

# **Maidstone Parish Charter**

**September 2015**

***A collaborative approach to decision-making by Maidstone Borough Council and its Parish Councils***

## **Foreword**

Welcome to the refresh of the Maidstone Parish Charter which was originally first published in April 2000.

There are 41 Parishes within Maidstone Borough, 37 of them having a Parish Council and 4 with just a Parish Meeting. Within this document, reference to Parish Councils includes all 41 Parishes.

Within Maidstone Borough, Parish Councils form part of the three tiers of local government, the Principal Authorities being Kent County Council and Maidstone Borough Council. Securing good communication and liaison between the Parish tier and the Principal Authorities involves communication at the most strategic level from the sharing of each other's aims down to careful liaison on specific local projects and issues.

Parishes and Parish Councils play a valuable and essential role in the fabric of local life, representing half of the population of the Borough. Parish Councillors and their Clerks possess a unique local knowledge that can help the community planning and decision-making process.

We feel that now, more than ever, it is important that both Maidstone Borough Council and Parish Councils work closely together in partnership for the benefit of local residents. Maidstone Borough Council and Maidstone's Parish Councils have developed this Parish Charter, which represents a mutual agreement between them. This Charter acknowledges the role of both the Borough Council and Parish Councils in providing a framework which enables us all to understand, develop and promote local needs and aspirations.

This Charter is a 'living' document and its relevance and effectiveness will continue to be jointly monitored by the Borough Council and Parish Councils with a view to making further amendments, as necessary, to ensure it remains of value to those it serves.

## **Our commitment**

Successful partnership working at the Parish and non-Parished level can only be achieved if the partners, Maidstone Borough Council and Parish Councils, understand and respect each other's roles and work to complement those roles in serving the community.

### **Maidstone Borough Council recognises that Parish Councils are:**

- a. comprised of voluntary, elected Parish Councillors (its Members) and employed Clerks;
- b. focused upon the interests of their residents;
- c. a vital part of democratic local government, representing communities at the most local level;
- d. an important primary source of information about community history, aspirations and opinions;
- e. providing an opportunity to foster greater community empowerment;
- f. to be respected, treated equally and recognised as diverse in their size and in the resources available to them;
- g. affected by the financial and political decisions of other tiers of government and have to work within certain constraints when fulfilling their responsibilities; and
- h. directly, locally and accessible to their residents and are readily accountable at all times.

### **Parish Councils recognise that Maidstone Borough Council:**

- a. is comprised of elected Borough Councillors (its Members) and a full-time body of professional staff;
- b. has a political basis for its elected Borough Councillors and the pressures of organisational continuity for its professional staff;
- c. represents the interests of the local community at the Borough level and directly represents the immediately local interests of the community in non-Parished areas;
- d. has to take into account community interests wider than the Parished areas; and
- e. is affected by the financial and political decisions of central government and has to work within certain constraints when fulfilling its strategic role and responsibilities.

## **Signatories of the Maidstone Parish Charter**

**Cllr Fran Wilson**

Leader  
Maidstone Borough Council

**Alison Broom**

Chief Executive  
Maidstone Borough Council

**Cllr Geraldine Brown**

Chairman  
Maidstone Committee,  
Kent Association of Local Councils

**Cllr John Perry**

Parish Champion  
Maidstone Borough Council  
Communities, Housing &  
Environment Committee  
Maidstone Borough Council

**Cllr Marion Ring**

Chairman  
Communities, Housing &  
Environment Committee  
Maidstone Borough Council

**Cllr Derek Mortimer**

Vice-Chairman  
Communities, Housing &  
Environment Committee  
Maidstone Borough Council

**Cllr Annabelle Blackmore**

Leader of the Conservative Group  
Maidstone Borough Council

**Cllr Fay Gooch**

Leader of the Independent Group  
Maidstone Borough Council

**Cllr Malcolm McKay**

Leader of the Labour Group  
Maidstone Borough Council

**Cllr Dave Sargeant**

Leader of the UKIP Group  
Maidstone Borough Council

## **Introduction**

This Parish Charter describes the terms for an effective and productive relationship between Maidstone Borough Council (the Borough Council) and all Parish Councils in Maidstone Borough and recognises the role of the Maidstone Committee of the Kent Association of Local Councils (Maidstone KALC) on behalf of Parishes within Maidstone Borough.

Its purpose is to provide a sound basis for close co-operation in the development and provision of excellent services for local people, both in Parishes and in non-Parished areas within the Borough. It supports the evolution of the local Parish as an environment within which Parishioners wish to live, being compatible with the Localism Act 2011, which has provided a new impetus for all tiers of local government to seek a more collaborative approach to decision-making.

