

**CITY OF BRADFORD METROPOLITAN  
DISTRICT COUNCIL**

**AND**

**LOCAL COUNCILS**

**CHARTER**

**2015**

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Local Councils and City of Bradford Metropolitan District Council have expressed their commitment to the following:

## **1. General**

- 1.1. In this document, the term “Local Council” is a generic term, used to mean town, parish, community, neighbourhood or village council.
- 1.2. Bradford Council acknowledges that Local Councils are the grassroots level of local government, and recognises their local democratic legitimacy and legal independence. Local Councils and Bradford Council recognise each other as independent authorities legitimised through the democratic process.
- 1.3. Bradford Council supports and encourages the development of Local Councils as a democratically accountable body having local governance responsibilities and local representational authority to shape the decisions that affect their communities. Bradford Council recognises the potential for devolvement of appropriate services and decision making responsibilities and will support devolvement to Local Councils having the ability to discharge them.
- 1.4. Bradford Council will encourage Local Councils to achieve, as a minimum, the Foundation Award of the Local Council Award Scheme and to adopt recognised good governance standards.
- 1.5. Local Councils recognise the strategic role and responsibility of Bradford Council and will support the core strategies currently adopted by Bradford Council. Local Councils will ensure that grassroots issues are made available to Bradford Council to inform its decision making.
- 1.6. This Charter will be reviewed as and when required, with the agreement of both Bradford Council and Local Councils through the Bradford Council and Local Council liaison meetings. Appendices can be reviewed, negotiated or added to, on an on going basis as required, between Bradford Council and Local Councils.

## **2. Sustainability**

- 2.1. Local Councils will work in partnership with Bradford Council to promote sustainable social, economic and environmental development for the benefit of its community and the district as a whole.

## **3. Community strategies and Local Strategic Partnership**

- 3.1. Bradford Council is responsible for the preparation of the district’s Community Strategy in collaboration with members of the Bradford District Partnership (Bradford’s Local Strategic Partnership). As key partners Local Councils will be consulted alongside other partner organisations and citizens in its preparation and delivery (see section 16 regarding service delivery).

## **4. Liaison**

- 4.1. Bradford Council and Local Councils will support the liaison arrangements contained in appendix 1, Bradford Council and Local Councils’ Liaison Group. This Group shall be responsible for co-ordinating and developing liaison and working arrangements and relationships between Bradford Council and Local Councils.
- 4.2. Bradford Council will support the liaison activity as contained in appendix 8.

## **5. Attendance at meetings**

- 5.1. Local Councils shall be entitled to notice of, and attendance at Bradford Council's Area Committee meetings and Neighbourhood Forums in accordance with the arrangements contained in appendix 2.
- 5.2. Local Councils will invite their Ward Members to meetings and may also invite Officers where there is a relevant issue to be discussed. Bradford Council supports such attendance, subject to availability. On invitation by the Chair of the meeting and/or in accordance with the appropriate internal local procedures of the Local Council, Bradford Elected Members and Officers will be invited to speak at the Local Council's meetings on matters of mutual interest.
- 5.3. Local Councils will send copies of their agendas and reports to Bradford Council upon request.

## **6. Local Council elections and polls**

- 6.1. Bradford Council will provide support for the Local Council elections and polls in accordance with the arrangements in appendix 3.

## **7. Consultation**

- 7.1. Bradford Council and Local Councils recognise that improving consultation between them is a core function of this Charter. Whilst most day to day operations by Bradford Council will continue to be undertaken for the benefit of the district, 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, Bradford 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.
- 7.2. When Bradford 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.
- 7.3. In line with the Bradford Council's customer service charter all written communications which require a response will aim to receive a relevant response within five working days. This response can be undertaken by letter, phone call, or email.
- 7.4. Bradford Council will publish all agendas and reports for meetings at least five working days before the meeting.

## **8. Financial arrangements**

- 8.1. The financial arrangements adopted by Bradford Council in relation to Local Councils are contained in appendix 4.

## **9. Standards Committee**

- 9.1. Local Councils will work with Bradford Council's Standards Committee to promote and maintain high standards of conduct. The arrangements for the nomination of Local councillors to serve on the Standards Committee are contained in appendix 6.

## **10. Publications and marketing**

- 10.1. Bradford Council and Local Councils will, on request and where appropriate, make provision within their publications for inclusion of information provided by each other.

## **11. Communications**

- 11.1. Bradford Council and Local Councils will aim to respond to letters and other communications sent to each other within five days. Where a substantive reply sought cannot be provided within five working days an indication will be given of the timescale for reply.

## **12. Practical support**

- 12.1. Bradford Council will, where practical and subject to resources being available, provide Local Councils with access to its own support services, to enable it to take advantage of facilities and resources at a mutually agreed price.

## **13. Training arrangements**

- 13.1. Bradford Council, within its resources and working in conjunction with the Yorkshire Local Councils Association (YLCA), will aim to provide ad hoc training to Local Councils.

