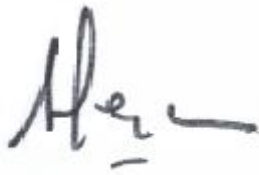


Parish Charter for Eden

Eden District Council, Cumbria County Council, Town and Parish Councils and Parish Meetings in Eden



Signatures



Councillor Keith Morgan
Chairman
Eden District Council



Paul Foote
Director of Corporate and Legal Services
Eden District Council



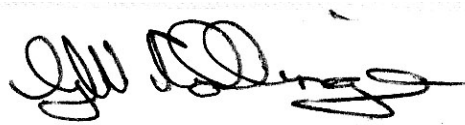
Councillor Tim Stoddart
Leader
Cumbria County Council



Stuart Pate
Head of Community
Cumbria County Council



Guy Richardson
Chief Officer
Cumbria Association of Local Councils



Winston Collinge
Chair
Eden Association of Local Councils

March 2008

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Introduction

Definitions

'Principal Authorities' are Cumbria County Council and Eden District 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 Local Councils and to include any special arrangements for those local councils that have been awarded or are actively working towards 'Quality Parish Status'.
3. The publication of the Local Government White Paper ('Strong and prosperous communities') on 26 October 2006 has reinforced this approach. Principal Authorities and Parish Councils will explore the future opportunities laid out in that document. The main principles of this Charter – better joint working, better communication and better consultations – remain unchanged and apply equally to council structures now and any possible changes in the future.
4. This **Parish Charter for Eden** has been agreed between Cumbria County Council, Eden District Council and the Local Councils in Eden.
5. For more information about this Charter please contact:

Cumbria County Council - David Stephens, Programme Manager Rural Matters, on 01539 773436 or david.stephens@cumbriacc.gov.uk

Eden District Council – Paul Foote, Director of Corporate and Legal Services, on 01768 212205 or paul.foote@eden.gov.uk

Cumbria Association of Local Councils
01768 242141 or office@calc.org.uk

Parish Charter for Eden

A. Mutual Acknowledgement

1. *Successful partnership working at the parish level can only be achieved if the partners – the County Council, the District 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 Eden District Council** recognise that Local Councils:
 - a. Are a vital part of democratic local government, representing communities at the most local, 'grass roots' level.
 - b. Are there to address the most local needs and concerns of their communities
 - c. Are a primary source of information about community aspirations and opinions
 - d. Provide an opportunity to foster greater community empowerment, particularly through the 'Quality Parish' scheme
3. **Local Councils** recognise that Cumbria County Council and Eden District Council:
 - a. Represent the interests of local communities at the County and District level
 - b. Have operational and strategic roles and responsibilities and have to work within Government financial constraints
 - c. Have to take into account community interests wider than the parish
 - d. Can work most effectively with Local 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 Eden District Council each undertake to:**
 - e. Host at least one meeting per year with the Local Councils in Eden to discuss corporate aims and other matters of mutual concern.
 - f. Nominate a Parish Liaison Officer to promote partnership working, contribute to 'rural proofing'* of policies and initiatives and assist Local Councils in resolving any difficulties with the Principal Authority.

- g. Nominate the Parish Liaison Officer, and any other appropriate officers, to participate in the meetings of the Eden Association of Local Councils.
- h. Give a written response to a written communication (including emails) from a Local 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.
- i. Encourage the attendance of County/District councillors at Local Council meetings.
- j. Take steps to facilitate greater electronic communication with Local Councils

* Rural proofing is the mechanism used by government to ensure that rural needs and circumstances are taken into account in policy development and delivery.

3. Cumbria County Council also undertakes to:

- a. Operate a scheme to facilitate communication between Local Councils and the Highways Authority on highways issues (known as the 'Highwayman' scheme).
- b. Maintain web based information about transport policies, priorities and schemes for the use of local councils

4. Local Councils undertake to:

- a. Be represented at liaison meetings convened by the Principal Authorities
- b. Co-operate with the appointed Parish Liaison Officer
- c. 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.
- d. Encourage the local County and District Councillor to attend meetings and provide him/her with agendas and minutes.
- e. Provide information to the Principal Authorities on the attendance of County/District Councillors at Local Council meetings
- f. Provide copies of any Parish newsletter (e-mail where possible) to the Parish Liaison Officer for circulation within the authority.
- g. Participate in the 'Highwayman' scheme – nominating a key contact for all highways issues within the parish

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. **Eden District Council and Cumbria County Council undertake to:**
 - a. Allow their officers to meet reasonable requests for advice and guidance from Local Councils
 - b. 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.
 - c. 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:**
 - a. Identify the training needs of their Clerks and councillors
 - b. 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 needs of the community on the ground. Local Councils are well placed to report on whether or not this is being achieved.*
2. **Eden District Council undertakes to:**
 - a. Invite Local Council representatives to attend its Scrutiny Committee
 - b. Seek Local Council representatives to sit on its Standards Committee in accordance with statutory requirements.

