



PORTFOLIO HOLDER: POLICY AND STRATEGY

**CABINET – 6 FEBRUARY 2002**

## **QUALITY TOWN AND PARISH COUNCILS – A CONSULTATION PAPER**

### **1. INTRODUCTION**

- 1.1 The Department for Environment, Food and Rural Affairs (DEFRA) has issued a consultation paper on how a QUALITY Parish or Town Council might work. This follows the commitment made in the Rural White Paper to give rural communities a better deal on local services and a stronger voice in decision making.
- 1.2 All parish and town councils in England have been consulted along with all local authorities and a wide variety of other organisations having an interest in the work of parish and town councils.
- 1.3 The issue is considered to be an important part of the Government's agenda for change. It has implications for not only parish and town councils but also other tiers of local government.
- 1.4 Responses to the consultation paper must be received by DEFRA no later than 14 February 2002.

### **2. THE GOVERNMENT'S VIEW OF A QUALITY LOCAL COUNCIL**

- 2.1 The Government want a QUALITY local council to:
  - Be representative of and actively engage all parts of its community, providing vision, identity and a sense of belonging;
  - Be effectively and properly managed;
  - Articulate the needs and wishes of the community;
  - Work in partnership with principal authorities and other public service agencies;
  - In proportion to size and skills, deliver local services on behalf of principal authorities when this represents the best deal for the local community;
  - In proportion to size and skills, undertake more service delivery and other responsibilities themselves;
  - Work closely with voluntary groups in their communities;

- Give leadership to work by the community on town or village plans; and
- Act as an information point for local services.

### **3. THE BENEFITS OF QUALITY STATUS**

3.1 The proposals for QUALITY status are seen to bring considerable benefits to the community the local council represents. A QUALITY local council will play an enhanced role:

- As an integral part of all consultation and co-ordination arrangements set up by principal authorities and other service providers on how services are delivered in its area including Community Planning;
- In partnership with principal authorities on the discussion, management and delivery of services which they may carry out and deliver, on their partners behalf, or using their existing powers, to give Best Value to local communities; and
- Working with partners on provision of access points to information on services of principal authorities and other service providers and linked to, their IT systems, for example through operation of high street kiosks, information points or a community office which can be used by a range of different services.

### **4. PARISH AND TOWN COUNCIL CHARTER**

4.1 The consultation paper proposes that there should be a charter setting out how principal authorities and local councils will work in partnership. A model is proposed in the paper.

4.2 The model charter is in two parts. The first applies to all parish and town councils whilst the second part concerns only QUALITY councils.

# 4.3 The Government has specifically asked for comments on the model charter. A copy is attached at Appendix 1.

### **5. DELIVERING THE BENEFITS**

5.1 Chapter 3 of the consultation paper deals with the Government's proposals for how the QUALITY system will work.

5.2 In particular it sets out key principles relating to the financial arrangements. These are:

- Fairness between council tax bills in parished and non parished areas, and between different local councils;
- Fairness in the provision of service (and access to them) by the principal authority between different parts of their area;
- Simplicity - to keep administrative costs of operation to a minimum;
- Transparency – to help understanding;

- Democratic control and accountability – to let local councils support additional services with additional expenditure while ensuring accountability to all those responsible for funding. This means distinguishing between funding by principal authorities (for a service carried out by a local council) and funding raised by local councils themselves (eg using their precepting powers);
- Finance following function – where provision of a service is devolved or transferred from a principal authority to a local council, funding is also transferred, with the amount involved being agreed by the principal authority and the parish or town council.

## **6. BECOMING A QUALITY PARISH OR TOWN COUNCIL**

6.1 Chapter 4 sets out the proposed tests local councils should pass to achieve QUALITY status.

# 6.2 Set out at Appendix 2 are details of those tests set out under the following headings:

Electoral Mandate  
 Number of Council Meetings  
 Competent Clerk  
 Published Annual Report  
 Newsletter  
 Properly Audited Accounts

6.3 Accreditation is proposed to be valid for four years after which the local council would need to go through a similar process.

6.4 The cost of accreditation (estimated at approximately £100) is proposed to be met by the local council itself.

6.5 The paper also proposes that the district council maintains public lists of QUALITY parish and town councils.

## **7. DRAFT RESPONSE TO CONSULTATION PAPER**

7.1 The draft response is set out at Appendix 3.

## **8. FINANCIAL IMPLICATIONS**

8.1 There are no financial implications arising from this report.

## **9. ENVIRONMENTAL AND CRIME AND DISORDER IMPLICATIONS**

9.1 There are no direct implications for the environment or crime and disorder arising from this report.

## **10. CONSULTATION**

10.1 Parish and town councils have been encouraged through the various liaison meetings held with the District Council to respond to the Government's paper. Their comments have influenced this Council's draft response.

