

THE VALE OF GLAMORGAN COUNCIL

CORPORATE PERFORMANCE AND RESOURCES SCRUTINY COMMITTEE –
24TH OCTOBER, 2019

REFERENCE FROM CABINET: 7TH OCTOBER, 2019

**“C107 RESHAPING SERVICES: TOWN AND COMMUNITY COUNCIL
ENGAGEMENT IN OPERATING LOCAL SERVICES AND ASSETS (L/PR) –**

The Council had engaged with Town and Community Councils (TCCs) throughout the Reshaping Services Programme. Work to date had primarily focused on developing relationships and an understanding of the capacity, appetite and desire of TCCs to take a greater role in the provision of localised services and operation of local assets that may be valued by local residents, but where the Vale of Glamorgan Council may not be able, or be the most appropriate body, to continue such services in the future.

An event was held in July 2019 to better understand these issues and was well attended by TCCs.

The report set out a series of proposals for consideration by Cabinet that met the aim of the Reshaping Services strategy, which was to protect priority services wherever possible. These proposals concentrated on an initial phase of assets (public conveniences and allotments) and services (grass cutting) as a means of developing pragmatic proposals for the coming financial year. A range of other local services (such as playground maintenance, for example) were also highlighted for further and future consideration.

It was recommended that following consideration by Cabinet, the report be disseminated to all TCCs via the Community Liaison Committee to enable decisions to be taken by those organisations and for work to commence, wherever possible, in readiness for the 2020/21 financial year. It was recommended that the report be also referred to Corporate Performance and Resources Scrutiny Committee for its consideration.

The Leader/Cabinet Member for Performance and Resources – after discussion with the Managing Director – requested that the first recommendation of the report incorporate paragraphs 2.6 – 2.8 in order to give wide-ranging options to Town and Community Councils (TCCs) and the Vale of Glamorgan Council in terms of provision of local services.

The Cabinet Member for Neighbourhood Services and Transport was happy to see Reshaping Services making headway and by setting what services the Vale of Glamorgan Council will now do, for example, saying to a Community Council it will now do six grass cuts instead of the usual nine, in order that the Community Council will then be in a better position to evaluate and respond. He went onto say that a key concern in this area for Town and Community Councils (TCCs) was the risk of ‘double taxation’ but this was not the case and the report would help to dispel this.

The Managing Director and the Director of Environment & Housing Services stated it was important that TCCs know now what the Vale of Glamorgan Council intended to progress around the Reshaping Services agenda and this report would help to provide this information so that TCCs could plan more effectively and set their budgets accordingly.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

(1) T H A T the content of this report as a basis for the development of specific proposals with individual Town and Community Councils (TCCs) be endorsed – with particular regard to paragraphs 2.6 – 2.8 of the report.

(2) T H A T subject to Recommendation (1), it be recommended that the report be referred to all TCCs via the Community Liaison Committee for individual consideration by those organisations and to Corporate Performance and Resources Scrutiny Committee for its consideration, with the views of the Committee informing future discussions with TCCs.

(3) T H A T, subject to Recommendations (1) and (2), delegated authority be granted to the Director of Environment and Housing, in consultation with the Leader and Managing Director, to pursue discussions with individual TCCs.

(4) T H A T, subject to Recommendations (1), (2) and (3), delegated authority be granted to the Monitoring Officer / Head of Legal and Democratic Services in consultation with the Leader, Managing Director and Head of Finance, to execute appropriate legal arrangements arising from the process.

Reasons for decisions

(1) To enable specific proposals with individual Town and Community Councils (TCCs) to be developed consistently.

(2) To enable all TCCs to be made aware of the proposals and to engage with them on the development of local proposals and for the views of the Corporate Performance and Resources Scrutiny Committee to be considered when undertaking discussions with TCCs.

(3) To enable local proposals to be developed.

(4) To ensure the appropriate legal arrangements are put in place to underpin any future arrangements.”