## **14. Local Council plans**

- 14.1. Bradford Council will support Local Councils wherever possible to develop an appropriate Local Council plan and other local plans and strategies.
- 14.2. Where a Local Council has prepared a Local Council plan Bradford Council will take account of its proposals and priorities in developing and implementing the community strategy as it affects the local area.
- 14.3. Bradford Council will ensure that the key points of Local Council plans are integrated into the neighbourhood ward plans.

## **15. Devolvement of functions**

- 15.1. In discussion with Local Councils, Bradford Council will consider, in accordance with best value principles and within its procurement arrangements, proposals for the devolvement of services and decision making to Local Councils.

## **16. Localism Act**

- 16.1. This summary includes elements of the Localism Act which are of most relevance to Local Councils. More detailed information on the full Act can be found on the Department of Local Government and Communities web site.
- 16.2. **Community Right to Challenge** – came into effect in June 2012. This allows voluntary and community groups, Local Councils or two or more members of Bradford Council staff, an opportunity to run local services currently commissioned or delivered by Bradford Council with a focus on local need and added value. An expression of interest is submitted and where the expressions of interest are accepted, Bradford Council must run a competitive procurement exercise. Bradford Council can set a time period to accept expressions of

interest – this is set as April to June each year. It should be noted that there is no guarantee that the organisation that initiated the procurement process will necessarily be awarded the contract to deliver the service. The process for administering CRTC is held on the Bradford Council website - [http://www.bradford.gov.uk/bmdc/government\\_politics\\_and\\_public\\_administration/council\\_budgets\\_and\\_spending/the\\_community\\_right\\_to\\_challenge](http://www.bradford.gov.uk/bmdc/government_politics_and_public_administration/council_budgets_and_spending/the_community_right_to_challenge)

- 16.3. **Community Right to Bid** – came into effect in October 2012. The aim of this right is to keep valued land and buildings in community use by giving local people the chance to buy them, if and when they come onto the market at market value. *It should be noted that this is different to Community Asset Transfer which is the transfer of public land or buildings to a community based organisation at less than market value.* The Community Right to Bid allows communities to nominate buildings and land that they consider being of value to the community to be included on a Bradford Council maintained list. If any of the assets on the register are put up for sale, the community is given a window of opportunity (six weeks) to express an interest in purchasing the asset, and another window of opportunity (six months) to bid. More information is available on the Bradford Council web site - [http://www.bradford.gov.uk/bmdc/leisure\\_and\\_culture/parks\\_and\\_open\\_spaces/assets\\_of\\_community\\_value](http://www.bradford.gov.uk/bmdc/leisure_and_culture/parks_and_open_spaces/assets_of_community_value)
- 16.4. **Community Right to Build** – came into effect in April 2012. It allows for community organisations to bring forward a ‘community right to build order’ that allows certain community organisations to bring forward smaller-scale development on a specific site, without the need for planning permission. Development must further the social economic and environmental well being of individuals, living or wanting to live in a particular area. It is mainly used for small scale housing in rural areas (maximum of 20 houses) but also for shops, businesses, community facilities, playgrounds and small scale power generation. It should be noted that Community Right to Build orders are subject to a community referendum. If more than 50 per cent of people voting support the order then the Local Planning Authority (Bradford Council) must approve the order. If 50 per cent or fewer of the people voting support the order then the Local Planning Authority (Bradford Council) must refuse the order.
- 16.5. **Abolition of the Standards Board** – The Localism Act amended the arrangements for Standards Committees. See section 9 above, and appendix 6 for relevant details.
- 16.6. **Neighbourhood Planning** – see appendix 7 for more detail.

## **17. Town and country planning matters**

- 17.1. The arrangements for consulting Local Councils on planning applications is set out in appendix 5.
- 17.2. The Government through the Localism Act 2011 introduced a number of new provisions which open the opportunity to local communities to take up new decentralisation powers to take responsibility and accountability to shape their

areas. A number of these related to the role of communities in shaping development and growth in their communities. A package of non mandatory neighbourhood planning tools are now available for use by local communities should they choose to use them. These are:

1. Neighbourhood Development Plans
2. Neighbourhood Development Order
3. Community Right to Build Order

- 17.3. Local Councils (i.e. Town and Parish Councils) are recognised as a qualifying body under the Localism Act 2011, Schedule 9 Neighbourhood Planning; Section 61G, Paragraph (2) to undertake neighbourhood planning roles and functions.
- 17.4. Where the Local Council has decided to prepare a Neighbourhood Development Plan for their area both the Council and the Local Council will actively promote and encourage a regular dialogue on the content of the plan throughout its preparation.
- 17.5. Further details regarding these neighbourhood planning tools, along with their role, function and support is contained in Appendix 7.

# Appendix 1

## Liaison arrangements

### Bradford Council and Local Councils Liaison Group

These arrangements provide the framework for the operation of the Group.

#### 1. Title

The group shall be called the Bradford Council and Local Councils Liaison Group.

