

Calderdale Parish Charter

Report of the Director for Communities and Business Change

1. Issue

- 1.1 To consider the adoption of a Calderdale Parish Charter which sets out the respective roles and obligations of the Principal Authority (Calderdale Metropolitan Borough Council) and Local Councils (Town and Parish Councils) within its administrative area.

2. Need for a decision

- 2.1 Though the Charter is a voluntary agreement, it does commit the Council to the adoption of certain policies and procedures and so the approval of Cabinet is necessary.

3. Recommendation

- 3.1 It is recommended that Cabinet agree to the adoption of the Calderdale Parish Charter as a framework to support effective relationships and partnership working between Calderdale Council and the Town and Parish Councils within its administrative area.

4. Background

- 4.1 A Parish Charter is a voluntary agreement between a Principal Authority and Local Councils. Such a charter is expected to set out the respective roles and obligations of Principal Authorities and Local Councils, reflecting the increasing importance of partnership working.
- 4.2 The Council is pursuing a number of policies and initiatives aimed at empowering local communities and providing local residents with the opportunity to shape the way in which public services are being designed and delivered. This has become even more important as financial resources are squeezed and the Council faces demographic changes which will inevitably result in greater demands upon its services unless it changes the way it relates to local communities and partner agencies. Democratically elected Parish and Town Councils – the most local tier of local government – can play a key role in helping meet these challenges.
- 4.3 The Council established a Town and Parish Council Liaison Group in 2008 with the aim of promoting better working and more effective relationships between Calderdale MBC and Town and Parish Councils in the Borough. The Group is chaired by the Portfolio Holder for Communities and has a representative from each of the seven Town and Parish Councils in Calderdale. It is supported by the Neighbourhoods Service and meets on a quarterly basis.
- 4.4 The Liaison Group has produced a draft Charter which has been informed by best practice elsewhere. The key elements of the charter are:
 - A focus upon shared goals and partnership working to improve the well-being of local communities
 - Information exchange and sharing, liaison and consultation, and the provision of services by the body best placed to do so;
 - Practical and not over-ambitious arrangements, with the emphasis being upon a two-way relationship between equals, not just the principal council providing information and limited support to local councils;
 - It is intended to be a working document which will be reviewed regularly and adapted to meet changing circumstances.

5. Options considered

- 5.1 There is no statutory requirement to put in place a Parish Charter. It is a voluntary agreement for both the Principal Authority and Local Councils, with the main purpose of further enhancing joint working between the parties involved. However, there are benefits from adopting a charter – for the Borough Council, for Town and Parish Councils and for local residents – as stronger partnership working enables public services to be designed and delivered in a way that meets residents' needs and reflects the changing landscape within which local government now operates.

6. Consultation

- 6.1 A draft Charter was first considered by the Town and Parish Council Liaison Group and then discussed at the Annual Conference of Town and Parish Councillors in October 2013. The Conference made a number of suggestions and the final draft

was then circulated to all Clerks with a request that discussion of the Charter be included on each Town or Parish Council agenda.

- 6.2 To date, responses have been received from Todmorden Town Council, Hebden Royd Town Council, Ripponden Parish Council, Erringden Parish Council and Heptonstall Parish Council. Comments are anticipated following the meeting of Blackshaw Parish Council in late March.
- 6.3 Todmorden Town Council welcomed the draft Charter as submitted, but drew attention to “the premium cost telephone numbers listed in the document, which they consider to be a barrier to communication”. Heptonstall Parish Council and Erringden Parish Council considered the Charter and offered no revisions or additions. Ripponden Parish Council agreed that the Charter would be beneficial in setting out the partnership procedures between Parish Councils and Calderdale Council. Hebden Royd welcomed the Charter, seeing it as providing a useful framework to help define all parties’ roles in Neighbourhood Planning, and suggested that an appeals process could be considered in the event of dissatisfaction with the outcome of a complaint regarding application of the Charter.
- 6.4 Further comments were submitted by an individual Todmorden Town Councillor, offering various observations on Council finance and structure; the importance of local knowledge in the planning process; the need to avoid using the word “customer”; the need for Councillors’ contact details to be widely available; the need to cooperation against over-intervention in community life; and the desirability of adopting a local currency.

