

Report for: Scrutiny Committee

Date of Meeting:	17 June 2024
Subject:	Town and Parish Charter Review
Cabinet Member:	Councillor Gwen DuChesne Cabinet Member for Community and Parishes
Responsible Officer:	David Parker Democratic Services Officer and Town and Parish Liaison Officer
Exempt:	None which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Wards Affected:	All
Enclosures:	(i) Charter between Mid Devon District Council and the Town and Parish Councils (ii) Annexe 1 – Planning Charter (iii) Parish Charter responses (iv) State of the District Debate responses

Section 1 – Summary and Recommendation(s)

To present to the Scrutiny Committee a revised Charter between Mid Devon District Council and the Town and Parish Councils in Mid Devon having undertaken a thorough review.

Recommendation(s):

That the Scrutiny Committee notes the report.

Section 2 – Report

2.0 Introduction

- 2.1 The Town and Parish Charter was originally approved in December 2010, following this the Charter was circulated to parishes for adoption at the Annual Meeting of the Town and Parish Council Clerks in March 2011. As of May 2012, of the 48 Town and Parish Councils in Mid Devon 37 had adopted the Charter.
- 2.2 As agreed at that time, the Charter was to be reviewed after 12 months and thereafter on a 3 yearly basis.
- 2.3 In May 2012, a review duly took place and amendments were made to the document providing clarity and in line with changes to legislation.
- 2.4 A further review took place in 2016/2017 meaning that a review was due during 2020. This review commenced but, with the ongoing effects of covid-19 and changes within the organisation, the review was not completed.
- 2.5 A review was therefore required in order to reflect on the current effectiveness of the Charter and ensure it is fit for purpose in accommodating the needs and working practices of both the District Council and Parish and Town Councils.

3.0 2024 Consultation and Review

- 3.1 The review was led by the Town and Parish Liaison Officer, and involved engagement with the Development Management (Planning) and Forward Planning (policy) teams in order to ensure that both the Charter and the Planning Charter reflect current legislation, best practice and working practices.
- 3.2 The draft Charter with the Towns and Parishes is attached for review and consideration. The document including the annex has been sent to all Towns and Parishes for their comment. 22 Towns and Parishes responded, all but one approving the proposed changes although some Parishes made comments on the text and some made general comments for the Council to take note of.
- 3.3 The working group looking at this document, considered all the suggestions and made changes as appropriate.
- 3.4 In considering the suggested amendments, it is considered important to make specific reference to the following points to allow full consideration of the proposed changes:
 - 3.4.1 The Town and Parish newsletter stopped being published during Covid. Now that the Communications Team send out regular press releases with any items of interest it is considered to be unnecessary to recommence the Town and Parish newsletter especially when considering the historical difficulty of finding enough content to fill its pages.

3.4.2 Since Covid, the District Council and many Town and Parish Councils have become much more technologically agile so that many meetings are now held virtually, facilitating and enabling increased public participation.

3.4.3 Resources: Council finances continue to be squeezed meaning that the District Council is, along with many other Councils, needing to find efficiencies and financial savings wherever practicable in order to ensure that it can continue to meet its statutory obligations. Although the changes proposed through the document are considered minor and are not considered to fundamentally affect the operation or intent of the Charter, it is necessary to understand that some of the proposed changes seek to reflect working practices which have been adopted in order to ensure the Council is achieving more efficient ways of working and managing operational cost savings.

4.0 Next Steps

4.1 A similar report will be presented to the Community, People and Equalities PDG to recommend to Cabinet that the revised Charter and its annex be adopted.

Financial Implications: As set out within the main body of the report; direct financial implications to the Council are minimal. However, it should be noted that some of the proposed changes do reflect current working practices which have been adopted in order to ensure the efficient use of financial resources. Should any of the proposed changes not be accepted, it is therefore possible that financial implications would accrue to the District which would place pressures on existing budgets.

Legal Implications: Community engagement and empowerment is one of the key implications of the Localism Act 2011. Good working relationships with the Town and Parish Councils will build mutual trust and support, leading to more effective local government. By contrast, poor relationships may lead to a breakdown in trust, communication and ethical standards.

Risk Assessment: Failure to work effectively with Town and Parish Councils could lead to a breakdown in the relationship which could ultimately impact on our community.

Impact on Climate Change: No direct impact, although there is a link with ensuring effective communication with Town and Parish Councils in planning matters and ensuring that the Council (the LPA) fully discharges its obligations on planning consultation and in the achievement of climate/carbon/biodiversity objectives and requirements.

Equalities Impact Assessment: No equality issues have been identified.

Relationship to Corporate Plan: Strengthening the relationships with Town and Parish Councils assists in the delivery of the 'empowering our communities' policy.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 11th June 2024

Statutory Officer: Maria DeLeiburne

Agreed on behalf of the Monitoring Officer

Date: 11th June 2024

Chief Officer: Richard Marsh

Agreed by or on behalf of the Corporate Director

Date: 11th June 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 07 June 2024

Cabinet member notified: no

Section 4 - Contact Details and Background Papers

Contact: David Parker, Democratic Services Officer and Parish Liaison Officer

Email: dparker@middevon.gov.uk

Telephone: 01884 234311

Background papers: Town and Parish Charter (Version 3 – June 2024)

Annex 1 – Planning Charter

Parish Charter responses

State of the District Debate responses

Charter

between

Mid Devon District Council

and

**Town and Parish Councils
in Mid Devon**

June 2024 (V3)

CHARTER BETWEEN MID DEVON DISTRICT COUNCIL AND THE TOWN AND PARISH COUNCILS IN MID DEVON

Partnership working between town and parish councils (local councils) and the district council will only be successfully achieved if both partners recognise, understand and respect the role that the other plays and work to promote those roles. This Charter was originally adopted in 2011 and has been consulted about various times since then. Version 3 has been agreed following consultation between Mid Devon District Council and the local councils and sets out a framework to enable this partnership working to happen. The Charter will be reviewed on a three yearly basis, consultation will take place with Town and Parish Councils prior to consideration by the Community Policy Development Group.