In our Borough the Parish Charter will facilitate that approach by providing a framework within which the Borough Council and Parish Councils make a formal commitment to closer partnership-working.

The effectiveness of the Parish Charter will be kept under review to highlight what is working well and to identify areas for further improvement.

## **Key principles**

This Parish Charter is structured around the following key principles:

**1. Key Principle: Leadership**

Both sets of Members will work together to promote the interests of those whose lives they affect directly within the Borough.

**2. Key Principle: Consultation and Engagement**

This is the foundation of the approach to partnership working that will underpin the relationship between the Borough Council and Parish Councils.

**3. Key Principle: Standards and Governance**

This is an on-going promotion and monitoring of exemplary practice in the conduct of public administration.

**4. Key Principle: Financial Arrangements**

This ensures a commitment by the Borough Council and Parish Councils to demonstrate value-for-money when commissioning or delivering services across the Borough, non-Parished and Parished areas, on a comparable and fair basis.

**5. Key Principle: Information-Sharing**

Information is an essential resource to ensure effective day-to-day consultation and engagement to enable effective delivery against respective responsibilities and accountabilities.

## **6. Key Principle: Policy and Service Delivery**

This recognises the shared roles and responsibilities, and sets out the approach for greater partnership working, in delivering and maintaining a local Parish, and, indeed, the wider Borough, as an environment within which Parishioners wish to live and, day-to-day, in delivering excellent services.

## **7. Key Principle: Learning and Development**

This is a commitment to sharing training opportunities to develop the skills, knowledge and expertise that is essential to partnership working and more-effective engagement.

## **Priority Working Areas**

The key principles are recognised and embedded as a guide to supporting three priority working areas. They are in no particular order.

### **1. Economic Development**

### **2. Planning, Development and Environmental Protection**

- a. Planning
- b. NPPF, Duty to Cooperate and Neighbourhood Planning
- c. Affordable Housing Development
- d. Environmental Protection

### **3. Leisure, Recreation and Culture**

Key Principles and Priority Working Areas are described in later sections.

## **Monitoring, Review and Complaints**

It is important that this document is maintained as an up-to-date statement of the partnership arrangements between the Borough Council and Parish Councils. Any Charter will also need a system in place to deal with complaints so that relations and communications are always strong.

The following arrangements will be followed:

- a. Parish Councils are encouraged to express their views on the contents and effectiveness of this Charter. Any questions or comments on the Parish Charter should be directed to the Head of Housing and Community Services by email to [johnlittlemore@maidstone.gov.uk](mailto:johnlittlemore@maidstone.gov.uk). Opportunities to discuss the contents of the Parish Charter will also be available at the annual Parish conference and at the regular meetings of Maidstone KALC. This Parish Charter for Maidstone will be reviewed annually.
- b. Any complaints relating to the operation or effectiveness of this Charter from either Parish Councils or from Borough Council members and Officers should be sent to the Chief Executive of the Borough Council and the Chairman of Maidstone KALC in the first instance. Within the Borough Council, complaints will then be handled in accordance with its complaints procedure. Further details can be found at <http://www.maidstone.gov.uk/find-and-contact-us/complaints-policy>.

- c. Any Parish specific issues and/or day-to-day matters should be directed towards the Borough Council's Head of Housing and Community Services or the relevant Borough Council Head of Service concerned (see Appendix 1).

## **Key Principles**

### **1. Key Principle: Leadership**

1.1 Members of the Borough Council and Parish Councils will share the responsibilities as leaders of their local communities. In each Parish the relevant Members of both tiers will seek to work collaboratively to tackle the issues that are important to their communities. Where appropriate, the relevant Borough Council Member(s) will act on behalf of Parish Councils to facilitate more effective relations between Parishes and Borough Council.

#### **1.2 The Borough Council will:**

- a. Host at least four liaison meetings per year (the Parish Liaison meetings) between Officers of the Borough Council and Maidstone KALC to discuss corporate aims and other matters of mutual interest;
- b. Provide an appropriate Parish contact Officer within the Communities team to promote partnership working;
- c. Encourage the attendance of Borough Councillors, including the Parish Champion, at Parish Council meetings to communicate and discuss relevant issues;
- d. Provide links to Parish Councils' websites on the Parish Council web pages of the Borough Council website; and
- e. Maintain the efficiency of use of its IT and electronic communication methods (where made available to Parish Councils).

