



Local Councils' Charter

Local Council Charter

Relationships between the Principal Councils and Local Councils within Warwickshire

Contents	Page
Introduction	2
PART 1 All Local Councils	
Sustainability	3
Community Strategies and Local Strategies Partnerships	3
Parish Plans and Market Town Health Checks	3
Local Governance	4
Local Councils as Agents and Partners of the Principal Councils	5
Consultation	5
Emergency Planning	7
Dissemination of Urgent Information	7
Information	7
Complaints	9
Standards Committees	9
Concurrent Services	9
Local Community Life	9
Practical Support	10
PART 2 Quality Local Councils	
Delegating Responsibilities for Service Provision	11
Information and Access Points	12
Appendix 1: Code of Practice for Local Councils for Handling Complaints on Administration and Procedure	13
Appendix 2: Principles of Financial Arrangements for the Delegation of Functions and Services to Local Councils	14
Appendix 3: List of Possible Services that may be Delegated to Local Councils by Principal Councils	15
Appendix 4: List of Possible Concurrent Services	16
Signatories to the Local Charter	17

Local Council Charter

Relationships between the Principal Councils and Local Councils within Warwickshire

Introduction

All Local Councils (parish and town councils) in Warwickshire, through the Warwickshire & West Midlands Association of Local Councils (WALC), and the Principal Councils, the County Council and the four District and Borough Councils in Warwickshire, which have parishes, have agreed to publish this Charter, which sets out how they aim to work together for the benefit of local people.

The Charter is designed to build on existing good practice, as set out in previous Codes of Practice (between the County Council and WALC and individual District and Borough Councils and WALC) and to embrace the principles of central government's Quality Town and Parish Council Scheme, published in 2003.

The Principal Councils acknowledge the important role that Local Councils play as the grass-roots level of local government. The Principal Councils believe that Local Councils can contribute to strong democratic government by shaping the decisions that affect their communities in the following ways:

- ❑ They offer a means of decentralising the provision of certain services and of revitalising local communities
- ❑ They can represent the views of their area and effectively influence the development of the Principal Councils' policies and services
- ❑ They can provide valuable feedback on how Council services are working in their area and how changes in policy are likely to affect the local community

The Principal Councils wish to strengthen their relationship with Local Councils and the local communities they serve in a spirit of partnership and consultation. In turn, Local Councils recognise the strategic role of the Principal Councils and that they have to achieve a fair distribution of services, within Districts and within the County as a whole.

This Charter reflects the increasing importance attached by central government to partnership working and the development of *Quality* status for Local Councils.

- ❑ Part 1 of this Charter applies to all Local Councils in Warwickshire.
- ❑ Part 2 applies to *Quality* councils only.
- ❑ The Charter applies generally to both County and District Councils and reference is made in the body of the document (or an accompanying schedule) to any situation which applies specifically to one tier of authority or to any individual Council.

The Principal Councils and WALC will formally review the Charter after four years and there will be annual monitoring of the Charter in operation.

Part 1 All Local Councils

1 Sustainability

The Principal Councils will work in partnership with all Local Councils in their area to promote sustainable social, economic and environmental development, for the benefit of local communities.

2 Information Technology Strategy

- 2.1 Principal Councils and Local Councils will make use of IT wherever possible for the exchange of information, consultation documents, committee papers etc. It is anticipated that this will be the preferred means of communication in the future, and one of the objectives of this Charter is to promote effective and efficient communications between the tiers of local government via IT.
- 2.2 All three tiers of authorities will work towards the introduction of single points of electronic access within communities for information on public services. These might be located at Local Council offices, local schools and libraries and other community facilities. Local Councils will work with Principal Councils in establishing appropriate arrangements.

3 Community Strategies and Local Strategic Partnerships

- 3.1 The Principal Councils will involve Local Councils in the process of preparing and implementing Community Strategies at both district and county levels. These aim to promote and improve the economic, social and environmental well-being of the people who live and work in the county and its districts. The Principal Councils will consult and involve Local Councils accordingly about the content and direction of community strategies as they affect the local communities they represent.
- 3.2 A representative(s) of WALC or other representative(s) from Local Councils will be invited to sit on appropriate theme groups of the County Strategic Partnership, district based Local Strategic Partnerships, and other associated Partnerships, to strengthen links between Local Councils and Local Strategic Partnerships, in order to improve delivery of local priorities.