3. Cumbria County Council undertakes to:

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

4. Cumbria County Council and Eden District Council will both:

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

5. Local Councils undertake to:

- a. Participate fully, through the Eden Association of Local Councils, in relevant partnerships, committees and meetings
- b. Ensure, through the Eden 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 Eden District Council undertake to:

- a. seek the participation of and consult with Local Councils on:
 - i. Community strategies and other Principal Authority policies that affect parishes.
 - ii. The detailed programmes and plans for the implementation of policies that affect parishes.
 - iii. Any specific scheme being promoted by an Authority that affects an individual parish.
- b. Invite Local Council representatives to participate in appropriate committees, working parties and meetings where emerging policies and implementation plans affecting parishes are being discussed
- c. Invite Local Councils to any public meetings and exhibitions about policies and plans affecting the parish

- d. 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.
- e. Discuss with the Local Council concerned at the earliest possible stage, any Principal Authority promoted plan or scheme that affects that specific parish.
- f. Take Local Council views into account before making decisions
- g. Allow appropriate officers to attend Local Council meetings to explain and discuss policies and plans.
- h. Meet with the Local Council when particularly contentious issues cannot be resolved in any other way.

3. Local Councils undertake to:

- a. Respond positively, where possible, to invitations to attend consultative committees, working groups and meetings.
- b. Respond to all consultations (even if it is a simple 'no observations')
- c. 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)
- d. Work constructively with Principal Authorities to seek mutually acceptable solutions to contentious issues
- e. Respect the final democratic decision of the Principal Authority

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

2. Cumbria County Council and Eden District Council undertake to:

- a. Assist Local Councils' participation in the statutory planning system
- b. Ensure that Local Councils are given full opportunities (beyond statutory minimum requirements, where possible) to participate in the preparation of Local Development Frameworks
- c. Ensure all planning consultation documents prepared by the two Principal Authorities are in accordance with the Consultation Protocol (Annex1)

- d. Consult Local Councils on all planning applications (including revised plans where relevant) in accordance with statutory procedures and inform the Local Council which Planning Officer is handling the application.
- e. Respond positively, where possible and appropriate, to any request for a Planning Officer to attend a Local Council meeting to explain and discuss a planning application or a decision on a planning application.
- f. Invite a Local Council representative to attend any member site visit held by the Planning Authority.
- g. In all circumstances where the decision of the Planning Authority is at variance to the observation of the Local Council, a letter be sent to the Local Council fully explaining the Planning Authority's decision.
- h. Respond in writing to enquiries by individual Local Councils for further information on planning applications and changes in revised plans.
- i. Provide annual training to Local Councils on planning policy and procedures.

3. Eden District Council also undertakes to:

- Comply with the provisions of its own Charter on Planning Services as revised from time to time (see Annex 3)

4. Local Councils undertake to:

- a. Respond to all consultations in relation to Local Development Frameworks within the Planning Authority's deadlines
- b. Respond to all consultations on planning applications within the Planning Authority's deadlines.
- c. Adopt standard procedures that enable the council to respond to consultations on planning applications and Local Development Frameworks within the Planning Authority's deadlines
- d. 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 Eden District Council undertake to:

- a. Support and give guidance in the preparation and implementation of Parish Plans as far as resources allow
- b. Adopt an Authority-wide protocol for assisting the consideration and 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 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. Eden District Council undertakes to:

- a. Operate and keep under review the financial arrangements with Local Councils with respect to concurrent services as set out in Annex 2.
- b. Pay the precept and other grants in the appropriate timescale.