#### **1.3 Parish Councils will:**

- a. Be represented at Parish Liaison meetings convened by the Borough Council and Maidstone KALC;
- b. Provide the Parish Champion with copies of Parish Agendas and papers by email, if requested; and
- c. Make efficient and effective use of IT and electronic communication methods (where available to Parish Councils), particularly where this will increase efficiency and improve value-for-money.

### **2. Key Principle - Consultation and Engagement**

2.1 The principal forum for engagement between the Borough Council and Parish Councils will be the Parish Liaison meeting. This will take place on a quarterly basis and will be facilitated by the Borough Council, in consultation with Maidstone KALC. It will be jointly-organised by the Parish Champion and Maidstone KALC. The meeting will be chaired by the Parish Champion and supported by the Director of Shared Services.

#### **2.2 The Borough Council will:**

- a. Ensure that the relevant Parish Council(s) are informed through the Borough Council's existing consultation processes, about open consultations on development and services in or directly affecting their area and, as far as is practicable, consult with Parish Councils on aspects of the development, implementation and review of its services;

- b. Allow a minimum period of six weeks, and a maximum of twelve weeks, for all consultations, except those relating to planning, or other issues, where statutory deadlines apply. Where the minimum timescale cannot be met, notification will be sent to the relevant Parish Councils setting out the reasons for reducing the time period;  
*(For planning applications the legal requirement is a minimum of fourteen days. However, the Borough Council shall allow twenty-one days for consultation, and a further fourteen days where there are significant amendments to applications).*
- c. With mutual agreement, attend meetings of Maidstone KALC to discuss key issues and answer queries;
- d. Ensure Parish Clerks and Chairs are notified when matters relating to the Borough Council may affect a particular Parish or Parish Council;
- e. As appropriate and relevant to the consultation process, allow Officers to attend Parish Council meetings to explain and discuss policies and plans when particularly contentious issues cannot be resolved in any other way; and
- f. Post-consultation, Parish Councils that have made a detailed response to the consultation will be notified of the decision and the reasons for the decision. This will be done within two weeks of the decision being made, except in exceptional circumstances, or in line with existing statutory procedures in relation to Planning.

### 2.3 **Parish Councils will:**

- a. Wherever possible, use electronic forms of communication to respond to consultations, and use the consultation portal when responding to Local Plan issues and as a preferred method when dealing with the Borough Council;
- b. Give priority to submitting consultation responses on issues being considered by the Borough Council's ultimate decision-making body to help promote engagement in the decision-making process;
- c. Respond to all relevant consultations, within the agreed timescale, even if it is a 'nil' reply. Where circumstances do not allow a Parish Council to meet the deadline, an extension may be sought. However, the Borough Council will reserve the right not to agree to an extension if that would delay the matters under consideration; and
- d. Work with the Borough Council to seek mutually acceptable solutions to contentious issues.

## **3. Key Principle: Standards and Governance**

3.1 There will be an on-going commitment to promoting high standards in the conduct of public administration in all authorities. Both the Borough Council and Parish Councils have adopted Codes of Conduct. Parish Councils will work with Maidstone Borough Council to promote and maintain high standards of conduct.

### 3.2 **The Borough Council will:**

- a. Liaise with Maidstone KALC to appoint two Parish Council representatives to its Audit, Governance and Standards Committee;
- b. Advise, train or arrange to train members and co-opted members of the Audit, Governance and Standards Committee on matters relating to the Codes of Conduct;
- c. Advise Parish Councils of revisions to the Borough Council's Code of Conduct;

- d. If appropriate for the particular Parish Council's Code of Conduct, work with the Audit, Governance and Standards Committee to deal with the assessment of any complaint that a Parish Councillor has breached the terms of that Code of Conduct; and
- e. Ensure that its Members and Officers observe its Code of Conduct and ensure it has a valid Code of Conduct in place.

### 3.3 **Parish Councils will:**

- a. Work with Maidstone Borough Council to promote and maintain high standards of conduct;
- b. Nominate two Parish Councillors (who are not also Borough Councillors) to sit on the Borough Council's Audit, Governance and Standards Committee, facilitated by Maidstone KALC;
- c. Facilitated by Maidstone KALC, ensure at least one of these representatives is present at the Borough Council's Audit, Governance and Standards Committee when a decision relating to Parishes is made; and
- d. Observe the relevant Code of Conduct and Maidstone KALC will encourage all Parishes to have a valid Code of Conduct in place.

## **4. Key Principle: Financial Arrangements**

4.1 The Borough Council and Parish Councils are under unprecedented financial pressures, a situation likely to remain for several years. Both Maidstone Borough Council and Parish Councils must be mindful of the need to be able to demonstrate value-for-money when delivering services throughout the Borough of Maidstone.