#### 2. Objectives

The objectives of the group are:

- To provide a means for liaison between Bradford Council and Local Councils on matters of common interest.
- To co-ordinate local networking and joint activity.
- To support the development of working relationships between Bradford Council and Local Councils.
- To provide a means for sharing and discussing information that is relevant to both Bradford Council and Local Councils.
- To create a reliable dialogue between group members to ensure Local Council and Bradford Council issues inform strategic decision and policy making on both sides.

#### 3. Bradford Council Representatives

Bradford Council representatives shall be:

- The Executive member of Bradford Council having portfolio responsibility for Local Council liaison.
- The Chairs of the Area Committees.

#### 4. Parish and Town Council Representatives

- Each Local Council shall appoint a representative to the Group.
- Representatives may be accompanied by Parish Clerks.
- The two elected Local Council Standards Committee representatives will attend the meeting on occasions where there is information to share.
- A Local Council's spokesperson will be elected by Local Council representatives to manage shared communications between Bradford Council and Local Councils on liaison issues.

#### 5. Chair

- The Group shall be chaired by the Executive member of Bradford Council or her/his nominee.
- A Deputy Chair shall be appointed by Bradford Council.

#### 6. Yorkshire Association of Local Councils

A representative of Yorkshire Local Councils Association shall be entitled to attend meetings of the Group.

## **7. Meetings of the Group**

- Meetings of the Group shall take place quarterly and additional meetings shall be called as necessary. Dates for meetings shall be fixed for the year (as far as practicable) at the first meeting in each municipal year.
- Additional meetings of the Group shall take place as soon as practical on a request being made and supported by six Local Councils.
- Should there be no issues raised for an agenda by Local Councils or Bradford Council, a meeting can be cancelled with the agreement of the Chair and Local Council's spokesperson.

## **8. Agenda and Minutes**

- Agendas for meetings shall be circulated at least five working days before meetings and minutes shall be circulated as soon as practical after meetings of the Group.
- Preparation and circulation of agendas and minutes shall be undertaken by a Bradford Council Officer.
- Local Councils can submit items for inclusion on the agenda through the Local Councils' spokesperson. Agenda items will be at the discretion of the Chair.

## **9. Bradford Council Officers**

Bradford Council shall arrange the attendance of relevant officers at meetings of the Group (subject to availability) to reflect the matters on the agenda.

## **10. Subgroups**

The Group may appoint subgroups to undertake specific tasks and report back to the Group.

## **11. Review of Arrangements**

These arrangements can be reviewed as required.

## **Appendix 2**

### **Attendance at meetings arrangements**

1. Local Council members are welcome to attend meetings of Area Committees of Bradford Council and Neighbourhood Forums organised by Bradford Council's Area Co-ordinators.
2. Local Councillors wishing to speak on an item of business on the agenda should wherever possible notify the Chair prior to the commencement of the meeting of its input.
3. Chairs of the Area Committees and Neighbourhood Forums will normally permit Local Councillors to speak at meetings, subject to their duty to ensure the proper conduct of the meeting.

## **Appendix 3**

### **Local Council Elections**

#### **1. Ordinary elections (or shared elections)**

- Ordinary elections for Local Councils are held four yearly alongside Bradford Council elections. Elections normally take place on the first Thursday in May.
- The elections are administered by Bradford Council's Electoral Services Unit and the Council's Chief Executive will act as Returning Officer.
- Elections are conducted in accordance with the Representation of the People's Acts and rules made under them.
- These Local Council elections are described as "shared" elections, because they are held on the same day as the Bradford Council elections, Parliamentary Elections or other Bradford Council run elections.
- For shared elections:
  - Bradford Council will pay 100% of the costs of polling stations and count stations.
  - Local Councils will pay for 50% of shared costs, excluding the costs of polling and count stations, and 100% of wholly attributable costs.

#### **2. By-elections (or stand alone elections)**

- Where a vacancy occurs the Parish Council should inform Bradford Council Electoral Services Unit. Bradford Council will then issue a public notice of vacancy, unless the vacancy occurs within six months before the day on which a Parish Councillor would have regularly retired. In that case, co-option is discretionary. Any vacancy not filled is filled at the next ordinary election.
- Where public notice of vacancy has been given, if within 14 days of the notice an election is requested, in writing by 10 voters, an election will be called within 60 days (computed) of the notice of vacancy.
- If no election is requested, the Parish Council must fill the vacancy by co-option if the period of vacancy will be six months or more.
- By-elections will be administered by Bradford Council.
- This type of Local Council election is described as a "stand alone" election because it takes place on a day when there are no Bradford Council elections.
- Local Councils will pay for 100% of the costs of stand alone by-elections.

#### **3. Newly established Local Councils**

- In the case of a newly established Local Council, Bradford Council will meet the full cost of the first election following establishment.
- Where a Local Council is established outside the normal cycle of Parish Council elections the term of office will be for a period up to the next ordinary elections.

#### **4. Local Council polls**

- Where a Local Council calls on Bradford Council to conduct a Local Council poll on its behalf the full cost of the poll will be charged to the Local Council.
- A "poll" refers to action under Schedule 12, Part 3 of the Local Government Act

1972 which allows for any 10 electors in a local council area to call for a poll to be held on a question. Local council polls are run in accordance with the Parish and Community Meetings (Polls) Rules 1987. All local council electors can vote; poll cards are not issued and there is no postal voting. The cost of the poll is borne by the Local Council.

