



**A Charter between  
Denbighshire's Town & Community  
Councils  
and  
Denbighshire County Council**

**The following Councils have cordially adopted this Charter as a mutual agreement between the two tiers of Government within Denbighshire.**

**Council**

**Signatory**

**Date**

Denbighshire County Council

***The aim of a charter is to define and enhance the existing relationship between Denbighshire's Town and Community Councils and Denbighshire County Council.***

## **1. Introduction**

- 1.1 Town and Community Councils (T&CC's) and Denbighshire County Council (DCC) have an important role to play in the local government system. They are the most local level of government and can influence decisions that affect the local area and help bring life to their communities.
- 1.2 More than ever, it is important that both DCC and T&CC's within Denbighshire continue to work closely together in partnership for the benefit of local residents. This document relates equally to Councillors and Council Officers.
- 1.3 This Charter represents a mutual agreement between the two tiers of local government. It sets out how we aim to work together to develop and promote local needs and aspirations for the benefit of local communities, whilst recognising our respective responsibilities as autonomous, democratically elected statutory bodies.
- 1.4 This document is also designed to build on existing good practice and embrace the shared principles of openness, respect and our common priority of putting residents at the centre of service delivery.

## **2. Mutual Acknowledgement**

- 2.1 We aim to work together as a partnership of equals rather than tiers. Successful partnership working at the community level can only be achieved if the partners – DCC and the T&CC's – understand and respect each other's roles, and work to complement those roles in serving the community.

### ***2.2 DCC recognises that T&CC's:***

- 2.2.1 Are a vital part of democratic local government, representing communities at the most local level;
- 2.2.2 Are an important primary source of information about community aspirations and opinions;
- 2.2.3 Are to be respected, treated equally and recognised as diverse in their size and in the resources available to them;
- 2.2.4 Are affected by the financial and political decisions of other tiers of government and often have to work within certain constraints when fulfilling their responsibilities.

### ***2.3 T&CC's recognise that DCC:***

- 2.3.1 Represents the interests of local communities at the County level;
- 2.3.2 Has to take into account community interests wider than the Town and/or Community;

- 2.3.3 Has duties to: the people who use its services; the communities in which it works; the general public and funding bodies that support its work; its members; the regulatory bodies that oversee its activities, and; its clearly defined structures to enable it to fulfil its obligations on accountability.
- 2.3.4 Is affected by the financial and political decisions of the Welsh Assembly and central government and often has to work within certain constraints when fulfilling its strategic role and responsibilities.

### **3. Information and Communication**

- 3.1 Securing good communication and liaison between the County and T&CC is a cornerstone of this Charter and involves communication from the most strategic level right down to liaison on specific local projects.

#### **3.2 DCC undertakes to:**

- 3.2.1 Organise at least two Liaison meetings per year with the T&CC to discuss corporate aims and other matters of mutual concern;
- 3.2.2 Organise at least one Cluster Meeting per year in three geographic areas of the County to discuss issues appropriate to that area;
- 3.2.3 To identify an appropriate senior liaison officer to advise T&CC and assist T&CC's in resolving any difficulties with DCC;
- 3.2.4 Provide written confirmation of receipt of written communication from a T&CC within 5 working days and aim to reply in full within 10 working days. If a T&CC use email DCC will use email to respond. If a full reply can not be delivered within 10 working days, DCC will provide a holding reply saying when a full reply will be available and which officer is dealing with the matter;
- 3.2.5 Provide correspondence and information where ever possible in the format requested by a T&CC, e.g. electronic or hard copy documentation;
- 3.2.6 Encourage the attendance of County Councillors at T&CC meetings;
- 3.2.7 Provide links to T&CC websites on the Denbighshire website;
- 3.2.8 Promote the County's Customer Relations Management (CRM) System and ensure it is an effective and efficient vehicle for T&CC to generate enquiries;
- 3.2.9 Act on common complaints generated to the CRM System and include T&CC's representatives in improvement working groups to address complaints, e.g. the Highways and Infrastructure responsiveness and customer service improvement working group.

#### **3.3 T&CC's endeavour to:**

- 3.3.1 Be represented at liaison and cluster meetings convened by DCC and actively suggest agenda items;
- 3.3.2 Provide written confirmation of receipt of written communication (including e-mails)

from DCC within 5 working days and aim to reply in full within 10 working days. If a full reply can not be delivered within 10 working days, T&CC's will provide a holding reply saying when a full reply will be available;

- 3.3.3 Provide the relevant county councillor(s) with copies of the Agendas, Minutes and papers of its meetings if requested to do so;
- 3.3.4 Make efficient and effective use of IT and electronic communication methods available to T&CC's, particularly where this will increase efficiency and improve value for money;
- 3.3.5 Make full use of the CRM System to raise issues with the Council;
- 3.3.6 Be responsive to opportunities to join improvement working groups with DCC representatives to address service complaints;
- 3.3.7 Through their Town and Community Council Clerks, ensure their Councillors are kept informed of communications from DCC.

