

# JOINT WORKING AGREEMENT

BETWEEN ROTHERHAM METROPOLITAN  
BOROUGH COUNCIL &  
ROTHERHAM'S LOCAL COUNCILS



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# I INTRODUCTION

- 1.1 In this document, the term “Local Council” is a generic term, used to mean town, parish, or community council. Rotherham Metropolitan Borough Council will be known as Rotherham Council.

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- 1.2 In 2006, Rotherham Council and the Local Councils of Rotherham agreed to publish a Joint Working Agreement which sets out best practice and how they aim to work together to benefit our local communities/people.

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- 1.3 This Agreement is intended to be a starting point, a commitment to work together, and a statement of principles by which Rotherham Council and the Local Councils can approach their work together.

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- 1.4 Rotherham Council acknowledges that Local Councils are the level of local government closest to the community and recognises the valuable role they have in providing services and representing their communities.

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- 1.5 Rotherham Council recognises Local Councils’ democratic legitimacy and legal independence. Local Councils and Rotherham Council recognise each other as independent authorities legitimised through the democratic process.

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- 1.6 Rotherham Council supports and encourages the development of Local Councils as democratically accountable bodies having local governance responsibilities and local representational authority to shape the decisions that affect their communities.

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- 1.7 In turn, Local Councils recognise the strategic role of Rotherham Council and the distribution of services which it must achieve. Local councils support the strategies of the borough council. For further information on Rotherham Councils strategies, policies, and plans please click on this link: [Strategies, plans and policies – Rotherham Metropolitan Borough Council](#)

## 2 EFFECTIVE JOINT WORKING & AN INFLUENCING ROLE

- 2.1 The Rotherham Borough and Local Councils Joint Working Group (JWG) is the consultative committee between both levels of authority.
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- 2.2 The group consists of elected and clerk representatives from Local Councils, relevant Rotherham Council officers and is chaired by the Cabinet Member with Parish Liaison responsibility within their portfolio. Rotherham Council and Local Councils will support these arrangements.
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- 2.3 During the course of the year a programme of Parish Network meetings will take place to which Local Councils are invited to send representatives. The Parish Network will discuss issues of mutual interest with Rotherham Council and be a forum for exchanging good practice and undertaking any relevant training.
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- 2.4 For further detail on the work of the Rotherham Borough and Local Councils Joint Working Group, including the Network meetings, and other liaison activity see [the Local Councils web page](#) here for access to downloadable annual reports.
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- 2.5 Local Councils have a significant role to play in the delivery of Rotherham’s Thriving Neighbourhoods Strategy. Rotherham Council and the Local Councils will work together, and with other partners, to support the delivery of this strategy. [Rotherham’s Thriving Neighbourhood Strategy](#) is available on the Neighbourhoods pages of the Council website.
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- 2.6 Through its Neighbourhoods Team, Rotherham Council will support Local Councils to get involved in neighbourhood working, providing them with an opportunity to shape local ward priorities, agree shared goals; and work alongside Borough Councillors, council services and partners to jointly tackle locally identified issues. Local Councils will be kept informed of the contact details for their Neighbourhood Coordinators per parish. The [Your Neighbourhood web page](#) provides further detail on the work of the Neighbourhoods team and Ward level working.
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- 2.7 Rotherham Council is committed to providing appropriate training to members and officers about the roles and functions of Local Councils. The Local Councils and Yorkshire Local Councils Association will be consulted and involved with developing the content of training provision.
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- 2.7 Rotherham Council member training will be opened to local councillors and clerks wherever appropriate.
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- 2.8 Rotherham Council asks that Local Councils consider making representatives available for committee places or working groups when invited to do so.
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- 2.9 Rotherham Council will support Local Councils to take part in the [Local Council Award Scheme \(LCAS\)](#).



## 3 COMMUNICATION

- 3.1 Rotherham Council and Local Councils are committed to improving the quality and flow of information between the two tiers of local government.
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- 3.2 Wherever possible Local Councils are asked to use the **Rotherham Council website** to find information about services and news updates including road and footpath closures, temporary traffic lights and diversions. The website home page has a search facility and provides quick links to popular services. Alternatively there is an **A-Z of list of web forms** which can be used to request a service and report issues; using the webforms enables more effective tracking of the cases.
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- 3.3 Local Councils will notify Parish Council Liaison of any changes to published contact details.
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- 3.4 Local Councils will notify Rotherham Council if a Parish Council or Meeting becomes inactive.
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- 3.5 Rotherham Council will notify Local Councils of programmed maintenance and improvement schemes due to be undertaken within a parish.
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- 3.6 Rotherham Council and the Local Councils will acknowledge letters sent by the other party and provide substantive answers to letters/emails that need a reply.
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- 3.7 A full substantive reply or an acknowledgement will be sent by Rotherham Council or the Local Council within 10 working days. If an acknowledgement is sent, Rotherham Council will send a full substantive reply within 28 days unless there are reasons for a longer period; to take into account that Local Councils have a monthly meeting cycle at which decisions are made, a full substantive reply will be received from them within 35 days.
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- 3.8 To ensure that communications are channelled effectively, contact between Rotherham Council and any Local Council will be focused through the Parish Clerk, or Parish Chairperson in the case of Parish Meetings.
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- 3.9 In the event that a response to a request for information or a council enquiry has not been received within the stipulated timescales, a parish or town council can complete a '**Contact Us**' **online form** which is available on the Council website.