4 Parish Plans and Market Town Health Checks

- 4.1 Where a council or group of councils has prepared a Parish or Town Plan and or a Market Town Health Check, and Action Plan, the Principal Councils will take account of its proposals and priorities in developing and implementing community strategies as they affect the local areas concerned.

- 4.2 Where a Parish or Town Plan includes proposals concerning land use and development planning issues (e.g. a Village Design Statement) the Principal Councils may adopt this as Supplementary Planning Guidance, provided it meets the requirements set out in national planning guidance and the local planning framework.
- 4.3 Where the Parish or Town Plan proposals imply some changes to the current development plan or the future local development framework for their area, the Principal Councils will consider and discuss the proposals with the Local Council(s) as part of the next review of that plan.

5 Local Governance

- 5.1 It is important that the Principal Councils and Local Councils maintain close relationships. The Councils will undertake the following arrangements to ensure effective engagement and liaison between them:
- i) Local Council representatives will have the right of audience to address the County Council's Area Committees and similar joint forums established with the Borough and District Councils on matters of local concern.
 - ii) The Principal Councils, representatives of WALC and Local Councils will hold liaison meetings as required to guide the overall progress of the relationship.
 - iii) The Chairs of Local Councils will be invited to sit on the County Council's Electoral Division Panels, and any similar joint forums established with the Borough and District Councils.
 - iv) County, Borough and District Councillors will be encouraged to attend meetings of Local Councils in their electoral divisions, whenever possible.
 - v) Local Councils will send copies of their agendas and papers to the Principal Councils and to the county and district councillors (Principal Councillors), for their area upon request, by electronic means where possible. Officers and Principal Councillors will be given an opportunity to speak at Local Council meetings on matters of mutual interest.
 - vi) The Principal Councils will notify their relevant members of significant issues raised in correspondence with Local Councils. In turn, Local Councils will keep principal councillors informed about local views on any matter relating to their responsibilities.
 - vii) The Borough and District Councils will administer the holding of Local Council elections. The respective authorities will work together to limit the costs of holding such elections and will work with WALC to develop good practice in the filling of casual vacancies by election or if necessary by co-option
 - viii) Principal Councils may consider nominating a Local Councils' liaison officer. In the case of the County Council this may be one per district.
 - ix) Principal Councils' Monitoring Officers will provide support to Local Councils with regard to the ethical framework for the governance of Local Councils.

6 Local Councils as Agents and Partners of the Principal Councils

- 6.1 The Principal Councils will willingly consider the shared use of buildings, (e.g. libraries), facilities and other assets, on terms that are equitable to both parties following careful consideration of the financial and estate management implications of any proposal. (Please note with regard to the shared use of schools, the County Council cannot speak on behalf of individual schools in relation to sharing arrangements - these are matters that must be taken up with the individual school via the Headteacher, Governing Body, and, where applicable, the Diocesan Education Authority).
- 6.2 Local Councils will be consulted, amongst other local bodies, to provide the community representative on primary school and Voluntary Aided School governing bodies.
- 6.3 The County Council currently operates the Parish Paths Partnership Scheme, under which grants and assistance may be provided to Local Councils to open up routes.

7 Consultation

- 7.1 As far as is practicable, the Principal Councils will aim to give Local Councils the opportunity to comment before making decisions that affect their area. This will include consultation with adjoining parishes if relevant and will take into account that Local Councils meet at varying intervals.
- 7.2 In furtherance of this, the Principal Councils will develop ways of consulting with Local Councils, making use of information technology and other cost-effective means, as appropriate. Local Councils can request a copy of any public report and are encouraged to comment directly to the Principal Council concerned.
- 7.3 In consulting with them, the Principal Councils will provide Local Councils with sufficient information to enable them to reach an informed view on the matter under consideration, and give them adequate time to respond in accordance with the Principal Council's standard and with any statutory requirements, where applicable.
- 7.4 Only in exceptional circumstances will normal consultation not take place, in which case a written explanation will be given on request. A written explanation will also be given where the Principal Council(s) decide not to agree with the views of a Local Council.
- 7.5 It is expected that the Principal Councils will normally consult Local Councils on statutory and other major plans and on other proposals which could lead to changes locally in:
 - i) School or early years education provision
 - ii) Youth or community education provision
 - iii) Social Services provision
 - iv) Fire cover

- v) Library services
- vi) District Local Plans
- vii) Provision of Leisure and Cultural Services
- viii) Public Transport
- ix) Traffic
- x) The environment

7.6 When appropriate, consultation with other bodies that deliver services in a locality, e.g. Police, may be achieved through local liaison meetings involving Principal and Local Councils.

