



Western Area Committee

7 October 2004

Author: Steve Milton,
Principal Democratic Services Officer
01722 434255
smilton@salisbury.gov.uk

REPORT

WILTSHIRE CHARTER FOR LOCAL COUNCILS

1. **Report Summary:**

The Wiltshire Association of Local Councils is seeking the views of the Council and the parishes in the area on a revised version of the Wiltshire Charter for Local Councils. The closing date for responses is 29th October 2004.

2. **Background:**

The consultation paper follows up the commitment of the principal authorities in Wiltshire and the Wiltshire Association of Local Councils to review and revise the first Wiltshire Charter for Local Councils produced in 1996. The Charter set out the relationship between the County Council and the District Councils, on the one hand, and local councils, on the other, defining for the first time what each could expect of the other.

The current document (attached as Annex A) seeks to revise this earlier agreement, and to extend the range of partners to the Charter, to include the Police, the Combined Fire Authority, and the three Primary Care Trusts that serve the county. The revised Charter sets some challenges to local councils and principal authorities that are above and beyond minimum statutory obligations such as:

- a commitment from local councils to consult with their communities and publish local priorities in the form of a plan for the area;
- partners to present information to local councils in an easily understood format, highlighting issues of local concern;
- local councils to publish an annual report;
- partners to provide information about their work at local level, including key contacts, performance targets and standards and key financial information about the costs of services;
- partners to consider any reasonable proposals from local councils, to take on particular service responsibilities and be clear about what levels of service and funding will be expected;
- local councils will explore ways to co-operate with other town and parish councils, Community Area Partnerships, Local Strategic Partnerships and other local bodies in the area, to find effective solutions to common problems or issues; and
- The Wiltshire Association of Local Councils will submit an annual report on the operation of the Parish Charter to the Wiltshire Strategic Board, containing an assessment of the effectiveness of current arrangements, and any recommendations for change.

The intention of this revised Charter is for it to become a 'living' document; it looks for a 'Wiltshire Charter Implications' on all officer reports which will keep the relationship on every agenda.

3. **Implications for the Council:**

The Wiltshire Charter is a commendable document that seeks to reinforce and extend the excellent working relationship that has developed between Salisbury District Council and local town and parish councils in the area. In that respect it is to be warmly welcomed. However, things have changed for local authorities since 1996 with tougher performance targets and more exacting assessments carried out by National Government. Increasingly, funding is linked to performance.

This stringent new regime often impedes the Council's desire to further develop the relationship with local councils. The recent change to the way parishes are involved in the development control process is an example of how pressure from central government is forcing this authority to change the way it works. The highly prescriptive protocol proposed for the delivery of development control (Annex B) does not take into account these recent constraints. Indeed, this Council has only recently adopted a new scheme of delegation for planning following consultation with parishes, area committees and the scrutiny panels. For this reason, it is considered that the planning protocol should be removed from the Charter. In its place should be a statement setting out how the Council will continue to consult with parishes in order to reach local agreements relating to detailed service protocols that reflect local circumstances.

Notwithstanding these new constraints, the Council remains as committed as ever to working positively with parish and town councils in a spirit of partnership. The Charter can be seen as a mechanism for delivering this commitment through the day-to-day working of the Council.

4. **Recommendations**

- (1) that the area committee welcomes the new Charter;
- (2) notwithstanding (1) above, it is accepted that as was the case with development control, local authorities will need to consult with local town and parish councils to develop practical local service protocols that reflect local circumstances (as outlined in Para. 3 above); and
- (3) that any further comments be forwarded to the Cabinet for consideration.

5. **Background Papers**

Letter from WALC dated 24th August 2004.

Implications

- **Financial:** None
- **Legal:** Not a statutory requirement
- **Personnel:** None
- **Community Safety:** the Charter will also involve the local Constabulary
- **Council's Core Values:**
 - Wanting to be an open learning council and willing partner
 - Communication with the public
- **Ward(s) Affected:** All
- **Consultation Undertaken:** This is part of an ongoing consultation exercise.

The Wiltshire Charter for Local Councils

A Consultation Paper

Wiltshire Charter for Local Councils

Introduction

Altogether there are 256 Town Councils, Parish Councils and Parish Meetings in Wiltshire. The whole of Wiltshire is parished with the one exception of Salisbury City.