7. Financial implications

- 7.1 There are no direct additional financial implications from the Charter. Whilst the Charter sets out general principles and protocols, there are no legal or financial consequences (except where the Principal Authority is bound by other statutory requirements, such as in the case of planning applications).
- 7.2 Each Parish Council currently receives three elements of funding from Calderdale Council:
 - i. The Parish Precept which is set locally by the Parish Council each year and applied to the appropriate council tax base for the area.
 - ii. A grant to each Parish Council to recognise that the Government’s Revenue Support Grant made allowance for parish expenditure. Cabinet agreed in 1999 that the grant to Parish Councils be uplifted each year in proportion to the Revenue Support Grant and business rate percentage increases.
 - iii. A further grant which the Council agreed to make on introduction of the local council tax reduction scheme to reimburse Parish Councils for the reduction in their tax base. Although the Government encourages local authorities to make this grant available to Parish Councils, the payment is discretionary and could be reduced or ceased. Some authorities have decided to reduce the grant payable to Parish Councils in line with their own reduction in funding and others have decided not to pass on any grant at all. Calderdale

has to date compensated Parish Councils in full for the estimated amounts lost to them due to the effects of council tax reduction.

- 7.3 The table below shows the funding which each Parish Council will receive in 2014/15.

Parish area	Precept £	Parish grant £	Council tax reduction grant £	Total Parish funding £
Blackshaw	5,662	635	310	6,607
Erringden	1,355	144	122	1,621
Hebden Royd	222,893	7,143	31,376	261,412
Heptonstall	15,300	952	1,492	17,744
Ripponden	37,822	4,030	2,161	44,013
Todmorden	161,354	11,691	28,367	201,412
Wadsworth	11,790	1,009	879	13,678
Total	456,176	25,604	64,707	546,487

8. Equality and Diversity

- 8.1 The Charter can positively assist the Council in discharging its obligations under the Equality Act 2010 to promote equality of opportunity and good relations between people from different backgrounds.

9. Conclusion

- 9.1 Town and Parish Councils are important partners for Calderdale Council and are well placed to assist the Council to engage local communities in the design and delivery of public services. Adoption of the Parish Charter will be a demonstrable commitment to working closely with local councils to promote the interests of local communities, and will contribute to good governance by clarifying responsibilities and relationships between key organisations involved in the civic life of the Borough.

For further information on this report contact:

Andrew Pitts, Head of Neighbourhoods
Tel 01422 392600
Email Andrew.pitts@calderdale.gov.uk

Documents used in preparation of this report:

Service files

Documents are available for inspection at:

Northgate House, Halifax

Calderdale Parish Charter

Sets out the working relationship between
Calderdale Metropolitan Borough Council
and
Town and Parish Councils
in Calderdale

Section 1: Introduction

- 1.1 The purpose of this charter is to set out how Calderdale Metropolitan Borough Council (CMBC) and Town and Parish Councils can work together to provide high quality and efficient public services for the people of Calderdale.
- 1.2 The charter is intended to be a starting point, a commitment to work together, and a statement of the principles by which the Borough Council and Parish/Town councils approach their work.
- 1.3 The charter sets out some practical assistance that Calderdale Metropolitan Borough Council can provide. It also sets out arrangements for Town and Parish Councils to have a greater influencing role in the decisions which affect their areas.

Shared goals

- 1.4 Calderdale Metropolitan Borough Council and the local councils within its area believe that working closely together can improve the wellbeing of the communities they serve.
- 1.5 To this end, Calderdale Metropolitan Borough Council and the local councils in the Calderdale Metropolitan Borough Council area, as set out in Appendix 2, have agreed to publish a Charter which sets out how they aim to work together for the benefit of local people. This Charter is the result of discussions locally to establish a new way of working and to confirm existing good practice, particularly in light of the aspirations set out in the Localism Act.
- 1.6 Calderdale Metropolitan Borough Council and the local councils shown in Appendix 2 are committed to the principles of democratic local government. They are keen to see continued efforts made to improve our system of local democracy and to see greater public participation in and appreciation of this system.
- 1.7 Calderdale Metropolitan Borough Council acknowledges that local councils are the grass-roots level of local government. By working with them, Calderdale Metropolitan Borough Council aims to act in partnership with local people, while balancing the needs of the wider community of Calderdale.
- 1.8 In their role as democratically accountable bodies, local councils offer a means of shaping the decisions that affect their communities. Town and Parish councillors and officers possess local knowledge which can help decision makers in the Borough Council to make more informed choices, and parishes have made it clear that they would like more influence on services which affect their communities. They offer a means of decentralising the provision of certain services and of revitalising local communities. In turn, local councils must recognise the strategic role of Calderdale Metropolitan Borough Council and the equitable distribution of services which it has to achieve.