4.2 The Parish Services Scheme (PSS) has been introduced to enable a Parish to apply and receive funding from Maidstone Borough Council for specific services that are provided by a Parish Council on the Borough Council's behalf and are linked to the Borough Council's priorities. The funding is subject to meeting agreed criteria set out in PSS, as agreed between Maidstone KALC and Maidstone Borough Council. A contribution towards the cost of agreed services carried out by the Parish Council is provided to the following services; grounds (including hedge and tree) maintenance, allotments, war memorials, notice boards, play areas and Parish administrative costs. Further details of the scheme can be found at:

<http://services.maidstone.gov.uk/meetings/mgParishCouncilDetails.aspx?bcr=1&SLS=3>. The funding does not restrict a Parish Council from making an application to other Council or external funding schemes available to support external bodies and projects for other purposes. For example, a Parish Council may wish to provide additional services such as, inter alia, the provision security cameras, street cleaning, provision of bus shelters and real time traffic information.



#### 4.3 **The Borough Council will:**

- a. Operate and keep under review the financial arrangements with Parish Councils with respect to PSS;
- b. Ensure applications under PSS are processed and administered in an appropriate and timely manner;
- c. Review specific examples of 'double taxation' raised by Parish Councils and address, as appropriate;
- d. Provide its best indication of any adjustments to PSS to allow Parish Councils to set their precept at the earliest opportunity;
- e. Pass-through to Parishes an in-good-faith assessment of Local Council Tax Support (LCTS) that is included, explicitly or implicitly, in central government funding received by Maidstone Borough Council; and
- f. At all times treat Parishes and non-Parished areas of Maidstone Borough on an equal basis in terms of funding.
- g. The Borough Council will ensure that funds from S106 agreements and the Community Infrastructure Levy are appropriately distributed.

#### 4.4 **Parish Councils will:**

- a. Ensure applications for PSS are received in accordance to timescales required by the Borough Council;
- b. Monitor and make efficient and effective use of funding offered by the Borough Council as part of PSS;
- c. Set their precept based on the Borough Council's best indication of funding to be provided via PSS, LCTS pass-through and any other monies to be provided to Parishes by the Borough Council;
- d. Provide the Borough Council with access to all records relating to the provision of the services funded by PSS as part of any review MBC may undertake; and
- e. Provide at least one month's prior notice of any intention to cease the provision of a funded service.

### **5. Key Principle: Information-Sharing**

5.1 Information is an essential resource to ensure effective day-to-day engagement between Maidstone Borough Council and the Parishes and for supporting effective decision-making, service development and delivery.

#### 5.2 **The Borough Council will:**

- a. Provide up-to-date information on key aspects of its structure and organisation, including the name, title, responsibilities and contact details of each member of the Borough Council's ultimate decision-making body, boards and committees, and senior Officers. This will be done annually, at the start of the financial year, or as circumstances require. (Appendix 1 refers);
- b. Provide a method of priority and timely access to Officers for use by Parish Council Clerks;
- c. Send by email to each Parish Council a copy of relevant media releases and announcements. It will also seek to promote Parish Council initiatives through its communication channels;
- d. Provide, as requested and preferably digitally, other such information that is essential for closer engagement with Parish Councils, such as the agendas and minutes of all its meetings, government circulars, reports of its partnership working activities and the notice of intent to make key decisions; and

- e. In order to share information and intelligence, schedule meetings between senior Officers and Parish Council Clerks and Members on a rotational basis, to share information and intelligence. These will take place no less than twice per year and will facilitate an effective approach to partnership working between the two tiers. The Borough Council will provide accommodation and facilities.

**5.3 Parish Councils will:**

- a. Provide the contact details of relevant personnel, together with details of their roles and responsibilities. This will be done annually, at the start of the financial year, or as circumstances require;
- b. As they wish, except in circumstances where the information provided is marked confidential by the Borough Council, disseminate information provided by the Borough Council to Parishioners and others that Parish Councils deal with, using the most appropriate means available to them (typically electronically), and will seek to promote Borough Council initiatives that they support through their communication channels; and
- c. Be responsible for organising attendance at the scheduled meetings between Parish Council Clerks and Borough Council Officers and Members.

**6. Key Principle: Policy and Service Delivery**

6.1 Effective partnership working will be one of the cornerstones of this Parish Charter. The driving force for this will be a strong commitment to the principles of localism and the specific provisions and opportunities in the Localism Act 2011. This Parish Charter recognises the shared roles and responsibilities for delivering excellent services and the Borough Council and Parish Councils will work together to identify areas of service delivery that might be devolved to more local levels, together with appropriate funding. The focus will be on those discretionary services that may not otherwise be deliverable, ensuring that communities can continue to benefit from a diverse range of high-quality provision.

