

THE CHARTER FOR CHESHIRE COUNCILS

Working Together for Local People

THE CHARTER FOR CHESHIRE COUNCILS

WORKING TOGETHER FOR LOCAL PEOPLE

This Charter aims to promote and develop co-operation between the Town and Parish Councils (Local Councils) and County and District Councils (Principal Authorities). It sets out principles for the three tiers of local government to work together in partnership to improve the quality of life for those living in Cheshire.

The principles set out below were the subject of consultation and collaboration between all partners and will be reviewed in consultation and discussion with those partners after five years, or earlier if there is an identified need to review its principles or the way they are put into effect.

INTRODUCTION

1. The Charter for Cheshire Councils recognises the importance of the continuing partnership between the three tiers of local government in Cheshire. Through the medium of this Charter, all the Councils seek to develop closer working and to confirm existing good practice between the 212 Town and Parish Councils in existence as at October 2004, plus any new ones which come into being thereafter; six District Councils and the County Council, acknowledging that all play a valuable role in local democracy and service provision.
2. These Cheshire Councils aim to act in partnership to address the needs of local communities in ways which are consistent with their duty to have regard to the needs of wider communities.
3. The Principal Authorities recognise that as democratically accountable bodies, Local Councils are the grass-roots level of local government and that by working with them and through community strategy and local planning processes (e.g. District and County Community Plan, Local Plan/Local Development Framework and County Structure Plan processes) they endeavour to act in partnership with local communities, whilst addressing the wider Cheshire needs. In turn, the Local Councils recognise the strategic role of the Principal Authorities and the equitable distribution of services which they have to achieve.
4. This Charter reflects the increasing importance of partnership working and accords due weight to development of Quality status. Thus the first part of this Charter (Part 1) is applicable to all local councils and the second part (Part 2) applies to Quality Town or Parish Councils only.

PART 1 - ALL TOWN AND PARISH COUNCILS

Sustainability

5. The Cheshire Councils will work in partnership to promote sustainable social, economic and environmental development for the benefit of local communities in Cheshire and foster local communities and their environs.

Community Planning and Partnership Working

6. The Principal Authorities recognise the Cheshire Association of Local Councils as a key community partner and consider it vital that the Association is represented on the relevant strategic Community Forums. Local Councils will be represented on The Cheshire Partnership – the countywide Local Strategic Partnership by the ChALC. The Principal Authorities will promote the inclusion and involvement of representatives of Local Councils in Local Strategic Partnerships (LSPs) whilst endeavouring to ensure that those LSPs are robust and useful mechanisms. The Principal Authorities will ensure that Local Councils are consulted and are involved in the substance and direction of community strategies as they affect the local communities they represent, and that they are able to take an active part in the formulation of policy and service delivery. For their part, Local Councils will respond to community planning consultations and invitations to participate either individually or collectively through the Cheshire Association of Local Councils (ChALC)).
7. Where a Local Council (or group of Local Councils) has prepared an area plan, such as a Parish Plan, Village Design Statement or Market Town Action Plan, the Principal Authorities will, where practicable, encourage LSPs to reflect its proposals and priorities in the development and implementation of the community strategy as it affects the local areas concerned. To facilitate this, a Local Council (or group of Local Councils) which proposes to prepare an area plan will ensure at the outset, opportunity for the relevant Principal Authorities to contribute information and advice.

Land Use and Local Plan Issues and Local Distinctiveness

8. Where a Local Council (or group of such councils) has prepared a Parish Plan, Village Design Statement or Landscape Plan, the relevant planning authority will adopt this as a Supplementary Planning Document (provided it is consistent with local and strategic planning policies).
9. Where a Local Council has prepared a parish (or town) plan, the proposals of which imply some changes to the current local development framework for the area, the relevant planning authority will consider and discuss the proposals with the Local Council (or Councils) as part of its (their) next review of that the relevant local development documents and give due weight to the opinions of the local community. The Principal Councils will also assist those Local Councils who wish to do so, to incorporate relevant Parish Plan proposals into Village (or Town) Design Statements or Landscape Plans which may then be adopted as supplementary planning documents.
10. The County Council will ensure that Parish Plans are taken into account when making key policy decisions.

