

Final Report Of

**REVIEW OF SERVICES AND
FUNDING OF PARISH AND TOWN
COUNCILS
TASK GROUP**

Lancaster City Council
January 2010

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1. **Foreword and Introduction**

The issue of special expenses has turned out to be a case of looking for policy in the minute details of City, Parish and County budgets. The Task Group has heard witnesses and gathered detailed evidence in the process of seeking to answer the task set it by full Council, following the debate on special expenses that arose at last year's budget meeting when the situation was declared unlawful.

It was clear early on that there was a lawful way to levy special expenses – by identifying and quantifying any areas where they would apply – and that the focus of the task group should be to look at the individual areas of expenditure where any case for special expenses might be made.

Having looked at a number of areas we found that they fell into different categories:

- Items where it was clear that there was no case for levying special expenses. Such as allotments.
- Items where the City Council has a clear district wide strategic policy and where services provided by the Parishes are an addition or enhancement. Such as litter bins.
- Items where the City Council has no clear district wide strategic policy and it was therefore not possible for us to judge whether there was a case for levying special expenses. Such as children's playgrounds & flowerbeds.
- Items that are the responsibility of the County Council – where there is no mechanism for levying special expenses.

Having looked at the evidence we have made recommendations on a number of items where we thought that the evidence was clear, some further recommendations that policy in some areas should be reviewed in order that the situation regarding special expenses can be made clearer and we have also clarified the position with regard to the process for any future proposals regarding the levying of special expenses.

Councillor Chris Coates

Chairman of the Task Group

2. Summary of Recommendations

To assist in formulating its recommendations, the Task Group has evaluated guidance and information from parish and town councils, service providers from the City Council and the Highways service of the Lancashire County Council.

Based on the evidence received by the Task Group, this report focuses on what the Task Group believes are acceptable means of examining the Council's role in supporting Parish and Town Councils, with a view to establishing a clearer policy and rationale for such support.

The Task Group were also aware, at the time of producing this report, of the aims of the Lancaster and District Local Strategic Partnership to develop a Parish Charter and the findings contained in this report will complement and add to that work.

Recommendation 1

That the City Council seeks to resolve with the Carnforth Town Council the anomaly in allotment provision in Carnforth.

Recommendation 2

That it be noted that there are no special expenses to declare in respect of allotments provision for the 2010/11 budget. However, should the capital investment proposals relating to allotments be subsequently approved, it is requested that a clear policy be adopted for such investment and that this be used to inform further consideration of special expenses for future years.

Recommendation 3

That it be noted that there are no special expenses to declare in respect of CCTV provision at the present time. However, the City Council is requested to ask the Community Safety Partnership to appraise the proposed provision of CCTV within Carnforth, with Cabinet considering the outcome of this appraisal in developing its Capital Programme proposals for future years.

Recommendation 4

That the City Council gives consideration to the development of a clear policy on the provision and location of flower beds to identify their strategic importance and therefore enable the issue of special expenses in relation to this matter to be revisited

Recommendation 5

That it be noted that there are no special expenses to declare in respect of play area provision for the 2010/11 budget, but the Task Group requests the City Council to review its existing policy for such provision, agreed by Cabinet back in September 2006. Specifically, it is requested that such a review should:

- consider the development of a more robust and strategic policy for play area provision throughout the district, including those owned and managed by others;
- seek to reduce the total number of play areas supported by the City Council, to ensure their future sustainability at an acceptable condition;
- consider providing direct financial support for any play areas provided by others, where these fit with strategic policy.

Following this, it is recommended that the issue of special expenses in relation to play areas be revisited.

Recommendation 6

That the City Council be recommended to confirm that, for the foreseeable future, there will be no costs recharged to Parish Councils for any elections that are held at the same time as the City Council elections, but may consider making a charge for the management of any parish by-elections.

Recommendation 7

That the City Council be recommended to confirm that, for the foreseeable future, Parish precepts will continue to be paid, in full, on 01 April each year.

Recommendation 8

That in view of the issues raised within this report and the activities of the Lancaster District Local Strategic Partnership in producing a Parish Charter, the City Council be requested to:

- take proactive steps to develop further its communication and consultation with parishes and to explore increased partnership working, where appropriate, to achieve cost effective improvements in service delivery;
- ensure sufficient Officer capacity is available to provide a clear, designated point of contact for parishes in the district to support the implementation of a Charter and that similarly, relevant Member portfolio responsibilities are clarified and promoted;
- ensure that the equity of service provision and charging, i.e. 'who benefits and who should pay?', are considered as a matter of course in deciding future policy and level of service provision across the district, and incorporated as appropriate in future updates of the Charter.

Recommendation 9

Whilst the Task Group has not made any recommendations with regard to the levying of special expenses for the year 2010/11, it recognises that the situation can change at any time and requests that the City Council;

- keeps the matter under review during future budget processes;
- ensures that the Parish Charter, when adopted, provides a vehicle for Parish Councils to raise any concerns regarding this matter;
- ensures that for future years, Councillors are made aware that proposals to levy special expenses for any part of the district can be raised at an early stage in the budget process, for subsequent consideration, providing that the associated expenses are clearly identified and would support a lawful arrangement.

3. Role of the Task Group

3.1 Terms of Reference

1. To establish baseline service standards for the district, deliverable within the City Council's budgets and forecasts, for those functions provided by the City Council that may also be provided by parish councils.
2. To determine a policy for the provision, funding of and charging for such services (including any Council Tax policy provisions), for incorporation into a Parish Charter.

The above will be based on a balanced assessment of the following principles:

- affordability
- fairness
- service / function objectives
- accountability
- simplicity
- transparency
- ease of administration / proportionality
- avoidance of any material 'double taxation', or other relevant factors arising from consideration of Quality Parish and Town Council Scheme

3. To establish general guidance for parishes regarding the consideration of services that may be provided concurrently with the County Council.

