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## **PARISH CHARTER**

### **1 SUMMARY**

- 1.1 This report invites the Sub-Committee to consider whether any changes are necessary in the content of the Rochford Consultative Charter and Code of Practice on consultation with Local Councils.

### **2 INTRODUCTION**

- 2.1 In April 1996, the District Council and all Parish Councils agreed to adopt a Charter that set out the principles of consultation between the two tiers of local government. A copy of this is attached at Appendix A to this report. At the same time, a Code of Practice for consultation was adopted and a copy of this is attached at Appendix B.
- 2.2 At the last meeting of the Sub-Committee, Members considered the arrangements whereby the District Council consults with Local Councils and agreed that it would be useful to reconsider the content of the Charter and Code of Practice at this meeting.

### **3 OFFICER COMMENT**

- 3.1 As with many similar documents, there have been occasions over the last 4 years when both the District and Parish Councils have observed the two documents in spirit rather than to the letter. However, the arrangements for consultation are generally felt to have worked well.
- 3.2 In considering whether any changes should be made to the Charter and Code of Practice, Members will no doubt take the opportunity to update those District Council job titles and functions where these have altered.
- 3.3 Members may also wish to consider whether the developments in IT offer opportunities for improving consultation arrangements. In particular, the District Council is already in a position to communicate by email with those Parish Council Clerks that have internet access and is happy to provide documents and receive any response by this method. Clerks could then either print out or forward by email copies of documents to Parish Councillors.
- 3.4 Similarly, it would be possible to look at the future development of a secure web site to include copies of large consultation documents, committee agenda etc. Such a site could offer access for both Clerks and to Parish Councillors and could overcome some of the problems and costs associated with distributing paper copies of documents amongst Councils and councillors. If Members felt that such a web site

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would be of value, the District Council could include this within its future IT strategy which is presently being drafted.

**3 ENVIRONMENTAL IMPLICATIONS**

- 3.1 The increased use of electronic communication would help reduce the amount of paper used by both the District and Parish Councils as well as offer more speedy communications.

**4 RESOURCE IMPLICATIONS**

- 4.1 Cost savings would arise from the provision of documents electronically. The costs associated with the development of a web site would need to be identified. However, if technical ambitions are kept to a minimum, costs would principally comprise the registration of a web domain (unless the site was a sub web of the District Council's own site) and staff time involved in posting documents to the web site.

**5 RECOMMENDATION**

- 5.1 It is proposed that the Sub-Committee considers whether any changes are required to the present Charter and Code of Practice for consultation with Local Councils and recommends accordingly to the District Council's Finance and General Purposes Committee. (HAMS)

Andrew Smith

Head of Administrative and Member Services

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**Background Papers:**

Attached

For further information please contact Andrew Smith on:-

Tel:- 01702 318135  
E-Mail:- [andrew.smith@rochford.gov.uk](mailto:andrew.smith@rochford.gov.uk)

## **WORKING WITH LOCAL COUNCILS**

### **THE ROCHFORD CONSULTATIVE CHARTER**

#### **INTRODUCTION**

The Rochford Council is committed to genuine and meaningful consultation with its partners. This means that we will actively seek the views of representative organisations and will take their views into account before reaching a final decision.

Effective consultation is, of course, a two-way process and this Charter explains what consultees can expect from Rochford Council, and what the Rochford Council expects in return.

#### **What you can expect from the Rochford Council**

- All relevant information on which you are asked to form a view
- A realistic consultation period in which to respond
- An undertaking to take your considered views into account
- An opportunity for your views to be presented to the appropriate Rochford Council Committee before a decision is made
- A willingness to achieve a mutually satisfactory solution
- An explanation if the decision does not accord with your views

#### **What the Rochford Council expects from you**

- A practicable and realistic response to the matter under consideration
- A response within the specified consultation period
- A constructive dialogue, when necessary, to air different views

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- A willingness to achieve a mutually satisfactory solution
  - Respect for the final democratic decision of the Rochford Council

### **Accountability and Responsibility**

All consultees must recognise the fact that the Rochford Council is democratically accountable for the decisions it makes. This ultimate responsibility cannot be discharged by anyone else, but our approach is to involve our partners, as much as possible, in the decision-making process.

We believe that an open and honest approach to consultation is the only way to achieve the necessary mutual respect for each other's views. We will not always agree but, by establishing this Charter, we expect that the potential for differences and misunderstandings can be minimised.

### **Redress**

Monitoring of this Charter will be the responsibility of the Chief Executive of Rochford Council. Any consultee who believes the standards identified within the Charter have not been met, will have the right to make written representation to the Chief Executive. If the matter cannot be satisfactorily resolved, the Chief Executive will report the outstanding issues to the relevant committee.