**6.2 The Borough Council will:**

- a. Provide advice to Parish Councils that seek to utilise the Community Right to Bid and the Community Right to Challenge powers;
- b. Act as a consultee on the design and delivery of services devolved to Parish Councils; and
- c. Attend Parish Council meetings where appropriate.

**6.3 Parish Councils will:**

- a. Work in partnership and consult with the Borough Council on the design and delivery of appropriate services devolved to Parish Councils.

**7. Key Principle: Learning and Development**

7.1 Where appropriate, Parish Council Members and Clerks will be offered places on training and development courses provided by the Borough Council. The Borough Council will work with Maidstone KALC to identify particular learning and development needs, and consider the best way to meet those needs in collaboration.

## 7.2 **The Borough Council will:**

- a. Provide training events for Parish Councils on topics that relate to the Borough's statutory functions, notably Code(s) of Conduct and Town and Country planning (as resources permit) and Finance;
- b. Accept approaches from Parish Councillors and Clerks for the Borough Council to provide training sessions on issues where the Borough Council has a professional knowledge that would be beneficial to Parish Councils e.g. human resources;
- c. Offer Parish Councils practical support, access to professional services and specialist knowledge held by the Borough Council; and
- d. Familiarise their staff on the role, responsibilities and functions of the Parish tier.

## 7.3 **Parish Councils will:**

- a. Identify relevant training needs and participate, where appropriate and relevant, in training courses offered by Maidstone KALC and the Borough Council.

## **Priority Working Areas**

### **1. Priority Working Area: Economic Development**

The Borough Council and Parish Councils will work together to create the right conditions to enable sustainable economic growth and the promotion of tourism to maintain a thriving and diverse town and rural economy.

#### 1.1 **The Borough Council will:**

- a. Share information with Parish Councils on businesses in their areas from the Borough Council's new Economic Development Business database;
- b. Work with Parish Councils on the design and delivery of a programme of businesses events in their areas; and
- c. Ensure Parishes receive timely information on issues affecting or impacting on businesses in their areas.

#### 1.2 **Parish Councils will:**

- a. Work with the Council's Economic Development unit to ensure businesses in their areas have input into a programme of business events in their areas; and
- b. Help ensure communications from the Economic Development Unit are circulated in a timely fashion to businesses in their areas.

### **2. Priority Working Area: Planning, Development and Environmental Protection**

- a. Planning
- b. NPPF, Duty to Cooperate and Neighbourhood Planning
- c. Affordable Housing Development
- d. Environmental Protection

#### **2a. Planning**

2a.1 Planning is a pivotal area of activity and partnership within and across all tiers of government and where co-operation should be closest, given the landscape quality of the Borough. The Borough Council recognises a need for continual improvement on existing opportunities for Parish Councils to get involved in the

planning process in order to improve the effectiveness of plan making and development management. The Borough Council's Statement of Community Involvement (SCI) sets out how and when stakeholders and the local community can participate in the preparation of local planning policy documents and planning applications (visit [http://www.maidstone.gov.uk/\\_\\_data/assets/pdf\\_file/0007/12112/Statement-of-Community-Involvement-2013.pdf](http://www.maidstone.gov.uk/__data/assets/pdf_file/0007/12112/Statement-of-Community-Involvement-2013.pdf) to read the SCI in full).

2a.2 Under the Borough Council's Constitution, the Chief Executive and Head of Planning have delegated power to undertake all the functions relating to planning and conservation, except where the intended delegated decision on a planning or related application would be contrary to the written view of any Parish Council and the Parish Council has requested that the application is determined by the Planning Committee. However, the Chief Executive and Head of Planning have delegated power to undertake all functions relating to planning enforcement. To view the Constitution visit; [http://www.maidstone.gov.uk/\\_\\_data/assets/pdf\\_file/0007/9538/Constitution-2-July-2015.pdf](http://www.maidstone.gov.uk/__data/assets/pdf_file/0007/9538/Constitution-2-July-2015.pdf)

