

Wiltshire Council

Cabinet

24 May 2010

Subject: Delegation of Services to Town and Parish Councils

Cabinet Member: Councillor Dick Tonge – Highways and Transport

Key Decision: No

Executive Summary

Following approval of the Project work programme by Cabinet in February 2010 all town and parish councils have been contacted and a questionnaire sent asking for information on the services they currently provide and those, currently provided by Wiltshire Council in their area, they may want to deliver. (See **Appendix 1**).

Of the 240 parish councils contacted, 90 responded (37.5%) of whom 44 (18%) expressed an interest in receiving a delegated service. All 16 town councils and Salisbury City Council responded expressing an interest in receiving delegated service(s). (See Section 13 and **Appendix 2**).

Of the 13 possible options 4 services were identified as being suitable and capable of being delivered by town or parish councils as pilot schemes: Allotments, Public Conveniences, Public Open Space and Play Areas. (See Section 4).

Work to complete the transfer of two areas of public open space in Chippenham has been suspended. The Town Council has asked Wiltshire Council to identify the open spaces and/or services they wish to delegate which they believe should include Monkton Park, and that we provide costed proposals for further discussion. Proposals for the transfer of Allotments in Trowbridge and Bradford on Avon (see Section 5) and the transfer of Play Areas in Collingbourne Ducis (see Section 8) are currently being finalised. Five of the town councils and Salisbury City Council have expressed an interest in taking on the public conveniences, subject to adequate budget transfer. Work is currently in progress to prepare the necessary financial information. (See Section 6).

As requested by Cabinet at their meeting in February the delegation of the Street Naming and Numbering function was examined but found that the current procedure was not suitable for delegation. At a future meeting Cabinet will consider recommendations to introduce a new procedure, which will enable aspects of the function to be delegated to town and parish councils. (See Section 11).

Proposal

That Cabinet notes the report and approves the proposals for the continuation of the project as follows:

1. to concentrate on the delegation of allotments, public open space and public conveniences with the relevant councils, which at present includes: Bradford on Avon, Calne, Chippenham, Collingbourne Ducis, Corsham and Trowbridge;
2. to complete visits and discussions with town and parish councils who have expressed specific interest in either Public Conveniences, Public Open Space or Play Areas where there is the capability to take them on and
3. to undertake discussions with existing contractors to consider the possibility of transferring management of contracts in town council areas.

Reason for Proposal

To record that updated information has been provided for the Cabinet, and to agree the forward work programme.

Mark Smith
Director of Neighbourhood Services

Wiltshire Council

Cabinet

24 May 2010

Subject: Delegation of Services to Town and Parish Councils

Cabinet Member: Councillor Dick Tonge – Highways and Transport

Key Decision: No

Purpose of Report

1. To update Members of progress to date of the proposed work programme as approved by Cabinet on 23 February 2010.

Background

2. Cabinet approved that at the completion of this project there will be:
 - A re-establishment of contact on a working basis with town and parish councils and other stakeholders.
 - A prioritised list of services identified as being suitable and capable of being delivered by town or parish councils.
 - Pilot scheme(s) developed and working in partnership with town and/or parish council(s).
 - A process to assess the practical, organisational and financial impact of the delegation of those services on Wiltshire Council and the receiving council.
 - A clearly defined consultation, evaluation and decision making procedure to deal with applications for the delegation of services to town or parish councils.
 - Clearly defined terms and conditions, and form of agreement for the delegation of services to town or parish councils.

Progress to date

3. Response from Town and Parish Councils

All town and parish councils have been contacted with a questionnaire to establish current interest in taking on delegated services from Wiltshire Council. (See **Appendix 1**)

Of the 240 parish councils contacted, 90 responded, of whom 44 expressed an interest. The 16 town councils and Salisbury City Council were contacted, all of whom responded and expressed an interest. (Please also refer to Section 13 of this report and **Appendix 2**)

4. **Selection of Services for Delegation**

Town, parish and community councils have powers that enable them to provide, manage or maintain services, facilities or functions. (See **Appendix 3**). Of the 13 possible options six services were identified as being suitable and capable of being delivered by town or parish councils and to be progressed as part of this project:

Allotments, Public Conveniences, Public Open Space, Play Areas, Maintenance of Roadside Verges and Repair to Rural Footpaths & Bridleways.

Priority is being given to develop pilots involving Allotments, Public Conveniences, Public Open Space and Play Areas where there is a positive interest expressed by a town or parish council with the capability to take them on.

Although not a service delegation issue, a number of councils expressed an interest in developing Bye Laws and Dog Control Orders.

5. **Allotments**

Wiltshire Council has allotments in Trowbridge and Bradford on Avon. Both councils are interested in taking on these allotments. A proposal is being prepared for submission to both Councils. Bradford on Avon has also expressed an interest in the local management and maintenance of the allotments owned by the Col William Llewellyn Palmer Trust at Sladesbrook which is currently undertaken by Wiltshire Council.

6. **Public Conveniences**

Town councils have expressed an interest in taking on the public conveniences, subject to adequate budget transfer. Work is currently in progress to prepare the necessary financial information. The provision and maintenance of public conveniences in the former West Wiltshire area is contracted to a third party provider. Therefore, any negotiations may need to wait until the contract expires in 2012.

7. **Public open Space**

Work to complete the transfer of two areas of public open space in Chippenham has been suspended. The Town Council has asked Wiltshire Council to identify the open spaces and/or services they wish to delegate, which should include Monkton Park, and provide proposals with indicative costings for further discussion.

Discussions continue with other town and parish councils on a number of suitable sites. The maintenance of grounds and open spaces in the former West Wiltshire area is contracted to a third party provider. Therefore, any negotiations may need to wait until the contract expires in 2012.

