

CONSTITUTION COMMITTEE

AGENDA



14 March 2023

at 1.30 p.m.

**Committee Room “B”,
Civic Centre, Hartlepool.**

CONSTITUTION COMMITTEE:

Councillors Allen, Brown, Cook, Cowie, Howson, Little, Moore, Morley and Vacant

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 21 November 2022.
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Further Periodic Review of the Council's Constitution (*Chief Solicitor/Monitoring Officer*)
 - 4.2 Parish Charter (*Monitoring Officer*)
- 5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

21 November 2022

The meeting commenced at 2.00 p.m. in the Civic Centre, Hartlepool

Present:

Councillor Shane Moore (In the Chair)

Councillors Brian Cowie, Helen Howson, and Melanie Morley

Also Present: Councillor Ben Clayton was in attendance as substitute for Councillor Gary Allen.

Officers: Hayley Martin, Chief Solicitor
Denise McGuckin, Managing Director
David Cosgrove, Democratic Services Team.

5. Apologies for Absence

Councillors Gary Allen, Rob Cook and Sue Little.

6. Declarations of interest by Members

None.

7. Minutes

The minutes of the meeting held on 1 July 2022 were confirmed

8. Further Periodic Review of The Council's Constitution *(Monitoring Officer)*

On 1 July, 2022, the Committee had recommended a number of changes to the Constitution. It had been agreed that for this year, unless an issue is raised through year, no further review is required this year. The report addressed the following issues which had arisen since that meeting of the Committee prior to consideration of the changes by Council on 15 December 2022:-

Parish Council Liaison Group

Since 17 August 2021, the Leader had been holding Parish Liaison Meetings. The Parish Council Liaison Meeting is an opportunity for Parish Councils in the Hartlepool area, to meet together to discuss issues of common interest.

Members were asked to consider formalising these meetings by adding a further role to the list set out in Article 6 – Leader of the Council as follows:

- (i) To chair meetings of the Parish Liaison Group with the Managing Director and the Chairs/Vice Chairs of the Parish Councils on a quarterly basis'

The Committee was also requested to note that one of the items currently being discussed by the Parish Liaison Group is the agreement of a Charter / Deal between the Local Authority and the Parishes that lays out expectations for the operational relationship between both sides. A Parish Charter Working Group had been created to progress the development of the Parish Deal which is to be agreed by the Parish Liaison Group. Any changes/proposals recommended by the Working Group which had an impact on a Committee would be reported to the appropriate Committee.

The addition of a further role to Article 6 – Leader of the Council – was recommended to Full Council for approval.

Officer Employment Procedure Rule 12.1 - Other Officers – Appointments

The Committee were reminded that the Officer Employment Rules of Procedure set out the Authority's governance arrangements for the recruitment and dismissal of, and the taking of disciplinary action against, officers. The Majority of those rules related to the Head of Paid Service, Directors and Chief Officers reporting directly to them. However, Section 12 related to the appointment of 'Other Officers' as follows:-

"Appointment of all other Officers is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Elected Members. An invitation at the request of the Chair and/or Vice Chair of a relevant Committee to attend at the interview or otherwise be consulted on a Band 15 appointment would be permissible but the responsibility of appointment will solely rest with the Head of Paid Service or his/her nominee."

Approval of the deletion of the above paragraph was recommended to Full Council for approval.

Council Motions

The Committee was reminded that the Council Procedure Rules currently state that the Managing Director in consultation with the Chair of the Council, may reject a Motion for a number of reasons as set out in the report. The Committee was requested to consider updating the reasons list and adding the following:-

11.3 Motions which commit the Authority to new or additional expenditure

- (a) Members moving a motion at Council the net effect of which, if accepted, is to commit the Authority to new or additional expenditure or cause loss of income shall before moving such motion clearly demonstrate that they have taken appropriate officer advice on all the following issues*
 - (1) whether or not the proposal set out in the motion is within current budgets,*
 - (2) what the implications of incurring the expenditure or loss of income would be,*
 - (3) if not within current budgets how any expenditure or loss of income is to be funded and*
 - (4) any change in priorities as a result of the proposal. The relevant information and consequences of the proposal must be clearly set out in the motion together with the fact that, in voting for the motion, Members will also be voting to amend the previously agreed expenditure or income and/or change in priorities for the services or areas affected.*
- (b) Failure to comply with the above requirements in total means that the motion cannot be implemented until such time as the requirements are met.*

