

**PARISH CHARTER FOR HUNTINGDONSHIRE
(Report of the Working Group)**

1. INTRODUCTION

- 1.1 At its meeting held on 12th June 2007, the Overview and Scrutiny Panel (Service Support) decided to establish a Working Group to consider the preparation of a Parish Charter for the Council's relationship with town and parish councils in the District.
- 1.2 The Working Group comprised Councillors J W Davies, P J Downes and R G Tuplin and has met on a number of occasions in the ensuing months.

2. BACKGROUND

- 2.1 The Government's Quality Parish Council Initiative was originally launched in June 2003 to provide an opportunity for towns and parishes to attain 'Quality Status'. 5 towns and parishes in Huntingdonshire have successfully achieved this status and others are working towards achieving it. Another element of the initiative was the establishment of a Charter between principal authorities and parish councils. Work on the development of a Parish Charter for Cambridgeshire has involved officers from the Cambridgeshire and Peterborough Association of Local Councils (CPALC), the County Council, District Councils in the county and a number of town and parish councils.
- 2.2 The scheme envisages that a Charter will set out how principal authorities and town and parish councils within an area will work in partnership, addressing a number of general principles and covering a common set of topics which can be tailored to meet local needs. It is anticipated that a Charter will recognise the additional benefits and responsibilities that town and parish councils can undertake as a result of achieving Quality Status.
- 2.3 Earlier work resulted in the drafting of a Charter which was intended for adoption countywide. However as further progress was looking unlikely and concern was being expressed about the delay in its adoption, the draft was modified for adoption in Huntingdonshire only. A copy of the draft is attached at Annex A.
- 2.4 Initial discussions on the formulation of a charter involved CPALC and a small representative number of parish clerks in Cambridgeshire. Although CPALC consulted the Huntingdonshire District Association on the content of the draft for Huntingdonshire, the Working Group was conscious of the fact that not all of the parish councils in the District are members of CPALC and that it did not appear that individual authorities had been asked for their views.

3. QUESTIONNAIRE RESPONSE

- 3.1 A questionnaire, together with a copy of the suggested charter, was distributed to town and parish councils in January. It was thought that

the use of a questionnaire, as opposed to the invitation of comments generally, would focus the consideration of the Councils on the pertinent parts of the charter and enable the responses to be analysed more easily. Following complaints about the short timescale for reply, the deadline was extended to 10th March, with several late responses being incorporated into the final analysis.

- 3.2 A comprehensive list of all of the issues raised from the questionnaire appears in Annex B to the report. An analysis of the responses is summarised below.
- 3.3 Of the 84 town and parish councils and parish meetings in Huntingdonshire, 36 responded (43%). Annex C lists the town and parish councils that replied and those that didn't. The questions asked and answers supplied were as follows. Councils were invited to elaborate on their answers where this was thought to be helpful, although some of the reasons given for the answers do not always appear to be relevant.

Questions

2. Do you support the establishment of a Parish Charter between the District Council and the town and parish councils and parish meetings in Huntingdonshire?

YES 28
NO 5
N/a 2

3. Are you a Quality Town or Parish Council?

YES 5
NO 30

4. Are you planning to become a Quality Town or Parish Council in the next 2 years?

YES 11
NO 15
N/a 9

5. Do you agree with the general principles set out in the Charter?

YES 28
NO 5
N/a 2

6. If the answer to question 5 is no, please explain why:

- System already works
- Don't agree with the involvement of CPALC

7. Do you think that the delegation of responsibility for service provision should be restricted to Quality Parish and Town Councils?

YES 8

NO 24

N/a 3

8. Please give your reason(s) for your answer to question 7 (summary):

- Quality Status is gained in recognition of a Council's ability to conduct business responsibly and effectively and provide value for money along with the raising of standards throughout the District;
- Concerns that as the scheme is voluntary, those who opt out will be penalised even though they may carry out the same duties to the required standard;
- Concerns of labelling and discrimination against those, especially smaller councils, who struggle to meet the criteria but still provide good standards of service.

9. Are you interested in taking responsibility for the delivery of certain services currently provided by the District Council in your parish or town?

YES 17

NO 16

N/a 2

10. Please list the services that you would be interested in having delegated:

- Grass Cutting 7
- Maintenance of play areas 3
- Street naming and numbering 3
- Minor planning applications 2

11. Do you agree with the general financial aspects of delegation contained in Appendix 1 of the Charter?

YES 25

NO 9

N/a 1

12. If the answer to question 11 is no, please explain how you think the delegation should be funded:

- Grant basis / annual review
- At the discretion of HDC
- Concerns of funding provision being maintained

13. Are you interested in the District Council providing services for your parish or town council on an agency basis?

YES 8

NO 22

N/a 5

14. If question 13 is answered yes. Please list the services:

- Grass cutting
- Professional Clerk
- General grounds and play area maintenance

17. Is there anything else that you think should be included in the Charter?

YES 2
NO 29
N/a 4

19. Additional comments:

- For: shows leadership, quality of service delivery, standards of the council, represents value for money and best practice
- Against: discriminates against smaller parishes in achieving status, opting out doesn't necessarily mean poor service, Charter has taken too long to develop, discussions should be between parish and town councils and the District Councils not CPALC.

