

Cabinet Member for Housing, Strategic Assets and Asset Transfer
Cllr Phil Alford

Highways & Transport

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REFERENCE: HSAAT-01-23

SERVICE DELEGATION & ASSET TRANSFER PACKAGE - TROWBRIDGE TOWN COUNCIL

Purpose of Report

To approve the list of services that will be delegated to Trowbridge Town Council on the 1 April 2023. The list of services is contained in Appendix 1.

To approve that the freehold of The Down Cemetery is declared surplus, to enable the freehold transfer to take place to Trowbridge Town Council no later than 1 April 2024.

To delegate the implementation of the service devolution to the Director of Highways and Transport, in consultation with the Cabinet Member for Transport, Street Scene and Flooding.

To delegate the implementation of the freehold transfer, including terms, of The Down Cemetery to Trowbridge Town Council to the Corporate Director for Resources in consultation with the Cabinet Member for Housing, Strategic Assets and Asset Transfer.

Consultation

A council Business Plan objective is to transfer packages of assets and services, where applicable, to parish and town councils.

The council's main consultation services have been consulted.

Options Considered

To continue with the status quo in the Trowbridge area, with the Streetscene Services provided by Wiltshire Council. If this was continued the opportunity for greater local decision making for street scene services would be reduced.

Reason for Decision

In November 2017 the Service Devolution and Asset Transfer policy was approved; it sets out clear guidelines for the packages of services and assets subject to transfer and provides a streamlined process, including the use of standardised service delegation agreements, lease agreements and freehold asset transfer documents.

The policy states that the entirety of the Streetscene Service in any one local area must be devolved to enable the best outcome for the transfer. Piecemeal delegations are difficult to manage and risk disparate levels of delivery across the area.

The Trowbridge Town Council service delegation meets the policy criteria and the following services are to be included (detailed list in Appendix 1):

- Services:
 - All grounds maintenance services within the Trowbridge Town Council boundary
 - All Streetscene services within the Trowbridge Town Council boundary
 - Responsibility of amenity land hard areas and assets where funded by S106 agreements.
 - Management of the market
 - Management of the Southwick allotment site
 - Management of the maintenance of all closed church yards within the town boundary
 - Responsibility, management and freehold ownership of the Town's open cemetery at any time before April 2024.

All future amenity and cleaning services within the town boundary will be the responsibility of Trowbridge Town Council to manage, including any future land adopted by Wiltshire Council.

Ongoing financial analysis has been conducted to examine the revenue impact for the council budgets. The financial model is based on the following assumptions:

- The model assumes the delegation and asset transfer will take effect from 1st April 2023.
- The model is based upon 2022 rates.
- Legal Services and Highways staff costs for progressing the delegation are excluded, but are covered in the core service existing budgets. The table below shows the effect of the service delegation and asset transfer on the 2023/24 Streetscene Service revenue budget.

Streetscene Savings:

	<i>With service delegation including cemeteries and burials</i>	<i>With service delegation without cemeteries and burials</i>	Comments
Saving	£470,000	£315,000	Reduction to Streetscene Contract
S106	-£30,000	-£30,000	
Market	-£15,000	-£15,000	Reduction in Market Income Budget
Burials	-£60,000	£0	Reduction in Burial Income Budget
Total	£365,000	£270,000	Reduction to Highway Operations budget on the 1 st April 2023

For the Estate and Development Service, the savings from transferring responsibility for the assets will be £0.006m, pro rata from 1st April 2024 per annum. The freehold of the Cemetery will transfer at nil consideration, in line with the approved policy for Service Devolution and Asset Transfers.

Property Savings With Asset Transfer Of Downs Cemetery:

Property	£5,700	£0	Reduction in Property costs
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The 2023/24 Budget includes the savings proposal for the Service Delegation to Trowbridge Town Council at £0.365m for 2023/24.

There will be a delay in transferring the Cemetery until April 2024 which will create a budget pressure in 2023/24 that the Service will need to manage in year. This will be captured and reported through quarterly Budget monitoring to Cabinet.

There will be a net revenue budget saving of £0.270m pro rata from 1 April 2023 per annum for the Streetscene services.

For the delegation/ transfer of the Down Cemetery on the 1 April 2024 a further Streetscene saving of £0.095m has been assumed.

Section 106 funds will be transferred to Trowbridge Town Council. There is a clear process outlining what funds can be used for and the date by which they must be spent.

Section 101 of the Local Government Act 1972 and supporting legislation (the Local Authorities Arrangement for the Discharge of Functions Regulations 2012) allows the council to decide to delegate certain functions relating to services to town and parish councils, including Trowbridge Town Council.

The delegation of the Grounds Maintenance and Streetscene provision (Appendix 1) can only be undertaken where Wiltshire Council has discretion about the delivery of the services. The delegation of services will be discharged by way of an Agency Arrangement. A number of functions are statutory services which will remain the responsibility of Wiltshire Council, however the delivery of the services may be transferred to Trowbridge Town Council. The Agency Arrangement clearly defines the services being transferred and any conditions to which the delegation is subject.