Section 2: Partnership working

Working together for our communities

- 2.1 Calderdale Metropolitan Borough Council will work in partnership with Town and Parish Councils in the area to promote sustainable social, economic and environmental development for the benefit of local communities.
- 2.2 As democratically accountable bodies, Town and Parish Councils are the grass-roots level of local government. In turn, Town and Parish Councils must recognise the strategic role of Calderdale Metropolitan Borough Council and the fair distribution of services that it must achieve.

Parish plans and The Health and Well Being Strategy

- 2.3 Parish plans can be useful because they allow people living in a parish to have their say on what is needed and wanted and how this could be accomplished. But for parish plans to make a difference they need to be taken into account when developing and implementing the Health and Well Being Strategy for the Borough.
- 2.4 Therefore, Calderdale Council and its partners will consult and involve Town and Parish Councils and Parish meetings when preparing and reviewing the strategy.
- 2.5 The Town and Parish Council Liaison Group (terms of reference attached at Appendix 1) will be used as the main vehicle to raise issues of mutual interest and to coordinate activity to improve the quality of life for local residents and support local businesses.
- 2.6 The Borough Council asks that Town and Parish Councils consider making representatives available for committee places/working groups when invited to do so and that CMBC officers and members be given an opportunity to speak at Town and Parish Council meetings on matters of mutual interest.

Neighbourhood Plans

- 2.7 Parish Councils have the right to take powers under the Localism Act 2011 to develop neighbourhood planning. Three new rights exist:
 - **Neighbourhood Development Plans (NDP)** : a new plan-making power to help the local community shape development within their area - which in parished areas is to be led by the Parish Council;



- **Neighbourhood Development Orders (NDO)** : a right to prepare an Order which will grant planning permission for certain types of development as set out in the Order;
- **Community Right to Build Orders (CRtBO)** : a particular type of NDO which enables communities to bring forward development proposals without the need for a planning application.

The Council has published guidance about the preparation of Neighbourhood Development Plans which is available on the web-site at www.calderdale.gov.uk/environment/planning/local-plan/ . The powers cannot be exercised without formal authorisation of the Local Planning Authority and any Parish Council wishing to take up the powers of the Localism Act should discuss their ideas with the Local Planning Authority in the first instance as various legal steps are necessary.

Once the powers have been granted the Local Planning Authority is required to provide support and advice to those bodies producing a Neighbourhood Plan in its area. This support could include things like making data available, setting out local and national policies, sharing information, helping to arrange community engagement activities, and checking the plan prior to submission.

The Duty to Support does not require the giving of financial assistance to Parish Councils or designated neighbourhood forums.

Provision of information

- 2.8 Calderdale Metropolitan Borough Council will publish details of all agendas and minutes of meetings and of all delegated decisions by officers, together with associated reports which will indicate any electoral wards of the Borough Council which are specifically affected.
- 2.9 Calderdale Metropolitan Borough Council will aim to acknowledge e-mails within one working day and provide a full response as early as possible, but certainly within 7 working days.
- 2.10 Calderdale Metropolitan Borough Council will respond to all letters and faxes as soon as practicable, having regard to any schedule of meetings of the relevant local council and, in any event, within 10 working days.

Consultation

- 2.11 Consultation will be used to involve local councils in decisions of the Borough Council that affect local communities. Consultation between the partners of this Charter is a two-way process, which can only be effective where there is a sense of partnership and mutual trust. Consultation will not be used as a form of advance warning or of public relations. Calderdale Council will seek to:
 - use plain English and keep information jargon free;



- offer information in different formats e.g. on CD or tape where that is appropriate;
- follow Government practice and allow 12 weeks for consultation where possible and practical (there will be exceptions but the reasons for shorter consultation periods will always be stated);
- feed back what has been said and what we is going to be done as a result.