4. STATUS OF PARISH COUNCILS

- 4.1 To achieve Quality Status, one of the criteria is that 80% of Council seats must have been contested when the Council first becomes accredited. Accreditation lasts only 4 years after which a Council must re-apply to retain its status. On re-accreditation, 100% of the seats must be contested. A review of the Quality Status scheme has been undertaken nationally with one of the recommendations being that the electoral mandate should be dropped to 80% on re-accreditation. The review's findings were deferred while the Local Government and Public Involvement in Health Bill was proceeding through Parliament last year.
- 4.2 The Bill was enacted in October 2007. The Act does not make any reference to Quality Status but it does extend the powers of promoting economic, social and environmental well-being to eligible parish councils. The term "eligible" has yet to be defined and will be the subject of a subsequent order by the Secretary of State. It is anticipated that this will be Quality Parish Councils.
- 4.3 The power of well-being will enable eligible councils to undertake any service providing that it deals with the promotion of economic, social and environmental well-being which will encompass almost any service that they wish to provide. Previously, town and parish councils could only act where they had specific legislative powers to do so, although the list of powers is wider than might be imagined (summary attached as Annex D). In addition, town and parish councils can use Section 137 of the Local Government Act 1972 to spend up to an amount equivalent to £5.30 per person on the electoral roll on anything that is in the interest of the parish or its inhabitants.
- 4.4 The Working Group is also aware of recent announcement by the Secretary of State for Communities and Local Government about the role that parish councils can play in reinvigorating local democracy. With

another White Paper on community engagement imminent, the powers of parish councils may be further enhanced in the next round of local government legislation.

5. ELECTORAL ARRANGEMENTS

- 5.1 The Working Group is aware that contested elections for parishes (other than in the towns of Huntingdon, St Neots and St Ives) have been a rarity in recent years in Huntingdonshire. A ballot was required in only 3 out of 16 towns and parishes in 2008. Although all except one of the remaining parishes would have met the requirement for first accreditation, with 80% of the seats being filled by nominations submitted, only 5 would have met the test for re-accreditation of 100%. In 2007, 11 out of 38 towns and parish councils required ballots.
- 5.2 The review of the Quality Status scheme discussed the possibility of the re-accreditation test being dropped to 80% of seats being filled by nomination. Unless it does, there is a risk that several of the councils locally that have achieved or are considering quality status will fail to achieve the required standard for re-accreditation. It is arguable whether having to fill 20% of a Council's Seats by co-option is representative of a healthy and vibrant authority.

6. SERVICE PROVISION

- 6.1 The Working Group has been made aware that current legislation already provides for one tier of authority to carry out work for another on an agency basis. This has happened in a number of instances in Huntingdonshire where the District Council has undertaken work for parishes on an agency or contractual basis. The reverse has been a rare occurrence, although it is not unusual for parishes to supplement a District Council service to provide an enhanced level of provision, litter collection being probably the most common example.
- 6.2 Although the Quality Parish scheme, in line with Government initiatives announced in the 'Strong and Prosperous Communities' White Paper, is designed to encourage communities to provide services locally, other Government pronouncements such as the Gershon efficiency programme require cost savings on the part of the district and county councils and encourage the sharing of services between authorities to reduce expenditure. The latter does not apply to town and parish councils.
- 6.3 There is a concern that if towns and parishes are able to demand the delegation of service provision, this will lead to a loss of the economies of scale if the District Council then has to deliver services in a patchwork of parishes that do not wish to go down the delegation route. Similarly if 84 parishes are providing a service individually, this will not be as economical as a service provided by a single contractor. The draft charter acknowledged this dichotomy by proposing that if a service were to be delegated, the money to be passed to each parish in question would be reduced by any additional costs to the District in providing a marginally smaller service elsewhere.
- 6.4 Coincidentally, the Working Group was aware that proposals in the recent Parish Review undertaken by the District Council to combine smaller parishes to reduce the size of Council membership and create

larger, more economically viable authorities led to widespread opposition on the part of the parishes affected.

- 6.5 There is of course great diversity between the 84 parishes in Huntingdonshire. The towns of Huntingdon, St Neots and St Ives can employ full time personnel and have aspirations to deliver additional services. Elsewhere, some of the medium sized councils are progressive and have taken full advantage of the existing powers available to them to provide a wider range of services. However the majority of Councils seem relatively content with the status quo and this seems particularly true of the smaller Councils. This diversity is reflected in the wide range of Council Tax precepts that are set in the District.

