

Appendix A

Consultation Draft

PARISH CHARTER FOR COPELAND

Cumbria County Council
Copeland Borough Council
Town and Parish Councils and
Parish Meetings in Copeland

AUGUST 2006

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INTRODUCTION

Definitions

“Principal Authorities” are Cumbria County Council and Copeland Borough Council.

“Local Councils” are Town and Parish Councils and Parish Meetings.

1. The Government is pursuing a number of policies and initiatives that aim to empower local communities and give citizens the opportunity to help shape decisions about the way public services are designed and delivered to them. As part of this agenda the Government recognises that democratically elected town and parish councils - the most local tier of local government - can play a key role in meeting this aim. The Government therefore launched the “*Quality Parish and Town Council Scheme*” in 2003 to raise the standard of governance at the parish level and provide a framework within which Principal Authorities and town and parish councils can work in partnership to respond to community aspirations and priorities.
2. The national Quality Parish Scheme recommends the agreement of “charters” between Principal Authorities and local councils in order to promote partnership working and enhance the opportunities for citizen engagement in the design and delivery of local services. Such a charter is expected to set down the respective roles and obligations of Principal Authorities and parish councils and to include any special arrangements for those parish councils that have been awarded “Quality Parish Status”.
3. This **Parish Charter for Copeland** has been agreed between Cumbria County Council, Copeland Borough Council and the Parish Councils in Copeland
4. For more information about this Charter please contact:

Cumbria County Council – Georgina Ternent, Programme Manager Voluntary and Parish Sectors, on 01768 242361 or georgina.ternent@cumbriacc.gov.uk

Terry Chilcott, Director – Quality of Life, Copeland Borough Council on 01946 598322 or tchilcott@copelandbc.gov.uk

Cumbria Association of Local Councils – Tom McMullen, Quality Parish Co-ordinator on 01768 242369 or tom.mcmullen@calc.org.uk

PARISH CHARTER FOR COPELAND BOROUGH

A. Mutual Acknowledgement

1. *Successful partnership working at the parish level can only be achieved if the partners – the County Council, Copeland Borough Council and the Local Councils – understand and respect each other's roles and work to complement those roles in serving the community.*

2. **Cumbria County Council and Copeland Borough Council** recognise that Local Councils:

- Are a vital part of democratic local government, representing communities at the most local, 'grass roots' level.
- Are there to address the most local needs and concerns of their communities
- Are the primary source of information about community aspirations and opinions
- Provide an opportunity to foster greater community empowerment, particularly through the 'Quality Parish' scheme

3. **Local Councils** recognise that Cumbria County Council and Copeland Borough Council:

- Represent the interests of local communities at the County and District level
- Have strategic as well as operational roles and responsibilities and have to work within Government financial constraints
- Have to take into account community interests wider than the parish
- Can work most effectively with Parish Councils that are pro-active and well organised

B. General Communications and Liaison

1. *In Cumbria there are three tiers of local government and this makes effective communication between the tiers a major challenge. Securing good communication and liaison between the parish tier and the Principal Authorities is a cornerstone of this 'Parish Charter'. This involves communication at the most strategic level – sharing each others aims – right down to careful liaison on specific local projects.*

2. **Cumbria County Council and Copeland Borough Council** each undertake to:

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- Host at least one member-level meeting per year with the Parish Councils in Copeland to discuss corporate aims and other matters of mutual concern.
- Give a written response to a written communication (including emails) from a Parish Council within 10 working days or provide a holding reply saying when a full reply will be available and which officer is dealing with the matter.
- Encourage the attendance of County/Borough councillors at Parish Council meetings.
- Facilitate greater electronic communication and sharing of information between Principal Authorities and Parish Councils through the Connected Cumbria Partnership.

