

Section 4 – Partnership working (Code of Practice)

- 4.1 This Code of Practice is intended to secure a co-ordinated delivery of services based on a partnership approach between Brighton & Hove City Council and Rottingdean Parish Council as well as ensuring that the views of each are taken into account in the decision-making process of the other. For the purposes of this code "the City Council" means Brighton & Hove City Council and "the Parish" means Rottingdean Parish Council and "the authorities" mean both the City Council and the Parish.
- 4.2 The Parish came into being in May 1996 following the recommendations of the Local Government Commission. Until then, unlike the rest of Sussex (which has some 249 Parish and town councils) the area of Brighton and Hove remained unparished. In addition to being a statutory consultee for various purposes, the Parish is capable of taking on management responsibilities for diverse functions including allotments, footpaths, burial and cremations, bus shelters, conference and meeting facilities, lighting of roads etc.
- 4.3 In many ways the powers and duties of the two authorities are complementary rather than mutually exclusive and hence the need for consultation and a partnership approach.

General principles

- 4.4 The Council and the Parish are partners in a two-tier system of democratically elected local government which exists for the benefit of the inhabitants of Brighton & Hove in general and those of Rottingdean in particular.
- 4.5 Both authorities acknowledge the legitimacy and potential contributions of each partner in the effective local governance of their area.
- 4.6 In discharging the functions entrusted to them by Parliament, the City Council and the Parish Council wish to take into account each other's views and to maintain good relations for that purpose.
- 4.7 In discharging the above functions, the City Council and the Parish Council will at all times seek to promote social, economic and environmental wellbeing in the Parish of Rottingdean.

Agreed Working Arrangements

- 4.8 In furtherance of the general principles above, the following working arrangements have been agreed between the City Council and the Parish.

Information

- 4.9 The City Council will provide to the Parish regular information about significant proposals and developments in or disruption to services, infrastructure or civic

amenities in relation to the area of the Parish which the City Council has prior knowledge of.

- 4.10 The Parish Council will provide to the City Council regular information about its major projects and priorities.
- 4.11 a.) The City Council will take into consideration the expressed priorities of the Parish Council when securing Section 106 contributions for developments within the Parish, where it is agreed these will mitigate or compensate for the effects of such developments and for the avoidance of doubt the final decision on the expenditure of such contributions shall be that of the City Council.
- b.) In the event that the City Council adopts CIL and the Parish Council becomes entitled to a portion of the same the Parish Council will work closely with the City Council to agree infrastructure spending priorities in the Parish Council's area.
- 4.12 The City Council will include the Parish on its electronic mailing list for planning applications and appeals in relation to the area of the Parish

Consultation

4.13 The City Council will give the Parish the opportunity to influence its decisions through consultations. Although time and other constraints may not always allow consultations prior to a decision being made, the City Council will use its best endeavors to ensure an effective process of consultation with the Parish as so to allow appropriate representations of views on matters of local significance. To this end, the City council will:

- a. Consult the Parish on matters specified by statute
- b. Where appropriate, consult the Parish before preparing responses in such cases as:
 - Consultation by a government department or a statutory body.
 - Operational changes by a major employer.
 - The provision of any public service or civic amenity in the Parish area.

If due to shortage of time consultation is not possible, the City Council will give the Parish details of responses made.
- c. Consult the Parish about any of the following which specifically and solely affect the Parish area with a view to providing the Parish opportunity to influence any final decision thereon:
 - proposals to open or close any City Council facilities or establishments within or significantly affecting the Parish;

- the acquisition or disposal or proposed change of use of land in the Parish area by the City Council;
- the planning and building of roads, highway improvements, maintenance programmes and traffic management measures affecting the Parish and any other major highway proposals to the extent that they are within the powers of the City Council [*under any agency agreement with the Highway Authority or otherwise*];
- future major events run by the City Council in the Parish area;
- applications for public path orders and definitive map modification orders in the Parish;
- naming of streets in the Parish;
- footway repair and highway environmental improvement programmes in the Parish;
- major tree or hedge removal in the Parish;
- on-street car parking schemes;
- proposals to install street lighting in the Parish, except where part of a new development;
- the provision of country parks, picnic sites & other countryside recreation sites in the Parish;
- public entertainment licences in the Parish;
- environmental issues of particular importance to the Parish;
- housing needs and standards in the Parish as necessary

Without prejudice to the generality of above, consult the Parish on all matters as may be agreed between the City Council and the Parish from time to time.

Town and Country Planning

4.14 The City Council will:

- a) Maintain a close liaison with the Parish on matters affecting the Parish when undertaking the preparation or revision of the Local Plan. Work constructively to support the Parish Council in the production and refreshing of the Parish Neighbourhood Development Plan.
- b) Supply the Parish with a weekly list containing details of all planning applications received in respect of land within the Parish. The Parish undertakes to respond to consultations on planning applications and amendments within the statutory timescales or such longer period as may be agreed with the city council.
- c) Inform the Parish of all site visits to be made in the Parish by the City Council's Planning sub-committee to enable a representative of the Parish to attend.
- d) Notify the Parish where a planning appeal is held in or is concerned with its area.

- e) Consult the Parish in connection with proposals to designate local nature reserves, conservation areas and draft countryside management plans in the Parish area where relevant.
 - f) supply a nominated representative of the Parish Council, free of charge, with; an electronic copy of the Planning Committee Agenda in sufficient time to allow the Parish Council to comply with the Protocol for Public Representations at Planning Committee and give notice of the Parish Council's intention to make representation on any of the applications, in accordance with that Protocol.
- 4.15 In the event that the City Council does not comply with 4.14 above and as a result the Parish Council is unable to comply with the time-scales set out in the Protocol referred to the Parish Council will advise the Council's Democratic Services Manager of the application/s it wishes to make representation on. The Democratic Services Manager will then notify the Chair of the Committee of this request to enable the Chair to exercise his/her discretion and allow the Parish Council to make representations in view of the City Council's departure from this code of practice and in recognition of the Parish Council's democratic mandate.
- 4.16 The Parish Council will consult and keep the City Council up to date on neighbourhood planning matters. Primarily through ongoing quarterly meetings with The Executive Directive for Neighbourhoods, Communities and Housing and other Council officers as appropriate.

Reasons for decision

- 4.17 Where the City Council has made a decision on any matters affecting the Parish contrary to the views of the Parish as expressed in the consultation process, and the report to the City Council does not explain why, the City Council will provide the Parish, on request and within a reasonable time, a written explanation.

Arrangements for the discharge of functions

- 4.18 The City Council and the Parish recognise the need to avoid overlap and duplication of service provision in the Parish area. In addition, there may be situations where although there is no overlap or duplication, it would be in the interests of effective local governance for the functions of one authority to be discharged by the other.
- 4.19 The City Council and the Parish therefore agree to consider as and when necessary whether any service provision by the City Council in the Parish should be delegated to the Parish and vice versa.

Monitoring and Review

- 4.20 The operation of this Code and its effectiveness will be reviewed by the City Council and the Parish Council who may agree such amendments to the terms as seem to them appropriate.

Contact

- 4.21 Any queries regarding the content and operation of this Code may be addressed to the Head of Law, Brighton & Hove City Council. Hove Town Hall, Norton Road, HOVE BN3 3BQ. 01273 291500