## **5. Election counts**

- The only people who have legal entitlement to be present at a Local Council election count are:
  - The returning officer and his clerks
  - Candidates and one other person they each choose
  - The counting agents whose appointments have been formally made and notified
  - Persons who are entitled to attend by virtue of s6A to 6D of the Political Parties, Elections and Referendums Act 2000
  - Persons permitted by the returning officer to attend
- The returning officer is expressly prohibited from giving permission for people to attend the count, unless he is satisfied that the efficient counting of the votes will not be impeded.
- Where elections are combined, priority will be given to those with legal entitlement to attend and taking into account the maximum numbers permitted within a count venue.
- Where requests are made by Parish Clerks to attend election counts, these will be considered by the returning officer on an individual basis and having regard to the provisions above.

## **6. Local Council financial difficulty**

- Where the costs of unforeseen stand-alone by-elections place Local Councils in financial difficulty, Bradford District Council will pay 100% of the election costs on the understanding that the Local Council involved will set a precept for the next financial year sufficient to cover the repayment of those election costs to Bradford Council.
- Local Councils are advised to ensure that they have sufficient reserves to meet the costs of future elections.

## **Appendix 4**

### **Bradford Council Local Councils' Financial Support Scheme**

This appendix sets out the financial arrangements between Bradford Council and Local Councils. Section A deals with routine administration matters, Section B Precepting and Section C considers the financial options available if the provision of a service is transferred from Bradford Council to a Local Council.

Variations to the arrangements can only be made with the agreement of all parties.

All Local Councils must maintain accurate and transparent financial arrangements.

#### **Section A: Routine Administration Matters**

##### **1. Use of Bradford Council property**

Subject to the provisions of section 134 of the Local Government Act 1972, there will be no charge for the rent of one room, for administrative purposes, in any Bradford Council property, which is readily available for such use. Should any Local Council require more than this space, then, subject to availability, any further rooms provided will be subject to a charge to the Local Council to be agreed when the arrangement is made.

Where a Local Council receives other services in connection with the use of the room e.g. telephone, photocopying, postage, an appropriate charge will be made.

Where a Local Council currently uses Bradford Council property for Local Council meetings, they will only be charged the additional costs falling upon Bradford Council consequent upon the premises being opened for the Local Council meeting, should there be any e.g. paying a caretaker to open/close the building for the purpose of the meeting. This position will be reviewed annually by Bradford Council in the light of actual usage.

Bradford Council reserves the right to make additional charges under this part of the agreement at any time during the period of this agreement. Any variations to this part of the agreement will only be made at the start of a new financial year. For such variations to take place, Bradford Council must inform Local Councils concerned of the change by the 1 October prior to the start of the financial year from which the change will take place.

##### **2. Bradford Council officer support to Local Councils**

There will be no charge for minimal officer support from Bradford Council, except where an officer is seconded to work for the Local Council on a permanent/semi-permanent basis. If a Local Council requires considerable support (other than where there is a statutory duty to do so), Bradford Council reserves the right to make a charge to the Local Council for this purpose. This will be made clear before any work is undertaken.

### **3. Provision of payroll services**

Where a Local Council requests Bradford Council to pay their employees, then this request will be granted wherever possible, subject to a fee to be agreed with the Local Council at that time. Bradford Council will recover from Local Councils the amount paid to Local Council employees on a monthly basis.

### **4. Election expenses**

Election expenses will be dealt with in accordance with the Bradford Council Resolution of 29 March 2011 and as set out in appendix 3.

## **SECTION B: Precepting Arrangements**

### **5. 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**.

Bradford Council Executive approves the council tax base for each Local Council in the January preceding the start of the next financial year. Details of a Local Council's tax base will be provided to Local Councils no later than the beginning of December.

### **6. Notifying Bradford Council of a local precept**

All Local Councils setting a local precept must inform Bradford Council (the billing authority) of its budget requirement as calculated under Section 50 of the Local Government Finance Act 1992.

Each year, the Department of Finance will send out a pro forma for Local Councils to record and notify Bradford Council of their budget requirement. For planning purposes Local Councils can work on the first week in February as being the date when the form will need to be returned to Finance.

There is no legal requirement for either Local Councils to submit or Bradford 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.

### **7. Collection and payment of local precepts**

Local precepts will appear as a separate amount on the council tax bills which are sent out by Bradford Council to Bradford residents in March.

All local precepts will be collected by Bradford Council. Providing a Local Council's budget requirement is less than £250,000 the full amount will be paid over to the Local

Council by the middle of April. If it is over £250,000, a first installment of £250,000 will be paid in April and the balance in October.

#### **8. Council Tax Reduction Grant**

From 1 April 2013 Bradford Council was required to put in place a local Council Tax Reduction scheme (CTR) for people who needed help to pay their Council Tax.

CTR takes the form of a discount as opposed to a benefit payment. This means both Bradford Council's and Local Councils' tax bases are reduced by the value of the support given to council tax payers who are entitled to help under the new CTR.

