

DEVO +

by National Association of Local Councils

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introduction.

Since the General Election the Government has made onward devolution a key plank of its local government and de-centralisation agenda. NALC responded to this move by producing Devo Local: A White Paper For Empowering & Strengthening Local Democracy.

Whilst we have seen some areas of England create Combined Authorities and we await the election of the first wave of Metropolitan Mayors in others, we are yet to see true onward devolution take root in this country.

There are 10,000 parish councils across England (in both urban and rural areas) and they are all ready, willing and able to engage in the devolution debate in their areas. But just as devolution in one area will mean something very different to devolution in a different area, devolution to some parish councils will (on the ground) mean something different to what devolution actually means to other parish councils.

For example devolution for smaller parish councils in rural areas of England might mean direct engagement with principal local authorities as to how they think services could be better delivered by strategic authorities (where perhaps there had been little mutual engagement before). For larger (or largest) parish councils devolution might mean strategic engagement with principal local authorities with a view to actually adopting some principal local authority services and assets (which otherwise would be cut or retrenched).

So the national picture is a complex one, notwithstanding the recent uncertainty created by the referendum result endorsing the UK's departure to leave the European Union. Despite a new Cabinet and Government taking office in the wake of the referendum it is obvious that the macro-economic challenges faced by this country are such that the imperatives which originally drove the previous (2010-15) Government to put such a high premium on onward devolution – still remain.

So all tiers of local government must work to save and sustain essential services. This will involve more and greater partnership working than has ever occurred before. At a time when the Revenue Support Grant

will be phased out to principal local by the end of this Parliament, can principal local authorities really afford to go it alone?

But whatever devolution looks like across the different local authority and parish areas of England – and their range of partners (e.g. Combined Authorities/ Metropolitan Mayors/Unitary councils/district councils/borough councils/county councils/parish councils/ voluntary & community sector) – all will have to play a key role in their own local service matrix.

NALC and the 43 County Associations of Local Councils know that parishes have always had and do have a huge role to play in the devolution agenda in their areas (which is why we need to see far more new parish councils being created in England). That is why NALC has produced this short toolkit, intended as a practical devolutionary guide for town and parish councils.

I hope this toolkit is a useful tool for town and parish councils, whatever devolution means in their areas.

Cllr Sue Baxter
Chair of NALC

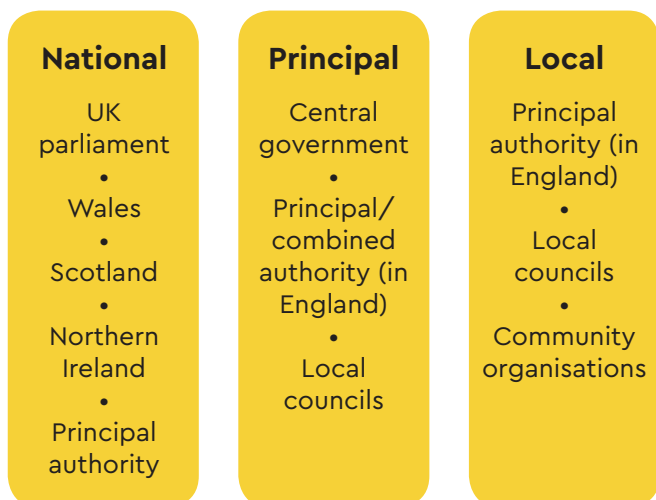
types of devolution.

What is devolution?

In simplest form, 'devolution' is the transfer or delegation of powers to a lower level, especially by central government to a principal tier of local government. 'Double devolution' is the onward transfer of responsibilities to a more local level.

Another word often used in the context of devolution is 'subsidiarity' which is a principle that relates to social and political decisions being made at the level where they make a difference – in other words decisions should only be made centrally where there is added value and where the function cannot be delivered at a regional, sub-regional or local level.

'Decentralisation' is another word often associated with devolution, which relates to the process of transferring the responsibility and decision making function from a central location to a more local level.



Above: the current devolutionary make-up of United Kingdom (UK) governance functions for which the UK Parliament retains overall responsibility for are the benefits system and social security, immigration, defence foreign policy, employment, trade and industry, energy, consumer rights, data protection, the Constitution and national policy-making.

What is the legislation?

There are three key pieces of legislation that have shaped the devolution agenda:

- Local Democracy, Economic Development and Construction Act 2009
- Localism Act 2011
- Cities and Local Government Devolution Act 2016

What adds to the complexity of the issue is that there isn't a 'one size fits all' model framework for delivering devolution and therefore it is currently being rolled out in different ways in different areas.

