

MID SUSSEX DISTRICT COUNCIL AND PARISH AND TOWN COUNCIL CHARTER

In conjunction with the Mid Sussex Association of Local Councils

**The Joint Vision: “To develop and foster a partnership that seeks to
deliver outstanding services to the people of Mid Sussex”**

1. The Councils in the area of the Mid Sussex District Council ("MSDC") listed in Schedule 6 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 local discussions designed to ensure sustained improvement in the relationship and to confirm good practice. The Parish and Town Councils in the Mid Sussex District all play a valuable role in local democracy and service provision.
2. The Councils jointly represent all levels of democratic local government, to whose principles they are committed. They are 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. MSDC acknowledges and recognises that Parish and Town Councils are the grass-roots level of local government. By working with them individually and combined, the principal authority aims to act in partnership with local communities, while balancing the needs of the wider community.
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 by mutual agreement and of revitalising local communities. In turn, Parish and Town Councils will recognise the strategic role of MSDC.
5. MSDC recognises the diversity of experience, circumstance, needs and aspirations of the various Parish and Town Councils and of the communities they serve.
6. The Charter will be formally reviewed every four years by MSDC and the Parish and Town Councils as represented by Mid Sussex Association of Local Councils ("MSALC"), with an interim review within two years of adoption.
7. This Charter reflects the continued and improving partnership working in line with Central Government's increased importance attached to partnership working and the development of *QUALITY* status for Parish and Town Councils. This Charter will look to strengthen the relationship and partnership working between the two tiers. The first part of this Charter (Part 1) applies to all Parish and Town Councils. The second part (Part 2) applies to *QUALITY* councils or group of *QUALITY* councils (or those councils, or groups of, that can demonstrate to the satisfaction of MSDC, the same level of competence to the Quality Parish Council standard).

Part 1 All Parish and Town Councils

8 Community Strategies

- 8.1 MSDC will work with Parish and Town Councils in implementing the community strategy and preparing and implementing other initiatives designed to promote or improve sustainable economic, social and environmental well being of the area.
- 8.2 MSDC will consult and ensure the involvement of the Parish and Town Councils in the future development of community strategy where their respective communities might be affected.
- 8.3 Where a Parish or Town Council (or group of Parish or Town Councils) has prepared an area plan, MSDC will take account of its proposals and priorities in developing and implementing the community strategy as it affects the local areas concerned. MSDC will strengthen links between these Parish and Town Councils and the Local Strategic Partnership in order to improve delivery of local priorities.

9 Local Governance (MSDC)

- 9.1 Representatives of the Parish and Town Councils will be invited to participate in all MSDC partnerships and forums where matters relevant to Parish and Town Councils are discussed.
- 9.2 MSDC Cabinet member(s) will meet with properly appointed MSALC working groups or representatives to assist with issues of mutual interest.
- 9.3 MSDC will hold meetings with Parish and Town Councils individually and collectively, as necessary.
- 9.4 MSDC and MSALC will hold an annual conference.
- 9.5 The Local Strategic Partnership will meet quarterly.

10 Local Governance (Parish and Town Councils)

- 10.1 MSDC representatives will be invited to attend meetings with Parish and Town Councils (or groups of Parish and Town Councils) at mutually agreed times to discuss matters of common interest and the representative shall make reasonable efforts to attend.

10.2 Parish and Town Councils will notify their respective MSDC ward members of meetings, and will make copies of their agendas and papers available. They will also supply copies to MSDC officers on request. MSDC members are to be encouraged to attend their respective Parish and Town Council meetings and will be given an opportunity to speak on matters of mutual interest. Parish and Town Councils will also notify MSDC's Democratic Services of the dates of their Annual Meetings.

11 **Consultation**

11.1 Before making a decision that affects the local community MSDC will enter into a consultation process with Parish and Town Councils to afford them the opportunity of commenting. The consultation process is attached at Schedule 4.

11.2 Parish and Town Councils will ensure that their respective MSDC ward member(s) are informed, kept informed, and given the opportunity of commenting before the Parish or Town Council makes any major decision that affects the local community.

11.3 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. This will be achieved through regular meetings, the use of specific service consultative groups and at officer level, individually or through working parties and groups.

