

SWINDON BOROUGH AND LOCAL COUNCILS PROTOCOL 2024

(with March 26 Draft Annexes) Version 4

This Protocol is agreed between Swindon Borough Council and the Town and Parish Councils within the Borough (the Parishes), as represented by the Swindon Local Councils Forum.

We acknowledge the status of the Parishes as tax raising authorities who may increasingly assume responsibility for local maintenance and undertake local development initiatives in co-operation with the Borough.

We believe that working together will improve service delivery, strengthen local decision-making and enhance engagement with residents. This in turn will develop and support socially, economically, and environmentally healthy and sustainable communities.

Key to working together are:

- Timely transfer of information between Councils
- Recognition of the role that both Borough and Parishes can play in enhancing service provision by both direct and indirect provision and support.
- Recognition of the differing sizes of Parishes and that some are reliant on Councillors and other volunteers for the delivery of services.
- Ensuring that all Officers and Councillors understand the Protocol and how it is relevant in their respective roles and job descriptions.

This document is not an end in itself but signals a commitment by the Parishes, Members and Senior Borough Officers to partnership working.

It is to be underpinned by the following Annexes (which will be reviewed annually):

1. Service Delivery
2. Provision of Services,
3. Swindon Plan Joint Delivery Initiative
4. Mutual Service Standards
5. Developing Communities to include Community Plans and Projects
6. Communication and Engagement
7. Compliance and Review
8. Meetings
9. Planning Partnership Framework

Signed:
Chief Executive Swindon Borough Council

Signed:
Chair Swindon Local Councils Forum

Provision of all non-statutory services by the Borough and Parishes as set out in Annex 2 or otherwise will be informed by this Annex

Swindon Borough Council will:

- Discuss with the Forum and individual Parishes, as appropriate, how services can be best be provided within urban and rural areas
- Collaboratively work with Parishes to deliver services.
- Facilitate the provision of services at a local level by offering advice and training and continuing support where appropriate, to include authorising Local Council action.
- Give timely consideration to requests from any Local Council for any service, land, or assets to be transferred to it and to execute such transfer in a timely manner.
- Work with Local Councillors and Officers as appropriate to resolve issues that arise from partnership working or delegated services.

Parishes will:

- Consider collaborative working with the Borough and other Parishes to deliver services.
- Give timely consideration to requests for any Borough Council service, land, or assets to be devolved to Local Council level.
- Consider further use of their Powers.
- Consider working towards achieving NALC “Quality” status where practical.
- Work with Borough Officers and Councillors to resolve issues that arise from partnership working or delegated services.

Dated:

Signed:

This Annex acknowledges that there are services which might beneficially be transferred to or delivered in conjunction with the Local Councils. Determination of services will be in discussion and agreement of both parties.

Examples:

- LIBRARIES
- SWINDON PLAN JOINT DELIVERY see Annex 3
- FURTHER INFRASTRUCTURE MAINTENANCE
- OTHER

PURPOSE: The effective delivery of Swindon Plan objectives

METHOD: The Borough in partnership with Parish Councils or The Borough will delegate delivery to Parish Councils

KEY PARTNERS:

SBC Lead Officers, Nominated Parish Council leads, Service Partner leads

Joint Delivery Partnerships will:

- Identify the priorities in their area relevant to the priorities in the Swindon Plan
- Consider existing PC initiatives and how these might be enhanced
- Establish potential service partners for those priorities
- Be proactive in developing cooperative working with other service partners
- Ensure SBC and PC officer familiarity with and support for the initiative
- Ensure that Lead Officers discuss tailoring their delivery to the needs of the individual communities or Parish with the Partnerships
- Contribute to the development of a network of Community Hubs to share good practice, ideas and resources where appropriate
- Share best practice and draw on the experience of the current place based and health and wellbeing initiatives
- Give appropriate credit to partners in any newsletters, publicity or other material
- Utilise a shared data set of key demographics, levels of deprivation and issues of concern.
- Devise methods of measuring outcomes
- Consider the development of a logo

~~Preamble: The SLCF negotiating team appreciate that changes have recently been introduced by the now Chief Executive, and that the following proposals should be discussed in that context.~~

~~These Service Standards shall apply to all Officers of Swindon Borough Council and to the Parishes that agree to them.~~

~~Initial acknowledgements will either deal fully with the query or give further reasonable steps and an action date of no more than 21 days or give a reason if longer.~~

~~If it is thought that the request is unrealistic for whatever reason, then an early and full discussion should be arranged between stakeholders to avoid wasted time and false expectations.~~

~~The parties will always give a time by which the next action will be taken and liaise if this proves unrealistic.~~

~~Any perceived non-compliance shall be referred to the Chief Operating Officer of the Borough or their nominee or Parish Clerk or Chair as appropriate.~~

Developing Communities to include Community Plans and Projects

Swindon Borough Council and Parish & Town Councils will work together on the development and implementation of the Swindon Plan and on wider decisions that shape services, policies, and investment in our communities. Community Plans and local Projects are a key tool in this shared approach. Both parties agree to:

- Support socially, economically, and environmentally sustainable communities through joint planning and delivery.
- Enable community-led priorities to inform and influence Swindon-wide strategies.
- Ensure collaborative communication, timely engagement, and clear feedback loops.

Swindon Borough Council Will:

- Engage with Parishes on issues and services impacting their residents, allowing sufficient time for dialogue.
- Provide opportunities for Parishes to contribute to the development of the Swindon Plan and other strategic policies.
- Consider requests from Parishes for the transfer of services, land, or assets and implement agreed transfers in a timely manner.
- Nominate an officer to support the development/implementation of submitted community plans or projects and progress them efficiently.
- Approve community plans and projects that are sound, viable, and aligned with the Local Plan and Swindon Plan.
- Ensure relevant officers are briefed on and supportive of this annexe, including schemes emerging under it.

Parish & Town Councils Will:

- Respond to Borough consultations within set deadlines.
- Provide local intelligence about community issues, concerns, opportunities, and priorities.
- Recognise the Borough's strategic role in addressing cross-boundary matters and the need to prioritise support levels as appropriate.
- Consider preparing community plans or projects (for all or part of the Parish), aligned with the Local Plan and referencing the Swindon Plan where appropriate.
- Develop community plans or projects with Borough Councillors and the wider community.

- Submit proposed community plans or projects requiring Borough input for initial triage, followed by fully developed and costed plans for SBC approval (as required).
- Implement approved community plans or projects as agreed.

Community Plans and Projects Process

The following shared process will apply:

Stage 1: Preparation	• Parish identifies need, scope, and objectives for a Community Plan or Project. • Early liaison with Borough Councillors and local stakeholders.
Stage 2: Triage	• Parish submits CP proposal for initial triage. • SBC assesses: ○ alignment with strategic plans ○ feasibility and resource implications ○ statutory or policy considerations • SBC provides timely feedback and confirms next steps.
Stage 3: Development	• Parish develops detailed proposals, costs, and community engagement evidence. • SBC provides officer support where appropriate.
Stage 4: Approval	• SBC approves CPs that are sound and strategically aligned. • Joint decisions made on delivery roles (Parish, Borough, or both).
Stage 5: Implementation	• Approved CPs are implemented by the Parish and/or SBC as agreed. • Ongoing communication and joint monitoring.

Review and Continuous Improvement

- SBC and Parishes will jointly review the operation of community plans and projects as part of the annual Protocol review.
- Feedback will inform improvements to process, guidance, and support.

A key element of a successful partnership is timely communication and active engagement.

Swindon Borough Council will:

- Appoint a Cabinet Member and/or a Councillor as Parish Liaison to work with the Local Council Forum and individual Parish Councils as appropriate.
- Provide a point of contact who will be a link between SBC and Parishes and facilitate the implementation of the Protocol.
- Make available information about key contacts.
- Inform all current and new Councillors & Staff of our commitment to this Protocol.
- Provide early information and engagement on matters of interest to Parishes to include:
 - The Swindon Plan amendments and similar
 - Negotiations on relevant parts of s.106 Agreements,
 - amendments to the adopted CIL Regulation 123 list,
 - Information on the availability of S106 monies and CIL receipts,
- Comply with the Planning Partnership Framework
- Notify Parishes of Impending changes to Borough policies affecting individual Councils.
- Facilitate the Shared Communications Forum and promote activity delivered by Parishes.

Parishes will:

- Notify the Borough of impending changes to services within their community that impacts on Borough data on overall provision of services, including Provision of recycling facilities, public toilets, car parks, public open space, play areas, allotments, community halls and any other local community or leisure facilities.
- Ensure the Parish Contact List is revised with up-to-date details.
- Effectively communicate and consult with their communities.
- Liaise with Borough Officers and Councillors as appropriate to report, monitor and resolve “day to day” issues which arise from Borough Council services.
- Actively engage with the Shared Communication Forum, sharing work, achievements and best practice.

Compliance:

Any Borough or Parish issue which is considered a breach of the Protocol should be referred to Director of Integrated Communities and Partnerships in the first instance. If unresolved, independent arbitration will be made available as an alternative to the Borough Councils formal complaints procedure.

This Protocol and Annexes will be reviewed by the Working Together Group annually during November to ensure that they remain relevant, effective, and responsive to the needs of local communities. The review process will involve:

- *Feedback from local Parish and Town Councils and local residents.*
- *Evaluation of joint projects and initiatives.*
- *Review of the Community Plan and Project procedure.*
- *Reference to the Swindon Plan deliverables and associated performance framework.*
- *Ongoing dialogue between SBC and local Parish and Town Councils to address challenges and opportunities.*

Regular, structured communication will support effective collaboration. The following meeting governance will be adopted and regularly reviewed.

	Swindon Local Councils Forum	Shared Leadership Forum	Clerks Operations Meeting	Working Together Group	Place-Based Partnerships
Attendees	Parish Leadership	SBC CEO, Cabinet Member and Chair of SLCF	Clerks and SBC Officers	SLCF Reps. & Snr SBC Officers	Local Parish Leadership and SBC Officers
Content	Strategic Matters	Updates and Contexts	Operational Matters	Strategic and Tactical opportunities	Community-led solutions
Frequency	Quarterly	Bi-annually	Quarterly	As required	As required

Swindon Local Councils Forum Meeting:

- Has the purpose to collate and pursue strategic and operational issues common to the member councils.
- An association open to Parish and Town Councils within the Borough of Swindon
- No power to bind member Councils
- Meetings attended by lead Local Council Members and Officers
- Senior SBC Officers and others may be requested, or request, to attend periodically to address specific topics

Swindon Shared Leadership Forum

- Has the purpose to ensure both parties have a good understanding of the current challenges and opportunities.
- Attended by Swindon Borough Council and Local Council Leaders
- A space for strategic discussions and updates

Clerks Operations Meeting

- Provides a platform to update Clerks on SBC matters, addressing any general administrative or town-wide operational issues
- Hosted by Swindon Borough Council - Corporate Director of Prevention and Communities and attended by Clerks.

Working Together Group Meeting

- Provides a platform to discuss partnership arrangements for potential Swindon Local Council Forum and SBC ratification.
- Attended by representatives from the Swindon Local Council Forum and senior SBC Officers
- Meetings can be requested by either party as and when there are items to discuss
- Strategic and operational matters are addressed

Place Based Partnerships

- Explore and execute joint and community led opportunities for the delivery of the Swindon Plan within local communities
- Attended by Local Council and Partner representatives and appropriate SBC Officers.
- Meetings hosted by the Local Council in a community setting

SECTION 1. THE BOROUGH COUNCIL WILL:

1. Notify the local council of all planning applications received in respect of their parish, or any substantial application in any adjoining parish, which borders or crosses the parish boundaries relating to:

(i) Applications for planning permission, listed building and advertisement consent, demolition within a conservation area requiring planning permission, lawful development certificates (where appropriate) and significant matters relating to tree preservation orders;

(ii) Telecommunications equipment and any proposals relating to requiring prior approval under the notifications procedure;

(iii) Consultation applications for development by Government Departments and public utilities.

2. Be prepared to clarify issues associated with such applications within the consultation period to ensure the local council can respond meaningfully and in time. It may not always be feasible or reasonable to accept holding representations.

3. **Whenever reasonable** allow:

(i) 21 days for the submission of representations by the local council on applications;

(ii) 14 days for the submission on representations on submissions for applications where there is a statutory requirement that these be determined by the Borough Council within 28 days from the date of receipt by the Council. If dealt with under the delegated procedure, due to the timescales involved, advise the parish of the officers decision as soon as known;

(iii) 21 days for the submission for representations on submissions for prior notification relating to telecommunications equipment. These will be dealt with under delegated procedures due to timescales involved then will advise the parish of the officer's decision as soon as known;

(iv) 14 days for the submission of representations on proposals where there has been a significant amendment to an application, (that is where, in the view of officers, the character of the development has materially changed) unless that change accords with the views of or meets the concerns of a local council.

(v) reasonable requests for an extension of time

(See Footnote 1);

4. Provide details to enable the applications to be viewed on-line via the Councils web site (NB. it is acknowledged that there may be some cases where copies of documents may be made available).

5. Ensure that where the local council advises that the proposal raises significant planning issues or is locally controversial and their comments clearly differ from the action initially proposed by the Chief Planning Officer, the parish / town council may request that the application be referred to the Borough Council's Planning Committee.

5.1 NB. Where there is an exceptional need to determine an application, contrary to the request for it to be determined by the Planning Committee as provided for in section 5 - such as in a case where no extended period for the consideration of the application has been agreed with the applicant and delayed consideration beyond 26 weeks from validation will result in the LPA being obliged to refund the application fee - the application may be determined by the Chief Planning Officer. The local council will be informed of this course of action as soon as practicable.

(See Footnote 1)

6. Keep parish and town councils informed on applications which the parish / town council feel are of a controversial nature and have advised in writing that they wish to be kept informed of progress on the application, including the discharge of specific conditions following a formal decision being made on the application. The Borough Council will keep local councils informed as requested, following receipt of formal notification from the local council.

7. Report to the Borough Council's Planning Committee:

(i) Any summary of the representations provided by the local council. Where no summary has been provided and the views of the local council accord with the officer's recommendation, a summary will be prepared by the officers of the Council. This will be done on the understanding that a full copy of the local council's representations will be available for inspection on the planning file and web site; and,

(ii) Provide an explanation where there is a difference of views.

8. Where a local council has made representations on an application and have requested that application be determined by the planning committee, the local councils will be advised of the date of the meeting.

9. Ensure that copies of Planning Committee minutes and decision notices in respect of their area or where a local council has commented on a significant application that crosses or borders the parish boundary are published and made available on the Borough Council's Website as soon as practicable.

10. Ensure that the local council representatives are able to address the Planning Committee in accordance with the Borough Council's current Public speaking protocol, detailed in each Planning Committee agenda reports pack.

11. Investigate and respond as promptly as possible to reports made by the local council in connection with any alleged breaches of planning control, in accord with the Adopted Planning Enforcement Protocol.
12. Notify local councils of the receipt of appeals, appeal decisions and upon request, any decision of the Secretary of State falling within the parish. Also, for a significant application that crosses or borders a parish boundary. (NB. Decisions can be requested from the Planning Inspectorate, as the notification letter advises)
13. Provide periodic training on at least an annual basis and seminars for local councillors and their staff on relevant planning matters to aid an understanding of the planning process and matters that relate to the determination of planning applications.
14. Acknowledge that the Borough Council will not always be able to accede to the requests of parish and town councils but will always seek to use its best endeavours to do so.
15. As part of the Pre-Application process the Borough Council will recommend to potential developers to consult with the relevant parish / local councils.
16. During the Application Process liaise with the parish / town council(s) in respect of representations received from them in respect of planning obligations matters to clarify information and to directly inform negotiations and the subsequent drafting of planning obligations (s106).
17. Notify the relevant parish / town council(s) in respect of owner / developer requests for variations to secured planning obligations in circumstances where the proposed variation is likely to impact on obligations for which the parish / town council is the primary beneficiary and / or the variation would directly adversely impact on local communities. Liaise with the relevant parish / town council(s) to seek representations on the proposal to inform discussions with the applicant.
18. Parish and town councils will be informed on any design statement or development briefs that are in their parish or will have an impact on their area or is a significant matter in an adjacent parish area.
19. Passport due S106 and CIL monies due to parish/Town Councils quarterly to ensure that S106/CIL contributions can be spent with certainty and in a timely manner.

