

Report for:	BUCKINGHAMSHIRE SHADOW EXECUTIVE
Meeting Date:	12 November 2019

Title of Report:	Devolution Offer
Shadow Executive Portfolio Holder:	Martin Tett
Responsible Officer:	Sara Turnbull, Localism Workstream Lead
Officer Contact:	Sara Turnbull, email sturnbull@buckscc.gov.uk
Recommendations:	<ol style="list-style-type: none"> 1. To agree to set up a three year devolution programme with a phased roll out. In phase 1 will include: <ul style="list-style-type: none"> • The existing legacy service devolution arrangements in place continuing for highways, and for green space in the Wycombe district area; • Support given to local organisations, including town and parish councils, to take on community assets such as community centres, toilets, memorials; and • Place-based pilots. 2. To agree the Service Devolution and Asset Transfer Policy for Buckinghamshire Council as set out in Appendix 1. 3. To provide support to organisations to take up the devolution offer through: <ul style="list-style-type: none"> • An online toolkit and guidance. • Dedicated staff to help progress devolution requests. • Technical and specialist advice in areas such as: <ul style="list-style-type: none"> ➤ Health and safety ➤ Human resources ➤ Insurance provisions ➤ Contract management 4. To note the implementation next steps are set out in section 4 of this report, including development of a wider service devolution offer for phase 2 & 3 of the programme.
Corporate Implications:	The Devolution Offer has wide-ranging implications for all service areas.

	<p>A small devolution team is proposed to help co-ordinate and drive forward the devolution programme. Phase 1 has particular implications for community services, property and assets and localities.</p> <p>Financial Implications The establishment of a new team to run the devolution programme would require approximately £200,000 per annum for three years: 2020/21, 2021/22 and 2022/23.</p> <p>These costs will be met from the unitary programme transformation budget.</p> <p>At the end of this period it, is anticipated that the programme will be well established and integrated into business as usual at minimal cost, within existing budgets.</p> <p>Legal Implications The Service Devolution and Asset Transfer Policy will enable Buckinghamshire Council to fulfil its legal obligations in regard to the Localism Act 2011.</p> <p>A wide range of legal implications will arise from each devolution deal. These will require legal advice and approval prior to transfers.</p>
Options: (If any)	<ol style="list-style-type: none"> 1. Do nothing - The option of having no devolution offer has been considered but is not recommended. A key part of the single business case, as approved by the Secretary of State and as set out in the Structural Changes Order, was to enable greater local control through a devolution offer. 2. Devolution Offer to all from day 1 - A full roll out of devolution in the first year of the new Council's operation is potentially high risk and resource intensive to deliver. Service integration will take a number of years and the diversity of service delivery models presents a complexity to devolution that must be taken into account. 3. Phased Devolution Offer - This is the approach that is recommended and has been developed as set out in this paper, with pilots in phase 1, as well as an invitation to community organisations to submit expressions of interest in community assets prioritised for potential transfer.
Reason: (Executive only)	<p>The recommended approach enables the Shadow Authority to deliver a key part of the intended benefits of the single business case as set out in the Structural Changes Order for the establishment of Buckinghamshire Council.</p>

1. Purpose of Report

- 1.1 This report sets out a proposed devolution framework to enable local organisations, particularly town and parish councils, to take on greater local control over the running of Buckinghamshire Council's services and assets.
- 1.2 A decision by the Shadow Executive at this point will enable town and parish councils to have clarity on the likely timeline and scope of a devolution programme. In addition to this main report there are two appendices:
 - Appendix 1: Draft Service Devolution and Asset Transfer Policy
 - Appendix 2: Equalities Impact Assessment

2. Content of Report

Executive Summary

- 2.1 This report sets out a proposed devolution framework to enable local organisations, particularly town and parish councils, to take on greater local control over the running of Buckinghamshire Council's services and assets. The key objective of the programme is to improve outcomes for communities through enabling services to be more tailored to meet local needs.
- 2.2 It is recommended to set up a three year devolution programme with a phased roll out. In phase 1 it is proposed that:
 - the existing legacy service devolution arrangements in place continue for highways, and for green space in the Wycombe district area;
 - that support is given to organisations to take on community assets such as community centres, toilets, memorials; and
 - that place-based pilots are established to test further devolution on a range of assets and services.
- 2.3 In phase 1 the focus will be on developing place-based pilots to transfer a wide-range of community assets and services to organisations in those respective localities. The detail of individual devolution deals will be devolved in partnership with those respective organisations. All of the pilots and devolution deals will be monitored and evaluated to inform consideration of a wider roll out across the county.