3.2 Project Scope

The project will review:

- The extent to which all parishes within the district currently undertake functions as permitted under relevant statutes, and as far as is practical, the reasoning behind such provision.
- The extent to which those functions are provided by the City Council, in both parished and non-parished parts of the district, and the reasoning behind such provision, i.e. the underlying service / policy objectives.

- The current funding and/or charging policies applied by the City Council for such functions, in context of service and policy objectives
- Alternative options for future City Council involvement in service provision. This would include reducing / removing provision, and transferring provision to other parties. (Specifically, this will cover parish elections and rural toilet provision, which were highlighted within the last budget exercise). Given the Council's financial prospects, this review will not examine options for generally increasing such City Council service provision. That said, the objectives of the review are not specifically to identify additional budget savings either – although the review may need to draw on and link with other budget proposals arising through the Council's annual planning processes.
- Alternative options for funding and/or charging for such future City Council service provision. This will include any relevant considerations for Council Tax.
- Alternative arrangements and options for any significant service anomalies that may be identified, in the City Council's and individual parish' responsibilities for functions.
- Arrangements in force or under development at various other local authorities.
- Existing arrangements and alternative options (as mentioned above) in context generally of County Council service provision and charging (but note, this does not include an in-depth review of all county council services).

3.3 Membership of the Group

The Task Group comprise Councillors Chris Coates (Chairman), Keith Budden, Tina Clifford, John Gilbert, Mike Greenall, Val Hinstead, Sylvia Rogerson, Roger Sherlock and a Vacancy (Green) with support from Nadine Muschamp, Head of Financial Services, Ron Matthews, Senior Democratic Support Officer and Jenny Kay, Democratic Support Officer..

The Task Group gratefully acknowledges the contributions and evidence freely given by:

- Mark Davies, Head of City Council (Direct) Services, Lancaster City Council
- Brian Abraham, Deputy Area Surveyor (North), Lancashire County Council
- Councillor Roger Mace and other members of the Conservative Group on Lancaster City Council
- Councillor Keith Sowden, Lancaster City Council and Overton Parish Council

3.4 Timetable of Meetings

Date of Meeting	Who Gave Evidence?	Issues Scrutinised
21/07/09	Public Meeting to which all parishes had been invited.	Explanation of the proposed work of the Task Group and the reasons for a previous request for information.
21/10/09	Nadine Muschamp Ron Matthews	Initial Meeting Project Initiation Document The Future Work Programme
11/11/09	Mark Davies	Provision of City Council Services in the Urban Core and in rural areas.

23/11/09	Brian Abraham	Provision of County Council Services in the Urban Core and in rural areas.
02/12/09	The Conservative Group, Lancaster City Council Councillor Keith Sowden	Examples of potential "double taxation". Legality of special expenses.
12/01/09	13 Parish Councils	Parish Consultation Event
18/01/09		Review of the Parish Consultation Event and consideration of main issues together with possible recommendations.

3.5 Documentary Evidence Considered

- Schedule responses received from Parish and Town Councils to the questionnaire circulated in July 2009
- Lancaster City Council budget figures
- Lancaster City Council paper on services provided in both urban rural areas (Appendix 3)
- Lancaster City Council Grounds Maintenance Policy (Appendix 4)
- Current list of maintained play areas. (Appendix 5)
- Lancashire County Council paper on services provided to Parish and Town Councils (Appendix 6)
- Grass Cutting Grant figures provided by the Lancashire County Council
- Document provided by the Conservative Group headed:
 - Task Group on Parish Funding; (Appendix 7)
 - Background and Legal Framework (of special expenses); (Appendix 8)
 - Response to Geraldine Smith MP from Keith Parry regarding special expenses. (Appendix 9)

4. Status of Report

This report is the work of the Task Group, on behalf of the Overview and Scrutiny Committee, and where opinions are expressed they are not necessarily those of the Lancaster City Council.

Whilst we have sought to draw on this review to make recommendations and suggestions that are helpful to Council, our work has been designed solely for the purpose of discharging such work in accordance with the terms of reference agreed by the Overview and Scrutiny Committee. Accordingly, our work cannot be relied upon to identify every area of strength, weakness or opportunity for improvement.

This report is addressed to the Council. It has been prepared for the sole use of the Council and the Task Group takes no responsibility for any Member or Officer acting in their individual capacities or to other third parties acting on it.

5. Background and Methodology

5.1 Background

Following local government reorganisation in 1974 Lancaster City Council made a decision to fund parish and town councils within the district by way of grant aid. Over the years, with the diminishing level of rate support grant and the government requirement to limit local taxation increases, it became more and more difficult to maintain this grant regime. A decision was therefore made to cease grant aid and require parishes to precept for their required expenditure.

This change in approach also shifted the burden for local taxpayers. Under the grant arrangements all taxpayers contributed towards the funding distributed to the parishes. Under the precept arrangements only those taxpayers within the specific parish contribute to their parish council's expenditure by way of the precept. The Council therefore decided to levy "special expenses" on the remaining non-parished area by way of trying to achieve some equitable taxation, but without any detailed consideration of services to which such special expenses might relate.

In December 2008, the City Council re-considered the future of special expenses, in the light of previous reviews, new legislation regarding public involvement, and the likely establishment of a Morecambe Parish Council, and also the advice that to continue to levy special expenses without a clear methodology in place on which to base such an arrangement, would be unlawful.

This decision was of concern to a number of councillors and at the meeting the following resolution was agreed:

- (1) That the City Council abolishes current Special Expenses from 2009/10, but undertakes a review of the balance of functions undertaken between parishes and the City Council and the associated funding arrangements, and that this aspect be considered as a growth item during the budget process.*
- (2) That Council requests Overview & Scrutiny to establish a Task Group to audit the services which Parishes are delivering and review the funding of Parish Councils.*

Accordingly the Task Group was established.

5.2 Methodology

The work of the Task Group would be reliant on understanding the services provided by the City Council and the County Council in both the rural and urban areas of the district, together with those services for which parishes raise their precept and which lead to claims of “double taxation”.