12 **Communications**

12.1 In order to ensure that communications are channelled effectively, contact between MSDC and a Parish or Town Council will be focused through the Parish or Town Clerk. Communications to MSDC will normally be through the relevant service or project manager unless otherwise specified.

12.2 MSDC supports the parish liaison function and expects all officers in each department within MSDC to recognise this function.

12.3 MSDC and the Parish and Town Councils will acknowledge letters sent by the other party, and provide substantive answers to letters/emails that warrant a reply.

12.4 A full substantive reply or an acknowledgement will be sent within 10 working days. If an acknowledgement is sent, a full substantive reply will be sent within 28 days unless there are reasons for a longer period, in which case the reason will be given.

13 **Representation**

- 13.1 MSDC recognises that MSALC represents the consensus view of the Parish and Town Councils who are parties to this Charter. The MSALC Conference is an opportunity for all Parish and Town Councils to come together in joint forum with MSDC.

14 **Information**

- 14.1 When MSDC consults Parish and Town 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.
- 14.2 MSDC will communicate with Parish and Town Councils and the local community by whatever means of media as is appropriate at the time.

15 **Compliments**

- 15.1 If MSDC wishes to compliment a Parish or Town Council's actions these should be addressed to the Clerk. If a Parish or Town Council wishes to compliment MSDC's actions these should be addressed to the Head of the appropriate service.

16. **Complaints**

- 16.1 If a Parish or Town Council is dissatisfied with MSDC's actions, its response to a request for information or its failure to consult, it can initiate a formal complaints procedure, incorporating a 2 stage process starting with the Head of Service and progressing to the Deputy Chief Executive. The procedure for dealing with Parish and Town Council complaints is attached as Schedule 5.
- 16.2 If MSDC is dissatisfied with the actions or service provision (where transferred from MSDC) of a Parish or Town Council it shall send a complaint in writing to the clerk of the Council. The clerk must send a response to MSDC within a reasonable time and in any event no later than 30 days after receiving the complaint.

17 **Standards Committee**

- 17.1 MSDC and the Parish and Town Councils have all adopted Codes of Conduct based on the national model Code of Conduct. The Parish and Town Councils will work with MSDC Standards Committee and Standards Sub-Committee to promote and maintain high standards of conduct. MSDC has consulted and agreed the following arrangements with MSALC for the appointment of representative(s) to the Standards Committee and Standards Sub-Committee.

17.2 Parish representatives will be appointed to the Standards Sub-Committee. They will hold office for 2 years and will be appointed following a nomination process by MSALC. All Parish and Town Councils will be invited to nominate representatives for consideration.

17.3 Clerks to the Parish and Town Councils will assist the Monitoring Officer by keeping Declarations of Interest, notifying the Monitoring Officer of changes to those declarations, ensuring that their members sign a Declaration of Acceptance of Office, keeping those forms and sending copies to the Monitoring Officer.

18 Shared Responsibility for Service Provision

18.1 If a Parish or Town Council (or group of Parish and Town Councils) wishes to take on responsibility for service delivery, MSDC will actively encourage this where it is Best Value (taking account of cost, quality, local preferences and practicability). Where it is not Best Value or practicable MSDC will, in consultation with the Parish or Town Council, explore alternative solutions to encourage more local-level input into service delivery.

18.2 MSDC has set out its financial arrangements for Parish and Town Councils at Schedule 1 in accordance with the principles and good practice guidance.

18.3 Where a Parish or Town Council accepts responsibility for the provision of services, the level of funding in each case will be agreed by MSDC and the Parish or Town Council. A non-exhaustive list of possible functions that will be considered for delegation by mutual consent is given at Schedule 2.

19 Funding Community Improvements

19.1 MSDC will promote local input and improved community life by for example, the grants available from the Rural Community Provision and Corporate Grants Schemes and other similar arrangements on a match-funding basis.

20 Information and Help Points

20.1 If a Parish or Town Council (or group of Parish and Town Councils) wishes to become a local information and/or access point for MSDC services, MSDC will help it to do so. In particular it will:

- issue to the Parish or Town 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 Parish or Town Council has appropriate technology.

