

DRAFT Canterbury District Parish Charter - 13 June 2022

Foreword

Foreword from Ben and Robin to be added.

Core Commitments

The aim of the Parish Charter is underpinned by the following Core Commitments.

Together we will:

- ❖ work together to promote local economic, social, and environmental well- being.
- ❖ value the roles, responsibilities, and opinions of our respective councils and be aware at all times that we have a common purpose to serve the public of the Canterbury District and that we serve the same residents.
- ❖ respect the democratic mandates of all our individual councils within their legal and service remits, recognising that the Council and Parish Councils exist as separate bodies and have separate tax raising powers.
- ❖ work together to address the significant challenges facing our area. As resources continue to tighten, we will collaborate in supporting communities to do more for their local areas and make the best use of new ways of working, with greater emphasis on the use of digital technology as staffing resources reduce.
- ❖ work together to try and answer residents' queries at the first point of contact, signposting as necessary, regardless of whether the query is to a Parish or to the Council.
- ❖ form a positive working relationship between the ward councillor and the parish councils within the area they represent

Introduction

The Charter has one simple aim - to provide a framework for Canterbury City Council and Parish Councils to work together to serve the people living in the rural areas of Canterbury. We have a common purpose to promote the wellbeing of Canterbury, and we serve the same residents. This is the foundation of our Charter.

The Charter sets out how we will achieve this, by:

- Working closely with each other and with the Canterbury Area Committee of the Kent Association of Local Councils (**KALC CAC**)
- Maintaining high ethical standards, respecting, and valuing each other
- Being good partners and continuously strengthening relationships
- Providing practical support and helping each other out
- Being clear on who does what

This document highlights some of the key statutory requirements that Canterbury City Council and the parish councils are required to fulfil which impact on their relationship with each other. It also summarises the additional actions both parties agree to.

1. Communication and Information Sharing

	Canterbury City Council will:
1	<p>Hold a publicly accessible, up-to-date list of parish clerks and links to parish web pages on the city council's website and to ensure that all of their staff use that information for contact purposes themselves. www.canterbury.gov.uk</p> <p>Provide parishes with an A-Z of services with senior management contact details, so they are clear who is responsible for each function and can escalate problems to the right person.</p> <p>Make available a named lead officer and lead councillor for parish councils to contact. Ensure that the parish clerk is the key contact for all communications with a Parish Council.</p> <p>Provide up to date information about city councillors, the governance structure and membership of committees at least once every three months.</p> <p>Familiarise their key staff on the role, responsibilities, and functions of the Parish tier.</p> <p>Invite parish councils, through the KALC local association chair, to add items to the Parish Engagement meeting agendas where of interest.</p> <p>Publish a Forward Plan of upcoming cabinet decisions which will be publicly accessible.</p> <p>Provide a subscription service for all news releases [link here], minutes and agendas of committee meetings [link here] and make sure parish clerks are aware of this facility and how to use it, including how to refine their alerts.</p>
	Parish Councils will:
1	Ensure that the main contact for each parish council is the parish clerk, who is responsible for onward dissemination of information
2	Promptly inform the council of any changes to parish clerk contact details and links to parish web pages. Notifications should be sent to electoral.services@canterbury.gov.uk .

2. Consultation

	Canterbury City Council will:
1	Involve parish councils in the setting of our long-term corporate strategies and other priorities via consultation.
2	Where possible, provide a minimum of 6 weeks for consultation on any district wide or specific issues that affect parishes - other than in cases where the council is bound by other statutory requirements (eg planning applications). We will provide a rationale to Parish Councils where shorter timescales are required.
3	Ensure individual and joint parish council representations are treated as key stakeholder responses and identified separately in consultation analysis and planning committee reports.
4	Take parish council representations into account when making decisions
5	We will notify the parish clerk of all new relevant consultation exercises published on our website at the time of publication.

	Parish Councils will:
1	Respond to all relevant consultations, within the agreed timescale. Where circumstances do not allow a Parish to respond collectively within the consultation period specified they may wish to consider the use of delegated powers granted under S101 of the Local Government Act 1972 to enable the parish clerk to send a response on behalf of the parish council.
2	Where possible, use electronic forms of communication to respond to consultations, and use the consultation portal when responding to Local Plan issues
3	Parish clerks can subscribe to council agenda updates on the council's website if they wish to be notified about committee reports published following consultation.
4	Work with the Council to seek mutually acceptable solutions to contentious issues up to the point where a decision is taken.