## 4 ENGAGEMENT & CONSULTATION

- 4.1 Rotherham Council will support the Local Councils' liaison function. A Cabinet Member will be nominated every year to act as the champion for Local Councils and Parish Meetings and will have parish liaison as part of their portfolio. A senior manager from Rotherham Council will be nominated to act as the Responsible Officer, this currently being the Head of Service for Neighbourhoods and is supported by the Parish Liaison Officer. Local Councils will be notified of any post holder changes.
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- 4.2 Rotherham Council asks that Ward Members and Officers be invited to attend Local Councils meetings where appropriate. Rotherham Council supports such attendance, subject to availability.
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- 4.4 Rotherham Council and Local Councils recognise that improving consultation between them is a core function of this agreement. Whilst most day to day operations by Rotherham Council will continue to be undertaken for the benefit of the borough, it is recognised that there are a number of key areas where prior consultation with Local Councils is necessary and with the input of their local knowledge, may be beneficial. To this end, Rotherham Council and Local Councils will identify specific areas of concern and put in place procedures to ensure local consultation takes place in these agreed areas as part of the decision-making process.
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- 4.5 When Rotherham Council consults a Local Council, it will provide it with sufficient information to enable it to reach an informed view on the matter, and give it adequate time to respond in accordance with the statutory requirements where applicable.
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- 4.6 Rotherham Councils Consultation and Engagement Policy is available to view online.
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- 4.7 Rotherham Council will support those communities who wish to create Parish, Town, or Community Councils. For further information on this see the **National Association of Local Councils guidance on creating a council**.



## 5 MONITORING THE AGREEMENT

- 5.1 This Agreement is a flexible and adaptable document to keep pace with changing circumstances and arrangements for local government. The agreement will be reviewed through the Rotherham Borough and Local Councils Joint Working Group (JWG).
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- 5.2 The Agreement will be underpinned by an action plan that will be developed and progressed through the JWG, in consultation with, and agreed by both levels of authority through the appropriate channels. This will therefore be a working plan that will monitor and measure progress to allow for the subtle adaption over time of processes and arrangements to meet the changing needs/wants of the Local Councils and Rotherham Council.
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- 5.3 Any concerns regarding the delivery of the agreement/implementation of the plan will be directed to the responsible Cabinet Member to ensure the relevant issues are raised at the meetings of the JWG.

## 6 STANDARDS

- 6.1 Both Rotherham Council and the Local Councils have adopted Codes of Conduct, based on the national **Local Government Association Model Councillor Code of Conduct**. The Local Councils will work with Rotherham Councils Standards Committee to promote and maintain high standards of conduct. All Councils' values and behaviour will adhere to the Nolan Principles in public life - Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership. The Councillor Code of Conduct for Rotherham Council can be viewed on-line.
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- 6.2 Rotherham Councils **Standards and Ethics Committee** is responsible for promoting and maintaining those high standards of conduct.

## 7 SHARED SERVICES

- 7.1 If a Local Council (or group of Local Councils) wishes to take on shared responsibility for service delivery, Rotherham Council will consider this where it is best value (taking account of cost, quality, local preferences, and practicality).
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- 7.2 This will exclude a range of services which cannot be delegated because of their statutory nature.



## 8 LOCAL COUNCILS PLANS

- 8.1 Rotherham Council recognises that there are a range of local level plans and strategies used by both the Borough and Local Councils; including: Parish Plans, **Ward Plans**, and in some areas of Rotherham **Neighbourhood Plans**, for the latter also see section 9.6.
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- 8.2 Rotherham Council recognises that where a Local Council has prepared a Parish Plan this allows local people to have their say on what is needed or wanted and how this may be achieved. It provides vital information and evidence on local needs and wants. Given this, Rotherham Council will take account, wherever possible, of its proposals and priorities. A completed parish plan can be emailed to the Parish Liaison Officer who will share with the appropriate services.
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- 8.3 Rotherham Council will also ensure that key points from any Local Council plan is considered when developing the wider ward priorities for the Ward Plans.