3. Copeland Borough Council also undertakes to:

- Nominate a Contact Officer to assist Local Councils in resolving any difficulties with Copeland Borough Council.
- Nominate the Contact Officer, and any other appropriate officers, to participate in the meetings of the Copeland Association of Local Councils.
- Host officer level meetings with Local Councils

5. Cumbria County Council also undertakes to:

- Nominate a Parish Liaison Officer to promote partnership working, contribute to 'parish/rural proofing' of policies and initiatives and assist Local Councils in resolving any difficulties with the Principal Authority.
- Nominate the Parish Liaison Officer, and any other appropriate officers, to participate in the meetings of the Copeland District Association of Local Councils.
- Operate a scheme to facilitate communication between parish councils and the Highways Authority on highways issues (known as the 'Highwayman' scheme).
- Maintain web based information about transport policies, priorities and schemes for the use of local councils

5. Local Councils undertake to:

- Be represented at liaison meetings convened by the Principal Authorities and the Copeland Local Councils Association.
- Co-operate with the appointed liaison/contact officers at the Principal Authorities
- Respond to a written communication from a Principal Authority within 10 working days or, if the matter needs a decision of the council, within five days of the council meeting.
- Encourage the local County and Borough Councillor to attend meetings and provide him/her with agendas and minutes.
- Provide information to the Principal Authorities on the attendance of County/District Councillors at Parish Council meetings

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- Provide copies of any Parish newsletter (e-mail where possible) to the Liaison/Contact Officer for circulation within the authority.
- Participate in the 'Highwayman' scheme – nominating a key contact for all highways issues within the parish
- Make efficient and effective use of IT and electronic communication methods available to Local Councils.

C. General Support and Training

1. *Local Councils have very limited resources available to them and rely, to varying degrees, on the professional support that can be provided by others. Most Local Councils (over 90%) are members of the Cumbria Association of Local Councils and receive advice, support and training from the Association. Nevertheless there are some circumstances where the assistance of Principal Authority officers can be particularly useful to a Local Council.*
2. **Copeland Borough Council and Cumbria County Council undertake to:**
 - Allow their officers to meet reasonable requests for advice and guidance from Local Councils
 - Provide regular training events for Local Councils on topics that relate to the Principal Authority's statutory functions, notably the Code of Conduct, town and country planning (see section F), financial arrangements and transport/highways.
 - Invite new Local Council Clerks to attend one of their staff or member induction courses, where appropriate.
 - Make arrangements for Local Councils (councillors and staff) to be invited to appropriate training events arranged by the Principal Authority for its own purposes.
3. **Local Councils undertake to:**
 - Identify the training needs of their Clerk and councillors
 - Participate, where appropriate, in training courses offered through the Principal Authorities and CALC

D. Closer Joint Governance

1. *Town and Parish Councils and Principal Authorities share many statutory functions and share the desire to deliver 'joined-up' local government services to the general public. This requires appropriate governance arrangements where all tiers of local government can work together and share accountability. Principal Authorities are concerned to ensure that the services they provide are effective in meeting the real*

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needs of the community on the ground. Local Councils are well placed to report on whether or not this is being achieved.

2. Copeland Borough Council undertakes to:

- Invite Local Council representatives to attend and participate in relevant Overview and Scrutiny Committees and/or working groups as appropriate
- Seek Local Council representatives to sit on the Standards Committee in accordance with statutory requirements.

3. Cumbria County Council undertakes to:

- Invite Local Council representatives to attend meetings as appropriate including Copeland Local Committee and the Copeland Area Transport Advisory Group.

4. Cumbria County Council and Copeland Borough Council will both:

- Support Local Council participation (through CALC) in the County Strategic Partnership, the West Cumbria Local Strategic Partnership and the arrangements for Local Area Agreements.

5. Local Councils undertake to:

- Participate fully, through the Copeland Association of Local Councils, in relevant partnerships, committees and meetings
- Ensure, through the Copeland Association of Local Councils, that representatives reflect the views of Local Councils and provide appropriate feedback

E. Participation and Consultation

1. Public participation and consultation is one of the cornerstones of open government and can lead to better constructed policies and a more engaged general public. Local Councils represent the opinions of a particular community rather than a specific interest group and welcome the opportunity to provide views to Principal Authorities on emerging policies and plans. Consultations with Local Councils require careful preparation if all parties are to get benefits from such exercises.

2. Cumbria County Council and Copeland Borough Council undertake to:

- seek the participation of and consult with Local Councils on:
 - (a) Community strategies and other Principal Authority policies that affect parishes.
 - (b) The detailed programmes and plans for the implementation of policies that affect parishes.
 - (c) Any specific scheme being promoted by an Authority that affects an individual parish.