Background

- 2.4 A key part of the business case, agreed by Government to set up Buckinghamshire Council, was to provide opportunities for town and parish councils to take on greater responsibilities for running services and assets locally. The Under-Secretary of State for Housing, Communities and Local Government, stated to the House of Commons in presenting the Structural Change Order that:

“The inclusion in the proposal of community boards and delegation to parish and town councils, where this is wanted, will mean that the arrangements not

only open the door to improved local services but shift power to communities, helping them get involved in decision-making in their local area.”¹

- 2.5 Devolution is about shifting power downwards to increase local control. In local government, devolution is often used to refer to the transfer of powers and/or responsibilities from a principal authority (county and/or district or unitary council) to an organisation, such as town or parish councils or other local community organisation.
- 2.6 On 1 April 2020 all services and assets owned by the respective county and district councils will transfer to Buckinghamshire Council. This provides an opportunity for the new single Council to further devolve services and assets where there is the potential to improve the quality of services.
- 2.7 Devolution is not new in Buckinghamshire. The County Council has already successfully devolved services and buildings in areas such as libraries, youth centres, children’s centres and day care centres. In addition, there is a highways service devolution deal in place with participation of 87 out of the 169 town and parish councils in Buckinghamshire.
- 2.8 The district councils also have a successful track record of devolving in different areas. South Bucks Council has devolved all of its toilets. Wycombe District Council has devolved most of its community centres. In addition, Wycombe District Council also has a service devolution deal in place for its green space management with seven parish councils.

Proposed Devolution Programme Aims & Objectives

- 2.9 The proposed devolution programme objectives are to:
- **Improve outcomes for local communities**—through enabling opportunities for services to be more tailored to meet the diverse needs of communities.
 - **Increase local control over services and assets**—through enabling town and parish councils, in particular as democratically elected bodies, to take decisions on how best to meet local needs.
- 2.10 It is envisaged that wider benefits will arise from the devolution programme such as:
- A more responsive agile service; smaller organisations are often able to respond more quickly than larger ones to make service changes as needed.
 - Opportunities to generate local employment.
 - Increased community involvement and capacity created through volunteering and innovation in service design.

¹ [https://hansard.parliament.uk/lords/2019-05-20/debates/E94B17C8-A18D-4E8D-9C05-188C88EF50B2/Buckinghamshire\(StructuralChanges\)Order2019](https://hansard.parliament.uk/lords/2019-05-20/debates/E94B17C8-A18D-4E8D-9C05-188C88EF50B2/Buckinghamshire(StructuralChanges)Order2019)

- Better value for money overall through a more localised service delivery approach. For example this may lead to increased volunteering, new external funding opportunities, and the potential to make more effective use of local resources and staff to deliver services.

Principles & Programme

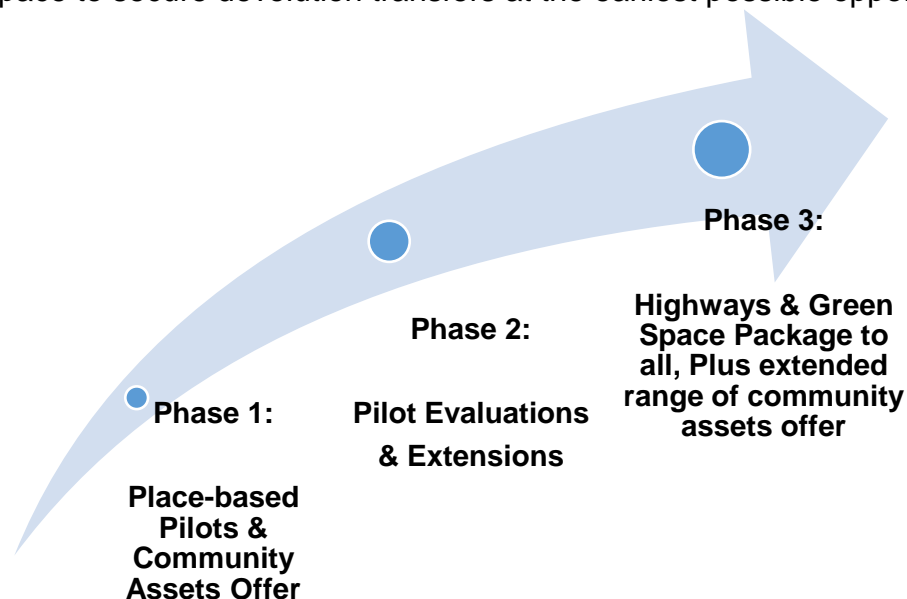
2.11 A phased approach is recommended for a devolution programme to enable the new Buckinghamshire Council to pilot approaches and learn prior to wider roll out.

