

# Parishes' Protocol 2010



## Parishes' Protocol

This document was adopted by Milton Keynes Council on  
26 October 2010.

Signed on behalf of Milton Keynes Council



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Leader of the Council

This document was adopted by

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Council/Meeting

Dated \_\_\_\_\_

Signed on behalf of the Council/Meeting

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Chair

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## Democracy

Milton Keynes Council has a statutory Duty to Promote Democracy<sup>1</sup> and all Local Councils within the Unitary Authority area recognise the value of the democratic election process and will work together to encourage greater public participation including contested elections.

The Freedom of Information Act (FOI Act) 2000

Section 1 of the Act gives a general right of access to information held by public authorities, which include Parish Councils.

Data Protection Act 1998

The rules that govern the storage and use of personal data are set out in the Data Protection Act 1998. These rules are intended to protect individuals. The Data Protection legislation applies to almost all personal information held by Councils.

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<sup>1</sup> Duty to Inform Consult & Involve (Local Government Public Involvement in Health Act 2007)

## Parishes' Protocol

Describing the relationship between Milton Keynes Council and Parish Councils, (being Parish, Town, Community or Neighbourhood Councils and Parish Meetings) within the boundary of the Unitary Authority.

### The Parties

1. Milton Keynes Council (MKC) is recognised as the Principal Authority for the area, primarily responsible for the delivery of services to its residents. Policy is set by a combination of democratically elected Ward Councillors and national legislation. Policy is administered by MKC Officers.
2. Parish Councils are the first tier of local government delivering services at a community level. Policy is set by democratically elected Parish Councillors and administered by Parish Council officers usually, but not exclusively, the Clerk. Parish Councils have a range of statutory functions and powers plus additional powers under s137<sup>2</sup>. Or alternatively, by meeting certain requirements, 'Well-being Powers'.<sup>3</sup>
3. If a Parish Council (or group of Parish Councils) wishes to take on sole or shared responsibility for service delivery, MKC will actively encourage this where it is best value, taking account of cost, quality, local preferences and practicality. Where it is not best value or practicable, MKC will, in consultation with the Parish Council, explore alternative solutions to encourage more local level input into service delivery. Before a Parish Council or group of Parish Councils takes on the provision of certain services, all costs, funding and staffing arrangements will be discussed and agreed by MKC and the Parish Council(s) prior to any contractual signing<sup>4</sup>.
4. Both Parties are statutorily independent of each other and have separate tax raising powers. Therefore, it is to the benefit of residents that MKC and Parish Councils work closely together to deliver quality services to residents. MKC will give consideration to the difference in size of Parish Councils and the possible effect decisions will have on each individual Parish Council.

### Consultation

5. MKC will:
  - Provide a consultation period of not less than 12 weeks to give Parish Councils the opportunity to comment before making a decision which affects the local community providing this does not conflict with statutory requirements. In certain circumstances this consultation period may be reduced in agreement with the Parish Councils concerned.
  - Provide Parish Councils with sufficient information to enable them to reach an informed view on the matter, including "Frequently Asked Question" style or executive summary documents.

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<sup>2</sup> Section 137 of the Local Government Act 1972 to spend money on purposes for the direct benefit of its area/or part, or all/some of its inhabitants, for which they have no other specific statutory expenditure.

<sup>3</sup> Part 1 of the Local Government Act 2000 (As amended by Part 4 Local Government and Public Involvement in Health Act 2007).

<sup>4</sup> Agreement [on a contract] needs to be reached between parties before they sign a contract.

- Consultative documents will be provided electronically where applicable and any Parish Council, on request, will be sent two paper copies of all documents. Further copies can be supplied at a cost to be advised by the relevant service area.
6. Parish Councils will:
- Respond to MKC consultations within the required timeframe even if this is a “nil response” communication.
  - Send local Ward Councillors advanced copies of their consultative documents to allow them the opportunity to comment.
7. MKC will arrange and provide support services for a Parishes' Forum (see Appendix 1) and, if requested, Local Area Forums (see Appendix 2).
8. MKC will provide Officers when requested to attend Parish Council meetings or Local Area Forums to discuss proposed policy.
9. Parish Councils can pursue the call-in procedure<sup>5</sup> for executive<sup>6</sup> decisions taken by MKC.

## Communications

10. Communications between MKC Officers and Parish Councils will normally be through the Parish Council Clerk or the nominated Parish Council Officer. Where direct communication is to a Parish Council Councillor e.g. Chair of a Local Area Forum to set the agenda, the Clerk(s) will be copied. Letters, faxes or emails will be answered promptly but within 10 working days and the correspondent will be advised if more time is needed for reply and who is dealing with the enquiry so that contact details are clear.