In turn, Calderdale Council:

- asks that, wherever possible and relevant, responses are provided by the agreed deadlines, even if this means delegating the task to a committee or having an extra council meeting to meet the deadline.

- 2.12 In some cases, consultation is a statutory requirement and, carried out carefully, it ensures that good decisions are taken based on the best information available at the time.
- 2.13 In other cases consultation is used to seek local information and views to establish whether a new service or policy will achieve what is intended. It tests the technical or policy basis of a proposed development to ensure its relevance and suitability in a locality.
- 2.14 Sometimes it will be necessary for the Council to take decisions based on considerations which extend beyond an individual community. In these cases the decisions may not reflect the local council view, even though suggestions and opinions will have been considered.
- 2.15 Calderdale Metropolitan Borough Council will maintain and publish a forward programme of key decisions to be taken by the Council together with details of consultation arrangements applicable, have regard to Parish plans and will include Town and Parish Councils within the consultation arrangements for all key decisions with specific implications for them.
- 2.16 All local Councillors and Clerks will be invited to an Annual Conference for the purposes of:
- Encouraging networking and sharing of best practice amongst local councils.
 - Receiving briefings and presentations from CMBC and other partner organisations on key issues and developments.
- 2.17 As far as practicable Officers and Councillors of Calderdale Metropolitan Borough Council will attend meetings as requested by local councils (or groups of such councils) at a mutually agreed time to discuss matters of common interest.
- 2.18 On request, local councils will send copies of their agendas and papers to Calderdale Metropolitan Borough Council and to Councillors for their area. Officers and Councillors of Calderdale Metropolitan Borough Council will be



given an opportunity to speak, at their request, at local council meetings on matters of mutual interest.

- 2.19 Town and Parish Councils will appoint representatives to attend quarterly Town and Parish Council Liaison meetings (see above). The Portfolio Holder for Communities and a senior officer will normally attend. The purpose of these meetings will be to act as a liaison between Town and Parish Councils and the Borough Council on matters of mutual interest and to discuss this charter and its ongoing development.

Section 3: Information and complaints

- 3.1 Calderdale Metropolitan Borough Council will notify Town and Parish Councils of all programmed maintenance and improvement schemes due to be undertaken in their area. This will not include emergency or routine work such as surveys or inspections, or minor maintenance and repair works of short duration.
- 3.2 The Council asks Town and Parish Councils to gather evidence or feedback to assist in service delivery, including reporting road defects such as potholes and drainage problems which can then be assessed as to whether any remedial action is needed.
- 3.3 CMBC asks that during normal office hours local councils will wherever possible report road defects/ highway emergencies by telephone, using the main Council telephone number (0845 245 7000). This will help CMBC to respond more quickly. To report highway emergencies outside normal office hours the Council out of hours telephone number (0845 111 1137) should be used. (Highway emergencies include any highway hazards such as flooding, mud/diesel spillages, carriageway debris, fallen trees and any road or footway defects which may be a danger to highway users). If the call relates to a social care emergency outside of normal office hours the Council out of hours emergency telephone number (0845 111 1137) should be used.
- 3.4 Wherever possible the website at www.calderdale.gov.uk should be used to find information about services and news updates including road, footpath closures, temporary traffic lights and diversions. The website contains an increasing number of online forms which can be used to request a service or obtain more information. If this information cannot be found or direct contact is preferred the telephone number 0845 245 6000 can be used.
- 3.5 Communications will be acknowledged in accordance with customer services standards and the Council will try to respond to queries as soon as possible after receipt. If it looks as if the matter will require investigation with colleagues an explanation will be given, together with an indication of when to expect a full reply. When CMBC contacts local councils the expectation is that a substantive reply is sent within 28 working days (not including responses to



consultation documents), unless there are exceptional reasons why this cannot happen.

- 3.6 If local councils are dissatisfied with CMBC's actions, the response to a request for information, or a failure to consult, then a formal complaint can be made through the complaints procedure.
- 3.7 Local councils should notify Committee Services section of changes to the names/contact details of parish Clerks and parish chairmen so that the parish contacts database is up-to-date.