3. Cumbria County Council undertakes to:

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

4. Local Councils undertake to:

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

I. Developing the partnership

1. *The Local Government White Paper ('Strong and prosperous communities' – 26 October 2006) clearly shows that strong community or neighbourhood governance is a theme that will be taken forward. This will require increased emphasis on closer partnership working between local government tiers, now and in the future. Capable and effective Local Councils will be a cornerstone of that process; those already with a high standard of best practice will need to maintain it and those wishing to improve will need to be encouraged, supported and given the tools to achieve it.*
2. *Elements that contribute to the development of future capability of Local Councils are given below.*
3. **Training, development and best practice guidance.**
Training initiatives and ideas on best practice are constantly evolving via the government's National Training Strategy Steering Group. Well informed councillors and clerks are vital factors in directly improving the effectiveness of Local Councils. Assistance is available from a wide variety of sources and agencies depending on the topic. It can be a combination of personal attendance of councillors and clerks at various training events, obtaining the services of visiting lecturers, seeking written material or publications or just discussing concerns or issues with peer Local Councils.
4. **Cumbria County Council and Eden District Council undertake to:**
 - Support the implementation of the Cumbria Training Strategy for Town and Parish Councils
5. **Local Councils undertake to:**
 - a. Examine the wide range of training, development and best practice sources available which can include Principal Authorities (see Section C), the National Association of Local Councils (NALC), CALC or other bodies.
 - b. Ensure that the identified training needs of their councillors and clerks are met
6. **The Quality Parish and Town Council Scheme** *has been in place since 2003 and involves Local Councils meeting seven recognised national standards and being accredited with 'Quality' status (it is not open to Parish Meetings). The October 2006 Local Government White Paper continues to endorse the scheme and has proposed that the 'well-being' element of expenditure powers is extended to Quality councils. Some 'Quality' accredited councils may simply wish to exert greater influence over the delivery of local government services in their area by Principal Authorities, whilst others will seek to take on the management of certain services themselves.*
7. *Whilst the scheme is voluntary, the standards embedded in it are recommended to all Local Councils as part of developing future capability for the parish tier. The majority of the tests relate to effectiveness in communication and accountability, all of which are within the reach of most Local Councils now. Thus, Local Councils that aspire to Quality status or to improve their standards in line with the scheme are to be encouraged and supported.*

8. Cumbria County Council will:

- a. Arrange meetings (at least once a year) between 'Quality' Councils (and those actively working towards 'Quality' status) and the County Council's leadership to discuss service delivery.
- b. 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:
 - i. minor maintenance works on highways land
 - ii. Allowing Local Councils to undertake snow clearance on minor roads
 - iii. 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)
 - iv. Working together in the provision of public information and access points
 - v. Allowing Local Councils to undertake the maintenance of amenity and recreational land owned by the County Council

9. Local councils will undertake to:

- Keep under review the opportunities presented under the Quality Parish Scheme and consider seeking 'Quality' status when national standards can be met

10. *Joint working with others.* *A joint Local Council approach to a common problem or collaborative project can bring positive results by harnessing combined opinions, resources and finances. Groupings for such joint working can be changed or should be flexible to get the best results; other community or voluntary groups may be involved.*

11. Cumbria County Council and Eden District Council undertake to:

- Promote the benefits of joint working via Neighbourhood Forums and the Eden Association of Local Councils.

12. Local Councils undertake to:

- a. Consider and use the opportunities for joint working promoted via Neighbourhood Forums and the Eden Association of Local Councils.
- b. Consider collaboration with other Local Councils to produce a Joint Parish Plan if appropriate

- c. Seek a joint approach to other common problems or initiatives with neighbouring Local Councils or other community or voluntary groups.

13. **Devolved Functions** can be formally handed over to a Local Council using Section 101 of the Local Government Act 1972. This devolves a function to a Parish Council through an 'agency' arrangement. Section 113 of the same Act gives Principal Authorities the power to provide staff in respect of devolved functions. All arrangements for the devolution of functions to Local Councils require adequate financial provision in accordance with the principle 'finance follows function'.

14. Cumbria County Council will:

- a. Maintain the current contractual arrangements with individual Local Councils for the devolution of services.
- b. Give consideration to requests from Local Councils for other services to be devolved in appropriate circumstances and following consultation

15. Eden District Council will:

- a. Maintain the current arrangements with individual Local Councils for the devolution of services.
- b. Offer Local Councils the opportunity to enter into joint/agency arrangements for the delivery of certain local functions and will monitor the effectiveness of any arrangements

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 Eden. The following arrangements will be followed:*
 - a. A report on the implementation and effectiveness of **Parish Charter for Eden** 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.
 - b. 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 Parish 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)
 - c. **Parish Charter for Eden** will be reviewed no later than 2011.

Annex 1

Protocol for Written Consultation Documents Prepared By Eden District 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 six week minimum consultation period except where this is clearly impractical
- Prepare a summary document or covering letter not exceeding two 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.

Annex 2

Eden District Council and Parish Council Concurrent Functions and Financial Arrangements

Eden District Council operates a 'Special Expenses' scheme in accordance with the provisions of the Local Government and Finance Act 1992.

Parish Councils that exercise concurrent functions raise funds to pay for them through their parish precept. In those parishes where the District Council, instead of the Parish Council, runs the same concurrent services a 'Special Expense' is raised by the District Council on the council tax payers in that parish.