There was concern expressed that the changes to the CPR relating to motions could be construed as undemocratic and particularly restrict opposition groups. The Chair commented that if motions were brought that may have budget implications currently they would simply be referred to the appropriate Policy Committee without debate, frustrating those that had submitted the motion. The Managing Director indicated this type of motion was in the past simply ruled out as 'improper'. Council could not make decisions that had legal or financial implications without proper consideration of them first.

Members were still concerned that the changes wouldn't allow for consideration at Council for a change in its priorities. It wasn't always

Members responsibility to come up with a full business case. It was highlighted that the wording for the revised motions rule came from the Government's model constitution.

After lengthy discussion it was agreed that the revision should not be submitted to Council at this time but that there be further review of the wording around the financial aspects, potentially including a reduced wording but with similar effect.

Planning Delegations (Enforcement and Certificate of Lawfulness)

The Committee was advised that decisions to issue an Enforcement Notice under the Planning Acts fall to be determined by members of the Planning Committee. At a recent meeting, the Committee resolved that these matters should be determined at officer level.

The Council sometimes receive (Certificate of Lawfulness) applications to establish that development carried out is lawful under the Planning Acts or process formal applications to establish if or not a particular development would require planning permission. The Chief Solicitor has reviewed the current delegation provisions and is satisfied that it is appropriate to amend the same in order to provide clarification going forward.

The following amendments to the Scheme of Delegation were therefore proposed:-

- That any decision to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) and the formulation and pursuance of the Council response to any subsequent appeal under section 174 of the Town and Country Planning Act 1990 (as amended) henceforth be delegated to the Director of Neighbourhoods and Regulatory Services in consultation with the Chief Solicitor.
- That consideration of an application for a Certificate of Lawfulness (Existing or Proposed) under sections 191 or 192 of the Town and Country Planning Act 1990 (as amended) and formulation and pursuance of the Council case at any subsequent appeal under section 195 of the Town and Country Planning Act 1990 (as amended) henceforth be delegated to the Director of Neighbourhoods and Regulatory Services in consultation with the Chief Solicitor.

The Chair noted that the suggestion of this amendment had come from Planning Committee itself.

Approval of the amendments to the Scheme of Delegation were recommended to Full Council for approval, subject to consultation with the Chief Solicitor and the Chair of the Planning Committee.

The meeting concluded at 2.40 pm.

CHAIR

CONSTITUTION COMMITTEE

14 March 2023



Report of: Chief Solicitor/Monitoring Officer

Subject: FURTHER PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION

1. PURPOSE OF REPORT

- 1.1 To seek a view from the Committee regarding proposed changes to the Constitution prior to consideration of the changes by Council on 23 March 2023.

2. BACKGROUND

- 2.1 The Council's Constitution at Article 14 ("Review and Revision of the Constitution") requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect."
- 2.2 On 21 November, 2022, the Committee recommended a number of changes to the Constitution. It had been agreed by the Committee on 1st July 2022, that for this year, unless an issue is raised through year, no further review is required this year. This report addresses issues which have arisen since the November meeting of the Committee.

3. PROPOSALS

- 3.1 The following issues have arisen since the Committee met last:-

Extraordinary Council Meetings

It has been proposed that a Protocol on Calling Extraordinary Council meetings be appended to the Council Procedure Rules. A copy of a draft Protocol is appended to this report (**Appendix A**) for members consideration.

Procurement Social Value Statement of Intent

Following approval by Full Council of a Motion relating to social value, the Economic Growth and Regeneration Committee considered a number of reports and a Statement of Intent was approved by the Committee on 24

January. A report was submitted to Finance and Policy Committee on 13 February.