Section 4: Delegating responsibility for service provision

- 4.1 If a local council (or group of local councils) wishes to discharge functions on behalf of the principal authority, Calderdale Metropolitan Borough Council will consider this where it provides best value (taking account of cost, quality, local preferences and practicability). Where it is not good value or practicable, Calderdale Metropolitan Borough Council will, in consultation with the local council, explore alternative solutions to encourage more local-level input into service delivery.
- 4.2 The first step towards devolution of a service currently provided by Calderdale Metropolitan Borough Council to a local council is for the Clerk of that local council to write to the Chief Executive of the Council. The Chief Executive will then ensure that the local council is able to have discussions with a service manager of appropriate seniority to consider the feasibility of devolution of a service.

Section 5: Practical support

- 5.1 CMBC's Neighbourhoods Service can act as a point of contact for grant funding opportunities for community-based projects.
- 5.2 The Emergency Planning Unit can provide advice and guidance to develop a Community Resilience Scheme to increase the local community's resilience in the first few hours of an incident such as flooding, before the emergency services are able to gain access.
- 5.3 Local Borough Councillors can provide information about Calderdale Metropolitan Borough Council issues in the area and take the community's views into the Council's decision-making process. Details of local Councillors are at www.calderdale.gov.uk
- 5.4 If a local Council wishes to become a local information and access point for Calderdale Council on a voluntary basis the Council will:



- issue (and up-date as necessary) relevant written information and application forms for services
- give electronic access to similar information and forms (where provided electronically)
- provide suitable briefing, training and support (parish Clerk or Town/Parish councillor).

Section 6: Managing the relationship

Complaints

- 6.1 If a local council is dissatisfied with the actions of Calderdale Metropolitan Borough Council then, in the first instance, it should raise the concern with the relevant Council department and, if remaining dissatisfied, may submit a complaint to the department in accordance with the Council's published procedure for dealing with complaints and compliments. The Council will try to provide a response within 10 working days.
- 6.2 If a local council is dissatisfied with actions of the Council arising from this Charter, but which are not specific to a Council department, the local council may make a formal complaint to the Head of Neighbourhoods who will investigate the complaint and arrange for an appropriate response to be submitted by the Council, ideally within 10 working days.

Performance, monitoring and review

- 6.3 This Charter is intended to be flexible and adaptable to the changing circumstances and arrangements for local government. This will be achieved by an annual review of the Charter by the Town and Parish Council Liaison Group, to keep pace with developments.
- 6.4 Local councils should monitor the effectiveness of the Charter and decide whether or not, on balance, the Charter has been upheld by Calderdale Metropolitan Borough Council. They should then, as they consider appropriate, submit views for consideration by the Town and Parish Council Liaison Group as part of the annual review.
- 6.5 Calderdale Metropolitan Borough Council will also conduct an annual monitoring exercise, reviewing from its perspective, the relationship with local councils and the performance of local councils compared to the standards set out in the Charter.

Calderdale MBC / Town & Parish Councils Liaison Group

Terms of Reference

1. Background

There are seven Town and Parish Councils in Calderdale:

- Blackshaw
- Erringden
- Hebden Royd
- Heptonstall
- Ripponden
- Todmorden
- Wadsworth

Town and Parish Councils are the first tier of local democracy, providing the closest link between communities and democratic representation. In the Local Government and Public Involvement in Health Bill, town and parish councils were given the power to promote wellbeing, in addition to the powers they already possess to represent and support their community's interests.

Although there are many community groups that work on behalf of geographical communities, Town and Parish Councils have a unique role as the first tier of local democracy.

2. Aim and objectives of this Town and Parish Council Liaison Group

The aim of the Liaison Group is to promote better working between Calderdale MBC and Town and Parish Councils by:

- Sharing information and learning between the Town and Parish Councils and Calderdale MBC;
- Identifying scope for joint working and partnership approaches to deliver more effective public services that meet local needs;

- Organising an Annual Conference for all Town and Parish Councillors in Calderdale.

