

A Statement of Partnership
between County, District and
Parish and Town Councils

North Hertfordshire Parish Charter

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1 INTRODUCTION

Note

- 1.1 Throughout this charter, the term 'Parish Council' refers to all Parish Councils, Town Councils and Parish Meetings.

Background

- 1.2 This Charter is the result of discussions between Hertfordshire County Council, North Hertfordshire District Council and Parish Councils in North Hertfordshire, to establish and maintain effective ways of working. It has the full commitment of all three tiers of local government.
- 1.3 The aim is simple – to enhance the roles of Parish Councils in North Hertfordshire, with particular attention to improving consultation about policies and decisions which may affect their communities.
- 1.4 These aspirations have been reinforced by discussions around the Government's ten year vision for local government, which drives increased decentralisation and devolution across all tiers of Government, putting local communities at the heart of the decision making process. In May 2005, a North Hertfordshire District Council Scrutiny Committee review of "Area Governance" similarly recommended that Parish Councils be given the opportunity to participate further in Area Committee meetings.
- 1.5 There are currently 33 parishes within North Hertfordshire, all playing a valuable role in local democracy. Parish Council representatives possess unique knowledge, which can only help decision-makers make more informed decisions. The Parish Councils have made it clear that they would like more influence on services that affect their communities, and this Charter formally recognises this wish.
- 1.6 However, it is important that moves to enhance the roles of parishes should recognise that there are significant variations both in the resources and in the ambitions of Parish Councils within North Hertfordshire. This Charter does not seek to establish a detailed framework by which Hertfordshire County Council and North Hertfordshire District Council services may be devolved to Parish Councils, as it is recognised that some may not wish, or be in a position, to take on extra responsibilities.

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- 1.7 Hertfordshire County Council and North Hertfordshire District Council will work in partnership with all Parish Councils in North Hertfordshire to promote sustainable social, economic and environmental development for the benefit of local communities. To this end, Parish Councils are represented on the North Hertfordshire Local Strategic Partnership and consulted in respect of the North Hertfordshire Community Strategy. Similarly, the Hertfordshire Association of Parish and Town Councils is represented on Herts Together (the County Local Strategic Partnership).
- 1.1 Furthermore, this Charter reflects the increasing importance attached by Central Government to the development of Quality Parish status for Parish Councils. The first part of this Charter (Part 1) applies to all Parish Councils in the area and the second part (Part 2) applies to Quality Parish Councils only.
- 1.9 The implications of this Charter will be reviewed annually, alongside the Rural Strategy, such that minor modifications can be made if required; with agreement of proposed amendments being undertaken at the Annual Rural Conference. Additionally, there will be a major review every four years, including a full consultation with all appropriate authorities, commencing in 2009.

Part 1 – All Parish Councils

2 THE CONSULTATION FRAMEWORK

- 2.1 This Charter starts from the premise that consultation is not a form of advance warning or of public relations, but rather a mechanism that helps to empower Parish Councils in shaping those decisions of Hertfordshire County Council and North Hertfordshire District Council that affect local communities. Consultation with Parish Councils must be a multilateral process, which can only be effective where there is a sense of partnership and mutual trust built upon current good practice.

Circumstances in which consultation will occur

- 2.2 Hertfordshire County Council and North Hertfordshire District Council will consult (or notify) Parish Councils formally on issues, where:
- i. Consultation (or notification) is required by law;
 - ii. The rural dimension is an integral part of any plans, policies, proposals and there could be direct impact within a parish or parishes, or;
 - i. A Parish Council has expressed a wish in advance to be a consultee.
- 2.3 Appendix 1 shows which issues the Parish Councils will be consulted on, and under which circumstances.
- 2.4 Only in exceptional circumstances will appropriate consultation not take place, in which case a written explanation will be given, on request.

Time-scales

- 2.5 Consultation should provide for time-scales which are as generous as possible, within service delivery constraints, and take into account, wherever possible, the frequency of Parish Council meetings and the time required to deliver a suitable response.

