

**COMMUNITY POLICY DEVELOPMENT GROUP  
28 NOVEMBER 2017**

**TOWN AND PARISH CHARTER REVIEW**

**Cabinet Member(s):** Cllr C R Slade – Community Well-Being  
**Responsible Officer:** Sally Gabriel - Member Services Manager

**Reason for Report:** To present to the Policy Development Group the findings of a review into the Charter between Mid Devon District Council and the Town and Parish Councils in Mid Devon

**RECOMMENDATION:** That the Charter be approved for a further three years subject to the amendments highlighted in Appendix 1

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

**Financial Implications:** None

**Legal Implications:** Community engagement and empowerment is one of the key implications of the Localism Act 2011. Good working relationships with the parish and town 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.

**Equality Impact Assessment:** No equality issues have been identified.

**1.0 Introduction**

1.1 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.

1.2 As agreed at that time, the Charter was to be reviewed after 12 months and thereafter on a 3 yearly basis.

1.3 In May 2012, a review duly took place and amendments were made to the document providing clarity and in line with changes to legislation.

**2.0 Further Reviews**

2.1 Due to reorganisation within the Council, the 3 yearly review was delayed. The Council’s Member Services Department took over the Parish Liaison role

in October 2016 with a view to supporting the Town and Parish Council's alongside the District Councillors.

2.2 The Member Services Manager spoke to the Annual Town and Parish Clerks Meeting in December 2016 stating that she intended to review the Charter, and send it out for consultation. At the same time the Scrutiny Committee had a Working Group in place looking into Parish Liaison and it was hoped that Members would also have an input into the revision of the Charter.

### 3.0 2017 Review

3.1 The consultation period lasted from 9 March until 4 May 2017, Councils were asked to consider whether the Charter was meeting its objectives and whether there were any suggested changes that should be considered.

3.2 9 responses were received; the table below sets out the main comments raised along with a response and if appropriate how these will be addressed within the revised Charter:

Comment	Response
Bradinch Town Council do not have any further comments on the Charter at this time.	
<p>Thelbridge Parish Council accepts the local council undertakings and welcomes the MDDC commitments to support its work.</p> <p>It is suggested that it would be helpful to have a schedule for a year ahead providing dates, times and venues for the annual district-wide meeting of clerks and the briefing and training sessions on planning and ethical standards.</p>	<p><i>Request noted, it is hoped that the annual clerks meeting and training sessions will take place in the autumn of each year.</i></p>
Just to let you know, details have been given to all councillors in Kentisbeare and Culmstock and following the last meeting of both there were no comments.	
<p>Cullompton Town Council has now reviewed the draft Town &amp; Parish Council Charter and would like to make the following comments:</p> <ul style="list-style-type: none"> <li>• Strong on general wellbeing but concerns that MDDC does not always listen to local councils and local opinion. As the town goes into the Garden Village process would like an assurance that a vision will be agreed by the town, concern that the town has been let down by MDDC and will be</li> </ul>	<p><i>The Garden Village Governance Structure and Arrangements were approved by Cabinet on 6 July 2017. Cullompton Town Council has seats on the Delivery Board and the Stakeholder Forum</i></p>

<p>again. e.g. design of second section of Swallow Way.</p> <ul style="list-style-type: none"> <li>• Would like to see more of the town's District Councillors at Council meetings, written reports are fine but helpful to have Councillors present to listen to the Town Council's views and take back to Mid Devon.</li> <li>• Better feedback when views are not upheld/acted upon.</li> </ul> <p>The Council looks forward to receiving the approved Charter in due course.</p>	<p><i>Noted, Ward members will be informed.</i></p> <p><i>Noted</i></p>
<p>Burlescombe Parish Council have no comments to make regarding these two consultations.</p>	
<p>Holcombe Rogus Parish Council have no comments to make regarding these two consultations.</p>	
<p>Communication</p> <p>3. I think it's called 'Local Council Awards Scheme' these days???</p> <p>Planning Document 16 - what does this mean please? doesn't apply to householder appeals ? is this saying that only appeals by developers are applicable???</p> <p>11 - what is the planning working group?</p> <p>Finally, my biggest issue with planning is downloading the individual documents for viewing at a parish council meeting. It is very time consuming to download individual docs - as there is no wifi at certain venues. Not sure how this can be improved - a download all button???</p>	<p><i>Noted, document will be amended</i></p> <p><i>Appeals for Householder applications are dealt with in a different way.</i></p> <p><i>The Planning Working Group is a sub group of the Planning Committee who are sent out to site to look at particular issues with regard to an application</i></p> <p><i>Comment noted.</i></p>
<p>The final sentence of the introductory paragraph of the Charter is out of date and needs to be revised now that we are well past the introductory 'one year'. It would probably be sufficient to say that the Charter will be reviewed on a three yearly basis.</p> <p>That same sentence refers to the fact that the Charter will be reviewed at the annual meeting of the Town and parish councils. We suggest that, if it is the intention to review the Charter at the annual meeting</p>	<p><i>Document will be amended.</i></p> <p><i>This paragraph will be amended to state that consultation will take place with Town and Parish Councils prior to consideration by the Community Policy Development Group.</i></p>

with Town and Parish Clerks, that should only be after consultation so that elected members of those councils have the opportunity to have some input - in the same way that District Councillors, rightly, expect to be involved in the process.