The District Council will work in partnership with local councils in its area to promote sustainable social, economic and environmental development for the benefit of local communities.

Mid Devon District Council recognises that local councils:

- 1 Are an important part of local government representing their communities at the most local level.
- 2 Are a primary source of information about the community's opinions and aspirations.
- 3 Provide an opportunity to develop greater engagement with the local community.
- 4 Are heavily reliant on volunteering and goodwill. The differences between smaller and larger local councils in terms of ability to handle information and resources will be respected.

Local Councils recognise that Mid Devon District Council:

- 1 Whilst conscientiously taking account of local views also has to take into account community interests across the Mid Devon District.
- 2 Has strategic roles and responsibilities and has to work within legislative, financial and policy constraints.
- 3 Is able to work most effectively with parishes that are well organised, pro-active, informed and willing to engage.

Communications and Liaison

Mid Devon District Council will undertake to:

- 1 Arrange and host on at least an annual basis a district-wide meeting of clerks to discuss matters of mutual concern and also to periodically arrange training and meetings for Town and Parish Councillors.
- 2 Provide a liaison officer(s) who will act as the point of contact for local councils, providing support and information, directing enquiries, advising and ensuring that issues are followed up and dealt with in a timely manner.
- 3 Work with the Devon Association of Local Councils to provide more information to towns and parishes about obtaining 'Local Council Award Scheme' and the 'General Power of Competence'.
- 4 Assist Town and Parish Councils with the formulation of an Emergency Plan.
- 5 Encourage District Councillors to attend their local council meetings and ensure that issues raised by District Councillors acting in support of local councils will be responded to.
- 6 Formally add to the role of Chairman of the District Council that of being 'Local Council Lead Member' who with the Cabinet Member for Community and Parish Engagement will

- 7 Encourage officers and Members to attend local council meetings and speak on issues of concern/interest and provide feedback.
- 8 Ensure District Council key documents, where appropriate, contain a short executive summary or an explanation of the document's relevance.
- 9 Use plain English in written communications and explain all acronyms used.
- 10 Encourage Local Councils to use in their e-mail addresses the trusted suffix .gov.uk in order to provide community assurance and improved engagement.

Local Councils will undertake to:

- 1 Be represented at the annual meeting of clerks.
- 2 Use the Council's Liaison Officer for contact with the District Council in the first instance where the name of the appropriate officer is not known, unless responding directly to consultations.
- 3 Welcome District Councillors to town and parish meetings and send them agendas and minutes and invite reports.
- 4 Utilise the services of Customer First where direct service contact details are unknown.

encourage better working across the district.

5 Invite relevant officers to meetings where there are issues of concern or interest to the local council.

Consultation

Mid Devon District Council will undertake to:

- 1 Proactively engage with local councils on issues which are likely to affect their area.
- 2 Allow five weeks for local councils to respond to consultation. If this is not possible the local council will be given an explanation. (This does not apply to planning applications. These are covered in the attached annexe).
- 3 Provide briefing sessions/workshops to groups of local councils on complex consultation issues as requested/required.
- 4 Make specific arrangements for consultation on planning (see Annexe 1).
- 5 Have regard to the views of the local councils when making decisions.
- 6 Keep under review the level and quality of consultation.

Local Councils will undertake to:

- 1 Take part in consultation exercises seeking to represent the views of the community and respond within the given period.
- 2 Notify Mid Devon District Council if they cannot respond to a consultation within the given period, but will be making a response.
- 3 Work with Mid Devon District Council to seek the views of residents on issues of common interest and achieve a wider response rate.

Planning

Mid Devon District Council will undertake to:

- 1 Have due regard to the views of the local council in determining all planning applications and where relevant neighbouring parishes.

- 2 Ensure planning notices are prominent and A3 size notices are used for major applications.
 - 3 Ensure where practicable, notices in connection with planning policy public consultation meetings are placed prominently and at least 14 days in advance of meeting dates.
 - 4 Support and encourage the creation of Neighbourhood / Parish Plans.
 - 5 Notify the relevant local council(s) of any public meetings and exhibitions organised by Mid Devon District Council about policies and plans affecting the parish.
 - 6 Hold separate meetings in the three main towns where matters affecting the preparation of a local plan and specific sites only are being considered.
 - 7 Consult with the local councils on planning applications within the Town or parish area in accordance with statutory procedures and on applications in neighbouring parishes where appropriate and inform the Local Council which Planning Officer is dealing with the application.
- (NB. Plans with only minor changes are not subject to re-consultation)
- 8 Engage with local councils with regard to the use of discretionary S106 monies and request that schemes are put forward that would enhance the local area.
 9. Allow a representative of local councils to attend and speak at meetings of Mid Devon District Council's Planning Working Group in respect of any planning application within that parish/town and to address the Planning Committee in accordance with the Council's scheme of public participation.
 - 10 Explain the reasons and seek to make time available to discuss aspects of key planning decisions within the Officer report and decision notice.
 - 11 If staff resources allow, endeavour to make officers available to attend meetings of local councils to clarify the details of significant or controversial applications.
 - 12 Endeavour to ensure that the 'Public Access' facility on the website is available at all times.

Local Councils will undertake to:

- 1 Acknowledge that Mid Devon District Council will not always be able to accede to the views of parish/town councils.
- 2 Respond to all consultations on planning applications within the District Council's deadlines, even if it is a 'no comment' response.
- 3 Comment on planning applications on material planning grounds, and specify as fully as possible the reasons for an objection to, or support for, a particular application.

- 4 Ensure that all councillors are made aware of the contents of planning decision notices sent to the local council by reference to the reasons for approval / refusal.
- 5 Assist Mid Devon District Council by reporting perceived local breaches of Town and Country Planning Legislation, submitted via the online "alleged planning breach" form..
- 6 Attend relevant meetings, briefings and training to gain a better understanding of the planning process.
- 7 Consider preparing a Parish/Neighbourhood Plan. If they have made one, consider offering their assistance and experience to other councils that have not. Provide Mid Devon District Council with sufficient advance notice of requests to designate a neighbourhood area, draft neighbourhood plan consultation, or the submission of a neighbourhood plan, so that Mid Devon District Council is able to provide technical support and meet statutory time limits where it is responsible for these stages.