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- 2.6 Hertfordshire County Council and North Hertfordshire District Council will aim to provide a period of 12 weeks (84 calendar days) for a Parish Council to comment, but will always provide a minimum of 3 weeks (21 days). Wherever possible, the time-scale for comments on individual planning applications will not be less than 3 weeks, and will be extended to 4 weeks in particular cases, where Parish Councils so request. There are likely to be some circumstances in which Hertfordshire County Council or North Hertfordshire District Council have to take urgent decisions and will therefore be unable to apply a generous time-scale for consultation or notification, but these instances will be kept to a minimum.

Content

- 1.1 The Parish Councils will be sent sufficient information, wherever possible in plain, non-technical language, to enable them to identify the nature and location of the item on which consultation is taking place and reach an informed view on the matter. They will also have access to any 'background papers', location maps, etc., on request. All such information will normally be sent as a hard copy (i.e. on paper) and, where an electronic medium is used, will be made available as a hard copy on request.
- 2.8 Consultation documents will normally include:
- i. A summary box setting out the name and extension number of the officer dealing with the matter;
 - ii. The date and name of the committee (or sub-committee or named officer) which will make the decision;
 - iii. The deadline by which comments will be required to be included in the committee report or other decision making process;
 - iv. An executive summary, where practicable, and;
 - v. A range of options, where that is feasible, and an indication of the anticipated benefits and costs to each organisation of each option.
- 2.9 Consultations sometimes refer to specific applications for consent, e.g. planning applications, rights of way, diversions, licences, etc. On such occasions, Hertfordshire County Council or North Hertfordshire District Council officers will endeavour, on request, to provide a supplementary checklist of the relevant policies and, where appropriate, the policy documents by which the application is being determined. It will not normally be practical to supply the checklist at the time of the formal notification of the application.

Briefing

- 2.10 Where given reasonable notice of the request and wherever practicable, Hertfordshire County Council and North Hertfordshire District Council staff will endeavour to avail themselves to brief Parish Council councillors and clerks by phone or in meetings. However, it is understood that there can be operational limits on the availability of staff, particularly for evening meetings.
- 2.11 Hertfordshire County Council or North Hertfordshire District Council will seek to provide, wherever practicable and appropriate, sufficient copies of the executive summary of the consultation for District and County Council councillors and the local press, expressed in plain English, with an index to the places and subjects covered.

Follow up

- 1.1 The views expressed by Parish Councils will be summarised in committee reports of the decision-making council.
- 2.13 Where a Parish Council has been consulted, Hertfordshire County Council or North Hertfordshire District Council will seek to inform the Parish Council of the decision and reasons within six clear working days of the decision having been taken.
- 2.14 Where a recommendation to the local planning authority on a planning application is at variance with the view of a Parish Council, the authority will endeavour to set out the reasons why it cannot concur with the Parish Council. Such an explanation will be included in the report to the relevant Committee and copied to the Parish Council concerned.

Costs of Consultation

- 2.15 Consultation carries increased costs for both sides. Parish Councils can derive benefits for their community from the process but some parishes, particularly smaller ones, may be faced by disproportionately higher costs in order to handle the extra work. Parish Councils have the power to precept for additional expenditure, but consideration may need to be given to finding other means to provide additional financial support towards these costs. The costs of consultation must be built in to any bids for funds in respect of the Parish Challenge Fund, Parish Plan and other Grants.