Trowbridge Town Council have the power to deliver the services (Appendix 1), and this was considered and approved at their full council meeting on the 21 March 2023.

DECISION MADE

To approve the service delegation and asset transfer package as set out in the report.

The following report and appendices are attached:

Appendix 1 – List of Services Being Delegated

The following supporting documents are available from the officer named above:

Background Papers

None

.....Approved.....

Cllr Phil Alford

Cabinet Member for Housing, Strategic Assets and Asset Transfer

Date: ...31 March 2023.....

In accordance with Part 8 of the Constitution the Chairman of the Council has agreed that it is reasonable in the circumstances for the decision to be treated as a matter of urgency, and therefore not subject to the call-in procedure.

List of Services Being Delegated

Task	Comment	Conditions
Litter Picking	<p>Litter examples include:</p> <ul style="list-style-type: none"> • Dead animals (road kill) • Dog/ animal faeces • Cigarette waste & cigarette packets • Beverage and drinks containers • Food containers or utensils • Publications, magazines and newspapers • Shopping and other bags • Illegal deposits of bagged commercial and household waste which shall be cleared as fly tipping, see further below • Removal of pigeon droppings from pathways and footways • Removal of fallen branches, wood, metal and plastic objects • Removal of leaf and blossom falls to an approved programme • Other similar waste types up to 1 cubic meter 	Must be carried out on both Amenity Land and the Highway
Emptying of Litter Bins		Must be carried out on both Amenity Land and the Highway
Removal of Dead Animals on the Highway		Must be carried out on the Amenity land and the Highway
Removal of Fly Tipping (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway
Removal of Fly Posting (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway
Graffiti Removal (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway
Shopping Trolley Removal (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway
Leaf Clearance		Must be carried out on Amenity Land and the Highway
Balancing ponds, amenity footpaths, streetscene assets and water courses	Monitor the condition and report to WC any health and safety concerns on amenity footpaths, ponds, ditches and any amenity asset	Must be carried out on Amenity Land

Park and Highway Furniture	Monitor the condition of the furniture and highlight any health and safety concerns and effect their reasonable repair/replacement (subject on each occasion to WC's permission to repair/replace highway furniture)	Must be carried out on both Amenity Land and the Highway. WC's prior written permission must be given in respect of repairing and replacing of Highway furniture.
Grounds Maintenance	Shrub Bed Maintenance, Maintenance of Shelterbelt/Plantation Areas/ Hedge Maintenance/ Tree/ Herbaceous Borders and any soft area maintenance.	Must be carried out on Amenity Land and the Highway. WC's consent for TTC to maintain the verges of the Highway is hereby given but with no obligation for TTC to maintain verges.
Grass Maintenance	Sheltered Housing Schemes High amenity areas General grass areas Low Amenity areas Highway verge areas Rough grass areas Flail grass areas Wild flower/conservation areas	Must be carried out on the Amenity Land and the verges of the Highway. WC's consent for TTC to maintain the verges of the Highway is hereby given but with no obligation for TTC to maintain verges.
Sports Pitch Maintenance (Football and Rugby)		Must be carried out on Amenity Land
Cricket Pitch Maintenance		Must be carried out on Amenity Land
Countryside	Litter clearance and emptying of litter bins	Must be carried out on Amenity Land
Woodlands and Countryside Site	Scavenging and cleaning and/or maintenance	Must be carried out on Amenity Land
Play Areas, Multiple Use Games Areas (MUGA) and Skate Park Inspection and Maintenance		Must be carried out on Amenity Land
Allotments	General up keep and maintenance including: <ul style="list-style-type: none"> • Boundary fencing • Gates and Hedges • Tracks • Car parks • Grass areas and • Footpaths 	Must be carried out on Amenity Land (allotments)
Open Cemeteries	General up keep and maintenance	Must be carried out on Amenity Land (cemeteries)
Closed Churchyards	General up keep and maintenance	Must be carried out on Amenity Land (closed churchyards)

Car Parks and hard areas maintained by WC immediately prior to the Commencement Date but excluding any Park and Ride car parks within the Boundary	Maintenance of car parks – grounds and street cleaning (as per Idverde Scope)	Must be carried out on Amenity Land and hard areas subject to the exclusions in Column 1
Trowbridge Town Centre Litter Picking and Sweeping		Must be carried out on Amenity Land and the Highway
Public Conveniences	Cleaning, securing and structural maintenance	Must be carried out on Amenity Land (the public conveniences)
Weed Control (amenity hard areas and highways)	Responsibility for all weeds on the highways and service delegated areas	Must be carried out on Amenity Land and the Highway
Bus shelter maintenance	Litter collection and cleaning (graffiti, fly posting, moss etc. removal)	Must be carried out on Amenity Land and the Highway