Local Governance

11. The Principal Authorities will make the following arrangements for engagement in local governance and for liaison between themselves:
 - 11.1 Representatives of the ChALC will have a seat on the County Council's six County Forums, District Area Meetings/Committees (where they exist) and other relevant countywide fora, and will be offered, subject to legislative provision, voting rights wherever applicable and appropriate.
 - 11.2 Reciprocal arrangements will be made at Area Meetings of the ChALC.

- 11.3** There will be direct involvement in meetings of the Highways and Transportation Local Joint Committees as set out in the protocol at Appendix 3.
- 11.4** Joint conferences with Local Councils and representatives of the ChALC will be held by the Principal Authorities at which senior Council Members will be in attendance. These conferences will be held at least annually and at such other times should the need arise. The County Council will continue to develop and maintain effective links with individual Local Councils through a designated Partnership Officer.
- 11.5** The Principal Authorities will maintain their close working relationships with the ChALC through annual meetings between senior Council Members and representatives of the Executive Committee of the Association.
- 11.6** Local Councils will invite appropriate Members and Officers of the Principal Authorities to their meetings and, at the discretion of the Chairman, invite them to speak at such meetings.
- 11.7** Principal Authorities will encourage councillors to accept invitations to attend Local Councils meetings in their wards.
- 12.** The District Councils will help to organise the administration of Local Council elections in their area and will bear the cost of simultaneous elections in which elections to Local Councils and to District Councils are held on the same day. The District Councils will also consider, on each occasion of a Local Council by-election, contributing to the cost of conducting such by-elections, subject to timing, staffing resources and budgetary constraints. The District and Local Councils will work together to maximise the cost effectiveness of holding such elections.

Consultation

- 13.** The Principal Authorities consider Local Councils to be key consultees and will circulate lists to Parish Clerks of public reports presented to executive groups, committees and subcommittees at the same time as they are sent to members of those Principal Councils. Local Councils can request a copy of any public report and are encouraged to comment directly to members of the Principal Authority.

The Principal Authorities will give Local Councils adequate opportunity to discuss and respond before making a decision which affects their local community. In furtherance of this, the principal authorities will:

- endeavour to co-ordinate consultation requests within and across authorities;
- accurately report their views to those Councillors making the decision;
- let the Local Councils know when a decision will be taken by the appropriate decision-making body, invite them to attend and, at the Chairman's discretion, to speak;
- inform them of the outcome and give them a written explanation if that outcome does not accord with their views; and
- give a written explanation of any decisions taken as a matter of urgency when it is not possible to consult them in advance.

- 14.** For their part, Local Councils will be expected to provide a response to any consultation exercise directly affecting their local community, either individually or as part of a composite consultation response submitted by the ChALC.

15. A list of the issues that will automatically be referred to Local Councils for consideration by the County Council is to be found at Appendix 1. A list of the issues that will automatically be referred to Local Councils for consideration by the District Councils is to be found at Appendix 2.
14. Local Councils will send copies of their agendas and papers to the relevant Councillors of the Principal Authorities and to an appointed Principal Authority Officer. Such Councillors and Officers, at the discretion of the Chairman, will be given an opportunity to speak at Local Council meetings on matters of mutual interest if they require to do so. Local Councils should be encouraged to communicate electronically via email with Principal Authorities, where possible, and publish information including minutes and agendas on websites where they exist.
15. Where Members of the Principal Authority's committees find that a site visit assists them in their consideration of matters before their committee, they will, where appropriate and at the discretion of the Chairman, invite Local Councils to nominate representatives to attend such site visits. Any member or officer of a Local Council attending a site visit arranged for Principal Authority Members - will be bound by local protocols and codes of conduct as to site visits, declarations of interest etc. In circumstances where a site visit is held in order to assist Members later to discuss a matter which will be considered during a meeting or part of a meeting from which the public are excluded, no invitation to attend the site visit will be made to the Local Councils.

