



Report to Cabinet

Date:	10 October 2023
Title:	Devolution & Asset Management Policy
Cabinet Member(s):	Cllr Arif Hussain, Cabinet Member for Communities
Contact officer:	Tim Weetman
Ward(s) affected:	All
Recommendations:	To agree the updated Devolution & Asset Management Policy
Reason for decision:	The decision will ensure that the Devolution & Asset Management Policy reflects the current approach to the management of the programme.

1. Executive summary

Buckinghamshire Council made a commitment to devolution of property and assets to town and parish councils and other community organisations as part of the Unitary business case. To support the Council's devolution programme, a Service Devolution and Asset Transfer Policy was published in November 2019 setting out the approach and arrangements for the devolution of the responsibility for running services and community asset transfer. Over time, the approach to the management of the programme has been refined as we have learnt more about the devolution of assets. This report provides Cabinet with an updated policy for approval that better reflects the current approach.

2. Content of the report

- 2.1 Buckinghamshire Council has a strong commitment to localism as demonstrated through the investment in community boards and the development of the town and

parish charter. Devolution is not new in Buckinghamshire and there are several examples from legacy councils where Buckinghamshire Council services are devolved to town and parish councils, particularly in relation to grass-cutting, green spaces and, highways services.

- 2.2 To support the Council's devolution programme, a Service Devolution and Asset Transfer Policy was published in November 2019. The Policy sets out the approach and arrangements for the both the devolution of the responsibility for running services and community asset transfer.
- 2.3 The policy was published before the devolution programme got fully underway and the implementation of the pilot projects started. The implementation of the five pilot projects has undoubtedly been more complex and time consuming than anticipated. Accordingly, lessons have been learned on the way. As a result, there is a need to refresh the policy to bring it up to date with the current approach in order that a clear direction of travel is given to town and parish councils and other local organisation who may be interested in pursuing a devolution opportunity.

3. Next steps and future approach

- 3.1 The updated policy is provided as part of this report. There are several small changes to the Devolution and Asset Management Policy for Cabinet Members to note, as follows:
 - A clearer focus on the process for the devolution of assets
 - Reference to freehold only being considered on an exceptional basis, with a final decision made by Cabinet
 - The Devolution Board considering the criteria with which to assess applications on a case-by-case basis
 - Heads of Terms to be agreed at the end of the 'Expressions of Interest' stage to help applicants develop a business case that responds to any specification or terms provided by the Council
 - Car parks owned and/or run by Buckinghamshire Council where they generate income, hold an operational benefit, or retain a commercial interest are out of scope. The previous version had a blanket approach to all car parks being out of scope

4. Other options considered

- 4.1 The only other option would be to not update the policy. However, it is likely to be confusing or disappointing to town and parish councils or other local organisations

interested in a devolution opportunity if the practical approach differs from that which is published.

5. Legal and financial implications

Financial implications

- 5.1 The Devolution and Asset Transfer policy ensures that due diligence is carried out around all proposed transfers to ensure that the financial implications are clearly understood before any decisions are made and that any eventual transfers will not result in a net cost to the council or the loss of an income generating asset.

Legal Implications

- 5.2 The legal implications of each devolution pilot project are considered as part of the decision-making process. Legal consideration is built into the process for considering requests as per the Service Devolution and Asset Transfer Policy.

6. Corporate implications

- 6.1 Devolution of assets involves the transfer of Council property, land or other assets to Parish or Town Councils or community organisations. The Service Devolution and Asset Transfer Policy sets out that longer-term leases will be granted – usually over 25 years.
- 6.2 There are no HR, climate change, sustainability, equality implications or value for money considerations arising from this report.

7. Local councillors & community boards consultation & views

- 7.1 The approach set out in the Devolution & Asset Transfer Policy, was presented to the Members' Devolution Board on 28 April 2023.
- 7.2 As projects come forward local members will be consulted.

8. Communication, engagement & further consultation

- 8.1 Once the new policy is agreed we will communicate this to all local members and Town and Parish Councils.



9. Next steps and review

- 9.1 Further communication will need to take place with local Members and Town and Parish Councils in order that expectations are managed.
- 9.2 The Communities & Localism Select Committee have asked for an update on the Devolution Programme at their meeting scheduled for 22 November 2023.

10. Background papers

- 10.1 Current service devolution and asset transfer policy:

https://www.buckinghamshire.gov.uk/documents/14097/Service_Devolution_and_Asset_Transfer_Policy_-_print_version.pdf

11. Your questions and views (for key decisions)

- 11.1 If you have any questions about the matters contained in this report, please get in touch with the author. If you have any views that you would like the cabinet member to consider please inform the democratic services team democracy@buckinghamshire.gov.uk.

