

Leader of the Council and Cabinet Member for Military-Civilian Integration, Health and Wellbeing, Economic Development, Arts, Heritage, and Tourism
Cllr Richard Clewer

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REFERENCE: L-03-24

SERVICE DELEGATION AND ASSET TRANSFER PACKAGE - WESTBURY TOWN COUNCIL

Purpose of Report

To approve the list of services that will be delegated to Westbury Town Council on the 1 January 2025. The list of services is contained in Appendix 1.

To approve that the list of assets declared surplus, to enable the freehold transfers to take place to Westbury Town Council on the 1 January 2025.

To delegate the implementation of the service devolution and freehold transfer, including terms, of Bratton Road Cemetery to Westbury Town Council to the Corporate Director for Resources & Deputy Chief executive in consultation with the Cabinet Member for Transport & Assets.

Consultation

A council Business Plan objective is making the best use of council-owned assets for the benefit of communities, including transferring those assets to communities where appropriate, and in this case the community is represented by the Town Council. The council's main consultation services have all been consulted.

Options Considered

To continue with the status quo in the Westbury 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. Furthermore, Assets which are available to dispose by Wiltshire Council could remain redundant in the long term.

Reason for Decision

In September 2022 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 a defined minimum of the Services to be devolved and a defined minimum of assets to be transferred in any one local area, with recognition that some deals may differ depending on the services provided and the assets held within.

The Westbury Town Council service delegation and asset transfer proposal meets the policy criteria, and the following services and assets are to be included (Detailed services list in Appendix 1 and full assets list in Appendix 2):

Services:

- All grounds maintenance services within the Westbury Town Council boundary
- All Streetscene services within the Westbury Town Council boundary
- Responsibility of amenity land hard areas and assets where funded by S106 agreements at the time of the transfer.
- Provision of future markets
- The provision of allotments, including management of The Groves allotment site
- Management, and maintenance of all closed church yards within the town boundary
- Responsibility, management and freehold ownership of the Town’s open cemetery.

All future amenity and cleaning services within the town boundary (on relevant land) will be the responsibility of Westbury Town Council to manage, including any future land adopted by Wiltshire Council, and any decision over the maintenance of amenity land.

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 January 2025.
- The model is based upon 2023/ 24 rates and volumes.
- 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 2025/26 Streetscene Service revenue budget.

Streetscene Savings:

	<i>With service delegation including cemeteries and burials</i>	Comments
Saving	£225,308	Target Price in Streetscene Contract
S106	-£3,734	Reduction in Streetscene Income Budget

Allotment	-£758	Reduction in Streetscene Income Budget
Burials	-£6,339	Reduction in Burial Income Budget
Total	£214,477	Highway Operations Revenue budget implications on the 1 st April 2025

In 2023/ 24 the council held capital S106 funding of £41,129 and maintenance funding of £73,784. The maintenance funding reduces by £3,734.88 per year, but this is subject to change with 'one off large' spend requirements. The S106 funding held would be transferred to the Town Council, at the amount remaining at that time.

For the assets being transferred, the savings will be £0.08m, pro rata from 1 January 2025 per annum. The freehold of all assets will transferred at nil consideration, in line with the approved policy for Service Devolution and Asset Transfers.

There will be a net revenue budget saving of £0.214m pro rata from 1 January 2025 per annum for the Streetscene services.

Section 106 funds will be transferred to Westbury Town Council at the amount held on the transfer date. 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 Westbury Town Council. The Agency Arrangement clearly defines the services being transferred and any conditions to which the delegation is subject.

Westbury Town Council have the power to deliver the services (Appendix 1), and this was considered and approved by Westbury Town Councils Full Council meeting in January 2024. Further confirmation of an Assets transfer deal was agreed in May 2024.

DECISION MADE

I approve the service delegation and asset transfer package as set out in this report, and to delegate the implementation of the service devolution and freehold transfer, including terms, of Bratton Road Cemetery to Westbury Town Council, to the Corporate Director for Resources & Deputy Chief executive in consultation with the Cabinet Member for Transport & Assets.

This decision was published on 27 June 2024 and will come into effect on 5 July 2024.

The following report and appendices are attached:

- Appendix 1 – List of Services Being Delegated
- Appendix 2 – List of Assets being transferred

.....Approved.....

Cllr Richard Clewer

Leader of the Council and Cabinet Member for Military-Civilian Integration, Health and Wellbeing, Economic Development, Arts, Heritage, and Tourism

Date:....27 June 2024.....