- provide suitable briefing, training and support to the staff of the Parish or Town Council.
- provide staff for surgeries at Parish or Town Council offices.

21 **Land Use and Development Planning**

- 21.1 Where a Parish or Town Council (or group or Parish and Town Councils) has prepared (in consultation with MSDC) a village or town plan which includes proposals or guidance concerning land use planning issues (e.g. a village design statement), MSDC will adopt the land use planning element as a Supplementary Planning Document, provided the proposals or guidance is consistent with existing national and local planning guidance, policy and legislation, and that the correct procedures have been followed in producing the document.
- 21.2 Where the village or town plan proposals imply some changes to the current development plan for the area, MSDC will consider and discuss the proposals with the Parish or Town Council (or Councils) as part of its next review of that plan.

22. **Practical Support**

- 22.1 Where practical, MSDC will offer Parish and Town Councils access to their own support services to enable them to take advantage of the economies of scale. Schedule 3 list examples of services available.
- 22.2 Where professional services are required on a formal basis, MSDC will consider acting for the Parish and Town Councils on an agreed and costed basis.

Part 2: *QUALITY* Parish and Town Councils

- 23 MSDC supports the *QUALITY* Parish Council initiative and will actively encourage Parish and Town Councils to attain the accreditation.
- 24 As part of its Best Value arrangements, MSDC 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 MSDC.
- 25 In addition to the above, MSDC also agrees to work with those Parish and Town Councils which are recognised as having attained the *QUALITY* standard.

26 **Delegation of Functions and Service Provision:**

- 26.1 MSDC has agreed to offer a *QUALITY* Parish and Town Council, or a group of *QUALITY* Councils (or those Councils, or groups of, that can demonstrate to the satisfaction of the MSDC, the same level of competence to the Quality Parish Council standard) the opportunity to take on one or more of the services and functions listed in Schedule 2, or parts of them in accordance with the practical and financial arrangements set out in Schedule 1.

- 26.2 MSDC acknowledges that the Power of Wellbeing has been introduced and that Town/Parish Council's who have attained this power through adhering to the criteria laid down can use it when necessary, as long it can be demonstrated that it is benefit to the community.

Schedule 1

Financial Arrangements

1. **Government Guidance**

The financial arrangements between MSDC and the Parish and Town Councils will be based on the current government guidance, notably in “strong local leadership – quality public services” (January 2002), the Quality Parish and Town Council scheme (June 2003) and the guidance from Central Government on avoiding double taxation.

2 **Transfer of Service Provision**

Proposals for service transfer fall into the four following categories:

- i. The transfer of a whole service from MSDC to all of the Parish and Town Councils in the District
- ii. The transfer of a whole service from MSDC to one or more, or a cluster of Parish and Town Councils, but NOT to all Parish and Town Councils in the District.
- iii. The transfer of part of a service from MSDC to all Parish and Town Councils in the District.
- iv. The transfer of part of a service from MSDC to one or more, or a cluster of Parish and Town Councils in the District, but NOT to all of Parish and Town Councils.

As a general rule all the components of a service in that particular parish area will be transferred simultaneously.

3. Where it is proposed that the whole service is transferred to all of the Parish and Town Councils, the direct costs will be the responsibility of the operating Councils. It is however recognised that transitional financial support arrangements may be required.
4. Where it is proposed that the whole service is transferred to some of the Parish and Town Councils, but NOT to all, or where there is a proposal to transfer part of the service, the transfer will be financially supported by the relevant direct costs of that service being transferred by a grant, providing this does not have a detrimental effect on service provision across the District.
5. Any contractual implications arising from a transfer will need to be considered fully and resolved before the service is transferred.

6. The financial arrangements for each transfer will be mutually agreed in every case in accordance with paragraph 18.

7. **Principles**

The principle of the service transfer and the associated financial impact will be subject to Member approval at the appropriate level. In any event, a service will only be transferred where MSDC is satisfied that the Parish and/or Town Council(s) can properly and lawfully discharge the service, and where the service transfer is in the interests of the whole community of Mid Sussex.

8. **Double Taxation**

The Councils party to this Charter will make every effort to avoid double taxation, having regard to the government guidance.

