
RECOMMENDATIONS FROM PARTNERSHIP SUB-COMMITTEE MEETING 19 OCTOBER 2000

1 PARISH CHARTER

- 1.1 The Partnership Sub-Committee considered the attached Consultative Charter and Code of Practice on consultation with Local Councils.
- 1.2 The Sub-Committee noted that both of these documents had first been agreed in April 1996 and since that time had guided the consultation arrangements between the District and Town and Parish Councils. Although there had been occasions over the years where neither the District nor Local Councils had followed the agreement to the letter it was nevertheless followed in spirit. As such, it was felt to have worked well.
- 1.3 However, the Sub-Committee recognised that since the documents had first been prepared, the Council had reorganised its staffing arrangements and there was therefore a need to update some of the job titles identified.
- 1.4 During discussion of this item, reference was also made to the need to speed communications between the District Council and Parish Councils and their respective Members. It was suggested that it would be beneficial if the District Council considered greater use of email for those Parish Councils and Parish Councillors who wished to make use of it. It was further suggested that the District Council might also give consideration to the establishment of a password-protected website that contained copies of consultation papers and other communications for Parish Councils. Both of these issues might be looked at within the context of the District Council's IS/IT strategy.
- 1.5 The Sub-Committee also considered the future constitution of this Council's Town Centre Working Groups (See page 8.1.4 of this agenda). Parish Council representatives felt strongly that the District Council should reconsider its proposal to limit Parish Council representation to 1 or 2 Members. Instead, it was suggested that there should be the same number of Parish Council advisers as there are District Council Members appointed. This would help reinforce the partnership working between the two tiers of local government and also reflect the fact that the Parish Councils concerned would also be likely to make a significant contribution to any initiatives proposed by the Groups.
- 1.6 The Sub-Committee therefore **RECOMMENDED** to the Council that
 1. The Rochford Consultative Charter and Code of Practice on consultation with Local Councils be reaffirmed subject to minor amendment to take account of changes in job titles of the

officers referred to in the documents.

2. The use of email to communicate with Parish Councils and Parish Councillors, and the possible creation of a website for District/Parish issues, be considered as part of the Council's IS/IT strategy.
3. Consideration be given to appointing the same number of Parish Council advisers to Town Centre Working Groups as there are District Councillors.

2 PERIODIC ELECTORAL REVIEW: DISTRICT OF ROCHFORD

- 2.1 The Sub-Committee noted that the Local Government Commission is due to publish its revised draft proposals for the Rochford District on 28 November 2000 and that there would be a period of consultation on these proposals lasting until 9 January 2001. It was acknowledged that with the Christmas and New Year holiday arising during this consultation period, the time to prepare a response would be extremely limited. It was therefore suggested that it would be beneficial to Parish Councils if a copy of the District Council's proposed response could be made available at the earliest possible opportunity. This would afford an opportunity for Parish Councils to consider endorsing the District Council's response and/or form a basis for each Local Council's own response.
- 2.2 During discussion of this item, reference was also made to the fact that the Chief Executive of the Local Government Commission had declined the invitation to attend a meeting with representatives of the District and Parish Councils. The Sub-Committee expressed its extreme disappointment at the decision of the Commission's Chief Executive and suggested that the Commission should be informed in the strongest possible terms of this Sub-Committee's view. It was hoped that in the light of the number of objections already received by the Commission that the Chief Executive might reconsider her decision and accept a further offer to address representatives of local government in Rochford on the forthcoming revised proposals.
- 2.3 It was accordingly **RECOMMENDED** that a letter be sent to the Chief Executive of the Local Government Commission in the terms suggested, this letter to be signed by the Chairman of the Sub-Committee on behalf of its Members. (HAMS)

Andrew Smith

Head of Administrative and Member Services

Background Papers:

None

For further information please contact Andrew Smith on:-

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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
- A willingness to achieve a mutually satisfactory solution

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- **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:-

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- 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.

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.

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.

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
- * 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.

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

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.

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.

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.

EMERGENCY PLANNING

The County Council co-ordinates the Local Authority response to an emergency, preparing plans to deal with natural or man-made disasters. The District Council has its own Emergency Team with a District Emergency Plan.

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

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