## **11. CONCLUSION**

11.1 The Government has set out its thoughts on the important place local councils have in its overall agenda for community development.

11.2 The proposals for QUALITY status builds on many of the concepts set out in the Rural White Paper.

11.3 The consultation paper provides the opportunity to help shape the final scheme coming forward.

11.4 The Model Charter can form the basis of future discussions with town and parish councils regarding the review of the statement of partnership.

## **12. RECOMMENDATION**

12.1 That the draft response be agreed.

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### **Background papers**

Published works only

*Q1 We invite views on the content of the model charter and on the arrangements for agreeing and reviewing individual charters.*

*Q2 In particular we invite views on the additional provisions for QUALITY Parish and Town Councils in Part 2 of the model charter.*

**Parish and Town Council Charter -Proposed model for individual charters for principal authorities following consultation and discussion with their local councils**

1. The councils in the area of [principal authority ] have agreed to publish a charter which sets out how they aim to work together across the [two] tiers. This Charter is the result of discussions locally and across the [principal authority ] to establish a new way of working and to confirm existing good practice. There are [x] parish and town councils in the [principal authority ], all playing a valuable role in local democracy and service provision.
2. The Councils (together with the [County Council/District Council]) jointly represent all levels of democratic local government, to whose principles they are both committed. They are both keen to see continued efforts made to improve our system of local democracy and to see greater public participation in and appreciation of this system.
3. The [principal authority ] acknowledges and recognises that parish and town councils are the grass-roots level of local government. By working with them and the [name of any Local Area Committees/Partnership groups], the principal council aims to act in partnership with local communities, while balancing the needs of the wider locality.
4. In their role as democratically accountable bodies, parish and town councils offer a means of shaping the decisions that affect their communities. They offer a means of decentralising the provision of certain services and of revitalising local communities. In turn, they recognise the strategic role of the principal council and the equitable distribution of services which they have to achieve.
5. This Charter reflects the increasing importance attached by Central Government to partnership working and the development of QUALITY status for parish and town councils. The first part of this Charter (Part I) applies to all parish and town councils. The second part (Part 2) applies to QUALITY councils only. It will be formally reviewed after five years in operation.

## **Part 1 All Parish and Town Councils**

### **Sustainability**

6. The *[principal authority]* will work in partnership with parish and town councils to promote sustainable social, economic and environmental development in the area of *[principal authority]*.

### **Community Strategies and Local Strategic Partnerships**

7. *[The principal authority and relevant local strategic partnership( s)]* will involve parish and town councils in the processes of preparing and implementing the community strategy to improve the economic, social and environmental well-being of the area, and the role which local councils should take. *[The principal authority and local strategic partnership( s)]* will consult and involve local councils accordingly about the content and direction of the community strategy as it affects the local communities they represent.

### **Local Governance**

8. *[Paragraphs drafted locally on arrangements for engagement of parish and town councils in principal authority local governance arrangements and for liaison between them ]*

[possible examples:

- Representatives of the *[local area parish and town council committee/association]* sit on the Council's *[name of locality]* area advisory committee.
- [ ] will hold liaison meetings with parish and town councils.
- The *[principal authority]* will maintain its close working relationship with the *[local area committee/association]* through an annual meeting between senior Council Members and the Committee.
- Parish and town councils will invite appropriate members and officers of the *[principal authority]* to their meetings.]

9. The *[principal authority]* will help organise the administration of parish and town council elections. The respective authorities will work together to limit the costs of holding such elections.

## **Consultation**

10. The *[principal authority]* will aim to give parish and town councils the opportunity to comment before making a decision which affects the local community. In furtherance of this, the *[principal authority]* will circulate its public reports to committees and sub-committees to the Clerk to the local councils at the same time as they are sent to members of the Council so that the local council can respond directly or through the local district/county councillor(s).

*[List relevant Council Cabinet and Scrutiny Committee and other agendas and reports, indicating where available on web sites]*

Only in exceptional circumstances will appropriate consultation not take place, in which case a written explanation will be given on request.

11. To help achieve the objectives laid down in this Charter, liaison and consultation (both formal and informal) will be further developed at parish and town council level through regular meetings or specific service consultative groups and, at officer level, individually or through working parties and groups.

12. The *[principal authority]* will attend meetings with parish and town councils (or groups of local councils) at a mutually agreed time to discuss matters of common interest when requested to do so and given sufficient notice.