## 9 PLANNING

### 9.1 National planning policy

Government policy on planning decisions is set out in the **National Planning Policy Framework** (NPPF) supported by **Planning Practice Guidance** (PPG). The Council must have regard to this policy and guidance in all planning decisions it takes, along with all other material planning considerations. The NPPF states that decisions should apply a presumption in favour of sustainable development, and that local planning authorities should approve development proposals that accord with an up-to-date development plan without delay.

### 9.2 Local Plan

The Council has an adopted development plan (the **Local Plan**) which allocates land for development and sets out the Council's policies on development proposals. The Plan is a key material planning consideration in determining planning applications. The **Council's Interactive Policies Map** shows all land in the Borough and for what use it is allocated in the Local Plan.

### 9.3 Public consultation

The Council's **Statement of Community Involvement** (SCI) sets out the requirement for developers to consult with the local community dependant on the nature of the proposals. In addition, there is a statutory requirement for the Council to notify local residents of development proposals in their area. The Council, in consultation with Parish Councils, has also prepared a **Parish Protocol for planning consultation with Parish and Town Councils**. The protocol sets out the process of how the Council will engage with Parish Councils regarding the planning application process.





#### 9.4 Viewing planning applications

The Council sends a ‘weekly list’ of all applications received to all parish and Town Councils. The list is set out in ward order and includes applications which are subject to consultation, including a web link to each application. Parish Councils are advised to view applications in adjoining wards that may be close to their ward boundary. Planning applications can also be viewed on the [Council’s planning portal](#) by entering the RB reference number or searching by address.

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#### 9.5 Planning enforcement

Following consultation with Parish Councils, the Council has produced a [Planning Enforcement Plan](#) which sets out how complaints in respect of developments taking place will be investigated.

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#### 9.6 Neighbourhood planning

Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. This is because unlike the parish, village or town plans that communities may have prepared, a neighbourhood plan forms part of the development plan and sits alongside the Local Plan prepared by the local planning authority. Decisions on planning applications will be made using both the Local Plan and the neighbourhood plan, and any other material considerations. Neighbourhood planning is not a legal requirement but a right which community in England can choose to use.

More information on the process of designating Neighbourhood Areas and preparing Neighbourhood Plans is available on the [Council’s Neighbourhood Planning webpage](#). This webpage also lists the communities in Rotherham which have decided to develop a Neighbourhood Plan and the progress of these plans. Also included in section 13.24 as it is a part of the Localism Act.

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#### 9.7 Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge that councils can apply to new development to raise funds for local infrastructure, such as: extra school places; road improvements; public transport improvements; and better green spaces. Rotherham’s CIL Charging Schedule was adopted by the Council on 7 December 2016 and came into force on 3 July 2017.

Town and Parish Councils are due a “neighbourhood portion” of the CIL income raised from new development within their parish boundary, otherwise known as Local CIL. The default is payment of 15 % of CIL income raised within the relevant area; parishes with an adopted Neighbourhood Plan receive 25 % of CIL income.

Town and Parish Councils can spend CIL income on infrastructure in their parish. The CIL Regulations give more leeway to how parishes spend CIL income than applies to the Borough Council. Local CIL income is passed on to town and Parish Councils twice a year in line with the CIL Regulations, with payment dates of 28 October and 28 April for the preceding six months.

Details of CIL income and spend is included in the [Council’s annual Infrastructure Funding Statement](#). Town and Parish Councils are similarly required to publish annual statements setting out their use of Local CIL income.



## 10 EMERGENCY PLANNING

10.1 The Council is a category one responder under the Civil Contingencies Act and one of the responsibilities is to warn and inform the public in relation to any major Incident which may have an impact on them. In line with this requirement, the Council is committed to engaging and communicating with Town and Parish Councils as soon as is reasonably practicable in the event of a major incident occurring, or likely to occur. The Council is also committed to engaging and working with Town and Parish Councils to plan and prepare for major incidents. The Council works with Town and Parish Councils to enable them to support the response to major incidents through communications with residents or other practical actions.

10.2 Further information can be found on the [Councils Emergency Planning service webpage](#).

## 11 PRECEPTING ARRANGEMENTS

### 11.1 Local Council tax bases

A Local Council's council tax base is the number of properties in its area expressed in Band D property equivalent terms. (this is after adjusting for discounts and premiums and the Council Tax support scheme as well as losses on collection).

The Strategic Director for Finance and Customer Services determines the council tax base for each Local Council between 1 December and 31 January of the preceding financial year. The Council will endeavour to provide details of a Local Council's provisional tax base before the end of December, with confirmation of the actual tax base by the end of the following January.