3 PARISH REPRESENTATION

- 3.1 Where a decision directly impacting on a parish is being taken, Parish Councils may be invited by the chairman to speak at the responsible Hertfordshire County Council and North Hertfordshire District Council committee meetings, including at North Hertfordshire District Council's area committee meetings.
- 1.1 Similarly, where a decision directly impacting on a parish is being taken, Parish Councils may request the right to speak, on matters other than development control, at North Hertfordshire District Council's committee and area committee meetings. The right to speak is at the discretion of the Chairman of the meeting. The spokesperson for the Parish Council will normally be given five minutes to address the committee, but with the permission of the Chairman, this may be extended.
- 1.2 Parish Councils wishing to speak would be expected to request the right to speak in writing:
- i. in respect of North Hertfordshire District Council, by 12 noon on the day of the meeting, and;
 - ii. in respect of Hertfordshire County Council, at least three clear working days before the meeting.
- 3.4 Parish Councils will be notified of any formal site meeting of North Hertfordshire District Council members affecting a decision within their parish, by the convenor of the meeting, and have the right to attend and speak at the site meeting.
- 3.5 Parish Councils can also brief their local Hertfordshire County Council or North Hertfordshire District Council councillor, who is entitled to speak at the committee or sub-committee meeting where decisions are to be considered.
- 3.6 Local members will receive copies of correspondence between officers of their principal authority and Parish Councils on significant issues affecting their ward / division.

4 ADDITIONAL MEETINGS FOR PARISHES

- 4.1 In addition to regular meetings and consultations, North Hertfordshire District Council will arrange a minimum of two public meetings on an annual basis, to include:
- i. A district-wide “Rural Conference” involving Hertfordshire County Council, North Hertfordshire District Council and all Parish Councils, to review issues of mutual interest, and;
 - ii. A “Rural Community Safety Event” involving Hertfordshire County Council, Herts Police Authority, Herts Constabulary, NHDC, Parish Council representatives, Primary Care Trust representatives, rural landowners, community groups etc will be scheduled annually. Attendance will be open to members of the public. This will provide the opportunity for the sharing of information and data regarding rural crime, initiatives and good practice to tackle specific issues and the opportunity to contribute to specific rural action plans.
- 4.2 Furthermore, Hertfordshire County Council and North Hertfordshire District Council councillors are encouraged to attend meetings of the Parish Councils within their wards.

5 IMPROVING INFORMATION

- 5.1 Hertfordshire County Council and North Hertfordshire District Council will acknowledge letters received from Parish Councils in accordance with their local customer standards, and will provide substantive answers to letters which need a reply in accordance with the provisions of the relevant Customer Charter. Specifically, North Hertfordshire District Council will aim to send an initial reply within four days and, where the initial reply is an acknowledgement, a full substantive reply will be sent within 10 days.
- 5.2 Hertfordshire County Council and North Hertfordshire District Council will communicate with Parish Councils by including them on the distribution list for communications such as North Hertfordshire District Council’s Members’ Information Service updates, Planning Applications Schedule, etc.

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- 5.3 Hertfordshire County Council and North Hertfordshire District Council officers will assist the Hertfordshire Association of Parish and Town Councils in the provision of an improved Hertfordshire Association of Parish and Town Councils information, briefing and training service for Parish Council councillors and clerks. Wherever possible, access will be provided to appropriate training events arranged by Hertfordshire County Council or North Hertfordshire District Council.
- 5.4 Hertfordshire County Council or North Hertfordshire District Council will, in conjunction with the Hertfordshire Association of Parish and Town Councils, pursue the availability of professional advice and information to help Parish Councils identify and respond to needs within their community. Advice services will focus particularly on those where Hertfordshire County Council or North Hertfordshire District Council have direct involvement with services provided or delivered by individual Parish Councils.
- 5.5 Hertfordshire County Council and North Hertfordshire District Council will work with the Hertfordshire Association of Parish and Town Councils to brief and train Council staff, notably those staff in most frequent contact with Parish Councils, to improve awareness and understanding of the roles of Parish Councils.
- 5.6 Hertfordshire County Council and North Hertfordshire District Council officers will endeavour to provide and update each Parish Council with information about services that are provided in, or directly benefit, their parish. Much of this may be provided in the normal course of consultation (e.g. details of mobile library routes, contracted bus services). Other examples would include housing waiting list numbers, primary school rolls, and budgets, etc.
- 5.7 Hertfordshire County Council will work with Parish Councils to extend the network of Local Information Points, and will look favourably on opportunities to co-locate the facility within Parish Council offices.
- 5.8 Hertfordshire County Council and North Hertfordshire District Council will keep Parish Councils updated on the complaints and appeals procedures available to the public.

