

Durham Local Councils Charter

Background

The County of Durham is a unitary authority area, with a secondary tier of town and parish councils (known as local councils) which serve their communities at a very local level, funded through precepts and governed by locally elected representatives. Both tiers of local democracy in the county work to the principle that the public resource for which they are accountable should be used to help enhance the quality of life for the people and communities that they serve. By working closely together with other community and voluntary groups they provide a powerful mechanism for engaging with local people and delivering service improvements.

Following Local Government re-organisation in 2009, a Local Councils Charter was developed to support the relationship between the 106 local councils in the county and the new Durham County Council.

The Charter outlined the ways in which the two tiers would work together effectively to strengthen communities and improve people's lives. Whilst the new authority was reformed and developed, the charter offered a model for partnership working which was appropriate for its time.

Review

A review of the Charter has been undertaken and three guiding principles have emerged that guide the working relationship between Durham County Council and the local councils. These new principles are based on **Communication**, **Co-operation** and **Consultation** and strengthen the partnership working to address the changing landscape in which the public sector operates, including the significant reduction in public sector funding and resources.

The Charter is founded on mutual respect of all member councils and between the two tiers of local government as democratically accountable bodies. By working together Durham County Council and local councils aim to strengthen our special relationship in order to act in partnership for the benefit of our local communities.

The Charter and its principles will be disseminated throughout member councils as the basis for working together to achieve greater efficiencies and better outcomes for our local communities.

Structures

To support the Charter, there are three key ways in which the two tiers engage and interact with each other. The current partnership working arrangements are:

Local Councils Working Group

In 2012, a new working group was formed to enhance and support the working relationship between DCC and local councils for the benefit of the community. The group, made up of a select number of Elected Members and Senior Officers from both tiers, focusses on the development of a shared understanding of the needs of local communities and how those can be addressed through future ways of working together. The group enhances the relationship between the two tiers, Council Service Groupings, Partners and the County Durham Partnership (CDP) thematic groups whilst ensuring a strong voice on the CDP.

The Working Group provides an opportunity to build on the positive partnership working that exists and identify further opportunities for the future. It is also an opportunity to shape positive future relationships across the wider Partnership.

AAP Boards and Forums

The County Durham Association of Local Councils (CDALC) is involved in the CDP through the Forum meetings which take place three times a year and involve the CDP Board as well as representatives from all 14 Area Action Partnerships (AAPs). Local Councils have places on the 13 Area Action Partnership Boards who are parished and, in order to encourage AAP involvement, CDALC has established Local Area Forums in some areas that are co-terminus with AAPs.

CDALC

Officers from DCC's Partnerships and Community Engagement Service Grouping work with CDALC through the Executive Officer with this relationship acting as a conduit, both into DCC Service Groupings and into local councils. This covers a range of enquiries and issues including neighbourhood services, local democracy, consultation and engagement and communications.

Key Principles

1. Communication

- 1.1 Seek to ensure continued appropriate and effective representation for the dissemination of information from the range of partnership meetings including the Local Councils Working Group; the County Durham Partnership Forum and the Area Action Partnerships. The Local Councils Working Group will be attended by representatives from CDALC's Larger Local Councils Forum and the Smaller and Medium Councils Forum to ensure effective communication with the wider local councils who feed into these groups.
- 1.2 Minutes of meetings of the County Durham Partnership will be made available to meetings of the County Durham Association of Local Councils (CDALC) Executive on request. In addition regular meetings between representatives of both tiers and senior Partnership officers will support effective liaison at the Countywide level.
- 1.3 Town and Parish council representation on Area Action Partnerships (AAPs) should be safeguarded by means of having a minimum of one of the Elected Member Board positions where they exist in an AAP area. (Where an AAP has more than six Unitary Councillors they would have one position, but where there are less, they would make up the remaining places).
- 1.4 Effective local information sharing will also be supported by the relationships between AAPs and the co-terminus CDALC area forums, which will involve the elected members of that area. Information from the Local Councils Working Group will be shared with these forums.
- 1.5 Provide dates of meetings of CDALC and copies of agendas and minutes on request to a nominated officer within Durham County Council.