Please note: A more detailed Planning Charter between MDDC and Town and Parish Councils is attached to this document (Annexe 1).

Training and Support

Mid Devon District Council will undertake to:

- 1 Continue to provide regular and ongoing planning and ethical standards training to local councils with particular emphasis on the guidance already provided.
- 2 Endeavour to provide website advice where requested.
- 3 Share training where appropriate.

Local Councils will undertake to:

- 1 Use the services of Customer First and the Parish Liaison Officer.
- 2 Examine the wide range of training and best practice sources available, particularly through the Devon Association of Local Councils.
- 3 Ensure, where possible, the training needs of their councillors, clerks and chairmen are met.
- 4 Consider training requirements when setting their precepts.

Partnership and Financial Arrangements

Mid Devon District Council will undertake to:

- 1 Collect and pay in a timely manner any precept levy requested by the local councils.
- 2 Operate and keep under review the financial arrangements with local councils in respect of services such as public conveniences and street cleaning.

Local Councils will undertake to:

Make any precept requests within the timescale set by Mid Devon District Council.

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Planning Charter for Town & Parish Councils

June 2024 (V3)

PLANNING CHARTER FOR TOWN and PARISH COUNCILS

1. The Planning Team of Mid Devon District Council will consult with its constituent Town and Parish Councils on all applications for planning permission, Advertisement Consent, Listed Building Consent, applications within Conservation Areas, deemed applications from Devon County Council and Government Departments, and some notifications (for example, telecommunications).
2. In order to aid the decision making process, we will make every effort to forward full and adequate details of applications to Town and Parish Clerks within **three working days** of their validation, together with a link to application drawings and other relevant information. All information will be provided in electronic format. Weekly email alerts of new applications can be sent to Parish and Town Clerks if an email address is provided.
3. Planning will consider any reasonable requests for additional information from Town and Parish Councils whilst having regard to the statutory, fifty-six day period (8 weeks) for determining most planning applications., ninety-one days (13 weeks) for Major applications and one hundred and twelve days (16 weeks) for applications accompanied by an Environmental Impact Assessment (EIA).
4. The Planning Team will wait **twenty-one days** for receipt of Town and Parish Councils views on the above noted applications (a week in excess of the fourteen day period provided by statute) before determining applications and issuing the relevant Decision Notice.
5. Any reasonable requests to delay consideration of applications so as to allow full comment to be made by Town and Parish Councils will be at the discretion of the Development Management Manager or relevant case officer. In the majority of cases, Town and Parish Councils will be expected to respond to notification on planning applications within twenty-one days of receipt of an application.
6. Representations received from Town and Parish Councils will be considered in accordance with the Council's Planning Scheme of Delegation.

An electronic alert of your Planning Application(s) on Weekly List will automatically be sent every Friday (if an email address is provided) with web links to associated documents.

7. The Planning Team will continue to advertise details of applications in accordance with the Statement of Community Involvement (SCI). It should be noted that further neighbour notifications may be sent according to the case officer's assessment of who may be affected materially and directly by the development following a site visit.
8. Town and Parish Councils will be notified of planning application revisions to major applications and those known to be of significant local interest, and copies of revised plans will be forwarded.

9. We will ensure that the opportunity is given for Town and Parish Councils to attend and speak at Planning Committee. A representative of the Town or Parish Council may also attend and speak at meetings of the Planning Working Group on site.
10. We will report, in full, representations received from Town and Parish Councils on applications that are presented to Planning Committee. The views will be included on the agenda report, but if received after printing, views will either be tabled or verbally reported.
11. The Planning Team will advise Town and Parish Councils of the relevant date it is anticipated a deferred application will be presented back to Planning Committee.
12. The Planning Team will provide full, unrestricted access to all public information held on planning application files and on the Council website www.middevon.gov.uk/index.aspx?articleid=113 via the <https://planning.middevon.gov.uk/online-applications/> link for Planning, an on-line service that allows you to view Mid Devon applications. You can also search and view property details, submit comments (within 21 days) on individual applications, view weekly lists of applications, the decision, reasons for the decision and a copy of the officer report.
13. Within five working days of issuing the decision to the applicant, we will notify Town and Parish Councils of that decision and by email alert on a weekly basis if subscribing to the service.
14. The Planning Team will undertake full consultation where appeals are lodged in order to provide Town and Parish Councils with an opportunity to make their views known or to be taken into account by the Planning Inspectorate. (Please note this does not apply to Householder Appeals where only the comments made at application stage can be taken into account).
15. The Planning Team will respond to all reasonable requests for appropriate officers to attend Town and Parish Council meetings to discuss planning matters or development proposals where resources allow.
16. We will act promptly on high priority breaches of unauthorised development, submitted via the online 'alleged planning breach' form, and will, as appropriate, keep key parties informed of the progress and outcome of subsequent enquiries and action proposed. The alleged planning breach form can be found on the Council's website at <https://www.middevon.gov.uk/residents/planning/planning-enforcement/>
17. The Planning Team will consult with Town and Parish Councils regarding matters which could have implications on land use, community development and environmental / enhancement initiatives, etc. This will include the preparation of Supplementary Planning Documents and Conservation Area Appraisals.
18. The Council will consult with and take into account all views received from Town & Parish Councils in the preparation and review of the Development Plan documents (e.g. Local Plan) in accordance with details set out in the Statement of Community Involvement (SCI). The current Local Plan and Local Development Scheme are

available on the Council's web site, www.middevon.gov.uk or, if required, may be viewed by prior arrangement at the Council's offices.