6 PRACTICAL SUPPORT

- 6.1 North Hertfordshire District Council will help administer the holding of Parish Council elections. The respective authorities will work together to limit the costs of holding such elections.
- 6.2 Hertfordshire County Council and North Hertfordshire District Council will promote local community life through encouraging access to grants and loan schemes to all community groups and organisations.
- 1.1 Hertfordshire County Council and North Hertfordshire District Council will, where practicable, offer Parish Councils access to their own support services; to enable them to take advantage of facilities such as printing and purchasing, electronic mailing services, allocation of website facilities for Parish Councils to advertise their events, etc. Such offers will be subject to resources being available, and at a cost agreed by both parties.
- 6.4 Hertfordshire County Council and North Hertfordshire District Council will, in accordance with the latter's new procurement strategy, support local sustainability.

7 FINANCIAL ARRANGEMENTS

- 7.1 The financial arrangements between Hertfordshire County Council and North Hertfordshire District Council, on the one hand, and Parish Councils should be governed by the following principles which are, in effect, among those underlying the concept of value for money:
- 1.1 Fairness between council tax bills in parished and non-parished areas, and between different Parish Councils;
 - 1.2 Fairness in the provision of services (and access to them) by Hertfordshire County Council and North Hertfordshire District Council between different parts of the area;
 - 1.3 Simplicity - to keep administrative costs of operation to a minimum;
 - 1.4 Transparency - to help understanding;
 - 1.5 Democratic control and accountability - to let Parish Councils support additional services with additional expenditure, while ensuring accountability to all those responsible for funding. This means distinguishing between funding by Hertfordshire County Council or North Hertfordshire District Council (for a service carried out by a Parish Council) and funding raised by Parish Councils themselves, e.g. using their precepting powers.
 - 1.6 Finance following function – where provision of a service is devolved or transferred from Hertfordshire County Council or North Hertfordshire District Council to a Parish Council, funding is also transferred, with the amount involved being agreed by the principal council and the Parish Council.

8 DEVOLVING SERVICES

- 8.1 Parish Councils may seek to discuss ways in which they may take on direct responsibility for the management and delivery of a Hertfordshire County Council or North Hertfordshire District Council function within their parish. Devolution of services will only be considered where Parish Councils expressly wish to undertake the additional responsibility.
- 8.2 Hertfordshire County Council or North Hertfordshire District Council will consider this where it provides best value (taking account of cost, quality, local preferences and practicability). This may be subject to the principal authority entering into an agency agreement with the Parish Council in which they would set down the minimum specification, performance targets, reimbursement and period for the agreement. Decisions about devolution will be affected by the provision and budget for the service throughout the district, and any requirements of the authority's procurement strategy.
- 8.3 In some instances, it will not be good value or practicable for the Parish Council to discharge a particular function on behalf of Hertfordshire County Council or North Hertfordshire District Council. In this event, Hertfordshire County Council or North Hertfordshire District Council will, in consultation with the Parish Council, explore alternative solutions to encourage more local input into service delivery.

9 THE PARISH COUNCILS' PLEDGE

- 1.1 This Charter is a two-way process with commitments as well as rights for Parish Councils. Parish Councils will:
- i. Seek to respond to consultations from Hertfordshire County Council or North Hertfordshire District Council, where possible, within the agreed time-scale;
 - i. Invite Hertfordshire County Council or North Hertfordshire District Council ward councillors and, where appropriate, portfolio holders and relevant officers, to attend Parish Council meetings, and provide them with agendas in advance of the meeting and minutes of meeting;
 - iii. Provide an opportunity for Hertfordshire County Council or North Hertfordshire District Council councillors to contribute to those meetings, where appropriate, either by way of an agenda item for councillor's reports, or on specific items particularly where the Parish Council is discussing a consultation document from the principal authority;
 - iv. Ensure the appropriate Hertfordshire County Council and North Hertfordshire District Council councillors are invited to give a report at the Annual General Meeting of the Parish Council, or annual parish meeting;
 - v. Keep Hertfordshire County Council or North Hertfordshire District Council members informed on matters affecting relationships between the tiers, and will include copies of any relevant correspondence where appropriate;