13. Parish and town councils will send copies of their agendas and papers to the *[principal authority]* and to local councillors. Officers and councillors of the *[principal authority]* will be given an opportunity to speak at local council meetings on matters of mutual interest if they request to do so.

## **Information and Complaints**

14. When the *[principal authority]* consults local councils, it will provide them with sufficient information to enable them to reach an informed view on the matter, and give them adequate time to respond in accordance with the statutory requirements where applicable.

15. The *[principal authority]* will communicate with local councils and other communities by publishing *[name of principal authority newsletter]* regularly and distributing it free of charge to all households. It will also keep local councils informed by sending them as many copies of *[other relevant newsletters/local promotional material]* as they require.



16. The *[principal authority]* and parish and town councils will acknowledge letters, and provide substantive answers to letters which need a reply [as follows/in accordance with the provisions of its Customer Charter]. A full substantive reply or an acknowledgement will be sent by the *[principal authority]*/local council within [seven] days. If an acknowledgement is sent, the full substantive reply will be sent within [28] days.

17. If a local council is dissatisfied with the principal Council's actions, their response to a request for information, or their failure to consult, it may initiate that Council's formal complaints procedure.

### **Standards Committee**

18. Both the *[principal authority]* and the parish and town councils have adopted codes of conduct, based on the national model code of conduct. The local councils will work with the *[principal authority's]* Standards Committee to promote and maintain high standards of conduct. The *[principal authority]* has consulted and agreed the following arrangements with the parish and town councils for the appointment of representative(s) to the Standards Committee (and sub-committees, if any) *[locally drafted arrangements]*.

### **Delegating Responsibility for Service Provision**

19. If a local council (or group of local councils) wishes to take on delegated responsibility for service delivery, the *[principal authority]* will actively encourage this, where it is best value (taking account of cost, quality, local I preferences and practicability). Where it is not good value or practicable the *[principal authority]* will, in consultation with the local council, explore alternative solutions to encourage more local-level input into service delivery.

### **Financial arrangements**

20. The *[principal authority]* has set out its financial arrangements for parish and town councils at Appendix 1 in accordance with the principles and good practice guidance *[draft financial principles as set out in the Annex to Chapter 3]*.

21. Where a parish or town council takes on the provision of certain services, the level of funding will be agreed by the principal council and the local council. A list of possible functions which will be considered for delegation by mutual consent is given at Appendix 2.

### **Local Community Life**

22. The *[principal authority]* will promote local community life through *[list schemes available: e.g. capital grants and loan schemes to village halls, community centres, and other similar organisations, and community discount scheme for the disposal of surplus property]*.

### **Practical Support**

23. The *[principal authority ]* will, where practical, offer local councils access to their own support services, to enable them to take advantage of facilities such as printing and purchasing, at a mutually agreed price. **In** particular, assistance will be offered in identifying and helping to meet the training needs of local councils.

### **Part 2 *QUALITY* Parish and Town Councils**

24. In addition to the above, the *[principal authority ]* has agreed to work in the following ways with those local councils which are recognised as having attained the *QUALITY* standard.

### **Community Strategies**

25. Where a *QUALITY* council (or group of *QUALITY* councils) has prepared an area plan the principal authority will take account of its proposals and priorities in developing and implementing the community strategy as it affects the local areas concerned. The *[principal authority ]* will strengthen links between these local councils and the local strategic partnership in order to improve delivery of local priorities. *[further details depending on local arrangements for Local Strategic Partnerships and community strategy preparation]*

### **Information and Access Points**

26. If a *QUALITY* local council (or group of *QUALITY* local councils) wishes to become a local information and/or access point for the *[principal authority ]* services the *[principal authority ]* will help it to do so. In particular it will:

- issue to the local council (and up-date as necessary) relevant written information and application forms on its services;
- give electronic access to similar information and forms (where it provides these electronically) provided the local council has appropriate technology;
- provide suitable briefing, training and support to staff of the parish or town council ;
- *[information on local arrangements -eg availability of principal authority staff to run regular surgeries in local council offices.]*

## **Land Use and Development Planning**

27. Where a *QUALITY* local council (or group of *QUALITY* local councils) has prepared (in consultation with the [*principal authority* ]) a village or town plan which includes proposals concerning land use and development planning issues ( eg a village design statement) the [*principal authority* ] will adopt this as Supplementary Planning Guidance (provided it meets the requirements set out in national planning guidance).

28. Where the village or town plan proposals imply some changes to the current development plan for the area, the [*principal authority* ] will consider and discuss the proposals with the local council ( or councils) as part of its next review of that plan.