3. Service Delivery

CCC has a statutory responsibility to:

- Provide information and advice on the Community Right to Bid and Community Right to Challenge powers
- Process applications for the designation of Assets of Community Value within the legal and policy framework

	Both councils will:
1	Ensure that any new service devolved will have clear and agreed Terms and Conditions, including any financial arrangements. Where no conditions are specified, the parish council has discretion to manage the service as they see fit.
2	We recognise a shared interest in support for local community facilities.
3	Activate emergency plans when required to ensure that the most vulnerable in our community are protected

4. Democracy and community leadership

CCC has a statutory responsibility to:

- Hold formal cabinet and committee meetings in public unless matters are exempt from publication or confidential, as defined in law.
- Provide administrative support for parish council elections, polls and locally raised referendums. Elections and local polls will be charged by the council using the Kent scale of fees as agreed each year
- Collate, publish and promptly update the Register of Disclosable Pecuniary Interests for councillors on behalf of the parish councils.
- Deal with complaints about parish councillor conduct via the Monitoring Officer and Independent Person, referring to Standards Committee as appropriate

Both have a statutory responsibility to:

- Adhere to their adopted Code of Conduct for Members.

In addition

	Canterbury City Council will:
1	Liaise with KALC CAC to appoint three non-voting parish council representatives to its Standards Committee and a co-opted non-voting representative to the Canterbury Joint Transportation Board.
2	Provide training and advice to co-opted parish council members of Standards Committee.
3	Advise parishes on changes to the Code of Conduct and provide training from time to time.
4	Expect that city councillors will form a working relationship with their Parish Councils. City councillors will be encouraged to attend parish council meetings regularly or provide a written report.
5	Hold parish council engagement meetings - with a minimum of two pre-arranged meetings held each year at six-monthly intervals. In addition, meetings will be convened to engage parish councils in council consultation according to the decision-making timetables. ToRs are appended to the Charter.
6	Send a representative to KALC meetings if possible when invited.
7	We will publish parish councillor Declaration of Interest forms on the council's website.
8	Advise parish councils whether an election has been requested, and if an election isn't called, will confirm that the parish council may co-opt.
9	Assist parish clerks in keeping DPI's up to date on CCC's website.
	Parish councils will:
1	Nominate three Parish Councillors (who are not also city councillors) to sit on the Council's Standards Committee, facilitated by KALC CAC, and ensure that at least one is present when a decision relating to parishes is made, even though they have no voting rights, but can speak at Standards Committee.
2	Form and forge a working relationship with their ward councillor(s)
3	Send city councillors papers for parish council meetings in advance.
4	Promptly update the council about changes to the DPI register.
5	Attend parish council engagement meetings whenever possible
6	Encourage local people to stand as parish councillors
7	Notify electoral services when a vacancy arises in membership of their parish council, and will advertise the vacancy using the notice provided by electoral services.
8	Notify electoral services when a new member has been co-opted and will arrange for a DPI to be completed.
	Both will:
1	Champion local democracy and encourage local residents to participate fully in the local democratic process
2	Work with the city council's Monitoring Officer to promote and maintain high standards of conduct

5. Finance/funding

	Canterbury City Council will:
1	Consult with parish councils about any budget changes which may have a direct impact on them.
2	Ensure that parish councils are notified of any proposed changes that may affect their budget setting processes no later than the third week of October.
3	Transfer the 'Neighbourhood Portion' of CIL receipts to the relevant parish. Where a CIL chargeable development is within a parish council, CCC will pass the agreed percentage of CIL receipts from the development to the parish council. We will transfer the portions twice yearly.
	Parish Councils will:
1	Return any financial information within the set timescales, to allow the council to adhere to its statutory requirements.
2	Provide evidence of expenditure relating to any grants or reimbursements received from the city council, including Concurrent Functions Funding.

In addition

	Canterbury City Council will:
1	Administer any sums payable under Concurrent Functions funding and the Parish Capital Grants scheme.
	Parish councils will:
1	Submit returns to inform CFF awards
2	Submit bids for capital grants that support the scheme objectives

6. Planning

CCC has a statutory requirement to:

- Inform parish councils about, and ensure they have sight of, relevant planning applications and allow the statutory 21 day response period for comments. Note submissions made by parish councils (as statutory bodies).
- Ensure that parish councils have every opportunity to engage in the development of the local plan *as set out in the Statement of Community Involvement (SoCI)*.

In addition:

	Canterbury City Council will:
1	Ensure Parishes can access the online planning application information and alert system.
2	Notify Parishes about all planning applications (including revised plans where relevant) in accordance with statutory procedures and inform the Parish which Planning Officer is handling the application using the online application system.
3	Consider comments and concerns about applications that have an impact on a specific parish or group of parishes in line with the Code of Practice.
4	Expect city ward councillors to engage with the parish council on planning matters, including the possible use of call-in powers. Ward Councillors also may meet planning

