



North

Yorkshire County Council

Chief Executive's Group

Your ref: Parish Charter

Our ref:

Jonathan Spencer

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FAO Parish Clerks – please circulate to your parish councillors (if you require additional paper copies please let me know and I will post them out)

14th April 2010

Dear Parish/Town Councillor

RE: Proposal to develop a Parish Charter between North Yorkshire County Council, parish/town councils/parish meetings (and district councils): an agreement setting out the respective roles and obligations – VERSION 2

In January I wrote to YLCA member parish/town councils about the proposal to develop a parish charter between North Yorkshire County Council (NYCC), parish councils (and district councils).

Since then I have done the rounds of some of the YLCA branch meetings and some useful feedback has come out of these meetings, including the suggestion to incorporate parish meetings into the charter. Following on from this I have produced a slightly amended draft version, which is being opened up to wider consultation, including non YLCA parish/town council members and parish meetings. Thank you also to individual parish councillors/parish/town councils who have already responded separately.

For those who have yet to respond (including non YLCA members) this is now your opportunity to do so. The closing date is **Thursday 15th July 2010**. Parish/town councils and parish meetings are welcome to either provide a collective response or individual parish councillors can respond separately. To date the overall response rate has been poor and I would like to hear back from as many of you as possible. If those parish/town councils that have already responded to the first draft wish to add any additional comments to the latest version/consultation questions they are very welcome to do so.

I will provide you with an update on progress and the conclusions drawn following the end of the consultation period.

Whilst we will not be looking for every parish/town council/parish meeting to formally put their signature to the charter (logistically this would be a huge task!) – the intention is to treat all the same and the charter sets out what our expectations will be of all. (For legal reasons however parish meetings are not able to take on service delegation set out in the parish charter).

1) What is the purpose of having a parish charter?

The document is a means to an end – the end being improved communications and working relationships between parishes and local authorities. It sets out in one document what parishes can expect from NYCC and what NYCC should be able to expect in return. Yes it is true that a number of the statements relate to things that we do already but it's currently not written down in an easily accessible document. By way of added value the charter also provides a list of practical offers that NYCC could provide. It also sets out arrangements for parish/town councils to have a greater influencing role in the county's community planning processes via Parish Plans.

If a parish charter is well drafted and there is something in it for every parish, small and large and both parties follow up on commitments it can be a very worthwhile document to have. However if we are going to achieve this I need your views as to what you would like to see included in order to make the document meaningful. The attached draft is not meant to be a fait accompli and we have yet to take a view as to whether we would want to follow the format of the DEFRA Model Parish Charter of having one section applying to all parish/town councils and another applying to parish/town councils with Quality status.

It was clear from some of the YLCA branch meetings that there was a perception that the parish charter was primarily an instrument for the County Council to delegate services. This is not the case! Service delegation is only one aspect of a parish charter and we appreciate that parish councils may not want to, or have the capacity to, undertake service delegation. Service delegation is a choice issue. Also we could only delegate a service and provide the necessary funding to a parish council to carry out the service on our behalf if the parish/town council could deliver the service at the present standard or above. Under our 'best value' duty the service would also need to be delivered at no additional cost when compared with the current service provision. The impression that I gained from the YLCA branch meetings is that there's no appetite for parish/town councils to take on service delegation other than those that are already doing so. We are keen to hear your views on the delegation of services - but the main thing is that the charter has something in it for all.

Some district councils have already developed parish charters with parishes or are proposing to do so. Where this is the case we propose to join up with district councils and incorporate our parish charters into one document. For those areas where the district council has no such plans etc. we will produce a stand alone document.

2) Information and access points

An area outlined in the parish charter is the hosting of information and access points. This proposal may be of particular interest to parish councils in rural areas. We would not be able to provide any funding for this but could provide officer time. This is an outline idea at this stage but broadly how we would see this working is that we would

help train up your parish clerk or parish councillor to learn more about how our services operate/key contacts etc. so that the trained person could become the local 'signposting' expert for their community – in other words they would be able to act as an informal link between residents and local authority. We recognise that not all members of the public, especially those who are vulnerable (e.g. the elderly and disabled) may not be able to contact ourselves direct. This winter's bad weather shows that when it comes to the crunch most communities in general do still pull together and help each other out but there is always the risk that this is not the case. Not all areas have strong informal networks and in those instances the vulnerable can loose out.