Attached as Appendix – Report to Cabinet: 7th October, 2019

Meeting of:	Cabinet
Date of Meeting:	Monday, 07 October 2019
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Reshaping Services: Town & Community Council Engagement in Operating Local Services & Assets
Purpose of Report:	To seek approval from for the future approach to the work to engage with Town & Community Councils on the Reshaping Services Agenda.
Report Owner:	The Leader of the Council
Responsible Officer:	Rob Thomas, Managing Director
Elected Member and Officer Consultation:	No elected member consultation has been undertaken as this is a Vale of Glamorgan wide report. Consultation has been undertaken with the Director of Environment & Housing and Head of Policy & Business Transformation.
Policy Framework:	This is a matter for Executive Decision
<p>Executive Summary:</p> <ul style="list-style-type: none"> The Council has engaged with Town & Community Councils (TCCs) throughout the Reshaping Services Programme. Work to date has primarily focused on developing relationships and an understanding of the capacity, appetite and desire of TCCs to take a greater role in the provision of localised services and operation of local assets that may be valued by local residents, but where the Vale of Glamorgan Council may not be able, or be the most appropriate body, to continue such services in the future. An event was held in July 2019 to better understand these issues and was well attended by TCCs. This report sets out a series of proposals for consideration by Cabinet that meet the aim of the Reshaping Services strategy, which is to protect priority services wherever possible. These proposals concentrate on an initial phase of assets (public conveniences and allotments) and services (grass cutting) as a means of developing pragmatic proposals for the coming financial year. A range of other local services (such as playground maintenance, for example) are also highlighted for further and future consideration. It is recommended that following consideration by Cabinet, this report be disseminated to all TCCs via the Community Liaison Committee to enable decisions to be taken by those organisations and for work to commence, wherever possible, in readiness for the 2020/21 financial year. It is recommended that the report is also referred to Scrutiny Committee (Corporate Performance and Resources) for its consideration. 	

Recommendations

1. It is recommended that Cabinet endorses the content of this report as a basis for the development of specific proposals with individual Town & Community Councils (TCCs).
2. Subject to recommendation one, it is recommended that Cabinet refers this report to all TCCs via the Community Liaison Committee for individual consideration by those organisations and to Scrutiny Committee (Corporate Performance and Resources) for its consideration, with the views of the Committee informing future discussions with TCCs.
3. Subject to recommendations one and two, it is recommended that Cabinet delegates authority to the Director of Environment & Housing, in consultation with the Leader and Managing Director, to pursue discussions with individual TCCs.
4. Subject to recommendations one, two and three, it is recommended that Cabinet delegates authority to the Monitoring Officer / Head of Legal & Democratic Services in consultation with the Leader, Managing Director and Head of Finance, to execute appropriate legal arrangements arising from the process.

Reasons for Recommendations

1. To enable specific proposals with individual Town & Community Councils (TCCs) to be developed consistently.
2. To enable all TCCs to be made aware of the proposals and to engage with them on the development of local proposals and for the views of the Scrutiny Committee (Corporate Performance and Resources) to be considered when undertaking discussions with TCCs.
3. To enable local proposals to be developed.
4. To ensure the appropriate legal arrangements are put in place to underpin any future arrangements.

1. Background

- 1.1 The Council's Reshaping Services Strategy seeks to protect priority services against a backdrop of austerity that has now lasted a decade. The strategy makes it clear that the Council cannot continue to operate the range of services it currently does and that by working in different ways, including in collaboration, services that are valued by local residents can be protected.
- 1.2 The Council has successfully delivered significant savings, whilst transforming the way it works since the strategy was adopted in 2015. However, in developing the way in which the Council operates for the coming years, it will be important to consider those services and assets that may be more appropriately operated by others in order for them to continue. This will be the benchmark against which decisions on whether these services and assets continue to exist will be taken.

