



**“Common Issues – Shared Solutions”**

## **A FRAMEWORK**

for

# **Town and Parish Councils**

and

## **Community Groups**

to have an

# **Increased role in service delivery**

**March 2015**

## Background

Since Cornwall Council was formed in 2009 it has been working with Town and Parish Councils and Community Groups across Cornwall to increase their role in influencing and delivering local services.

This was reinforced by the Localism Act in 2011 and the Open Public Services White Paper which support a national drive to shift power away from central government to local government, communities and individuals.

In addition to this desire and national drive, the current reality is that many community based services will only be able to continue if Town and Parish Councils are supported and encouraged to play a more active role in their local design and delivery. This framework also takes into account, "concurrent functions" which are functions that both Cornwall Council and Town and Parish Councils have the legal power to deliver and are given in addendum B.

The framework builds on the work already undertaken and sets out how Town and Parish Councils and Community Groups in Cornwall can work with Cornwall Council at a level that suits them, from service monitoring and influencing contracts through to taking on and delivering local services and assets. The categorisation of options is given in addendum A

In implementing this framework the shared aims are to:

- Continue to develop a 'holistic' long-term place based approach (as opposed to a short-term single service based approach) to local service delivery;
- maintain community access to services that might otherwise be at risk, particularly "concurrent functions";
- increase satisfaction with services;
- provide greater local influence over services;
- where possible, maintain and enhance standards;
- enhance the role of local councils in their communities;
- generate greater community pride in local areas;
- promote engagement of local communities in local government; and
- achieve 'value for money'.

The framework needs to be a 'living document' and will be regularly reviewed and updated to reflect any government guidance, changes in legislation and local changes as more experience continues to be developed.

## Options for Greater Local Involvement

There are a number of options as to how Town and Parish Councils and local Community Groups can be more involved:

### Option 1: Influencing and monitoring local service delivery:

Towns and Parish Councils and local Community Groups may wish to influence, request changes to existing contracts held by Cornwall Council or input into requirements when new contracts are retendered. They can play a role in monitoring existing service delivery in their area. Examples are listed below.

Service	Considerations
Fly-tipping	The <i>Newquay 'Clean and Tidy' Neighbourhood Agreement</i> places responsibility on local residents associations to report any instances of fly-tipping immediately.
Highway Maintenance (Reactive)	In many areas, the local Council Clerk will advise Cormac Solutions maintenance gangs of local issues prior to cyclical maintenance work visits.
Street Cleansing	<i>Launceston Town Council</i> have worked with Cory to adapt the street cleaning schedule using local knowledge and within the existing budget to better suit local needs.

Key Financial Implications – the financial effect across Councils and Community Groups should be cost neutral unless otherwise agreed by Cornwall Council.

### Option 2: Joint delivery / service enhancement

Town and Parish Councils and Community Groups may choose to enhance an existing service provided by Cornwall Council by funding additional work that exceeds the base level provided. They may also deliver additional services not provided by Cornwall Council. This could be through a separate contract or by extending an existing one.

Service	Considerations
Environmental Maintenance	<i>Gwinear-Gwithian Parish Council</i> pays a local contractor to enhance environmental maintenance work in public spaces in the Parish.
Parking Enforcement	<i>St Just in Roseland Parish Council</i> purchase additional parking enforcement from the Council's parking Service.
Winter Maintenance	<i>Truro City Council</i> has purchased winter gritting equipment to grit pavements and estate roads to supplement the work undertaken by Cormac Solutions.

Key Financial Implications – this option has scope to enhance the value and cost of services already provided by Cornwall Council the funding of which

would be expected to be met by the Town and Parish Council or Community Groups.

### Option 3: Agency Agreements, Management Agreements, Licenses and Sponsorship

Cornwall Council currently offers agency Agreements to Town and Parish Councils for 3 services. The agreement sets out basic standards and conditions (e.g. Health and Safety) and includes a lump sum based on the minimum level of service Cornwall Council would undertake. The Town and Parish Council may then choose to enhance this service locally. The service areas are:

Service	Considerations
Grass Cutting (Highways Verges)	Cost is based on 4 cuts per year. Many Town and Parishes choose to enhance this and cut grass up to 15 times year. Work on high speed roads which require a higher standard of traffic control are excluded from this agreement. Currently Cornwall Council has over 40 agency agreements for grass cutting in place.
Public Rights of Way cutting ( <i>Local Maintenance partnership - LMP</i> )	Covers footpath surface vegetation cutting and cost reflects length and 'importance' of footpaths in the Parish. [Maintenance of features e.g. bridges is separate]. Currently over 170 Towns and Parish Councils carry out work under this arrangement.