3) Consultation questions

A revised list of **consultation questions** is provided at the end of the document (page 4) to reflect the latest discussions. Feel free to add additional comments though.

4) Newsletter

As part of improving our communications with parish councils, we are also aware that news and updates from across NYCC are currently provided in a number of different ways, and we'd like to improve this by using our website to communicate with you. We're proposing the launch of an online newsletter for each district that will provide news and updates relevant to your local area. One of the consultation questions on page 4 relates to the proposed newsletter.

For Parish Clerks - this would be a good opportunity to get email addresses for the parish councils, as we have very few included on the website. Is this possible? It would really help if we do go down the online newsletter route. Our policy generally is to move towards electronic communications but provide parishes with paper copies of documents on request.

I look forward to hearing from you.

Yours faithfully



Jonathan Spencer
Senior Policy and Partnerships Officer

CONSULTATION QUESTIONS

- 1) Do you see the merit in having a parish charter?/If you do not why not?**

- 2) Do you think the DEFRA Model Charter provides the right format for producing a parish charter?**

- 3) Should other sections be included?/How can we ensure that there is something in the document for small, medium and large parish/town councils/and parish meetings?**

- 4) Are there other areas of practical support, others than those outlined, that parish councils' feel that we could provide?**

- 5) Do you see the demarcation between parish/town councils with Quality accreditation and those without Quality accreditation as being appropriate?**

- 6) Would the opportunity for taking on greater service delegation encourage non Quality status parish/town councils to apply for accreditation?**

- 7) Would parish/town councils be interested in taking on the service areas listed in Appendix 1/Are there other NYCC services which parish/town councils might be interested in taking on?**

- 8) Would parish/town councils be interested in hosting an information and access point for NYCC services?**

The following questions relates to the proposed newsletter

- 1) Do you think that an online newsletter would be useful?**

- 2) What sort of information would you like to see in the newsletter?**

- 3) Would you prefer to receive an email update directing you to the online newsletter rather than a printed copy?**

- 4) How often would you like to receive newsletter updates?**

FINALISED DRAFT VERSION: CONSULTATION DRAFT BASED UPON
DEFRA MODEL PARISH CHARTER

PART 1: All parish and town councils and parish meetings*
(*unless otherwise stated)

(i) Sustainability

Suggested statement to include if based upon DEFRA Model Charter:

- We (North Yorkshire County Council) will work in partnership with you (parish and town councils/parish meetings) in our area to promote sustainable social, economic and environmental development for the benefit of local communities.

(ii) Community strategies and local strategic partnerships

Suggested statements to include if based upon DEFRA Model Charter:

- We recognise that as democratically accountable bodies, you are the grass-roots level of local government and that by working with you and through the community strategy and community planning processes, you try to act in partnership with local communities, whilst addressing the wider needs of the district and the county. In turn, you recognise the strategic role of the principal authorities (North Yorkshire County Council and the local district council) and the equitable distribution of services that they have to achieve.
- We will involve parish and town councils in the processes of preparing and implementing the Sustainable Community Strategy for North Yorkshire. We will consult and involve parish/town councils and will make an ongoing commitment to existing processes accordingly about the content and direction of the Sustainable Community Strategy for North Yorkshire as it affects the local communities you represent.

(iii) Local governance

Suggested statements to include if based upon DEFRA Model Charter:

- We have established seven Area Committees (one in each district) comprising all the Divisional Members in that district. Parish/town councils will be given the opportunity to have representation on Area Committees, subject to the nominations for appointment of Co-opted Members by County Council Area Committees and agreement by the full County Council.
- Parish/town councils will consider making representatives available for our committee places/working groups as invited by ourselves.
- Our officers and members will be given an opportunity to speak at your meeting on matters of mutual interest.

(iv) Consultation

Suggested statements to include if based upon DEFRA Model Charter:

- We will aim to give you the opportunity to comment before we make a decision affecting the local community. To assist this we will circulate a list of our Area Committee agendas to your parish clerk at the same time as they are sent to our members.
- We will provide and regularly update a dedicated webpage on our website, intended to be a helpful resource for parish clerks and parish councillors to find about more about the County Council.
- We will attend twice-yearly parish liaison meetings in those districts where there is a joint commitment with the district council to implement such arrangements. Our attendance will normally comprise an executive member and senior officer. The purpose of these meetings will be to act as a liaison between parish/town councils, we and the district council on matters of mutual interest and to discuss issues regarding this Charter and its ongoing development.
- You will wherever practicable respond to consultations when approached by us and by the agreed deadlines. For instance you will put in place mechanisms such as delegation to a committee or the convening of extra council meetings to meet the consultation document's deadline.
- You will seek to gather evidence or feedback to assist us in formulating policies or service delivery as and when required, including reporting road defects (e.g. potholes and drainage problems), and reporting to our Trading Standards section on misuse of weight restricted routes by heavy goods vehicles in local towns and parishes.