## **4. Consultation and Engagement**

- 4.1 Consultation and engagement are key components of open government and can lead to better informed policies and a more engaged public. This charter sets out a genuine commitment amongst all parties to consult on matters of mutual concern with clear, specific and time limited procedures for consultation and engagement.

### **4.2 DCC undertakes to:**

- 4.2.1 Seek the participation of, and consult with, T&CC on Denbighshire policies that affect T&CC collectively or individually at the earliest appropriate stage;
- 4.2.2 Provide a minimum of eight weeks for consultation on DCC policies other than in cases where DCC is bound by other statutory requirements e.g. in the case of planning applications;
- 4.2.3 Discuss with T&CC's concerned at the earliest appropriate stage, any DCC promoted plan or scheme that affects a town or community specifically, including sale or dispersal of land or property within their communities, and invite T&CC's to attend any relevant public meetings and exhibitions;
- 4.2.4 Respect and properly consider T&CC's views before making decisions;
- 4.2.5 Allow appropriate officers to attend T&CC meetings to explain and discuss policies and plans, especially when particularly contentious issues cannot be resolved in any other way;
- 4.2.6 Provide consultation documents bilingually to all T&CC's, unless previously requested just in English, and make every effort to provide access to any information necessary to reach an informed view;
- 4.2.7 Report back to T&CC's on the outcome of consultations, clearly highlighting any amendments that have or will be made, in addition to outlining in a transparent way the reasons for reaching that outcome or decision. e.g. in the case of a planning application that is involved in an amendment;

4.2.8 Ensure Services adopt a consistent and proactive approach to engagement and consultation with T&CC.

**4.3 T&CC's endeavour to:**

- 4.3.1 Respond positively where possible to invitations to attend consultative committees, working groups and meetings;
- 4.3.2 Respond within consultation deadlines set by DCC unless otherwise agreed with DCC;
- 4.3.3 Work with DCC to seek mutually acceptable solutions to contentious issues;
- 4.3.4 Respect the final democratic decision of DCC;
- 4.3.5 Engage and consult directly with their residents;
- 4.3.6 Inform DCC annually of your calendar of meetings in order that we can make informed decisions when planning our liaison, cluster and public meetings;
- 4.3.7 Have a proactive approach in working in consortium with surrounding Towns or/and Community Councils to seek views and consensus on area wide issues and opportunities;
- 4.3.8 Through their Town or Community Council Clerk, ensure decisions made by DCC on subjects that affect their localities are reported back to T&CC Members, including the reasons given for that decision by DCC staff, e.g. planning decisions.

**5. Partnership and Joint Working**

- 5.1 It is recognised that effective partnerships have the potential to bring benefits to those involved. Any partnerships developed will also carry a corresponding shared responsibility. Local government at both tiers must work together to promote the economic, social and environmental well being of our areas and where possible assist in delivering key strategies eg the BIG Plan. If doing things differently achieves a better service, we will seriously examine these methods.
- 5.2 DCC is committed in principle to the opportunity of service enhancement by T&CC's, whereby a T&CC makes a financial contribution to enhance the quality or quantity of a particular service, delivered in the local area by DCC.
- 5.3 DCC is also committed to devolving services to T&CC where mutually appropriate. Services should be delivered with regard to value for money and added value for local people.
- 5.4 It is fully recognised that for some services, it may not be practicable or desirable to undertake such enhancements or devolution of services.

**5.5 DCC undertakes to:**

- 5.5.1 Seek the participation of all T&CC in exploring opportunities for joint working;
- 5.5.2 Provide clear financial information and schedules of services to interested T&CC;

- 5.5.3 Acknowledge that when financial support is given by a T&CC, decisions are taken to deliver that service in consultation with the T&CC.
- 5.5.4 Explore, where ever possible, T&CC's greater involvement in the procurement and review of contracted services appointed at County level but which undertake work in their town. E.g. through completing performance questionnaires, sitting on the tender working groups and evaluation panels.