Elected Members were advised that the Social Value Statement of Intent (**Appendix B**), is drafted to ensure that Social Value principles are applied in a way that enables the Council to maximise economic, social and environmental benefits for Hartlepool and its residents. It is intended that the Statement of Intent would be imbedded within the Contract Procedure Rules and set out aspirations, which are aligned to the Hartlepool 'Council Plan.

The Finance and Policy Committee approved the Statement of Intent and referred it to this Committee to be incorporated in to the Councils Contract Procedure Rules within the Constitution.

This Committee is recommended to approve reference to the Statement of Intent being added to the Contract Procedure Rules and a copy of the Statement being appended to the Procedure Rules.

Planning Delegations

Following Full Council approving the amendments to the planning committee delegations recommended by this committee, a subsequent change is proposed to reflect the changes.

The following amendments to the Scheme of Delegation are therefore proposed:-

Director of Neighbourhoods and Regulatory Services power to carry out all of the functions of the committee in functions 1-5, subject to the following provisions:

(1) Matters which must be referred to Committee for decision:

*1 b) Any application which has received more than two material planning objections from separate addresses, **unless the officer recommendation is to refuse the application, and except in cases relating to the determination of a Lawful Development Certificate.***

*(2) Matters which may be refused **(for the avoidance of doubt including an application which has received more than two material objections from separate addresses)** a) Any application which is materially contrary to planning policy b) Any application relating to prior notifications.*

Members are asked to consider the amended wording.

Guidance Note – Political Balance

The Guidance Note – Political Balance – set out in the Constitution includes a number of “principles” covering proportionality. Traditionally, the Council had

‘grouped’ together those Elected Members who are not aligned to a ‘political group’ in order to ensure that the representation upon Council Committees, is so far as is reasonably practicable, broadly representative and reflective of the composition of the Council as a whole. At the meeting of this Committee, on 4 March 2019, it was highlighted that this was an issue which had been queried by Members on a number of occasions and therefore as part of this review of the Constitution, Members may wish to consider whether to continue this practice.

The Committee agreed to recommend to Full Council that with regard to calculating proportionality, Independent Members, not aligned to a political group, be considered as individuals for the purposes of allocation of seats to Committees and should not be grouped together for these purposes. Council, on 21 March 2019, agreed the recommendation of the Committee and the Guidance Note was updated accordingly.

It has been proposed that the principles covering proportionality for elected members who are not aligned to a ‘political group’ be reconsidered by the Committee.

Budget and Policy Framework

A review of the policies and strategies contained within the Budget and Policy Framework rules has been completed following feedback from the Corporate Peer Review.

The majority of policies and strategies contained within the current Policy Framework are required to be approved/adopted by Full Council in accordance with the Local Authorities (Committee System) (England) Regulations 2012, namely:

- Community Safety Plan

- The plans and strategies which together comprise the Local Plan

- Local Council Tax Support Scheme

- Medium Term Financial Strategy

- Licensing Policy and Statement of Licensing Principles (Gambling Act)

- Annual Library Plan (if required)

- Youth Justice Plan

- Local Transport Plan

Over the years other strategies have been added including:

- Child and Family Poverty Strategy

- Health and Wellbeing Strategy

- Council Plan

- Housing Strategy

These plans and strategies are not legally required to be approved/adopted by Full Council and Members are asked to consider removing these from the

Budget and Policy Framework to ensure that decisions are made quicker and at the most appropriate forum; the appropriate Policy Committee rather than Full Council.

4. RECOMMENDATIONS

- 4.1 That the Committee consider the report and subject to the views of Members, the Committee formulates its recommendations for submission to Council on the 23 March 2023.

5. REASONS FOR RECOMMENDATIONS

- 5.1 It is the responsibility of the Monitoring Officer to monitor the Constitution to ensure that the aims and principles of the Constitution are given full effect.

