

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	17 th September 2013
Report of:	Head of Public Protection and Enforcement
Subject/Title:	Devolution of Streetscape Services to Congleton Town Council
Portfolio Holder:	Councillor David Topping

1.0 Report Summary

- 1.1 This report sets out the proposed arrangements to finalise the devolution of streetscape services to Congleton Town Council, in accordance with the Council's existing policy on transfer and devolution of services.
- 1.2 The report seeks Members' agreement to devolve the streetscape services listed in 10. to Congleton Town Council.

2.0 Recommendation

It is recommended that:

- 2.1 Cabinet give delegated authority to the Head of Environmental Protection & Improvement (SRO for the project), the Monitoring Officer and the Section 151 Officer (or the officers that are devolved those powers) to conclude negotiations for the devolution of services and award the contract in consultation with the Portfolio Holder and Leader of the Council by the proposed date for transfer of staff on 2nd January 2014.

3.0 Reasons for Recommendation

- 3.1 There is a need to achieve best value for the services that the Council directly commissions and provides, and to reduce net operating costs wherever possible, whilst at the same time maintaining the best possible service for its residents in line with the Council's agreed three year plan.
- 3.2 The guiding principles for service devolution are to enable Towns and Parishes to improve service standards in the longer term by being more responsive to local needs whilst maintaining the costs to CEBC within the current budget levels (inclusive of all overheads and any management fees)
- 3.3 With the ever increasing budgetary pressures faced by CEBC, devolution of services is one way in which the Council can achieve 'more

for less' and ensure future service quality and standards are sustained locally. Local Councils can 'top-up' the budget locally to enhance service standards and are in a better position to optimise the use of local volunteers and community groups.

4.0 Wards Affected

4.1 All Congleton Wards

5.0 Local Ward Members

5.1	Cllr David Topping	Cllr David Brown
	Cllr Peter Mason	Cllr Roland Domleo
	Cllr Andrew Thwaite	Cllr Gordon Baxendale

6.0 Policy Implications

6.1 The project is in line with the Council's three year plan and is instrumental in the achievement of:-

- The Council's agreed three year plan outcome 1 concerning strong communities and civic pride and outcome 4 ensuring a green and sustainable environment.
- The Council's Business Plan identifies efficiencies linked to streetscape services (Priority 6. Redefining the Council's role in core place-based services- 6.2: Develop new delivery model for streetscape operations).

7.0 Financial Implications

7.1 The total full year operational budget proposed to devolve to Congleton Town Council is £364,307 in the first year, reducing to £314,307 thereafter subject to future budgetary decisions for Street Cleansing and Grounds Maintenance operations by both Councils.

7.2 To ensure best value and incorporate sound quality monitoring arrangements it is recommended that payment of the fee to Congleton Town Council, to provide the services mentioned on behalf of Cheshire East Council in paragraphs 10.3 and 10.4, be made half yearly in advance to coincide with the existing precept payments.

8.0 Legal Implications

8.1 A draft 'Collaboration Agreement' or Contract was produced in the earlier stages of the devolution work and this has been updated to reflect the recent changes to the scope and costs of the service set out above. This will include details of the performance management arrangements, contract period and review mechanism and the future budget setting framework for negotiations.

- 8.2 Employer and Public Liability Insurance requirements will be covered by an extension of the Town Council's existing policies.
- 8.3 Contracts currently held by Cheshire East Council will need to be reviewed to assess the impact of devolving this element of service to Congleton Town Council. It is unlikely that existing contracts can be novated and therefore the Town Council will be required to procure new contracts as required.

TUPE and Staff Considerations

- 8.6 Transferring the service delivery to the Town Council will trigger a TUPE transfer of the eight members of Council staff who are working in these services at this time.
- 8.11 The Council has identified those employees who have the right to transfer to the Town Council and are able to provide the necessary employee liability information in accordance with the TUPE regulations. Both Councils will also have to comply with the Regulations' consultation requirement, which stipulates that consultation on any planned changes to terms and conditions of employment (measures) needs to be conducted in good time before the transfer. In "good time" is not defined in the regulations, but a comparison is usually drawn with the timescale for redundancy consultation which is 45 days.
- 8.12 Specialist pension/actuary advice will be required on transferred staff pension issues and confirmation of the potential bond costs will need to be established,.

9.0 Risk Management

- 9.1 Early and continued engagement with trade unions and the existing workforce will be key to successfully delivering the outcomes of the service devolution with no discontinuity of service provision.
- 9.2 Congleton Town Council already have a separate pension scheme as part of the Cheshire LGPS and staff will be admitted to that scheme without any loss of benefits.
- 9.3 Cheshire East remains accountable for statutory service elements of street cleansing without the same direct ability to control the levels of service and performance outcomes. A piecemeal approach to devolution could create a fragmented service leading to an increase in costs through the loss of existing economies of scale.
- 10.4 There is a risk that the devolution target date could be compromised by competing demands for corporate capacity to support similar alternative delivery model initiatives within similar timescales.

10.0 Background and Options

- 10.1 In May 2011 a pilot devolution project was started with Congleton Town Council to explore the operational and financial issues of local service delivery by a Town Council and, just as importantly, how it affects the remaining operations from a Cheshire East Council perspective.
- 10.2 During this time both Councils have invested heavily in the ongoing shared management of the service and in developing this final proposal. The commitment of the Town Council to a successful project and their contribution of resources have been major factors in the successful conclusion of the project.
- 10.3 The Street Cleansing Service required by the Council is principally the service set out in s9 Open Spaces Act 1906, Part IV Highways Act 1980 and the Litter Act 1983. Broadly it includes the cleansing of all public areas including highways, streets, open spaces and amenity land. It includes the removal of litter, detritus, fly tips, graffiti, fly posters and hazardous waste.
- 10.4 Grounds Maintenance is carried out across all open spaces including variety of natural landscapes; bio diverse habitats, greenspaces and urban areas. In the Congleton area the authority has a large number of formal and informal Greenspace under its stewardship and it is expected all these will be maintained to a publically acceptable standard. Included are the typologies outline below although it should be noted this is not a complete list.
- Parks and Gardens, although not Country Parks
 - Natural and semi natural greenspaces including woodlands, scrub and grasslands.
 - Outdoor sports pitches including football, rugby and bowling greens
 - Amenity green space, often around housing, including informal recreation spaces.
 - Play Areas, Skateboard parks and informal areas including teen shelters.
 - Community gardens and allotments
 - Civic Spaces including civic and market squares, and other hard surfaced areas designed for pedestrians.
 - Features on the Highway Network including shrub beds and roundabouts

This work is extremely varied and includes a broad range of horticultural activities including grass cutting, planting, sports turf maintenance and arboriculture works.

- 10.5 In February 2013, Cabinet agreed to the recommendation from Environment PDG to transfer mechanical cleansing activity to Ringway

Jacobs Highways. Whilst it is now considered a better option to include this in the evolving waste wholly owned company, the decision has further reduced the value of the package of works earmarked for transfer and simplified the scope of activities proposed to be undertaken by a local council.

- 10.6 The devolvement and transfer of frontline environmental services to Congleton will increase community involvement in service provision. This will include the growing of resident groups to participate in local voluntary work where they will have the opportunity to make a difference to improve their own localities. It is also likely that resident groups would show greater enthusiasm, care and attention to detail when carrying out the work leading to an improvement in standards.
- 10.4 The Service Specification and Collaboration Agreement have been re-drafted to reflect the change in the scope of services being transferred as well as the overall value. The latest proposals will provide sufficient resources and budgets to maintain the current service standards without leaving CEBC with residual costs or overheads. In addition, it will not adversely impact on other areas of the Borough or affect the current plans to establish new arms length companies for environmental services. All remaining environmental services work has now been included in the scope for the new wholly owned company for waste and streetscape as a key part of that business case.
- 10.5 The responsibility for the provision of vehicles will transfer to CTC and the remaining vehicles will be disposed of by the Council's Fleet Service. It will then be CTC's responsibility to procure appropriate vehicles. It is recognised that a transitional period will need to be agreed, allowing CTC time to provide their own fleet arrangements. This will be reflected in the fleet budget which transfers.

11.0 Access to Information

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