Information and Complaints

16. When the Principal Authorities consult Local Councils, they will provide them with sufficient information to reach an informed view on the matter, and give them time to respond in accordance with statutory requirements, where applicable, having regard to the operational procedures of Local Councils.
17. The Principal Authorities will invite a senior officer to operate as 'Parish Liaison Officer' to act as a first point of contact for help, information or concerns.
18. The Principal Authorities will communicate with Local Councils by distributing, free of charge, sufficient copies of all editions of their in-house produced newspapers and as many copies of their most recently updated Guides to Councils Services as they require. A selection of each of the Council produced newspapers will be made available to ChALC for circulation as it deems appropriate.
19. The Local Councils will facilitate the use of local council notice boards by the Principal Authorities for the publicity of issues and information of local interest and concern.
20. The Cheshire Councils will acknowledge all written communications (including letters, faxes and emails) and provide a substantive reply to all written communications which need a reply as follows:
 - A full substantive reply or an acknowledgement within seven days.
 - If an acknowledgement is sent, the full substantive reply within 28 days, or a clear statement of when the full reply will be available.
21. If a Local Council is dissatisfied with the Principal Authority's actions, their response to a request for information, or their failure to consult, it may initiate that Council's formal complaints procedure. Details of how to access these procedures are annexed at Appendix 6.

Standards Committees

22. All three tiers of local government in Cheshire have adopted codes of conduct based on the national model code of conduct. The Local Councils, through the ChALC, will work with the District Councils' Standards Committees to promote and maintain high standards of conduct. The District Councils have consulted and agreed Local Council representation on their Standards Committees in accordance with guidance from the Standards Board of England.

Scrutiny Arrangements

23. The County Council will ensure that representatives of the ChALC have one co-opted place on each Local Health Scrutiny Committee and on the County Health Sub-Committee, responsible for examining all services related to health and making recommendations for improvement.

Delegating Responsibility for Service Provision

24. Where a Local Council (or group of Local Councils) wishes to take on delegated responsibility for the delivery, management or monitoring of services provided by the Principal Authorities, the Principal Authorities will actively discuss opportunities for devolution where it is lawful and best value (taking account of cost, quality, local preferences and practicability). A list of possible services is annexed at Appendix 4. Where it can be demonstrated that this is not good value or practicable, the Principal Authorities will, in conjunction with the Local Council, explore alternative solutions to encourage more local-level input into service delivery, management and monitoring.

Financial arrangements

25. The Principal Authorities undertake to work within the following principles:
- Fairness in the provision of services** (and access to them) between different parts of their areas of responsibility;
 - Simplicity** of operation to keep administrative costs to a minimum;
 - Transparency** to help understanding;
 - Democratic control and accountability** to let Local Councils support services with additional expenditure while ensuring accountability to all those responsible for funding. This means distinguishing between funding by Principal Authorities (for a service carried out by a Local Council) and funding raised by Local Councils themselves (e.g. using their precepting powers);
 - Finance following function** – where the provision of a service is devolved or transferred to a Local Council, funding is also transferred with the amount involved being agreed by the Principal Authority and the Local Council.
26. The Principal Authorities will work towards the elimination of dual taxation in parished areas with a view to achieving mutual agreement on a way forward within two years from the date of signing this Charter.

Practical Support

27. The Principal Authorities will, where practical, offer Local Councils access to their own support services, to enable them to take advantage of facilities such as printing and purchasing, at a

mutually agreed price. In particular, assistance will be offered in identifying and helping to meet the training needs of Local Councils by supporting the County Training Partnership and the ChALC. In addition, the County Council offers a free website hosting service for individual Local Councils able to develop their own web pages.