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- Invite Local Council representatives to participate in appropriate committees, working parties and meetings where emerging policies and implementation plans affecting parishes are being discussed
 - Invite Local Councils to any public meetings and exhibitions about policies and plans affecting the parish
 - Ensure that all consultation documents, prepared by the two Principal Authorities, sent to Local Councils are prepared in accordance with the 'Consultation Protocol' set out in Annex 1.
 - Discuss with the Local Council Council concerned at the earliest possible stage, any Principal Authority promoted plan or scheme that affects that specific parish.
 - Take Local Council views into account before making decisions
 - Allow appropriate officers to attend Local Council meetings to explain and discuss policies and plans.
 - Meet with the Local Council when particularly contentious issues cannot be resolved in any other way.
3. **Local Councils undertake to:**
- Respond positively, where possible, to invitations to attend consultative committees, working groups and meetings.
 - Respond to all consultations (even if it is a simple 'no observations')
 - Adopt a standard procedure, including arrangements for delegation, which enable the council to respond within consultation deadlines set by the Principal Authority in accordance with the Consultation Protocol (Annex1)
 - Work constructively with Principal Authorities to seek mutually acceptable solutions to contentious issues
 - Respect the final democratic decision of the Principal Authority
 - Ensure the Principal Authority is aware of their views and aspirations, for example through the production of a Parish Plan.

F. Town and Country Planning

1. *The opportunities to become involved in the town and country planning system are of keen interest to most Local Councils. Planning policies and decisions can have a substantial impact on the future of local communities. Planning policies and procedures can appear very complex to the average Local Council and this requires*

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active partnership working by Planning Authorities and Local Councils to ensure community interests are properly served.

2. Cumbria County Council and Copeland Borough Council undertake to:

- Assist Local Councils' participation in the statutory planning system
- Ensure that Local Councils are given full opportunities (beyond statutory minimum requirements, where possible) to participate in the preparation of Local Development Frameworks in accordance with the Principal Authorities' Statement of Community Involvement.
- Ensure all planning consultation documents prepared by the two Principal Authorities are in accordance with the Consultation Protocol (Annex1) and in accordance with the Principal Authorities' Statement of Community Involvement.
- Consult Local Councils on all planning applications (including revised plans where relevant) in accordance with statutory procedures and inform the Parish Council which Planning Officer is handling the application and in accordance with the Principal Authorities' Statement of Community Involvement.
- Allow Planning Officers to attend a Local Council meeting to explain the planning process with regard to major applications.
- Invite a Local Council representative to attend any member site visit held by the Planning Authority.
- In all circumstances where the decision of the Planning Authority is at variance to the recommendation of the Local Council, a letter be sent to the Local Council fully explaining the Planning Authority's decision.
- Respond in writing to enquiries by individual Local Councils for further information on planning applications and changes in revised plans.
- Provide annual training to Local Councils on planning policy and procedures.

3. Local Councils undertake to:

- Respond to all consultations in relation to Local Development Frameworks within the Planning Authority's deadlines
- Respond to all consultations on planning applications within the Planning Authority's deadlines.
- Adopt standard procedures that enable the council to respond to consultations on planning applications and Local Development Frameworks within the Planning Authority's deadlines
- Ensure that the council representative at any site visit is well briefed and, if asked, presents the views of the council (not personal views) that are material to the planning application. Local Councils should follow the Code of Conduct in selecting representatives to attend the site visit.

G. Community Planning

1. *Community planning is an area where Principal Authorities and Local Councils are increasingly working together. Several Local Councils have produced or are undertaking Parish Plans. The challenge is to ensure full community participation in Parish Plans and linkages with Principal Authority strategies.*

2. Cumbria County Council and Copeland Council undertake to:

- Support and give guidance in the preparation and implementation of Parish Plans as far as resources allow
- Adopt an Authority-wide protocol for the consideration and assistance with the implementation of identified actions in Parish Plans

3. Local Councils undertake to:

- Consider producing a Parish Plan for their parish

H. Concurrent Functions and Financial Arrangements

1. *Some statutory powers are available to both Principal Authorities and Local Councils – these are known as ‘concurrent functions’. In order to avoid confusion and duplication it is necessary to agree locally which Authority is actually going to be responsible for which service. It is also necessary to agree financial arrangements between the Authorities, including arrangements to overcome the potential problem of “double taxation”. (Double taxation arises when council tax payers contribute towards the cost of a service (via the parish precept) which is being provided by their town or parish council and also contribute (via the District Council precept) to the same service being provided in other parts of the District).*