The total amount of Special Expenses is £139,000 in 2007-8. It is made up as follows;

	£
Maintenance of sport pitches	41,530
Maintenance of sports facilities	11,940
Play area maintenance	10,190
Maintenance of public open spaces	71,120
Seats	910
Hanging Baskets	4,530
Town Clocks	-560
	139,660

This was recharged to the areas it related to produce the following Band D Council Tax;

Parish / unparished area	Band D in £s	Parish / unparished area	Band D in £s
Alston Moor	1.71	Kirkby Thore	1.28
Appleby	16.87	Kirkoswald	1.35
Asby	2.18	Lazonby	1.71
Bampton	2.03	Morland	2.48
Barton	0.71	Patterdale	1.10
Bolton	0.74	Shap	1.34
Brough	1.17	Skelton	0.76
Catterlen	1.95	Soulby	4.35
Clifton	4.25	Tebay	0.50
Crosby Ravensworth	1.50	Threlkeld	2.23
Dufton	1.18	Warcop and Bleatarn	1.68
Greystoke	6.35	Penrith	20.39
Kirkby Stephen	2.70		

Annex 3

Eden District Council Planning Services Parish Charter

1. **The Parish Council/Parish Meeting will be consulted upon all applications for planning permission, for Listed Building Consent and Advertisement Consent but not for 'prior notification determinations'.**

For notifications of telecommunication apparatus and 'agricultural notifications' the Council only has 28 days in which to respond. These developments have 'deemed consent' and therefore do not require planning permission.

2. **A copy of the submitted application will be sent to the Parish Council/Parish Meeting.**

The Parish Council/Parish Meeting will receive all the information submitted in respect of each planning application with the exception of bulky technical reports e.g. ground contamination or traffic impact assessments. In this instance a non-technical summary or the conclusions from the report will be sent with an explanatory note explaining what we have done.

3. **The Parish Council / Parish Meeting will be given 21 days in which to reply.**

The speed and efficiency of dealing with planning applications is scrutinised and at least 80% of all applications need to be determined within eight weeks. The Parish Council/Parish Meeting can help Planning Services achieve this target by responding promptly to consultations. Responses received after the 21 day consultation period will be taken into account except where the application has already been determined.

4. **An extension of the Parish Council/Parish Meeting consultation period can be agreed by the Case Officer.**

The Case Officer may be able to offer the Parish Council/Parish Meeting an extended period in which to respond. The consultation letter we send has the contact details for the Case Officer and the Parish Clerk is encouraged to use this facility in order to maintain contact between ourselves.

5. **If during the consultation period the Parish Council/Parish Meeting require further information or advice, the Case Officer will liaise with the Parish Council Clerk.**

The Case Officer is available to offer the Parish Council/Parish Meeting further information or advice. It is preferable if requests can be put in writing by emailing the Case Officer at planning.services@eden.gov.uk. It is also helpful if the Parish has one contact point for the Case Officer.

- 6. Where the Parish Council/Parish Meeting raises issues that are not regarded as material to the consideration of the planning application, an explanatory letter will be sent.**

Planning applications can only be determined on material planning considerations and this specifically excludes such things as loss of value or loss of view. A guidance note on matters which can and cannot be considered 'material' is available from Planning Services. The delegated powers of the Director of Technical Services allow him to determine whether a comment or objection upon a particular application is a 'material' planning matter or not.

- 7. Where the view of the Director of Technical Services upon a particular application differs from that of the Parish Council/Parish Meeting, the application will be referred to the Council's Planning Committee for a decision.**

This provision is specifically included in the schedule of delegated powers given to the Director of Technical Services, to ensure that the views of the Parish Council/Parish Meeting are heard by Committee in all cases where they may be contrary to his own. The Parish view is reported in full to Committee.

- 8. The Parish Council/Parish Meeting will be sent a copy of the report appearing on the Planning Committee Agenda.**

A copy of the Committee report will be sent to the Parish Council/Parish Meeting to ensure that they are fully aware of the recommendation made to Committee by the Director of Technical Services and the justification for this recommendation. The Committee Agenda is also available on the Council's website at least 5 days before the meeting.

- 9. A representative of the Parish Council/Parish Meeting will be invited to attend any Site Visits undertaken by the Planning Committee within their Parish.**

From time to time the Planning Committee will undertake a site visit before reaching a decision on a particular application and in this case the Parish Council will be invited to attend. The decision on whether to hold a site visit rests with the Committee.

- 10. Where a decision is made by the Council against the view of the Parish Council/Parish Meeting, a written explanation will be given upon request.**

Where a decision is contrary to the Parish view ie approval when the Parish object or refusal when there is support from the Parish, an explanation in addition to the Committee report can be requested.

October 2005