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- vi. Seek to keep the public in their parish informed on local government matters and assess public opinion where appropriate through meetings, surveys and newsletters, and make the results of major surveys available to Hertfordshire County Council and North Hertfordshire District Council;
 - vii. Recognise that it is sometimes necessary for Hertfordshire County Council and North Hertfordshire District Council to make decisions affecting a wider community, which may not reflect the Parish Council's view, even though suggestions and opinions will still be considered;
 - viii. Seek to ensure that the Parish Council's contact details are known to appropriate Hertfordshire County Council or North Hertfordshire District Council officers;
 - ix. Consider the benefits of preparing business plans and annual reports where the scale of their activity and budget merits this approach. Officers of Hertfordshire County Council and North Hertfordshire District Council may be able to give advice on ways in which these plans can be introduced;
 - x. Give consideration to the benefits of applying for "Quality Parish" status.

10 THE ROLE OF THE HAPTC

- 10.1 As a membership organisation, the Hertfordshire Association of Parish and Town Councils (HAPTC) exists to provide legal advice and general guidance / support to member Parish Councils.
- 10.2 The Hertfordshire Association of Parish and Town Councils will seek to provide an enhanced programme of support, advice and information in the form of briefing and training events for member Parish Council councillors and clerks. They will draw on the resources and expertise of Hertfordshire County Council or North Hertfordshire District Council where appropriate.

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- 10.3 The Hertfordshire Association of Parish and Town Councils will endeavour to advise member Parish Councils on the availability of independent sources of advice to interpret the potential impact for their community of proposals contained in consultation documents.
- 1.1 The Hertfordshire Association of Parish and Town Councils will seek to convene an annual district-level meeting of member Parish Council chairmen and clerks, in addition to the meetings arranged by North Hertfordshire District Council mentioned in 4.1, above.

11 COMMITMENT

- 11.1 All parties to the Charter will seek to uphold the commitments made here, and will investigate any requests or complaints that some element has not been complied with.
- 11.2 If a Parish Council is dissatisfied with the actions of Hertfordshire County Council or North Hertfordshire District Council, the response to a request for information, or a failure to consult, the Parish Council may make a formal complaint through the relevant organisation's agreed complaints procedures.
- 11.3 Hertfordshire County Council, North Hertfordshire District Council and the Parish Councils have adopted codes of conduct, based on the national model code of conduct. The Parish Councils will work with Hertfordshire County Council's and North Hertfordshire District Council's Standards Committee to promote and maintain high standards of conduct.

Part 2 – Quality Parish Councils

12 QUALITY PARISH STATUS

- 12.1 Quality Parish status can be conferred on parishes that are able to demonstrate high standards in a range of areas, including community leadership, effective management, representation of its community, a desire to develop a Parish Plan and provision of local information.
- 12.2 Quality Parish Councils will be in a better position than other parish councils to help realise the ambitions and goals contained within their parish and town plans. They will be in a better position to represent the views of local people and to ensure that principal local authorities and other service providers listen to and respond to the needs of local people. They may also be in a better position to take action and decisions more directly, including the delivery of some local services.
- 12.3 Hertfordshire County Council and North Hertfordshire District Council have agreed to work in the following ways with those Parish Councils which are recognised as having attained Quality status:

Community Strategies

- 1.1 Where a Quality Parish Council has prepared a parish or town plan, Hertfordshire County Council and North Hertfordshire District Council will take account of its proposals and priorities in developing and implementing the Community Strategy as it affects the local areas concerned. Hertford County Council and North Hertfordshire District Council will strengthen links between the Parish Councils and the Local Strategic Partnerships in order to improve delivery of local priorities.