2.12 In the first phase it is recommended that service areas and assets are prioritised for devolution based on the following principles:

- **Greatest potential for community benefit** and use through local control. In particular, this is based on feedback from town and parish councils, as well as practice elsewhere.
- **Proven model of successful devolution already in Buckinghamshire.**
- **Feasibility for delivery in phase 1**, based on a high-level understanding of potential appetite for areas from town and parishes, and ease for implementation.
- **Potential to be delivered more effectively locally than by a large strategic authority.**

2.13 In developing the overall timeline the following issues have been considered:

- The need to be responsive to those town and parish councils who have already shown a strong interest in further devolution opportunities.
- Recognition of the need for service integration, and further strategic assessments of opportunities and the development of a potential package offer prior to a county-wide roll out of devolution.
- The town and parish council elections taking place in May 2020, and the likelihood that some town and parish councils may wish to wait until after the elections before deciding if they wish to submit an expression of interest in devolution.
- The three phases proposed overlap to reflect the need for a flexible approach with differing start dates of individual transfers. Once established, the devolution team will work at pace to secure devolution transfers at the earliest possible opportunity.



Phase 1 Devolution Offer

2.14 Based on the design principles above, it is recommended to focus efforts in the first year on enabling local organisations across the county with the opportunity to take on specific community assets, continuing with the existing service devolution arrangements in place, and undertaking place-based pilots.

	Offer Title	Description	Who is offer to?
1	Community Assets & Services Transfer Offer	An initial list of Buckinghamshire Council owned 'community assets' will be published which the Council are actively encouraging expressions of interest in. This will include: <ul style="list-style-type: none"> ➤ Community Centres/Village Halls ➤ Memorials ➤ Allotments ➤ Toilets 	Open to local organisations (relevant to localities with community assets).
2	Highways Services Devolution Offer	To include: <ul style="list-style-type: none"> ➤ Urban grass cutting ➤ Weed killing on footpaths ➤ Minor street furniture repairs ➤ Rights of way 	All 169 Town & Parish Councils
3	Wycombe Green Space Service Devolution Offer	To include: <ul style="list-style-type: none"> ➤ Amenity grass cutting ➤ Seasonal horticultural works e.g. flowerbed and shrub maintenance, weed control. ➤ All street furniture in a locality, including play equipment. 	All parish councils within the Wycombe District (legacy deal from WDC).
4	Place-based Pilots	Place-based conversations on a range of community assets and services. Details to be developed and agreed through a partnership approach with pilot organisations. Likely areas include: <ul style="list-style-type: none"> ➤ For those pilots not in the Wycombe area this would include all green space maintenance, as per the Wycombe devolution offer. ➤ Other areas such as devolution of assets such as play areas, recreational grounds, urban parks. ➤ Other areas as relevant locally e.g. running markets, events (for families/communities). 	Open invitation to local organisations with ambition, capacity, and interested in taking on a range of community assets and service devolution areas from Buckinghamshire Council.

2.15 It is anticipated that transfers of services and assets to town and parish councils may take up to 12 months to be fully in place, following the start of detailed discussions. From learning of devolution transfers elsewhere, the details of the transfers will require negotiation, information and lead-in time for each respective organisation to sign-off.

2.16 At the end of phase 1 an evaluation is recommended to inform a wider roll out. The timing of anticipated transfers means that this evaluation is likely to take place towards

the end of 2022. An external evaluation partner will be considered to assist with this process.

Phase 2 & 3 Devolution Offer

- 2.17 Following the initial agreement on devolution deals for the phase 1 pilots, other pilots will be considered (phase 2). A service devolution package(s) open to all town and parish councils will be developed in light of learning from the pilots, as well as consideration of the different detailed options for a wider offer (phase 3).
- 2.18 An extended list of potential assets for transfer will also be developed for phases 2 and 3. It is anticipated that urban parks, playground and recreational areas in particular may be considered for devolution more widely alongside the devolution of green space maintenance.