2. Copeland Borough Council undertakes to:

- Collect and pay over by the end of April (or April and September if over £1000) in the relevant financial year any precept levy requested by Local Councils
- Operate and keep under review the financial arrangements with Local Councils with respect to concurrent services as set out in Annex 2.
- Give support for community projects through Neighbourhood Forums

3. Cumbria County Council undertakes to:

- Review the recommendations from the Commission for Rural Communities report on the use of the council tax received from second home owners

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- Give support for community projects through Neighbourhood Forums and the Copeland Local Committee

4. Local Councils undertake to:

- Make any precept requests according to the timescales requested by the Principal Authority.
- Make efficient and effective use of grants offered by the Principal Authorities
- Acknowledge the financial support received from the Principal Authorities in any advertising or publicity associated with projects

I. 'Quality Parishes' and Devolution of Functions

- 1. Local Councils that have been accredited with "Quality Parish or Town Council Status" (this accreditation is not available to Parish Meetings) have an expectation, in accordance with Government objectives, to be able to exert greater influence and control over the delivery of local government services in their area.*
- 2. Some "Quality" councils will simply seek to have more effective influence over the delivery of local services by the Principal Authorities, whilst others will seek to take on the management of certain services themselves. There is the possibility of arrangements being entered into whereby additional concurrent functions are handed over to a Local Council or, through the use of Section 101 of the Local Government Act 1972, to formally devolve a function to a Local Council through an 'agency' arrangement. Section 113 of the same Act gives Principal Authorities the power to provide staff in respect of devolved functions.*
- 3. All arrangements for the devolution of functions to Local Councils require adequate financial provision in accordance with the principle "finance follows function".*

4. Copeland Borough Council will:

- Copeland Borough Council strongly supports the Quality Parish and Town Council Scheme but recognizes that this is purely voluntary for local councils. However, in line with its commitment in its Quality of Life and Social Inclusion Objective (OL 5), those local councils wishing to pursue Quality Parish status will be given, in partnership with CALC, active support, advice and consultation to help achieve this.'
- Consider assisting 'Quality' Councils in sustaining their 'Quality' status by meeting the cost of relevant local council elections that arise.
- Maintain the current arrangements with individual local councils for the devolution of services.
- Offer "Quality" councils and those councils that are actively working towards "Quality" accreditation, the opportunity to enter into joint/agency arrangements for

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the delivery of certain local functions and will monitor the effectiveness of any arrangements.

5. Cumbria County Council will:

- Arrange meetings (at least once a year) between “Quality” Councils and the County Council’s leadership to discuss service delivery.
- Maintain the current contractual arrangements with individual local councils for the devolution of services.
- Offer “Quality” councils and those councils that are actively working towards “Quality” accreditation, the opportunity to enter into joint/agency arrangements for the delivery of any of the following services:
 - (a) minor maintenance works on highways land (following completion of a pilot scheme) – known as the ‘Highways Lengthsman Scheme’.
 - (b) Allowing Local Councils to undertake snow clearance on minor roads
 - (c) Allowing Local Councils to undertake maintenance and monitoring of Public Rights of Way outside the Lake District National Park (following completion of a pilot scheme)
 - (d) Working together in the provision of as public information and access points
 - (e) Allowing parishes to undertake the maintenance of amenity and recreational land owned by the County Council

The County Council is willing to give consideration to requests from Local Councils for other services to be devolved in appropriate circumstances and following consultation.