General Communications and Newsletters from a Parish Council to MKC other than to a specific Officer or Department should be sent to Governance Section in Democratic Services

email [governance@milton-keynes.gov.uk](mailto:governance@milton-keynes.gov.uk)

11. Ward Councillors are requested to respond to communications promptly but within 10 working days.
12. MKC will:-
- Hold regular meetings with Parish Councils individually and collectively as mutually agreed (e.g. Parishes' Forum, Area Forums).
  - Make available to Parish Councils agendas and papers for all its public meetings by providing email alerts when the papers are available on the MKC website.
  - Publish the Parish Council Newsletter regularly and make it available free of charge to Parish Councils.

<sup>5</sup> MKC Constitution (CMIS) Article 6 – OVERVIEW AND SCRUTINY exercise the right to call-in. for reconsideration, decisions made but not yet implemented.

<sup>6</sup> Executive Scheme of Delegation (CMIS) – The scheme of executive delegation defines the responsibilities of Council, Cabinet and Cabinet members.

- Provide access to MKC via :-
    - An Officer contact list refreshed every 6 months,
    - Departmental information and yearbooks,
    - Tours of departments,
    - Structure charts.
  - Provide Parish Liaison Officers or similar Officers to assist, support and give guidance to Parish Councils.
  - Promote awareness of Parish Council functions to MKC Officers.
  - Through direct contact, invite Parish Council representatives to participate in the Local Strategic Partnership (LSP), LSP Executive, Standards Committee, SaferMK and any other representative group or stakeholder forum where the views of Parish Councils are required.
  - Assist in the distribution of Parish Council precept leaflets that provide information on how the Parish Council intends to use finances in the forthcoming year.
13. Parish Councils will advise local Ward Councillors of their General Meetings and send them advance copies of their agendas and subsequent minutes.
14. Ward Councillors are expected to attend Parish Council meetings and Parish Councils are encouraged to allow Ward Councillors to speak on matters of mutual interest.
15. Parish Councils may request other forms of communication and interaction such as telephone surgeries to be held by MKC Officers or 'Function Forums' to deal with particular functions or activities within MKC.
16. Parish Councils will provide to MKC one copy or an electronic version of any Parish Newsletter.
17. Compliments and Complaints procedures are described in Appendix 3.

## Services

18. Services provided by MKC will be according to a published Service Standard. This Service Standard may be amended annually by MKC as part of its budget setting process. It may be amended at other times as part of emergency measures or national legislation.

## Elections

19. MKC will conduct General Parish Council elections without charge. Any expenditure incurred for Parish Council by-elections may be required to be reimbursed by the Parish Council concerned. The estimated cost of holding a Parish Councillor by-election will be notified to Parish Councils in September each year to enable Parish Council budgets to be set.

## Grants

20. Grants will be managed separately and are not dependent on the Parish Council signing this Protocol.

## Parish Plans

21. Parish Councils are encouraged to produce Parish Plans in conjunction with their residents as described in the 'Parish Community Plans Guidance Document'<sup>7</sup>. Parish Plans will integrate with the Plans and Strategies published by MKC. MKC will use its best endeavours to identify or provide sources of financial support and other assistance in the preparation of Parish Community Plans.

22. Where a Parish Council (or group of Parish Councils) has prepared a Community, Village or Town Plan which includes proposals concerning land use policy (e.g. Village Design Statement) providing it is in accordance with National Guidance and complies with Statutory Requirements and has been agreed by Milton Keynes Council<sup>8</sup>, then Milton Keynes Council will incorporate that plan into its relevant Development Plan Documents and/or Supplementary Planning Documents. Such agreed plans will be treated as a material consideration in the determination of planning applications.

## Training

23. Training will be provided by the most suitable means available e.g. the Buckinghamshire Association of Local Councils (BALC), Society of Local Council Clerks (SLCC) and other bodies in line with National Training Strategy, to ensure that the highest levels of competence are available. Parish Councils will encourage their Councillors to make use of this training provision. MKC will provide training on the statutory code of conduct applicable<sup>9</sup> to Parish Councillors.

24. Induction training will be provided by MKC for Ward Councillors and Senior MKC Officers so that they will be aware of the role, powers and authority of Parish Councils and Clerks. MKC will use its best endeavours to encourage all senior MKC Officers and Ward Councillors to participate.

<sup>7</sup> Milton Keynes Council Parish Community Plans Guidance Document March 2010

<sup>8</sup> As a policy decision such agreement would be by the Cabinet or as delegated

<sup>9</sup> Code of Conduct (The Good Councillor Guide Page 28) - The code of conduct adopted by councils to guide the behaviour of councillors.

## Standards Committee

25. Both MKC and the Parish Councils have adopted Codes of Conduct based on the national model Code of Conduct. Parish Councils will work with the MKC Standards Committee to promote and maintain high standards of conduct.
26. Clerks to Parish Councils will assist The Monitoring Officer<sup>10</sup> by keeping Declarations of Interest, notifying the Monitoring Officer of changes to those declarations, keeping copies and sending the originals to the Monitoring Officer.