Following the agreement to establish the task group, officers investigated methods of obtaining the relevant information. It was agreed with Councillor John Gilbert, as Chairman of the Overview and Scrutiny Committee, that it would be in order to seek the required information from parishes prior to the formal establishment of the Task Group.

A questionnaire was prepared and sent to each parish clerk seeking information on the services on which they expended their precept. A copy of this questionnaire is attached at Appendix 1.

At the time of writing this report, 26 out of 38 completed questionnaires have been returned.

On 21 July 2009 a consultation event was held to which all parishes were invited, to explain to them the reasons behind the questionnaire and the future role of the Task Group. 11 parishes were represented at that meeting.

Subsequently in September the Overview and Scrutiny Committee approved the Project Initiation Document (Appendix 2) and requested officers to seek nominations for the Task Group. The appointments to the Task Group are identified in Section 3 – Role of the Task Group but it should be noted that there was not a full complement of councillors, with one vacancy allocated to the Green Party.

The Task Group held five meetings and two public meetings for parishes and interviewed a number of witnesses in arriving at their findings.

A further meeting was held on the 12th January 2010 attended by representatives of 13 parishes.

6. Findings

The Task Group examined all areas of service delivery that could be linked to “double taxation”, to determine the extent of any such instances.

By way of reference, the Group had the findings from the questionnaire that was sent to all parishes, to enable them to provide information on the budgets and spending on any services that may be provided by parishes. It was clear from this research that the most relevant services fell into two main categories, i.e. Recreation and Open Spaces and also various Highway related matters.

However, to ensure the completeness of the review, many other services provided by both parishes and Lancaster City Council were examined to determine if “double taxation” existed.

The following services were considered:

6.1 Allotments

The Task Group were made aware of the investigations of the Allotments Task Group and their findings, and the budget proposals being considered by Cabinet.

The establishment of the Morecambe Town Council had assisted in identifying an anomaly in relation to the provision of allotments. Under the Small Holding and Allotments Act of 1908 the provision of allotments is for Parish Councils to determine, if they existed within an area, not the principal authority.

The City Council had been operating allotments since its formation in 1974. Under the provisions of the above act any allotments with parishes should have been passed to the individual parish council to manage and maintain. As a result, the ownership of the Devonshire Road Allotment site in Morecambe has been transferred to the new Morecambe Town Council. Only one other City Council owned allotment site is located within a parish, that being Carnforth. The future of that site remains to be resolved.

However, the provision of allotments highlights the concerns over the issue of “double taxation”. I.e. if allotment provision resides with a parish council in a parished area, why are taxpayers paying through their parish precept for such services and then through their council tax for the provision of allotments within the non-parished areas?

The interim report of the Allotments Task Group found that whilst the City Council collected allotment rents, there was little expenditure committed to their provision. At present, income of a little over £10,000 per year is generated. After allowing for administration and other costs, the remaining balance (typically around £3,000 per year) is transferred into a reserve, to help fund future renewals and improvements. In budget terms therefore, the allotments ‘break-even’ and there are no net costs to be considered as ‘special expenses’.

Following consideration by the Overview and Scrutiny Committee, a recommendation had been made to the Cabinet that consideration be given to allocating £80,000 of capital funding for the provision of basic infrastructure over a five year period. In addition it was intended to lease the individual allotments to their specific associations at a peppercorn rent, with them then collecting any rents from allotment holders and managing the allotment site accordingly.

The Task Group reflected on this proposed level of expenditure and other proposed budget changes for allotments within the non-parished area, in the light of their investigation. Information on allocations policies of various allotment associations was requested; it was noted that some, but not all, placed restrictions on allocating allotments to people living nearby. There is no clear view therefore about who uses or ‘benefits’ from allotment provision.

Should the budget proposal go ahead, there would be no or only negligible costs incurred on allotments in future, other than, potentially, financing costs associated with any future capital investment. That said, at present the capital investment would not be considered until Budget Council and in any event, the capital financing for 2010/11 was not expected to result in any recognised charges attributable to allotments, as the financing method was unlikely to be through prudential borrowing or revenue financing (Capital expenditure funded from other sources cannot be treated as a ‘special expense’).

Furthermore, allotments would be included within the public consultation being undertaken on the budget.

It was concluded therefore that at present there was no “double taxation” for this activity and no basis on which to apply special expenses in respect of allotments. This may need reviewing in future, depending on any revenue costs of any capital investment, and also any feedback from the budget consultation. There would be a need to have a clear policy to

inform any future investment and identify clearly the relationship between those that benefit from allotments provision, and those who are charged for it.

Recommendation 1

That the City Council seeks to resolve with Carnforth Town Council the anomaly in allotment provision in Carnforth.

Recommendation 2

That it be noted that there are no special expenses to declare in respect of allotments provision for the 2010/11 budget. However, should the capital investment proposals relating to allotments be subsequently approved, it is requested that a clear policy be adopted for such investment and that this be used to inform further consideration of special expenses for future years.

6.2 CCTV

The Group considered the provision of CCTV as one of the services that may fall into the area of investigation. The continuation of the service has recently been approved by Cabinet, with several proposals that seek contributions to help fund the costs of the scheme.

One of the City Council's current priorities and also of the Lancaster and District Local Strategic Partnership was that of maintaining and delivering Safe and Healthy Communities.

The current CCTV system was installed in 1996 and currently operates 42 cameras in Lancaster and Morecambe, largely based within the town centres, which link to a control room located in Lancaster Police station. The system is owned by the City Council, with initial funding supplied mainly by the Home Office and other funders such as ERDF. Most operating costs, other than those relating to the provision of the control room which are funded by the Police, are met by the City Council.

CCTV is considered to prevent escalation of crime by providing an immediate police response to the scene of a crime and assisting in reporting crimes. It also provides easier identification of perpetrators and in spotting offenders and following them until arrested by an officer. It is clear from recent checks of CCTV evidential requests at Lancaster Police station that a significant amount of evidence and subsequent convictions at court are reliant on the CCTV system.