Each year, the Finance and Customer Service Directorate will send a standard letter by email to the Clerk with the individual tax base information for their parish. For planning purposes Local Councils can work on the first week in February as being the date when finance figures will need to be returned on a headed PDF so it can be confirmed.

The regulations do require that for precepts more than £140k parishes provide a breakdown of their budget showing spending and income across broad headings – Rotherham Council will provide a pro forma for this.

There is no legal requirement for either Local Councils to submit or Rotherham Council to ask for detailed information as to how a Local Council's budget requirement has been calculated.

To be in a position to assure local electors that Local Councils have calculated their budget requirement in accordance with the relevant legislation, Local Councils are strongly advised to keep detailed proposals as to how they have built up their budget requirement.



## 11.2 Collection and payment of local precepts

Local precepts will appear as a separate amount on the council tax bills which are sent out by Rotherham Council to Rotherham residents in March. The publication of the precepts separately on tax bills is a statutory requirement.

All local precepts will be collected by Rotherham Council. The Local Councils will then receive their precepts in two equal instalments in April and September.

# 12 ELECTIONS

12.1 Rotherham Council will provide support in the administration of the holding of Local Council elections. The respective authorities will work together to limit the costs of holding such elections. Where the costs are specific to the parish council, for example professional fees and the printing of nomination packs and the printing of ballot papers, the parish council will be responsible for the full costs. Where the election is combined with other elections, some costs can be shared, such as those relating to the cost of hiring polling stations and the fees paid for people to staff them.

# 13 NATIONAL GUIDANCE

13.1 The Agreement will reflect the latest legislation, guidance and duties emerging from central government. Such legislation evolves and changes over time and the Charter will be updated annually to reflect this and any policy response from Rotherham Council.

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## 13.2 Localism Act

The 2011 Localism Act brought new powers and opportunities for Parish and Town Councils including:

- **Community Right to Bid** (Assets of Community Value)

This allows Local Councils a chance to prepare a business plan and secure funding to bid to buy facilities or buildings that are important to them. Examples could be a local pub, village shop, allotment, library, or community centre etc.

If a Local Council considers that a particular asset is or would be valuable to the local community it can nominate the asset to Rotherham Council with a request to get it listed. Rotherham Council can refuse to list the asset but if they do they must explain their reasons to the Local Council. There is no right of appeal for Local Councils, but owners do have the right of appeal against the asset being listed. Once listed, if the asset comes up for sale, the owner must tell Rotherham Council who will impose a moratorium on the sale. There is a 6 week moratorium to allow a Local Council to express an interest, if they do, then the moratorium period is extended to 6 months to allow the Local Council to prepare a bid, however, once all bids are in, the owner can sell the asset to the bidder of their choice.



- **Community Asset Transfer**

Community Asset Transfer is not the same as Community Right to Bid. Community Asset Transfer deals with an asset that is already in public ownership and allows for transfer of that asset to communities (Parish or Town Councils) at less than its market value if this can be agreed between those participating. Rotherham Council agrees to enter this voluntary process with all Local Councils in the Borough. Rotherham Councils Community Asset Transfer policy and relating information is available to download from the Council Website:

[community-asset-transfer-policy \(rotherham.gov.uk\)](#)

[Appendix 3 - Community Asset Transfer Flowchart.pdf \(rotherham.gov.uk\)](#)

[www.rotherham.gov.uk/downloads/file/765/quick-guide-for-community-assets-transfer](http://www.rotherham.gov.uk/downloads/file/765/quick-guide-for-community-assets-transfer)

- **Community Right to Challenge**

This community right gives Local Councils, either as a single parish or a cluster of parishes the opportunity to “express an interest” in running a service currently provided by Rotherham Council. Expressions of interest that comply with the requirements set out in the Act will trigger a procurement exercise conducted by Rotherham Council in compliance with the Act and its own procurement procedures. Rotherham Council undertakes to communicate the outcome of the procurement exercise to involve Local Councils and explain the reasons for any unsuccessful challenge.

- **General Power of Competence (GPC)**

The Localism Act 2011 Sec 1 (1) gives eligible Local Councils, “the power to do anything that individuals generally may do” if they do not break other laws. It is intended to be a power of first, not last, resort. There are 2 criteria for a local council to be eligible to use the GPC (Statutory Instrument, Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012) these are:

- Elected councillors - At the precise moment that the council resolves that it meets the criteria, the number of councillors elected at the last ordinary election, or at a subsequent by-election, must equal or exceed two thirds of its total number of councillors.
- The qualified clerk must hold at least one of the sector-specific qualifications and should have completed the relevant training designed as part of the National Training Strategy for Local Councils.

- **Neighbourhood Planning**

See Planning Section 9.6