## **CODE OF PRACTICE ON CONSULTATION WITH**

### **LOCAL COUNCILS**

#### **1. INTRODUCTION**

This Code of Practice has been prepared jointly by the Rochford District Council and the Essex Association of Local Councils. It emphasises the importance attached by both the District Council and the Association to working in partnership with Local Councils in the provision of services to the public. The District Council and the Local Councils have their individual responsibilities, but Local Councils have a key role in representing the views of the local community.

The Code of Practice is designed to strengthen communications as a means of both Local Councils and the District exchanging information, expressing views and taking action on those views. The aim of the Code is to enhance communication through representation, provision of information and consultation.

#### **2. REPRESENTATION**

Although recognising the pressures on the time of Members, the District Council will encourage the Local District Councillors to:-

- 
- attend meetings of Local Councils and/or District Associations whenever necessary  
or to discuss specific items
  - maintain close contacts with local councillors

**Local Councils will:-**

- welcome District Councillors for the area at meetings of Local Councils and/or District Associations
- provide the District Councillor with agenda, reports and notices of meetings of the Local Council
- assist the District Councillor in keeping informed about local views on current issues and developments

**3. INFORMATION**

**Local Councils will also be supplied with:-**

- the Year Book
- the Public Notice of Meetings
- Minutes of the Council and its Committees
- Press Releases

**4. CONSULTATION**

The District Council will consult with individual Parish Councils as necessary on the basis set out in the appended Consultative Charter. In particular, Local Councils will be advised of all major issues affecting the District, building on the practice adopted during the Local Government Commission Review of Essex.

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**5. LAND USE AND DEVELOPMENT**

The District Council is responsible for a wide range of land use and development matters, including Town and Country Planning, control of development, enforcement and building regulations.

**A. TOWN PLANNING, DEVELOPMENT CONTROL AND  
ENFORCEMENT**

The District Council is the Local Planning Authority responsible for:-

- the processing and determination of planning applications
- giving advice on such applications
- the inspection of development sites
- the investigation and assembly of alleged breaches of planning control
- the pursuance of formal Enforcement Action where appropriate
- planning and enforcement appeals

It will seek the involvement of Local Councils in the planning process by:-

**(a) Providing Information**

- (i) On a weekly basis through the Parish Lists of planning applications to be considered and through the Weekly List of planning applications to be determined under delegated powers following Member consultation.
- (ii) By supplying copies of all applications received from within their area.

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(iii) Before each Planning Services Committee Meeting through copies of the Schedule of Planning Applications to be considered, and the list of Planning Applications and Building Regulation Applications decided under delegation.

(iv) After each Planning Services Committee by way of the Minutes of the Meeting.

(v) By notifying details of planning appeals received from within their area.

(b) **Liaison**

Through the Director of Environment who will attend meetings of Local Councils at their invitation, where major planning applications are to be considered.

(c) **Representation**

(i) By granting Local Councils the right to be heard at the Planning Services Committee when contentious applications are to be addressed.

(ii) By inviting Local Councils to send representatives on site visits undertaken by the Planning Services Committee within the Local Council's area.

(d) **Consultation**

As a statutory consultee and by taking full account of the Local Council's views received as a result of its involvement through this Code of Practice.



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**B. FORWARD PLANNING**

**This involves:-**

- \* the preparation and updating of the Rochford District Local Plan and planning policies**
- \* monitoring these policies**
- \* the making of Building Preservation Orders**
- \* dealing with applications from Conservation Grants**
- \* the production of statistical information**
- \* the making of Tree Preservation and Woodland Orders**

**Conservation, transport and employment**

**Local Councils will be notified when the Local Plan is to be reviewed**

**Nominated local councillors will be invited to serve on the District Council's District Plan Working Party.**

**C. BUILDING CONTROL**

**The Council is responsible for the statutory enforcement of:-**

- \* Building Regulations and allied legislation**
- \* the appraisal and determination of applications made under the Building Regulations 1985**
- \* the inspection of building work under construction**

**Subject to the availability of resources, Local Councils will be provided with advice, particularly on matters affecting the disabled.**

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**D. ECONOMIC DEVELOPMENT**

The District Council shares with the County, responsibility for the economic development of its area.

Local Councils will be consulted on proposals affecting their areas.

The District Council will consider any suggestions by Local Councils for economic development initiatives

**E. WOODLANDS**

The Council's Woodlands and Amenities Team is responsible for:-

- \* all woodland projects
- \* coppicing and tree surgery
- \* rustic crafts
- \* caring for all trees on Council owned land

Local Councils will be informed of any new projects or other initiatives.