**2a.3 The Borough Council will:**

- a. In line with statutory consultation requirements, involve, where appropriate, Parish Councils, including Maidstone KALC, in the review of the Local Plan and its associated policy documents in accordance with the adopted Statement of Community Involvement and Constitution;
- b. Review with members and, if appropriate, produce supplementary planning guidelines on issues raised by Parishes and in consultation with Maidstone KALC;
- c. Consult Parish Councils on major town and country planning application matters relevant to their areas;
- d. Make available to Parish Councils on-line decisions taken on planning applications;
- e. Where such relevant Parish Council response requests that a decision be made by the Planning Committee, refer it to the Planning Committee and notify the relevant Parish Council of such (refer to 2a.2 for further details);
- f. Provide guidance and support to Parish Councils on the production of Neighbourhood Plans (refer to 2b. for further details);
- g. Within reason, provide Borough Council Officers to assist elected Parish Councillors and their Parish Clerks with enquiries relating to specific planning applications, planning history (e.g. enforcement) or relevant policy considerations;
- h. Encourage the developer of any major development scheme to involve the affected community, including affected Parish Councils, at an early stage in their plans (refer to 2a.1);
- i. Ensure Parish Councils have access to online copies of the weekly list of planning applications, agendas and minutes of Planning Committee meetings; and
- j. Ensure Parish Councils are consulted on proposals to amend conservation area appraisals and provided with the opportunity to input into the process.

**2a.4 Parish Councils will**

- a. Respond to all consultations in relation to the Local Plan within the Borough Council's deadlines in accordance with the adopted Statement of Community Involvement and Constitution;
- b. Actively engage in the process of site allocations through close working with the Borough Council and through the Neighbourhood Plan process;
- c. Adopt procedures that enable Parish Councils to respond to applications and the Local Plan within the Borough Council's deadlines;
- d. Comment on planning applications on planning grounds and specify, as fully and as meaningfully as possible, the reason for objecting to or supporting a particular application;
- e. Communicate with the Borough Council on applications at the earliest possible stage to minimise 'call-ins'; and
- f. Acknowledge that the Borough Council will not always grant or refuse planning permission in line with the decision of the Parish Council.

## **2b. NPPF, Duty to Cooperate and Neighbourhood Planning**

- 2b.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and Neighbourhood Plans, which reflect the needs and priorities of their communities.
- 2b.2 The National Planning Policy Framework must be taken into account in the preparation of local and Neighbourhood Plans, and is a material consideration in planning decisions. It is recognised that the plans within Maidstone Borough Council's Local Plan will have a direct impact on the future of all communities within the Borough of Maidstone. Neighbourhood Plans must be in general conformity with Maidstone Borough Council's Local Plan and, as appropriate, *vice versa*. Neighbourhood planning can help to provide details about the local context which can help to ensure the aims and ambitions of the Local Plan are met. Therefore, to ensure that the best possible outcomes are achieved, non-Parished communities and Parish Councils must be fully involved in the process.
- 2b.3 The 'duty to cooperate' is set out in the Localism Act (2011) and requires local planning authorities, county councils and other public organisations to engage with one another and consider joint approaches to plan making.
- 2b.4 Neighbourhood planning was introduced through the Localism Act 2011 to enable greater community involvement in the planning process, so that people can shape their local areas and have a greater say in planning decisions. The Borough Council will take into account the Neighbourhood Planning Guidance Note published by the Department for Communities and Local Government in November 2012 which states: "With a Neighbourhood Plan, communities are able to establish general planning policies for the development and use of land in a neighbourhood. They will be able to say, for example, where new homes and offices should be built, and what they should look like."
- 2b.5 It is important that Neighbourhood Plans are in general conformity with the Borough's Local Plan. This issue is best considered and where possible resolved as part of joint discussions between Parish Councils and the Borough Council,

even if the final opinion regarding conformity with the Local Plan rests with the Borough.

2b.6 Parish Councils will give the Borough Council and other agencies the opportunity to contribute to the process of preparing and implementing their Neighbourhood Plan.

**2b.7 The Borough Council will:**

- a. Provide technical advice, support and assistance to those preparing Neighbourhood Plans in accordance with Neighbourhood Plan Regulations;
- b. Check that the plans meet all the technical and legal requirements;
- c. Formally screen the plans for the need for a Strategic Environmental Assessment (SEA) which includes consulting the statutory bodies;
- d. Take decisions at key stages in the process;
- e. Publish the plans at the Regulation 16 stage, and receive representations;
- f. Organise and provide funds for the independent examination, including appointing an Inspector;
- g. Organise and provide funds for the referendum; and
- h. Recognise the status of Emerging Neighbourhood Plans and take into account relevant developing case law.

