Coalfield Area Committee **12TH March 2009**

Hetton Town Council – Request for a Town Council Charter

Report of the City Solicitor

1.0 Purpose of Report

1.1 To seek the Committee's views on a request to enter into a Local Council Charter for Hetton Town Council.

2. Description of Decision

2.1 To formulate views on the proposal for consideration by Council and to endorse the proposal to adopt the draft charter.

3.0 Background

3.1 Local Council Charters set out how a principal local authority and a Town or Parish Council will work in partnership together. They recognise the importance of Town and Parish Councils in local democracy and service delivery, and detail basic principles of the relationship between the councils involved. The Department for Environment Food and Rural Affairs (Defra) and the Office of the Deputy Prime Minister (ODPM) (Now transferred to Communities and Local Government) advocated the adoption of charters, and developed a model framework for interested Councils.

3.2 A request has been received from the Leader of Hetton Town Council, Councillor G.W.K. Hepple, for the Council to consider entering into a formal Charter with Hetton Town Council. The Town Council is at present undergoing all the work to gain a Quality Council Chartermark and has carried out a full public consultation to produce a Parish (Town) Plan.

4.0 Current Position

4.1 A draft Town Council Charter has been prepared (copy attached as Appendix 1).

4.2 The ODPM model was used as the basis for the draft and incorporates a number of additional elements such as the cognisance of Parish Plans, collaboration relating to elections, membership of the Standards Committee, financial arrangements and frequency of review. The end result is a Charter that is not only consistent with the national framework, but which will also reflect the expression of local priorities.

4.3 The draft Charter formalises many existing informal arrangements already existing between the two Councils and provides a basic framework for the future development of partnership working towards community involvement. The Charter also introduces a formal framework for local governance into the Council's relationship with the Town Council.

4.4 The Committee's attention is particularly drawn to paragraph 3.1 of the draft Charter which sets out the proposed Governance arrangements and the other arrangements to ensure effective engagement and liaison between the City Council and the Town Council via the Coalfields Area Committee. Accordingly, the views of the Committee will be considered by Council at its meeting on 25thth March 2009.

4.5 It should be noted that in many instances the Charter provides for possible agreements on joint actions but not binding commitments.

5.0 Reasons for the Decision

5.1 The value of charters is widely recognised. Research from the Local Government Information Unit (LGIU) points to the benefits of improving relations between tiers of government, facilitating communication, and promoting partnership working.

5.2 The Town Council's role could be increasingly important in the current climate of increased neighbourhood empowerment, as Town and Parish Councils could have a significant role in delivering this agenda

6.0 Alternative Options

6.1 The alternative of not adopting a Charter would not enrich the relationship between the City Council and the Town Council

7.0. Consultation and Next Steps

7.1 Chief Officers of the Council have been consulted on the proposal and on the content of the draft charter.

7.2 A copy of the draft Charter has been delivered to the Town Council inviting comments on the document.

7.3 In the event of the Charter being agreed between the two Councils there would be an opportunity for a formal signing ceremony.

7.4 Clearly the Charter is not an end in itself and it should be used to build on the strong relationship that already exists. In particular, there may be scope for further collaboration in the areas of procurement where combined purchasing power could result in savings and extending the good practice of collaboration.

7.5 The draft Charter will be considered by Cabinet at its meeting on 11th March.

8.0 Financial Implications

8.1 There are no financial issues arising from this report which seeks to formalise the relationship of the two Councils and to lay out a formal framework for future engagement and possible collaboration. Financial implications arising from any future collaborative arrangements would be considered at that time as an integral part of the proposal.

9.0 Background Papers

- Letter of 7.12.08 from Councillor G W K Hepple, Leader of Hetton Town Council
- LGIU Charters: A Good Practice Guide
- ODPM Model Charter

Appendix 1

DRAFT TOWN COUNCIL CHARTER

Introduction

1. The Town Council of Hetton ("the Town Council") and Sunderland City Council ("the City Council") have agreed to publish a charter which sets out how they aim to work together for the benefit of local people in the communities of Easington Lane, Moorsley, East Rainton, Eppleton and Hetton-le-Hole ("the local communities"). This Charter is the result of discussions locally to establish a new way of working and to confirm existing good practice.