- 1.3** The Reshaping Services Programme has engaged with Town & Community Councils (TCCs) over several years.
- 1.4** In July 2018, the Council adopted a protocol for the operation of assets and services by TCCs (minute 353 refers). A Charter between the Town & Community Councils is also being revised to capture the commitments of both the Vale of Glamorgan Council and TCCs in working together. Most recently an event was held in July 2019 where representatives from TCCs attended a workshop to discuss how Reshaping Services could be best progressed locally. The outcome from this event was a call from TCCs for greater clarity on what the Vale of Glamorgan Council is specifically proposing in local areas, for more informed discussion on any proposals and time to develop proposals taking into consideration the precept setting process.
- 1.5** Since the Reshaping Services Strategy was approved by Council, the Welsh Government (WG) has commissioned an independent review of TCCs in Wales. The resultant findings of that review has been provided to WG and contains recommendations relating to the way TCCs exercise a 'place based' role. This has been considered in developing the content of this report.
- 1.6** This report provides Cabinet with a summary of the engagement event held with TCCs and seeks approval for an approach to the operation of services and assets by TCCs (and others). It is proposed that following consideration by Cabinet, this report be referred to the Community Liaison Committee and that engagement takes place with all TCCs in the Vale of Glamorgan on a series of specific arrangements. The report seeks delegated authority to the Monitoring Officer / Head of Legal & Democratic Services to execute appropriate legal arrangements to support any future proposals.

2. Key Issues for Consideration

Reshaping Services - Town & Community Councils

Engagement Event - July 2019

- 2.1** In order to provide an update to TCCs on the Reshaping Services programme and develop an effective approach to progressing future proposals, an engagement event was held in July 2019. The event, hosted by the Leader and Managing Director of the Council, set out the range of projects delivered by the programme so far, provided details of the likely financial position of the Council in the medium-term and also gave an opportunity to hear from One Voice Wales about initiatives underway across Wales.
- 2.2** Discussion at the event considered the current status of services in the Vale of Glamorgan, including questions regarding the services considered to be most

valued by local communities, the range of services provided by TCCs and what barriers and opportunities exist to further services being operated.

- 2.3** The event provided a useful summary of the breadth of services that were operated by TCCs in the Vale. Services such as grass cutting, operation of play areas and open space and other community facilities were highlighted as being important. The barriers highlighted by delegates included sufficient notice and information to enable decisions to be taken on TCC precepts and clarity over what the Vale of Glamorgan Council would not be operating in the future. Feedback on previous proposals regarding the categorisation of services/assets as being 'strategic' or 'local' was felt to unnecessarily restrict discussions and that the setting of the TCC precept was a matter for individual TCCs. The responsibility for TCC precepts clearly rests with those organisations who will consider the range of services/assets being operated by themselves in light of the resources available to them to do so. This may mean that TCCs consider the future operation of new services/assets and reprioritise their funding accordingly.
- 2.4** When considering the most appropriate way to develop this agenda further, the workshop indicated that timely meetings with individual TCCs would be useful. Delegates acknowledged that this would be a time-consuming but worthwhile process and that discussions should be prioritised with those TCCs who express an interest. This report seeks approval for a series of proposals relating to specific services/assets as a means of providing clarity for TCCs and the basis of future discussions.
- 2.5** To date interest has been expressed by TCCs in Llantwit Major, Llangan, Bonvilston, Penarth and Barry to progress matters.

2020/21 Proposals

- 2.6** In order to provide clarity to TCCs, it is recommended that Cabinet approve the proposals relating to public conveniences, allotments and grass cutting as set out in this report. It is intended that these form the basis of discussion with TCCs in order to allow specific proposals on the way in which these operate in the future to be developed.
- 2.7** These areas have been selected as they are non-statutory in nature and would enable a county-wide policy decision to be taken, therefore addressing potential concerns regarding 'double taxation'. However, these services and assets are also importantly ones which are successfully delivered by TCCs (in isolation or with other groups) elsewhere in the country. The proposals have been informed by the Council's approach to the development of community libraries as well as the on-going project to transfer responsibility to community groups for single-use sports facilities.

- 2.8** Whilst these areas have been selected for initial consideration and discussion, it does not preclude wider-ranging discussions to be held as outlined in the report to Cabinet of 2nd July 2018. Other services/assets could include other land management activities such as the operation and maintenance of community centres, areas of open space, parks, play areas, skate parks and car parks.