7.7 Local Councils will also be consulted on:

- i) All planning applications being determined by the Principal Councils
- ii) Arrangements for the development of the larger quarries and waste tips
- iii) Road maintenance which impacts on local residents, such as tree felling and the timing of any road works
- iv) Proposals to divert, modify or extinguish public rights of way, or to change the status of routes
- v) Proposals for permanent traffic calming or other significant local safety schemes
- vi) Proposals for highway improvements
- vii) Changes to local bus services
- viii) Changes relating to waste disposal sites
- ix) Naming of local streets
- x) Licensing Policy
- xi) Concurrent services amendments
- xii) Procedures for the determination of planning applications

7.8 Local Councils will involve the Principal Councils in the preparation of:

- i) Town or Parish Plans
- ii) Village Design Statements
- iii) Market Town Healthchecks and Action Plans
- iv) Local circular or guided walk publications
- v) Community Transport Initiatives

7.9 In addition to the liaison arrangements described under Local Governance above, the process of consultation (both formal and informal) will be developed further at Local Council level through regular or ad-hoc meetings with Principal Councillors, officers or working groups

8 Emergency Planning

- 8.1 All Local Councils will undertake to co-operate with the County Council's Emergency Planning procedures.
- 8.2 The Emergency Planning Unit will write to Local Councils annually seeking updated information for inclusion in the Local Parish Council Community Emergency Plan and the Parish Emergency database. On receipt of such updated information, the Unit will produce sufficient copies of the Plan to enable all parish and town councillors to have a copy. If the Parish is in an area prone to main- river flooding, the Emergency Plan will include flood plain maps based on Environment Agency information.
- 8.3 For those Local Councils requiring them, the Emergency Planning Unit will provide unfilled sandbags on an annual basis.
- 8.4 Local councils who provide e-mail contact details will be provided with emergency information from time to time. This may include information about predicted problems such as severe weather, updates on the progress of the response to an emergency or more general advice on emergency planning issues.
- 8.5 The Emergency Planning Unit is available to visit Local Councils to talk about emergency planning arrangements within the county and can undertake more specific areas of training as required.

9 Dissemination of Urgent information

Local councils will undertake, where practicable, to disseminate to parishioners urgent information from Principal Councils for example, the last minute cancellation of refuse collection or emergency planning warnings.

10 Information

- 10.1 The Principal Councils will communicate with Local Councils and others by publishing their various newsletters (eg the Warwickshire View, Stratford upon Avon Review, North Talk) and making them available to the local community. They will keep Local Councils informed of what the Principal Councils are doing generally by sending them copies of these and other relevant promotional material. In accordance with para 2.1 this will be undertaken electronically wherever practical.
- 10.2 Local Councils will send Principal Councils a copy of any newsletter published by them on request. Principal Councils may consider promoting Local Council initiatives in their Newsletters and web sites.
- 10.3 The Principal Councils will routinely supply the following information in an appropriate format, free of charge on request
 - i) Their Best Value Performance Plan
 - ii) Their financial report and statement of accounts

- iii) The list of dates of meetings of their Council, committees and sub-committees
- iv) Their statutory development plans
- v) The annual report on Quality of Life in Warwickshire
- vi) The Strategic Plan for Warwickshire and Local Community Strategies
- vii) Their internal telephone directory(s) where available
- viii) Details of their internal organisational structure

10.4 On request, the Principal Councils will also provide the following free of charge, in an appropriate format:

- i) Parents information booklets, detailing schools in the area
- ii) Information from surveys and censuses
- iii) Proposals for highway improvement
- iv) Travel guides and travel news
- v) Updates on bus and other transport services
- vi) Electoral roll for the parish