19. Copies of the Mid Devon Local Plan 2013-2033 are available for purchase. Again, please see the web site noted above.
20. The Planning Team will continually review the information it holds on its web pages to improve access to information by all its customers including Town and Parish Councils. This includes its Planning Handbook, formal Supplementary Planning Documents, and informal advice leaflets. We are also looking to extend this to include other relevant information.
21. Should Town and Parish Council's have any suggestions for items which could be introduced on to the web site or as new leaflets / information sheet then please do not hesitate to feed this back to the Planning department.

Contacting Us:

If visiting, the Reception is on the Ground Floor, and the Planning Department is on the First Floor of Phoenix House.

Our postal address is:

Mid Devon District Council, Development Control, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP ☎ 01884 255255

Direct Line(s) into Planning department 01884 234260 / 01884 234262

Email contact address: devcon@middevon.gov.uk

GUIDANCE NOTE 1 (Ver 3.2)

Treatment of Town and Parish Council Responses on Planning Applications

Schedule 1 (paragraph 8) of the Town and Country Planning Act 1990 (as amended) states that Parish Councils (or Town Councils) may request District Councils to send them details of planning applications for their areas. Mid Devon District Council aim to work closely with the community and will formally consult the appropriate Town and Parish Council and where relevant, neighbouring parishes, on all applications that require consultation as per the Act.

The Planning Team will use its best efforts to ensure that consultations are carried out within three working days of validation of the application.

The Planning Team is continually trying to develop the delivery of its service. To this end, we will consider ways of improving electronic access to information by Town and Parish Council's through e-mail and its web site www.middevon.gov.uk, in addition to officers attending council meetings (if necessary) to advise on procedures and developments, etc.

Article 18 of the Town and Country Planning Act (Development Management Procedure) (England) Order 2015 states that District Councils do not make a decision on a planning application until after twenty-one days have elapsed from the date of notification to Town and Parish Councils.

The twenty-one day period starts from the date of consultation with Town and Parish Council's as recorded on the application file and electronic planning application database.

Town and Parish Councils are encouraged to discuss applications with the Case Officer who will be pleased to clarify any details necessary.

The Planning Team will consider any reasonable requests for additional information for Town and Parish Council's whilst having regard to the statutory fifty-six day period for determining planning applications.

The twenty-one day period ends on receipt of post on day twenty-two (to enable any last minute responses to be cleared).

A written response via the Public Access system or by telephone message; e-mail to devcon@middevon.gov.uk will all be considered as a valid consultation response. All consultation responses are posted on our website (Public Access) in line with the Local Government (Access to Information) Act 1985 which requires that such correspondence be available for public inspection.

If the application is not a Delegated item (can be processed without the need for Committee

approval), all Town and Parish Councils responses will be noted on the application file and reported to the Councils Planning Committee

Scheme of Delegation to the Development Management Manager

To exercise all the powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, (unless expressly delegated to another officer) except where: **-In the case of all Applications:**

1. In the opinion of the Development Management Manager or the Area Planning Officer, the application is of a significant controversial or sensitive nature;
2. The application has been submitted by or on behalf of the Council;
3. The application is from an Elected Member or Officer
4. The application is accompanied by an Environment Impact Assessment (EIA);
5. The application is a significant or major departure and is recommended for approval;
6. The Ward Member; Chairman or Vice-Chairman of Planning Committee requires that the Committee consider an application having given clear planning reasons;
7. Applications will be delegated to the Development Management Manager to refuse if Section 106 Agreements are not signed and completed within 8 or 13 week time-scale.

In the case of re-negotiations on a planning obligation (S106 Agreements and Undertakings);

8. The Ward Member, Chairman and Vice-Chairman of Planning Committee and Cabinet Member for Housing (the latter in the case of amendments to affordable housing only) requires that the Committee consider the proposed changes having given clear planning reasons
9. In the case of renegotiations on another planning obligation issue the Ward Member, Chair and Vice Chair of Planning requires that the Committee consider the proposed changes having given clear planning reasons, otherwise they be delegated to the Development Management Manager

In the case of Formal Enforcement action

10. In the opinion of the Development Management Manager, the proposed enforcement action raises matters of significant public interest and /or significant cost to the Council for which there is no budget and/or would prevent a person from residing or continuing to reside on land within the district;
11. The action relates to land in which the Council, a Member or an Officer has an interest;
12. The action is the issue of an enforcement notice, stop notice, temporary stop notice or legal proceedings, in which case the notice or proceedings will be issued by the District

Solicitor (Monitoring Officer) or a solicitor employed by the Council, in consultation with the Development Management Manager and/or Director of Place and Economy.

(Note: Formal action does not include the service of a Planning Contravention Notice or Section 330 requisition for information)

In the case of Conservation:

13. It requires the issue of repair and urgent work notices
14. It involves the submission of funding bids or schemes that have budgetary implications

In the case of the Local Plan:

Local Plan proposal's and policies with reasoned justification for publication and consultation or adoption at the following stages (other than where minor modifications and other minor changes are made).

- Local Plan options consultation
- Publication and consultation of the 'submission' Local Plan
- Local Plan adoption

(or the equivalent stages of processes of successors to Local Plans).

In the case of Planning Guidance or other strategic development plans:

- Strategic development plans and policies at a larger than district scale will be consulted on.
- Supplementary Planning Documents dealing with Mid Devon wide guidance and sites/areas for publication prior to consultation and for adoption (other than where minor modifications and other changes are made).

Notes

The above procedure should be read alongside the Town and Parish Council Charter which is available from the Planning Team.

Training workshops in the operation of the Planning System will continue to be offered to Town and Parish Councils.