To partly mitigate the cost of introducing CTR, the Government provides funding for localised Council Tax Support within Councils' Revenue Support Grant. No grant is directly payable from the Government to Local Councils to offset the reduction in their tax bases.

Each year Bradford Council will consult with Local Councils on the amount of Council Tax Support Grant that will be passported to Local Councils.

### **SECTION C: Provision of Services**

Where Bradford Council agrees to a request from a Local Council to hand over the running of a service, the financial arrangements must be determined and agreed by both parties prior to any transfer taking place.

Details of these options are listed at the end of this appendix 4 as additional notes.

As a general rule Bradford Council is committed to ensuring that double taxation does not occur in financial arrangements made with Local Councils for the provision of concurrent functions.

"Concurrent functions" is the term used to describe services or facilities which both Local Council and principle authorities have the legal powers to discharge.

If Local Councils chose to enhance local provision beyond the standard normally applied by Bradford Council in the district as a whole, this would not be regarded as double taxation.

### **ADDITIONAL NOTES**

#### **GRANTS**

Bradford Council Local Council support grant scheme

Where a Local Council enters an agreement with Bradford Council to undertake a concurrent function on Bradford Council's behalf, then Bradford Council may pay the

Local Council a grant, which will be determined separately in each instance.

The basic outline of such a grant scheme would be as follows.

i) **Purpose**

The grant is intended to assist Local Councils with their revenue expenditure on functions, which Bradford Council would have to provide in the absence of Local Council provision.

ii) **Eligible expenditure**

Bradford Council will make grants towards the 'eligible expenditure' of a Local Council. For the purpose of this scheme 'eligible expenditure' means the net revenue expenditure incurred by a Local Council specifically in connection with concurrent functions. For the avoidance of doubt, attention is drawn to the fact that expenditure incurred under a general enabling power applicable to all local authorities (e.g. Sections 137 of the Local Government Act 1972) will not necessarily fall within the definition of eligible expenditure.

iii) **Excluded expenditure**

The following will not be regarded as eligible expenditure:

- Loan charges – except to the extent that Bradford Council has specifically approved them for this purpose before the capital expenditure, to which they relate was incurred.
- VAT on expenditure which otherwise ranks as eligible expenditure.
- Expenditure on schemes, which are subject to any other grant aid by Bradford Council.
- Expenditure, which is subject to separate agency agreements for work carried out on behalf of other public bodies.
- Routine administration expenses.

iv) **Scale of grant**

The grant for each function will be based upon the amount which Bradford Council estimates it spends upon that function in the area of the Local Council. Where such information is not readily available, the total amount spent across the district will be allocated to Local Councils pro rata to population.

v) **Administration of the scheme**

Where agreement has been reached in principle between Bradford Council and a Local Council for the Local Council to take over the running of a function(s) and that function(s) will be financed by a grant from Bradford Council, then:

- Bradford Council will provide a provisional notification to the Local Council on the amount of grant for the functions for the following financial year by the 30 September in the preceding year.
- The Local Council will acknowledge acceptance of this provisional sum to Bradford Council by the 30 November in the preceding year.
- Bradford Council will provide an actual figure to the Local Council within 14 days of the budget for the following year being set by Bradford Council.

- Where the grant for all functions undertaken is less than £50,000 for the year, this will be paid to the Local Council by the 14 April in the year concerned. Where the grant exceeds £50,000 the amount will be paid by 12 equal instalments.
- Unless stated to the contrary in the individual scheme grant agreement, Local Councils have total discretion as to where they spend the grant.

vi) **General limitations**

Bradford Council reserves the right to vary, curtail or suspend this grant scheme at any time in order to limit budget provision, subject to discussion with the Local Council.

## **SPECIAL EXPENSES**

Within the Local Government Finance Act 1992 there is a provision which allows for different amounts of council tax to be calculated for different parts, e.g. with or without Local Councils, of the district. For example a relatively lower council tax could be set for areas where the Local Council performs the concurrent function, as it includes the Local Council's costs but not Bradford Council's costs of performing the function elsewhere. Currently Bradford Council does not excise this particular option. If it were agreed that in the future Bradford Council wished to treat any expenses of the authority as its special expenses, a resolution would need to be passed at the February budget meeting of Bradford Council. Notice should be given of this to Local Councils as soon as possible but no later than when notice of the Local Council tax base is given.

## **SUPPORT IN GOODS OR IN KIND**

Under the Local Authorities (Goods and Services) Act 1970 Bradford Council can supply a Local Council (and vice versa) with goods or materials; provide administrative professional or technical services; allow the use of plant and materials; and carry out works of maintenance. This is not intended to be a definitive list and Bradford Council will respond to requests for support of this nature on an individual basis as they arise. It will be the policy of Bradford Council to assist in this manner wherever possible.

## Appendix 5

### The Local Council Planning Protocol

As approved by the Regulatory and Appeals Committee, 22 July 2009.