These Councils provide the most local level of Government, and are hence collectively referred to as “local Councils”. They are supported and represented by a Wiltshire Association of Local Councils (WALC), based at Wyndhams in Devizes, and by an Association of Wiltshire Towns.

The largest of these local Councils is Chippenham Town Council which has a total budget of £1.4 M and covers a population of 28,000 people. The smallest parish councils and parish meetings spend less than a thousand pounds and represent populations of less than 100 people.

The first Wiltshire Charter for Local Councils was produced in 1996 and set out the relationship between the County Council and the District Councils, on the one hand, and local Councils, on the other, defining for the first time what each could expect of the other.

The current document seeks to revise this earlier agreement, and to extend the range of partners to the Charter, to include the Police, the Combined Fire Authority, and the three Primary Care Trusts that serve the county.

At present there is a diversity of approaches to local governance across the county. Principal authorities are committed to exploring with local Councils, and others, opportunities to strengthen the connections between local governance arrangements across the three tiers of local government, and to make the system more understandable and accessible for local people.

This Charter encourages all parish and town councils to work towards the principles of Quality Status, but partners will continue to work with all parish councils to develop opportunities for them to take forward their local agendas and plans.

The Role of Town and Parish Councils

Parish and Town Councils are an elected tier of local government with powers and duties laid down in law. As democratically accountable bodies they offer a means of shaping the decisions that affect their communities, with the authority to raise money through local taxation and a range of powers to spend public money to provide facilities and services in their communities.

As the most local tier of local Government, town and parish councils have a special role to play. This role includes the following aspects:-

- (a) Acting as a local voice – gathering local views and identifying local issues, and using these to make representations to appropriate bodies, and to respond to consultations.
- (b) Communicating locally-relevant information – keeping local people informed about initiatives and issues which affect the local area, including those being pursued by the town or parish council itself.
- (c) Providing services to the local community where it is more responsive, efficient and cost-effective than it would be for other providers to do so.
- (d) Monitoring the quality, cost, appropriateness, accessibility and effectiveness of services provided by other bodies to the parish, or town.
- (e) Protecting, promoting and further developing the *local distinctiveness* of the built environment, landscape, archaeology, biodiversity, local traditions and culture of their area.
- (f) Engaging with other local town and parish councils, and other local bodies, to address wider issues of benefit to the area.

The following sections set out further details on these aspects of the local Council role.

Acting as a Local Voice

- **The local Council will actively seek to maintain an up-to-date and balanced view of the needs and wishes of its residents**, using appropriate means to do this (including informal contacts, question time at parish council meetings, surveys, public meetings, etc.), and will set aside sufficient budget to fund this activity.
- **The local Council will set down its understanding of the priority issues facing its local community in a short written statement of local priorities, and revise it at least annually.** In doing so the local Council is strongly encouraged to use the eight policy themes adopted by the Wiltshire Strategic Board as a way of grouping and presenting their statement of local priorities. The eight themes are:

Social Care and Health, Countryside and Land-based issues, Housing and the Built Environment, The Wiltshire Economy, Transport, Crime and Community Protection, Education, Skills and Learning, Culture.

- **The local Council will set down in, however short and simple a format, a parish or town action list or more developed plan**, which describes what the local Council intends to do concerning each of its priority issues, including encouraging others to take action (for example, the community area partnership), and any local project(s) the Council will set up itself and how these initiatives will be funded and managed.
- **Partners will consult with parish councils before making decisions on issues where it is thought that there will be local interest or concern.** Nevertheless local Councils can request to be consulted on any issue being considered by partners to the Charter. Local Councils have expressed a wish to be consulted at a stage when policy options are still tentative or in a fluid state, rather than be presented with a final document for endorsement.
- **Partners will present information to local Councils in a way that makes it as easy as possible for them to understand the local relevance of the issue under consideration.** This may include the production of an accompanying briefing document highlighting the aspects that are likely to be of most importance to local Councils and the key questions that need answering; as well as the writing of short summaries of longer documents (with the full versions available on request).
- **Partners will provide reasonable consultation periods**, which take account of the frequencies with which local Councils meet and the legislation under which they operate, and will clearly identify a contact for each consultation who will be able to answer queries about the topic on which views are being sought. Partners will strive for a 12 week consultation period, with a minimum of 21 days for Planning Applications and 46 days for other matters.
- **Principal councils, in particular, will take steps to brief, in advance of consultations, those who have contact with local Councils**, including their local Councillors, relevant service officers, community area planning contacts, and local information point workers, so that they can assist in responding to such exercises.
- **Principal and local councils, in particular, will include 'Wiltshire Charter Implications' on all officer reports.**
- **Principal councils will support elected members to disseminate information regarding relevant issues to local councils in their wards as part of their community leadership role.**
- **WALC will explore appropriate system to disseminate information regarding consultations by partners possibly through a web based process.**
- **WALC will, on request, facilitate consultations by calling together relevant groups of parishes at the outset of exercises.**