Public Conveniences

- 2.9** As part of the Council's recently approved Toilet Strategy, the Council will be seeking to ensure that toilet provision exists for residents and visitors in town centres and tourist destinations. The strategy recognises that the Council will not be in the position to continue to operate all of these facilities directly and that working in partnership to do so would enable these to continue.
- 2.10** Consultation will commence from early 2020 on the way all public conveniences could be operated, including by other organisations and could include the introduction of charges in some locations.
- 2.11** A complete list of the public conveniences currently operated by the Vale of Glamorgan Council can be found in Appendix A to this report.
- 2.12** The consultation process will seek interest from others, including TCCs, who may wish to provide these services during the 2020/21 financial year. Should there be insufficient interest from others to operate these facilities, they may cease to operate. In order to inform discussions with TCCs, the usage and financial information relating to each public convenience will be provided.

Allotments

- 2.13** Allotments, like single use sports facilities, are assets that provide direct benefits to those using them. As such, the Council's strategy will seek to ensure that steps are taken to reduce the subsidy currently invested by the Council, either through fee increases or a movement to the position where these are locally managed (by the local allotment groups, the third sector or by town and community councils) with spending decisions taken by those groups.
- 2.14** The Vale of Glamorgan Council currently operates allotments at the following locations:
- Merthyr Dyfan, Slade Road, Barry
 - New Beggarswell, Severn Avenue, Barry
 - Old Pencoedtre, Dyfnallt Road, Barry
 - Palmerston, Palmerston Road, Barry
 - Slaughterhouse, Court Road, Barry
 - St. Pauls Allotment, Montgomery Road, Barry
 - Weston Hill, Wilfred Street, Barry

- Cemetery Road, Barry Road, Barry
- Ceri Road, Rhoose
- Aberthin Road, Cowbridge

2.15 There are some examples of excellent allotments being operated in the Vale of Glamorgan by TCCs, for example in Penarth and Cowbridge as well as elsewhere by community groups.

2.16 Initial discussions on the future of allotments would be offered to the allotment holders' groups (as is the case for single use sports facilities). However, TCCs may wish to engage collaboratively in these conversations and the Vale of Glamorgan Council will assist in the provision of relevant information on running costs, income and occupancy to those involved in taking these discussions forward.

2.17 Should there be insufficient interest from others to operate these facilities, there would need to be a prompt move to full cost recovery through the fees levied.

Grass Cutting

2.18 The Council currently operates a contract which generally provides nine cuts to grass per annum to grass verges, vision splays and areas of incidental open space. It is proposed that in 2020/21, this will reduce across the County to six cuts per annum. Cutting regimes for sports fields and parks (including local play areas) are not included within this contract.

2.19 TCCs may choose to purchase additional cuts from the Vale of Glamorgan Council via the current contract, or to supplement the core service directly (upon a licence being granted by the Vale of Glamorgan Council).

2.20 In the event of TCCs wishing to maintain the current level of service (i.e. three additional cuts to the 2020/21 core provision by this Council) then the costs would fall on them. Local costs will be provided to each TCC. These costs are indicative as they are based on the current contract which covers the whole of the Vale of Glamorgan. Should some TCCs not wish to access the contract, this may impact on the cost in other areas.

Other Services & Assets

2.21 The report to Cabinet of 2nd July 2018 provided details of other services which TCCs may be interested in taking responsibility for. The focus of the first phase of proposals contained in this report relate to the assets/services listed above. However, should any TCCs be interested in pursuing proposals regarding services/assets such as the operation and maintenance of community centres, areas of open space, parks, play areas, skate parks and car parks, the Council will assist by making relevant information and support available.