Local Councils will be informed of any advice on tree planting, permissive horse riding routes, pathways, access, way-marking, environmental projects and habitat improvements.

**F. ARCHITECTS AND ENGINEERS**

The Council has a small in-house Architectural and Engineering Service for:-

- \* design and construction work
- \* advice and supervision

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- \* information and guidance on consultation by statutory bodies

Subject to the availability of resources, Local Councils will be able to draw on this expertise.

**G. TRANSPORTATION**

The County Council are the Highway Authority for the District, and also deal with the co-ordination of Public Transport. The County has delegated decisions on the following local highways matters to the District Council's Transportation and Environmental Services Committee to consider:-

- \* highway maintenance programmes, including both revenue and capital schemes
- \* traffic management schemes, including the determination of Traffic Regulation Orders to which an objection has been lodged
- \* minor capital projects, including private street works, structures, improvements, etc.
- \* public rights of way
- \* road safety planning
- \* street lighting

Local Councils will be consulted on any of the above matters affecting their areas.

**H. OFF-STREET PARKING**

The District Council provides off-street parking facilities within the District.

Off street car parks are regulated by Order.

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**Local Councils will be consulted on any proposal to vary the Off-Street Car Parking Order within their area.**

**6. RECREATION**

**Management of the Council's leisure facilities is let to a private contractor. These facilities include:-**

- \* Castle Hall**
- \* Mill Hall**
- \* Parks Sports Centre**
- \* Freight House**
  
- \* Great Wakering Sports Centre**
- \* Clements Hall**

**The District Council will consult Local Councils on all aspects of the recreation in the district.**

**A. ARTS, MUSEUMS AND GALLERIES**

**The District Council will work with Local Councils to identify community needs.**

**Subject to availability, Local Councils will be permitted the use of Council buildings for small local exhibitions, displays of work and artefacts.**

**B. PLAYING FIELDS, PARKS, OPEN SPACES AND SPORTS FACILITIES**

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The District Council will consult Local Councils on the provision, use and management of playing fields, parks, open spaces and sports facilities.

**C. TOURISM**

The District Council will liaise with Local Councils on any plans to develop tourism in the area.

Subject to availability of resources, the District Council will assist Local Councils with any projects designed to encourage visitors to the area.

**7. PUBLIC HEALTH AND HOUSING**

**A. ENVIRONMENTAL HEALTH AND PUBLIC PROTECTION**

The District Council is responsible for most aspects of public health with the exception of water and public sewerage.

The Environmental Health Department covers:-

- \* pollution control
- \* food hygiene and safety
- \* health and diseases
- \* extensive monitoring to protect the community and the environment

Advice and information will be available to Local Councils.

Local Councils will receive the Annual Report of the Chief Environmental Health Officer.

Local Councils will be consulted on matters affecting public health within their areas.

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**B.     REFUSE COLLECTION AND STREET CLEANSING**

These are contracted-out services.

Local Councils will be consulted on any initiatives to reduce litter and to broaden the scope for recycling of waste.

**C.     HOUSING**

The District Council is the local housing authority for its area.

The District Council works in partnership with Housing Associations to provide public housing.

Local Councils will be consulted on any new scheme for rented housing accommodation in its area, whether by the District Council or Housing Association.

The Council has an active tenant consultation process and will welcome comments from Local Councils relating to all social housing issues.

Local Councils will receive a copy of the Council's Housing Investment Programme Strategy.

**8.     FINANCE**

**A.     LOCAL TAX COLLECTION**

The District Council is responsible for the collection of the Council Tax and Business Rates, including precepts for the County Council, Police Authority and the Parishes.

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The District Council will provide:-

assistance to the Local Councils in setting their precepts  
the District's Annual Report  
the District's Budget Book  
information on the collection rate of taxes within their area  
information on the method of collection

**B. GRANTS TO VOLUNTARY BODIES**

The District Council will consult Local Councils on the grants it makes to voluntary bodies.

**9. DEMOCRACY**

**A. ELECTIONS**

The District Chief Executive is the Returning Officer for Local Council elections. Elections are conducted in accordance with statutory rules and regulations.

Local Councils will be provided with advice and guidance on procedures for filling vacancies and minimising election costs.

**B. ELECTORAL REGISTRATION**

The District Council is responsible for appointing a registration officer to keep and maintain the Register of Electors.

The Register will be made available for inspection by Local Councils.

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**EMERGENCY PLANNING**

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Local Councils will be provided with copies of relevant current plans and consulted on their preparation.



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