How is devolution delivered?

There are three main delivery streams of devolution – national, principal and local.

National devolution

The transfer of responsibility and decision making from the UK Parliament to Wales, Scotland and Northern Ireland which includes things such as health, education, housing, local government, transport, planning and economic development.

Double (or onward) devolution would then occur between the Welsh Government, for example, and a Principal Authority in Wales. Interestingly, this has been the subject of debate in the UK Parliament; 'Devolution and Growth across Britain', 3rd June 2015, Hansard Volume 596 refers.

Principal (or macro) devolution

The transfer of responsibility and decision making from Central Government to a principal or combined authority in England. Combined authorities do not replace existing governance arrangements and are established, commonly with an elected Executive Mayor.

Before any function is transferred a principal authority or proposed combined authority needs to submit a

'bid' to the Government for approval. Bids are currently submitted to HM Treasury and Cities and Local Government Unit for consideration.

The bid would contain information on the type of things that the principal or combined authority wants responsibility and decision making powers for (e.g. economic development and transport); the bid would also include a business case and should reference arrangements for community engagement. Once approved the 'bid' is referred to as a 'deal'. The deal is essentially the agreed framework for the transfer. Arrangements would then be put in place for the transfer to take place and in the case of a combined authority a 'Shadow Authority' would be established. Arrangements for the election of an executive Mayor would then be put in place in most instances, although not all deals have or will include a Mayor.

An example of a shadow combined authority is Tees Valley. The devolved decision making functions in this area include economic development, transport, infrastructure and skills. The Combined Authority consists of the five local authorities in that area and includes representation from the Local Economic Partnership (see www.teesvalley-ca.gov.uk).

In this context double devolution would occur between the principal/combined authority and a town or parish council. An example of this could be to fund and deliver job skills training and apprenticeships through a town or parish council – supporting rural economies and building capacity and capabilities at a local level.

Local (onward) devolution

The transfer of responsibility and decision making from a principal/combined authority to a town or parish council. This currently takes place in many areas where local town and parish councils are working collaboratively with the principal tier of local government; examples of good practice can be found in Cornwall (e.g. Localism and Devolution – A Fresh Approach), Gloucestershire (e.g. Big Community Offer) and Oxfordshire (e.g. Oxfordshire Together).

In this context double devolution would occur between the town and parish sector and local voluntary and charity organisations, such as a social enterprise or community development trusts. Double devolution may not necessarily mean the same functions being transferred but the town and parish sector could create capacity by transferring a range of services or maximising resources by working more closely with the voluntary sector so as to be able to have capacity to take on services from a principal authority. Devolution is an opportunity to explore and discover the potential within the town and parish sector.

why devolution?

This document considers what types of devolution are possible and where it is already taking place. However a key question that still needs to be addressed is why devolve at all?

Through the work of the NALC Improvement and Development Board there is now an emerging shared vision for the potential of local councils to improve their local communities. This vision illustrates the impact that local councils make in their communities and also highlights the potential that could be tapped into as more power, influence and funding is devolved to this most local level of local government.

A vision for local councils

All local councils have the potential to deliver benefit to their communities through the activities they undertake. This potential exists no matter the differences in terms of finances, size of population and types of activities they undertake.

The following themes define the potential that all councils have to make a positive difference:

Culture creator

The spirit of a local community is often visible in the range of activities and opportunities for local people to come together and participate in cultural, community-focused, and recreational activities. These activities can include fetes, street parties, sporting clubs, youth groups, seasonal events, community hubs, parks and play areas. These cultural activities, so essential to the well-being and quality of life of millions of citizens, can be delivered by local councils through a number of means. The council may give their time, expertise, resources, or coordinate local activity. Councils may also provide local venues, facilities, build networks and support, or provide grants to local groups who deliver these activities.

Place shaper

Through their role in the planning system, particularly since the introduction of neighbourhood planning, local councils have the ability to shape future physical development within their communities. On top of this, through the management or ownership of local assets, whether land, property or through working with local land/property owners, councils are protecting the heritage and history of their areas as well as shaping the future of their communities in a very tangible way through local spaces and buildings.

Service deliverer

Through an extensive range of discretionary powers local councils provide and maintain a variety of important and visible local services which can make a huge contribution to their communities, for example, providing local transport solutions, supporting the local economy and businesses, improving the visual appeal of the area, increasing community safety, contributing to arts, culture and leisure provision, managing parks and open spaces, or helping meet housing, health and social care needs. There is a wide range of ways these services may be delivered. They may be directly delivered and managed by the council, be devolved from another tier of government, be delivered by another organisation commissioned by the council, or the council may be contracted to deliver the service by another organisation.