2.22 Many successful arrangements currently exist between the Vale of Glamorgan Council and TCCs in the maintenance and operation of assets and the provision of services. Some examples include:

- Burnham Avenue cricket pitch maintenance, Sully Community Council (CC).
- Rhoose Cemetery maintenance, Barry Town Council (TC).
- Cemetery Approach maintenance, Barry – Barry TC.
- Verges and monument at the entrance to St Athan grass cutting – St Athan CC.
- St Brides Major Recreation Ground Changing facility management including attendance and bookings – St Brides Major CC.
- Peterston Super Ely Recreation Ground, play area and grounds around the site management and maintenance – Peterston Super Ely CC.
- Wick Pavilion bookings and attendance management – Wick CC.

Operating Arrangements

2.23 It is also recommended that this report be disseminated to all TCCs via the Community Liaison Committee in order to elicit interest from TCCs in meeting to discuss specific proposals in local areas. Following consideration by the Community Liaison Committee, a copy of this report will be sent to all Clerks, requesting that they contact the Council to arrange to discuss any areas of interest. Accompanying the report sent to Clerks will be the financial information relating to grass cutting services in each local area. Financial and usage information on any public conveniences, allotments or other services/assets will be provided upon request.

2.24 It is also recommended that Cabinet refers this report to Scrutiny Committee (Corporate Performance and Resources) for consideration, with the views of that Committee informing the discussions with TCCs. It recommended that Cabinet delegates authority to the Director of Environment & Housing, in consultation with the Leader and Managing Director, to pursue those discussions with individual TCCs. As acknowledged by delegates attending the engagement event in the summer, this process will take time and will be prioritised on the basis of those TCCs requesting to meet.

2.25 Based on lessons learned from projects both within the Vale of Glamorgan and elsewhere, there are several possible forms of arrangement for the operation or transfer of services and assets to Town and Community Councils. The most appropriate approach will be determined through discussion on specific proposals with individual TCCs. The following illustrates a number of possible legal arrangements that could be put in place.

2.26 Members will be aware that the Council has an established Community Asset Transfer guidance and protocol which sets out a process through the submission of an expression of interest and (where judged to be viable) a business case that is considered by the Council's CAT Working Group, Insight Board and Cabinet.

Based on the feedback received to date, a revised Community Asset Transfer process and guidance is approaching completion and will be reported to Cabinet shortly.

- 2.27** There is also the possibility of TCCs working on a 'soft-CAT' or pilot basis, whereby they could operate the service/asset on a service level agreement basis for a period of time (for example, two years) initially to enable risks to be managed and to develop learning and understanding. These forms of arrangement would be developed on the basis of a 'light touch' business case, produced collaboratively. The TCC would assume the responsibility for operating the service/asset on the basis of an agreed service level. This may lead to a formal CAT application in time for assets or a more permanent arrangement regarding service delivery.
- 2.28** The Council has also operated licences and other forms of occupation/service agreements with a range of organisations, including TCCs, for many years. These agreements could take the form of leases, for example, or service level agreements whereby TCCs 'contract' the Vale of Glamorgan Council to undertake work on their behalf (such as for additional cuts to grass in local areas).

Financial Arrangements

- 2.29** This Council will be looking to achieve financial savings by any arrangement proposed, though this may not necessarily be in the first year of operation.
- 2.30** It is suggested that some initial financial support to operate these assets/services could be provided initially, with this being phased out over time with the service or asset then managed in its entirety by the other party.
- 2.31** The financial arrangements would be agreed on a case by case basis. The Council would particularly welcome TCCs seeking to deliver maximum value from their existing precept, before seeking to raise additional income through taxation. However, it is recognised that this is a matter for individual TCCs. However, TCCs could choose to work in partnership with the voluntary sector, through the attraction of grants, reallocating resources within precepted budgets and/or by generating additional income from activities.
- 2.32** Cabinet will note that the Council has established the Strong Communities Grant Fund to provide a source of funding to organisations that are seeking to develop sustainable services or assets which are consistent with the Council's Corporate Plan, Reshaping Services Programme and the Well-being of Future Generations Act.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations (Wales) Act 2015 is about sustainable development. The Act sets out a 'sustainable development principle' which specifies that the public bodies listed in the Act must act in a manner which seeks to ensure the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 3.2** In developing these proposals, the Council's duties under the Well-being of Future Generations Act have been considered, including the Five Ways of Working introduced by the Act. The Council is seeking to collaborate with Town and Community Councils to ensure the long-term sustainability of local services. Proposals which demonstrate working collectively through integrating activity across organisations would provide opportunities in this area. In proactively doing so, the Council is seeking to prevent future issues arising from any need to make short-term decisions regarding services and assets due to diminishing budgets. In working together with Town and Community Councils in operating services or assets, there are opportunities to enhance the contribution to the national Well-being Goals for Wales. Cabinet will note the recommendation to refer this report for consideration by Community Liaison Committee as a way of involving others in the development of proposals.