	officers about a scheme and can advise and engage on this basis at parish meetings or invite parish representatives to attend meetings when appropriate.
5	Maintain specific speaking rights for parishes at Planning Committee. Limits on numbers of speakers on an application do not apply to parishes.
6	Support communities undertaking neighbourhood planning. This will include sharing information, providing guidance and making arrangements for any examination and referendum.
7	Transfer the 'Neighbourhood Portion' of CIL receipts to the relevant parish in accordance with the funding formula described in the Finance section.
8	Provide occasional briefing sessions to Parish Councils on planning matters
9	We will encourage the developers to engage with Parish Councils at the earliest stage and remind them of the benefits of engaging with the local community in shaping their proposals as it is likely to make the planning application run more smoothly and enable parish councils to actively influence concept plans.
10	Invite representatives of the Parish Council, along with the local Ward Councillors to attend and participate in Canterbury Design Panel review meetings for new developments within their parishes.
11	Ensure that where the Planning Committee defers a matter for a site visit, that the visit is open for any member of the public to attend, including Parish Council representatives. Public access to private property is subject to the land owner's permission. Those who have registered to speak will be notified.
12	Engage with Parish Councils in relation to s106 agreements and encourage Parish Councils to engage with developers at the earliest possible stage before sites are allocated in the Local Plan to facilitate community infrastructure that can reasonably be secured through s106 agreements.
13	Encourage applicants to conduct early engagement with the relevant Parish Council on small scale proposals at the pre-application stage, to enable informed comments to be received and improve the chances of the application potentially being supported.
14	Ensure individual and joint parish council representations are treated as key stakeholder responses and identified separately in consultation analysis.
	Parish councils will:
1	Publish a yearly report on how they have spent the Neighbourhood Portion of CIL money in accordance with the statutory requirements.
2	Sign up to the online planning application and alert system if the Parish Council wishes to receive notification of any new documents or comments lodged against that particular application.
3	Encourage, through their Clerks, to liaise with planning officers to discuss planning applications so that the Parish Council is aware of the planning issues and can make more informed comments.
4	Respond to all consultations in relation to Local Development Frameworks within the Planning Authority's deadlines.

5	Respond to all notifications on planning applications within the Planning Authority's deadlines.
6	Work with the Ward Councillor so that they are well briefed in advance of a site visits
7	In relation to community planning - consider producing a Parish Plan and/or Neighbourhood plan for their Parish.
8	Actively engage with developers at a very early stage of development in order to influence design principles and concept plans.

7. Monitoring and review

	Both councils will:
1	Review the parish charter at four year intervals within the first year of a new political administration. Complaints will be handled in accordance with the council's complaints procedure.
2	Review individual elements where there is consensus that a Charter commitment needs to be changed because it is out of step with current practice. The matter will be raised initially with the lead officers of the City Council and KALC. Delegated authority to make minor changes will be sought at the time of approval.
3	Grant themselves delegated powers to make minor amendments to the Charter to deal with factual matters or legislative changes, by mutual agreement.

In addition:

	CCC will:
1	Draw matters to the attention of the Parish Council Chair if the City Council feels a Parish Council or Councillor is not acting in the spirit of the Charter. If a matter cannot be resolved then the City Council will draw matters to the attention of the Chair of the Local Association of KALC
	Parish Councils will:
1	Draw matters to the attention of the officer or their line manager (guided by the A-Z of services) where a Parish Council feels that officer/s are not acting within the spirit of the Charter. More serious matters may also be referred to the Lead Officer.
2	Draw matters to the attention of the relevant political group leader where a Parish Council feels an individual councillor is not acting within the spirit of the Charter.
3	Draw matters to the attention of the Leader and Lead Officer if three or more Parish Councils collectively feel the City Council is not acting within the spirit of the Charter.

Parish Engagement Meeting

Terms of Reference

1. Purpose

To provide an informal environment for discussion between the city council and parish councils on matters of mutual interest

2. Membership

CCC rural ward councillors, supported by the nominated lead director and head of service. Other officers will attend as necessary

Parish Council chair and clerk, or their nominees

The meeting will be chaired by the nominated lead councillor, supported by the lead officer.

3. Roles and responsibilities

- To work collaboratively with all parish councils on issues of mutual interest
- To build effective direct working relationships between the city council and parish councils
- To act as a consultative stakeholder group on council topics affecting rural areas
- To monitor the effectiveness of the parish charter

4. Meetings - frequency/duration

There will be a minimum of two pre-arranged meetings held each year at six-monthly intervals. In addition, meetings will be convened to engage parish councils in council consultation according to the decision-making timetables.

Meetings may be physical or virtual depending on the agenda.

This is not a public meeting. Attendance is by invitation only.

Meetings will be held at 4pm or 7pm where possible but may vary according to availability.

In addition, we will aim to hold one meeting per year as a Q&A session with cabinet members.

5. Business management

Agendas will be agreed by the CCC lead councillor, lead officer and the chair of KALC.

Parish Council representatives are encouraged to suggest agenda items for meetings. Parish councils can do this directly by contacting: tricia_marshall@canterbury.gov.uk, or barbara.flack@councillor.canterbury.gov.uk, or via KALC, or through their ward councillor.

Parish councils and KALC are also welcome to informally raise discussion points with the lead councillor or lead officer so that they can be addressed at the earliest opportunity.

Matters will be added to the agenda of the next scheduled meeting where they are of interest to multiple parish councils and it is not possible to resolve matters directly, or informally.

Meeting dates will be arranged by the CCC democratic services team and notes taken by the Director's PA and circulated following the meeting.

Meeting dates for consultation led items will be scheduled to fit with the consultation timetable

Agendas and supporting documents will be circulated at least a week prior to the meeting.

Last update 13 June 2022