Democratic and accountable

Local councils share many characteristics with local community groups, charities or active citizens, but their nature as the first tier of government for their communities makes them unique and distinct. Through their democratic mandate, ability to raise a precept and the legislation that governs the transparency of their processes and finances, they hold a unique position and legitimacy within their communities. The best local councils go above and beyond their legal obligations, demonstrating efficiency and transparency in all their work and continuously seeking opportunities to improve and develop even further.

Builder of community resilience

Councils can support communities to build their capacity and resilience by encouraging people to get more involved in local issues. They can do this by working with individual residents, local groups and organisations, local businesses, and other parts of the public sector. This may be in response to a challenge such as coordinating responses to flooding, setting up food banks, or campaigning on a local issue. The council is also well placed to see the potential for improvement in a local community and coordinate a community activity, for example registering local assets of community value, coordinating volunteers, or community initiatives that bring together different local people and groups. Councils may undertake this role directly, or they can indirectly facilitate community participation by providing the conditions it needs to thrive through supporting other local activity or organisations, providing encouragement, information and advice as well as giving grants to local groups (see: www.mycommunity.gov.uk)

how to start.

Types of devolution

A more in depth analysis of the two main types of devolution in England is made in section 2 of this toolkit. However, since parish councils are mainly affected at the grassroots level by one of these types of devolution (onward devolution) – a brief reminder is useful here. Macro devolution is the type of devolved power which central government seeks to divest itself of for purposes of cost cutting and reduction of red tape; such responsibility usually ends up with principal local authorities; and onward devolution is the type of devolved power which can end up with town and parishes which can also add pressure on the voluntary sector as a result of principal authority service and budget cuts. Finance does not always follow function, but there are often service efficiency opportunities.

Understanding macro devolution

Whether your council is a smaller parish seeking more engagement with its principal authority or a larger council wanting to broaden its service base – a good place to understand the national drivers behind macro-devolution is Central Government. Any parish council serious about pursuing devolutionary opportunities in its area should first of all understand and know why Central Government is stripping back its own functions (see: www.gov.uk/guidance/guidance-on-devolution)

Engaging with your principal authority

Whatever the local government structure in your parish area – your council will need to directly engage with its principal local authority(ies) if it is serious about participating in the devolution agenda in its area. Be sure to engage as fully with relevant officers and members of the principal local authority as you can (involving your own officers and members fully) to find out where greatest service need is (see www.local.gov.uk/devolution/overview)

As well as engaging directly with your principal local authority about mutual opportunities for devolution in your area, it would be a good idea to directly consult your residents as to what principal authority services they think either need improving or need to be sustained as a priority in the face of cuts. With their close connection to communities, voluntary organisations can be an important and effective partner for this engagement. In many areas this may mean direct engagement with strategic authorities such as county (unitary) councils (see www.countycouncilsnetwork.org.uk/county-devolution)

Agency and partnership agreements

Once your council has consulted its residents and negotiated with its principal authority regarding the local onward devolution agenda your council should seek to where possible enter into agency and partnership agreements for services or assets that your council wishes to manage on behalf of the principal authority. Press for as much finance as you can get from the principal authority when doing so, remembering that by the end of this parliament such authorities will derive all the locally generated business rates from their areas (see www.districtcouncils.info/what-we-do/devolution-and-public-sector-reform)

Consulting with your residents

range of services.

Devolution is an opportunity to have a conversation at a local level about influencing, participating and delivering a wide range of services which have a social, economic and environmental benefit – as a sector, it is important to be at the forefront of facilitating such discussions, establishing common ground and new ways of working together.



Above: a diagram indicating the reasons for and different roles parishes can play in onward devolution.

'Why devolution' identifies that within the diversity of size, capability and ambition, all local councils have the potential to make a positive difference in the communities they serve and that this is achieved through:

- Greater democracy and accountability
- Improved service delivery
- Culture shaping
- Place shaping
- Building community resilience

It is acknowledged that in the case of smaller parish councils there will be challenges in starting this conversation, nonetheless, NALC believes that the parish and town sector should be taking the lead at a local level to facilitate constructive and collaborative conversations between communities and councils, and

to play a part in bridging any divide which may exist.

This is a key cornerstone of the toolkit and forms part of an agreed message that NALC, as a representative body wants to jointly promote with partners such as the National Council for Voluntary Organisations, the Local Government Association, the District Councils Network and the County Councils' Network – each membership organisation endorsing the principle of local conversations which are constructive and collaborative and which ultimately strengthen citizen engagement.