8. Play Areas

Discussions have taken place with Collingbourne Ducis Parish Council regarding the delegation of maintenance and transfer of the assets of the Saunders Meadow and Saxon Rise play areas.

Other councils have expressed an interest in taking over play areas and these will be considered following the outcome of the delegation at Collingbourne Ducis.

9. Maintenance of Roadside Verges

Although not being considered as a priority, the maintenance of roadside verges under licence in both rural and urban areas will also be investigated. There are specific instances where the delegation of the maintenance of small areas can be implemented fairly quickly without impact on the current service provision.

10. Rural Footpaths & Bridleways

There are a number of examples of good practice within parish councils working with community groups to repair and maintain rural footpaths & bridleways which will be followed up and promoted to other councils when resources permit.

11. Bye Laws and Dog Control Orders

Although not a service delegation issue, a number of councils would be interested in help from Wiltshire Council to introduce Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005 and arrange necessary training for their officers/employees to issue fixed penalty notices.

12. Street Naming

At the Cabinet Meeting on 23 February 2010 Members asked that the potential for delegating the Street Naming function be investigated as a priority. This was completed but concluded that delegation or devolution of the function with the current procedures would prove an extremely onerous burden on towns and parishes for very little gain. Recommendations to introduce a new procedure, which will enable aspects of the function to be delegated to town and parish councils will be considered by Cabinet at a future meeting.

Considerations

13. **What is the appetite for receiving delegated services?**

Parish Councils

Of the 240 parish councils canvassed 44 of the 90 who responded expressed any interest in taking on delegated services, but not all the same service(s). No more than 12 councils expressed interest in any one service. One can assume that the 150 councils who declined to reply have no capacity or aspiration to take on a delegated service. It could be understood from this that Wiltshire Council will need to continue providing the current range and level of services in 82% of the parish council areas with a mixture of services and service provider in 18%.

Town Councils

Of the 16 town councils and Salisbury City Council eight have the resource and infrastructure to maintain their own amenity and recreation sites and have expressed a positive interest in taking on public conveniences and public open space currently maintained by Wiltshire Council, providing the funding is acceptable. The remaining councils either have limited resources or rely upon contractors to undertake work on any public open space or facility that they may own but most have expressed an interest in taking on their “high community profile” sites, again subject to adequate funding.

14. **Impact on our Customers and Council Tax Payers**

Delegating appropriate key local services to town and parish councils according to local needs does mean different services and facilities will be provided and maintained by different organisations in different towns or parishes. Communicating who does what and where and ensuring that our customer services team have the correct information readily available will be very important.

15. **Cost and Savings**

Following the Pilot Schemes control will need to be exercised over the programme of further delegations to ensure where necessary staffing structures can be adjusted to reflect the reduction in workload otherwise this will increase the cost of the remaining work.

16. **Impact on Staff**

The pilots currently being implemented will have minimal impact upon the Council's staff. However, the delegation of maintenance work on major sites (e.g. Monkton Park in Chippenham) will require adjustments to staffing and equipment resources at an operational level.

It is unlikely that the delegated work will neatly fall into “whole” person transfers as the work on one site may be carried out by different teams with different skills. We may have to consider packaging tranches of work to enable delegating “whole” members of staff. This may necessitate the transfer of Wiltshire Council staff under TUPE regulations to a town or parish council.

17. **Contracted Out Services**

The majority of grounds maintenance work in the areas covered by the former West Wiltshire and Salisbury District Councils is currently contracted to a third party provider and due to expire in 2012. Any delegation of the management or maintenance of grounds in these areas prior to the contract expiry date would require negotiation and agreement with the current contractor.

Similarly there is a contract for the provision and maintenance of public conveniences in the former West Wiltshire area which expires in 2012. Any significant variations to the current contract may incur financial penalties.

Future Work Programme

18. Concentrate on the delegation of allotments, public open space and public conveniences with the relevant councils, which at present includes: Bradford on Avon, Calne, Chippenham, Collingbourne Ducis, Corsham and Trowbridge.
19. Complete visits and discussions with town and parish councils who have expressed specific interest in either Public Conveniences, Public Open Space or Play Areas where there is the capability to take them on.
20. Undertake discussions with existing contractors to consider the possibility of transferring management of contracts in town council areas.

Risk Assessment

21. The political risk or risk to the reputation of the Council, should the project conclude that the delegation of some or all of the potential services is not practical or viable is assessed to be low/medium (6/16). No change.
22. The political risk or risk to the reputation of the town or parish councils, should the project conclude that the delegation of some or all of the potential services is not practical or viable, is assessed to be low/medium (6/16). No change.
23. The political risk or risk to the reputation of the Council, if there is no consistent approach adopted throughout the County in relation to those services to be provided by Wiltshire Council and those to be provided by local councils, is assessed to be medium (9/16). No change.

Financial Implications

24. To be considered as part of the project.

Legal Implications

25. The current report does not raise any legal issues, however as this project develops there will be significant legal issues that will need to be carefully managed to ensure compliance with the Council's legal obligations and duties. Therefore, timely support and advice from the Legal Department of the Council will be required at all subsequent stages in the management and development of this project.

26. Conclusion

Cabinet is asked to consider this report and agree the proposals contained therein.

Mark Smith
Director of Neighbourhood Services

Report Author
Bob Chequer
Services Development Manager
Tel No: (01380) 734861

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

None

Appendices:

Appendix 1: Copy of questionnaire sent to town and parish councils with covering information.

Appendix 2:

Table 1 - Combined response – Parish Councils
Table 2 - Combined response – Town Councils

Appendix 3: Selection of services suitable for delegation