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TOWN AND PARISH CHARTER RESPONSES 2024

Town and Parish Charter Responses 2024

Town or Parish	Accepted	Specific Comments
Holcombe Rogus	Yes	None
Willand		Many comments to Charter and Annex – see substantive comments below
Uplowman	Yes	Noted support available from MDDC and requested that, wherever possible, training and other events for councillors be in the evenings to accommodate those with day time jobs.
Kentisbeer	Yes	Can MDDC take their obligation to consider responses to consultations from the Parish Council and their duty to enforce planning seriously.
Cullompton	Yes	
Oakford	Yes	
Bradninch	Yes	Comments added to the Charter and Annex - i) paragraph 10 of the planning section - the use of plain English would be beneficial as would an explanation of acronyms. ii) planning annex 1, revised paragraph 6, a request for the stated updates to be emailed to Clerks for onward circulation to Councillors would be made. iii) paragraph 15, a request would be made for the Town Council to receive the stated updates.
Clayhidon	Yes	
Tiverton		The Planning Charter has been reviewed by the Committee this week. No amendments have been suggested by them. The working charter has yet to be reviewed at full council, but we will contact you with any feedback after 20th May as we agreed. Hi David, No feedback was provided so I would just proceed. Only comment I would make is that sometimes response times on some documents is poor, but then we failed this time as well. Regards John
Chawleigh	Yes	As far as the detail is concerned, I think the paragraphs 5 and 7 in the main charter could be merged as they both relate to District Councillors attending parish council meetings where possible, but otherwise it looks fairly sound.
Borden Gate		The Parish Council decided to make no response
Crediton	Yes	Many comments to Charter and Annex – see substantive comments below
Morchard Bishop	Yes	
Bow	No	

Silverton	Yes	The only point I have been asked to raise with you is the lack of clarification when the Parish Council objects to a planning proposal on valid planning grounds and the District Council then decides to grant an approval. No explanation is forthcoming as to why the Parish Council's objections were apparently overlooked and it would be hugely beneficial if the District Council could write to the Parish Council in these circumstances to explain the reasoning behind their decision to overlook the comments of the Parish Council.
Wembworthy	Yes	
Puddington	Yes	
Morebath	Yes	
Uffculme	Yes	
Crediton Hamlets	Yes	
Hittisleigh	Yes	Thank you for your email and reminder. We have our next parish council meeting on the 15th and will be able to reply after that on the 16th. We trust that's OK with you but let me know if not. Many thanks - Ruth
Sampford Peverell	Yes	
Halberton	Yes	

Detailed Responses:

1. Holcombe Rogus PC

Dear David,

Holcombe Rogus Parish Council discussed the review of the Town and Parish Charter at the PC Meeting yesterday evening and approve the amendments to the Charter and have no further comments to make.

Leslie

Leslie Findlay (Mrs)

Parish Clerk

On behalf of Holcombe Rogus Parish Council

2. Willand PC

Dear David,

The Charter was discussed at last Thursday's Council, with feedback as follows:

Main Charter Document: Planning, Page 4, point 2 - to query the statement that the size of planning notices for major applications are stated as being A3 – it was noted that is not always the case in practice.

Annex 1 – Planning:

- Point 1 – Why is conservation consent been removed?
- Point 5 – The PC would request that the District Council are mindful of the Parish Council meeting cycle and dates when sending in consultation requests, we meet monthly but still receive quite a few requests just after the agenda goes out with deadlines prior to our next meeting, We are aware that there are deadlines for determining applications but it would be helpful if, as much as possible, response requirements could fall within a monthly meeting cycle.
- Point 10 – The PC would wish to point out that if officers are making a judgement not to advise this does not appear reflective of working in partnership with Parish Councils.
- Point 12 – The Parish Council support this but note that in practice officers' reports have on a number of occasions summarised Town and Parish comments rather than report them in full and would ask that they are replicated in full as stated in the charter.
- Enforcement – The Parish Council would like to register their concern at the lack of proactive enforcement. It was felt that the amendments shown should be deferred until the proposed updated Enforcement Policy had been adopted by the Council. It was known that the proposed policy had been referred back by the Scrutiny Committee for rewriting.

Kind regards,

Debbie

Debbie Bird

Clerk to Willand Parish Council

Dear David,

Following my email of the 19th March I attach a more extensive response re the proposed amendments to the Town and Parish Charter.

Town and Parish Charter Review

Willand Parish Council has considered the Town and Parish Charter together with Appendix 1 [Charter for Parish and Town Councils]. It offers the following comments and observations for considerations.

It would help to be consistent with the titles with regard to the headings. The main document uses *Town and Parish Councils* yet the Appendix uses *Parish & Town Councils*. Differing orders of the words appear at other places within the text.

Charter Mid Devon District Council and Town and Parish Councils in Mid Devon

Page 3 - 6 Formally add to the role of Chairman of the District Council that of being 'Local Council Lead Member' who will encourage better working across the district. **by attending local council meetings and providing feedback on any issues of local concern or interest.**

Comment. We always used to get at least one annual visit from the Chairman of the Council to one of our meetings which was an opportunity to have an informal discussion and exchange of views. This is seen as a backward step. The Chairman projected an overall view for the District whereas the District Councillors, when they do attend, are more inclined to be more 'localised' in their input.

Page 4 – Planning

1 Have due regard to the views of the local councils in determining all planning applications **and where relevant neighbouring parishes.**

Comment. The wording in red is a positive addition and reflects what has been happening in practice in most relevant cases over the last few years.

Regrettably '*Have due regard to the views of the local councils*' has not been followed where in a recent case the Parish Council pointed out that what was applied for was not in accord with policy but the officer openly disregarded policy rather than get the applicant to comply.

2 Ensure planning notices are prominent for all planning applications and A3 size notices are used for major applications.

Comment Members have not seen the A3 notices displayed for major applications. Is this . correct?

3 Ensure **where practicable**, notices in connection with planning policy public consultation meetings are placed prominently and at least 14 days in advance of meeting dates.

Comment The words in red are considered to be an excuse if not done. Is it legal not to display . notices?

Planning Charter for Parish & Town Councils (Appendix 1)

Page 3

1. The Planning Team of Mid Devon District Council will consult with its constituent Town and Parish Councils on all applications for planning permission, Advertisement Consent, Listed Building Consent, **Conservation Area Consent**, deemed applications from Devon County Council and Government Departments, and some notifications (for example, telecommunications).

Comment. Why has the Conservation Area Consent has been removed as Parishes have been consulted when applications have been made for felling of trees etc. in Conservation Areas.

