

Borough, Parish & Town Council Charter 2023

Our shared ambitions

- We aim for Swindon to be a desirable place to live, work, visit and enjoy life.
- We want to work effectively together for the benefit of local people, whilst recognising our respective responsibilities as autonomous democratically elected, statutory bodies.
- We will work constructively to seek mutually acceptable solutions to contentious issues.

Introduction

This Charter promotes and defines partnership working across all aspects of the local administration for the benefit of the residents of Swindon. It has been created in collaboration between Swindon Borough Council Officers, Borough Councillors, and the Swindon Local Councils Forum, and is intended as a high-level framework for improved partnership working.

Swindon Borough Councillors, Town and Parish Councils will work in partnership to promote sustainable social, economic, and environmental development for the benefit of local communities.

The Borough Council will support the Town/Parish Councils in exercising statutory powers and duties, including general power of competence, where applicable, and its responsibility to promote health and wellbeing.

Through its elected members, the Borough Council is responsible for the strategic functions and services such as education, social care, household waste collection, environmental health, housing, planning and highways.

Parish and Town Councils in Swindon are very diverse in their location, size, budget, aspirations, and socio-demographic factors. Their ability to provide and operate services will vary accordingly. In their role as democratically accountable bodies, Local Councils directly shape the important decisions which affect their locality, by providing initiatives and services for their local community.

The document is supported by the following appendices:

- Appendix A – Service Area SLA
- Appendix B – Planning Partnership System
- Appendix C – Timely Exchange of Information
- Appendix D - Potential Community Delivery
- Appendix E – Statutory Parish powers

Improving Communications

How we will work better together

Effective communication is the basis for any successful working relationship. To achieve this:

Swindon Borough Council will:

- Appoint a lead Cabinet Member and a Councillor to serve as Parish Council liaison. These elected members will lead on ways to sustain and improve effective partnership working in conjunction with the Local Council Forum and individual Parish Councils as appropriate.
- To support the Lead Cabinet Member the council will provide a Parish Liaison Officer who will provide the key day to day contact on any queries or issues that need resolution.
- Respond to service requests and queries promptly in line with agreed corporate customer service standards and legislative requirements, providing acknowledgement and regular updates as required (Appendix A).
- Encourage and support Borough Councillors to work closely with their local Parish/Town Council(s) and to be a link between the Borough Council and local Parish/Town council(s).
- Share relevant information directly and consult with Parish/ Town councils in a timely way. (Appendix B).
- Comply with the Planning System Partnership (Appendix C).
- Provide Parishes with appropriate Borough contact details.
- Share our work and achievements with residents, businesses and visitors, and Parish/Town Councils.
- Produce and issue two newsletters per year for Parish and Town Councils, residents, and businesses.
- Provide a forum for both clerks and chairs of parish and town councils to meet at least twice a year with the borough to share issues of common interest and escalate any concerns that have not been able to be resolved through the charter (or as may be agreed with the Swindon Local Councils Forum).
- We will inform all our Councillors & Staff of this charter and our commitments and ensure that we abide by them and ensure that new staff and councillor induction includes an explanation and understanding of this charter.

Parish & Town Councils will:

- Provide up-to-date contact details (contact name, corporate email, phone & postal address) subject to appropriate data protection regulations and provide an authorised principal contact.
- Share information and updates sent to the principal contact to Parish and Town Councillors and across the local community.
- Consider adoption of service standards similar to those in Appendix A.
- Use a variety of appropriate methods to communicate and consult with their communities.
- Will liaise with their Local Borough Councillors, designated borough officers and staff to report, monitor and resolve “day to day” issues which arise from Borough Council services as appropriate.
- At least once a year, share their work and achievements with residents, businesses and visitors, the Borough Council, and other Parish/Town Councils in writing.
- Inform all Councillors and Staff of this charter and our commitments and ensure that we abide by them. Ensure new staff and councillor induction includes an explanation and understanding of this charter.

Community Development and Participation with others

It is essential that Swindon Borough Council and Parish and Town Councils work together when making decisions to shape services and policies that affect our communities.