**2b.8 Parish Councils will:**

- a. Make a decision and if appropriate apply to the Borough Council to be put forward as the qualifying neighbourhood planning body;
- b. Take the lead and overall responsibility in the neighbourhood planning process;
- c. Work closely with the Borough Council and members of the community who are interested in, or affected by, the neighbourhood planning proposals; and
- d. Make the relationship between any interested party and the formal functions of the Parish Council transparent to the wider public.

**2c Affordable Housing Development**

2c.1 Maidstone Borough has an affordable housing need. The Strategic Housing Market Assessment (SHMA) and Local Plan supports the approach of seeking a proportion of dwellings to be provided on-site for affordable housing needs. The cost, including the high levels of deposit required, is putting home ownership out of reach for many households. Residents who are without adequate housing and who cannot afford to buy or rent suitable housing in the open market are in need of affordable housing. As the Strategic Housing Authority and the Planning Authority, the Borough Council is committed to meeting this housing need.

2c.2 The Borough Council will work with Parish Councils and local stakeholders to bring forward sustainably-located local needs housing in its communities, where this has been proven necessary by a local needs housing survey undertaken by or on behalf (at their request) of the Parish Councils concerned.

### 2c.3 **The Borough Council will:**

- a. Produce an Affordable and Local Needs Housing Supplementary Planning Document to expand on how the proposals in Local Needs Housing within the Local Plan will be implemented;
- b. Enable the delivery of affordable homes on identified sites to meet affordable housing need, including rural exception sites;
- c. When assessing the need for affordable homes (especially in rural areas), take into account specific factors such as access to public transport, availability of and access to jobs and the sustainability of the site.
- d. Lobby the Homes and Communities Agency for grant-funding to support particular housing schemes comprising of affordable housing;
- e. Continue to work on a programme of Parish local housing need surveys in partnership with Action With Communities in Rural Kent, or such similar approved organisation, but only after relevant Parishes have been informed and agreed terms of reference;
- f. Assess each candidate development site for its suitability in planning terms, including consultation with relevant Parishes and taking full account of their input;
- g. Consult with relevant Parish Councils and registered providers of social housing (RPSH) to determine the number, size, type and tenure of homes to be developed after assessing the results of any survey and also using the Borough Council's housing register to determine where there may be unmet housing needs;
- h. Ensure that affordable homes are allocated to people most in need, including giving priority to people meeting the relevant occupation criteria for Local Needs Housing, in accordance with the Borough Council's housing allocation scheme;
- i. Work in consultation and partnership with Parish Councils and the RPSH to ensure the timely and appropriate letting or re-letting of affordable local needs homes;
- j. Endeavour to ensure that local needs housing remains available in perpetuity to meet the need for which it was permitted, using planning conditions and/or legal agreements, as appropriate; and
- k. Determine the appropriate mix for affordable housing depending on the evidence base.

### 2c.4 **Parish Councils will:**

- a. Endeavour to identify any potential rural local housing need when undertaking Parish appraisals, Neighbourhood Plans or similar exercises;
- b. As appropriate, engage with the Maidstone Borough Council's Housing Department on proposals for affordable housing within local Neighbourhood Plans;
- b. When aware of local people in housing need, inform them of the need to apply to Maidstone Borough Council's Housing Register and make them aware of the services of the Borough Council; and
- d. Advise the Borough Council of any concerns they may have about rural local needs housing or its occupiers.

## **2d. Environmental Protection**

The Maidstone Borough Council will work alongside Parish Councils to provide or promote a range of services to the local community focusing on developing, and supporting environmental opportunities.

### **2d.1 The Borough Council will:**

- a. Promote the importance and value of a quality environment and its contribution to quality of life for local communities;
- b. Seek to reduce negative environmental impacts from its own activities, through the work of contractors it may employ and others with whom it works;
- c. Communicate environmental performance improvements to interested parties and organisations and to engage them in environmental practices wherever possible; and
- d. Comply with, and where possible exceed, all environmental legislation or other requirements.

### **2d.2 Parish Councils will:**

- a. Support local communities in their enjoyment of the local environment;
- b. Maximise the positive environmental impacts of operations through awareness raising and encouraging environmentally positive behavioural changes;
- c. Carry out work in an efficient way that minimises or eliminates its adverse impact on the environment; and
- d. Seek to purchase goods and services locally, wherever possible, wherever this does not conflict with the objective of securing value for money and behaving transparently.

## **3. Priority Working Area: Leisure, Recreation and Culture**

The Borough Council and Parish Councils will work together to devolve the delivery of appropriate services to support the Borough's leisure, recreation and culture provision.