2. In order to aid the decision-making process, we will make every effort to forward full and adequate details of applications to Town and Parish Clerks within three working days of their validation, together with a link to copies of accompanying application drawings and other relevant information. *All information will be provided in electronic format.* Weekly email alerts of new applications can be sent to Parish and Town Clerks if an email address is provided.

Comment. It is appreciated that most information would be in electronic format but when it moved to electronic from paper there was an assurance given that large paper copies [A3] of layout plans for major estates could be made available if requested. Will this arrangement still be available?

5.4. The Planning Team will wait twenty-one days for receipt of Town and Parish Councils views on the above noted applications (a week in excess of the fourteen day period provided by statute) before determining applications and issuing the relevant Decision Notice.

6.5. Any reasonable requests to delay consideration of applications so as to allow full comment to be made by Town and Parish Councils will be at the discretion of the Development Management Manager or relevant case officer. In the majority of cases, Town and Parish Councils will be expected to respond to notification on planning applications within twenty-one days of receipt of an application.

Comment. There needs to be flexibility to take account of the position of parishes who only have a meeting once a month, or even longer periods in some cases. Although 21 days are mentioned as a 'concession' we are experiencing cases where amendments have been made to plans and 14 days has been insisted upon. This has required the expense of arranging additional meetings on occasions. It has been noted that other consultees, including MDDC's own departments/officers, seem to regularly take longer without issue.

Page 4

10. At the *discretion* of the Development Management Manager or relevant case officer, Town and Parish Councils will be notified of planning application revisions (unless of a minor nature), and copies of revised plans will be forwarded.

Comment. The '*discretion*' creates inconsistencies and then, on occasions, conflict. The words '*At the discretion of*' should be removed from the text.

12. We will report, in full, representations received from Town and Parish Councils on applications that are presented to Planning Committee. The views will be included on the agenda report, but if received after printing, views will either be tabled or verbally reported.

Comment. The wording is agreed and supported but in reality, particularly when there have been a number of changes resulting in more than one representation, the report to Planning Committee has been summarised and relevant critical facts have been omitted.

Page 5.

20. The Council will consult with and take into account all views received from Town & Parish Councils in the preparation and review of the Development Plan documents (e.g. Local Plan) in accordance with details set out in the Statement of Community Involvement (SCI). The current Local Plan and Local Development Scheme are available **for viewing at Reception, or** on the Councils web site, www.middevon.gov.uk

Comment. Is it legal to only make the document available on the website?

Page 6

Schedule 1 (paragraph 8) of the Town and Country Planning Act 1990 (as amended) states that Parish Councils (or Town Councils) may request District Councils to send them details of planning applications for their areas. Mid Devon District Council aim to work closely with the community and will formally consult the appropriate Town and Parish Council on all applications that require consultation as per the Act.

Comment. Did this ought to also include the wording '**and where relevant neighbouring parishes.**' To be consistent with 1 on page 4.

In the case of Formal Enforcement action

Comment. The Parish Council would like to see a wider and less restrictive form of words here to ensure that Planning Enforcement is dealt with in a more positive and proactive manner than is currently experienced. Parishes are being asked to report breaches using the forms but have little confidence that any action will be taken.

3. Uplowman PC

Good afternoon David,

The Town & Parish Charter was discussed at Uplowman PC's meeting last week. The councillors were pleased to approve it without comment.

They noted the support available from MDDC and requested that, wherever possible, training and other events for councillors be in the evenings to accommodate those with day-time jobs.

Thank you,

Robert

From the Clerk,

Uplowman Parish Council,

4. DALC

From: Cara Stobart <cara@devonalc.org.uk>

Sent: 26 March 2024 12:57

To: Sylvia Holme <sholme@middevon.gov.uk>

Cc: Stephen Walford <swalford@middevon.gov.uk>

Subject: RE: State of the District Debate - 20 March

Thanks for the opportunity to be involved - and sorry for a duplication in message following Luke and Stephen.

I thoroughly enjoyed the discussions around the PTC charter table. Stephen – I made offers to support MDDC to develop that document. But I would welcome a chat generally about whether there is a role DALC could play in helping your council engage better with PTCs. Please come back to me if there is any interest.

Kind regards

Cara Stobart, County Officer

Devon Association of Local Councils

t: 01392 241131 | w: devonalc.org.uk

Hi David

Hope you are well.

I'm just checking in re progress with reviewing the parish charter, I've understood from one of our members that engagement in the review has been low. I wanted to reiterate my offer to support the review of this document – I believe its important for setting the tone and principles of how councils will work together. One of the take aways I had from the State of the District event was how little PTCs knew of the document, and it came across to me that they didn't feel like they co-own/co-produce the document with MDDC. Is this a barrier to engagement?

Please do reach out if there is anything DALC can do to support better engagement and/or the review of the document itself. Always happy to chat.

Kind regards

Cara Stobart, County Officer

Devon Association of Local Councils

5. Kentisbeare PC

Hi David – as I mentioned to you at the State of the District Debate I have been asked to feedback to MDDC to request that our responses to consultations are taken seriously.

Please enforce planning in respect of the Planning Charter.

The Parish Council had nothing further to add in respect of the Charter review. Many thanks, Melanie

Hi David, here is the draft minute for your info. Many thanks, Melanie

41/03/24. MDDC Town and Parish Charter Review – the Chairman requested that MDDC in signing the Charter take their obligation to consider responses to consultations from the Parish Council and their duty to enforce planning seriously.

6. Cullompton TC

Dear David,

Thank you for sight of the Town and Parish Charter. It was approved at our Full Council meeting on the 28th March with Council seeking no amendments.

Kind Regards,

Dan Ledger

Town Clerk and Responsible Finance Officer
Cullompton Town Council

7. Oakford PC

Dear David

Oakford Parish Council has considered the attached Town and Parish Charter and Annexe and agreed to approve both. They had no suggestions for changes.