**NB:** Previous Agency Agreement for Weed Control ceased 31 March 2014. Cornwall Council is working with interested Town and Parish Councils to find ways in which it can support them to undertake this activity where there is a desire to do so.

Town and Parish Councils, community groups, private organisations and individuals may maintain and enhance areas within the highway boundaries in one of three ways:

Method	Consideration
License	A license may be granted to maintain and enhance an area of highway verge. This often used to cover 'flower beds' and landscaped areas
Management Agreement	Agreement to manage a public area - often ones used for events etc.  <i>Newquay Town Council</i> has a management agreement for the Killacourt.  <i>Truro City Council</i> has a management agreement for Lemon Quay.

Sponsorship	Private organisations can pay a fee to sponsor the maintenance of a highway feature for which they get local recognition via appropriate signage. This is often used on roundabouts.
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It is also worth noting that **Cornwall in Bloom** can assist in the enhancement of the local environment

Key Financial Implications – Under this option Cornwall Council may provide some or all of the funds needed by the Town and Parish Council and Community Groups for work undertaken on the council’s behalf to a base level of standard. Any enhancement by the Town and Parish Council should be funded by the Local Council.

#### **Option 4: Delegation of service delivery**

A Town and Parish council or local Community Group may wish to take on full responsibility for the delivery of a local service on behalf of Cornwall Council. Many of these services are non-statutory services. However some of the services listed below are statutory duties of Cornwall Council.

**NB** *In all cases service delegation to Town and Parish Councils and community groups will itself have it's own statutory requirements e.g. health and safety considerations that those who take on the service delivery must adhere to.*

<b>Service</b>	<b>Considerations</b>
Beach tidy-ups / Litter Picking (non-statutory)	In many areas local volunteers help on beach tidy ups and litter picking projects, often using equipment provided by Cornwall Council. [NB beach cleansing is a statutory duty].
Closed Churchyard maintenance (Statutory)	Cornwall Council is responsible in a number of cases for the maintenance of closed churchyards.
Formal Parks and Gardens (non-statutory)	Cornwall Council delivers a range of grounds maintenance activities across Cornwall.
Libraries	A customer access strategy is currently being developed and their maybe potential in the future for considering different models of local service delivery.
Maritime facilities	Outside of the areas covered by Harbour Commissioners Cornwall Council owns a number of local facilities. <i>Sheviock Parish Council</i> has recently taken over the administration of boat license issuing at Portwrinkle.
One Stop Shops	<i>Penryn Town Council</i> now operates a One Stop Shop in partnership with Cornwall Council in the same building as their Town Council functions.

Public open space and play areas (Non-Statutory)	Cornwall Council owns and maintains a vast portfolio of open spaces and playgrounds across Cornwall as do many Town and Parish Councils. It may be more effective, economic and efficient if they are all maintained by a single body. In most instances the Town and Parish Council is best placed to do this.
Public Realm enhancement (non-statutory)	<p><b>Amenity</b> - Volunteers in <i>Newquay</i> recently refurbished and repainted 45 seats and benches as part of clean Cornwall week with equipment being donated by local businesses.</p> <p><b>Heritage</b> - Elsewhere volunteers are responsible for maintaining milestones and fingerposts.</p> <p>In many instances, as part of the restorative justice system, offenders on a <b>Community Service</b> scheme can support local enhancement work.</p>
Sports / Leisure Facilities	<p>Cornwall Council has transferred its main leisure centres to a Trust but it still owns and maintains a wide portfolio of facilities including sports fields, bowling clubs and other assets. A number of these are now under local management.</p> <p>For example <i>Bude Sea Pool</i> is now managed by a local community interest company.</p>

Key Financial Implications – The financial position has to be agreed between all parties as part of a formal agreement.

### Option 5: Transfer of a service

If Cornwall Council proposes to reduce or no longer provide a service, Town and Parish councils and local Community Groups will be consulted and offered the opportunity to take on delivery themselves. In exploring the available options the transfer of any related assets will be part of the discussions.

Examples of services that have or are being transferred include:

Service	Consideration
Allotments	Work to explore the options for the future management of allotments is currently underway.
Bus Shelters	All options for future management and sustainability are being explored.
Car Parks (non-strategic)	Cornwall Council has a number of strategic car parks that it will continue to control. Outside of this other car parks can be considered for transfer.
CCTV	Until 31 March 2014 Cornwall Council was responsible for the infrastructure maintenance of 3 public space CCTV systems based in Hayle, Truro and Newquay that cover 11 towns.

