partners, commencing in 2010.

Part 1 – All Parish Councils

2 THE CONSULTATION FRAMEWORK

2.1 This Charter starts from the premise that consultation is not a form of advance warning or of public relations, but rather a mechanism that helps to empower Parish Councils in shaping those decisions of HCC and NHDC that affect local communities. Consultation with Parish Councils must be a multilateral process, which can only be effective where there is a sense of partnership and mutual trust built upon current good practice.

Circumstances in which consultation will occur

2.2 HCC and NHDC will consult (or notify) Parish Councils formally on issues where:

- i. Consultation (or notification) is required by law;
- ii. Rural aspects are an integral part of any plans, policies, proposals and where there could be direct impact within a parish or parishes, or;
- iii. A Parish Council has expressed a wish in advance to be a consultee.

2.3 Appendix 1 shows which issues the Parish Councils will be consulted on and under which circumstances.

2.4 Only in exceptional circumstances will appropriate consultation not take place, in which case a written explanation will be given to all Parish Councils,

Timescales

2.5 Consultation should provide for timescales which are as generous as possible, within service delivery constraints, and take into account, wherever possible, the frequency of Parish Council meetings and the time required to deliver a suitable response.

2.6 HCC and NHDC will aim to provide a period of 12 weeks (84 calendar days) for a Parish Council to comment, but will always provide a minimum of 6 weeks (42 days).

2.7 Wherever possible, the timescale for comments on individual planning applications will not be less than 21 days and will be extended where the Parish Council agrees this with NHDC.

2.8 There are likely to be some circumstances in which HCC and NHDC have to take urgent decisions and will therefore be unable to apply a generous timescale for consultation or notification, but these instances will be kept to a minimum and Parish Councils will be advised immediately of the decision.

Content

2.9 The Parish Councils will be sent sufficient information wherever possible in plain, non-technical language to enable them to identify the nature and location of the item on which consultation is taking place and reach an informed view on the matter. They

will also have access to any 'background papers', location maps, etc., on request. All such information will normally be sent as a hard copy (i.e. on paper) and, where an electronic medium is used, will be made available as a hard copy on request.

2.10 Consultation documents will normally include:

- i. A summary box setting out the name and extension number of the officer dealing with the matter;
- ii. The date and name of the committee (or sub-committee or named officer) which will make the decision;
- iii. The deadline by which comments will be required to be included in the committee report or other decision making process;
- iv. An executive summary, where practicable, and;
- v. A range of options, where it is feasible, and an indication of the anticipated benefits and costs to each organisation of each option.

2.11 Consultations sometimes refer to specific applications for consent e.g. planning applications, rights of way, diversions, licences, etc. On such occasions, HCC or NHDC officers will endeavour, on request, to provide a supplementary checklist of the relevant policies and, where appropriate, the policy documents by which the application is being determined. It will not normally be practical to supply the checklist at the time of the formal notification of the application.

Briefing

2.12 Where given reasonable notice of the request and wherever practicable, HCC and NHDC staff will endeavour to brief Parish Council councillors and clerks by phone or in meetings. However, it is understood that there can be operational limitations on the availability of staff, particularly for evening meetings.

2.13 HCC or NHDC will seek to provide, wherever practicable and appropriate, sufficient copies of the executive summary of the consultation for District and County Council councillors and the local press, expressed in plain English and with an index to the places and subjects covered.

Follow up

2.14 The views expressed by Parish Councils will be summarised in committee reports of the decision-making council.

2.15 Where a Parish Council has been consulted, HCC or NHDC will seek to inform the Parish Council of the decision and reasons within six clear working days of the decision having been taken.