SECTION 2. THE LOCAL COUNCILS WILL:

1. Respond promptly in writing, or email to applications received from the Borough in accordance with the time scales described in Section 1 paragraph 3 above.
2. Specify clearly and as fully as possible in writing or email the planning reasons for an objection to or support for a particular planning application. Where the parish / town

council is not concerned either way, they will indicate that they have no objection, in order to avoid any ambiguity.

2.1 Where the parish / town council advises that the proposal raises significant planning issues or is locally controversial and their comments clearly differ from the action initially proposed by the chief Planning Officer and the parish / town council requests that the application be referred to the Borough Council's Planning Committee, the parish / town council shall state their full and clear reasons for doing so. Such reasons should make reference to the relevant national and local planning policy. (Reference to 'General Requirements list may assist.)

3. Create a means whereby the parish / town council can respond in writing or email to any amended plans received from the Borough Council (as in Section 1 paragraph 3(v) above) within 10 working days or up to the day of the Planning Committee where the application is to be considered by Committee, whichever is the greater.

(See Footnote 2)

4. Notify the Borough Council if they wish to address the Planning Committee in accordance with the Borough Council's current public speaking protocol, detailed in each Planning Committee agenda reports pack and inform promptly if this changes.

5. Notify the Borough Council by email of applications that they feel are of a controversial nature and wish to be kept informed of progress on the application, including the discharge of specific conditions following a decision being made, to enable the Borough to fulfil its part in complying with Section 1 paragraph 6 above.

6. Assist the Borough Council by reporting, by email, local breaches of planning control under the Town and Country Planning legislation.

7. When requested to do so, submit to the Borough Council evidence to support parish / town council requests for s106 contributions where either additional evidence is required or the evidence is not contained within locally adopted additional planning guidance and evidence base documents.

8. This document will be an Annex to the Borough/Local Councils Partnership Protocol and reviewed annually as such or as required.

Footnote 1: This allows for comments to be made by parish and town councils in accordance with timescales available within current legislation. If legislation changes, as far it relates to the publicity and notification procedures relevant to this protocol, the Borough Council will formally notify the parish and town councils and the protocol will need amending accordingly.

Footnote 2 The Planning Committee will not necessarily consider some applications if they fall within the ambit of the current delegated authority. Where the application is to be considered by the Committee and any representations are made after the agenda has been published, but before the Committee considers the application, parish and town

councils are urged to submit comments as quickly as possible so their comments can be made available to the Committee on any late list.

Footnote 3 The Borough Council will inform the parish town council of the decision of any application upon which they have commented. In addition, upon request, copies of the weekly list of applications received and determined can be provided electronically. Guidance sheet to assist with commenting on a planning application appended Guidance to Assist Parish Councils with Responses to Planning Applications

General Requirements: In all cases where applications are refused, the reasons given must state clearly and precisely the full reasons why the proposal is not acceptable including which Paragraph(s) of the NPPF, Policies of the Swindon Borough Local Plan, relevant Neighbourhood Plan and relevant Supplementary Planning Documents the proposal does not accord with - and if there is an adverse impact, why is harmful?

Taking a house extension as an example:

- Impact upon street scene
- Too Large
- Too Prominent
- Out of Character
- Introduces alien features
- Materials
- Fenestration (windows / doors)
- Effect upon planting / landscape
- features e.g. protected trees
- Impact upon host building
- Design
- Materials
- Scale / height
- Bulk
- Mass
- December 2014
- Overbearing impact upon neighbours
- Location
- Orientation
- Loss of daylight
- Loss of sunlight
- Loss of privacy / overlooking
- Views into habitable/ sensitive rooms
- Views into private amenity space
- Separation distances
- Windows on or close to boundary
- Over-development If 'too large', what is the impact?
- Extensions larger than guideline may
- be ok if no harm is caused
- Parking / Access Is Parking adequate / unusable

- Does provision accord with
- standards, if not, are there any
- mitigation measures?
- Can alternative provision be made?
- Accord with policy May satisfy some but not all
- Duty to consider all material
- considerations and reach a balanced
- decision
- Could a condition make it acceptable E.g. different materials
- Prevent windows in certain elevations
- Access Is it safe?
- What is the evidence to counter an 'expert' view

-----ENDS-----