6. BACKGROUND PAPERS

- 6.1 Hartlepool Borough Council's Constitution
Constitution Committee Minutes – 1 July 2022
Constitution Committee Minutes – 21 November 2022

7. CONTACT OFFICERS

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Appendix A

PROTOCOL ON EXTRAORDINARY MEETINGS

1.1 Calling extraordinary meetings

The persons listed below may request the Managing Director to call Council meetings in addition to ordinary meetings:

- i) the Council by resolution;
- ii) the Chair, or, in his/her absence, the Vice-Chair;
- iii) the Council's Monitoring Officer; and
- iii) any five Elected Members of the Council if they have signed a requisition (in the form as that reproduced in Appendix 1) presented to the Chair of the Council and she/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

At other times the Managing Director may call a meeting of Full Council whenever they consider it necessary and/or appropriate to do so.

- 1.1 The requisitioning members are required to provide with the requisition a notice of the motion or motions to be debated at the Extraordinary Meeting.
- 1.2 The purpose of an Extraordinary Meeting is to enable business to be transacted, or a matter to be debated, that cannot await the next ordinary council meeting. The expectation, therefore, is that the matter covered in the notice of motion will be urgent.
- 1.3 Given the challenges of organising a full council meeting at short notice and the inconvenience that may be caused to members, the matter(s) covered in the notice of motion should also be one(s) that cannot be dealt with to the requisitioning members' satisfaction in some other way.
- 1.4 This protocol is designed to provide a locally agreed framework within which requisitions for Extraordinary Meetings can be handled in a reasonable and co-operative way.
- 1.5 This does not affect the statutory rights of councillors to make such a requisition or of the Mayor to refuse to call an extraordinary meeting or to call an Extraordinary Meeting at any time after being presented with a requisition.

2. Before making a requisition

- 2.1 Councillors considering participating in the presentation of a requisition for an Extraordinary Meeting to the Mayor should first speak to the Managing Director about the matter(s) of concern and seek her guidance as to how that matter can best be progressed and resolved.

3. Steps to taken during the requisition period

- 3.1 In the event that the matter is not resolved satisfactorily and a requisition is presented the Mayor, if it appears appropriate discussion with the requisitioning members will continue to see whether matters can be resolved without a full

Council meeting being held.

- 3.2 In the event that the requisitioning members, or any of them, are satisfied before the 7 day period has expired, they should notify the Mayor that they no longer support the requisition and will not participate in the calling of an Extraordinary meeting if no such meeting is called by the Mayor.

STATEMENT OF INTENT

Hartlepool Borough Council aspires for Hartlepool to be a place:

- Where people are enabled to live healthy, independent and prosperous lives
- Where those who are vulnerable will be safe and protected from harm
- Of resilient and resourceful communities with opportunities for all
- That is sustainable, clean, safe and green
- That has an inclusive and growing economy
- With a Council that is ambitious, fit for purpose and reflects the diversity of its community

Our social value aims and objectives support the achievement of our Council plans:

- Reducing poverty and inequality
- Enhancing community economic and social wellbeing
- Increasing the town's resilience and environmental sustainability

The Council is committed to making Hartlepool a better place to live and improve lives, this statement aims to utilise social value within our contracts for the best of residents in Hartlepool.

SOCIAL VALUE GUIDING PRINCIPLES

The Public Services (Social Value) Act (the Act) helps to enable businesses of all sizes, from all sectors, to participate in procurement exercises. The core requirement of the Act is that the Council needs to consider social value in its commissioning and procurement activity. In doing so, it is vital that in seeking social value outcomes the Council will:

- Be clear on what social value is whilst allowing officers to retain flexibility in deciding which outcomes should be included in procurements to ensure relevance and proportionality.
- Apply meaningful weightings for social value in applicable tenders to ensure that it can be a differentiating factor when evaluating bids
- Promote business opportunities as widely as is viable, to allow all types of providers, including social enterprises, voluntary organisations, SMEs, and microbusinesses (collectively termed “smaller providers”), to access the information they need to be able to tender in a timely way.
- Hold “pre-tender” awareness events wherever possible.
- Work to ensure smaller providers are not disadvantaged by the Council's commissioning and procurement processes, whilst at the same time not over-burdening small businesses with bureaucracy resulting in them not tendering for HBC contracts.
- Look at a variety of contract models which offer opportunities to smaller providers, such as through lotting strategies which split tenders into

smaller contracts. It is vital that there is a balance between minimising costs and acknowledging the importance of social value.