PART 2 - QUALITY TOWN AND PARISH COUNCILS

28. In addition to the above, the Principal Authorities have agreed to work in the following ways with those Local Councils which are recognised as having attained the *QUALITY* standard.
29. The Principal Authorities will encourage the development of Parish Compacts to ensure that Local Councils are able to influence service delivery at a local level.

Information and Access Points

30. Where a *QUALITY* Local Council (or group of *QUALITY* Local Councils) wishes to become a local information and/or access point for County and/or District Council services, the service provider will help it to do so. In particular it will:
- issue to the *QUALITY* Local Council(s) relevant and accurate written information on, and application forms for, its services;
 - give electronic access to such information and forms (where it can provide these electronically) provided the *QUALITY* Local Council has appropriate technology to receive it, and, where it does not, work with the Local Council(s) to acquire such; and
 - provide suitable briefing, training and support to staff of the *QUALITY* Local Councils.

Delegation of Functions and Service Provision

31. The Principal Authorities will offer *QUALITY* Local Councils (or groups of *QUALITY* Local Councils) the opportunity to take on one or more of the services and functions listed in Appendix 5, or parts of them, in accordance with mutually agreed practical and financial arrangements.

Practical Support

32. The Principal Authorities will continue to explore options for enhanced practical support and assistance to *QUALITY* Local Councils, including personnel/legal/IT advice and support, equipment loan/hire, bulk purchasing, training bursaries, interest free loans, etc.

Partnership Working

33. The County Council will continue to explore options for enhanced direct involvement of *QUALITY* Town and Parish Councils in its local decision making mechanisms.

Appendix 1 – Issues to be automatically referred to Local Councils for consideration by the County Council.

Social Services Department

Departmental Service Plans

Education & Community Department

Education Development Plan

Libraries – mobile routes, opening hours, buildings issues

Lifelong Learning Strategy

Changes to Registration Service

Schools Rationalisation Proposals (*Invitation to public consultation meetings*)

Environment Department

Those parts of the Regional Spatial Strategies it is feeding into which are likely to affect parish, e.g. the development of Regional Parks

Planning Applications

Minerals Local Plan

Waste Local Plan

Economic Development Strategy/Statement

Derelict Land Reclamation and Landscaping Schemes

Amendments to Public Rights of Way

Landscape Projects

Traffic Regulations (*e.g. speed limits, weight restrictions, one-way streets, parking restrictions*)

Design of Improvement Schemes (*e.g. traffic calming, cycle routes, safety schemes*)

Highway Structural Maintenance (*e.g. surface dressings (tar and chippings), road closures*)

Closures and Diversions for Bridge Maintenance

New and improved roads: ie. the need for them, their alignment and the standard of road under consideration (consultation from the earliest stages)

Municipal Waste Management Strategy

Policy & Performance Department

Draft Budget Policy and Expenditure Options (via ChALC)

Community Strategy Priorities

Closure of County Council facilities in their area

Disposal of County Council Owned Land

Appendix 2 – Issues to be automatically referred to Local Councils for consideration by District Councils.

All Local Development Document papers

Planning Applications within or affecting the Parish

Proposed changes affecting housing, leisure and interment facilities within or affecting the Parish

Parish Boundary Review

Disposal of Council Owned Land

Conservation and Green Belt Matters

Waste Collection

Community Strategy Priorities

Appendix 3 – Protocol for involving Local Councils in meetings of the Highways and Transportation Local Joint Committees

Subject to the relevant procedure, a designated representative of a Local Council in the area covered by the LJC shall have the right to speak (but not vote) at a meeting of the LJC on items of relevance to their particular Town or Parish and may, at the discretion of the Chairman of the LJC, speak on any other matters.

The “relevant procedure” set down in the following paragraph, is designed to avoid agendas and meetings of the LJC becoming unduly lengthy or unwieldy whilst recognising the need for Local Councils to actively and meaningfully participate in the decision making processes of the Committee.