Governance & Process

- 2.19 In order to ensure good governance, transparency, fairness and accountability for decision-making, a devolution policy has been developed as set out in Appendix 1. The key elements of the process proposed are that there are:
- **Clear common criteria** for assessing all requests.
 - **Proportionate governance** in relation to the scale and nature of the asset/service in question. For example, local organisations would not be expected to submit a lengthy business case to transfer a village clock. However, a business case would be required for the potential transfer of all urban parks within a locality.
 - **Decisions on individual transfers to local organisations will be taken in accordance with the Service Devolution & Asset Transfer Policy.** The Cabinet Member will take decisions on any significant transfers (financially and strategically), and officers will take decisions on non-key decisions in accordance with the Council's constitution. For example, decisions on a package for a pilot are envisaged to be signed-off as a key decision by the relevant Cabinet Member. However, a devolution request for an individual toilet or memorial is likely to be an officer decision, following the normal process of consultation.
 - **Consultation with local members and residents on specific devolution deals.** It is proposed that local members and residents are consulted on proposed specific devolution deals as required. Where a business plan is required, it would be expected that the applicant shows evidence of the views of local residents and stakeholders. Buckinghamshire Council officers will consult the respective local member(s) as part of the consideration process.
 - **Consultation with community boards.** Community boards will be consulted on proposed transfer requests prior to a decision. They will also be provided with regular updates on the devolution programme within their respective areas.

Working Together with Town and Parish Councils

2.20 Town and parish councils have attended workshops to help shape this devolution offer. A clear message received was that there is a desire for timely information and support to enable them to take-up these opportunities.

2.21 We are therefore proposing to provide this support by setting up:

- Webpages with a devolution toolkit and guidance.
- A small staff team to provide a central contact and business plan support.
- Technical advice in areas such as:
 - Health and safety
 - Insurance provisions
 - Human resources
 - Contract management
- Detailed information on in-scope assets & services including:
 - Existing cost and contract information
 - Site lists
 - Undertaking assessment surveys of assets as required.

Devolution in Wycombe

2.22 It is noted that there are community governance reviews underway in Aylesbury and Wycombe. In Aylesbury this may reconfigure existing parished areas. In Wycombe this is considering whether to parish any or all of the remaining unparished area within Buckinghamshire. If a decision is taken at the end of the review to establish one or more parishes then it is anticipated that the devolution programme would cover the scope of negotiations on devolution transfers to those parishes. In this scenario, the community board for the area could in this interim period act as lead consultees on the development of a devolution package to go forward for transfer once any new parishes are formed.

2.23 If a decision is taken not to establish any new parished areas then devolution may still be possible through the transfer of assets and/or services to other local organisations that are separate legal entities e.g. community organisations. In addition, all community boards will have a key role in influencing and overseeing how council services are delivered within their area.

3. Financial Implications

3.1 Delivery of Value for Money: It has been shown in numerous national studies that the devolution of assets and services to community organisations can improve the social and economic outputs for those assets and services. Within Buckinghamshire, service devolution in highways has, for example, ensured greater local provision and quality than would otherwise have been possible by the principal council alone.

3.2 As a new transformational programme, there is a need for initial investment to develop the details of the offer, ensure effective co-ordination of the programme, and ensure that this is driven forward successfully. In particular, resource will be required to set-up

the pilots through joint working with those organisations on business plan development and securing mutual agreement on the detail of transfers.

3.3 To minimise set-up costs, all Buckinghamshire Council service areas will be required to provide support within existing resources, this will include:

- Free of charge support to town and parish councils participating in the phase 1 devolution offer in regard to technical support areas such as: human resources, health and safety, financial viability, and insurance advice.
- The preparation of financial, staffing and other required assessments to enable the development of a phase 2 & 3 devolution offer.
- The mapping of assets and services, such as the production of collated locality asset and services maps, such as GIS grass cutting.
- The provision of information on service specifications and costings to enable organisations to put forward informed expressions of interest and business plans.

3.4 The total estimate of the costs is £200,000 per annum for the financial years 2020/21, 2021/22 and 2022/23. Breakdown of cost estimates provided below:

Item	Description	2020/21	2021/22	2022/23
Temporary Devolution Team	2 FTEs–Liaison, negotiations, co-ordination, business plan and governance development support free of charge. This also includes potential funding for an independent evaluation	£140,000	£140,000	£140,000
Legal works	Internal budget for Buckinghamshire Council's legal costs for drawing up transfer agreements.	£35,000	£35,000	£35,000
Additional property capacity	It is estimated that additional capacity will be needed to support the internal assessment work required of community assets to enable transfers, including condition and market surveys.	£25,000	£25,000	£25,000
Total		£200,000	£200,000	£200,000

3.5 The costs above are estimates at this stage, and dependent upon levels of interest in this offer from organisations. To ensure sustainability of the devolution programme activity will on the whole be integrated into business as usual within service areas from 2024/25 onwards.