The Group therefore recognised that the provision of CCTV has priority in areas of greatest need (sometimes linked to deprivation) and that their installation is for the safety and protection of all, be they residents, visitors or those travelling into their area of operation to work. This ties in with the information considered by Cabinet. As such, in these circumstances it was not felt appropriate to levy a 'special expense' charge for this function.

During the period within which the Task Group was conducting their investigations the Chairman had occasion to visit the CCTV Control Room at Lancaster Police station which enabled him to relate an insight of the service to the Task Group.

There is one small anomaly however. Within the current capital programme is a sum for the extension of CCTV to the Carnforth area, which is dependent upon the Town Council raising

match funding, this proposal has been carried forward for a number of years. The proposal is also on the basis that the City Council would fund the ongoing revenue costs, previously estimated at around £3K per year. It is current policy though, that any extension or additional cameras should be provided to areas of greatest need based on the reported crime figures. If these were taken into account it is unlikely that Carnforth would feature high in the list. The Task Group concluded that this apparent anomaly in proposed provision needs clarifying.

Recommendation 3

That it be noted that there are no special expenses to declare in respect of CCTV provision at the present time. However, the City Council is requested to ask the Community Safety Partnership to appraise the proposed provision of CCTV within Carnforth, with Cabinet considering the outcome of this appraisal in developing its capital programme proposals for future years.

6.3 Cleansing

Every adopted highway, pavement and back street has been allocated a cleansing schedule. Cleansing frequency is driven by the requirements of the Environmental Protection Act 1990. Performance is reported through national performance indicators, which are focused on outputs rather than inputs. Therefore, schedules and frequencies for cleansing services relate to the legal requirement of maintaining areas to an acceptable standard.

Frequency of cleansing will be determined by a variety of factors including land use types, density of housing and number of visitors. The cleanliness of a town centre area will deteriorate to an unacceptable level far quicker than a rural road and is therefore cleaned more frequently.

If an area within the district deteriorates to an unacceptable standard in advance of the usual cleansing frequency, then these instance will be responded to. If this continues to happen the schedule will be revised accordingly.

As such, the Task Group has no recommendations associated with this function.

6.4 Litter Bins /Dog Bins

Litter bins / dog bins are provided by the City Council to assist in maintaining the acceptable level of cleanliness. All their locations have recently been reviewed. Should a parish council indicate that additional bins are required the request will be assessed. If it proves that a bin needs relocating or an additional bin is required due to population growth in that area then the City Council will facilitate the request.

If the parish council wants an additional bin, without the evidential support referred to above, then the cost of provision and maintenance would have to be borne by the parish council. Since the review no additional requests have been received.

The Group accepted that matters around this issue were driven by legislation and therefore no further consideration was given to the issue.

6.5 Fly Tipping

The City Council responds to all requests throughout the district to remove fly tipping on adopted highways, pavements, backstreets and council owned land but not on private land or property. Again, as such, no further consideration was given to this function.

6.6 Grounds Maintenance (General)

The City Council is responsible for maintaining open space / trees which it owns.

Apart from Morecambe, the City Council owns very little public open space in the parished areas, other than those associated with the provision of council houses and these are 'owned' and maintained by Council Housing services, paid through the Housing Revenue Account. Examples include Warton, Carnforth etc. As such, there is no double taxation for any such land holdings, as the costs are met from housing rents and government subsidy, not Council Tax.

It is apparent that the different 'ownerships' of City Council land cause some confusion. It was noted though that a Government review of Housing is underway, and part of this will cover the relationship and treatment of costs between the General Fund and the Housing Revenue Account. It was thought likely that there would be some changes forthcoming as a result of this, but until such time, the Task Group has no recommendations regarding this function.

Lancashire County Council is responsible for all public open space / trees on public highway, albeit the City Council has an agreement to manage these elements within the urban core on their behalf.

From the level of expenditure highlighted in the returned questionnaires, it is clear that some public open space is owned, run and managed by parishes.

In line with the City Council's priorities of clean and green, safe and healthy communities and supporting the local economy, sums within the grounds maintenance budget have been added to the funding received from the County Council to maintain trees, flowerbeds in visitor areas and verge maintenance to a higher standard than specified by the County Council. It was also noted that some sponsorship is obtained. Other than on highways, the main flower beds maintained by the City Council are in the parks and the Morecambe area, although some anomalies seemed apparent.

Some parishes have their own flower beds which are either situated on their own land or on the public highway. Carnforth for instance maintains two flower beds costing up to £200 per year.

In exploring the issue of flower beds the Group noted that there was no up to date clear policy adopted by the City Council relating to their location, provision and maintenance. Without such a policy the Task Group was unclear as to the reasons for their provision and until such time as this matter is determined was unable to consider whether this constituted a requirement for special expenses.

Recommendation 4

That the City Council gives consideration to the development of a clear policy on the provision and location of flower beds to identify their strategic importance and therefore enable the issue of special expenses in relation to this matter to be revisited.

6.7 Play Areas and Public Open Space

The City Council manages a number of play areas throughout the district including in the rural areas. In total there are 74 sites managed by the City Council. Subject to budget approval, in each of the next 2 years £60,000 of capital funding will be committed to play area improvements, based on a priority list. In addition there is an annual budget of around £50,000 (generally) for maintaining play areas and undertaking small improvements / replacements. The availability of s106 monies have also influenced play area provision.

In evidence, it became clear that some of the rural play areas managed by parishes were in better order than many managed by the City Council. The Task Group heard information from one of its Members regarding an issue relating to provision in Bolton le Sands. There are two play areas there, one provided by the parish council and one by the City Council, with the one provided by the parish being kept in a better state of repair.

However such activity is not limited to parish councils. In the non-parished areas community groups were also active in this field and raising funds to provide play facilities independent of the City Council. The Freehold Community Association was one example quoted.

