

Eden District Council

Cabinet

24 May 2022

Devolution of Assets

Portfolio:	Resources
Report from:	Assistant Director Delivery
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 The purpose of this report is for the Cabinet to consider how to proceed with the review into the devolution of assets as set out in the report.

2 Recommendation

It is recommended that Cabinet considers the following recommendations:

- 2.1 that pending Local Government Reorganisation (LGR), the recommendations in this report will replace any previous decisions made in relation to the devolution of assets.
- 2.2 that no recharges in relation to the provision of footway lighting are levied in 2022/2023 as a good will gesture for those Councils who have adopted their footway lighting.
- 2.3 that provision is made to sustain the footway lighting contract until the end of its current term in 2027 giving Parish Councils the option to complete on those already engaged in transfer process.
- 2.4 that a program is established to remove sodium lights without replacements as they cease to function.
- 2.5 that play areas and toilets that are not yet agreed for transfer remain as they are.
- 2.6 that £500 be paid in 2022/2023 to the adopting Councils of public conveniences as an ex gratia payment towards running costs.

3 Background

- 3.1 Following the Motion of Notice to Council on 29 April 2021, Council 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 to instruct officers to work with Overview and Scrutiny and partners, including Parish and Town Councils and/or their representatives to develop a new policy.
- 3.2 Overview and Scrutiny set its annual work programme at its meeting of 15 July 2021. This included a policy review of the transfer of assets. This was

intended to review the policy decision to close any assets not transferred by 2022/2023, and encouraging transfer assets to Parish Councils.

- 3.3 Overview and Scrutiny established a Task and Finish group, and following its commencement, Local Government Reorganisation was announced.
- 3.4 The Task and Finish Group, following various meetings, considered all the information provided, such as the details on devolution for each Town or Parish Council, the feedback from the questionnaire sent to every Town and Parish Council, and the details on costings, including the funding that had been provided. The Group also considered the relevant information with regard to the Councils that would make up the Westmorland and Furness Authority.
- 3.5 The Task and Finish Group noted substantial differences in the circumstances of transferring public toilets, footway lighting and play areas to Town and Parish Councils. Consequently each category was dealt with separately. It was also noted that within each category the interests of individual Town and Parish Councils varied. It was important therefore to develop recommendations that took the interests of all Town and Parish Councils into account.
- 3.6 The starting point was that most Town and Parish Councils had made a decision about whether to adopt assets. Examples as follows:
- Footway Lighting - From the 73 Local Councils. To date, 38 have taken on responsibility for their footway lights. 18 did not wish to take on their footway lighting assets. And the remaining 17 had no footway lights or no "Agreed" footway lights.
- Toilets – From the 10 Local Councils and a Community Group with these facilities within their areas. 6 have adopted them. And, at this time, 5 do not wish to take on the responsibility for the asset. The toilets at Castle Park have not been part of the devolution process.
- Play Areas – From the original 41 play areas, 4 Local Councils have taken on the responsibility for 6 play areas. 5 have shared Management Agreements. 2 Local Councils wish to take on the play areas within their areas, along with the significant areas of adjacent land. This leaves 17 Local Councils who do not wish to take over their 21 play area assets.
- 3.7 It is likely that LGR means that a decision on the future of management and responsibility of assets in the Eden area will be made by the Westmorland and Furness Council. Therefore it is recommended that review of the transfer of assets work plan does not go ahead. This would free up space in the work programme to consider other priorities.
- 3.8 In January 2022 Overview and Scrutiny Committee reviewed this information and supported the recommendations as set out in Section 2.

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 to the Sustainable, Connected and Healthy, Safe and Secure priorities.

5 Consultation

- 5.1 In November 2021 Parish Councils were encouraged to share their views on their ability to complete the transfer assets programme and their willingness to do so. Results were collated and shared with the Task and Finish group for assistance with recommendations.
- 5.2 Councillor Mike Tonkin has been kept apprised of progress of the Task and Finish group through informal portfolio holder meetings throughout the process.

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 2022/2023 – Potential for no recharge for Local Councils where footway lights have been transferred (circa £32,000) However potential for electricity supply costs to be increased significantly, therefore total will be circa £39,000. There is no current provision in the budget for this. Funding would be required to come from the General Fund over and above the budget approved by Council on 24 February 2022.
- 6.1.3 £500 ex gratia payment for transferred toilets in 2022/2023 totalling £3,000 as above in 2.6. The councils would also be able in 2023/2024 to submit an application to be part of a Community Toilet Scheme. Public conveniences revenue budget for 2022/2023 holds £1600, remaining £1400 would be found from savings elsewhere in service.
- 6.1.4 Costs associated with 2.3 are in the budget and would not have any financial implications over and above the current budget and inflation.
- 6.1.5 The costs associated with 2.4 are covered by existing budget of £50k in the capital programme. If costs are likely to be exceeded then further approval would be sought.

6.2 Legal

- 6.2.1 Commitment to maintain the footway lighting provision until the end of the contracted term of 2027 removes the need to renegotiate contract terms with our supplier.

6.3 Human Resources

- 6.3.1 No direct implications from this report.

6.4 Environmental

- 6.4.1 No direct implications from this report.

6.5 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no direct impacts on Equality and Diversity.
Health, Social Environmental and Economic Impact	There are no direct impacts on Health, Social Environmental and Economic Impact.
Crime and Disorder	There are no direct impacts in relation to Crime and Disorder.
Children and Safeguarding	There are no direct impacts in relation to Children and Safeguarding.

6.6 Risk Management

Risk	Consequence	Controls Required
That the new authority adopts an approach which conflicts with any decisions made prior to transfer.	Service configurations may need to be changed in the future.	To document adopted assets and make clear the position of remaining assets for the future authority.

7 Other Options Considered

- 7.1 The option to carry on with the transfer of assets has been considered. This would mean investing significant resources prior to vesting day in transferring or closing footway lighting, play areas and toilets. As the transfer of assets now has wider implications across LGR, proceeding it is not recommended.

8 Reasons for the Decision/Recommendation

- 8.1 The intended purpose of the transfer of assets review is no longer valid and that considerations should be made for those parishes to have taken on assets.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	12 May 2022
Monitoring Officer (or Deputy)	12 May 2022
Relevant Assistant Director	05 May 2022

Background Papers: None

Appendices: None

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