2. The City Council acknowledges that a Town Council is the grass-root level of local government. By working with it, the City Council aims to enhance its aspiration of most effectively acting in partnership with the local communities, while balancing the needs of the wider community.

3. In its role as a democratically accountable body, the Town Council offers a means of shaping the decisions that affect its communities. It offers a means of decentralising the provision of certain services and of revitalising the local communities. In turn, the Town Council recognises the strategic role of the City Council and the equitable distribution of services which it has to achieve.

4. This Charter reflects the increasing importance attached by Central Government to partnership working and the development of *Quality* status for Parish and Town Councils. Part 1 of this Charter applies to the Town Council. Part 2 applies to the Town Council only in the event of it obtaining a *Quality* Town Council charter mark ("a Quality Town Council"). There will be ongoing monitoring by the parties of the operation of the Charter. It will be formally reviewed after four years in operation by the City Council and the Town Council. Any party concerned about the operation of the Charter should bring it to the attention of the other party so the issue can be considered.

5. Any request by the Town Council to the City Council for information or assistance under this Charter should be made to the City Solicitor, unless the Charter specifies otherwise. The Clerk of the Town Council shall normally be its first point of contact.

Part 1 The Town Council

1. SUSTAINABILITY

1.1. The City Council will work in partnership with the Town Council to promote sustainable social, economic and environmental development for the benefit of the local communities.

2. COMMUNITY STRATEGIES AND LOCAL STRATEGIC PARTNERSHIPS

2.1. The City Council will involve the Town Council in the processes of preparing and implementing the Sunderland Strategy to promote or improve the economic, social and environmental well-being of the area, and the role which the Town Council should take. The City Council will consult and involve the Town Council accordingly about the content and direction of the Sunderland Strategy as it affects the local communities it represents.

3. LOCAL GOVERNANCE

3.1. It is important that the City Council and the Town Council maintain close relationships. The Council will undertake the following arrangements to ensure effective engagement and liaison between them:

- The City Council has a Coalfield Area Committee which consists of City Councillors from the Copthill, Hetton, Houghton and Shiney Row Wards of Sunderland ("the Area Committee") which will be seen as the principal link between the City Council and the Town Council. The Area Committee has a designated Area Regeneration Officer to act as an area lead officer. The Town Council will be invited to nominate a representative to attend meetings of the Area Committee and to be sent papers. In any event any Town Council member or resident is entitled to attend the Area Committee meetings.

- The City Council will hold meetings with representatives of the Town Council as and when necessary to discuss matters of common interest.

- The Town Council will invite representatives (members and/or officers) of the City Council to Town Council meetings and give them the opportunity to speak on appropriate matters. The Town Council will provide the City Council in advance of the meeting with a copy of the agenda and all reports.

- Town Council representatives will have the right to request to address the City Council or its committees on any matters of local concern.

- Appropriate Ward Councillors of the City Council will be encouraged to attend meetings of the Town Council wherever possible.

- The City Council will keep its relevant members informed of significant issues raised in correspondence with the Town Council. In turn, the Town Council will keep relevant City Council members informed about local views on any matter relating to their responsibilities.

3.2. The City Council will administer the Town Council elections. The respective authorities will work together to limit the costs of holding such elections. When Parliamentary and City Council elections are held on the same day, costs are shared equally between central government and the City Council. The same principle will be applied where Town Council and City Council elections are held on the same day. Common expenses, such as the cost of staffing polling stations, will be shared equally between the City Council and the Town Council although costs directly attributable to the Town Council election, such as printing of ballot papers, will be fully recharged.

3.3. Any documents or other information which the Town Council is required to send to the City Council should be sent to the Council's City Solicitor unless otherwise specified. Any documents or information to be sent by the City Council to the Town Council should be sent to the Town Clerk unless otherwise requested.

4. CONSULTATION

4.1 The City Council will aim to give the Town Council the opportunity to comment before making a decision which affects the local communities in the Town Council area. To help achieve this:

- the City Council will circulate to each Town Council in advance an electronic copy of each agenda for the Area Committee and papers attached to the agenda.

- the agendas and non-confidential reports for all other committees are available for inspection on the City Council's website

- any of the Town Council can request to be included in the electronic mailing list for any appropriate committee of the City Council

- The Town Council can also request a copy of any public report at any time.