Schedule 2

Possible functions which might, by mutual consent, be considered for delegation to *QUALITY* Parish and Town Councils or a group of *QUALITY* Councils (or those Councils, or groups of, that can demonstrate to the satisfaction of the District Council, the same level of competence to the *QUALITY* Parish Council standard)

- Noise and Nuisance Abatement
- Some aspects of Enforcement
- Some aspects of Environmental Health
- Some aspects of Development Control
- Some appointments to External Bodies.

Schedule 3

Provision of Advice and Expertise

MSDC can offer advice and expertise to individual or collective groups of Parish and Town Councils. MSDC can also provide in-house training and development courses where available. Some examples of the support that can be offered are listed below:

- Administration
- Electoral
- Financial
- Legal
- Information Technology
- Emergency Planning
- Environmental Health and Safety Advice
- Dog Control.

Schedule 4

Consultation Process

1. Twice a year MSDC will provide Parish and Town Councils with a programme of anticipated consultations for the following six months. This programme will provide prior notice of future consultations in which the Parish and Town Councils might be expected to participate. The parties to this Charter recognise that variations to the programme will inevitably occur and in such circumstances MSDC will notify Parish and Town Councils accordingly.
2. Before making a decision that affects the local community MSDC will, providing this does not affect statutory or other circumstances, provide a consultation period of not less than four weeks to Parish and Town Councils.
3. Where requested to do so, MSDC will circulate a list of its public reports to the Clerk to the Parish and Town Councils at the same time as they are sent to members of MSDC.
4. MSDC officers will consult with Parish and Town Councils on the services they provide (ranging from strategic consultative documents to operational parochial issues).
5. Only in exceptional circumstances will MSDC not comply with the requirements in paragraph 2 above in which case MSDC will provide a written explanation as to the reasons why. Under those circumstances, Parish and Town Councils will make every effort to convey the views of their council.

Schedule 5

Complaints procedure

1. Initially, if Parish and Town Councils have a complaint about a service, they are advised to contact the officer responsible for that service to try and remedy the situation. (An officer contact list has been provided to each Parish and Town Council and will be updated at regular intervals).
2. If they do not receive a response, or are not satisfied with the response given regarding a particular service, they then submit details of the complaint to the relevant Head of Service.
3. If still dissatisfied with the response, they then submit details of the complaint to the Corporate Strategic Director responsible for the service area concerned for investigation.
4. In all cases where a full response is not possible within 10 working days, a holding reply should be sent within 3 working days informing the complainant of the reasons for the delay, who will make contact, what will happen next and when this will take place.
5. In situations where the complaint stems from Director level, the complaint will be considered by the Chief Executive.
6. In the event that the Parish or Town Council is still dissatisfied with the response from the Corporate Strategic Director (or the Chief Executive as the case may be), it may request a round table meeting. The meeting shall be attended by all MSDC officers and/or members involved in the matter subject of the complaint, together with any Parish or Town Council member, clerk or representative. The meeting must take place within a reasonable period of time following the request by the Parish or Town Council.
7. The Parish and Town Councils recognise that the round table meeting does not guarantee a resolution that is to their satisfaction.
8. Parish and Town Councils are advised that if they have a particular concern regarding MSDC policy, they should contact the Head of Service or Corporate Strategic Director responsible for that service.

Schedule 6

Parties to the Charter

Mid Sussex District Council
Albourne Parish Council
Ansty and Staplefield Parish Council
Ardingly Parish Council
Ashurst Wood Parish Council
Burgess Hill Town Council Parish Council
Cuckfield Parish Council
East Grinstead Town Council
Fulking Parish Council
Hassocks Parish Council
Haywards Heath Town Council
Horsted Keynes Parish Council
Hurstpierpoint & Sayers Common Parish Council
Lindfield Parish Council
Lindfield Rural Parish Council
Newtimber Parish Council
Poynings Parish Council
Pyecombe Parish Council
Turners Hill Parish Council
Twineham Parish Council
West Hoathly Parish Council

Signed on behalf of Mid Sussex District Council

Leader of the Council

Date:

Signed on behalf of the Council

Chairman

Date: