



Tunbridge Wells Agreement

Agreement of collaboration and cooperation
between Tunbridge Wells Borough Council and the
Local Councils which make up the Borough of
Tunbridge Wells



Signatories to this Agreement



Benenden Parish Council



Bidborough Parish Council



Brenchley and Matfield Parish Council



Capel Parish Council



Cranbrook and Sissinghurst Parish Council



Frittenden Parish Council



Goudhurst Parish Council



Hawkhurst Parish Council



Horsmonden Parish Council



Lamberhurst Parish Council



Paddock Wood Town Council



Pembury Parish Council



Rusthall Parish Council



Sandhurst Parish Council



Southborough Town Council



Speldhurst Parish Council



Tunbridge Wells Borough Council

Introduction

This Agreement sets out the terms for a productive relationship between Tunbridge Wells Borough Council (the Borough Council) and all Parish and Town Councils in the Tunbridge Wells area (referred to in this document as Local Councils).

Its purpose is to provide a sound basis for close co-operation in the development and provision of excellent services for local people.

The Localism Act 2011 provided a new impetus for all tiers of local government to seek a more collaborative approach to decision-making.

In our area the Agreement will facilitate that approach by providing a framework within which the Borough Council and Local Councils can make a formal commitment to closer partnership-working.

It will be important that the effectiveness of the Agreement is kept under review at least every four years, in order to celebrate what is working well and to identify areas for further improvement.

Oversight of the Agreement and its four-yearly updates will be through the Parish Chairmen's Forum.

The Borough Council will ensure that all newly elected councillors will be made aware of the Agreement as part of their induction, and that new staff in the Planning Team will also be given a copy of the Agreement as part of their induction.

The Local Councils will ensure that new parish/town clerks are aware of the Agreement as part of their induction.

Key Principles

The Agreement is structured around the following principles:

1. Consultation and Engagement

This is the foundation of the approach to partnership-working that will underpin the relationship between the Borough Council and Local Councils.

2. Information-Sharing

Information is an essential resource to ensure effective day-to-day engagement between the Councils, and for supporting service development and delivery.

3. Leadership

Both sets of Members will work together to promote the interests of their communities and recognise the equality of their shared leadership roles.

4. Planning

This is a pivotal area of activity and partnership within and across Council tiers, and where co-operation should be closest, given the landscape designations that cover most of the area.

5. Policy and Service Delivery

This recognises the shared roles and responsibilities in delivering excellent services and sets out the approach for greater partnership working.

6. Learning and Development

This is a commitment to sharing training opportunities to develop the skills, knowledge and expertise that is essential to partnership-working and greater engagement.

7. Standards and Governance

This is an on-going promotion of exemplary practice in the conduct of public administration.

1. Consultation and Engagement

- 1.1 The principal forum for engagement between the Borough Council and Local Councils will be the Chairmen's Forum. This will take place on a quarterly basis and will be serviced by the Borough Council. It will be jointly-organised by the Leader of the Council and a representative of the Local Councils. The meeting will be chaired by the Leader of the Borough Council.
- 1.2 Local Councils will, wherever possible, use electronic forms of communication to respond to consultations, and as a preferred method when dealing with the Borough Council.
- 1.3 The Borough Council will ensure that the relevant Local Councils are informed about all open consultations on services in their area, and as far as is practicable, consult with Local Councils on all aspects the development, implementation and review of its services.
- 1.4 A minimum period of six weeks, and a maximum of twelve weeks, will be allowed for all consultations, except those relating to planning, or other issues, where statutory deadlines apply. Where the minimum timescale cannot be met notification will be sent to the relevant Local Councils setting out the reasons for reducing the time period.
 - a. For planning applications the legal requirement is a minimum of fourteen days. However, the Borough Council currently allows twenty-one days for consultation, and a further fourteen days where there are significant amendments to applications.
- 1.5 Clerks or Chairmen will be notified when anything of relevance to the local community occurs or is likely to occur.
- 1.6 Local Councils will give priority to submit consultation responses on issues being considered by the Borough Council's Cabinet as a key decision to help promote engagement in the decision-making process.
- 1.7 Local Councils will respond to all relevant consultations, within the agreed timescale, even if it is a 'nil' reply. Where circumstances do not allow a Local Council to meet the deadline, an extension may be sought. However, the Borough Council will reserve the right not to agree to an extension if that would delay the matters under consideration.
- 1.8 Post consultation, Local Councils who have made a detailed response to the consultation will be notified of the decision and the reasons for the decision. This will be done within two weeks of the decision being made, except in exceptional circumstances.

2. Information-Sharing

- 2.1 The Borough Council's Scrutiny & Engagement Officer will provide up-to-date information on key aspects of the council's structure and organization, including the name, title and responsibilities of each member of the Cabinet, boards and committees, and senior officers. This will be done annually, at the start of the municipal year, or as circumstances dictate.
- 2.2 Each Local Council will provide the contact details of relevant personnel, together with details of their roles and responsibilities. This will be done annually, at the start of the municipal year, or as circumstances dictate.
- 2.3 The Borough Council will send to each Local Council an electronic copy of media releases and announcements. It will also seek to promote Local Council initiatives through its communication channels.
- 2.4 Members of the Kent Association of Local Councils Area Committee will disseminate information provided by the Borough Council to residents and others that Local Councils deal with in the most appropriate means available to them (typically electronically), and will seek to promote Borough Council initiatives through their communication channels.
- 2.5 The Borough Council will provide other such information that is essential for closer engagement with Local Councils via Area Committee members, such as the agendas and minutes of all its meetings, government circulars, reports of its partnership-working activities and the Notice of Intent to Make Key Decisions.

3. Leadership

- 3.1 Borough Council Members and Local Councils' Members will share the responsibilities as leaders of their local communities. In each Local Council area the relevant Members of both tiers will seek to work collaboratively to tackle the issues that are important to their communities. Where appropriate, Borough Council Members will act on behalf of the Local Councils to facilitate more effective relations between their Councils and the Borough Council.

4. Planning

- 4.1 Local Councils will be fully-involved in the preparation, modification and review of the Local Plan and its associated policy documents.
- 4.2 The Borough Council will provide appropriate support to Local Councils in the production of Neighbourhood Development Plans and Neighbourhood Development Orders.
- 4.3 Borough Council officers will be available to assist Local Councils with informal enquiries on building control and planning matters.
- 4.4 The Borough Council will encourage the developer of any major scheme to involve the community, including the Local Council, at an early stage in their plans.
- 4.5 Local Councils will have the support of the appropriate case officer to discuss any concerns and provide answers to any technical questions, planning history or relevant policy considerations.
- 4.6 Local Councils will actively engage in the process of site allocations through close working with the Borough Council.
- 4.7 The Borough Council will:
 - a. Consult Local Councils on Town and Country planning matters relevant to their areas;
 - b. Consult the relevant Local Council within five working days of registration of a valid application;
 - c. Take the response of the Local Council into account when making decisions and indicate how that response is reflected in the decisions. Where the view of Planning Services as to whether permission be granted or refused for planning permission differs from the Local Council on an application that the Local Council considers is an “X” or “Y” category (see 4.8d), the Borough Council will notify the Local Council of its views and provide a period of three working days for the Local Council to respond before determination;
 - d. Provide Local Councils with details of the means by which Borough Council Members can “Call-In” planning applications, so that the Local Councils are aware of these procedures;
 - e. Supply Local Councils with copies of the weekly list of planning applications, agendas and minutes of Planning Committee meetings;
 - f. Notify the relevant Local Council of decisions taken on planning applications;
 - g. Notify the relevant Local Council of planning and enforcement appeals received by the Secretary of State and the decisions reached;

- h. Organise an annual “Planning Workshop” with representatives of Local Councils (and their planning teams) – to discuss topics and issues, new legislation, procedures etc. – supported by quarterly online briefing updates;
- i. Enable Local Councils to participate in appraising, modifying or enhancing conservation areas; and consult on proposals to create, modify or enhance conservation areas;
- j. Work with Local Councils in the delivery of rural exceptions affordable homes;
- k. Work with Local Councils to develop clear guidance principles for both the Borough Council’s Planning staff and Local Council Councillors to facilitate harmonious working with clarity of policies, regulations and principles (see 4.8e); and
- l. Where planning or planning conditions are breached, the Borough Council will consider whether it is expedient to take enforcement action to address the breach and, where expedient, will take such steps as are necessary to ensure compliance and enforcement. If it is not considered expedient to take enforcement action, the Borough Council will inform the complainant of the decision. Where the complainant is the Local Council and it considers it is a serious breach (should the Borough Council resolve that it is not expedient to take action) the Borough Council will first refer back and discuss with the Local Council before informing the site owner/developer/operator.