- **All bodies will share their planned programme of consultations by recording this information on the Wiltshire Intelligence Network consultation database at www.intelligencenetwork.org.**

Appendix 1 details the Planning Protocol between Planning Authorities and Local Councils

Communicating Locally Relevant Information

- **Local Councils should consider providing information to their community on a regular basis either by producing a regular newsletter or using another local publication** (in the case of Quality Parishes at least four times a year) to keep their residents informed of the activities of the parish council, and the local implications of the activities and plans of other key local organisations. The newsletter should include the names of Councillors and the Clerk and how they can be contacted, and be readily available at public sites across the parish. All partners should provide information in a similar way.
- **Local Councils should also consider producing and making publicly available an annual report** of its activities, achievements, and finances (Quality parishes must produce an annual report).
- **Partners will provide parish councils with appropriate information about their work at the local level** to assist local Councils in engaging with these organisations. This information could include the contact details of key staff with responsibility for the area, local performance standards and targets, financial information on the costs of key local services used by residents, and future plans and proposals with respect to those services (including the intention to carry out Best Value and other kinds of review). The way that this information is provided, and the level of detail made available, will be decided by each partner organisation, in consultation with the Wiltshire Association of Local Councils. (In the majority of cases it will not be feasible to provide such information on a parish-by-parish basis, but rather for appropriate local groupings of parishes).
- **Partners will provide relevant research results and community statistics about Wiltshire through the Wiltshire Intelligence Network (www.intelligencenetwork.org).** Service and other customer information will be provided through local information points, and websites. Partners will ensure that the requirements of parish and town councils are taken into account in the way that these facilities are developed and delivered. Local Councils will consider how they might use these outlets to publicise information they produce.
- **The Wiltshire Association of Local Councils will include information on behalf of partners in its regular newsletter** and will also (for an agreed fee to cover postage and packing) distribute material to local Councils.

- **Partners will distribute to local Councils appropriate publications which they produce**, provided that the cost of doing so is reasonable, and that there is proven interest from local Councils in receiving them.
- **Local principal Councillors, who share the community leadership of their areas with town and parish councils, will keep in regular contact with the local Councils in the area that they represent, and attend their meetings as appropriate.** Local Councils will assist this process by supplying local principal Councillors with appropriate information, (e.g. agendas and minutes, newsletters, copies of correspondence, etc.) to enable them to play a full part in local affairs as they relate to the work of the principal Council. The detail of this to be mutually agreed between individual principal councillors and particular town or parish councils. Local Councils should also consider keeping local community area planning contact officers informed in a similar way, again by mutual agreement.

Devolution of Services from Principal Authorities to the Local Community

- **Partners will consider any reasonable proposals from local Councils, or groups of local Councils, to take on particular service responsibilities.**
- **Partners will make it clear to local Councils what level of funding (and associated service levels and standards) will be allocated to service provision in their area**, and will welcome offers of funding or contributions in kind (e.g. use of buildings, staff, land, etc.) to enhance these service levels. Such 'partnership' arrangements would be set down in a formal service agreement between the relevant parties. Partners will give written justification for refusal of any requests for devolved services which will be available for scrutiny.
- **Partners will actively explore ways in which they can involve local Councils in decisions about the shape and level of the local services they deliver.**
- **Partners will set in place practices and procedures that avoid so-called "double taxation".**

Monitoring and Reviewing Local Services

- **Partners will provide appropriate details about the level and standard of service that local Councils can expect in their areas. Local Councils will be encouraged to monitor these standards, and to report problems and concerns to the relevant organisations. Partners will make it clear how such comments should be fed into their organisations.**

- **Partners, where appropriate, will offer interested local Councils the opportunity to get involved in reviews and scrutiny of their local services.**
- **The Wiltshire Association of Local Councils, in consultation with its members, will suggest a subject for review or scrutiny each year.** Partners will assist WALC to focus the specification for the review so that it is practicable, and will then give very serious consideration to incorporating the suggestion into their review or scrutiny programmes.