This procedure acknowledges that the majority of issues of concern to a Local Council can in fact be resolved by the officers of the Joint Highways and Transportation Team, and therefore that the team should be the first port of call for problems or concerns. Should the team not be able to resolve a concern to the satisfaction of the Local Council, the District Engineer will be obliged on request to ensure that an item is placed on the agenda of the LJC at an appropriate meeting.

When the agenda for a particular meeting of the LJC has been fixed, the Clerk to the Committee will identify which agenda items relate to issues in particular Towns/Parishes and will then inform each relevant Local Council so that they can send a representative to that meeting of the LJC, if they wish to do so.

Appendix 4 - *Matters over which All Local Councils Already Have Rights*

1. Litter Control Measures
2. Street Lighting
3. Recycling Provisions
4. Some Aspects of Mobile Library Planning
5. Street Naming
6. Parking Restrictions (and related matters)
7. Issue of Bus and Rail Passes
8. Road Safety Measures
9. Tree Preservation Orders
10. Street Cleaning
11. Maintenance of Highway Verges, Footways and Footpaths
12. Control of Markets
13. Car Park Administration
14. Public Conveniences
15. Some aspects of Development Control
16. Local Travel Plans
17. Control of burial grounds
18. Provision of public clocks
19. Street Furniture
20. Contributing to local community and infrastructure projects

Appendix 5 – (*Quality Councils*)

- a) Noise and Nuisance Abatement
- b) Some Aspects of Development Control (*to be agreed through process of Memorandum of Understanding*)
- c) Some Aspects of Libraries and Museums Operations
- d) Minor Highway Maintenance – pot-hole filling, grass cutting/hedge trimming, minor repairs/erection of signs, litter picking
- e) Gritting
- f) Information Access Point Provision

APPENDIX 6 – Guidance on partners complaints procedures

Cheshire County Council

Complaints forms can be obtained at any of the County Council's Information Points, from individual departments, by telephoning 0845 11 333 11 or via the County Council's website at <http://www.cheshire.gov.uk/complaints>. Some services may be subject to a statutory process or right of appeal.

Chester City Council

Complaints forms can be obtained at any of the City Council's Information Points, from individual departments, by telephoning 01244 324324 or, in some cases via the councils website <http://www.chestercc.gov.uk/>. Some services may be subject to a statutory process or right of appeal.

Congleton Borough Council

Complaints forms can be obtained at any of the Borough Council's Information Points, from individual departments, by telephoning 01270 763231 or via the councils website <http://www.congleton.gov.uk/default.asp?t=180>. Some services may be subject to a statutory process or right of appeal.

Crewe & Nantwich Borough Council

Complaints forms can be obtained at any of the Borough Council's Information Points, from individual departments, by telephoning 01270 537560 or via the councils website <http://www.crewe-nantwich.gov.uk/main.asp?page=1241>. Some services may be subject to a statutory process or right of appeal.

Ellesmere Port Borough Council

Complaints forms can be obtained at any of the Borough Council's Information Points, from individual departments, by telephoning 0151 356 6789 or via the councils website <http://www.ellesmereport-neston.gov.uk/content/Complaints%20Form>. Some services may be subject to a statutory process or right of appeal.

Macclesfield Borough Council

Complaints forms can be obtained at any of the Borough Council's Information Points, from individual departments, by telephoning 01625 504209 or, in some cases via the councils website <http://www.macclesfield.gov.uk/pdfs/ComplaintsLeaflet.pdf>. Some services may be subject to a statutory process or right of appeal.

Vale Royal Borough Council

Complaints forms can be obtained at any of the Borough Council's Information Points, from individual departments, by telephoning 0800 318459 or, in some cases via the councils website <http://www2.valeroyal.gov.uk/>. Some services may be subject to a statutory process or right of appeal.