4.2 The City Council will seek to develop more effective ways of consulting with the Town Council, making use of information technology - in line with the City Council's Equalities Policy - using cost-effective means, as appropriate.

4.3 The City Council and the Town Council will make use of IT wherever possible and appropriate for the exchange of information, consultation documents, committee papers etc. It is anticipated that this will be the preferred means of communication in the future, and one of the objectives of this Charter is to promote effective and efficient communications between these two tiers of local government.

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

4.5. To help achieve the objectives laid down in this Charter and also to discuss matters of common interest, liaison and consultation (both formal and informal) will be further developed at Town Council level through meetings arranged as and when considered appropriate with appropriate City Councillors or officers.

4.6. The City Council will normally consult the Town Council on statutory and other major plans and any other proposals which could lead to significant changes in the parish area in respect of the following functions so far as they fall within the remit of the City Council:

- Housing provision,
- Youth or community services provision,
- Area Governance,
- Electoral issues,
- Local Plans,
- Provision of Leisure and Cultural Services,
- Public Transport, and
- Traffic and Transportation.

4.7 The Town Council will also be consulted on all planning applications being determined in its area by the City Council.

4.8 The City Council will seek to develop arrangements wherever reasonably practicable and appropriate to enable the Town Council to be consulted on the following matters in so far as they affect the Town Council area:

- Arrangements and changes for waste collection and recycling
- Highway and footway maintenance which impacts on local residents, such as tree pruning and the timing of any road works,
- Proposals to divert, modify or extinguish public rights of way, or to change the status of routes,
- Proposals for permanent traffic calming or other significant local traffic safety schemes,
- Proposals for highway improvements,

- Procedures for the determination of planning applications,
- Changes to Youth Service provision,
- Changes to Education provision, and
- Changes to Community Centre support.

4.9 When appropriate, consultation with other bodies that deliver services in the Town Council locality, e.g. Police, etc may be achieved through local liaison meetings involving the City Council and the Town Council.

4.10. The Town Council will involve the City Council in the preparation of:

- Town Plans,
- Area Design Statements,
- Community Action Plans, and
- Community events.

For the purposes of this paragraph only, the Town Council will liase initially with the relevant designated Area Regeneration Officer.

5. EMERGENCY PLANNING

5.1 The Town Council will undertake to co-operate with the City Council's Emergency Planning procedures.

5.2 The appropriate Emergency Planning Officer will write to the Town Council as and when considered appropriate seeking updated information for inclusion in the emergency planning arrangements and the Town Council Emergency database.

5.3 The appropriate Emergency Planning Officer is available to talk about emergency planning arrangements within the area and can undertake specific areas of training as required.

6. DISSEMINATION OF URGENT INFORMATION

6.1 The Town Council will undertake, where practicable, to support the City Council with any necessary dissemination to residents of the communities of urgent information from the City Council, for example, last minute cancellation of refuse collection or emergency planning warnings.

7. INFORMATION AND COMPLAINTS

7.1 When the City Council consults the Town Council, it will provide it with sufficient information to enable it to reach an informed view on the matter, and give it adequate time to respond in accordance with the statutory requirements where applicable.

7.2 The City Council will communicate with the Town Council and others in the local communities by publishing *Sunrise* or any other appropriate publication decided upon by the City Council regularly and making it available to the local communities. It will also keep the Town Council informed by sending them copies of any other newsletters relevant to their local communities. In accordance with paragraph 4.3 this will be undertaken electronically wherever appropriate.

7.3 The Town Council will send the City Council through the relevant Area Regeneration Officer a copy of any newsletter published by them. The City Council may consider promoting Town Council initiatives in their newsletters and web sites.

7.4 The City Council will on request supply in an appropriate format, free of charge, or provide advice on how to otherwise access, the following information:

- Their financial report and statement of accounts,
- The list of dates of meetings of their Council, committees and sub-committees,
- Their statutory development plans,
- Annual reports,
- The Strategic Plan for Sunderland City Council and Local Community Strategies, and
- Details of the internal organisational structure.