Through such conversations, local councils can play an active role in identifying opportunities for 'principal' and 'local' devolution and the range of services it will be able to influence, participate in the funding of and directly deliver – equally such conversations will identify opportunities to work with other sectors, share resources and devolve even further.

The Local Government Chronicle's special report on local councils *Power to the People* (see www.nalc.gov.uk/library/publications) identifies five key service areas that town and parish councils are interested in providing directly:

- Activities for older people
- Economic growth and business support
- Highways
- Traffic calming measures
- Youth services and activities

However, every local community is different, with a different range of needs, different types of service and different stakeholders and service providers – this is why local conversations are so important because devolution will need to be worked out in different ways in different areas.

To begin to understand what would have the best impact for your local community you will need to speak to people from within the community such as, the voluntary sector, community groups, officers and councillors from the district, county or unitary authority, social housing providers, businesses, the

police and Member of Parliament. The conversation could start informally, perhaps through meetings, events or just a meal and a chat. Once you have connected locally there may also be an opportunity to network with surrounding local councils.

authorities to make funds available for town and parish councils to directly deliver local projects.

There are a range of model frameworks already in place that could form part of the conversation and it is also worth contacting your local principal authority to see what arrangements already exist; examples of good practice include opportunities in Cornwall, Gloucestershire, Oxfordshire and Buckinghamshire.

An example of influence

Gloucestershire County Council provide a mobile lengths man crew to work with local councils on locally identified priority tasks such as filling in small holes in the road/foot way, cleaning signs, clearing drains, strimming intrusive vegetation and resetting loose kerbs and gully grills. Town and parish councils can therefore influence the type of highways work carried out locally.

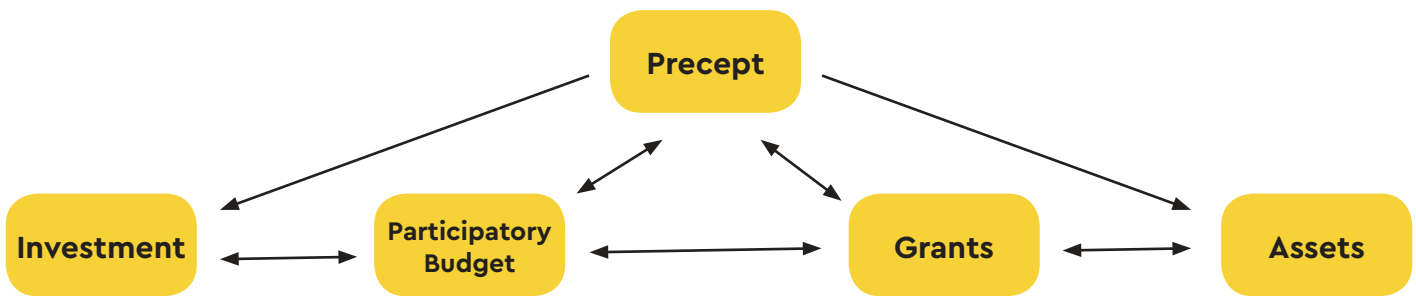
An example of participation

Cirencester Town Council joined up with a local social housing provider to jointly fund a youth officer post; linking up with Cotswold District Council, the town council provides funding towards a 'Summer off the Streets' activities programme for children and is commissioned by Gloucestershire County Council to be the account holding body for Budget Holding Lead Professionals (BHLP) funding which puts children, young people and families at the centre of decision-making. Where resources are limited town and parish councils can make a little go a long way.

An example of delivering

Gloucestershire County Council established an Active Together Fund, providing each county councillor with up to £40k for local councils and voluntary sector to apply for to directly deliver local sport and physical activity projects from community walks, outdoor gyms and skateboard parks. It is cost effective for principal

local financial context.



Above: diagram demonstrating the financial flow from the parish precept.

We have identified that as a sector we are committed to making a difference. In the 'Range of Services' section of the toolkit we outlined what can be achieved despite the financial constraints which exist; and it could be argued that the wider fiscal challenges that exist have been a catalyst for devolution and double devolution. This has prompted the question of fairer funding – with unresolved issues relating to double taxation, unsustainable revenue support grant and government initiatives aimed at funding local projects and services, such as the New Homes Bonus and Community Infrastructure Levy, not being passed on by principal authorities.