Information and access points

- 1.2 If a Quality Parish Council wishes to become a Local Information Point for Hertfordshire County Council or North Hertfordshire District Council services, the principle authority will help it to do so. In particular, it will:
- i. Issue to the Parish Council (and update as necessary) relevant written information on, and applications for, its services;
 - ii. Give electronic access to similar information and forms (where these are provided electronically), provided the Parish Council has appropriate technology, and;
 - iii. Provide suitable briefing, training and support to staff of the Parish Council.

Land use and development planning

- 1.3 Where a Quality Parish Council has prepared (in consultation with Hertfordshire County Council or North Hertfordshire District Council) a parish or town plan which includes proposals concerning land use and development planning issues (e.g. a village

design statement), the principal authority may adopt this in full or in part as a Supplementary Planning Document (provided it meets the requirements set out in national planning guidance).

- 1.4 Where the parish or town plan proposals imply some changes to the Local Development Framework for their area, North Hertfordshire District Council will consider and discuss the proposals with the Parish Council as part of its next review of that plan.

Delegation of functions and service provision

- 1.5 As part of their Best Value arrangements, Hertfordshire County Council and North Hertfordshire District Council will give Quality Parish Councils, who wish to, the opportunity to put forward proposals to take on aspects of the delivery, management and monitoring of services provided by the principal authority.

Appendix 1 – Parish Council consultation

Key - STATUS

STAT	Statutory right of Parish Councils to be consulted
ALL	Discretionary, but all Parish Councils should be consulted, either directly or through an umbrella organisation
OPT-IN	Discretionary, and individual Parish Councils would need to be included on the list of consultees in order to be consulted

HERTFORDSHIRE COUNTY COUNCIL

SERVICE / CONTRACT / PLAN	STATUS	FREQUENCY
Minerals and Waste Development Framework (when adopted)	STAT	VARIABLE
Minerals / waste planning applications	STAT *	AD HOC
Changes to the Definitive Map of Public Rights of Way.	STAT	AD HOC
Registration of commons and village greens	OPT-IN	AD HOC
Local Transport Plan	OPT-IN	ANNUAL
Changes to the Highway Maintenance Standards	ALL	VARIABLE
Road traffic orders, e.g. waiting orders	STAT	AD HOC
Speed limits	STAT	AD HOC
Maintenance and Transport Scheme	ALL	AD HOC
Residents parking schemes	STAT	AD HOC
Changes to contracted bus services	ALL	VARIABLE
Household Waste Recycling Centres	OPT-IN	AD HOC
School transport	ALL	AD HOC
School closures	STAT	AD HOC
Youth service provision	ALL	AD HOC
Library opening times including mobiles	ALL	AD HOC
Local day centres, etc.	OPT-IN	AD HOC
Fire cover and response times	ALL	AD HOC
Recruiting retained fire-fighters	OPT-IN	
Crime prevention	ALL	AD HOC
Location of registrar of births, deaths and marriages	OPT-IN	AD HOC

NORTH HERTFORDSHIRE DISTRICT COUNCIL

SERVICE / CONTRACT / PLAN	STATUS	FREQUENCY
Local Development Framework	STAT	VARIABLE
Planning applications	STAT *	REGULAR
Conservation areas	ALL	
The making of tree preservation orders	OPT-IN	
Car park provision and charges	OPT-IN	ANNUAL
Street naming	STAT	AD HOC
Provision and siting of bus shelters	OPT-IN	AD HOC
Village hall grants and rate relief	ALL	AD HOC
Surveys of local housing needs	OPT-IN	AD HOC
Housing Strategy	ALL	AD HOC
Housing allocation scheme	ALL	AD HOC
Standards for refuse collection contract	ALL	CONTRACT PERIOD
Standards for street cleansing / litter contract	ALL	CONTRACT PERIOD
Recycling policy, including bottle banks	ALL	
Dog bylaws	STAT	AD HOC
Public conveniences, location and opening hours	OPT-IN	AD HOC

* In respect of planning applications, the statutory right of the Parish Councils is to be notified, rather than specifically consulted.