2.16 In line with the Council's Constitution (2010/11), where an opposing view occurs between the Parish Council and officers the comments of the Parish Council and the officer will be forwarded to the Ward Councillor(s) for a decision as to whether or not the Member would be willing to support the comments expressed by the Parish Council. If supported by the Member, the application will be included in the agenda for the Planning Control Committee. An opportunity exists for a representative of the Parish Council to speak for three minutes to express in more detail the

support/opposition to an application. The Ward Councillor may also wish to act as an advocate and speak to the Committee. In any event, the views of the Parish Council together with an explanation will be included in the report and copied to the Parish Council concerned.

Costs of Consultation

- 2.17 Consultation carries increased costs for both sides. Parish Councils can derive benefits for their community from the process but some parishes, particularly smaller ones, may be faced by disproportionately higher costs in order to handle the extra work. Parish Councils have the power to precept for additional expenditure but consideration may need to be given to finding other means to provide additional financial support towards these costs. The costs of consultation must be built in to any bids for funds in respect of the annual Rural Grants Fund, Parish Plans and other grants.

3 PARISH REPRESENTATION

- 3.1 Where a decision directly impacting on a parish is being taken, Parish Councils may be invited by the Chairman to speak at the relevant HCC or NHDC committee meetings.
- 3.2 Similarly, where a decision directly impacting on a parish is being taken, Parish Councils may request the right to speak on matters other than development control at NHDC's committee and area committee meetings. The right to speak is at the discretion of the Chairman of the meeting. The spokesperson for the Parish Council will normally be given five minutes to address the committee but, with the permission of the Chairman, this may be extended.
- 3.3 At the Planning Control Committee a representative of the Parish Council may speak in support of the Parish Council's views on an application for 3 minutes.
- 3.4 Parish Councils wishing to speak would be expected to request the right to speak in writing:
- i. in respect of NHDC, by 12 noon on the day of the meeting, and
 - ii. in respect of HCC, at least three clear working days before the meeting.
- 3.5 Parish Councils will be notified of any formal site meeting of NHDC members affecting a decision within their parish by the convenor of the meeting and have the right to attend and speak at the site meeting.
- 3.6 Parish Councils can also brief their local HCC or NHDC councillor, who is entitled to speak at the committee or sub-committee meeting where decisions are to be considered.
- 3.7 Local members will receive copies of correspondence between officers of their principal authority and Parish Councils on significant issues affecting their ward/division.

4 ADDITIONAL MEETINGS FOR PARISHES

- 4.1 Arrange an annual district-wide 'Parish and Town Councils Conference' involving HCC, NHDC and all Parish Councils to review issues of mutual interest.
- 4.2 NHDC will help to facilitate the parish network meetings when requested.
- 4.3 Furthermore, HCC and NHDC councillors are encouraged to attend meetings of the Parish Councils within their wards.

5 IMPROVING INFORMATION

- 5.1 HCC and NHDC will acknowledge letters received from Parish Councils in accordance with their local customer standards and will provide substantive answers to letters which need a reply in accordance with the provisions of the relevant Customer Charter. Specifically, NHDC will aim to send an initial reply within four working days and, where the initial reply is an acknowledgement, a full substantive reply will be sent within ten working days.
- 5.2 HCC and NHDC will communicate with Parish Councils by including them on the distribution list for communications such as NHDC's Members' Information Service updates, HCC Highways Reports etc.
- 5.3 HCC and NHDC officers will assist the HAPTC in the provision of an improved HAPTC information, briefing and training service for Parish Council councillors and clerks. Wherever possible, access will be provided to appropriate training events arranged by HCC or NHDC.
- 5.4 HCC or NHDC will, in conjunction with HAPTC, pursue the availability of professional advice and information to help Parish Councils identify and respond to needs within their community. Advice services will focus particularly on those where HCC or NHDC have direct involvement with services provided or delivered by individual Parish Councils.
- 5.5 HCC and NHDC will work with HAPTC to brief and train Council staff, notably those staff in most frequent contact with Parish Councils, to improve awareness and understanding of the roles of Parish Councils and of the District and County Councils.
- 5.6 HCC and NHDC officers will endeavour to provide and update each Parish Council with information about services that are provided in, or directly benefit, their parish. Much of this may be provided in the normal course of consultation (e.g. details of mobile library routes, contracted bus services). Other examples would include housing waiting list numbers, primary school rolls, and budgets, etc.
- 5.7 HCC will work with Parish Councils to extend the network of Local Information Points and will look favourably on opportunities to co-locate the facility within Parish Council offices.
- 5.8 HCC and NHDC will keep Parish Councils updated on the complaints and appeals procedures available to the public.

