

0Wiltshire Council

Cabinet

25 January 2011

**Subject: Delegation of Services to Town and Parish Councils
- TUPE Transfer of Wiltshire Council Employees**

Cabinet Member: Councillor Dick Tonge – Highways and Transport

Key Decision: No

Executive Summary

It is part of Wiltshire Council's Constitution for Cabinet to approve the transfer of Wiltshire Council Employees to other Councils or organisations.

As part of the Council's initiative to Delegate Services to Town and Parish Councils an agreement in principle has been reached with Salisbury City Council to delegate the cleaning of Wiltshire Council owned public conveniences and parts of the street cleansing function within the City of Salisbury to Salisbury City Council.

Subject to final agreement the delegation would mean the transfer of up to 9 full time and 5 part time employees of Wiltshire Council to Salisbury City Council under TUPE Regulations. The employees are currently based in the Council's Churchfields Depot, Salisbury.

There will be financial support to Salisbury City Council in accordance with the Council's Policy on the Funding of Delegated Services (Cabinet 19.10.10).

Proposals

That Cabinet:

- (a) approves the transfer of up to 9 full time and 5 part time employees of Wiltshire Council under TUPE Regulations to Salisbury City Council and
- (b) delegates authority to the Director of Neighbourhood Services to progress and conclude the transfer of the Council's Employees as required.

Reason for Proposals

To enable the Council to delegate services to Salisbury City Council as part of its initiative to Delegate Services to Town and Parish Councils.

Mark Boden
Corporate Director
Department of Neighbourhood & Planning

Wiltshire Council

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Purpose of Report

1. For Cabinet to approve the transfer of up to 9 full time and 5 part time employees of Wiltshire Council under TUPE Regulations to Salisbury City Council as a result of the delegation of services to Salisbury City Council.

Background

2. Following discussions with the Leader of Salisbury City Council an agreement in principle has been reached to delegate the cleaning of Wiltshire Council owned public conveniences and parts of the street cleansing function within the City of Salisbury to Salisbury City Council.
3. It was also agreed in principle that Salisbury City Council would commence the delivery of these services on 4 April 2011 or as soon as practicable afterwards.
4. Officers from Salisbury City Council and Wiltshire Council are working together to conclude the detail of the delegation and the necessary service level agreements that will include:
 - (i) The cleaning and routine maintenance of the public conveniences owned by Wiltshire Council in the Market Square, Central Car Park, Culver Street Car Park and the Coach Station.
 - (ii) Hand sweeping and litter picking of the City Centre.
 - (iii) Sweeping and litter picking of other pavements, footways and public open space within the City.
5. In accordance with the Constitution of the Council a working group has been established and will meet on 6 January 2011 to commence a due diligence exercise and a comprehensive consultation process that involves the staff concerned and the Unions.
6. Wiltshire Council will financially support the services delegated in accordance with the Council's Policy on the Funding of Delegated Services (Cabinet 19.10.10).

Main Considerations for the Council

7. To ensure the ongoing success of delegated services within the proposed timescale it is important to manage the transition process effectively and fully support those affected during this period, particularly by engaging and consulting with the staff that will transfer and continue to deliver the services.

Environmental and Climate Change Considerations

8. Officers from Salisbury City Council and Wiltshire Council should consider the following environmental issues when preparing the service level agreement:
 - (i) Carbon Reduction Commitment Energy Efficiency Scheme – As a large consumer of energy, Wiltshire Council is required to purchase allowances for every tonne of CO2 emitted as a result of running services. Whilst the public conveniences have a relatively low energy consumption, clarification needs to be sought from the Environmental Agency as to whether Wiltshire Council would still be liable for the cost of allowances. If so, the long-term financial implication of this needs to be considered whilst ensuring that there is an adequate mechanism in place for Wiltshire Council to undertake energy efficiency work that reduce CRC costs.
 - (ii) Street Cleaning Standards – Targets should be set regarding the street cleansing quality and response times that Salisbury City Council should achieve, in line with national guidance, to ensure continuity with similar services operated by Wiltshire Council.
 - (iii) Duty of care - Salisbury City Council should provide information periodically to Wiltshire Council on how wastes have been transported and disposed of to ensure an adequate audit trail is in place.
 - (iv) Systems to Standardise Performance – A requirement for organisations taking responsibility for delegated services to actively participate in systems installed by Wiltshire Council to improve environmental management, namely BS16001 & ISO 14001. This will ensure a standardised approach is taken to the management of facilities across the County and encourage improvement.

Equalities Impact of the Proposal

9. The aim of the project is to create, stronger and more resilient communities by enabling the delegation of appropriate, key local services to Town and Parish Councils according to local needs.

Risk Assessment

10. The political risk or risk to the reputation of the Council, should the transfer of the services fail to be completed, is assessed to be low/medium.
11. Whilst Salisbury City Council has the appropriate infrastructure and capability to manage risks to their employees and the public the operation of street cleaning will intensify the risk in particular areas. Wiltshire Council will also retain a degree of risk on those functions carried out on its behalf. To mitigate

or reduce this risk Wiltshire Council will include detailed “Operational Requirements” within the Service Level Agreement and support the City Council in its introduction and application.

Financial Implications

12. Funding arrangements to Salisbury City Council for delivering the delegated services will be in accordance with the Council’s Policy on Funding Delegated Services as agreed by Cabinet 19.10.10.
13. The Policy provides for the delegation of street cleansing services on a cost-neutral basis to Wiltshire Council for the period of the agreement.
14. For Public Convenience cleaning the Policy also provides for a cost-neutral delegation for the first 4 years, but for a reduction in funding of 50% by Wiltshire Council after 4 years.

Legal Implications

15. The transfer of staff from the Council to Salisbury City Council is a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006. The TUPE Regulations place obligations on the Council as the transferor and the Council’s in-house legal team will provide on-going support to ensure compliance with those obligations.

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The following unpublished documents have been relied on in the preparation of this Report:

None