NALC's 'Devo Local' White Paper, published in November 2015, outlines a range of fairer funding principles, calling for:

- Council tax support funding to be passed on to local councils
- Referenda principles to not be extended to local councils for the life of this Parliament and that the power of the Secretary of State in the Localism Act 2011 be repealed
- A reform of the business rate system to provide a 5% share for local councils to help them support local economic development, regeneration and growth and the exemption of public conveniences from non-domestic rates
- Communities to benefit from development through stronger measures to provide local councils

with a share of Community Infrastructure Levy, New Homes Bonus and underground exploration funding.

As a sector, we will continue to make strong, evidence based, representation on fairer funding for local government but we have to be realistic about the fact that change will not happen overnight and why engaging in local conversations is so important. There is a growing gap between the social, economic and environmental needs of our communities and the resources available to meet them and we have to find ways of being part of the solution.

We need to continue to build our strength as a sector which, in addition to financial capacity and capabilities, includes professional training and development, through CiLCA and the Community Governance qualifications, as well as seeking accreditation in the Local Council Award Scheme. Strengthening the credibility and capabilities as a sector is fundamental if we are to secure a seat at the devolution table.

There are many examples of good practice in the parish and town sector of councils which have made a difference at a local level despite the financial constraints that currently exist.

This is achieved within a fiscal framework of:

Precept

In addition to the annual budget setting process, the impact of taking on new services and building fiscal capacity needs a longer term overview through medium term financial planning and building incremental budget growth – to minimise the short term impact on local council tax.

Assets

There are two distinct asset differences; firstly, the land and property assets that the town or parish council has; can any of these be used to either generate a regular income or a one off capital receipt that could be re-invested in the community?

Another useful and valuable thing to do is to establish joint working opportunities with others; releasing capacity by devolving projects and tasks to others; sharing reciprocal resources with others; establishing opportunities for pro-bono support and identifying what local voluntary skills and resources there are in the community.

Together each of the above help to manage the precept levels at the same time as building financial capacity and local capabilities.

Participatory budgeting

There are several ways that participatory budgeting works; from 'principal' to 'local' and from 'local' to 'community'. For example, a principal authority could allocate funds for local areas to be spent on local priorities agreed between the town and parish and the principal authority elected representatives for that area. Local councils could allocate funds to voluntary and charity organisations to meet specific needs within the community. This is distinctly different to grant funding as it involves an element of participation from within the community on deciding what the local priorities are.

Grants

Local councils can apply for grants to support their work and minimise costs; but also small grant budgets can be set aside by town and parish councils which could make such a difference to the local community. In rural areas, for example, where many people can feel isolated and alone, access to small grants can be used for voluntary groups to hire the village hall, to buy arts and crafts materials, to provide local transport to activities or simply for a coffee morning or afternoon tea – this is a small cost that could have a significant health and social well-being benefit for the elderly in our communities.

Investment

Using general reserves to maximise return within a risk managed portfolio is a way of generating additional income; but investment also relates to people – investing in our young people for example; developing their skills through local volunteering opportunities. We often think that youth work is simply about providing activities to stave off boredom – but let's realise the potential in our young people and instead of activities let's think of ways how our young people can meet the needs of the local community.

case study one.

Wilsden Parish Council, Bradford – Asset Transfer

Headlines

This is a short case study to showcase how Wilsden Parish Council (a smaller parish council in the Bradford Metropolitan District Council area) has been entering into negotiations with its principal authority about adopting assets which Bradford Council can no longer afford to run (in an urban area).

Reasons for negotiations

At Bradford Council's request Wilsden Parish Council have entered into negotiations with it to adopt assets such as the flowerbeds and war memorial within the Wilsden Parish Council boundary. The Parish Council was clear to Bradford Council that it would not feel duty bound to manage the assets if the terms of transfer were inappropriate.

Background

Wilsden is a village and civil parish in west Bradford, in West Yorkshire. Wilsden is close to the Aire Valley and the nearby villages of Denholme, Cullingworth, Harden, Cottingley and Allerton. Wilsden re-acquired civil parish status in 2004. The 2001 census revealed a population of 3,697, increasing to 4,807 at the 2011 Census. Wilsden has many businesses such as Wilsden Autos, Suite Centre, a Co-op and a post office.

Who are the key stakeholders/partners involved?

The key partners in the asset transfer negotiations between Wilsden Parish Council and Bradford Council have so far been (from early 2016) the members and officers of both the parish council and the principal local authority. It is important to emphasise that these negotiations are in their early stages and other partners may come on board in due course.

Progress with negotiations to date

In June, 2016 a formal meeting took place between the parish council and Bradford Council to examine the

range of assets which it might transfer across. A round-table at that session had taken place on grass-cutting. In the light of complaints from Wilsden residents the parish council had agreed that unless standards of grass cutting improved from Bradford Council the parish council would assume responsibility for grass cutting in Royds House Park and Townfield.