In the current economic situation and in view of the savings needed to achieve a balanced budget, funding to the level required to bring all the play areas up to an acceptable standard is unlikely to be available in the foreseeable future. Therefore, greater consideration needs to be given by the Council as to how to manage the 74 play areas currently under its control.

The Task Group would wish to see the City Council review the existing policy on play area provision. Accepting that it is not financially possible to bring 74 play areas up to an acceptable standard, it should not be left to natural decay or vandalism for numbers to gradually decline. The Task Group would hope that the City Council could agree a policy which identified a manageable number, throughout the district, that could then be financed to an acceptable standard. It may be that the required number has to fall significantly to achieve this desire, with the remaining sites returned to their former use as general open space and not left to decline. The Group recognises that should the City Council follow such a course of action, such a policy would give the community a clear message about the future of their particular play area. Furthermore, the Group were aware that play areas can be a major source of anti-social behaviour and any report along the lines indicated above should have this information incorporated when considering the way forward.

In considering this issue, the City Council is recommend to adopt a strategic approach in its review and take account of all the play areas in the district whether provided by the City Council, parishes or community groups.. Having regard to the fact that some of the play areas provided by parish councils or community groups are in far better order than those provided by the City Council, it could be the case that providing some financial support for such play areas may be of greater benefit than the City Council making direct provision itself.

In terms of the relationship between urban and rural play area provision, it was difficult for the Group to reach a conclusion regarding special expenses or any other alternatives, in light of the above.

Recommendation 5

That it be noted that there are no special expenses to declare in respect of play area provision for the 2010/11 budget, but the Task Group requests the City Council to review its existing policy for such provision, agreed by Cabinet back in September 2006. Specifically, it is requested that such a review should:

- consider the development of a more robust and strategic policy for play area provision throughout the district, including those owned and managed by others;
- seek to reduce the total number of play areas supported by the City Council, to ensure their future sustainability at an acceptable condition;
- consider providing direct financial support for any play areas provided by others, where these fit with strategic policy.

Following this, it is recommended that the issue of special expenses in relation to play areas be revisited.

6.8 Village Hall/Community Centres

Many of the parish and town councils in the district give financial support to their village hall/community centres and this was born out from the results received from the questionnaire. In the main these are run and managed by management committees independent of the parish council. This is because if the parish managed the establishment they would be liable for Non Domestic Rates on the premises whilst a management committee, who registers for charitable status, can obtain 100% relief.

Parish councils can appoint representatives to a management committee but they must not be in the majority.

In relation to the City Council there are two community centres within the urban core that receive financial support, namely in the Ridge and Marsh areas of Lancaster. These were established as part of previous funding schemes under such programmes as the Single Regeneration Budget, in recognition of the social and economic difficulties facing such areas. The majority of funding for the Ridge Community Centre is actually provided through the Housing Revenue Account, and again, it is expected that this will need further consideration once the Government's review of Housing Finance is implemented. The Marsh Community Centre is now run as an independent organisation with funding from a variety of sources.

Community Groups within the urban core also provide similar facilities to those in parishes, e.g. the Gregson Institute, indicating that such facilities are not limited to village or parish areas. They are independent of the City Council and receive no general funding, either by way of grant aid nor precept. Some do have involvement in specific projects though.

It was also noted that the key responsibility for providing support to community centres rests with Lancashire County Council.

In light of the current position, no specific recommendations have been made on this matter.

6.9 Cutting of Grass Verges

Roadside grass verges are the responsibility of the Lancashire County Council as highways authority. Within their budgetary allocation they may cut the verges 2/3 times per year under a contractual arrangement agreed each year. Recently a number of parishes have requested approval for them to arrange for them to cut the verges on a more regular basis.

Having considered the requests, the County Council have agreed to allow a number of parishes to take on the responsibility for the cutting of grass verges in their own parishes. To assist, the County Council is now awarding a financial grant to each parish that takes on this responsibility, based on the sum that would otherwise have been paid to a contractor to undertake the work. The result is that the parishes are able, within the grant, or by providing additional funding from their precept, to cut the grass more frequently. This improves the appearance of the parish and gains added value from the precept.

Currently ten parishes within the Lancaster district undertake this function utilising grant aid from the Lancashire County Council in the sum of £17,552.16.

In terms of the purpose of this report no further action was required on this matter. Special expenses cannot be applied to the County Council element of Council Tax.

6.10 Provision of Bus Shelters

This is one area of provision that is shared among all three tiers of authorities and CC(D)S have a record regarding the ownership of all such shelters in the district.

In the note received from the County Council, they have funding to grant aid parishes for the provision of bus shelters. This would usually cover the full cost of the shelter with the County Council undertaking installation. Thereafter the parish council must meet the costs of maintenance for a period of five years.

The County Council allocation for this funding would meet the cost of around 20 shelters per year for the whole of the county and currently there is a short waiting list. Priority is given to busy routes and those used predominantly by older people.

No further consideration was given to this issue.

6.11 Parish Lengthsman Scheme

The term 'lengthsman' is in essence the provision of a handyperson to work within the parish / village. An extract from the response to the questionnaire from Carnforth explained to role as:

..keeps paths, bridleways, walkways, verges and other public spaces tidy and clear by removing litter and weeds, trimming hedges, etc. Cost approximately £3,000 per annum on a shared basis with other parishes.

These duties have also been expanded in some instances to tackle small scale environmental projects, keeping drains and ditches clear and many other small repair jobs.

There are a total of 22 schemes in Lancashire operated by 48 parishes.

Generally the schemes are jointly funded by the Lancashire County Council and the parishes and occasionally the district council.

There are currently five joint schemes operating in the Lancaster district:

- Caton-with-Littledale, Halton-with-Aughton and Hornby-with-Farleton;
- Carnforth and Warton;
- Bolton-le-Sands, Slyne-with-Hest, Nether Kellet and Over Kellet;
- Melling-with-Wrayton, Wray-with-Botton and Tatham;
- Cockerham (with Nether Wyresdale and Forton in the Wyre district).

