

# CABINET

## Statutory Services Review 09 November 2010

### Report of Chief Executive

PURPOSE OF REPORT				
To provide a position statement on the review of all statutory services.				
Key Decision	<input checked="" type="checkbox"/>	Non-Key Decision	<input type="checkbox"/>	Referral from Cabinet Member
Date Included in Forward Plan	October 2010			
This report is public				

#### RECOMMENDATIONS OF COUNCILLOR PETER ROBINSON

(1) That Cabinet note that the following service areas are operating at or close to the minimum statutory level:

- Licensing
- Bulky Waste Collection
- Waste Collection and Recycling
- Development Control
- Building Control
- Dealing with Stray Dogs
- Environmental Protection
- Food Safety
- Health and Safety
- Homelessness
- Housing Standards

however, it would be possible to provide each of these services in a different way and in doing so it might be possible to achieve some efficiencies.

(2) Cabinet are recommended to view all other statutory services as capable of being reduced whilst achieving the statutory provision. This, in effect, would put each of these service areas in the same position as discretionary services and capable of service reduction.

(3) Some statutory services that operate above the minimum level have a positive impact on safe and clean streets and I recommend that such services are prioritised above those that do not.

## **1.0 Introduction**

- 1.1 The Corporate Plan 2011-13 identifies meeting our responsibilities for statutory services as a corporate priority and a key action as:

*“To monitor and review all statutory services to provide assurance that minimum standards can be met and to quantify any services provided above minimum standards to enable a decision to be made as to whether or not this is a priority to continue in the future and that it provides value for money.”*

- 1.2 Work has been undertaken to:

- (i) Identify, where possible, the minimum service level for each statutory activity of the city council
- (ii) To consider alternative ways of achieving that service level as an alternative to direct service provision

## **2.0 Report**

- 2.1 **Governance Services** (which includes democratic, legal, licensing and human resources)

It is necessary to have in place the legal advice to ensure that the Council acts lawfully. This service could be provided in different ways and the level of service is not prescribed. The Council is required to support its members and ensure it employs people in accordance with legislation. How this is achieved is not set out in statute. Licensing operates on the basis of income and expenditure balancing, so there is no scope to make savings or increase income.

- 2.2 **Property Services**

As the council owns land and property and it lets some of that property, the council must comply with statutes as they affect the council in its capacity as landlord and/or tenant. This includes, for example, health and safety requiring appropriate levels of both management and the need to undertake repairs and maintenance. The council is also required to purchase, sell, lease and let property at market value which requires professional advice to authorise individual transactions.

All services could be provided in different ways and the council is currently reviewing its approach to facilities management and other property services in a report to the December meeting of cabinet.

- 2.3 **Environmental Services - General**

The council is required to provide boundary signs for which there is a budget of £1,500.

The Council is required to provide a Bulky Waste Service. The present arrangements were developed five years ago and as the method of provision is successful the service is extending into other Council areas. This may provide extra income.

The council has a statutory duty to repair, maintain and provide street nameplates. The budget is £12,600 and is almost at the minimum level.

Tree maintenance is a safety requirement, but this is based on the number of trees on land owned by the Council. The Council has recently agreed a new policy in respect of tree management with the intention of managing its trees as efficiently as possible.

#### **2.4 Refuse Collection and Street Cleansing**

It is a statutory requirement to provide a Trade Refuse Collection Service. This is based on demand and the ability of the Council to provide the service at a competitive price.

Waste collection and recycling are statutory services. New arrangements are being brought into place which will continue to meet statutory requirements but at a reduced cost.

The provision of street cleansing is statutory, but only at the most basic level. The budget is £1.65m which provides for a mixture of planned and reactive services. It would be possible to provide a minimal service and still meet statutory requirements.

#### **2.5 Planning Services – Development Control**

Development Control is a statutory function. The level of service provided is driven by the number and complexity of planning applications received. Planning applications bring in fee income but not to a level that offsets the service.

#### **2.6 Planning Services - Building Control**

The service is statutory, but is provided in competition with the private sector providers. Until recently geographical distances have meant that larger private sector operators have not acted in competition to the city council. New local companies have set up and now handle more of the local activity. This has meant that the council has been able to down-size its operation and is currently operating at a much smaller level with no capacity to undertake more market share.

#### **2.7 Planning Services - Local Development Framework**

Currently operating above the minimum to position the district in terms of economic development, for example the Morecambe Area Action Plan, Lancaster Square Routes.