4. Resources and Legal Considerations

Financial

- 4.1** The proposals contained in this report seek to protect priority services after a decade of real-terms funding reductions. As such, any resulting arrangements will be required to deliver overall financial savings for the Vale of Glamorgan Council in order for them to be acceptable.
- 4.2** The proposals contained in this report relate specifically to the Environment & Housing Directorate which is projecting an overall overspend against its revenue budget for the current financial year. Proposals contained in this report are intended to deliver savings that would contribute to the reduction of this overspend.

Employment

- 4.3** There are no direct employment implications arising from this report. However, depending on the proposals subsequently developed, there may be employment implications arising as a result of changes to the level, ownership or operation of services. Should this be the case, the Council's Management of Change policy will be used in conjunction with the full engagement of the recognised trades unions and staff to ensure relevant employment legislation is adhered to.

Legal (Including Equalities)

- 4.4 There are no specific legal implications associated with this report. However, the transfer or operation of services and assets by Town and Community Councils would need to be the subject of specific legal arrangements, executed, for example, through licence, lease or contracts.
- 4.5 It is recommended that delegated authority be granted to the Monitoring Officer / Head of Legal & Democratic Services, in consultation with the Leader and Managing Director, to execute the appropriate legal arrangements.
- 4.6 Any specific proposals will be subject to appropriate consultation exercises, including Equalities Impact Assessments.

5. Background Papers

Reshaping Services - Arrangements for the Operation & Transfer of Assets or Services to Town and Community Councils in the Vale of Glamorgan, Cabinet, 2nd July 2018

https://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/minutes_agendas_and_reports/reports/cabinet/2018/18-07-02/Arrangements-for-Operation-and-Transfer-of-Assets-to-TCCs.aspx

Appendix A - Location of Council toilets

	Name of Location	Postcode
Public Toilet	Beach Huts, Barry Island Promenade, Barry Island	CF62 5TR
	Car Park, Harbour Road, Barry	CF62 5BJ
	County Library, King Square, Barry	CF63 4RW
	Jackson's Bay, Dock Road, Barry	CF62 5QS
	Knap Car Park, Knap Car Terrace, Barry	CF62 6UD
	Multi storey Car Park, Holton Road, Barry	CF63 4HP
	Park Crescent, Romilly Road, Barry	CF62 6HE
	Porthkerry Country Park, Barry	CF62 3BY
	Romilly Park, Romilly Park Road, Barry	CF62 6RR
	Thompson Street, Barry	CF63 4JN
	Western Shelter, Paget Road, Barry Island	CF62 5TQ
	Cliff-Top Car Park, Penarth	CF64 5BP
	Cosmeston Country Park, Visitor Centre, Penarth	CF64 5UY
	Cosmeston Village, Penarth	CF64 5UY
	Italian Gardens, The Esplanade, Penarth	CF64 3AU
	Penarth Pier, The Esplanade, Penarth	CF64 3AU
	Town Centre, Albert Road, Penarth	CF64 1BZ
	Town Hall Square, North Road, Cowbridge	CF71 7EE
	Boverton Road, Llantwit Major	CF61 1PP
	Town Hall Car Park, Rear Lane to Burial Lane, Llantwit Major	CF61 1SB
	Llantwit Major Beach, Llantwit Major	CF61 1RF
	Ogmore Car Park, Ogmore by Sea	CF32 0PD
Beach Road - Dunraven Beach, Southerndown	CF32 0RP	