Examples of social value activities that may be included within tender submissions

Economic responses might include:

- Creating Hartlepool jobs for local people
- Progressing towards paying a living wage
- Supporting young people into apprenticeships or internships for vulnerable adults
- Using local suppliers and supporting a local supply chain
- Investing in local SME businesses
- Providing training or apprenticeship schemes
- Promoting opportunities to work with local voluntary and community organisations

Social responses might include:

- Improving the health and wellbeing of local residents and employees
- Helping local charities and community groups
- Championing ethical supply e.g. Fair Trade
- Promoting social integration and community engagement e.g. involving local residents
- Promoting local culture and heritage
- Creating volunteering opportunities
- Promoting safeguarding and the welfare of children, young people and vulnerable adults

Environmental responses might include:

- Reducing energy and fuel consumption in the provision of the contract
- Minimising waste through re-use and recycling
- Using environmentally friendly goods to minimise pollution
- Saving energy e.g. using energy efficient lighting and equipment
- Promoting initiatives which retain, protect or enhance the local natural environment
- Incorporating sustainability considerations into your supply chain

CONSTITUTION COMMITTEE

14 March 2023



Report of: Monitoring Officer

Subject: PARISH CHARTER

1. PURPOSE OF REPORT

- 1.1 To seek a view from the Committee regarding proposed changes to the Constitution to reflect Hartlepool Borough Council (HBC) and Hartlepool's Parish Councils commitment to work together, as detailed in the newly created Parish Charter.

2. BACKGROUND

- 2.1 In April 2022 the Parish Liaison Group established the Parish Charter Working Group to progress the development of a partnership agreement, aimed at improving joint working and ensuring the delivery of high quality services that meet the needs of local communities.
- 2.2 The membership of the Working Group included representatives from each Parish Council and the local authority, as detailed below:
- 2 HBC Councillors (Councillors Shane Moore and Mike Young)
 - 3 Parish Councillors (Lyn Noble (Dalton), James Wilson (Headland) and Roderick Thompson (Elwick))
 - Clerk from separate parish (Minna Ireland (Hart - Clerk))
 - Neil Wilson – Assistant Chief Solicitor
- 2.3 The Charter Working Group met on 5 occasions, between August 2022 and January 2023, culminating in the development of the draft of the Parish Charter approved by the Parish Liaison Group on the 9th January 2023.
- 2.4 The Parish Charter, attached at **Appendix A**, contains a number of broad principles under which HBC and each of the Parish Councils have committed to work together:
- Respect Parish Councils as the first tier of Local Government, often closest to their local community;
 - Deliver the best possible services to our communities;
 - Communicate effectively and consult meaningfully upon matters that impact parished areas;
 - Attendance at Parish Council Meetings and Parish Liaison Meetings; and

- HBC to host Parish Liaison meetings.

3. PROPOSALS

- 3.1 Under each of the principles are a number of actions / commitments for both HBC and each of the Parish Councils, some which have been easy implemented as examples of good working practice. A number of other actions that fall within the remit of HBC would, however, require changes to processes laid down within the HBC Constitution and the Planning Committee Terms of Reference / Procedure Rules. Details of these are outlined in Table 1.

Table 1 – Changes required to the Constitution to allow implementation of the Parish Charter

Parish Charter Reference	Proposed amendment to Constitution / Planning Committee Terms of Reference and Procedure Rules
<p>2.3.10 (page 3) - The Parish Council will also have the right to request (in writing and within 21 days of the publication date) that any application concerning land within their area is referred to the Planning Committee where their views and those of the planning officer are opposed. The Terms of Reference, and procedure rules, of the Planning Committee to be amended to reflect this.</p>	<p>Part 3 (page 38) “Delegation to Officer or Committee”</p> <p>1(b) Any application within a parished area which the appropriate Parish Council requests in writing should be referred to the Committee for decision, such request to be received within 21 days of the publication of details of the application or such later time with the permission of the Chair of the Committee.</p>
<p>2.4.3 (page 4) - HBC Constitution to be amended to remind Elected Members in parished wards that attendance at Parish Council meetings is important, and ensures they are aware of local issues and concerns, and that the Parish Council is similarly informed on relevant HBC matters.</p>	<p>2.2 Roles and functions of all Elected Members</p> <p>The following sets out the key roles within the Authority:</p> <p>All Elected Members will:</p> <p>(a) Collectively, be the ultimate policy-makers of the Authority to determine the budget and agree the plans and strategies set out in the Budget and Policy framework;</p>