## Parish Council Representative Bodies

27. MKC will ensure it maintains an effective working relationship with Parish Councils and their representative bodies where applicable e.g. the National Association of Local Councils (NALC), Bucks County Association (BALC), District Associations e.g. Milton Keynes Association of Urban Local Councils (MKAULC).

## Changes to this Agreement

28. This Protocol is intended as a 'living document' and either party may propose changes from time to time such changes only being made by mutual consent. This Protocol will remain in force until it is terminated by mutual agreement. A review of this Protocol will be completed every four years from the initial date of signature.

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<sup>10</sup> Monitoring Officer (The Good Councillor Guide Page 28) - the Officer at the Principal Authority who oversees the legislation and statutory guidance designed to maintain proper standards of behaviour for people serving in local government.

## Appendix 1: Parishes' Forum

1. The Parishes' Forum (PF) is a public meeting for all Parish Councils and shall meet four times each year to;
  - Consider and debate matters of interest presented by Parish Councils or MKC
  - Discuss or resolve issues raised by a Parish Council that have a broader interest to more than one Parish Council
  - Request a report or information from an MKC officer
  - Be informed about matters of interest by External Bodies (e.g. local NHS, HCA)
  - Receive reports from other consultative bodies on matters that might affect the members of the PF e.g. Transport Partnership, Local Area Forums
  - Make recommendations to MKC and other bodies.
2. Membership shall consist of two representatives from each Parish Council who shall be nominated annually and confirmed to MKC following the Parish Annual General Meeting, the MKC Cabinet Member with responsibility for Parish Councils and two additional MKC members. Substitutions will be allowed.
3. The Chair of the PF will be the MKC Cabinet Member with responsibility for Parish Councils. A Vice Chair will be elected to serve for two years by ballot of all Parish Councillors and the Chairs of Parish Meetings<sup>1</sup>. The Chair and Vice-Chair will jointly agree and prepare the Agenda for the PF. Items for inclusion on the agenda will be sought from Parish Councils and MKC.
4. The meetings of the PF will be supported by officers of MKC and attended by others.
5. The agenda of the PF will be distributed to all Parish Councils and circulated to the Cabinet Members of MKC 5 clear days prior to the meeting.
6. Draft Minutes will be distributed to all Parish Councils and Forum Members by MKC within 20 working days following the PF.
7. Key points from each PF will be reported in the MKC Parish Newsletter.
8. PF representatives will give feedback to their respective Parish Councils on matters discussed at the P. F.

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<sup>1</sup> The detailed process will be agreed separately with MKC.

## Appendix 2: Local Area Forums

1. Local Area Forums (LAFs) are public meetings for a group of Parish Councils who have common interests and shall meet four times each year to:
  - Consider and debate matters of interest presented by Parish Councils or MKC specific to that group of Parish Councils
  - Discuss or resolve issues raised by a Parish Council that have a broader interest to more than one Parish Council
  - Request a report or information from an MKC Officer
  - Be informed about matters of interest from External Bodies {e.g. local NHS, HCA}
  - Receive reports from representatives to other consultative bodies on matters that might affect the members of the LAF. {eg Transport Partnership}
2. The LAF will produce its own local constitution based on the above principles.
3. The LAF will only be created at the wish of the participating Parish Councils. Generally, they are regarded as valuable by the rural parishes but less so for urban parishes.
4. Each Parish Council shall have two votes.
5. The Chair and, if appropriate, Vice-Chair will be elected in accordance with the LAF constitution.
6. The LAF will be attended by the local Ward Councillor(s) who will give a report on matters of current or forthcoming interest to the LAF.
7. Where requested by the LAF, it will be administered by an Officer from MKC who will support the Chair in the development of the Agenda, distribute the Agenda 10 working days before the LAF, take notes and distribute Minutes within 20 working days of the LAF to all Parish Councils and Ward Councillors in the LAF Area, and attending MKC Officers.

## Appendix 3: Compliments and Complaints Procedures

### Compliments

1. If Parish Councils have a compliment about a Milton Keynes Council service or Officer, they are requested to contact the Officer or Assistant Director of Service responsible.

### Complaints

1. Initially, if Parish Councils have a complaint about a service or Officer, they are advised to contact the Senior Officer responsible for that service, to try and remedy the situation.
2. If they do not receive a response, or are not satisfied with the response given regarding a particular service, they then submit details of the complaint to the relevant Assistant Director of Service.
3. If still dissatisfied with the response, they then submit details of the complaint to the Corporate Director responsible for the service area concerned for investigation.
4. In all cases where a full response is not possible within 15 working days, a holding reply should be sent within 5 working days saying who will make contact, what will happen next and when.
5. Parish Councils are advised that if they have a particular concern regarding Milton Keynes Council policy, they should contact the Assistant Director or Corporate Director responsible for that service.

This document has been prepared by  
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