*[information on local arrangements ]*

## **Delegation of Functions and Service Provision**

29. The [*principal authority*] has agreed to offer a *QUALITY* local council (or group of councils) the opportunity to take on one or more of the services and functions listed in Appendix 3, or parts of them, in accordance with the practical and financial arrangements set out there.

30. As part of its Best Value arrangements, the [*principal authority* ] will give *QUALITY* councils (or groups of *QUALITY* 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* ] .

*[information on local arrangements ]*

## **Appendix 1**

*[Local financial arrangements for parish and town councils in accordance with paragraph 20 above ]*

## **Appendix 2**

### **Possible functions which might be considered for delegation to all parish and town councils by the principal authority by mutual consent**

(in accordance with paragraph 21 above)

Control of Markets  
Street Cleaning  
Maintenance of Highway Verges, footways and footpaths  
Litter Collection and Litter Control Measures  
Street Lighting ( other than principal routes )  
Recycling provisions  
Street Naming

Parking restrictions (and related matters)

Issue of bus and rail passes

Road Safety Measures

Noise and Nuisance Abatement

Tree Preservation Orders

Some aspects of Development Control v Some aspects of the management of

Libraries and Museums

Some aspects of Leisure and Tourism provision (eg. bowling greens, playing fields, issue of Leisure permits)

Public conveniences

Allotments

**[Note: this list is illustrative not exhaustive** This list is intended only as a summary of the principal functions of parish and town councils. It is not intended to be a definitive list of such functions.]

### **Appendix 3**

*[Locally drafted arrangements for delegation of functions and service provision to QUALITY parish and town councils in accordance with paragraph 29 above]*

# LIST OF QUESTIONS

## Parish and Town Council Charter and Partnership Working

- Q1 We invite views on the content of the model charter (pages 18-23 below) and on the arrangements for agreeing and reviewing individual charters.
- Q2 In particular we invite views on the additional provisions for *QUALITY* parish and town councils in Part 2 of the model charter.
- Q3 Do you agree with the proposed additions to guidance on Best Value?
- Q4 Are there any other actions that might be taken to bring about closer working between principal authorities and local councils?

## "Tests" for *QUALITY* Parish and Town Councils

- Q5 We invite views on the test that a local council should have all its seats filled by election at the beginning of each 4-year term to qualify for *QUALITY* status.
- Q6 Do you agree with the test on the proposed number of meetings a year which a local council should hold to qualify for *QUALITY* status ?
- Q7 We invite views on the test for a competent clerk and the proposed approach to training for clerks, the thresholds for categorising councils and what will be appropriate training or qualifications.
- Q8 We invite views on the proposed annual report test, its timing and contents, the extent to which they should mirror those of Best Value Performance Plans and the value of distributing copies to local households, local businesses, voluntary interests and other service users.
- Q9 We invite views on the proposed newsletter test for *QUALITY* status, and examples of good practice, particularly in relation to distribution methods.
- Q10 Is there a need for parish and town councils to do more to provide access to the accounts for interested members of the community if they are to be given *QUALITY* status?
- Q11 Do you agree with the test framework, as a whole? Should any of the tests be omitted, or others added?

## **Assessment of *QUALITY* Status and Accreditation**

- Q12 We invite views on proposed assessment format and whether there are other options that should be considered.
- Q13 We invite views on whether external auditors should undertake *QUALITY* assessments and on whether there is a role for national and/or local advisory assessment panels.
- Q14 Is four years the right length of time for *QUALITY* accreditation to be valid before it needs to be re-confirmed? What is the best point within the electoral cycle for the assessment?
- Q15 We invite views on the proposed re-accreditation process and whether there are other options that should be considered.
- Q16 Do you agree that parish and town councils should meet the costs of the assessment process for *QUALITY* status?
- Q17 Do you agree that it is appropriate to place the responsibility for maintaining up to date lists of *QUALITY* Parish and Town Councils on principal authorities ?

## **TEST FOR A QUALITY PARISH OR TOWN COUNCIL**

### **ELECTORAL MANDATE**

It is proposed that to be eligible for QUALITY status local councils should have all their seats filled by members who have stood for election at the beginning of each four year term.

### **NUMBER OF COUNCIL MEETINGS**

It is proposed that all Parish and Town Councils should hold at least six meetings a year (including the annual meeting) to qualify for QUALITY status, setting aside time for the public to participate.

### **COMPETENT CLERK**

It is proposed that clerks of QUALITY parish and town councils should be able to demonstrate that they possess the necessary skills/competencies to carry out their duties through having undertaken authenticated training or holding an appropriate and up to date qualification or being able to demonstrate an acceptable level of experience on other forms of accreditation. Three district level, of competencies are proposed to suit different sizes/categories of council based on budgeted income levels.