*This protocol will continue to apply until such time that agreements are finalised between Local Councils and Bradford Council's planning department over the consistent use of the Public Access system. Discussions are currently ongoing.*

<b>1.0</b>	<b>Planning Applications Within Bradford District</b>	
1.1	Bradford Council will notify the Local Council of all planning applications within the Local Council area.	Bradford Council
1.2	Local Councils have a statutory period of 21 days to make representations.	Local Council
1.3	Where the Local Council requests that an application be determined by the Area Planning Panel, the request must relate to a material planning consideration and where the request is the sole reason for the application to be brought to Panel, the Local Council shall confirm to the Planning Department that a member will attend the Panel to report the Local Council's views, otherwise the Planning Panel reserves the right to refer the application for officer determination.	Local Councils
1.4	If representations are not received within the 21 day deadline, Bradford Council is entitled to determine the application as it thinks fit without the views of the Local Council	Bradford Council
1.5	The Local Council may request an extension of time should it be unable to make representations within the 21 day period and Bradford Council will agree to all such reasonable requests where this is made within the 21 day period and where it would not affect Bradford Council's ability to determine the planning application within statutory guidelines.	Local Councils
1.6	Except for planning applications within a Conservation Area or the green belt where all amendments will be referred to the Local Council, Bradford Council will inform the Local Council of amendments ('pre-decision') to planning applications where in Bradford Council's opinion those amendments are 'material' and would affect the character of the Local Councils or its community.	Bradford Council
	Local Councils will normally respond to pre-decision amendments within 48 hours of receipt, unless the amendment is considered to have a significant adverse effect on the area and its residents in which case the statutory 21 day period would apply.	
1.7	Bradford Council will inform the Local Council of amendments sought to development which has been granted planning permission where in Bradford Council's opinion such amendments would affect the character of the Local Council or its community (especially within	Bradford Council

	a Conservation Area or the green belt) but which do not justify the submission of a new application. The Local Council shall advise Bradford Council within 2 working days of any representation.	
1.8	Applications for certificates that seek to establish lawful use or permitted development shall be notified to the Local Council and the Local Council will be invited to respond within a 21 day period with local knowledge that may aid the Planning Department in making its determination.	Bradford Council
1.9	The Local Council's Clerk and the Chairman of the Planning Committee (or other responsible person nominated by the Local Council) shall have a direct access telephone number to the relevant Area Planning office. Such telephone numbers will not be divulged to any other party.	Bradford Council
2.0	<b>Planning Applications Submitted To Neighbouring Authorities</b>	
2.1	Bradford Council will notify the relevant Local Council upon receipt of a consultation (non-statutory) from a neighbouring authority.	Bradford Council
2.2	The Local Council will make any representations to Bradford Council within 10 days of receiving the consultations.	Local Councils
2.3	Bradford Council will incorporate any comments of the Local Council in the response to the neighbouring authority.	Bradford Council
3.0	<b>Planning Applications In Neighbouring Local Council Areas Within Bradford District</b>	
3.1	Local Councils will receive the published lists of planning applications submitted to Bradford Council.	Bradford Council
3.2	Local Councils within adjoining areas may:- i) request a copy of a relevant application from the relevant Area Planning Office OR ii) make contact with and receive details of the application from the adjoining Local Council	Local Councils
3.3	In either situation in 3.2 above, the adjoining Local Councils will reply within the same 21 day deadline as the Local Council in which the application is located.	Local Councils
4.0	<b>Training</b>	
4.1	Bradford Council will assist in the provision of training for members of Local Councils on planning matters.	Bradford Council
5.0	<b>Review</b>	
5.1	This protocol shall be reviewed at least one year after the enactment and analysis of the implications of the Decentralisation and Localism Bill	Bradford Council

5.2	The desirability of the inclusion of other matters relevant to the Planning process shall be considered as part of the review.	All parties
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## **Appendix 6**

### **Standards Committee arrangements**

1. The terms of reference of the Standards Committee of Bradford Council provide for two non voting co-opted members of the Committee (the 'Local members') to be Local Councillors of Local Councils wholly or mainly in the Council's area.
2. The Local Council co-opted members will be appointed to the Standards Committee by Bradford Council on the nomination of the Local Councils.
3. Nomination shall follow a selection process by the Local Councils collectively in which each Local Council may, if it wishes, submit a name of a Councillor for nomination. In the event of more than two names being submitted, a ballot shall be conducted at the next Bradford Council and Local Council Liaison meeting, each Local Council having one vote.
5. The Local Council co-opted members shall not be members of the same Local Council.
6. The Local Council co-opted members should expect to serve on the Standards Committee for a minimum of two years.
7. In the event of Bradford Council inviting nominations each year, a Local Council co-opted member may be nominated for re-appointment.
8. A Local Council co-opted member of the Standards Committee should not serve for more than four consecutive years.

## Appendix 7

### Neighbourhood Planning

#### 1. What is Neighbourhood Planning?

1.1 Neighbourhood Planning is a new way for communities to decide the future of spatial planning, development and growth in their community, as it could relate to the building of new homes, shops and offices and includes the design element of new buildings and any other planning matters.