4. Legal Implications

4.1 The individual legal implications of each and every transfer will be considered as part of the decision-making on individual transfers. Legal consideration is built into the process for considering requests as per the Service Devolution and Asset Transfer Policy in Appendix 1.

5. Other Key Risks

5.1 All risks and issues are being considered as part of the workstream management. The key programme risks and mitigations are:

- Organisational capacity to support a devolution offer—Experience of devolution elsewhere shows that there is a need for a range of different services (property, legal, finance, community services) to be involved in each and every transfer. Organisationally this can cause delays if not co-ordinated or driven forward. The key mitigation to this is establishing a small temporary devolution team to drive the deliver the programme.
- Low participation/transfers—Experience elsewhere shows that even when there is initial interest in devolution requests, securing mutual agreements on the details of each transfer package can be challenging. The key mitigation to this is the approach of focusing initially on place-based pilots for learning.

6. Dependencies

- 6.1 Establishing a devolution programme is a corporate initiative and has implications for all unitary programme workstreams, and all future Council service areas. In particular, the Council's new Leadership Team will be involved in providing advice, in accordance with the policy, on how best to maximise opportunities for devolution to benefit communities.

7. Consultation

- 7.1 Town and parish councils and all elected members have been engaged in discussions on devolution over a number of years. The County Council engaged town and parish councils in 2016 and 2017 through workshops and discussions as part of the development of the single unitary business case.
- 7.2 During June 2019 five localism workshops, aimed at town and parish councils, were held across the county to seek views of local councillors and clerks. The summary of outputs from these sessions have been recorded in a single document and published here.
- 7.3 Further engagement with town councillors, clerks and county and district members has informed the development of this proposed approach. In particular, input from an informal clerks working group, with Milton Keynes and Buckinghamshire Association of Local Councils (MKBALC) participation, and a county and district councillors working group.
- 7.4 The proposals put forward have also been informed by research on practice elsewhere. In particular, consideration of learning and successes of unitary councils such as Durham, Wiltshire and Cornwall Councils.
- 7.5 The details of individual devolution deals will be a matter of negotiation between Buckinghamshire Council and the respective local organisations. Consultation with local members and residents will take place as part of this process, in accordance with the policy proposed in Appendix 1. It is anticipated that town and parish councils would wish to consult residents on specific devolution proposals as part of their business plan development to provide evidence of local support for transfers.

8. Communications Plan

- 8.1 Details of this devolution offer will be communicated with all town and parish councils, and the not-for-profit sector. Updates will be provided following a Shadow Executive decision on the policy and in particular in the lead-up to vesting day to promote the website toolkit and guidance.

9. Equalities Implications

- 9.1 An equalities impact assessment is set out in Appendix 2. This assessment identifies that the overall policy proposed will have no specific impact in regard to the nine protective equalities characteristics. A key part of decision-making on specific devolution requests will be consideration of the impact on local communities and equalities.

10. Data Privacy Implications

- 10.1 No impact identified.

11. Evaluation and Review

- 11.1 Member oversight of the devolution programme will be critical. Regular reports will be provided to the Cabinet Member portfolio holder and to the Council's relevant scrutiny committee as required. Bi-annual update reports to community boards on implementation process will also be provided.
- 11.2 An evaluation of the place-based pilots will take place in 2022. The details of the evaluation criteria will be developed and agreed as part of the implementation planning. Key success criteria will include:
- Improved service delivery and outcomes for communities;
 - Levels of take-up, participation; and
 - Feedback on the process and relationship.

12. Next Steps

- 12.1 A detailed implementation and communications plan will be developed to deliver this devolution offer. Key outline timings are:

Open invitation to local organisations to participate in place-based pilots.	December 2019
Confirmation of place-based pilots by the Leader of the Shadow Executive.	March 2019
Development of detailed implementation plan, staffing recruitment and resources to support devolution.	Jan-March 2020
Online Devolution Toolkit & Guidance Webpages Live. This includes publication of: <ul style="list-style-type: none">• Template forms• Initial community asset list (phase 1)	March 2020
Phase 1 Start: Start date for expressions of interest in community assets & development of place-based pilot devolution transfer packages.	April 2020
Estimated earliest start date for transfers of devolution to place-based pilots & assets	April 2021
Place-based pilot evaluation	Nov 2021-Jan 2022
Phase 2 Start: Possible pilot extensions	March 2022
Phase 3 Start: Earliest start date for roll out of service packages to all	April 2022

Background papers

None