	<p>(b) Represent their communities and bring their views into the Authority's decision-making process, i.e. become the advocate of and for their communities; but will make decisions taking into account the best interests of the Borough.</p> <p>(c) Contribute to the good governance of the area and actively encourage community participation and people involvement in decision making;</p> <p>(d): Where members represent a parished area they will engage with the Parish Council and where possible attend Parish Council meetings to ensure open communication and strengthen relationships;</p> <p>(d) (e) Effectively represent the interests of their ward in dealing with individual casework constituents acting as an advocate and balancing the different interests fairly and impartially;</p> <p>(e) (f) Be available to represent the Authority on other bodies; and</p> <p>(f) (g) Maintain the highest standards of conduct and ethics as the public would expect of their elected representatives in accordance with the Principles of Public Life and the Authority's Code of Conduct for Elected Members.</p>
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- 3.2 Approval is sought on the proposed changes, outlined in Table 1, to allow the Parish Charter to be formally signed and implemented going forward.

4. BACKGROUND PAPERS

Hartlepool Borough Council's Constitution
Parish Charter

5. CONTACT OFFICERS

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PARISH CHARTER



**Greatham
Parish
Council**



FOREWORD

Hartlepool Borough Council recognises the significant role that Parish Councils play in the lives of Hartlepool's diverse communities.

This Charter has been developed in partnership with Hartlepool's Parish Councils and represents a mutual agreement to improve joint working between Hartlepool Borough Council (HBC) and Parish Councils so that high quality services are delivered efficiently and meet the needs of local communities.

CONTENTS

1. Introduction
2. Charter Principles
3. Monitoring and Evaluation

1. INTRODUCTION

The Hartlepool Parish Liaison Group, which comprises the Chairmen of all the Parish Councils in Hartlepool, together with the Leader and Managing Director of Hartlepool Borough Council, have agreed to publish this Charter, which sets out how they aim to work together for the benefit of local people.

The Charter is designed to support parishes in retaining their distinctiveness, provides a framework that ensures opportunities are embraced and recognises the need to build the ability to withstand external forces.

Hartlepool Borough Council acknowledges the important role that Parish Councils play as the first tier of local government and believes that Parish Councils can be very effective in influencing and shaping the decisions that affect their communities in the following ways:

- Representing the views of their area and effectively influencing the development of policies and services;
- Offering a means of devolving certain services and of revitalising local communities; and
- Providing valuable feedback on how Council services are working in their area and how changes in policy are likely to affect the local community.

Hartlepool Borough Council wishes to:

- Strengthen and maintain the relationship with Parish Councils and the local communities they serve in the spirit of partnership and consultation; and
- Encourage the creation of new Parishes where there is resident support.

In turn, Parish Councils recognise the strategic role of Hartlepool Borough Council and that HBC must achieve a fair distribution of services across the borough as a whole. This Charter sets out the broad principles upon which Hartlepool Borough Council and Parish Councils will work together. All parties agree to develop and support a process for how the relationship will work in practice.

2. CHARTER PRINCIPLES

2.1 Respect Parish Councils as the first tier of Local Government, often closest to their local community.

- 2.1.1 Engagement is constructive, built on trust and mutual respect, and includes long term dialogue between HBC and Parish Councils, ensuring issues that may affect parishes are raised in a respectful way.
- 2.1.2 HBC Elected Members, Parish Councillors and Clerks to be proactive in identifying HBC proposals that may affect Parish communities and that all parties engage in meaningful consultations before any decisions are made.
- 2.1.3 HBC and Parish Councils commit to the signing and adoption of the NALC/SLCC joint 'Civility and Respect Pledge'.