7.5 On request, the City Council will, where it considers it practicable and appropriate to do so, also provide the Town Council with the following (in so far as it relates to the Town Council area) free of charge, in an appropriate format, or provide advice on how to otherwise access, the following:

- Parents information booklets, detailing schools in the area,
- Information from surveys and censuses,
- Proposals for highway improvement, and
- Electoral roll for the Town Council Area.

7.6 The City Council website will contains details of the Town Council. The Town Council agree to inform the City Council of any change of details.

7.7 The City Council and the Town Council will acknowledge letters sent by the other party, and both will provide substantive answers to letters which need a reply in accordance with the provisions of the City Council's policy for responding to correspondence to Members. This provides that an acknowledgement will be made within 5 working days and a substantive reply within 10 working days or if the matter is complex, within 15 working days, but if a full reply cannot be given in that time, that initial reply will indicate the reason why and when a full reply can be expected.

7.8 This Charter should ensure smooth and effective communication between the Town Council and the City Council. However, if the Town Council is dissatisfied any complaints would in the first instance be handled by the City Solicitor, in consultation with the relevant Executive portfolio holder. If the matter could not be resolved at this level, or raised issues of wider concern, then it could be referred to the City Council's Standards Committee (for issues relating to ethical framework) or the Coalfield Area Committee (for any other matters). The corporate complaints procedure would still be available for individual casework.

7.9 The Town Council undertake to have in place a complaints procedure to address complaints which concern the administration and procedures of the Town Council. This is required because the Town Council, unlike the City Council, is not subject to the jurisdiction of the Local Government Ombudsman. However, in the event of a complaint about the behaviour of a Town Councillor, which involves an alleged breach of the Town Council Code of Conduct, there is recourse to the Standards Board for England.

8. STANDARDS COMMITTEE

8.1 Both the City Council and the Town Council have adopted codes of conduct, based on the national model code of conduct. The Town Council will work with the City Council's Standards Committee to promote and maintain high standards of conduct. The Standards Committee comprises 5 City Councillors, 3 independent members and 2 member of the Town Council (nominated by the Town Council).

8.2 The City Council's Monitoring Officer is also the Monitoring Officer for the Town Council and will provide support, where appropriate, to the Town Council with regard to the ethical framework for the governance of the Town Council.

9. DELEGATING RESPONSIBILITY FOR SERVICE PROVISION

9.1 If the Town Council wishes to discharge functions on behalf of the City Council, the City Council will consider this where it provides best value (taking account of cost, quality, local preferences and practicability). Where it is not good value or practicable the City Council will, in consultation with the Town Council, explore alternative solutions to encourage more local-level input into service delivery.

10. FINANCIAL ARRANGEMENTS AND CONCURRENT FUNCTIONS

10.1 Under the Local Government Finance Act 1992 ("the 1992 Act"), the Town Council has the discretion to issue a precept to the City Council. A precept must state, as the amount payable by the City Council for the year, the amount which has been calculated by the Town Council under section 50 of the 1992 Act as its budget requirement for the year. A precept has to be issued before 1st March in the financial year preceding that for which it is issued.

10.2 There are certain functions (called "concurrent functions") which may be carried out by both the City Council and the Town Council. A list of the main concurrent functions is set out in Annex A of the *Guidance Note on Financial Arrangements with Parish and Town Councils* ("the Guidance Note") appended to *The Quality and Parish Town Council Scheme* issued by the ODPM (June 2003). These concurrent functions may be carried out by the Town Council either because they have power to carry out the functions themselves or because the City Council has agreed they can be carried out on its behalf by the Town Council. Where concurrent functions are exercised by both the City Council and the Town Council it is recognised that there is a risk of double taxation, that is to say the resident of a parish area being required to pay for a service through the parish precept and also paying for the same service elsewhere in the City through the City Council's council tax. The City Council and the Town Council agree to work together to ensure that as far as possible financial arrangements are in place to avoid double taxation and to this end the councils will have regard to the principles and good practice guidance contained in the Guidance Note.

10.3. Where any agreement is reached for the Town Council to take on the provision of certain services on behalf of the City Council, the level of funding will also be agreed by the City Council and the Town Council.