### **PUBLISHED ANNUAL REPORT**

It is proposed that QUALITY tests should require the parish or town council to prepare and make publicly available no later than 30 April following the end of the financial year to which it relates – an Annual Report which includes as a minimum:

- Chairman overview of the Council's achievements against previous action plans and targets and what the plans and targets are for the following year(s);
- An un-audited summary of the Council's financial performance, including details of any major projects and a statement of when and how the full accounts will be published;
- A list of council members and officers with contact details; and
- Summary reports of all council meetings held during the year.

### **NEWSLETTER**

It is proposed that Council's should produce a newsletter on at least a quarterly basis in order to achieve QUALITY status – of perhaps no less than an A4 page in length which would be made available to every household within a Council's area.

## **PROPERLY AUDITED ACCOUNTS**

The accounts of local councils applying for QUALITY status will have been audited by an auditor appointed by the Audit Commission under the arrangements which the Audit Commission expects to have in place by summer 2002. The auditor would be expected to confirm for a Council with a budgeted annual income of less than £500,000 that no matters had come to the auditors attention giving cause for concern that relevant legislative and regulatory requirements had not been met. It is expected that the accounts of Councils with a budgeted income of £500,000 or more would have been certified and reported on by the external auditors as presenting fairly the financial position of the council.



## QUALITY TOWN AND PARISH COUNCILS – DRAFT RESPONSE TO CONSULTATION PAPER

The Council has considered the Government's proposals for introducing a quality scheme for parish and town councils. In our view the proposals provide a real opportunity for local councils to strengthen their position at the heart of their communities and in turn make a significant contribution to the overall agenda for achieving community well being. New forest District Council is committed to working with town and parish councils as key members of the New Forest Strategic Partnership.

Overall, the proposals are useful in that they do not force local councils down a particular route. To do so might destroy a great deal of voluntary good will that makes some local councils work well for their community. However, some of the individual proposals do seem unnecessarily prescriptive. At the very least the proposals do set out some good principles to work towards whether a local council is small or large, rural or urban. There are however a few comments to make against some of the issues and these are set out below.

### PROPOSED MODEL FOR CHARTER

#### Local Governance

- (9) The first sentence seems superfluous as the Returning Officer for the principal authority is the Returning Officer for parish and town council elections. There is therefore a duty to do this.

#### Consultation

- (10) The whole issue of consultation as set out in the model is too skewed towards principal councils being proactive and local councils being reactive. All tiers of local government need to work pro actively together (as well as with other agencies). We are all involved in the well being of communities whether at a local, district or county wide level. There should be an equal commitment on parish and town councils to involve others. Thought does however need to be given to getting the right balance between consultation and not slowing down decision making.
- (10& 13) The issue about routine 'circulation' of all reports is something that would not be seen locally as adding value. With 37 town and parishes in our district it would create a great deal of wasted resource. We suggest the emphasis should be on making reports available, again in both directions. This could be facilitated by sending agendas for every public meeting to each other.
- (13) In the case of parish and town council meetings we agree there is a case for sending agendas to local District and County Councillors. The current wording could be misinterpreted, so perhaps a space for inclusion of the name of the principal council would be advisable.

### **Delegating Responsibility for Service Provision**

- (19) We feel the emphasis on this should be changed to agreeing between principal and local councils what the best way is for the delivery of the service. The proposed arrangement suggests that the trigger for debate is the expression of local interest.

A key part of the decision as to whatever a service is delegated will be the impact such a decision would have on service delivery issues in the rest of the district. This is seen as an integral part of the Best Value debate.

There also needs to be absolute clarity about accountability and responsibility for the service in cases of local delivery. In particular there is the issue of safeguarding standards. How minimum standards are maintained (and the necessary monitoring of performance takes place) and the financial arrangements for local increases in service standards need to be specifically linked to the application of Best Value principles.

### **TESTS FOR QUALITY PARISH AND TOWN COUNCILS**

#### **Electoral Mandate**

- (14) The Council, whilst appreciating some connection between this and quality tests, has some reservations about it being used. At present it would appear that around 20 of our 37 parishes would meet this requirement. Many of our parish councils fall back on co-option simply due to population levels set against the size of their parish. The electoral mandate test may encourage parish councils to have fewer seats which in some local situations would not be seen as a move in the right direction.

#### **Newsletters**

- (9) We feel that the requirement is too prescriptive and that the emphasis should be on the production and distribution of a community newsletter. We suggest that a QUALITY local council would need to demonstrate its active involvement in the production of a community newsletter to be made available to every household in the council's area.