**5.6 T&CC's endeavour to:**

- 5.6.1 Respond positively to invitations to participate in joint working and, where appropriate, budget accordingly through the Annual Precept;
- 5.6.2 Work together to ensure the community voice is heard through endorsement of opportunities for community participation e.g. Participatory Budgeting;
- 5.6.3 Be responsive to opportunities to have a greater involvement in the procurement process at County level for contracted services.

## **6. Practical Support & Training**

- 6.1 T&CC's rely, to varying degrees, on the professional support that can be provided by others. There are times when the assistance of the DCC can be particularly useful to a T&CC.

**6.2 DCC undertakes to:**

- 6.2.1 Provide training events for T&CC's on topics that are relevant to their tier of local government, notably the Code of Conduct and Planning policies;
- 6.2.2 Offer T&CC's practical support, access to professional services, specialist knowledge and access to training events held by DCC at a mutually agreed price where appropriate;
- 6.2.3 Familiarise their staff on the role, responsibilities and importance of T&CC;
- 6.2.4 Implement and adhere to a specific protocol in relation to planning matters;
- 6.2.5 Provide guidance on methods of engagement.

**6.3 T&CC's endeavour to:**

- 6.3.1 Participate, where appropriate and relevant, in training courses offered by the DCC;
- 6.3.2 Adhere to a specific protocol in relation to planning matters;
- 6.3.3 Be proactive in gaining and refreshing skills within a changing environment where the role of T&CC Clerk and Councillors are evolving e.g. in undertaking devolved activities.

## **7. Local Governance and Elections**

- 7.1 Fair and open elections are the 'bedrock of local democracy. We will ensure that elections are freely and fairly contested. Both T&CC and the DCC will actively encourage local people to be involved in local democracy through putting themselves forward for election and participation in the electoral process.
- 7.2 The role of the County Councillor as a conduit between DCC and a Town or Community is critical to an effective relationship. A proactive relationship will be actively encouraged particularly for those County Councillors who are not 'twin-hatted' and do not sit on T&CC.

### **7.3 DCC undertakes to:**

- 7.3.1 Involve T&CC in awareness raising / publicity to encourage nominations for candidacy at local elections;
- 7.3.2 Will help publicise forthcoming local elections on behalf of T&CC;
- 7.3.3 Will encourage County Councillors to attend T&CC meetings in their ward;
- 7.3.4 Actively encourage County Councillors to feed issues from T&CC to the Member Area Groups and other council forums and communicate information to the T&CC.

### **7.4 T&CC's endeavour to:**

- 7.4.1 Actively invite their local County Councillor(s) to meetings;
- 7.4.2 Actively encourage residents to become nominees for local elections and participate in the democratic process.

## **8. Ethics and Standards**

- 8.1 It is important that all councils adhere to the following guiding principles of fairness:
- Fair treatment for all;
  - Elimination of disadvantage;
  - Recognition and inclusion of previously excluded groups;
  - Conduct of its business where possible with Welsh and English languages treated equal;
  - Have due regard for, and promote, environmental concerns and sustainable development;
  - Actively review and have regard for their code of conduct.

## **9. Implementation, Monitoring and Review**

- 9.1 For this Charter to be a living document with impact it must be applied and a conscious effort put into its implementation. The commitments and ethos expressed in this Charter will be communicated to DCC staff at their inductions and through the network of Middle Managers across the Council. Heads of Service have a role

in endorsing the Charter and ensuring their staff embody the approach the Charter advocates.

- 9.2 It is important to ensure this Charter is adhered to. Member Area Groups have a role in scrutinising communication between Denbighshire's T&CC and DCC and this will continue to be encouraged. An annual 360° review of the Charter's implementation is encouraged and Communities Scrutiny is ideally placed to lead on this review.
- 9.3 To ensure consistency of Charter application across Services in DCC, Heads of Service will be challenged by colleagues, Directors and Members every 6 months as to their services enactment of the commitments in this document. T&CC's, led by their Chair or Clerk, are encouraged to do the same within their organisation.
- 9.4 Appraisal of the Charters effectiveness and implementation will be encouraged at the T&CC Cluster meetings.
- 9.5 It is important that this document is maintained as an up-to-date statement of the partnership arrangements between DCC and Denbighshire's T&CC. Opportunities to discuss the contents of the Charter will be available at the Liaison meetings. Any feedback received at these Liaison meetings and from DCC staff and Members will be discussed with T&CC's and amendments and/or additions will be made as necessary following full consultation.

## Appendix A: Powers and Duties T&CCs can enact

The list below is an indicative list of powers and activities, applicable to community and town councils. This is to help you appreciate the wide range of activities T&CC's have the legal power to get involved in, as covered by Acts of Parliament. It is a useful reference when you need to know if the Town or Community Council can act. Please note: The information source is 'The Good Councillors Guide for Town & Community Councils' published by WAG and may not be totally comprehensive.