Town/Parish councils will be invited to work with their local Borough Councillors to develop and manage Community Plans for their local area. Where Neighbourhood Plans have been 'made', these should form part of the updated Community Plan. Cross-border working with neighbouring parishes may be appropriate. It is the expectation that they will use their role within the community to shape the plan, raise awareness of it and seek ownership of the finished plan, encouraging their communities to be involved in delivering the agreed priorities / actions outlined within the plan. The Borough Council will assist in the implementation of the Community Plans.

Swindon Borough Council will:

- Engage with Parish and Town Councils on all issues that are likely to affect their area.
- Consult with Parish and Town Councils on issues and services that impact their residents and allow sufficient time for an effective response.
- Provide feedback to Parish and Town Councils on the outcomes of consultation in which they have been invited to participate.
- Prepare best practice guidance for the development of Community Plans and provide advice during their preparation.
- Assess draft Community Plans for viability and continuity with Borough policies and plans and adopt viable Plans jointly with the Parish or Town Council.
- Work in partnership with Parish and Town Councils to implement Adopted Community Plans.
- Ensure that representatives of Parish and Town Councils are offered the opportunity to engage in the development of any Swindon-wide Council plans.

Parish & Town Councils will:

- Work with Ward Councillors to engage with their local community on matters relevant to their area, involving as many people as possible in the local community wherever possible in consultation responses.
- Seek to develop close working relationships with their Borough councillors and inform and consult them about key parish/town issues and decisions.
- Consider preparing Community Plans for all or parts of their parish in conjunction with Borough Councillors.
- Consult with Borough Officers on the cost and viability of the Community Plan and submit the draft Plan to the Borough for joint adoption.
- Work in partnership with the Borough to implement Adopted Community Plans.
- Encourage the wider community to engage in the preparation and implementation of Community Plans.
- Respond to all consultations within deadlines set by Swindon Borough Council. Even if the response is "no comments".
- Provide local knowledge of issues/concerns of the communities they serve, and work with local Borough Councillor(s) to find resolutions.
- Recognise the strategic role of Swindon Borough Council in tackling issues that look beyond individual Parish and Town Council boundaries.

Providing access to local services / Delegating Responsibility

Swindon Borough Council must prioritise the services it provides to the most vulnerable in Swindon within the Adult social care, and Children services. The Borough Council will focus on delivering its statutory duties, and the strategic decisions for the economic, social and environment benefit of the Borough. Swindon Borough Council will work with the Parishes to enable the Parishes to provide operational services where agreed. Should Swindon Borough Council determine for whatever reason services should be reduced or stopped they will discuss this with the Parishes to ensure there is full understanding of the reason and rational. Where this decision is made it will be for the Parishes to decide whether or not these services are provided either through their Town/Parish Council or otherwise.

Where it is good value and practical, Swindon Borough Council will, in consultation with Town/Parish Councils and Borough Councillors, extend the existing delegation of services arrangements. To achieve this:

Swindon Borough Council will:

- Work with Borough Councillors and Local Councils to support the health and wellbeing of their communities through health promotion, information sharing and environmental improvement schemes.
- Give due consideration to requests from Parish and Town Councils for any service, land, or asset which parish or town councils would wish to be devolved and provide a decision (within three months of a written request and implement any agreed transfer within a timely manner, and in any event within 4 months of agreement). See Appendix A.
- Facilitate the provision of services at a local level by the provision of appropriate training.
- Use our duties and powers under the Local Government Act to consult with Parish and Town Councils to achieve our joint local priorities, noting and encourage the powers, identified by National Association of Local Councils (NALC) as being, available to them through Acts of Parliament.

Parish & Town Councils will:

- Consider working towards achieving the NALC “Quality” status to achieve good practices in governance, community engagement and council improvement where practical.
- Collaboratively work with local communities, and local Borough Councillors, to deliver community schemes and services that utilise local volunteer and other capacity to improve their areas.
- Give timely consideration to requests for any Borough Council service, land, or assets to be devolved to parish or town council level.
- Consider use of all the powers, identified by National Association of Local Councils (NALC) as being, available to them through Acts of Parliament and, where appropriate, their Quality Council powers. See Appendices.
- Work with Borough Officers and Local Borough Councillors as appropriate to resolve issues that arise for delegated services.