7. DELEGATION OF SERVICES

- 7.1 The Working Group acknowledged that this is the most contentious of the proposals in the draft Parish Charter. The Quality Parish Council scheme suggests that quality parishes should be able to apply to their respective district, county or unitary council to have service provision delegated to them and for the cost of carrying out the work to be funded by the relevant district or county to avoid double taxation, i.e. Council taxpayers in the parish paying through their parish precept both for the service in that parish and in the remainder of the district through the district council tax.

- 7.2 On the question of delegation itself, 17 Councils indicated that they would be interested. That represents 20% of the total number of parishes in Huntingdonshire. Of those that gave examples, the most popular services for transfer were grass cutting, play areas, street naming and numbering and planning applications. The Working Group was apprised of the following information in respect of each service.

Grass Cutting – there have been attempts previously to try to co-ordinate grass cutting regimes in parishes where the county, district and parish councils all have maintenance responsibilities and better prices can be achieved for a combined service. This is not dependent upon a Parish Charter.

Play Areas – the District Council manages few play areas and regards this as essentially a matter for parish council provision, except for strategic areas such as Riverside Parks, Priory Park and Hill Rise Park. There have been other instances in the past where town and parish councils have been reluctant to accept playgrounds that have been provided as part of planning approvals.

Street Naming and Numbering – it is a simple procedure for a town and parish council to suggest a name for a new street when planning applications are being considered. Developers are normally happy to accept suggestions that have a local or logical explanation. The statutory process for street naming and numbering provides little room for flexibility with the choice of street name being at the discretion of the developer and the only route for a District Council that disagrees with the choice being to appeal to the Magistrates Court. It is possible that towns and parishes do not appreciate how little discretion the District Council has in such circumstances.

Planning Applications – the determination of planning applications must accord with the approved Local Development Framework and its component policies, design guidance and planning policy statements and guidance issued by the DCLG. It is unlikely that any of the town and parishes in Huntingdonshire would be able to attract and employ planning officers with sufficient expertise and experience to deal with the complexity of even minor applications.

- 7.3 The Working Group concluded that the picture that emerges is little practical benefit in the delegation of services under a Charter as opposed to those that can already be dealt with under existing legislation. Moreover, the recent legislative change has opened up the possibility of eligible parishes providing any service that promotes the well-being of the area or its inhabitants. Against a requirement for the District Council to achieve savings to meet Gershon targets, the Working Group is of the opinion there seems little merit in pursuing delegation as part of a Parish Charter.

8. CONCLUSION

- 8.1 If the provisions relating to service delegation are removed, the Parish Charter is limited to a statement of the relationship between the District and the towns and parishes. That is evolving constantly and the Working Group questioned whether there was any practical value in simply documenting that relationship, especially when the role of the parishes is changing in response to legislative change and Government initiatives.
- 8.2 The Working Group found the response of the towns and parishes to the questionnaire to be disappointingly low. Only 43% responded and of those only 77% were in favour of a parish charter, with even less (47%) being interested in delegated services. The response appears even more stark across the District as a whole with only one third of all town and parish councils in favour of a Charter and one fifth in favour of service delegation.
- 8.3 With such limited interest, the Working Group acknowledged the potential for potential confusion as to where a charter applied. If a charter was to be signed with CPALC, more than half of the town and parish councils appear to have little interest and not all parishes are Members of the Association. If a charter was signed with individual councils, a mosaic arrangement would result.
- 8.4 The Working Group found that only one fifth of the town and parish councils were interested in delegation. Of the services identified by the parishes, some are not suitable for delegation and others are not reliant on a charter for delegations / agencies to be entered into. Mandatory delegation would produce a patchwork of services across the District and may adversely affect steps to make the Council's own delivery of Services more efficient.
- 8.5 The Quality Parish Scheme gave the prospect of delegated services in a charter as a potential reward for achieving quality parish status but that has now been superseded by the extension of the general power of well being to eligible councils. Having regard to the increased powers shortly to become available to town and parish councils and possible future measures in the forthcoming White Paper, the Working Group concluded that a formal charter added little practical value to the present relationship

between the District Council and the town and parish councils in Huntingdonshire.

- 8.6 The Working Group acknowledge that some town and parish councils will be disappointed if a Parish Charter does not proceed. However the Working Group does not regard a Parish Charter as critical in establishing and maintaining good relations between the tiers of authorities in Huntingdonshire, particularly as it would seem to serve little practical purpose.

9. **RECOMMENDATION**

- 9.1 On the basis of its investigations and discussions, the Working Group

RECOMMEND

that the Overview and Scrutiny Panel recommend the Cabinet not to proceed with the development of a Parish Charter with the town and parish councils in Huntingdonshire at the present time for the reasons outlined in their report.

BACKGROUND INFORMATION

Notes of the Working Group
Parish Charter questionnaire responses
Draft Parish Charter (version 1.4)

Contact Officer: Mr Roy Reeves
☎ 01480 388003