Kind regards

Jill

Jill Larcombe - Clerk to Oakford Parish Council

8. Bradninch TC

Dear David,

Further to a review by Bradninch Town Council, I have been asked to forward to you the following comments for consideration with regards to the Town and Parish Charter Review:

MDDC Town and Parish Charter review – it was RESOLVED to respond with the following suggestions: i) paragraph 10 of the planning section - the use of plain English would be beneficial as would an explanation of acronyms. ii) planning annex 1, revised paragraph 6, a request for the stated updates to be emailed to Clerks for onward circulation to Councillors would be made. iii) paragraph 15, a request would be made for the Town Council to receive the stated updates.

Don't hesitate to get back to me if further information is required.

Kind regards,

Alison

Alison Marshall

Clerk

Bradninch Town Council

9. Clayhidon PC

Dear David

Clayhidon Parish Council found the State of the District Debate extremely useful and were able to make several points.

Given that Clayhidon Parish Council resolved to accept the Town and Parish Charter as written.

Kind regards

Sue

Susan McGeever

Susan McGeever

Clerk to Clayhidon Parish Council

10. Tiverton TC

Dear David,

The Planning Charter has been reviewed by the Committee this week. No amendments have been suggested by them.

The working charter has yet to be reviewed at full council, but we will contact you with any feedback after 20th May as we agreed.

Hi David, No feedback was provided so I would just proceed. Only comment I would make is that sometimes response times on some documents is poor, but then we failed this time as well. Regards John

Many Thanks

With Regards

Linzi Hubbard BA (Hons) PSLCC

Clerical Assistant

Tiverton Town Council

Hi David

No feedback was provided so I would just proceed. Only comment I would make is that sometimes response times on some documents is poor, but then we failed this time as well

Regards

John

11. Chawleigh PC

David,

Thank you for trying to put into words what we all hope will happen anyway. The main task from the parish council end will be getting councillors to read it and understand that we are all just trying to get the job done.

As far as the detail is concerned, I think the paragraphs 5 and 7 in the main charter could be merged as they both relate to District Councillors attending parish council meetings where possible, but otherwise it looks fairly sound.

Regards,
Rob Martin
Clerk to Chawleigh Parish Council

12. Borden Gate PC

Dear David

This slightly dropped off the radar.

Our next meeting is on the 29th May.

If you are happy to receive a response after the closing date (I did notice you say your review was a little late) it can be done.

If you could let me know if this would be acceptable.

Kind regards
Patricia
Patricia Bainbridge
Clerk and RFO to Borden Gate Parish Council

30/5/24
Dear David

Just to let you know that at the meeting last night of Borden Gate Parish Council where the Town and Parish Charter Review was discussed, the Parish Council decided not to make a comment/response.

I hope this helps with your report.

Kind regards

Patricia

13. Crediton TC

Good morning David

Please find attached CTC's comments regarding the Charter Review.

I would be grateful if you could outline the next stages of the process; when will town and parish comments be reviewed, which committee or advisory group will review, and will it be approved at a future cabinet or FC meeting?

I am obviously not sure of the other responses, but I think there is a real opportunity here for MDDC and town/parish councils to start working far more collaboratively. CTC hopes that its comments will be considered fully.

Kind regards

Rachel

Rachel Avery FSLCC

Town Clerk and Responsible
Finance Officer

Telephone: 01363 773717

Website: www.crediton.gov.uk

Address: 8A North Street,
Crediton, EX17 2BT



Planning Charter comments

Generic Comments

- Most of the document relates to planning applications. Significant applications have already been through various stages, whereby local councils have not been involved

- The Planning Charter could be used as a vehicle to expand on how MDDC will engage with local councils and their communities, who should be involved in the process of allocating sites. Inclusivity of local councils is required within the legislative framework
- A summary or mission statement should be provided at the beginning of this document; MDDC could be more communicative about what, how and why they wish to achieve.

Front page:

- MDDC logo – reads like a policy, rather than a collaborative working document.

Page 5, point 19:

- Seek should be removed and replaced with effectively consult
- A scheme should be developed to improve local consultation on higher level documents such as the Local Plan, SPDs and Conservation Area appraisals.

Page 7, points 1 and 2:

- Local councils should be consulted with earlier in relation to the formalisation of S106 agreements, ensuring that local projects requiring funding can be considered as part of discussions
- Any renegotiations should be consulted on with local councils
- Open and transparent communication and report on S106 is integral to the ability for local councils to apply for funding.

Page 8 (CIL):

- CTC would like MDDC to revisit the adoption of CIL, which would empower local councils to undertake much needed local projects.

Charter comments

Generic Comments

- This document appears to be an MDDC policy, rather than an agreement or 'Charter' between MDDC and town/parish councils
- There is no sense of 'buy-in' from the sector, other than to review changes
- The support of DALC to enable a full review of the document and to agree new ways of working would have been welcome
- A different style of numbering for each section of the document would make it clearer and easier to read.

Front page:

- MDDC logo – reads like a policy, rather than a collaborative working document.

Page 2, opening paragraph:

- The Charter appears to have been formulated in 2017, some 7 years ago. The town and parish council sector, specifically, has changed a lot in that period and recognition in the opening paragraph would be welcomed.

Page 2, point 1 (District Council):

- There has been one planning training series delivered by MDDC since 2020. How is periodically defined and what does MDDC think training would incorporate?

Page 2, point 3 (Local Councils)

- How does MDDC define a well organised, proactive, informed and willing local council?

Page 2, point 1 (Communications and Liaison, District Council):

- Prior to the State of the District Debate, there had been no meetings of clerks or training/meetings for councillors other than the planning training session above. How will this be arranged and then effectiveness measured?

Page 3, point 3:

- Unaware of any ways that MDDC have supported local councils with LCAS or GPC? CTC obtained a Quality Gold Award (the second in the whole of Devon) and there was no recognition. Information regarding the DALC and MDDC relationship would also be useful to obtain for local councils.

Page 3, point 4 (District Councils):

- Does the liaison officer replace the newsletter? It would be useful for local councils to understand the role of the parish liaison officer and their job remit.

Page 3, point 6 (District Councils):

- It is understood that there is now a portfolio holder for Parishes and Communities? Therefore, will this point be amended to reflect the change and will local councils be informed of their remit? If not, how will the Chairman encourage better working across the district?