Failure to Comply with the Swindon Charter

Any borough or parish issue which is considered a breach of the Charter should be reported to the Borough's Chief Executive in the first instance. If unresolved, independent arbitration will be available as an alternative to the Borough Councils formal complaints procedure.

An annual report will be provided to all Borough and Parish/Town Council's detailing any issues, and the remedial actions taken to prevent any re-occurrence.

Appendix A – Service Area SLAs

To be formulated by SBC in conjunction with SLCF prior to submission

Suggested wording:

“These Service Standards shall apply to all Officers of Swindon Borough Council and to the Parish Councils within the Borough that agree to them.

All email enquiries will be acknowledged within 2 working days of receipt. Initial acknowledgements will either deal fully with the query or give further reasonable steps and an action date of no more than 21 days or give a reason if longer.

If it is thought that the request is unrealistic for whatever reason, then an early and full discussion should be arranged between stakeholders to avoid wasted time and false expectations.

The parties will always give a time by which the next action will be taken and liaise if this proves unrealistic.

Any perceived non-compliance shall be referred to the Chief Operating Officer of the Borough (or their nominee in the first instance) or Parish Clerk or Chair as appropriate.”

Appendix B - Timely Transfer of Information and Consultation

A key element of a successful partnership is communication and active engagement. This should acknowledge and value all stakeholders' assets and contributions. The transfer of consistent, clear and relevant information between parties should be timely.

The following are examples of issues on which Swindon Borough Council will notify, consult or discuss with an individual Local Council and appropriate Ward Councillor, directly at a time consistent with such input making a positive difference.

- The allocation or use of Section 106 Planning Agreement (s106) receipts generated from developments within their parish / town council area or that have been allocated to it from development outside that area.
- Consultation with Local Councils prior to and during the S106 drafting stage in respect of all local services or initiatives that will or could be carried out by them.
- Information on the availability of S106 monies and CIL receipts, including the 'neighbourhood proportion' of CIL receipts emanating from development, and progress with spending by either party, in accordance with regulatory requirements.
- Amendments to the adopted CIL Regulation 123 list
- Management of impending road work schemes that require temporary orders for lane or road closures, including measures to alleviate impact on neighbouring road through the Road Works Bulletin and as appropriate.
- New licensing applications and changes to existing licences.
- Impending changes or creation of new Borough policies affecting individual Town and Parish Councils in respect of:
 - Local Air Quality Review / Policies for pollution monitoring
 - Footpath Orders
 - Removal of Tree Preservation/Woodland orders
 - Creation/Removal of Public Space Protection Orders
 - Designation of Conservation Areas and environmental schemes
 - Traffic management schemes, road signs, speed limits, road safety initiatives, highway works by statutory undertakers
 - Goods Vehicle Operators Licences
 - Criteria for allocating housing, particularly for special needs
 - Management of Civic Amenities sites recycling facilities, public toilets, car parks and any other local community / leisure facilities
 - Proposals for changes in the opening hours of local libraries or routes for mobile libraries
 - Public transport services (Non-commercial)
 - Arrangements for dog control

Parish/Town Councils will notify the Borough of impending changes to services within their community that impacts on Borough data on overall provision of services, including:

- Provision of recycling facilities, public toilets, car parks, public open space, play areas, allotments, community halls and any other local community or leisure facilities
- Plans for a new Neighbourhood Plan or revisions to an existing one.

Appendix C – Planning System Partnership

To be updated by SBC in conjunction with SLCF prior to 15.11.22 or restate previous

Appendix D - Potential Community Delivery:

Drainage

- Clear leaves and other debris from gully grid tops and drainage grips.
- Clear vegetation from the entrances and exits of highway culverts.

Unlit traffic signs

- Ensure legibility and visibility of traffic signs including straightening, cleaning, and removing vegetation.
- Repaint traditional finger and mileposts.

Road and pavements

- Pothole repairs when they do not meet the national intervention criteria. Safety repairs remain the responsibility of the Borough council.
- Managing verges for wildlife.
- Set up a road closure for special events.