	Negotiations are taking place to transfer the public space CCTV asset to the administration of Town and Parish Councils. If this is not achieved the alternative is to decommission it. Any other public space CCTV operating in Cornwall is administered by the respective Town or Parish Council in which it is installed.
Community Transport	Updating of the Local Transport Plan is commencing and future opportunities for local Community Transport options are part of that work.
Public Conveniences	A programme of transfer of public conveniences to local stakeholders is on-going. This includes the freehold and leasehold transfers.
Public Clocks	Some discussions underway to identify local management options where there is a local desire to do so.
Tourism Information Centres	A number of these are now being managed locally.
Weed Control (Environmental)	After cessation of previous Agency Agreement, Cornwall Council is exploring ways by which it can support Town and Parish Councils to undertake this activity.

Key Financial Implications – the revenue cost to Cornwall Council will reduce or cease altogether. The cost to the Town and Parish Council and Community Group will increase in line with the value of services taken on and be funded locally. Any asset transfers would also be expected to be funded locally in the first instance but be subject to discussion as part of the Agreement. Depending on the basis of the tenure of transfer, a phased or reducing contribution may be one option that is employed.

## Option 6. Exclusions

Some services are not currently being considered for transfer. These are listed below and the reasons for each are briefly detailed however, in many of the examples used statute will prevent the transfer of the service. Despite this Town and Parish Councils may be able to influence and monitor the delivery of these services as outlined previously. These services are marked \*

Service	Rationale
Beach Cleaning*	Part of the recently retendered waste contract
Building Control	Service has been through major redesign and now works outside of Cornwall as well
Car Parks (Strategic)	Needs to be centrally managed to meet traffic management issues e.g. park and ride schemes

Coast Protection	Needs to be managed countywide in accordance with Shoreline Management Plan
Closed landfill sites	Highly specialised work – H & S , pollution risks, licensing, monitoring etc
Development Control / Planning Enforcement	Specialist function with wide impact
Fly tipping*	High risk due to hazardous materials.
Highway Maintenance (Structural)	High risk, specialist skills and equipment required.
Highway Maintenance (Reactive)*	High risk, specialist skills and equipment required but ability to influence locally on non-strategic routes
Parking Enforcement*	Need consistent approach and be able to operate an appeal process
Refuse Collection	High cost and specialist equipment needed, also part of the retendered waste contract
Street Cleansing / Litter Clearing*	Part of the recently retendered waste contract but some service enhancement/local influencing work might be possible
Street lighting*	Specialist skills and equipment required. Value for money can be achieved through bulk purchasing arrangements. There may be circumstances where assets transferred may include responsibility for lighting. e.g. some car parks
Taxi Licenses, Event Licenses	Need a consistent countywide service
Weed Control (Injurious)	Strategic countywide programme to control / eradicate evasive species e.g. Japanese Knotweed
Winter Maintenance (Strategic)	High risk, specialist skills and equipment required and need to manage whole network. However there may be supplementary work to add value at a local level.

[**NB** Please note that this list is not exhaustive and may vary and/or be added to. In exceptional circumstances excluded services may be included to ensure that a holistic local package can be put in place.]

Key Financial Implications – the costs of services will remain with Cornwall Council.

## **Process for Regularised Involvement**

Town and Parish councils and local Community Groups are welcome to approach Cornwall Council individually, as part of a partnership with other organisations, or in partnership with other local councils to 'scope' what the possibilities are.

When discussions move beyond the initial 'scoping' stage Cornwall Council will seek confirmation from the relevant group e.g. a recorded minute that it desires to negotiate so as to avoid abortive work by all involved.

Requests will be coordinated by the Community and Devolution team within the Customers and Communities Service who will ensure that the appropriate officers from the service area and support teams (e.g. legal, procurement, finance and property), as well as the Local Councillors, are aware of the request and engaged in the process. The process is overseen by the Strategic Devolution Group comprising senior managers from relevant services.

### **Option 1. Influencing and Monitoring Local Service Delivery**

Following a request to amend a contract or monitor service delivery, the Town or Parish Councils involved will discuss their requirements with the relevant Contract Manager and the local Community Link Officer who will liaise with the Cornwall Councillor and explore the options. Following this the Contract Manager will negotiate with the contractor over any amendments suggested and feed back to the Town or Parish Council and keep the Community Link Officer informed of the final outcome.