6 PRACTICAL SUPPORT

- 6.1 The Returning Officer appointed by NHDC is responsible for holding Parish Council elections and parish polls. The respective authorities will work together to limit the costs of holding such elections and polls.
- 6.2 HCC and NHDC will promote local community life through encouraging access to grants and external funding for all community groups and organisations.
- 6.3 HCC and NHDC will, where practicable, offer Parish Councils access to their own support services; to enable them to take advantage of facilities such as printing and purchasing, electronic mailing services, allocation of website facilities for Parish Councils to advertise their events, etc. Such offers will be subject to resources being available and at a cost agreed by both parties.
- 6.4 HCC and NHDC will, in accordance with NHDC's procurement strategy, support local sustainability.
- 6.5 HCC, NHDC and Parish Councils will ensure that all formal communication is passed through Parish Clerks.
- 6.6 To save time, cost and effect on the environment, electronic communication will be used wherever possible.

7 FINANCIAL ARRANGEMENTS

- 7.1 The financial arrangements between HCC and NHDC and Parish Councils should be governed by the following principles which are, in effect, among those underlying the concept of value for money:
- i Fairness between council tax bills in parished and non-parished areas, and between different Parish Councils;
 - ii Fairness in the provision of services (and access to them) by HCC and NHDC between different parts of the area;
 - iii Simplicity – to keep administrative costs of operation to a minimum;
 - iv Transparency – to help understanding;
 - v Democratic control and accountability - to let Parish Councils support additional services with additional expenditure, while ensuring accountability to all those responsible for funding. This means distinguishing between funding by HCC or NHDC (for a service carried out by a Parish Council) and funding raised by Parish Councils themselves e.g. using their precepting powers.
 - vi Finance following function – where provision of a service is devolved or transferred from HCC or NHDC to a Parish Council, funding is also transferred with the amount involved being agreed by the principal council and the Parish Council.
 - vii Where partnership funding is required, full engagement and consultation with Parish Councils should take place as early in the process as possible.

8 DEVOLVING SERVICES

- 8.1 Parish Councils may seek to discuss ways in which they may take on direct responsibility for the management and delivery of a HCC or NHDC function within their parish. Devolution of services will only be considered where Parish Councils expressly wish to undertake the additional responsibility.
- 8.2 HCC or NHDC will consider this where it provides best value (taking account of cost, quality, local preferences and practicability). This may be subject to the principal authority entering into an agency agreement with the Parish Council in which they would set down the minimum specification, performance targets, reimbursement and period for the agreement. Decisions about devolution will be affected by the provision and budget for the service throughout the district, and any requirements of the authority's procurement strategy.
- 8.3 In some instances, it will not be good value or practicable for the Parish Council to discharge a particular function on behalf of HCC or NHDC. In this event, HCC or NHDC will, in consultation with the Parish Council, explore alternative solutions to encourage more local input into service delivery.