J. Monitoring and Review

1. *It is important that this document is maintained as an up-to-date statement of the partnership arrangements between the three tiers of local government in Copeland. The following arrangements will be followed:*
 - *A report on the implementation and effectiveness of **Parish Charter for Copeland** will be on the agenda of the annual inter-Authority meetings described in B.2 above. This report will be based on feedback obtained from Local Councils and Principal Authority Departments.*
 - *Any complaints about the operation of this Charter (from either the Principal Authority or Local Council side) are to be sent in the first instance to the relevant Contact or Liaison Officer. If the matter is not resolved it will be placed on the agenda of the annual inter-Authority meetings (see B.2 above)*
 - ***Parish Charter for Copeland** will be reviewed no later than 2011.*

**SIGNED ON BEHALF OF
CUMBRIA COUNTY COUNCIL** _____

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**SIGNED ON BEHALF OF
COPELAND BOROUGH COUNCIL**_____

**SIGNED ON BEHALF OF
.....PARISH / TOWN
COUNCIL**_____

**PROTOCOL FOR WRITTEN CONSULTATION DOCUMENTS PREPARED BY
COPELAND BOROUGH COUNCIL AND CUMBRIA COUNTY COUNCIL WHICH ARE
SENT TO LOCAL COUNCILS**

- The document should be written in 'Plain English'
- Check whether statute or local content requires the document to be sent to all councils. Consider if CALC could provide the response on behalf of local councils
- Check that the information required cannot be obtained by any other means or from another source.
- Ensure that enough information is available to assist consultees in making comment.
- Allow a 6 week minimum consultation period except where this is clearly impractical
- Prepare a summary document or covering letter not exceeding 2 sides of A4 highlighting issues likely to be of particular interest to parishes
- Provide an easy to use response proforma. Where appropriate use headings/questions to structure the response.
- Provide a freepost/prepaid envelope for the response
- Send a copy of the consultation to CALC.
- If possible, make the consultation document and response forms available on a website
- In the covering letter explain how and when the results of the consultation will be considered and the decisions made. Explain how these results will be made available to those local councils that wish to see them.

COPELAND BOROUGH COUNCIL AND LOCAL COUNCIL CONCURRENT FUNCTIONS AND FINANCIAL ARRANGEMENTS

All Borough Council expenditure is charged at the same level across all parishes, ignoring concurrent expenditure by some parishes. A concurrent services grant scheme is operated where parish councils apply to the Borough Council for funding to undertake certain concurrent functions covered by the scheme. All parish councils are given an initial allocation of funds based on the precept they raise and population. If a parish council does not apply by a specified date, then the allocation is pooled for reallocation to other parish councils.

AID TO PARISH COUNCILS SCHEME

Claims may be submitted for financial assistance towards parish expenditure on the following categories:

- 1 Village Halls operated by the parish council (if the hall is run by an independent non-profit making body assistance may be available, upon application from the Grants Panel of the Council.)
- 2 Community Halls (i.e. not owned by parish council.)
- 3 Play areas including bowling greens.
- 4 Land drainage of recreational fields.
- 5 Community gardens
- 6 Grass-cutting.
- 7 Cemeteries.
- 8 Burial grounds(closed churchyards)
- 9 Car parks.
- 10 Public conveniences.
- 11 Litter bins.
- 12 Bus shelters.
- 13 Street lighting.
- 14 Footway lighting (n.b. prior consent of the Highway Authority must be obtained and evidence provided of this fact.)
- 15 Christmas lighting

OPERATION OF SCHEME

- a. Applications will only be accepted on the official Application Form, which must be accompanied by a copy of the parish council minute approving the expenditure, and signed by the parish clerk.
- b. Awards will be made at the rate of 50% of the claim, up to the maximum of the parish's allocation. Additional claims may be made by the parish for the balance, if any, of their original allocation.

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- c. The grant will be paid in two instalments - 50% will be paid upon approval of the award; the balance will be paid upon submission of copies of the paid invoices for the expenditure or copies of the audited financial accounts for the year.
- d. All applications must be submitted to the Council by 30th September.
- e. The balance of unallocated monies at this date will be transferred to the "Pool"; parishes will be advised by 31st October of the amount in the Pool and requested to submit claims in writing for a grant therefrom.
- f. All claims must be submitted by the 16th January or such date as advised. The Pool will be available to all parishes and covers the same categories of expenditure as the initial scheme.
- g. The Pool will be divided equally between all parishes who apply for an award but the actual allocations will be the lesser this amount and the total of the claim.
- h. All awards, both original and Pool, must be completed by the end of the year following year that the award was originally approved. e.g. an award approved in 2005/2006 must be completed by 31st March 2007. Awards not completed by this date will be forfeited.

In addition specific grants covered by Service Level Agreements are given