#### 2. Localism Act and Decentralisation powers

2.1 Neighbourhood planning was introduced through the Localism Act 2011. The Act devolved planning powers to certain qualifying bodies such as Local Councils or designated Neighbourhood Forums. The powers include a package of neighbourhood planning tools which are available for use by local communities through qualifying bodies should they choose to use them.

2.2 Should a Local Council choose to produce a Neighbourhood Development Plan, once formally 'made', this would become part of the statutory Development Plan for the district.

2.3 These neighbourhood planning tools are explained in Table 1.

<b>Table 1: Neighbourhood Planning Powers / Tools</b>	
Neighbourhood Development Plans (NDP)	Communities are able to establish general planning policies for the development and use of land in a neighbourhood through a Neighbourhood Development Plan. They could influence where additional new homes, shops and offices should be built and what they should look like. It can be detailed, or general, depending on what local people want. They must be positively prepared, pro-development and reflect local and national planning policies. Producing a NDP is optional and while the Council will provide technical advice and support, the neighbourhood development plans will need to be produced by communities, and the plan making process must be led by a qualifying body or designated Neighbourhood Forum. Ultimately, once a plan has passed an independent examination and received a majority 'yes' vote in a local referendum it can be adopted by Bradford Council and will become part of the Local Plan.
Neighbourhood Development Orders (NDO)	An NDO is an order which grants planning permission in relation to a particular neighbourhood area in the order: <ul style="list-style-type: none"> <li>a) for development specified in the order, or</li> <li>b) for development of any class specified in the order.</li> </ul> The community can therefore extend permitted development rights in their area for development they want to see go ahead. Examples might include extensions to community buildings, affordable housing or local scale renewable energy installations. All other consents regimes will still apply e.g. Building Regulations or Listed Building/Conservation Area Consent.

Community Right to Build Order (CRTBO)	This is a type of NDO for a particular scheme. A community organisation, formed by members of the local community are able to bring forward development proposals which, providing they meet minimum criteria and can demonstrate local support through a referendum, will be able to go ahead without requiring a separate traditional planning application.
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### 3. Local Council take up of Neighbourhood Planning powers

3.1 It is up to each local community to consider the issues in their locality and whether any of the neighbourhood planning tools are the right mechanism for them to use given the issues, resources and timescales available. It will be the role of the Local Council to facilitate these tools through open engagement and consultation with their community.

### 4. Governance arrangements

4.1 Neighbourhood planning is regulated through the Neighbourhood Planning (General) Regulations 2012 which came into force on 6 April 2012. The Regulations outline several key roles and responsibilities for Bradford Council, as listed below. Bradford Council's approved governance arrangements are set out within Table 2 below.

- Designation of a Neighbourhood Development Plan area
- Designation of Neighbourhood Forum
- Consider compliance with statutory and EU requirements
- Organise and fund independent examination
- Organise and fund a referendum
- General 'duty to support'
- Duty to adopt.

<b>Table 2: Neighbourhood Planning Decision Making</b> (As approved by the Executive Committee on 23 June 2015)			
<b>Activity</b>	<b>Stage</b>	<b>Consultation</b>	<b>Decision</b>
<b>Application to set up Neighbourhood Forum</b>	Application received and published for comment	Portfolio holder	Assistant Director Planning Transportation & Highways (PTH)
	Application decision	Area Committee	Executive
<b>Neighbourhood Area Application</b> • Neighbourhood Forums • Applications that affects two or more Local Planning Authorities • Parish / Town Councils	Application received and published for comment	Portfolio holder Ward Councillors All Councillors Area Co-ordinator	Assistant Director PTH
	Application decision		Executive

<b>proposing a boundary greater than or smaller than the existing parish boundary</b>			
<b>Neighbourhood Area Application</b> • <b>Parish / Town Councils (covering whole parish area)</b>	Application received and published for comment	Portfolio holder Ward Councillors All Councillors Area Co-ordinator	Assistant Director PTH
	Application decision		Assistant Director PTH
<b>Neighbourhood Development Plan (NDP)</b>	Draft received by Bradford Council and published for representations	Portfolio holder	Assistant Director PTH
	Submit for independent examination	Portfolio holder	Assistant Director PTH
	Receipt of independent persons report and decision on plan and move to referendum	Area Committee	Executive
	Adoption	Portfolio holder	Assistant Director PTH
<b>Neighbourhood Development Order (NDO) / Community Right To Build Order (CRTBO)</b>	Draft received by Bradford Council and published for representations	Portfolio holder	Assistant Director PTH
	Submit for independent examination	Portfolio holder	Assistant Director PTH
	Receipt of independent persons report and decision on plan and move to referendum	Area Committee	Executive
	Adoption	Portfolio holder	Assistant Director PTH

## 5. Bradford Council's 'Duty to Support' Local Councils

5.1 Bradford Council has a duty to support communities undertaking neighbourhood planning activities. Whilst these duties will primarily fall to the Development Plan Team within the Planning Service, support may also be required from Democratic Services, Policy Programmes and Change, Neighbourhood Services and Legal Services.