2. Co-operation

The principle of co-operation is to maximise a joint approach of local councils and the County Council working together for the benefit of local people. Principles of co-operation will include:

- 2.1 Ensure a joint approach working to shared principles as set out in the County Vision.
- 2.2 In developing Neighbourhood and Parish Plans, have regard to the broader County Durham Partnership principles and priorities set out in the Vision and relevant AAP Area Plans, so as to support and add value to the themes and outcomes which have been identified.
- 2.3 Ensure that unitary councillors maintain links to local councils and parish meetings within their area through regular contact and by providing regular information on the activities of Durham County Council.
- 2.4 Encourage local councils to develop innovative local projects and support them to develop Neighbourhood and Parish Plans and pilot new ideas.
- 2.5 Both tiers will work in partnership to support and develop appropriate local community projects. This includes use of the Durham Ask, which offers opportunities for local people, including local councils to take on services and buildings valuable to their community.
- 2.6 Both tiers will work together to seek the views of residents on matters of mutual interest.

3. Consultation

- 3.1 Develop joint approaches, where appropriate, to consulting with the public and partners.
- 3.2 Involve CDALC in appropriate discussions and consultation relevant to the local councils tier, recognising the strategic consultative role of CDALC and its committees. In turn town and parish council will endeavour to take part in consultations and respond within the given period.
- 3.3 Involve Durham County Council in the preparation of Town or Parish Plans or Village Design statements, or in the development of any relevant local initiatives where Durham County Council may have an interest
- 3.4 Allow a minimum of six weeks for responses or explain if not able to do so, and be prepared to negotiate appropriate timescales with local councils where there is the flexibility to do so.
- 3.5 Support local councils in their role as statutory consultees in all planning matters. Appendix 1 refers.

Appendix 1

Planning Protocol

Statement of Community Involvement

1. The role of local councils is embodied in the Council's Statement of Community Involvement (SCI). This document sets out how local councils will be consulted on planning documents and planning applications. The SCI also reflects the need for developers undertaking pre-application community consultation to ensure local councils are fully involved as key stakeholders. It also sets out how local councils can become actively involved in plan-making. A new Local Plan for the county is currently being prepared, known as the County Durham Plan. This includes a vision, strategic objectives and a delivery strategy which will set out how much development is intended, where, when and how. The timetable for the production of this and other planning documents are set out in the Local Development Scheme.

Neighbourhood Planning

2. In relation to any neighbourhood planning activity being considered or undertaken by local councils, the SCI sets out in detail the support that they can seek from the County Council. A local council will be expected to enter into a Memorandum of Understanding with the council when deciding to access this support. The County Council will host the Submission consultation as well as meeting the costs of holding the necessary independent examination and referendum for the neighbourhood plan or order.

Consultation

3. Local councils will function as statutory consultees in all planning matters.
4. The County Council will consult local councils at all stages in the preparation of planning policy, both at a strategic and locality level, and positively encourage and engage such councils in helping to shape and guide development and environmental protection policies.
5. The County Council will formally consult all local councils on all planning applications. The Development Management function of the new authority will notify all councils promptly upon receipt of all planning applications inviting comments within 21 days. Such notification will provide a link through to the Authorities Public Access Website providing details of the application. Paper copies will be provided upon request. For applications of a large or potentially contentious nature, the County Council will encourage developers to consult with town and parish councils at the pre-planning stage.
6. The Council will notify/re-consult if material modifications are made to planning applications, and of decisions made.

Representation

7. Local councils will have formal speaking rights at Planning Committee, designed to reflect the special status of such councils; and when considered appropriate will be granted additional speaking rights over and above the general public / applicants.
8. The scheme of delegation for the new Authority will be tailored to provide the local councils with the right to request applications are sent to Planning Committee for determination. The final decision to report applications to committee will rest with the Council.
9. The Council will, at the discretion of the Head of Planning / Development Management Manager, ensure Officers attend Town and Parish Council meetings upon request, to explain contentious applications (or enforcement issues).

Parish and Town Plans and Proposals

10. The Council will support, when resources are available, local councils in the preparation and production of parish plans where the content is not appropriate to a neighbourhood plan. These documents can then be used as informal planning guidance and will be a material consideration in the determination of planning applications. See also Section 1 of the Charter on the Sustainable Community Strategy and the Local Strategic Partnership. In light of the introduction of the neighbourhood planning process for local councils it is unlikely that Parish Plans will be adopted as Supplementary Planning Documents.

Training

11. The Development Management service will facilitate training sessions for Town and Parish Council members when required to provide them with general knowledge in regard to how the planning system operates and how planning decisions are made.