Paragraph 6 of the 'Planning Section' of the Charter has been amended to agree to hold separate meetings in the three main towns (rather than the previous version which guaranteed consultation meetings in the four main towns) where matters affecting the Local Development Framework are being considered. We assume that to mean that consultation meetings will not be held in Bampton. Whilst understanding the financial constraints affecting all local authorities we are disappointed that this change will leave this part of the District disadvantaged.

Paragraph 7 could usefully be amended to reflect that the District Council have agreed to consult on applications in neighbouring parishes (see comments below on the Planning Charter). We would also refer to Council Motion 530 which, in part, referred to the importance of consultation with local councils in respect of prior notification for certain agricultural buildings. In response to the District Council's representations to the Minister the Department for Communities and Local Government pointed out that 'It is open to local authorities to consult more widely on the application for prior approval if they so wish'. Having regard to the concerns expressed in Motion 530 the parish council hope that the District Council will wish to consult local councils on prior notification applications and that the Town and Parish Charter will be amended to reflect that.

Interpreted literally, paragraph 1 of the Charter does not actually say what it's author, presumably, set out to achieve. That paragraph says that the Planning Unit will consult with its constituent Town and Parish Councils on all applications .... . That means consultation with all Parish and Town Councils on every application -

*As it stands, the adopted core strategy currently identifies Bampton as a small market town under policy COR16, acting as a focal point for housing and employment etc to serve the local rural area. It is therefore dealt with differently from a village, which under policy COR17 are limited to minor proposals within settlement limits and allocations.*

*The approach to Bampton has changed within the Local Plan Review. It is now proposed to become a village suitable for small scale housing, employment, leisure and tourism within draft policy S13 and so would lose its town status in planning terms.*

*The Statement of Community Involvement as agreed by the Council on 26 October 2016 outlines the consultation process. The Charter will be amended accordingly.*

*As there was no clear direction from the DCLG this has not been progressed*

*Comment noted, and document amended*

<p>rather than all applications within a particular Parish or Town. That paragraph would benefit from some clarification and also to reflect the fact that, since the Charter was drafted, the District Council have agreed to consult on applications in neighbouring parishes. In this parish we have become aware of a lack of consultation with parish councils (or, at least, our parish council) about the use of S.106 funds. We would suggest that the Charter could usefully be amended to ensure consultation with Parish and Town Councils so that S.106 monies are directed towards the most appropriate schemes.</p>	<p><i>Comment noted, and document amended.</i></p>
<ul style="list-style-type: none"> <li>• The general tone and content of the Charter is practical and workable</li> <li>• The Parish Council welcome improved liaison however, MDDC must recognise that attendance at meetings by our clerk and councillors will need to be on a voluntary basis</li> <li>• The reference to including a training budget within the precept is a difficult issue for this parish</li> <li>• Consultation documents need to be brief.</li> </ul>	<p><i>Comments noted.</i></p>

3.3 A Working Group of the Scrutiny Committee was formed in the summer of 2016 to look into the work of the previous Parish Liaison role following concerns regarding:

- Two way communication and the need for local Councils to keep the District Council informed regarding changes to their Membership;
- The need for District Councillors to ensure that their local council was kept informed;
- The Parish Matters newsletter, which had been discontinued following reports that it was not read.

The Working Group met over a period of a couple of months assisted by the current Parish Liaison Officer and the Member Services Manager. The Parish Liaison Officer had proposed some means of improving communication with Towns and Parishes and some of these had been implemented. The Town and Parish Newsletter had been reinstated and the towns and parishes had been asked to contribute good news stories. Some joint training had taken place with regard to iPads and social media.

The Working Group made the following recommendations to the Scrutiny Committee on 22 May 2017:

- Parish Councils be asked to share 'good news' with other towns and parishes via the newsletter;
- Silverton Parish Council be asked to share information regarding their Neighbourhood Plan with others via the newsletter;
- Uffculme Parish Council be asked to share good news regarding their 'café in the square';
- A Parish Clerk be invited to write a 'profile of a clerk';
- A couple of Members had been identified as not attending or cascading information to their Parish Councils and the Member Services Manager would speak to them regarding this;
- An item be placed in WIS to remind all Members of the importance of liaising with towns and parishes;

3.4 It now seems that liaison with Town and Parish Councils has recommenced as set out in the Charter.

#### 4.0 **Summary of suggested amendments to the Charter**

- (i) Under Communications and Liaison, amend (3) by removing 'Quality Council' status and adding Local Council Awards Scheme.
- (ii) Under Planning amend (7) to read "Consult with the local councils on planning applications with Town and Parish Councils 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).
- (iii) Again under Planning, add a new (8) stating : Consult with local councils with regard to the use of S106 monies and request that schemes are put forward that would enhance the local area.
- (iv) Renumber the following paragraphs under that subject.

#### 5.0 **Conclusion**

5.1 It is felt that communication with the Town and Parish Councils is working effectively. The presence of the Parish Liaison Officer within Member Services allows Town and Parish Councils to be able to be supported alongside District Councillors. The Parish Liaison Officer is appreciated by local councils providing a necessary link and gateway for the exchange of information.

5.2 Consideration of the points made by local councils through the consultation have been noted and appropriate amendments made to the document.

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**Circulation of the Report:** Cabinet Member, Head of Planning, Economy and Regeneration, Legal and Internal Audit.

**List of Background Papers:** Town and Parish Charter dated May 2012, consultation responses, Scheme of Delegation to the Head of Planning.