General maintenance

- Verge cutting.
- Cut back overgrown hedges encroaching on footways. Strim overgrowth along footways in urban areas.
- Paint and repair fences.
- Clear foliage blocking the visibility of road traffic signs.
- Clear all minor storm debris discharged onto the highway and keep tidy all specified roads.
- Litter picking.

Appendix E - List of Parish Council functions.



Parish
Functions.pdf

Function	Powers & Duties	Statutory Provisions
Access land	Power to enforce byelaws made by another authority	Countryside and Rights of Way Act 2000, s. 17
Allotments	Duty to provide allotments. Power to improve and adapt land for allotments, and to let grazing rights	Small Holdings & Allotments Act 1908, ss. 23, 26, and 42
Baths and washhouses	Powers relating to provision of public baths, washhouses and bathing huts	Public Health Act 1936, ss. 221 - 223 and 225 - 227
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s. 1 Local Government Act 1972, s. 214(6)
Bus shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provisions) Act 1953, s. 4
Bye-laws	Power to make bye-laws in regard to pleasure grounds Cycle parks Baths and washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms Public Conveniences	Public Health Act 1875, s. 164 Road Traffic Regulation Act 1984, s.57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, ss.15 and 12 Public Health Act 1936, s.198 Public Health Act 1936, s. 87
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed churchyards	Powers as to maintenance	Commons Act 1899, s.5
Commons	Power for parish council to contribute to expense relating to scheme for the regulation and management of a common.	Commons Act 1899, s.5
Common pastures	Powers in relation to providing common pasture	Smallholdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144

Community centres	Power to provide and equip buildings for use of clubs having athletic, social or recreational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	Powers to install and maintain equipment and establish and maintain a scheme for detection or prevention of crime	Local Government and Rating Act 1997, s.31
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Financial assistance	Duty to require information	Local Government Act 1972, s.137A
General powers	Power to incur expenditure for certain purposes	Local Government Act 1972, s.137
Gifts	Power to accept	Local Government Act 1972, s.139
Highways	Power to maintain footpaths and bridleways Power to light roads and public places Provision of litter bins Powers to provide parking places for bicycles and motor-cycles, and other vehicles Power to enter into agreement as to dedication and widening Power to provide roadside seats and shelters Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway Power to complain to highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside wastes Power to provide traffic signs and other objects or devices warning of danger Power to plant trees and lay out grass	Highways Act 1980, ss.43,50 Parish Councils Act 1957, s.3; Highways Act 1980, s.301 Litter Act 1983, ss.5,6 Road Traffic Regulation Act 1984, ss.57,63 Highways Act 1980, ss.30,72 Parish Councils Act 1957, s.1 Highways Act 1980, ss.47,116 Highways Act 1980, s.130 Road Traffic Regulation Act 1984, s.72 Highways Act 1980, s.96
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11

Land	Power to acquire by agreement, to appropriate, to dispose of Power to accept gifts of land	Local Government Act 1972, ss.124, 126, 127 Local Government Act 1972, s.139
Litter	Provision of receptacles	Litter Act 1983, ss.5,6
Lotteries	Powers to promote	Lotteries and Amusements Act 1976, s.7
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198
Open spaces	Power to acquire land and maintain	Public Health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Public buildings and village hall	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Powers relating to provision of public conveniences	Public Health Act 1936, s.87
Recreation	Power to acquire land for or to provide public walks, pleasure grounds and open spaces and to manage and control them Power to provide gymnasiums, playing fields, holiday camps Provision of boating pools	(see Local Government Act 1972, Sched.14 para.27) Public Health Act 1875, s.164 Public Health Acts Amendment Act 1890 s.44 Open Spaces Act 1906, ss.9 and 10 Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54
Town and country planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para.8
Tourism	Power to encourage visitors and provide conference and other facilities	Local Government Act 1972, s.144
Traffic calming	Powers to contribute financially to traffic calming schemes	Highways Act 1980, s.274A

Transport	Powers in relation to car-sharing schemes, taxi fare concessions and information about transport Powers to make grants for bus services	Local Government and Rating Act 1997, s.26, 28 and 29 Transport Act 1985, s.106A
War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133
Water supply	Power to utilise well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s.125