10.5 The Principal Councils will provide the following on request at a small charge

- i) Reports of meetings of their Council, committees and sub committees, except reports containing excluded or exempt information as defined in the Local Government (Access to Information) Act 1985
- ii) Reports and minutes of Council, Committee and Sub- Committees and much of the other information referred to above is available free of charge on the Principal Councils' websites. These are listed below. They are all hyper-linked for easy access
www.northwarks.gov.uk
www.rugby.gov.uk
www.stratford.gov.uk
www.warwickdc.gov.uk
www.warwickshire.gov.uk

10.6 The County Council website contains details of Local Councils. WALC and Local Councils agree to inform principal authorities of any change of contact details. Through the Warwickshire Community section of the website the opportunity is given for Local Councils and community organisations to post community information and access assistance to help them design their own websites, free of charge.

10.7 The Principal Councils and Local Councils will acknowledge letters sent to one another and both will provide substantive answers to letters that need a reply, in accordance with the provisions of each Principal Councils' Customer Charter.

11 Complaints

- 11.1 This Charter should ensure smooth and effective communications between Local Councils and the Principal Councils. If however a Local Council is dissatisfied with a Principal Council's actions, the response to a request for information, or a failure to consult properly, the Local Council may make a formal complaint in line with the complaints procedure of the Principal Council concerned.
- 11.2 Local Councils will undertake to have in place a complaints procedure in order to address complaints from parishioners which concern the administration and procedures of the Council as a whole. This is essential as Local Councils, unlike Principal Councils, are not subject to the jurisdiction of the Local Government Ombudsman. The National Association of Local Councils' recommended Code of Practice to Handle Local Council Complaints is published under Appendix 1. However, in the event of a complaint, about the behaviour of a councillor, which involves an alleged breach of the Parish Council Code of Conduct, there is recourse to the Standards Board for England and the local Standards Committees.

12 Standards Committees

Both the Principal Councils and the Local Councils have adopted codes of conduct, for councillors, based on the national model code of conduct. The Local Councils will work with the Principal Councils' Standards Committees to promote and maintain high standards of conduct. The Principal Councils have consulted and agreed the arrangements with the Local Councils for the appointment of representative(s) to their Standards Committees, details are available from the Principal Councils concerned.

13 Concurrent Services

- 13.1 Concurrent Services are those, which might be undertaken by either Principal Councils or Local Councils or both. Each Principal Council will consult with its Local Councils where it wishes to change the basis for the delivery of any concurrent services.
- 13.2 Principal Councils will seek to agree, insofar as is reasonably practical, the basis of funding concurrent services to ensure that double taxation is avoided in accordance with the ODPM Guidance document "*The Quality Parish and Town Council Scheme*". Appendix 4 provides a list of services which might be provided concurrently.

14 Local Community Life

- 14.1 Each Principal Council will have their own arrangements for providing support or making grants to community organisations. These will be in accordance with their agreed criteria. Details of the help which is available are set out in the Guide to Funding Opportunities in Warwickshire.

- 14.2 Local Councils have powers under section 137 of the Local Government Act 1972 to make grants to community and voluntary groups within their parishes. These grants are subject to certain criteria, but have proved valuable to community life, for example grants to toddler groups for new play equipment or for Youth groups.

15 Practical Support

- 15.1 On request the Principal Councils will, where practical, and where resources permit offer Local Councils access to their support services, to enable them to take advantage of facilities, at a mutually agreed price, such as advice on:
- i) Legal matters
 - ii) Committee and procedural arrangements
 - iii) Forestry and arboricultural services
 - iv) Property management, acquisition and disposal
 - v) Building cleaning
 - vi) Catering services
 - vii) Grounds maintenance
 - viii) Servicing equipment
 - ix) Printing and purchasing
 - x) Human resources
 - xi) Information technology and telecommunications, including systems development and PC support
 - xii) Financial matters of a technical nature (e.g. capital expenditure controls)
 - xiii) Sources of funding for not for profit organisations
 - xiv) Advice leaflets on consumer matters
 - xv) Payroll and pension services
 - xvi) Administration of members' allowances where these are taxable.
 - xvii) Procurement
- 15.2 Local Councils are also able to have access to the Principal Councils' approved maintenance contractors and agreed schedules of rates and may commission the Principal Councils' professional consultants for construction related work at agreed rates.
- 15.3 In addition the Principal Councils will where practicable and resources permit be willing to help in the following ways:
- i) To display information in libraries and council offices (free of charge)
 - ii) To provide information and advice on fire safety matters (free of charge)
 - iii) To provide information and advice on health and safety matters (free of charge)
 - iv) To provide advice on landscape and community enhancement projects (free of charge)