- 5.2 The Development Plan Team will strive to develop and maintain a pro-active working relationship with the Local Council through regular and on-going dialogue on their plan or order.
- 5.3 Particularly in relation to Neighbourhood Development Plans, it is recognised that because of the variety and individuality of local communities and of Local Councils, specific arrangements for support will need to be identified and developed on an individual basis.
- 5.4 Subject to resources and work priorities, the Development Plan Team will provide the following in-kind support and assistance to Local Councils:
- Make available, wherever possible, Bradford Council's planning data and information for the Local Council to use in the preparation of their Neighbourhood Development Plan or Order, as part of their evidence base.
  - Subject to officer availability, attendance at Local Council meetings to facilitate an ongoing dialogue with the Local Council and to provide advice (e.g. consultation and engagement).
  - Help with engagement and consultation events and where possible attend consultation events.
  - Provide advice on assessments and evidence.
  - Provide advice on conformity with national and local plan policies with which they will need to fit.
  - Helping communities communicate with external partners where this is required.
  - Provide advice on the legal requirements of neighbourhood planning under the Localism Act.
  - Provide professional advice and support prior to formal submission of a Plan to Bradford Council for examination.
  - Publish relevant details on the Council's Neighbourhood Planning webpage;
  - Provide a single point of contact for the Local Council.
- 5.5 The above assistance from the Development Plan Team will be subject to demand and available resources. Bradford Council will expect Local Councils to give ample notice to allow the Development Plan Team to respond to any requests in the most helpful way.

## 6. Contact Details

### Development Plan Contact Details:

Planning Service –Development Plan Team  
City of Bradford Metropolitan District Council  
2<sup>nd</sup> Floor (South) Jacobs Well  
Nelson Street  
Bradford  
BD1 5RW

Email: [planningpolicy@bradford.gov.uk](mailto:planningpolicy@bradford.gov.uk)

Andrew Marshall  
Planning, Transportation & Strategy Manager 01274 434050

Bill Caulfield  
Team Leader Development Plan Team 01274 433764

Development Plan Team 01274 433679

*(Correct as of January 2015)*

## Appendix 8

### Local Council liaison support and Neighbourhood and Customer Services

**Bradford Council will provide liaison support through the Policy, Programmes and Change team and will undertake the following functions:**

1. A signposting service to allow Local Councils to access information about Council services quickly and effectively.
2. Advise Local Councils of relevant matters of joint interest.
3. Policy support on issues of joint interest.
4. Secretariat for the Liaison Group meetings.

The liaison support does not include mediation between Local Councils and Bradford Council's services and departments.

Advice on Local Council operational issues should always be sought from Yorkshire Local Councils' Association in the first instance who will be able to assist and support as necessary.

#### **Policy Programmes and Change contact details:**

City of Bradford Metropolitan District Council  
5<sup>th</sup> Floor, Britannia House  
Hall Ings  
Bradford  
BD1 1HX  
Telephone: 01274 433664

*(Correct as of January 2015)*

### **Relationship between Bradford Council's Neighbourhood and Customer Services and Local Councils**

Neighbourhood and Customer Services has lead responsibility for Bradford Council in developing and supporting "community engagement". Where Local Councils exist, Bradford Council will seek to work closely and co-operatively with them.

1. A primary function of Neighbourhood and Customer Services is to engage the citizens of the district and others, in action which will improve their neighbourhoods and the services delivered there. This key aim is implemented through:
  - The provision of consultation in neighbourhoods and with communities of interest.
  - Working closely with Bradford Council services, partners, and citizens, to develop sustainable initiatives at a local, area and district level.

2. The Service's community engagement work encompasses:
  - Provision of information to residents from Bradford Council, other democratic bodies, other service providers.
  - Consultation on issues affecting local residents.
  - Building partnerships and supporting projects that identify local solutions to local problems.
  - Supporting the development and implementation of action plans (including Local Council Plans).
  - Creating networks of support within and across communities.
  - Supporting the work of the five Area Committees.
  
3. There are five Area Co-ordinators' Offices (Bradford East, Bradford South, Bradford West, Keighley and Shipley) each with a team of officers engaged in the above work.
  
4. In building working partnerships with Local Councils, Neighbourhood and Customer Services provides:
  - Opportunities for Local Councils to consult and provide information to communities through existing meetings, forums and events, as appropriate.
  - support for Local Council planning and other local project development; links between Local Councils and the relevant Area Committee.
  
5. It is recognised that, because of the variety and individuality of each Local Council, the specific arrangements and relationship between a Local Council and its relevant Area Committee and Area Co-ordinator's Office will need to be negotiated and developed on an individual basis.

**Neighbourhood and Customer Services contact details:**

Central Office:	01274 431301
Bradford East Area Co-ordinator's Office:	01274 431066
Bradford South Area Co-ordinator's Office:	01274 431155
Bradford West Area Co-ordinator's Office:	01274 432597
Keighley Area Co-ordinator's Office:	01274 438008
Shipley Area Co-ordinator's Office:	01274 437146

*(Correct as of January 2015)*