How have issues/challenges been overcome?

So far both councils have been engaging in open and honest discussions about asset transfer. However, the need to devolve assets seems to largely be driven by Bradford Council which can no longer afford to manage the assets concerned. Costings for grass-cutting have been shared.

Learning from the negotiations

Learning from the negotiations so far there is a positive working relationship between both councils. In the end both councils want front line services to be sustained for Wilsden residents. However, Bradford Council cannot simply expect services to be adopted by the parish council at any cost and the parish council is right to adopt this position.

Contacts and resources

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Bradford Council
www.bradford.gov.uk

case study two.

Wye with Hinxhill Parish Council, Kent – Adult Social Care

Headlines

This is a short case study to showcase how Wye with Hinxhill Parish Council (a smaller parish council in the Kent area) used funding from the Our Place programme in 2015–16 to produce an Operational Plan which contained a roadmap for how to improve adult social care in the village and surrounding areas.

Reasons for forward planning

Wye with Hinxhill Parish Council is building projects from the ground upwards to tailor wellbeing and care services for adult residents. Our Place Wye worked closely with Kent County Council to integrate the new Community Connector with the existing Community Warden service. Wye was also the rural pilot for the Delivering Differently in Neighbourhoods programme.

Background

Wye is a village with a conservation area in Kent, about 12 miles from Canterbury. It is the main village in the civil parish of Wye with Hinxhill, with a population density of one person per hectare. Its shops and facilities serve about 8,000 residents (Doctor's Surgery Patient List) from Wye and several neighbouring rural parishes. These cover about 100 square miles of North Kent Downs Area of Outstanding Natural Beauty. The parish contains the village of Wye and the hamlet of Hinxhill, and has a combined population of 2,470.

Who are the key stakeholders/partners involved?

The key partners in the devolution process of adult social care within Wye with Hinxhill have been over the last few years – Wye with Hinxhill Parish Council, Kent County Council, Locality, Ashford Borough Council and Wye Patient Participation Group. These partnerships have been forged in the area during the process of delivering the Our Place and Delivering Differently agenda.

Progress with negotiations to date

The context of the adult social care devolution agenda in Wye with Hinxhill agenda was predicated on the demography of the parish. One third of the parish population is aged over 60, and over 16% are aged over 75 years of age. In 2013, volunteers coordinated by the parish council identified a range of weaknesses in service provision and related issues for over 60s which need to be addressed. The Our Place Wye programme

stimulated much discussion and interest. Residents were quick to grasp the Our Place concept, and the chance to work together to tackle the concerns of an aging community. The opportunity to create local employment was another welcome feature of discussions with both Ashford Borough Council and Kent County Councils.

How have issues/challenges been overcome?

Public engagement is building a strong and growing partnership of committed individuals and organisations with a shared interest. However, partnership working and exploring practical ways of working together to provide more cost effective and better targeted services puts heavy time demands on individual activists and can overwhelm limited administrative support. But strong partnership working is overcoming this.

Sharing learning with nearby parishes

The Our Place Wye programme area covered thirty rural parishes in the Kent Downs, and four district authorities. The challenge of engaging such an isolated and dispersed population was considerable. Accordingly, Our Place Wye developed a website (see www.ourplacewye.org.uk) with a Business Plan available to download that will support the Community Connector and provide a first reference point. The council supports Our Place Wye, but it has handed over the management of the project to a local partnership. This group has formed a Community Interest Company. Individual councillors are still involved directly as part of the management team.

Contacts and resources

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Ashford Borough Council
www.ashford.gov.uk

Kent County Council
www.kent.gov.uk

case study three.

Oxfordshire Together

Headline

This case study focuses on Oxfordshire County Council's 'Oxfordshire Together' model for giving communities control over local services and the opportunities for town and parish councils.

Reasons for Oxfordshire Together

The primary aims of devolution in Oxfordshire include investment in housing and transport infrastructure; to improve skills training and to develop the local economy. The Oxfordshire Together model is a framework for double devolution aimed at empowering local communities. This shift in focus has arisen as a result of a reduction in local government funding and the need to find other ways of delivering services where demand is rising. The County Council is seeking a collaborative approach with town and parish councils.

Background

There are 248 town and parish councils and 68 parish meetings across four districts as well as Oxford city. These range in size from less than 100 to over 30,000 electors. Larger town and parish councils include Abingdon, Banbury, Bicester, Blackbird Leys, Carterton, Didcot, Faringdon, Grove, Henley, Kidlington, Thame, Wallingford, Wantage and Witney with precepts of up to £1.6 million being invested directly in to local communities.