2.2 Deliver the best possible services to our communities.

- 2.2.1 HBC to be transparent in explaining budgetary constraints, including financial figures, priorities and reasons for these, including the need to provide universal services. Parish Councils to acknowledge that resources must be directed toward areas with evidence of the most pressing need.
- 2.2.2 Parish Councils to respect the confidentiality of financial information provided by HBC.
- 2.2.3 HBC to support and encourage Parish Councils to develop local projects benefitting the local community. Where appropriate, HBC to signpost Parish Council's to government/other funding to deliver these and any devolved services in their parishes, recognising they may need extra officer hours, i.e., Parish Clerk, to manage these.
- 2.2.4 Both parties to agree a list of services provided from the 'concurrent services' payment and Parish Councils to advise HBC of additional services provided using the Parish Council budget.
- 2.2.5 HBC to respond to requests from Parish Councils for action on matters of community interest.
- 2.2.6 HBC to give consideration to the views of parish councils when making decisions on matters that affect any or all parishes.
- 2.2.7 HBC and Parish Councils to work collaboratively on projects within parished areas.
- 2.2.8 Parish Councils and HBC to work together to explore potential options for either:
 - (a) Further devolution of services or
 - (b) Services that could be delivered from the Parish Council budget, recognising the legal and financial constraints involved.
- 2.2.9 Parish Councillors and/or Clerks, with appropriate knowledge and experience, to be encouraged to contribute to discussions on spending and priorities with HBC Officers.

2.3 Communicate effectively and consult meaningfully upon matters that impact parished areas.

Effective communication and consultation are critical to achieving a positive relationship between tiers of local government. For the purposes of this Charter, these are defined as follows:

- Effective communication is that which is clear and ensures the intention behind the information is understood.

- Consultation is a request for feedback/information on a proposal which should be understood by both parties and lead to relevant actions, with a will on both sides to reach purposeful outcomes.

- 2.3.1 Parish Councils to provide information to HBC Members Services such as an up-to-date list of Parish Councillors, contact details of at least the Chairman and Clerk of each parish and meeting dates for each municipal year.
- 2.3.2 HBC to provide Parish Councils (via the Parish Clerk) with names and contact details of key officers and an annual calendar of HBC Council and Sub-committee Meetings.
- 2.3.3 HBC to send to Parish Clerks links to Committee agendas and supporting documents, save only where these are confidential due to personnel matters.
- 2.3.4 Parish Clerks to check HBC agendas for items that may impact on the residents of their parish and forward these to Parish Councillors and add, if appropriate, to the next Parish Council agenda.
- 2.3.5 Parish councils to keep residents informed of relevant information, when appropriate, respecting confidentiality at all times.
- 2.3.6 'Hartbeat', and other relevant HBC publications, to include information on Parish Councils, for example Parish Clerk contact details, websites, dates, times and venues of Parish Council meetings and articles on parish news and issues.
- 2.3.7 HBC and Parish Councillors to be able to demonstrate a good understanding of the Hartlepool Local Plan, any Neighbourhood Plans and Village Design Statements. This will ensure that decisions affecting rural areas are made with a good understanding of the issues covered in these documents and are carefully balanced when taking in the needs of the wider borough.
- 2.3.8 Where consultation periods are set by statute or regulations, Parish Councils recognise this and comply within the timeframes set.
- 2.3.9 Parish Councils consult with Ward Councillors on schemes/projects/works that will be carried out by the Parish Council from their own budget, using the same timeframes as HBC.
- 2.3.10 Parish Council's speak on behalf of their communities and, where an appropriate Ward Councillor is not speaking, will have the automatic right to speak at Planning Committee meetings in response to Planning Consultations. The Parish Council will also have the right to request (in writing and within 21 days of the publication date) that any application concerning land within their area is referred to the Planning Committee where their views and those of the planning officer are opposed. The Terms of Reference, and procedure rules, of the Planning Committee to be amended to reflect this.