<b>ACTIVITY</b>	<b>POWERS &amp; DUTIES</b>	<b>STATUTORY PROVISION</b>
Allotments	<ul style="list-style-type: none"> <li>▪ Powers to provide Allotments</li> <li>▪ Duty to consider providing allotment gardens if demand unsatisfied</li> </ul>	<ul style="list-style-type: none"> <li>▪ Small holdings &amp; Allotments Act 1908, ss 23</li> </ul>
Baths and Washhouses	<ul style="list-style-type: none"> <li>▪ Power to provide public baths and washhouses</li> </ul>	<ul style="list-style-type: none"> <li>▪ Power to provide public baths and washhouses</li> </ul>
Burial grounds, cemeteries and crematoria	<ul style="list-style-type: none"> <li>▪ Power, as a burial authority, to acquire, provide and maintain</li> <li>▪ Power to agree to maintain monuments and memorials</li> <li>▪ Power to contribute towards expenses of cemeteries</li> </ul>	<ul style="list-style-type: none"> <li>▪ Open Spaces Act 1906, ss 9 and 10</li> <li>▪ Parish and Town Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1</li> <li>▪ Local Government Act 1972, s.214</li> </ul>
Bus Shelters	<ul style="list-style-type: none"> <li>▪ Power to provide and maintain shelters</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government (Miscellaneous Provisions) Act 1953, s.4</li> <li>▪ Parish Councils Act 1957, s.1</li> </ul>
Bye Laws	<ul style="list-style-type: none"> <li>▪ Power to provide bye laws for: <ul style="list-style-type: none"> <li>○ Pleasure grounds</li> <li>○ Cycle Parks</li> <li>○ Baths and Washhouses</li> <li>○ Open spaces and burial grounds</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Public Health Act 1875, s.164</li> <li>▪ Road Traffic Regulation Act 1984, s.57(7)</li> <li>▪ Public Health Act 1936, s.223</li> <li>▪ Open Spaces Act 1906, s.15</li> </ul>
Charities	<ul style="list-style-type: none"> <li>▪ Duties regarding parochial charities</li> </ul>	<ul style="list-style-type: none"> <li>▪ Charities Act 1993 s. 79</li> </ul>
Christmas Lights	<ul style="list-style-type: none"> <li>▪ Power to provide to attract visitors</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government Act 1972. s.144</li> </ul>
Citizens Advice Bureau	<ul style="list-style-type: none"> <li>▪ Power to support</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government Act 1972, s.142</li> </ul>
Clocks	<ul style="list-style-type: none"> <li>▪ Power to provide public clocks</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parish Councils Act 1957, s.2</li> </ul>
Closed Churchyards	<ul style="list-style-type: none"> <li>▪ Powers to maintain</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government Act 1972, s.215</li> </ul>
Commons and common pastures	<ul style="list-style-type: none"> <li>▪ Powers in relation to enclosure, regulation and management, and providing common pasture</li> </ul>	<ul style="list-style-type: none"> <li>▪ Inclosure Act 1845</li> <li>▪ Local Government Act 1894, s.8</li> <li>▪ Small holdings and Allotments Act 1908, s.34</li> </ul>
Community centres	<ul style="list-style-type: none"> <li>▪ Power to provide and equip community buildings</li> <li>▪ Power to provide buildings for use of clubs having athletic, social or educational objectives</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government Act 1972, s.133</li> <li>▪ Local Government (Miscellaneous Provisions) Act 1976 s.19</li> </ul>
Crime prevention	<ul style="list-style-type: none"> <li>▪ Powers to spend money on various crime prevention measures</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government and Rating Act 1997, s.31</li> </ul>
Drainage	<ul style="list-style-type: none"> <li>▪ Power to deal with ponds and ditches</li> </ul>	<ul style="list-style-type: none"> <li>▪ Public Health Act 1936, s.260</li> </ul>
Entertainment and the arts	<ul style="list-style-type: none"> <li>▪ Provision of entertainment and support of the arts including festivals and celebrations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government Act 1972, s.145</li> </ul>
Gifts	<ul style="list-style-type: none"> <li>▪ Power to accept</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government Act 1972, s.139</li> </ul>
Highways	<ul style="list-style-type: none"> <li>▪ Power to repair and maintain public</li> </ul>	<ul style="list-style-type: none"> <li>▪ Highways Act 1980, ss.43, 50</li> </ul>