(v) Information and complaints

Suggested statements to include if based upon DEFRA Model Charter:

- When we consult with you we will provide you with sufficient information to enable you to reach an informed view on the matter and give you adequate time to respond in accordance with the statutory requirements where applicable.
- We will inform parish/town councils and parish meetings of works and schemes which are due to be undertaken in your parish.
- We will provide the opportunity to publicise the work of parish meetings/parish and town councils within NY Times (our newspaper sent to residents in the county).
- We will acknowledge communications sent by you in accordance with our own communications-answering policy. Our policy is to acknowledge communications sent to us within 5 working days of receipt and we will normally provide a full response (if required) within 20 working days. If this is not possible we will contact you to explain why and give you an indication of when you can expect a full reply. When we send a communication to you, you should

send a substantive reply within 28 days unless there are exceptional reasons why this cannot happen.

- If you are dissatisfied with our actions, the response to a request for information, or a failure to consult, you may make a formal complaint through our complaints procedure.
- You will notify our Committee Services section of changes to the names/contact details of your parish clerk and parish chairman so that we can ensure that our contacts database is up-to-date.

(vi) Delegating responsibility for service provision

Suggested statements to include for all parish/town councils if based upon DEFRA Model Charter:

- If parish/town councils wish to discharge functions on our behalf we will consider delegation where it provides best value (taking into account cost, quality, local preferences and practicability).

(vii) Practical support

Suggested statements to include if based upon DEFRA Model Charter:

- We will offer parish/town councils access to some of our services (e.g. printing, purchasing and training), at a mutually agreed price, and joint procurement opportunities. This includes being able to join our street lighting energy contract and street lighting maintenance contract.
- Our Policy and Partnership Unit is able to act as a first point of contact when you are developing or refreshing your parish plan. To help guide you through the process we have produced a Parish Planning Guide: 'Parish Planning: A guide to the support available from North Yorkshire County Council'. Copies can be downloaded from our website. Upon receipt of a parish plan we will consider whether there are areas of a plan where our services could help you locally and also if links could be made with the Sustainable Community Strategy for North Yorkshire.
- Our Economic Development Unit is able to act as a first point of contact for funding opportunities for community-based projects, including providing access to 'Grantnetfinder'.
- Our Emergency Planning Unit can provide you with advice and guidance to develop a Community Resilience Scheme. This will enable you to increase your local community's resilience in the first few hours of an incident such as flooding, before the emergency services reach you.

PART 2 – applies only to Quality accredited parish/town councils

(i) Community Strategies

Suggested statement to include if based upon DEFRA Model Charter:

- Where you have prepared a parish or town plan we will take account of your proposals and priorities in developing and implementing the Sustainable Community Strategy for North Yorkshire as it affects the local area concerned.

(ii) Information and access points

Suggested statement to include:

- If you (or groups of quality accredited parish/town councils) wish to become a local information and/or access point for the County Council we will help you to do so. In particular we will:
 - issue to you (and up-date as necessary) relevant written information and application forms for our services
 - give electronic access to similar information and forms (where it provides these electronically) provided you have the appropriate technology
 - provide you with suitable briefing, training and support (parish clerk or parish/town councillor)

(iii) Delegation of functions

Suggested statements to include if based upon DEFRA Model Charter:

- We have agreed to offer [quality status] parish/town councils or groups of [quality] parish/town councils the opportunity to take on one or more of the functions listed in **Appendix 1**.
- As part of its Best Value arrangements, we will give you the opportunity to put forward proposals to take on aspects of the delivering, management and monitoring of services that we provide.

Functions

The types of services that some County Councils delegate are listed below.

- Some road safety measures
- Maintenance of highway verges [siding of verges and footways]
- Gritting – isolated hand salting of treatment routes
- Grass cutting and weed spraying
- Provision of sandbags
- Drainage maintenance (e.g. clearing of gully tops, drainage grips: channels through raised grass verges to allow drainage on to adjacent land)