### **3.1 The Borough Council will:**

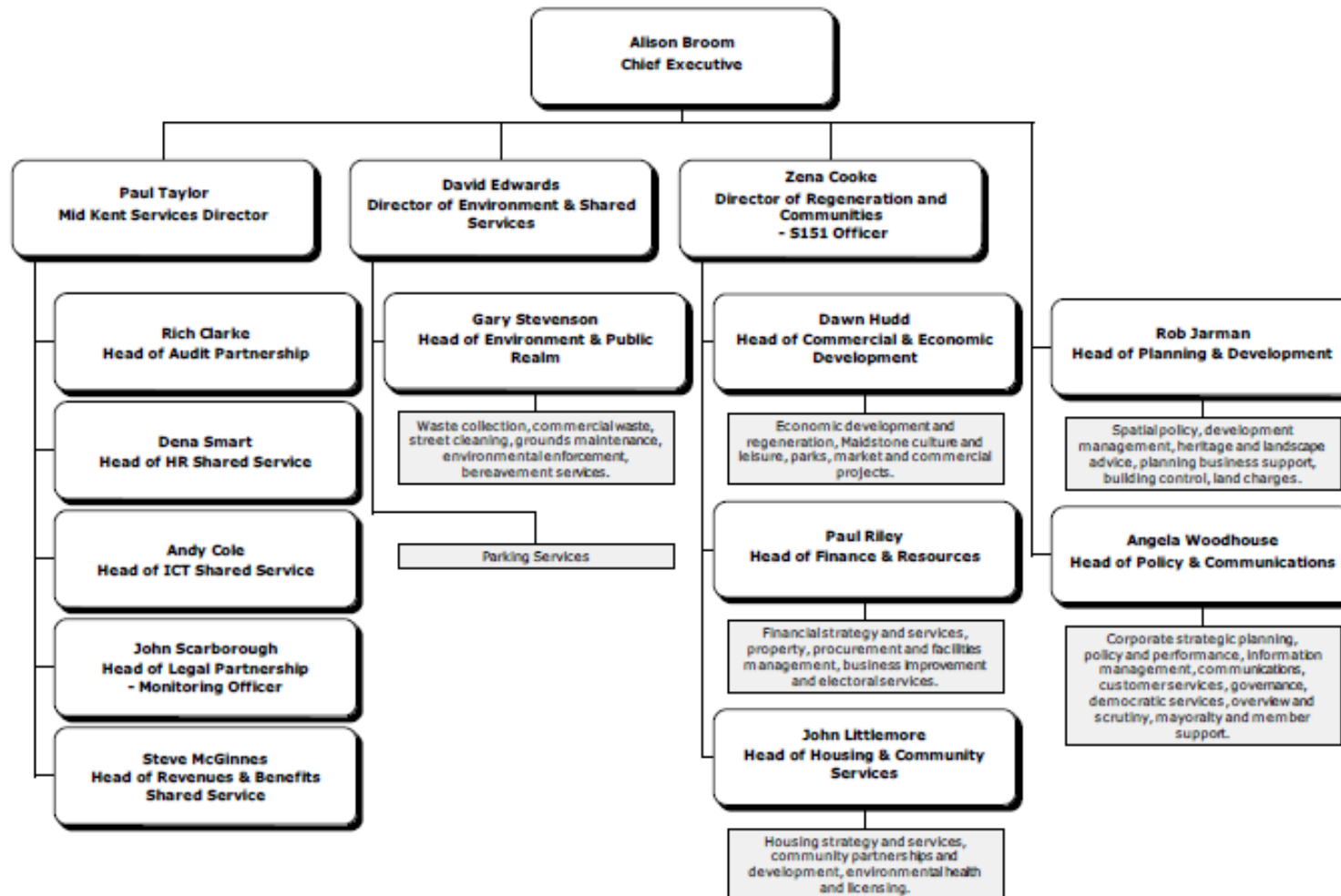
- a. Involve, where appropriate, Parish Councils in any consultation on leisure, recreation and cultural provision within or affecting their area;
- b. Work in partnership with Parish Councils to promote leisure facilities and green spaces within local communities;
- c. Promote sustainable recreation and tourism to support the local environment and economy; and
- d. Promote joint working with Parish Councils to help culture and leisure activity by sharing its knowledge, information and expertise.

### **3.2 Parish Councils will:**

- a. Share information with the Borough Council on any developments in their Parishes within the leisure, recreation and/or cultural sector to ensure they have a full overview of the sector within the Maidstone Borough;
- b. Ensure that any requests for information or in response to consultation is responded to within the time periods issued; and
- c. Assist Officers in communicating to their areas on matters relating to the above.



# Appendix 1: Maidstone Borough Council Organisation Structure



November 2014