Protecting Local Distinctiveness -

- **Local Councils are encouraged to identify the key features of their local area (landscape, heritage, buildings, wildlife, culture, etc.) which make it special and distinctive, and to take steps to protect, promote and further develop this local distinctiveness, in line with local residents' priorities.** There are a number of existing resources for this information including Local Development Plans, Areas of Outstanding Natural Beauty Management Plans, archaeological records, Biodiversity Action Plan, listed building registers, etc.). The format for setting down this information will be left to the discretion of individual local Councils. Partners will help to identify the professional processes and methods that could be used to achieve this consideration could be given to one option which is the production of a Village Design Statement.
- **Partners will support local Councils in this process by providing information, and suggesting effective actions that could be taken by local Councils, and sources of funds that could be applied for to support such activities.** Partners will respect the outcomes of community led consultations and act on their recommendations where appropriate.

<h4>Engaging with Other Local Town and Parish Councils</h4>
--

- **Local Councils will explore ways to co-operate with other town and parish councils, Community Area Partnerships, Local Strategic Partnerships and other local bodies in the area, to find effective solutions to common problems or issues.** This could include direct approaches to those councils; participating in any three tier members forum for the area; and support of, and communication with, any community area planning partnership.
- **Local Councils to actively participate in the production of any community area plan, and to assess how they can contribute to the effective implementation of that plan once it has been agreed.**
- **Partners will accept any Community Area Plan agreed by the recognised Community Area Planning Partnership, as the best expression of community wishes, concerns and aspirations for the area. Similarly, it**

will give similar status to parish plans, or shorter parish statements for smaller parishes, at that more local level. In both cases partners will assess how they can contribute to implementing these plans, both through the mainstream services, and by setting up initiatives using external funding, etc.

- **Partners will give fair levels of representation to local Councils at community area partnerships, district local strategic partnerships, and at the county-wide local strategic partnership (the Wiltshire Strategic Board).**
- **In framing their priorities and parish-level plans, local Councils and partners will be mindful of their local community area plan, to any parish, town or district community strategy, and to the Strategic Board's Strategy for Wiltshire.**
- **Partners will explore effective ways to meet with town and parish councils on a district-wide basis, at least annually,** to explore issues of mutual interest and concern. These forums or conferences will amongst other things keep under review the effectiveness of the Wiltshire Parish Charter in developing constructive and productive relations between all its signatory organisations. On the basis of this feedback, partners in discussions with the Wiltshire Association of Local Councils will jointly decide when the Charter needs updating, or a fuller review.

Other Issues:-

(i) Training and Development –

Partners agree to support the Wiltshire Association of Local Councils in their further development of the Wiltshire County Training Partnership for Local Councils, and its associated activities. Support could involve financial contributions, provision of speakers, sharing of training opportunities, making buildings available for use, etc.

(ii) Standards of Conduct

The County Council, the four District Councils and the Town and Parish Councils have adopted codes of conduct, based on the national model code of conduct. All councils will work to promote and maintain high standards of conduct.

(iii) Monitoring and Review

WALC will submit an annual report on the operation of the Parish Charter to the Wiltshire Strategic Board, containing an assessment of the effectiveness of current arrangements, and any recommendations for change.