#### **2.8 Area of Outstanding Natural Beauty (Arnside and Silverdale)**

Service levels are at a minimum

#### **2.9 Coastal and Flood Defence**

Operating above the statutory minimum at present.

#### **2.10 Community Safety**

The only statutory requirements are that the city council is required to take account of Community Safety in all aspects of its work and to work in partnership with other specified agencies. There is a requirement for Overview and Scrutiny to meet annually on community safety issues.

**2.11 Children and Young People**

The city council has a duty, along with other specified agencies, to cooperate to improve the wellbeing of children and young people. Each of the specified agencies has a duty to promote the welfare of children through the Children's Trust and implementation of the Every Child Matters Strategy. The city council is not required to provide any services to meet this statutory responsibility. Where the city council does provide services to children, however, there is a requirement to meet child protection legislation.

**2.12 Cemeteries**

The city council is not required to provide open cemeteries, but having decided to do so there are statutory duties that come with that decision. It is considered that provision is at a minimum to achieve a good standard. We previously maintained to a lower standard.

There is a statutory duty for closed cemeteries including upkeep and headstone safety, but discretion as to the level of overall maintenance.

**2.13 Emergency Planning**

This is a service provided to a good standard and could be reduced whilst meeting statutory responsibilities. This would be best achieved through a shared service arrangement.

**2.14 Dog Wardens**

There is a statutory duty for dealing with stray dogs, but dealing with dog fouling is discretionary. Currently 0.4 of a whole time equivalent (wte) post is spent on dog fouling. The stray dog work is at the minimum statutory level.

**2.15 Pest Control**

Only a proportion of this service, relating to rats, mice and bed bugs, is statutory. So overall the service operates above the minimum level.

**2.16 Environmental Protection**

The only part of the service not statutory is in relation to the radiation monitoring budget. The statutory part of the service is operating at the minimum. There may be options to reduce costs through shared services.

**2.17 Food Safety**

We are at the minimum level to meet the nationally set standards for inspections.

**2.18 Health and Safety**

The service is at the minimum level to provide statutory services other than one or two minor elements such as Home Safety Quiz which are discretionary.

**2.19 Homelessness**

At the minimum level. However, preventative services which are contracted out are not statutory.

**2.20 Home Improvements**

The only part of the service which is statutory is the provision of disabled facilities grants and there is discretion as to the level of budget provision.

### 2.21 **Housing Standards**

Some investment is required to ensure minimum standards are met.

### 2.22 **Financial Services**

Each of the core functions is required as a result of legislation, but the level of each function is also dependent on the range of services the council decides to provide, including the extent to which external funding and partnerships are in place. Depending on how Council service provision and its policies change in future, all areas have the potential to be reduced to some degree (and/or provided through shared services).

## 3.0 **Details of Consultation**

3.1 Cabinet members and service heads were consulted in the process of producing this report.

## 4.0 **Officer Preferred Option (and comments)**

4.1 To accept the categorisation of statutory service levels.

4.2 Review those statutory services provided above the minimum alongside discretionary services when determining priorities and non priorities to achieve budget savings of approximately 30% over the next four years.

### **RELATIONSHIP TO POLICY FRAMEWORK**

The Corporate Plan identifies meeting our responsibilities for statutory services as a corporate priority.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

At this stage there is no direct impact arising from this report.

### **LEGAL IMPLICATIONS**

There are no legal implications directly arising from this report.

### **FINANCIAL IMPLICATIONS**

There are no quantifiable financial implications at this time.

### **OTHER RESOURCE IMPLICATIONS**

#### **Human Resources:**

At this stage there are no implications arising from this report

#### **Information Services:**

At this stage there are no implications arising from this report

**Property:**

The affect on property services is covered in the report

**Open Spaces:**

Some of the services referred to in the report have a very direct impact on management and maintenance of open space/land for which the Council has responsibility. There is a direct relationship between service levels and the standard of management and maintenance provided

**SECTION 151 OFFICER'S COMMENTS**

Determining whether a service is provided at the minimum level may be different to determining whether that minimum level is being delivered at lowest cost. This will also be tested to a degree through the production of the draft budgets and through comparison of those budgets with previous years' outturns.

The position of any trading accounts relating to these functions will also be reviewed as part of the budget.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments.

**BACKGROUND PAPERS**

Corporate Plan 2011-13

**Contact Officer:** Mark Cullinan,  
Chief Executive

**Telephone:** 01524 582011

**E-mail:** [chiefexecutive@lancaster.gov.uk](mailto:chiefexecutive@lancaster.gov.uk)

**Ref:** CE/SML/creports/cabinet/01