### **Option 2. Joint delivery / service enhancement**

If a Town or Parish council wishes to enhance a service, the Service Lead from Cornwall Council will liaise with the local Council provide a full list of any requirements that may need to be fulfilled before they can carry out any work or pay for additional work. Once these requirements are confirmed the Service Lead will provide an authorisation document or delegation agreement to the Town or Parish council to enable them to undertake the work.

### **Option 3. Agency Agreements, Licenses and Sponsorship**

If a body wishes to enter into an agreement under this section with Cornwall Council they should approach the local Service Manager who will negotiate the local agreement with them.

### **Option 4. Delegation of service delivery**

Where a Town or Parish Council or a local Community would like to deliver a service an initial meeting will be held with a member of the Localism and Devolution team, the relevant service manager(s) and or Executive Member(s) and the interested council. This meeting will also explore whether a **package approach** or **single service approach** is most appropriate. Following this

meeting (or series of meetings) and once the scope of the potential package have been agreed the Town or Parish Council will be required to complete an appropriate Business Case which will demonstrate that appropriate skills and safeguards exists to undertake the work and identify where the community benefit is.

Any information required from Cornwall Council to complete the Business Case will be provided within a reasonable time frame, where it is available. The Business Case will be considered by the Strategic Devolution Group in accordance with criteria set out below. If approved appropriate contracts will be developed and signed.

### **Option 5. Transfer of a service**

For instances relating to the cessation or reduction of a service the Town and Parish Council will be contacted by a Service Manager and/or Executive Member who will assist them to explore taking on the service if they wish to do so with support from the Localism and Devolution team. This meeting will also explore whether a **package approach** or **single service approach** is most appropriate. Following this meeting (or series of meetings) and once the scope of the potential package have been agreed the Town or Parish Council may be required to complete an appropriate business case which will need to demonstrate their competency to undertake the work and identify where the community benefit is.

Any information required from Cornwall Council to complete the negotiations will be provided within a reasonable time frame, where it is available.

### **Option 6. Services not generally available**

In such instances these services are generally unavailable to be devolved for a number of reasons. If a Town and parish Council is keen to pursue one of these services then they should channel their query through the Assistant Head – Community and Devolution. However local Town and Parish Councils may be able to influence as set out in Option 1.

## Assessment Criteria

Cornwall Council must ensure that services provided on its behalf, whether by contractors or partners, are delivered to a required and consistent standard. Any requests will be assessed against the following criteria:

1. **Quality** – where it is being provided on behalf of Cornwall Council, service quality must be maintained or enhanced without detrimental effect on the service efficiency levels.
2. **Cost** – proposals must demonstrate value for money when compared with existing service delivery arrangements. Generally, proposals are expected to cost no more than that of delivering the existing service (it is recognised that higher standards of delivery may cost more) and should demonstrate best value and local community benefit. Any enhancements to services will need to be resourced by the Town / Parish council.
3. **Practicality** – the transfer should not adversely affect an existing Council service contract or the overall service to the rest of the area. The Town or Parish council or local Community Group must have, or plan to have adequate insurance, health and safety and operational procedures to undertake the service. They will also need to provide any equipment required to carry out the service and ensure that it will be properly maintained.
4. **Local views** – proposals should demonstrate that the standards and method of delivery reflect local needs and include evidence that it has the support of the local community.
5. **Capability and Capacity** – the Town or Parish Council or local community group must have, or plan to have, adequate staff capacity, knowledge and skills to manage the service including health and safety and insurance considerations.

**NB** In all instances staffing considerations will need to consider TUPE implications

**NOTE Cornwall Council is committed to supporting Town and Parish Councils and local Community Groups to be more involved in local service delivery. It will provide help and support to build capability and capacity across the sectors and to individual Town and Parish Councils or local Community Groups as appropriate.**

6. **Equality and Diversity and Safeguarding** – the Town or Parish Council or local community group must be able to demonstrate it has given consideration to relevant equality, diversity and safeguarding issues.
7. **Service User needs** – Town and Parish Councils or local community group must be able to demonstrate benefits to service users

Cornwall Council will consider all proposals against the criteria set out above. Cornwall Council at all times retains the right to refuse a proposal. Wherever this is the case, feedback will be given outlining the reasons why and encouraging the Town or Parish Council or local community group to re-submit once these elements have been addressed.