9 THE PARISH COUNCILS' PLEDGE

- 9.1 This Charter is a two-way process with commitments as well as rights for Parish Councils. Parish Councils will:
- i. Seek to respond to consultations from HCC or NHDC, where possible, within the agreed timescale;
 - ii. Invite HCC or NHDC ward councillors and, where appropriate, portfolio holders and relevant officers, to attend Parish Council meetings and provide them with agendas in advance of the meeting and minutes of the meeting;
 - iii. Provide an opportunity for HCC or NHDC councillors to contribute to those meetings, where appropriate, either by way of an agenda item for councillor's reports or on specific items particularly where the Parish Council is discussing a consultation document from the principal authority;
 - iv. Ensure the appropriate HCC and NHDC councillors are invited to give a report at the Annual General Meeting of the Parish Council, Annual Parish Meeting or Parish Assembly;
 - v. Keep HCC or NHDC members informed on matters affecting relationships between the tiers and will include copies of any relevant correspondence where appropriate;
 - vi. Seek to keep the public in their parish informed on local government matters and assess public opinion where appropriate through meetings, surveys and newsletters and make the results of major surveys available to HCC and NHDC;
 - vii. Recognise that it is sometimes necessary for HCC and NHDC to make decisions affecting a wider community, which may not reflect the Parish Council's view, even though suggestions and opinions will still be considered;

- viii. Seek to ensure that the Parish Council's contact details are known to appropriate HCC or NHDC officers;
- ix. Consider the benefits of preparing business plans and annual reports where the scale of their activity and budget merits this approach. Officers of HCC and NHDC may be able to give advice on ways in which these plans can be introduced;
- x. Give consideration to the benefits of applying for Quality Parish Status.

10 THE ROLE OF THE HAPTC

- 10.1 As a membership organisation, HAPTC exists to provide legal advice and general guidance/support to member Parish Councils.
- 10.2 HAPTC will seek to provide an enhanced programme of support, advice and information in the form of briefing and training events for member Parish Council councillors and clerks. They will draw on the resources and expertise of HCC or NHDC where appropriate.
- 10.3 HAPTC will endeavour to advise member Parish Councils on the availability of independent sources of advice to interpret the potential impact for their community of proposals contained in consultation documents.
- 10.4 HAPTC will seek to convene an annual district-level meeting of member Parish Council chairmen and clerks in addition to the meetings arranged by NHDC mentioned in 4.1, above.

11 COMMITMENT

- 11.1 All parties to the Charter will seek to uphold the commitments made here and will investigate any requests or complaints that some element has not been complied with.
- 11.2 If a Parish Council is dissatisfied with the actions of HCC or NHDC, the response to a request for information, or a failure to consult, the Parish Council may make a formal complaint through the relevant organisation's agreed complaints procedures.
- 11.3 HCC, NHDC and the Parish Councils have adopted codes of conduct, based on the national model code of conduct. The Parish Councils will work with HCC's and NHDC's Standards Committee to promote and maintain high standards of conduct.

Part 2 – Quality Parish Councils

12 QUALITY PARISH STATUS

- 12.1 Quality Parish Status can be conferred on parishes that are able to demonstrate high standards in a range of areas, including community leadership, effective management, representation of its community, a desire to develop a Parish Plan and provision of local information.
- 12.2 Quality Parish Councils will be in a better position than other Parish Councils to help realise the ambitions and goals contained within their Parish and Town Plans. They will be in a better position to represent the views of local people and to ensure that principal local authorities and other service providers listen to and respond to the needs of local people. They may also be in a better position to take action and decisions more directly, including the delivery of some local services.
- 12.3 HCC and NHDC have agreed to work in the following ways with those Parish Councils which are recognised as having attained Quality Parish Status:

Sustainable Community Strategies

- 12.4 Where a Quality Parish Council has prepared a Parish or Town Plan, HCC and NHDC will take account of its proposals and priorities in developing and implementing the Sustainable Community Strategy as it affects the local areas concerned. HCC and NHDC will strengthen links between the Parish Councils and the Local Strategic Partnerships in order to improve delivery of local priorities.

Information and access points

- 12.5 If a Quality Parish Council wishes to become a Local Information Point for HCC or NHDC services, the principal authority will help it to do so. In particular it will:
- i. Issue to the Parish Council (and update as necessary) relevant written information on, and applications for, its services;
 - ii. Give electronic access to similar information and forms (where these are provided electronically), provided the Parish Council has appropriate technology, and;
 - iii. Provide suitable briefing, training and support to staff of the Parish Council.

