



Charters between Town and Parish Councils and Principal Local Authorities

This report, commissioned by the Countryside Agency (now the Commission for Rural Communities), and undertaken by the Local Government Information Unit (LGIU), aims to support effective relationships between town and parish councils (local councils) and principal local authorities by examining the process of Charter formation. Various written agreements between some local councils and principal authorities have existed for at least a decade. The Quality Parish and Town Council Scheme (March 2003) gave a further impetus to these agreements. Under the Quality Scheme, local councils that gain Quality status can benefit from Charters that set out additional benefits and responsibilities.

This report examines the state of Charter formation in England, identifies challenges to the formation of Charters, and provides guidance on the issues that should be covered in a 'good' Charter.

The State of Charter Formation.

This study has shown support for Charters among a majority of local councils. If a Charter is accepted and understood by members and officers in both tiers, it becomes a benchmark by which they are held to account.

An e-mail survey of local councils indicated that just over 50% said they had a Charter or were in the process of developing or planning one, while a telephone survey of County Associations of Local Councils (CALCS) indicated an even higher proportion of local councils with a Charter. The discrepancy arises because many local councils are unaware of the existence of a Charter, meaning that many existing Charters have fallen into disuse.

Barriers and Obstacles.

Difficulties in agreeing financial arrangements are among the most frequent barriers to Charter development. Principal authorities remarked on the administrative difficulties of negotiating Charters with large numbers of local councils. The most important barriers, however, are a lack of interest, misunderstanding of what a Charter is and who it is for, low capacity, and scepticism that a Charter would bring additional benefits. Many local councils believe that Charters are only of relevance to Quality Councils.

Conclusions and Recommendations.

Better working relationships are seen as the key benefit of Charters among local councils with a Charter, and this and other benefits must be more widely publicised. Charters can be valuable to local council clerks, especially new clerks, in setting out the relationship of their council with the principal local authorities.

If councillors in principal authorities lack an understanding of the importance of Charters in building relationships, Charter formation becomes a 'paper exercise'. Principal authorities need to be 'sold' the benefits of Charters. More promotion needs to be targeted at members and officers in principal authorities. There is also a case for the more vigorous promotion of Charters to local councils, especially to the smaller ones. Existing Charters need to be reviewed and refreshed if they are to remain useful and relevant.

Offering separate Charters for Quality Councils has alienated some non-Quality Councils and complicated Charter negotiations. It is not necessary to abandon the idea of separate Charter agreements entirely, but perhaps they could be made a less prominent feature of the scheme.



At the same time the Government should consider developing the range of incentives (such as grant aid schemes) open to local councils with Quality status. The Government should also continue to develop, fund and promote schemes that encourage joint working between the tiers. Such schemes foster understanding and contribute to better relationships.

The Government, together with the LGA and the NALC, need to consider producing new guidance on Charters, separate to that for Quality Status. It must be made abundantly clear that having a Charter is not a precondition for Quality Status, nor is attaining Quality Status a precondition for having a Charter.

What the Charter should do is set out a basic statement of mutual rights and responsibilities, and what the various tiers can reasonably expect from each other. It should specify the 'rules of engagement' and 'leave the door open'. Charter negotiations should avoid getting bogged down in the specific details of which services might be devolved, and at whose cost.

CALCs can play a critical and valuable role. But they are not equally resourced. The Government should investigate the options for resourcing CALCs, perhaps through joint arrangements with County or Unitary authorities.

There is no, nor should there be, definitive list of items that a Charter should contain. However, the LGIU has designed a 10-point 'checklist' of characteristics that all Charters should possess if they are to be of value.

The LGIU's 'Charter Checklist': Does Your Charter Contain?

- 1. Recognition:** is there a clear statement recognising the contribution, rights, and principal duties of all participating tiers? Does this recognition refer to and support the democratic legitimacy of all tiers of local government?
- 2. Engagement:** does the Charter contain a clear commitment for principal authorities to engage with key local issues (such as town or parish plans)? Does the Charter allow for local aspirations to feed into key strategies (such as the community strategy)?
- 3. Consultation:** does the Charter set out clear, specific, and time limited, procedures and processes for consultation? Does it set out a genuine commitment among all parties to consult on matters of mutual concern?
- 4. Governance:** does the Charter contain provision for the relationship between local councils and various governance structures in the area (such as LSPs and Area Committees)? Is the Charter clear about the role of councillors at all levels in the relationship and in community leadership?
- 5. Communications:** does the Charter contain provisions for liaison and communications between the tiers? Does it say who to contact?
- 6. Ethics:** does it contain references to standards, ethics, and codes of conduct?
- 7. Support:** does it set out a commitment for the principal authority to support the development of local councils (e.g. training and sharing of IT resources)?
- 8. Empowerment:** is the Charter empowering, does it recognise, accommodate and support the aspirations of local councils to grow and develop? Does it set out clear guidelines for overcoming difficult issues like double taxation?
- 9. Flexibility:** does the Charter recognise the diversity of local councils, and allow for a different pace and mode of development among them?
- 10. Performance, Monitoring, and Review:** is the Charter performance managed? Does it contain specific and time-limited provision for monitoring and review?

A copy of the full research and good practice report is available on the CRC's website:
www.ruralcommunities.gov.uk

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