### **Monitoring of delegations**

All service enhancements and delegations of service delivery will be confirmed through an appropriate Authorisation document or Delegation Agreement. The Agreement will set out the terms and conditions of the service delegation or enhancement and detail any monitoring and performance standards. It will be reviewed annually. The review will examine (as appropriate) whether:

- the proposed outcomes and outputs are being delivered;
- minimum service standards are being met; and
- community benefits are being achieved.

As part of the review recommendations for changes may be made. Cornwall Council will work closely with the Town or Parish Council or local community Group to ensure outcomes and/or minimum service standards are met.

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Communities and Devolution

## Summary of Options for increased Local Involvement

### Option 1. Influencing and monitoring local service delivery:

Beach Cleaning and Management	<i>All of the these services are statutory and part of existing contracts but options for locally influencing service delivery can be explored</i>
Fly-Tipping	
Highway Maintenance - reactive	
Street Cleansing	
Street Lighting	

### Option 2. Joint delivery / service enhancement

Environmental Maintenance - enhancement	<i>e.g. Increased number of grass cuts / annum</i>
Highway Maintenance – minor defects	<i>e.g. Works to remove overhanging growth, realign signs, clear gullies, clear storm debris, remove unauthorised signs etc.</i>
Parking Enforcement	<i>Provide and/or maintain Benches , Litter Bins etc</i>
Street Furniture – enhancement	
Winter Maintenance – non-strategic	

### Option 3. Agency Agreements, Management Agreements, Licenses and Sponsorship

#### Agency Agreements

Grass Cutting (Highway Verges)	<i>Existing</i>
Public Rights of Way PROW- Maintenance	<i>Existing</i>
Sign Cleaning	<i>New</i>

#### Management Agreement

Civic spaces (Strategic)	<i>Includes maintenance of street furniture e.g. benches, bollards, flower planters</i>
Highway heritage features	<i>e.g. Fingerposts, milestones</i>
Watercourses	

#### Licenses

Flower Beds / Verges	<i>Simple License available</i>
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#### Sponsorship

Roundabouts and other highway features

### Option 4. Delegation of service delivery

#### Statutory

Closed Churchyard and cemeteries (maintenance)  
Libraries

## **Non Statutory**

Beach tidy-ups / Litter Picking  
Civic spaces (Local)  
Equipped play / youth facilities  
Formal Parks and Gardens  
Heritage Sites  
Inactive Amenity Space  
Maritime facilities  
Multi-use trails  
Natural Green Space  
One Stop Shops  
Public Realm  
Recreational amenity space & playing fields  
Sports / Leisure Facilities *e.g. Bowling Clubs*  
Sports Fields

## **Option 5. Transfer of a service**

Allotments  
Car Parks (non-strategic)  
CCTV  
Community Transport  
Public Conveniences

## **Option 6. Services not generally available**

Beach Cleaning and management\*  
Building Control  
Car Parks (strategic)  
Closed landfill sites  
Coastal Protection  
Development Control / Planning  
Enforcement  
Fly tipping\*  
Highway Maintenance – Structural  
Highway Maintenance - Reactive\*  
Libraries  
Parking Enforcement\*  
Refuse Collection  
Street Cleansing / Litter\*  
Street lighting – Strategic Highway\*  
Taxi Licenses, Event Licenses  
Weed Control (specialist)  
Winter Maintenance – Strategic  
Town and Parish councils may be able to influence and monitor the delivery of these services as outlined previously. These services are marked \*

### CONCURRENT FUNCTIONS

Functions that both Cornwall Council and Town and Parish Councils have the legal powers to deliver

- Allotments
- Boating pools
- Bus shelters
- Car parking (off street)
- CCTV(installation and maintenance)
- Cemeteries and burial grounds
- Christmas lights and trees
- Closed cemeteries and burial grounds
- Commons and common pastures
- Community centres
- Crematoria
- Entertainment and the arts
- Footway lighting
- Grants to bus operators
- Grass cutting
- Information services (transport, tourism)
- Highways maintenance
- Leisure facilities
- Litter and dog waste bins
- Museums
- Open spaces
- Parks
- Playgrounds
- Playschemes
- Playing fields
- Public clocks
- Public conveniences
- Public seats adjoining highways
- Recreation grounds
- Sports pitches
- Street cleansing
- Subsidies for uneconomic post or telecommunications services
- Taxi fare concessions
- Tourism promotion
- Traffic calming
- Village greens
- Village halls
- War memorials