Land use and development planning

- 12.6 Where a Quality Parish Council has prepared (in consultation with HCC or NHDC) a Parish or Town Plan which includes proposals concerning land use and development planning issues (e.g. a Village Design Statement), the principal authority may adopt this in full or in part as a Supplementary Planning Document (provided it meets the requirements set out in national planning guidance).

- 12.7 Where the Parish or Town Plan proposals imply some changes to the Local Development Framework for their area, NHDC will consider and discuss the proposals with the Parish Council as part of its next review of that plan.

Delegation of functions and service provision

- 12.8 HCC and NHDC will give Quality Parish Councils, who wish to, the opportunity to put forward proposals to take on aspects of the delivery, management and monitoring of services provided by the principal authority.

Appendix 1 – Parish Council consultation

Key - STATUS

STAT	Statutory right of Parish Councils to be consulted
ALL	Discretionary, but all Parish Councils should be consulted either directly or through an umbrella organisation
OPT-IN	Discretionary, and individual Parish Councils would need to be included on the list of consultees in order to be consulted

HERTFORDSHIRE COUNTY COUNCIL

SERVICE / CONTRACT / PLAN	STATUS	FREQUENCY
Minerals and Waste Development Framework	STAT	VARIABLE
Minerals / waste planning applications	STAT *	AD HOC
Changes to the Definitive Map of Public Rights of Way.	STAT	AD HOC
Registration of commons and village greens	STAT	AD HOC
Local Transport Plan	OPT-IN	ANNUAL
Changes to the Highway Maintenance Standards	ALL	VARIABLE
Road Traffic Orders, e.g. waiting orders	STAT	AD HOC
Speed limits	STAT	AD HOC
Maintenance and Transport Scheme	ALL	AD HOC
Residents Parking Schemes	STAT	AD HOC
Changes to contracted bus services	ALL	VARIABLE
Household Waste Recycling Centres	OPT-IN	AD HOC
School transport	ALL	AD HOC
School closures	STAT	AD HOC
Provision of young people's services	ALL	AD HOC
Library opening times including mobiles	ALL	AD HOC
Local day centres, etc.	OPT-IN	AD HOC
Fire cover and response times	ALL	AD HOC
Recruiting retained fire fighters	OPT-IN	AD HOC
Crime prevention	ALL	AD HOC
Location of Registrar of Births, Deaths and Marriages	OPT-IN	AD HOC

* In respect of planning applications, the statutory right of the Parish Councils is to be notified, rather than specifically consulted.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

SERVICE / CONTRACT / PLAN	STATUS	FREQUENCY
Services of the Returning Officer appointed by NHDC	STAT	At least every four years
Services of the Independent Remuneration Panel (applies to county and district so needs to be in the table above.)	STAT	As and when requested by a parish or town
Community Governance Reviews	STAT	AD HOC
Local Development Framework	STAT	VARIABLE
Planning applications	STAT *	REGULAR
Conservation areas	ALL	
The making of Tree Preservation Orders	OPT-IN	
Car park provision and charges	OPT-IN	ANNUAL
Street naming	STAT	AD HOC
Provision and siting of bus shelters	OPT-IN	AD HOC
Village hall grants and rate relief	ALL	AD HOC
Surveys of Local Housing Needs	OPT-IN	AD HOC
Housing Strategy	ALL	AD HOC
Housing Allocation Scheme	ALL	AD HOC
Standards for refuse collection contract	ALL	CONTRACT PERIOD
Standards for street cleansing / litter contract	ALL	CONTRACT PERIOD
Recycling policy, including bottle banks	ALL	
Dog bylaws	STAT	AD HOC
Public conveniences, location and opening hours of existing facilities	OPT-IN	AD HOC
Provision of allotments	OPT-IN	AD HOC

* In respect of planning applications, the statutory right of the Parish Councils is to be notified, rather than specifically consulted.