	<ul style="list-style-type: none"> <li>▪ footpaths and bridleways</li> <li>▪ Power to light roads and public places</li> <li>▪ Power to provide parking places for vehicles, bicycles and motor-cycles</li> <li>▪ Power to enter into agreement as to dedication and widening</li> <li>▪ Power to provide roadside seats and shelters</li> <li>▪ Power to complain to the highway authority regarding protection of rights of way and roadside wastes</li> <li>▪ Power to provide traffic signs and other notices</li> <li>▪ Power to plant trees etc. and to maintain roadside verges</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parish Councils Act 1957, s.3</li> <li>▪ Road Traffic Regulation Act 1984, ss.57</li> <li>▪ Highways Act 1980, ss.30</li> <li>▪ Parish Councils Act 1957, s.1</li> <li>▪ Highways Act 1980, s.130 (6)</li> <li>▪ Road Traffic Regulation Act 1984, s.72</li> <li>▪ Highways Act 1980, s.96</li> </ul>
Investments	<ul style="list-style-type: none"> <li>▪ Power to participate in schemes of collective investment</li> </ul>	<ul style="list-style-type: none"> <li>▪ Trustee Investments Act 1961</li> </ul>
Land	<ul style="list-style-type: none"> <li>▪ Power to acquire by agreement, to appropriate, to dispose of land</li> <li>▪ Power to accept gifts of land</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government Act 1972, ss.124, 126, 127</li> <li>▪ Local Government Act 1972, s.139</li> </ul>
Litter	<ul style="list-style-type: none"> <li>▪ Provision of receptacles in public places</li> </ul>	<ul style="list-style-type: none"> <li>▪ Litter Act 1983, ss.5, 6</li> </ul>
Newsletters	<ul style="list-style-type: none"> <li>▪ Power to provide information relating to matters affecting local government</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government Act 1972, s.142</li> </ul>
Open spaces	<ul style="list-style-type: none"> <li>▪ Power to acquire land and maintain</li> </ul>	<ul style="list-style-type: none"> <li>▪ Open Spaces Act 1906, ss.9 and 10</li> </ul>
Public buildings and village hall	<ul style="list-style-type: none"> <li>▪ Power to provide buildings for offices and for public meetings and assemblies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government Act 1972, s.133</li> </ul>
Public conveniences	<ul style="list-style-type: none"> <li>▪ Power to provide</li> </ul>	<ul style="list-style-type: none"> <li>▪ Public Health Act 1936, s.87</li> </ul>
Parks, pleasure grounds	<ul style="list-style-type: none"> <li>▪ Power to acquire land or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them</li> </ul>	<ul style="list-style-type: none"> <li>▪ Public Health Act 1875, s.164 (Local Government Act 1972, Sched.14 para.27)</li> <li>▪ Public Health Acts Amendment Act 1890, s.44</li> <li>▪ Open Spaces Act 1906, ss.9 and 10</li> </ul>
Recreation	<ul style="list-style-type: none"> <li>▪ Power to provide a wide range of recreational facilities</li> <li>▪ Provision of boating pools</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government (Miscellaneous Provisions) Act 1976, s.19</li> <li>▪ Public Health Act 1961, s.54</li> </ul>
Town and Country Planning	<ul style="list-style-type: none"> <li>▪ Right to request the local planning authority for notification of planning applications</li> </ul>	<ul style="list-style-type: none"> <li>▪ Town and Country Planning Act 1990, Sched.1, para.8</li> </ul>
Traffic Calming	<ul style="list-style-type: none"> <li>▪ Powers to contribute financially to traffic calming schemes</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government and Rating Act 1997, s.30</li> </ul>
Transport	<ul style="list-style-type: none"> <li>▪ Powers to spend money on community transport schemes</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government and Rating Act 1997, s.26-29</li> </ul>
Village signs	<ul style="list-style-type: none"> <li>▪ Power to use decorative signs to inform visitors</li> </ul>	<ul style="list-style-type: none"> <li>▪ Local Government Act 1972, s.144</li> </ul>
War memorials	<ul style="list-style-type: none"> <li>▪ Power to maintain, repairs, protect and adapt war memorials</li> </ul>	<ul style="list-style-type: none"> <li>▪ War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133</li> </ul>

## NOTE: POWERS AND DUTIES OF UNITARY COUNTY COUNCIL

There are many hundreds of powers DCC can enact as a unitary county council based in legislation and statute. Listing them in this document would not be efficient or effective. Instead, please visit the on-line official home of UK legislation at <http://www.legislation.gov.uk/> to search easily for information on specific legislation and statute.