Financial support is provided by both the County Council and the City Council towards the various schemes but this does not meet the full cost of provision. The City Council's total contribution is a little over £3,000 per year.

Having regard to the range of duties and the support from the County Council, the Group noted this matter and no further consideration was given to this issue.

6.12 Amenity Street Lighting

The Community Safety Partnership is challenged with reducing crime and the fear of crime within the community. One of the measures that is actively known to reduce and help to achieve targets is the provision of street lighting.

Lancashire County Council, being the highway authority, is responsible for the provision of street lighting on the highway. However, there are areas that do not meet the criteria for such provision but would assist in reaching the targets outlined by the Community Safety Partnership. Each year the Partnership is able to bid for funds from a specific pot held by the County Council for such provision.

The Community Safety Partnership collates such requests which must meet the criteria of reducing crime, anti-social behaviour or the fear of crime. Parish Councils throughout the district are able to submit such bids.

The Group noted this matter and no further consideration was given to this issue.

6.13 Toilet Provision

At the Cabinet meeting on 08 December 2009, consideration was again given to this issue following an Overview and Scrutiny Call-in. The Cabinet endorsed their original decision to seek a reduction of toilet provision throughout the district. This decision would result in the removal of a number of toilet facilities in parished areas.

In line with the original decision, Parish Councils will be invited to take over control of toilet facilities in their parish with some grant aid from the City Council.

However, at present the likely take-up of this offer is unknown. There are no issues to consider regarding special expenses at this stage therefore, although it is expected that this will be reviewed during 2010/11, should there be any material issues arising from the implementation of the revised policy.

6.14 'Free' Services to Parishes

The Task Group also recognised during their investigations that this review was also a two way process. Whilst examining potential inequalities of service provision by the City Council, there may be areas where the City Council provides services to the parishes that are specifically their responsibility (paid for out of the council tax levied on the whole district) or that the City Council could manage in a different way. Two such services are explored below.

6.15 Election Expenses

The City Council manages a number of elections on behalf of various bodies. General Elections and the European Union Elections are managed on behalf of the Government and the election of Councillors for the County Council. In all these instances the costs of these elections are recovered from the relevant body.

The City Council also manages its own elections, currently based on all-out elections every four years with the next being in May 2011. Under current legislation, the City Council is able to review this process before December 2012. In instances of whole council elections, the parish councils are also obliged to operate within the same timetable.

In the main, every four years all wards of the City Council are contested. At the same time all parishes are required to hold elections, managed in conjunction with the City Council elections. Not all parishes councils are contested, however.

At the current time no costs are recovered from the parishes for either a contested or an uncontested election, which still carries with it a cost. In addition no charges are currently made where the City Council manages a by-election on behalf of a parish.

The Group felt that some clarity on this matter would be of benefit, hence the recommendation. That said, it was felt that there should be some discretion to charge, should holding a by-election incur significant costs. It was expected that this would be addressed through Officer delegations, in managing elections.

Recommendation 6

That the City Council be recommended to confirm that, for the foreseeable future, there will be no costs recharged to parish councils for any elections that are held at the same time as the City Council elections, but it may consider making a charge for the management of any parish by-elections.

6.16 Payment of Precept

During the investigations it came to the attention of the Task Group that not all local authorities paid the precept to parishes on the 1 April each year. In many instances the precept was paid in two parts half on the 1 April and half on 1 October each year. Again the Group felt that in the overall report some clarity regarding the payment of precepts would be appreciated.

Recommendation 7

That the City Council be recommended to confirm that, for the foreseeable future, Parish precepts will continue to be paid, in full, on 1 April each year.

7. **Future Considerations**

Whilst the Task Group can find no clear evidence to warrant the introduction of special expenses, it does recognise that the situation will change from year to year.

As explained in the introduction to the report, the Task Group is also aware of the ongoing development of a Parish Charter. This will seek to place consultation and exploring opportunities for working in partnership with the parish councils within a formal agreement. The Task Group would hope that within that agreement, an undertaking can be given to revisit the issues outlined in this report, on a regular basis, to ensure that any changes in service delivery are closely monitored and acted on as necessary.

At the consultation meeting held with the parishes on 12 January 2010, a great deal of discussion was instigated by the representatives from the parishes around consultation and partnership working to achieve efficiencies in the provision of services. It also became clear that in a number of areas, the parishes would have greater understanding of the issues if various criteria adopted by either the City Council or the County Council, in determining provision of services, were made clear and if necessary, explained in more detail.

Recommendation 8

That in view of the issues raised within this report and the activities of the Lancaster District Local Strategic Partnership in producing a Parish Charter, the City Council be requested to:

- take proactive steps to develop further its communication and consultation with parishes and to explore increased partnership working, where appropriate, to achieve cost effective improvements in service delivery;
- ensure sufficient Officer capacity is available to provide a clear, designated point of contact for parishes in the district to support the implementation of a Charter and that similarly, relevant Member portfolio responsibilities are clarified and promoted;

ensure that the equity of service provision and charging, i.e. 'who benefits and who should pay?', are considered as a matter of course in deciding future policy and level of service provision across the district, and incorporated as appropriate in future updates of the Charter.

Recommendation 9

Whilst the Task Group has not made any recommendations with regard to the levying of special expenses for the year 2010/11, it recognises that the situation can change at any time and requests that the City Council;

- keeps the matter under review during future budget processes;
- ensures that the Parish Charter, when adopted, provides a vehicle for Parish Councils to raise any concerns regarding this matter;
- ensures that for future years, Councillors are made aware that proposals to levy special expenses for any part of the district can be raised at an early stage in the budget process, for subsequent consideration, providing that the associated expenses are clearly identified and would support a lawful arrangement.

8. Conclusion

The aim of the Task Group was to ensure an investigation of the services provided by the City Council within the whole of the district to ensure fair and equitable provision. As part of that process consideration was also given to any requirement to levy “special expenses” on any areas of the district.

It was clear from the investigations that it is not reasonable or practicable to provide identical services throughout the district. In some cases, such as litter collection, there is specific legislation requiring higher levels of activity in certain areas.