4.8 The Local Councils will:

- a. Read the delegated or committee reports to understand the planning balance and the considerations resulting in a recommendation;
- b. Take such steps as necessary to ensure adequate councillor planning training to understand planning and constraints to ensure realistic and relevant recommendations (see 6.1 Learning and Development);
- c. Timetable the cycle of Planning Committee/sub-Committee/relevant meetings to discuss applications and submit comments to the Borough Council as early as possible and within the required 21 day consultation period;
- d. Work with the Borough Council to ensure clarity of Local Council recommendations and operate a form of “traffic light” indicating if an application is considered to be high priority:

Category	Priority	Notes
X	Highest Priority: likely that the Local Council will request the Borough Council Member to “Call-In” to Planning Committee if not automatically determined by Planning Committee as required	Very limited in annual number to significant major issues affecting the community, economy, environment, infrastructure, etc. (c. 2-5% per year)

	by the Borough Council's Constitution	
Y	Higher Priority: Local Council considers that if Planning Services' view on whether permission be granted or refused differs to Local Council, it warrants further discussion	Limited in annual number to major issues affecting the community, economy, environment, infrastructure, etc. (c. 5-10% per year)
Z	Medium Priority: Proposal is clearly acceptable or unacceptable and, if there is a difference in view between the Local Council and the Borough Council, it is not considered necessary to discuss further	Majority of proposals. (c. 85-93% per year)

- e. Ensure all parties have realistic expectations by working with TWBC develop/agree an outline set of guidance principles of key determinators – AONB, Conservation Area, NDP and other material considerations – design, visible appearance, parking, materials, etc. (see 4.7k); and
- f. Ensure that Call-In to Planning Committee is a last resort.

5. Policy and Service Delivery

- 5.1 Effective partnership-working will be one of the corner-stones of the Tunbridge Wells Agreement. The driving-force for this will be a strong commitment to the principles of localism and the specific provisions and opportunities in the Localism Act 2011. In the role of a “facilitating council” the Borough Council will fully support Local Councils that seek to utilise the Community Right to Bid and the Community Right to Buy powers.
- 5.2 This Agreement recognises the shared roles and responsibilities of delivering excellent services, and the Borough Council and Local Councils will work together to identify areas of service delivery that might be devolved to more local levels. The focus will be on those discretionary services that may not otherwise be deliverable, ensuring that communities can continue to benefit from a diverse range of high-quality provision.
- 5.3 Where services are devolved to Local Councils, the Borough Council will act as a consultee on the design and delivery of these services.
- 5.4 Particular emphasis on partnership working will take place in:
 - a. Economic development – working together to enable the promotion of tourism and maintain a thriving and diverse economy, which is a vital part of the town and rural economy;

- b. Environmental protection – promoting sustainability through its licensing, enforcement and stewardship responsibilities, and supporting the Borough Council on ‘behaviour change’ initiatives;
- c. Housing – working together to fulfil the Borough Council’s strategic role in addressing local housing needs, and in particular:
 - i. The approach to affordable housing in rural areas;
 - ii. The provision of sites for gypsies and Travellers; and
 - iii. Identifying sites suitable for development, and recognising the need for growth within the Borough.
- d. Leisure, recreation and culture – delivering leisure, recreation and culture provision through the Borough Council and Local Councils working together to devolve the delivery of these services.

6. Learning and Development

- 6.1 Where appropriate, Local Council members will be offered places on training and development courses provided by the Borough Council. The Borough Council will work with the Area Committee of the Kent Association of Local Councils to identify particular learning and development needs, and consider the best way to meet those needs, in collaboration with the County Association.
- 6.2 TWBC commits to provide, at least annually (and on appointment of new staff), appropriate training of its officers and officials to ensure they are fully familiar and committed to compliance with the Tunbridge Wells Agreement as it affects their department and work.

7. Standards and Governance

- 7.1 There will be an on-going commitment to promoting high standards of conduct of members and co-opted members of Local Councils and the Borough Council as required by the Localism Act 2011, section 27. This will be based on the Nolan Principles that are appended to the Kent Code of Conduct and the Code of Conduct issued by the National Association of Local Councils.

In addition, two members of the Local Councils will sit on the Borough Council’s Audit and Governance Committee.

- 7.2 The Local Councils and the Borough Council discharge distinct statutory functions, having autonomy over their governance arrangements. Both undertake to ensure that the public administration of their Councils and the discharge of their functions are undertaken effectively in line with statutory requirements, supported by appropriate policies and procedures.