

28 July 2015	ITEM: 6
Cleaner Greener Safer Overview & Scrutiny Committee	
Community Delivery of Environmental Services in Parks and Open Spaces	
Report of: Councillor G. Rice, Portfolio Holder for Environment	
Wards and communities affected: All	Key Decision: No
Accountable Head of Service: Mike Heath, Interim Head of Environment	
Accountable Director: David Bull, Interim Chief Executive	
This report is public	
Purpose of Report: To enable Members of the Cleaner, Greener, Safer Overview and Scrutiny Committee to review and comment on the potential for third sector organisations to manage and operate Council facilities and parks and open spaces.	

Executive Summary

As a result of significant reductions in the money received from Government and other pressures on services the Council will have to make £27m of savings over the three years between 2016/17-2018/19.

The Council can no longer afford to operate all of the services that it has historically provided and it has to focus its attention on delivering its statutory functions. There are a number of activities and services that the Council has delivered but can no longer fully fund that may be able to be delivered by the third sector. This report explores the options for community delivery of services and functions and highlights examples of opportunities to empower groups to take ownership and responsibility for local facilities.

Discussions with the voluntary sector took place in October 2014 in light of budget savings options which highlighted opportunities that should be considered for transfer to the third sector. Outsourcing in this way can provide opportunities to save valued services whilst realising benefits for local people who can play an active role in their community.

1. Recommendations:

- 1.1 That Cleaner Greener and Safer Overview and Scrutiny Committee note the report and ask Cabinet to authorise officers to enter into detailed negotiations with groups who have expressed an interest in developing community based services.**

2. Introduction and Background:

- 2.1 The Council is under severe pressure to deliver a wide range of services with an ever reducing budget. In many instances services and functions which have been delivered in the past but which are not statutory local authority obligations have been squeezed and in some cases withdrawn completely. In front facing operations such as many of those provided within the Environment Services Portfolio there has been a public reaction against the reduced service provision, but the Council still has to face up to the fact that it is not in a position to provide the breadth of services to the same high quality that it has been able to in the past.
- 2.2 The reducing budgets have lead to a withdrawal of a number of functions and a move towards a minimum level of maintenance. Many of the 'extras' funded by the authority such as hanging baskets and bedding, park attendants, education rangers and premium services in higher use locations have been withdrawn in order that the department can operate within the limited budget available to it.
- 2.3 Whilst there has been an increase in the number of complaints through the media (print and social) an increasing number of individuals and community organisations have approached the council to discuss how they can make a difference at a local level and they have started to undertake work in their own communities to improve their local environment. These organisations frequently have access to significant funding opportunities that are not available to the Council but which have been set up to encourage localism in service delivery and community involvement. The fact that these funding opportunities exist will continue to encourage local groups and activists to apply to take responsibility for assets within the community and indeed legislation now permits them to apply to take over many areas of Council responsibility (e.g. Community Right to Challenge, under the Localism Act 2011). It is therefore important that the Council should have an agreed approach to such requests made outside of the more formal Community Rights processing order that they can be handled in a supportive rather than adversarial manner recognising the benefits that such an approach can provide.
- 2.4 At a lower level the department has been working with some of the residents in Stanford since last year to assist them in providing Christmas lighting and this summer to help them provide hanging baskets and flower troughs throughout the shopping area. They have also planted some bedding in the main thoroughfares of the town as well as organising litter picks and other minor environmental improvement works. We are able to assist this type of project through our normal operations and indeed are supporting a wide range of community litter clearances and tidy ups across the borough.
- 2.5 The Council has also already been approached by two separate organisations who wish to take responsibility for functions. The first is the Lightship Café who have expressed an interest in running the café at Grays Beach in the

initial instance with the hope that they can expand their operations over time to include the running of the Grays Beach Park as a whole. The second request has come from the Friends of Hardie Park (Stanford le Hope) who wish to take over the running of the park and to expand the range of opportunities and facilities available to park users.