In the main though, it was felt that the services provided by the City Council are prioritised to direct them to areas of greatest need whilst as far as possible, ensuring that other areas are not neglected. That said, it is clear that some areas of policy do need reviewing.

Furthermore, the principles of universal charging of council tax throughout the district should only be amended through the introduction of special expenses when there is clear, significant and justified reason.

It is also apparent that many of the services provided in the urban centres (i.e. Lancaster and Morecambe) are not specifically for those that reside there but for all residents of the district who may visit or work there. The evidence gleaned from the parishes does show how they are also attempting to improve the quality of life for their residents and to enhance certain services. The Task Group recognise their endeavours in this respect and applaud the parish councils for their efforts.

At the present time though, there is no clear evidence that residents of non-parished areas received such favourable enhanced services from that of the individual parishes, that justifies the introduction of a level of “special expenses” to compensate for “double taxation”.

At the meetings with parishes some emphasis was placed on their provision of play areas, which in many cases resulted in facilities superior to those provided by the City Council. As a result there was a call for special expenses to be levied on those areas that have these facilities provided by the City Council. Such a claim, whilst having some substance, highlighted the difficulty of achieving an equitable solution. Should parishes such as Bolton-le-Sands also contribute to special expenses because they have a play area provided by the City Council as well as their own? Should those parishes that do not provide play areas also pay? Or are special expenses only to be levied for play areas in the non-parished areas and if so, where does that leave the Morecambe Town Council in whose area there are a number of City Council play areas?

The outcome of the recommendation relating to play areas was a request for the City Council to review its existing policy on this issue and at the same time take a more strategic approach to include those play areas provided by others. Furthermore, within the report there are a number of other similar issues addressed to the City Council, with requests to adopt clearer policies for the provision of certain services. This would then enable those issues to be revisited at a later date.

However, whilst some parishes do undertake to provide services within the purview of the City Council, the level of service they currently provide as has been stated is in excess of that which would be provided by the City Council. It is therefore implicit in this situation that the parishes have the legal discretion to choose to provide these enhanced services (as added value) via their precepts, but this should not lead to claims of “double taxation”.

Having regard to all the issues identified in the report, the Group did agree that there was the ability for the City Council to be proactive in relation to two issues, hence the recommendations on Election Expenses and Payment of Precepts.

The Task Group, having listened to the concerns of the parishes, recognised their need for greater clarity of information, improved communication and more exploration of partnership working. The Task Group hoped the development of the Parish Charter would go some way to achieving these desires and resulted in the requests to the City Council to examine these issues in more detail.

Whilst the Task Group has heard the views of some parish councils, there has been little evidence of concern from taxpayers in general. The attendance at both the meetings held to explain the work of the Task Group and their findings was relatively poor in relation to the overall number of parishes who were represented and almost a third failed to respond to the questionnaire. There were no specific requests made to attend any parish meetings.

Finally the Task Group would wish to thank all the witnesses who gave evidence, those parishes who attended the meetings and the officers for their support throughout the production of this report.

Appendix 1

PARISH / TOWN COUNCIL QUESTIONNAIRE

Please complete the under mentioned questionnaire as fully as possible to enable an overall picture of parish expenditure on concurrent functions to be produced.

Parish of		Name of person completing form:		
Function	Powers and Duties	Please indicate if the parish undertake any element of the function Yes / No	Income £ per annum	Expenditure £ per annum
Allotments	Powers to provide allotments Duty to provide allotment gardens if demand unsatisfied			
Burial Grounds, Cemeteries and Crematoria	Power to acquire and maintain Power to provide Power to contribute towards expenses of cemeteries			
Bus Shelters	Power to provide and maintain shelters			
Closed Churchyards	Powers to maintain			
Commons and Common Pastures	Powers in relation to enclosure, as to regulation and management, and as to providing common pasture			

Function	Powers and Duties	Please indicate if the parish undertake any element of the function Yes / No	Income £ per annum	Expenditure £ per annum
Community Centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives			
Crime Prevention	Powers to spend money on various crime prevention schemes			
Drainage	Powers to deal with ponds and ditches			
Entertainment	Provision of entertainment			
The Arts	Support for the arts			
Highways – Public Footpaths	Power to repair and maintain public footpaths and bridleways			
Highways – Street Lighting	Power to light roads and public houses			
Highways – Car Parks	Power to provide parking places for vehicles, bicycles and motorcycles			
Highways – Seats, Shelters	Power to provide roadside seats and shelters			

Function	Powers and Duties	Please indicate if the parish undertake any element of the function Yes / No	Income £ per annum	Expenditure £ per annum
Highways – Traffic Signs and Notices	Power to provide traffic signs and other notices			
Highways – Trees and Roadside Verges	Power to plant trees etc and to maintain roadside verges			
Litter Bins	Provision of Litter Bins			
Open Spaces	Power to acquire land and maintenance			
Public Building and Village Halls	Power to provide buildings for public meetings			
Public Conveniences	Power to provide public conveniences			
Recreation (1)	Powers to provide playing fields, recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them			
Recreation (2)	Power to provide Play Areas			

Function	Powers and Duties	Please indicate if the parish undertake any element of the function Yes / No	Income £ per annum	Expenditure £ per annum
Transport	Powers top spend money on community transport schemes e.g. car sharing, taxi fare concessions. Information about transport			
Dog Bins	Power to provide and maintain dog bins			
Play Schemes	Power to provide grant to enable schemes to take place			
*				
*				

* Please insert any details of any other functions that you fund and consider appropriate.

- Are you a 'Quality' Council?
- Who owns the facilities identified above?