3. Membership

Membership of the Liaison Group will be made up of:

- One representative Member from each of the Town and Parish Councils in Calderdale (seven Members in total)
- One Calderdale MBC Member from each ward that is covered or partly covered by a Town or Parish Council: currently Calder, Todmorden, Luddendenfoot and Ryburn wards
- The Calderdale MBC Cabinet Portfolio Holder for Communities.

The Liaison Group will be chaired by the Cabinet Portfolio Holder for Communities. Substitutes will be permitted.

4. Meetings

The Liaison Group will meet at least four times a year.

In addition, CMBC officers will liaise directly with Town and Parish Councils on any specific issues in their geographical areas, and in advance of any events held in a specific community covered by a town and parish council.

The group will be serviced by officers from the Communities Directorate, who will provide agendas and papers as agreed with the Chair.

The minutes and papers for each meeting will also be sent to Town / Parish Council Clerks.

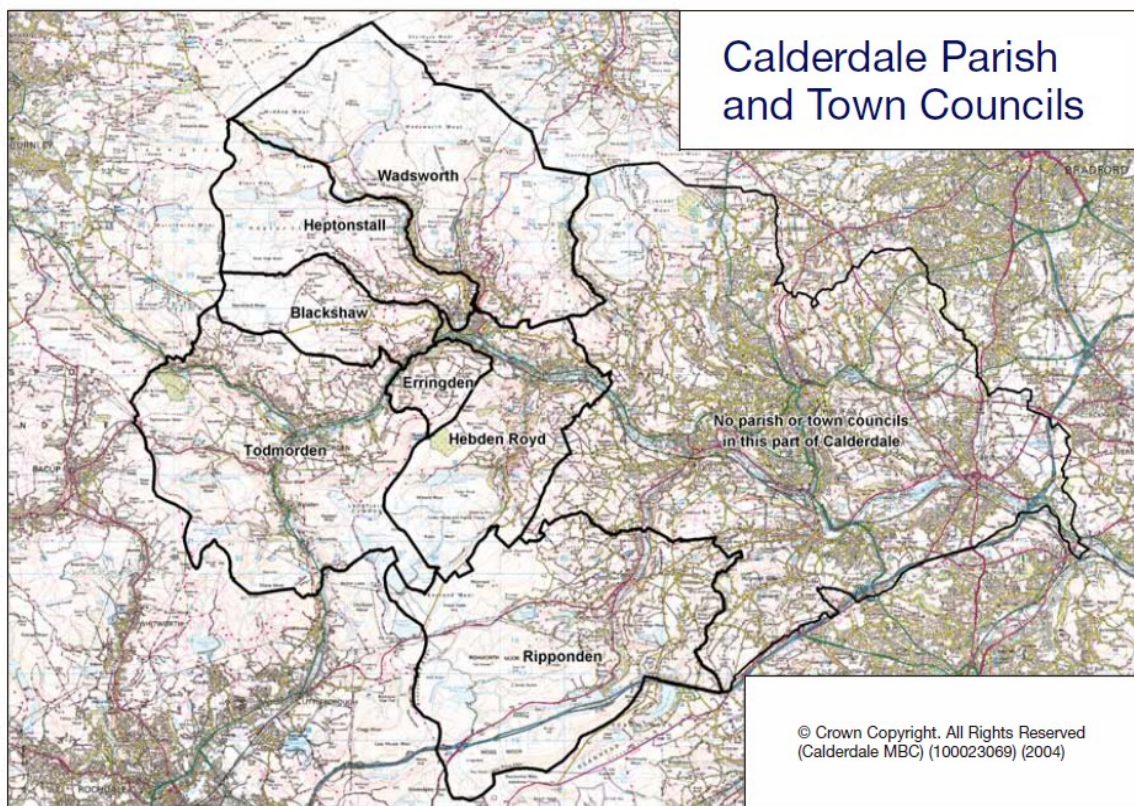
Officers from Town and Parish Councils can also attend meetings if invited by their council's representative.

5. Review

The role, function and operation of the Liaison Group will be reviewed annually.



Town and Parish Councils in Calderdale



Councils included within the Charter

Blackshaw Parish Council

Erringden Parish Council

Hebden Royd Town Council

Heptonstall Parish Council

Ripponden Parish Council

Todmorden Town Council

Wadsworth Parish Council

Calderdale Metropolitan Borough Council