Development Control and related matters

Section 1. Wiltshire planning authorities will:

1. Notify the local council of all planning applications received in respect of their parish, or any application in any adjoining parish which borders or crosses the parish boundaries, relating to:
 - a. Applications for planning permission, listed building and advertisement consent, demolition within a conservation area and lawful development certificates,
 - b. Telecommunications equipment, proposals relating to agricultural and forestry and demolition requiring prior consent under the notifications procedure,
 - c. Consultation applications for development by Government Departments;
2. Be prepared to clarify issues associated with such applications;
3. Whenever possible allow:
 - a. 21 days for the submission of representations by the local councils (the statutory minimum is 14 days) on applications,
 - b. 42 days for the submission of representations by the local council where the application has been accompanied by a statutory Environmental Assessment,
 - c. 10 days for the submission on representations on submissions for prior notification relating to telecommunications equipment*, agricultural and forestry buildings and demolition as there is a statutory requirement that these be determined by planning authorities within 28 days of receipt by those authorities. These will, in most cases need to be dealt with under the delegated procedure, due to timescales involved,
 - d. 10 days for the submission of representations in proposals where there has been a significant amendment to an application (that is where, in the view of officers, the character of the development has materially changed). See *footnote 1*
4. Provide, wherever possible, copies of the applications, including plans.
5. Ensure that where the local council's comments clearly differ from the action initially proposed by the planning authority to be dealt with under delegated authority, the matter shall be referred to the authority's Planning Committee.
6. Keep local councils informed on applications which the local council feel are of a controversial nature and wish to be kept informed of progress of the application, including the discharge of specific conditions following a formal decision being made on the application.
The planning authority will keep local councils informed as requested, following receipt of formal notification from the local council.

**Where the proposal is for ground-based masts, 42 days are given under the prior approval procedure and therefore 21 days for the submission of representations by the local council will be given*

7. Report to the Planning Committee
 - a. Any summary of the representations provided by the local council. Where no summary has been provided and the views of the local council appear to accord with the officer's recommendation, a summary will be prepared by the officers of the planning authority.
This will be done on the understanding that a full copy of the local council's representations will be available for inspection on the planning file;

and
 - b. Any relevant comments which in whole or in part are clearly contrary to the recommendation of the Director of Environmental Services together with an explanation where there is a difference of views.
8. Provide local councils with a copy of the agenda prior to the date of the Planning Committee.
9. Upon request, provide the local council with copies of Planning Committee minutes and decision notices in respect of their area or where a local council has commented on an application which crosses or borders the parish boundary.
10. Ensure that the local council representatives are able to address the Planning Committee in accordance with the planning authorities current "open committee" policy.
11. Investigate and respond as promptly as possible to reports made by the local council in connection with any alleged breaches of planning control.
12. Notify local councils of the receipt of appeals, appeal decisions and also any decision of the Secretary of State falling within the parish where relevant.
13. Provide periodic training courses and seminars for local councillors and their staff to aid an understanding of the planning process and matters which relate to the determination of planning applications.

Section 2. Wiltshire Town and Parish Councils will:

1. Acknowledge that planning authorities will not always be able to accede to the requests of the local councils.
2. Respond promptly in writing, to applications received from planning authorities in accordance with the time scales described in Section 1, paragraph 3.
3. Specify clearly and as fully as possible in writing the planning reasons for an objection to, or support for, a particular planning application. Where the local council is not concerned either way they will indicate that they have no comment, in order to avoid any ambiguity.
4. Create a means whereby the local council can respond in writing to any amended plans received from planning authorities (as in Section 1, paragraph 3.d.), within 10 working days or up to the day of the Planning committee where the applications is to be considered by Committee, whichever is the greater. See *footnote 2*.

5. Notify the planning authority if they wish to address the Planning Committee in accordance with the planning authority's current "open committee" policy.
6. Notify the planning authority in writing of applications that they feel are of a controversial nature and wish to be kept informed of progress on the application, including the discharge of specific conditions following a decision being made, to enable the planning authority to fulfil its part in complying with Section 1 paragraph 6.
7. Assist the planning authority by reporting, in writing, local breaches of planning control under the town and Country Planning legislations.

Footnote 1: This allows for comments to be made by local councils in accordance with timescales available within current legislation. If legislation changes, as far it relates to the publicity and notification procedures relevant to this protocol, the local councils will be formally notified by planning authorities and the charter will need amending accordingly.

Footnote 2: Some applications will not necessarily be considered by the Planning Committee if they fall within the ambit of the current delegated authority. Where the application is to be considered by the Committee and any representations are made after the agenda has been published but before the Committee considers the application, local councils are urged to submit comments as quickly as possible so their comments can be made available to the Committee on any late list.