Local councils in Oxfordshire have been represented by the Oxfordshire Association of Local Councils (OALC) for over sixty years, providing an important advocacy role through partnerships with other local and regional agencies in the public, private and voluntary sectors.

Who are the key stakeholders/partners involved?

The Oxfordshire Together model identifies town and parish councils alongside voluntary and community groups as the key partners with a clear emphasis on

local people being the stakeholders who have an opportunity to 'shape', 'design' and 'tailor' services to meet local needs.

How have issues and challenges been overcome?

Whilst the town and parish sector is developing capacity and capabilities there has been a general expectation from principal authorities that additional functions and services would be absorbed by local councils, without the need for transition or on-going funding; this is acknowledged within the Oxfordshire Together model outlining a range of alternative funding opportunities.

Whilst this model facilitates double devolution, the debate on devolution itself, within the county, continues. Notwithstanding agreeing the content of the 'deal' itself there have been different views on future governance arrangements leading to uncertainty and an unclear future. However, a joint statement from political leaders of all principal authorities in Oxfordshire, issued in July 2016, outlined a commitment to work together on establishing common ground and to build on the work carried out to-date.

Opportunities for local councils in Oxfordshire

There are two key service areas which have been identified, in addition to services such as youth and library provision, within the Oxfordshire Together model:

- Highway services
- Children and family services (also known as open access)

The benefits identified include improved quality of service, increased service provision and a more responsive service to local needs.

Whilst Oxfordshire County Council devolves service delivery through individual town and parish councils, the model also recognises other delivery vehicles for example through clustering and local social enterprise

schemes particularly in supporting adults with learning disabilities.

Examples of working together in Oxfordshire

Thame Town Council:

- £46k set aside in the budget to deliver localism, economic development and neighbourhood plan continuity
- Youth projects
- Vehicle speed surveys
- 50,000 square metres of highways grass cutting

Henley-on-Thames Town Council:

- Gardening Buddies scheme, voluntary community group helping to plant flower beds on highway verges
- Gritting and snow clearing
- Removal of illegal fly-posting from highway and street furniture
- Dedicated budget to commission traffic study and deliver traffic calming measures

Residents of Botley Road – Social Street:

- A local way to ask for help and to offer help
- Community interaction through a self-organised group
- Sharing local news
- Finding solutions on local issues together
- Organising community events

Contacts and resources

Highway services

www.oxfordshire.gov.uk/cms/public-site/highway-services

Oxford Together

www.oxfordshire.gov.uk/cms/public-site/oxfordshire-together

Children services

www.oxfordshire.gov.uk/cms/public-site/childrens-services

Empowering communities

www.oxfordshire.gov.uk/cms/content/our-overall-approach-empowering-communities

Localities team

www.oxfordshire.gov.uk/cms/content/contact-localities-team

Oxfordshire County Council
Policy Team
County Hall
Oxford
Oxfordshire
OX1 1ND

localities@oxfordshire.gov.uk

Oxfordshire Association of Local Councils
Town Hall
Market Place
Wallingford
Oxon
OX10 0EG

info@oalc.org.uk

Christine Lalley, county officer
07746 943 076

Jan Gosset, assistant county officer
07519 367 709

legal perspective.

Local councils may be asked to become involved in the delivery of principal authority functions for a variety of reasons. Inevitably one reason is financial and principal authorities will have to make hard choices about how and where to spend their money. There are services that principal authorities are obliged to provide (for example, social care) and there are services principal authorities have provided under discretionary powers, such as libraries. It is those latter services where local councils may be asked to step in.

What can local councils do?

NALC legal takes the view that each case is different and what is right for one council will not necessarily be right for another council. As such the following should be seen as non-exhaustive examples of the types of considerations a local council should bear in mind if asked to take over a service or have involvement in service delivery. NALC recommends that any local council seeking to take on a service from a principal authority first seeks legal advice.

Powers

Whether a council has the power to do something is paramount. Like all local authorities, local councils can only do what legislation requires or permits them to do. For example, a local council has the power to run a leisure centre but not to run a library service – local councils are not library authorities. If there is no power, the principal authority would need to delegate powers under the Local Government Act, 1972.

Funding

If no funding comes from a principal authority with a transfer, the local council would need to consider how to fund the service and whether it is in residents' best interests for the council to take on an unfunded service even if a council wishes to save or preserve it. Precepting is discussed in the 'local financial context' section. If a council wishes to raise the precept to account for the extra money required to deliver a service, the council may wish to ask residents if they want the council to raise the precept so as to provide

the service. By doing this the council can demonstrate it has the support of residents if they request the council to fund a service.