11. LOCAL COMMUNITY LIFE

11.1 The City Council has in place the Sunderland Strategy which is the city's sustainable community strategy setting out what the people who live, work and study in the city today would like to see by 2025. The Strategy is to be delivered by the Sunderland Partnership which is the city's Local Strategic Partnership. It brings together the public, private, community and voluntary sectors to work together to achieve success, encourage improvement, and tackle and overcome problems for the benefit of all citizens now and in the future. In addition, through its Area Committees, the Council provides financial assistance to smaller community groups and organisations.

11.2 The Town Council have powers under section 137 of the Local Government Act 1972 to make grants to community and voluntary groups within their parishes. It is recognised that these grants, which are subject to certain criteria, are valuable to community life, assisting for instance local Community Associations and Youth Groups.

11.3 Citizen engagement will be a high priority matter for the Town Council. Information derived by whatever process will be shared with the City Council.

12. PRACTICAL SUPPORT

12.1 On request the City Council will, where practical and if resources permit, offer the Town Council access to its support services, to enable them to take advantage of such services, at a mutually agreed fee, such services including:

- Legal matters,
- Committee and procedural arrangements,
- Arboricultural services,
- Property management, acquisition and disposal,
- Catering services,
- Servicing equipment,
- Printing and purchasing,
- Human resources,
- Information technology and telecommunications, including systems development and PC support,
- Advice leaflets on consumer matters,
- Administration of members' allowance where these are taxable, and
- Procurement.

12.2 The Town Council will also be able to have access to the City Council's standing lists of approved contractors in order to assist it in the procurement of any goods, works or services.

12.3 In addition, the City Council will where practicable and resources permit be willing to help in the following ways:

- To display information in libraries and council offices,
- To provide information and advice on fire safety matters,
- To provide information and advice on health and safety matters,
- To provide advice on landscape and community enhancement projects,
- To provide training opportunities and facilities for Local Councillors and Clerks, when requested, and
- To process temporary and periodic road closures for community events.

If at all possible, such help will be provided free of charge, or at the most beneficial rates the City Council can allow. In any event, the cost of any necessary statutory advertisements will be borne by the Town Council.

12.4 The City Council will sympathetically consider any request by the Town Council for the shared use or allocation of buildings, facilities and other assets, on terms that are equitable to, and agreed by, both parties following careful consideration of the financial and estate management implications of any proposal.

Part 2 The Quality Town Council

Part 2 applies to the Town Council only in the event of it obtaining a *Quality* Town Council charter mark ("a Quality Town Council")

13.1 In addition to the above, the City Council has agreed to work in the following ways with the Town Council when it has been recognised as having attained *Quality* status.

14. COMMUNITY STRATEGIES

14.1 Where the *Quality* Town Council has prepared a town plan the City Council will take account of its proposals and priorities in developing and implementing the Sunderland Strategy as it affects the local communities concerned. The City Council will seek to strengthen links between the Town Council and the Local Strategic Partnership in order to improve delivery of local priorities.

15. LAND USE AND DEVELOPMENT PLANNING

15.1 Where the *Quality* Town Council has prepared (in consultation with the City Council a town plan which includes proposals concerning land use and development planning issues (e.g. a town/village design statement) the City Council may adopt this as Supplementary Planning Guidance (provided it meets the requirements set out in national planning guidance).

15.2. Where the town plan proposals imply some changes to the current development plan or the future local development framework for their area, the City Council will consider and discuss the proposals with the Town Council as part of its next review of that plan.

16. DELEGATION OF FUNCTIONS AND SERVICE PROVISION

16.1 As part of its Best Value arrangements, the City Council will give the *Quality* Town Council, if it wishes, the opportunity to put forward proposals to take on aspects of the delivery, management and monitoring of services provided by the City Council. On receiving such a request the City Council will have regard to the following matters:

- Best Value considerations including costs, potential double charging of residents, economies of scale, workforce implications and the use of buildings and equipment etc.,
- The capacity of the Town Council to provide the service,
- The provision of a coherent pattern of services that is understandable to the public,
- Transparent and accountable arrangements, and
- Equality and diversity policies and procedures of the City Council.

16.2 If any arrangements are made whereby the Town Council will deliver, manage or monitor services provided by the City Council, a service level agreement incorporating details of the duration of the arrangements and the other conditions that will apply will be entered into in each case.