

Eden District Council
Overview and Scrutiny Committee

2 December 2021

**Devolution of Assets Task and Finish Group:
Progress Report**

Report from:	Chairman of the Devolution of Assets Task and Finish Group
Wards:	All wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To report progress made to date by the Devolution of Assets Task and Finish Group on its review of the devolution of assets to Town and Parish Councils.

2 Recommendation

It is recommended that the report be noted.

3 Background

- 3.1 At its meeting of 13 July 2017 the Council agreed a policy approach on the devolution of assets to Town and Parish Councils. The stated intention of the policy was:
1. “to give local communities the opportunity to decide whether the services should be provided and if so what the specification of service should be; and
 2. with the reality of reduction in government funding to Eden District Council (“the Council”) year on year there will come a time in the near future when there will be insufficient money to pay for discretionary services as the money that is available will be needed to pay for the statutory services the Council provides.”
- 3.2 The scope of the policy in relation to the devolution of assets covers:
- Public toilets
 - Amenity Land
 - Footway lighting
 - Play areas
 - Seats
 - Parks and open spaces
 - Monuments.

Under the policy, the Council paid the Town or Parish Council taking them on 100% of the controllable budget if this was done in 2018/19, with this financial

support reducing 25% per year to no financial support available from April 2022.

- 3.3 On 1 April 2021, Overview and Scrutiny Committee received a presentation giving an overview on the implementation of the policy. This highlighted an inconsistent take up by Town and Parish Councils and limited progress over the last year in particular with the Council focusing resources on COVID response and recovery.
- 3.4 Council at its meeting of 29 April 2021 considered a motion relating to the policy. It resolved to:
- Immediately rescind the March 2022 deadline for the withdrawal of rural services that Parish and Town Councils have not adopted, as defined in the report considered by Council in July 2017, and.
 - Instruct officers to work with Overview and Scrutiny and partners – including Parish and Town Councils and/or their representatives - to develop a new policy that will support devolution of appropriate services to Parish and Town Councils for the benefit of the communities we serve, rather than primarily to cut costs for Eden District Council.
- 3.5 At its meeting on 15 July 2021, the Overview and Scrutiny Committee considered how best to carry out a policy review. It was acknowledged that Task and Finish Groups had proven an effective means to consider complex and detailed matters such as this previously, and it was resolved to:
- Establish a Task and Finish Group comprising ten Non-Executive Members to review the scope of the policy on the devolution of assets to Town and Parish Councils; and
 - That Councillors Raine, Hanley, Martin, Nicholson and Patterson be nominated to serve on the Group, and the remaining Non-Executive Members be requested to express their interest in serving on the Group in order to fill the other five places.
- 3.6 The Group's membership has since been established with nine members following a request to fill places, and comprises Councillors Raine (Chairing), Banks (replacing Councillor Patterson), Clark, Eyles, Hanley, Lancaster, Martin, Nicolson and Ryland. Members met on 21 September and again on 5 October 2021, and are being supported by Neil Buck, Contracts Manager, Laura Cadman, Assistant Director Commissioning and Technical Services and Heather Donaldson, Democratic Services Officer.
- 3.7 The Group has agreed to consider the policy review based on the three main factors of:
- Those Town and Parish Councils who have adopted assets;
 - Those Town and Parish Councils who have not adopted assets; and
 - The possible and likely effects of Local Government Reorganisation in 2023 on the policy review work, and the position of the Council's partner Local Authorities in Local Government Reorganisation.
- 3.8 The Group has looked in depth at the current situation with each Town and Parish Council in terms of the number and types of assets devolved to them,

and has gathered information on the position and progress of its partner Local Authorities in respect of devolution of assets.

- 3.9 At its most recent meeting on 16 November 2021, the Group devised a questionnaire which has been emailed to all Town and Parish Councils within Eden District, and aims to capture the views both of those who have and have not had assets transferred to them, and to gauge what the likelihood is of receiving further requests to transfer assets. This is attached at Appendix 1, for information. The deadline for receipt of completed questionnaires is Friday 3 December 2021.
- 3.11 The Group will meet on 15 December 2021 to evaluate the questionnaire results and consider the various financial, legal, and risk aspects, and the viability of any policy proposals. .
- 3.12 The Group envisages concluding its work and presenting a final report and options paper to the Executive meeting on 18 January 2022.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
 - Healthy, Safe and Secure;
 - Connected; and
 - Creative

- 4.2 This report relates primarily to the sustainable priority.

5 Consultation

- 5.1 The Task and Finish Group will also thought to how Town and Parish Council can be engaged in this process, as their experience will be invaluable in understanding how the implementing the policy has worked in practice and how the approach could be improved.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.
- 6.1.2 The financial implications of any change in the policy will be a key part of the policy review.

6.2 Legal

- 6.2.1 The legal implications of any change in the policy will also be considered in the policy review.

6.3 Human Resources

- 6.3.1 There are no direct human resource arising from this report.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	None at this stage.
Health, Social Environmental and Economic Impact	None at this stage.
Crime and Disorder	None at this stage.
Children and Safeguarding	None at this stage.

6.5 Risk Management

Risk	Consequence	Controls Required
The policy agreed in 2017 is no longer fit for purpose.	Adverse financial and operational impacts on Eden District and Town and Parish Councils.	To carry out a thorough and effective policy review.

7 Other Options Considered

- 7.1 Overview and Scrutiny Committee intended to consider the policy as part of their work plan for 2021/22 and Council has subsequently mandated this review. Therefore no other options have been considered.

8 Reasons for the Decision/Recommendation

- 8.1 To facilitate the policy review.

Appendices: **Appendix 1 – Questionnaire to Parish and Town Councils**

Contact Officer: **Heather Donaldson, Democratic Services Officer**