Staffing

It is important for councils to consider as part of their decision making whether to take over or be involved in a service, if they have the existing levels of expertise and staff resources within the council. If staff would be transferred from the principal authority to a local council as a result of the transfer, there may be transfer of undertakings (TUPE) implications. NALC legal advises councils to seek legal advice in such cases.

Property

If property ownership issues are relevant, for example, libraries or public toilets, local councils will need to know if the building would be transferred. NALC legal advises councils to take legal advice in such cases.

Agreements

It is essential for devolution agreements to be in writing. Councils should seek legal advice as soon as the process starts.

conclusions and recommendations.

NALC has always been a huge supporter of onward devolution and is an ardent protagonist of the principle of Devolution Deals and Combined Authorities – providing principal local authorities and Combined Authorities engage with parish councils as part of the onward devolution solution in their areas.

In this toolkit we have examined the following areas of onward devolution – macro-devolution versus onward devolution; making the case; how you start; the range of services; the local financial context; function without finance; adult social care and the county perspective.

The simple truth is that Central Government can only deliver onward devolution as the local driver for macro-devolution by strongly encouraging all the agencies of local government to work together – whatever the structure for Central Government devolution policy – to deliver solutions in local areas. In this regard parishes must work in partnership with district, county and borough councils and vice versa, now and in the future.

NALC strongly on this basis re-iterates to Government and other agencies the main devolution recommendations from *Devo Local* (see www.nalc.gov.uk/our-work/devolution)

- directly elected mayor or leader/cabinet
- Renewed action by Government to ensure council tax support funding is passed on to local councils by principal councils, either by identifying funding in the local government financial settlement, issuing statutory guidance or passing funding on to local councils directly
- Referenda principles should not be extended to local councils for the life of this Parliament and the power of the secretary of state in the Localism Act 2011 should be repealed
- Reform of the business rate system to provide a 5% share for local councils to help them support local economic development, regeneration and growth and the exemption of public conveniences from non-domestic rates
- Ensuring communities benefit from development through stronger measures to provide local councils with a share of Community Infrastructure Levy, New Homes Bonus and underground exploration funding
- Further measures to support the creation of new local councils including a 'community right of appeal', mandatory use of referendums, continued investment in a national support programme and mandatory governance reviews as part of devolution deals
- NALC/LGA to work together to promote examples of joint working and devolution, plus the government should introduce a new 'right to engage' to help local councils work more equitably and effectively with principal councils and other public services
- The Government should undertake a review of the Localism Act 2011, in particular the general power of competence, removing any barriers and promoting greater use of this power to innovate
- Give communities and local councils the power to adopt new governance models such as having a

endorsements.

NALC works very closely with its local government partners (the Local Government Association, the County Councils' Network and the District Councils' Network) to encourage closer working between parish councils and the respective tiers of local government.

This is relevant now more than ever, in the context of local government bodies working together to sustain and save services in a context of austerity and onward devolution.

Here are some endorsements from NALC's local government stakeholder partners of the need for this closer devolutionary working:

"I firmly believe that onward devolution in the current climate is the only way to sustain effective local government services. In the current climate of austerity and de-centralisation it is only through principal local authorities working closely in partnership with the voluntary and community sector and parish councils that meaningful frontline services can be sustained for residents."

- Lord Gary Porter, chair of Local Government Association

"The District Councils' Network is a huge supporter of onward devolution and believes that the respective elements of local government need to work closely and continuously together across England in order to maximise both service effectiveness and efficiency. This includes district councils working closely with the voluntary and community and parish sectors to ensure that essential frontline services are sustained and saved where possible."

- Cllr Neil Clarke MBE, chair of District Council Network

"County councils have always had an excellent relationship with parish councils in their areas. This has helped lay the foundation for highly productive partnership working between parish councils and county councils in the context of onward devolution. CCN firmly supports NALC in the promotion of this

positive collaborative agenda and we look forward to mutual partnerships on the ground delivering innovative service solutions for residents."

- Cllr Paul Carter, chair of County Councils' Network

"This toolkit rightly highlights the importance of including voluntary organisations in local conversations around devolution and public service delivery. Only by utilising the expertise and reach of voluntary organisations can we ensure that devolution plans are fit-for-purpose and reflect the needs of local communities. Against a backdrop of public sector cuts, cross-sector partnership working takes on mounting significance, not least to promote citizen engagement and ensure public services remain sustainable into the future."

- Nick Davies, public services manager at National Council of Voluntary Organisation

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