- v) To design and supervise parish or town council funded traffic schemes (on a fee basis)
- vi) To maintain footway lights (on a rechargeable basis)
- vii) To lend small equipment, such as cones and signs for village fetes (free of charge)
- viii) To provide information and advice on consumer and trading matters, for example at markets (free of charge)
- ix) To provide facilities for Local Councillors and Clerks, when requested (free of charge) as agreed through the County Training Partnership for Parish and Town Councils
- x) To carry out grass cutting and other grounds maintenance work (on a rechargeable basis)
- xi) To carry out periodic safety inspections of play equipment (there may be a charge for this service)
- xii) To hire certain items of leisure equipment (on a rechargeable basis and subject to safety requirements being met)
- xiii) To process temporary and periodic road closures for community events

Part 2 Quality Local Councils

16 Delegating Responsibilities for Service Provision

16.1 It is anticipated that during the period this Charter is in operation, the number of Quality Parish Councils will increase considerably. The arrangements in Part 1 apply equally to Quality Local Councils and other Local Councils. However, there is a presumption that Quality Councils will wish to take on the provision of additional services and that the Principal Councils will wish to work with them to enable them to do so, where this is appropriate and promotes community well being.

16.2 Therefore, during the life of this Charter, the Principal Councils and the Local Councils will work together to develop an improved protocol for the delegation of services. This will take into account the need to

- Demonstrate Best Value (this will need to include costs, including potential double charging of residents, economies of scale, implications for the principal councils' workforce and the use of buildings and equipment etc)
- Be within the capacity of Local Councils
- Provide a coherent pattern of services that is understandable to the public
- Have arrangements that are transparent and accountable
- Adhere to the equality and diversity policies and procedures of the principal authorities.

16.3 Where services are delegated in this manner, it may not be in perpetuity as this arrangement could be affected by changed circumstances in the future, such as budget constraints. A service level agreement incorporating details of the duration of the arrangements and the other conditions that will apply will be made in each case.

- 16.4 The financial arrangements for delegated services are set out at Appendix 2. These are in accordance with the ODPM Guidance document “*The Quality Parish and Town Council Scheme*”. The level of funding will be agreed by the Principal Council(s) and the Local Council in each case. A list of possible functions that might be delegated is given at Appendix 3.
- 16.5 It is anticipated that Quality Councils will normally be the preferred option for the development of pilot projects and other new initiatives.

17 Information and Access Points

- 17.1 The development of Information and Access Points is one of the ways in which a *Quality* Local Council (or group of *Quality* Local Councils) might provide a local information and/or access point for Principal Council services. Where accepted as appropriate by Principal Councils, local arrangements, including costs, will be agreed and the Principal Councils will:
- i) Issue to the Local Council (and up-date as necessary) relevant written information for its services unless these are available through their websites
 - ii) Give electronic access to similar information and forms (where it provides these electronically) provided the Local Council has appropriate technology
 - iii) Provide where practicable and where resources permit, suitable briefing, training and support to staff of the Local Council

Code of Practice for Local Councils for Handling Complaints on Administration and Procedure

Before the Meeting

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Clerk or other nominated proper officer.
2. If the complainant does not wish to put the complaint to the Clerk or other proper officer, they may be advised to put it to the Chairman of the Council.
3. The Clerk will acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the committee established for the purposes of hearing complaints.
4. The complainant will be invited to attend the relevant meeting and bring with him/her such representative as he/she wishes.
5. Seven clear working days prior to the meeting, the complainant will provide the Council with copies of any documentation or other evidence he/she wishes to refer to at the meeting. The Council will similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

At the Meeting

1. The Council will consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint will be announced in public at the Council meeting.
2. The Chairman will introduce everyone and explain the procedure to be followed.
3. The complainant (or representative) will outline the grounds for complaint.
4. Members will ask any questions of the complainant.
5. If relevant, Clerk or other proper officer will explain the Council's position.
6. Members will ask any questions of the Clerk or other proper officer.
7. The Clerk or other proper officer and complainant to be offered opportunity of last word (in this order).
8. Clerk or other proper officer and complainant to be asked to leave the room while Members decide whether or not the grounds for the complaint have been substantiated. If a point of clarification is necessary, both parties will be invited back into the room whilst clarification is sought.
9. The Clerk or other proper officer and the complainant will return to hear the decision, or to be advised when a decision will be made.

After the Meeting: The decision will be confirmed in writing within seven working days together with details of any action to be taken.

Principles of Financial Arrangements for the Delegation of Functions and Services to Local Councils

The following principles are those which should govern the financial arrangements between Principal Authorities and Local Councils. They set out the key aims to be achieved when setting up new arrangements.

- 1 Fairness - in the provision and cost of services (and access to them) to the public throughout the area of the principal authority(s) and between parished and non-parished areas
- 2 Simplicity – to keep the administrative costs of operation to a minimum
- 3 Transparency – to help understanding of the arrangements
- 4 Democratic control and accountability – to allow Local Councils to support additional services with additional expenditure whilst ensuring accountability to those responsible for funding. This means distinguishing between funding by Principal Councils (for a service carried out by a Local Council) and funding raised by Local Councils themselves (e.g. using their precepting powers).
- 5 Finance following function – where provision of a service is devolved or transferred from a Principal Council to a Local Council, funding is also transferred, with the amount involved being agreed by the Principal Council and the Local Council.

These principles should be a continual reference point when setting up new or assessing existing financial arrangements between Principal Councils and Local Councils.

The funding body responsible for levying taxes will have the right to review arrangements from time to time and may produce proposals to amend them for policy, service efficiency, or budgetary reasons.

Specific arrangements for delegation of functions and service provision are underpinned by these principles.

List of possible services that may be delegated to Local Councils by Principal Councils

- Allotments *
- Control of markets
- Issue of bus and rail passes and other transport voucher schemes (e.g. taxi vouchers)
- Litter collection and litter control measures
- Maintenance of highway verges, footways and footpaths
- Noise and nuisance abatement
- Operational Aspects of Parking provision
- Public conveniences
- Recycling provisions
- Street cleaning
- Street lighting (other than principal routes)
- Street naming
- Tree Preservation Orders
- Some aspects of development control
- Some aspects of the management of libraries and museums.
- Some aspects of leisure and tourism provision (e.g. bowling greens, playing fields, issue of leisure permits)

THIS LIST IS NOT EXHAUSTIVE

- * Note when a new Local Council is created then land held by the Borough or District Council under the Allotment Acts or used by the Borough or District council for those purposes is automatically, by law, vested in the new council

List of Possible Concurrent Services

- Allotments
- Boating pools
- Bus shelters
- Car parking (off street)
- CCTV (installation and maintenance)
- Cemeteries and burial grounds
- Christmas lights and trees
- Closed cemeteries and burial grounds
- Commons and common pastures
- Community centres
- Crematoria
- Entertainment and the arts
- Footway lighting
- Grants to bus operators
- Grass cutting
- Information services (transport, tourism)
- Highways maintenance
- Leisure facilities
- Litter and dog waste bins
- Museums
- Open spaces
- Parks
- Playgrounds
- Playschemes
- Playing fields
- Public clocks
- Public conveniences
- Public seats adjoining highways
- Recreation grounds
- Sports pitches
- Street cleansing
- Subsidies for uneconomic post or telecommunications services
- Taxi fare concessions
- Tourism promotion
- Traffic calming
- Village greens
- Village halls
- War memorials

List of Signatories to the Local Council Charter



**North Warwickshire
Borough Council**

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Stratford-on-Avon District Council, Elizabeth House, Church Street,
Stratford-upon-Avon. Warwickshire CV37 6HX www.stratford.gov.uk Tel: 01789 267575



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Representing and Advising
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(On behalf of all the Parish and Town Councils in Warwickshire)