Page 3, point 1 (Local Councils):

- There has not been an annual meeting of clerks since at least 2020.

Page 3, point 4 (Local Councils):

- Whilst officers are happy to use Customer First, we are not the public and open communication between clerks and officers is integral. Please can MDDC clarify whether they see Local Councils as a customer or a partner?

Page 4, point 6 (District Council):

- Who and how will the level and quality of consultation be reviewed?

Page 5, point 8:

- How will local councils be consulted and at what point in the discussion? It is integral that local councils can join early conversations to enable project formulation (or to advise that projects already exist for funding)

Page 5, point 11:

- Should be amended to 'Endeavour to make officers available'. It is integral that officers can attend important meetings regarding planning issues.

Page 6 - Training and Support:

Whilst larger town councils do not generally require website support, shared resources would be useful such as an internal portal. However, since 2020, there has been very little training and there have been no shared training opportunities.

Page 6 - Partnership and financial arrangements, point 2 (District Council):

- open communication in a timely manner is required to enable clear communication between the tiers.

14. Morchard Bishop PC

Dear David,

Morchard Bishop Parish Council considered this matter at their meeting on 4th March .

The Parish Council accepted the proposed changes in the Charter with no alterations.

Thank you for involving us.

Kind Regards

David Parker

Clerk to Morchard Bishop Parish Council

15. Bow PC

Dear David

Thank you for your email dated 6 February 2024, together with the recent reminder.

This matter was referred to Bow Parish Council, by email dated 9 February and has been considered at Parish Council meetings since that date.

I regret to advise, however, that Bow Parish Council does not accept/approve the document, neither were there any suggested amendments forthcoming which would make the document acceptable.

I'm sorry not to be able to assist further.

Kind regards
Brenda Ware
Clerk to Bow Parish Council

16.Silverton PC

Dear David

Silverton Parish Council considered the details of the Town and Parish Charter review at its meeting last evening.

The only point I have been asked to raise with you is the lack of clarification when the Parish Council objects to a planning proposal on valid planning grounds and the District Council then decides to grant an approval. No explanation is forthcoming as to why the Parish Council's objections were apparently overlooked and it would be hugely beneficial if the District Council could write to the Parish Council in these circumstances to explain the reasoning behind their decision to overlook the comments of the Parish Council.

I look forward to hearing from you.

Kind regards

Sheila Woodland

Clerk to Silverton Parish Council

17. Wembworthy PC

Dear David

This email is to confirm that Wembworthy Parish Council do not have any comments to make about the amendments and therefore adopted the new Charters formally at our PC meeting on 9th May 2024.

Regards

Sarah Goody

Clerk to Wembworthy Parish Council

18. Puddington PC

Dear David,

We have no comments.

Kind Regards

Katie

Katie Vallance

Puddington Parish Clerk

19. Morebath PC

Dear David

I circulated the details to Parish Councillors at Morebath Parish Council and the item was on the Agenda for further discussion at the last meeting on 2 April. The Minutes record that the item was 'noted', so I'm afraid that there will not be a response from Morebath and I'm sorry that I couldn't get Councillors motivated to respond.

Kind regards
Sue Squire
Parish Clerk, Morebath Parish Council

20. Uffculme PC

Hi David,

Apologies for the delay in response. Uffculme Parish Council resolved to adopt these going forward with no further comment at our March 2024 meeting.

Kind regards,

Gemma

Gemma Cole

Uffculme Parish Council Clerk

21. Crediton Hamlets

Dear David

Thank you for your reminder and I apologise for not responding to your email of 6th February.

I confirm that Crediton Hamlets Parish Council is content with the two amended Charters.

Kind regards

Rachel

Rachel Hodder, Clerk/RFO, Crediton Hamlets Parish Council

22. Hittisleigh PC

Dear David

Thank you for your email and reminder. We have our next parish council meeting on the 15th and will be able to reply after that on the 16th. We trust that's OK with you but let me know if not. Many thanks - Ruth

Ruth Curtis, clerk to Hittisleigh Parish Council

23. Sampford Peverell

Dear David

Apologies, I am not sure if I responded on behalf of Sampford Peverell Parish Council.

Councillors are happy with the charter.

Regards

Sue

Susan McGeever
Clerk to Sampford Peverell Parish Council

24. Halberton

Dear David

Apologies I was on holiday at the beginning of May and not sure I have responded.

Halberton Parish Council believe this is a statutory document and are therefore happy with it.

Councillors did raise points at the State of the District Debate but not anything that would change the wording – more clarification.

Regards

Sue
Susan McGeever
Clerk to Halberton Parish Council

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State of the District Debate

Table 6 MDDC Charter with Towns and Parish Councils “Working Together”

Feedback from Parishes – Broken into sections

NB: some of these suggestions have already been followed through

Feelings and the Charter

- The Parish Council feel on the outside
- The Town Council are being ignored
- Towns and Parishes felt that they were not included
- One Town Officer felt that engagement with MDDC was hostile
- Not enough active communication
- Educate District Council Officers as to what T&P’s do
- Purpose of the Charter
- It was easy to understand the proposed changes to the Charter
- Responses to be taken seriously
- KPI’s – measurable for the Charter

Communication

- Lack of response from Devon County Council (DCC) – meaning that they needed representation at County Level
- Upflow of Information from T&P’s wanted
- MDDC Website – no information about Town and Parish Councils
 - Give examples of work they have done
- Misunderstanding as to what each tier of Local Authorities do?
- Who’s who (officers) at the Council for the use of the Clerk not general dissemination
- Points of Contact/Directory – maybe generic for departments
- Portal for T&P Clerks

Planning

- Planning Charter works well
- Planning Enforcement needs to be seen to be taking place
- Justification of Reasons
- Planning Portal (Material Interest)
- Conversation with the Conservation Officer
- Planning Training
- Training days wanted in Planning for Towns and Parishes (T&P)
- Planning Café
- Incentivising Developers not to breach conditions

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