- 2.3.11 Parish Councils to acknowledge the duty of Planning Committee members as outlined in Part 4 (page 84) of the HBC Constitution). The basis of the planning system being to consider private proposals against wider public interest and any opposing views. HBC Elected Members, whilst considering such views, should not favour any person, company, group or locality.
- 2.3.12 When responding to planning consultations Parish Councils will consider and propose any actions (obligations) that could make an otherwise unacceptable development, acceptable in planning terms i.e., actions that can be contained within a Section 106 agreement.
- 2.3.13 The Parish council to be consulted when HBC are making Section 106 agreements with landowners/agents and developers for a development within a parish.
- 2.3.14 HBC to provide Parish Councils with sufficient time to respond to consultations, within statutory timeframes, recognising that they may meet only once a month and that only at a formal Parish Council meeting can a decision/recommendation be lawfully made.
- 2.3.15 HBC to work with Parish Councils when agreeing Section 106 requirements on a development within a parished area, and not allow variations to be agreed without consulting the parish council beforehand, especially when this may result in less monies being paid by the developer.
- 2.3.16 Resolution of issues and the challenging of decisions are encouraged via existing mechanisms (Parish Liaison group, informal conversations, escalate to senior offices, complaints or LGO).

2.4 Attendance at Parish Council Meetings and Parish Liaison Meetings

- 2.4.1 A seminar to be held at the beginning of each Municipal year to introduce Ward and Parish Councillors; HBC Senior Officers and Parish Clerks to be in attendance.
- 2.4.2 Parish Chairmen, or Vice Chairmen in their absence, to be encouraged to attend Parish Liaison Meetings to raise strategic level issues affecting parishes.
- 2.4.3 HBC Constitution to be amended to remind Elected Members in parished wards that attendance at Parish Council meetings is important, and ensures they are aware of local issues and concerns, and that the Parish Council is similarly informed on relevant HBC matters.
- 2.4.4 Parish Councils to invite their Ward Councillors to Parish Council meetings, providing them with agendas and minutes in a timely manner.
- 2.4.5 Parish Councils acknowledge that HBC cannot mandate Ward Councillors to attend Parish Council meetings and that the onus should always be on individual Parish Councils and Ward Councillors to build productive and lasting relationships.
- 2.4.6 Parish Councils to invite HBC Officers to attend Parish Council meetings, where it may be of mutual benefit to discuss an issue, giving reasonable notice and an outline of the subject matter(s) to be discussed.
- 2.4.7 When present at Parish Council meetings, Ward Councillors are to be provided the opportunity to question the Parish Council and be questioned by Parish Councillors

and the public. Ward Councillors to be invited to raise concerns in a timely manner with Parish Councils.

2.5 HBC to host Parish Liaison meetings

- 2.5.1 HBC to host a minimum of quarterly Parish Liaison meetings between the Leader and Managing Director of HBC and Parish Council Chairmen / Vice Chairmen to discuss strategic level matters.
- 2.5.2 The Parish Liaison meetings to be held more frequently, if needed, to allow Parish Council Chairmen to consult colleagues on strategic issues raised and then to provide an informed response to the Leader and Managing Director of HBC.
- 2.5.3 All parties to recognise and acknowledge that Parish Liaison meetings are for strategic matters. Any operational issues raised incidentally at Parish Liaison meetings must be dealt with in the same way as any other issue that is logged with HBC, and will not automatically take priority. Issues or concerns are to be raised as early as possible to enable both sides to work on positive solutions.

3 MONITORING AND EVALUATION

- 3.1.1 HBC and Parish Councils to agree that Parish Liaison Meetings are the most appropriate forum to monitor issues arising from Charter once agreed
- 3.1.2 The Charter will be reviewed on an annual basis by the Parish Liaison Group.

This Charter is signed by:

Chair of Dalton Piercy Parish Council

Chair of Elwick Parish Council.....

Chair of Greatham Parish Council.....

Chair of Hart Parish Council

Chair of Headland Parish Council.....

Chair of Wynyard Parish Council (Hartlepool)

Managing Director, Hartlepool Borough Council.....

Leader of the Council.....

Date.....