- 2.6 Each of these requests has a range of implications for the Council in terms of asset ownership and transfer, consideration of discretionary rate relief, any support that may be available from the revenue account as a result of reduced maintenance liabilities etc. In many instances community organisations may be seeking long term leases to enable them to access the funding opportunities which may not be otherwise available to them. The requirement to provide long term leases will need to be carefully considered to ensure that both the Council's and the Community Interest Group's position is protected over the long term and takes account of the range of risks that may apply.
- 2.7 In considering the arrangements for future service delivery of small elements of a much larger entity it is essential to note that this cannot simply mean a transfer of budget to a third party organisation. This takes no account of the impact of the remaining elements of the service that will remain with the Council and the risk of corporate overheads being spread across other services. Only when there is a clear and quantifiable saving to the Council through a transfer of responsibility should a sharing of saving benefit be considered. A key aim of the transfer of services must be to ensure that the remaining operations delivering across the borough are not compromised or disadvantaged. Any arrangement for the transfer of responsibility must take account of the potential risk of the failure of the community delivery mechanism and cannot be allowed to leave the Council in the position of having to fund on-going commitments without the necessary budget provision.

3. Issues, Options and Analysis of Options

- 3.1 If the Council were to chose to forego the opportunity to review the possibility of allowing third sector organisations to operate services and functions that it has previously provided then it is likely that as a result of financial pressures that these facilities will simply be closed or the quality of delivery will reduce even further. Looking at the opportunities for the involvement of the third sector may provide additional funding streams that the Council cannot access and ensure that non-statutory services continue to be provided with the Council acting as a facilitator rather than a direct provider.

4. Reasons for Recommendation:

- 3.1 The Council has to consider new and different opportunities to facilitate services for its residents and traditional models of delivery are becoming more difficult to sustain. In developing arrangements with voluntary and community organisations financial support that would not be available to the Council can

be leveraged in and deliver benefits to local communities which are beyond the Council's current and future capability.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Not Applicable

6. Impact On Corporate Policies, Priorities, Performance And Community Impact

6.1 Following a successful bid to Locality in May 2015, the council has now secured resource from the national Community Ownership and Management of Assets (COMA) programme to complete a strategic review of opportunities for community asset transfer (CAT) across the borough. A small partnership with the voluntary sector has been formed to move the programme forward taking into account the local context for CAT.

COMA priorities include achieving a better understanding of:

- the local appetite and opportunities for CAT,
- capacity building needs within the voluntary and community sector to take on the ownership of assets,
- implications arising for the council, and,
- the principles of good governance to support future decision-making.

6.2 One of the outcomes from the programme in Thurrock will be the development of a clear CAT policy that sets out the council's commitments to fairness, transparency and consistency through the decision-making process. The draft policy will be presented to the Cleaner Greener and Safer Overview and Scrutiny Committee for consultation at a later date.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

The required levels of savings needed for the Council to deliver a balanced budget are included within the Councils medium term financial strategy and the shaping the Council Cabinet reports.

7.2 Legal

Implications verified by: **Daniel Toohey**
Principal Solicitor - Contracts & Procurement

1. The Local Government Act 1972 contains provisions for entertainment in Parks and the Local Government (Miscellaneous Provisions) Act 1976

confers general powers to provide recreational facilities. Whilst the provision of parks and open spaces is not a statutory function the Local Government Act 1999 provides local authorities with powers to promote the economic social and environmental well being of their communities. The provision of good quality parks and open spaces can make a substantial contribution to all aspects of well being.

2. The Localism Act 2011 contains provisions that allow community groups or members of the public the right to challenge for the provision of certain Local Authority services or the right to bid for certain community assets once listed. For this reason many Local Authorities take a proactive approach to engaging with the community to find mutually beneficial solutions in relation to these matters.
3. The Council will need to bear in mind certain restrictions on the right of the Council to dispose of certain interests or to create a lease re parks/open spaces. "Open Space" is defined in section 336 of the Town and Country Planning Act 1990 as land that is laid out as a public garden or used for the purposes of public recreation, or land which is a disused burial ground. In disposing of such land, the Council will be obliged to comply with section 123 (2A) of The Local Government Act 1972, which requires that it must give notice of its intention to dispose of land for two consecutive weeks in a news-paper circulating in the area in which the land is situated; and that it must consider any objections to the proposed disposal which may be made, albeit there is no obligation to act on objections.
4. Legal Services is available to advise and assist on the potential transfer and transactional issues.

7.3 **Diversity and Equality**

Implications verified by: **Becky Price**
Community Development Officer

Equality of opportunity is a key principle of many voluntary sector organisations who often pursue improved cohesion and diversity through their objectives and practice, involving communities in decisions and governance. Recent government policy such as the Localism Act encourages the devolution of services to communities in recognition of the benefits that community involvement can bring to local areas. As noted at 4.1, the council is seeking to develop a Community Asset Transfer Policy and this will provide guidance on ensuring that each transfer opportunity is informed by an equality impact assessment.

7.4 **Other implications**

Not Applicable

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Not Applicable

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