PROJECT DOCUMENTATION

PROJECT INITIATION DOCUMENT

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Appendix 2

Parish Funding Review

Version: 1.0

Date: 24 July 2009

**This Project Utilises the Lancaster City Council
Approach to Managing Projects (LAMP) Methodology**

Author: Nadine Muschamp

Project Executive: Nadine Muschamp

Project Manager: Ron Matthews

Programme Board: PMG

Project Initiation Document History

Revision History

Date of this revision:

Revision Date	Summary of Changes	Version
12 May 2009	Initial Draft	0.1
20 July 2009	Updated draft for discussion (minor changes made) & reporting to PMG	0.2

Distribution

Name	Title
Ron Matthews	Democratic Support
Mark Davies	Head of CCDS
Richard Mason	Head of Revenues Services
Andrew Clarke	Accountancy Services Manager
Andrew Kipling	Accountant
Members of Performance Management Group	

Approvals

Name	Date Approved	Link to Approval Minutes	Version
Performance Management Group	24 July 2009		1.0

PID approved by (please sign):

1. Project Background

In previous years the Council has committed to reviewing the funding of Parish Councils and the operation of Special Expenses, but this was originally intended to be linked to developments for rural neighbourhood management, and the outcome of a pilot undertaken in Ellel parish. This was in context of the Council's bid (at that time) for unitary status. The Council's approach to community engagement has since changed direction and also the Special Expenses adjustment to Council tax bills was abolished with effect from 2009/10, given the ongoing lack of any substantive scheme on which to apply Special Expenses. This project is to review the current balance of service provision between the City and Parish Councils, and associated funding, to address any anomalies and inequalities across the district.

2. Objectives

4. *To establish baseline service standards for the district, deliverable within the City Council's budgets and forecasts, for those functions provided by the City Council that may also be provided by parish councils.*
5. *To determine a policy for the provision, funding of and charging for such services (including any Council Tax policy provisions), for incorporation into a Parish Charter.*

The above will be based on a balanced assessment of the following principles:

- *affordability*
- *fairness*
- *service / function objectives*
- *accountability*
- *simplicity*
- *transparency*
- *ease of administration / proportionality*
- *avoidance of any material 'double taxation', or other relevant factors arising from consideration of Quality Parish and Town Council Scheme*

6. *To establish general guidance for parishes regarding the consideration of services that may be provided concurrently with the County Council.*

3. Project Scope

The project will review:

- *the extent to which all parishes within the district currently undertake functions as permitted under relevant statutes, and as far as is practical, the reasoning behind such provision*
- *the extent to which those functions are provided by the City Council, in both parished and non-parished parts of the district, and the reasoning behind such provision, i.e. the underlying service / policy objectives.*
- *the current funding and/or charging policies applied by the City Council for such functions, in context of service and policy objectives*
- *alternative options for future City Council involvement in service provision. This would include reducing / removing provision, and transferring provision to other parties. (Specifically, this will cover parish elections and rural toilet provision, which were highlighted within the last budget exercise). Given the Council's financial prospects, this review will not examine options for generally increasing*

such City Council service provision. That said, the objectives of the review are not specifically to identify additional budget savings either – although the review may need to draw on and link with other budget proposals arising through the Council's annual planning processes.

- *Alternative options for funding and/or charging for such future City Council service provision. This will include any relevant considerations for Council Tax.*
- *Alternative arrangements and options for any significant service anomalies that may be identified, in the City Council's and individual parish' responsibilities for functions.*
- *Arrangements in force or under development at various other local authorities.*
- *Existing arrangements and alternative options (as mentioned above) in context generally of County Council service provision and charging (but note, this does not include an in-depth review of all county council services).*

4. Constraints

Time:

The project must be completed to inform 2010/11 Budget and Council Tax setting, as appropriate. A provisional deadline of 31 December 2009 is assumed, but this will depend on issues arising. Furthermore, it is intended that provision will be made for at least an annual review of any arrangements implemented, and this could well mean that some issues from the project will be considered in later years for future years' planning and budget setting.

Resources:

Where possible, existing staff resources are to be used, but some costs will be incurred as a result, and it may be necessary to buy in cover, depending on how the project progresses. A total budget of £24K is available.

Affordability:

The City Council is not in a position to move back to any system of providing grants to fund all parish activities generally – future arrangements would not result in budget increases for the City Council.

At present, parish precepts are excluded for the purposes of Council Tax capping – but this has not always been the case. It is assumed that the current position will continue, however, as it fits with local council accountability and decision-making, but the possibility of any change will be kept under review, as this could also impact on affordability of any proposals.

5. Assumptions

- *Resources (either internal or external) will be available / procured.*
- *Task Group work will be in support of and assist with the objectives of this project.*
- *Co-operation and input will be gained from parish councils & relevant council services.*
- *Sufficient information (or reasonable cost estimates) will be available to support the review.*
- *There will be objectivity from all stake-holders and decision-makers, when considering options and recommendations.*
- *Broadly, any arrangements will be budget neutral for the City Council – but this could change as the Council's own budget proposals develop*
- *It is open as to whether any form of Special Expenses scheme may be applicable in future, depending on the outcome of this review (i.e. it is not assumed that a new scheme will definitely result).*

6. Outline Business Benefits

- *Greater clarity and understanding on service provision within parished areas, and who pays for such services.*
- *Improved, more effective working arrangements between the City Council and parishes (and the County Council, for concurrent functions such as grounds maintenance).*

7. Detailed Project Plan

Key milestones to be informed by information gathering – this will highlight issues to be tackled and inform the detailed project plan. Expectation to report to December Council meeting, at the latest.

8. Project Budget

As highlighted above, direct budget amounts to £24,000 currently held in Financial Services Consultancy.

9. Project Communication Plan

The communications plan identifies all stakeholders and agrees with them their information needs, plus any information needed from them, by the project. This has not yet been finalised, but needs to address Task Group input, any Executive input, full Council, LALC & other town & parish councils and meetings, & input from other services – particularly CCDS and potentially Revenues Services.

In broad terms, at this stage it is expected that the report will be considered directly by Council (December meeting, at the latest).

There may be the need for consideration of any linkages with Cabinet's budget proposals for 2010/11 onwards – though clearly this will be dependent on what issues arise and so the position will be monitored.

10. Project Tolerance

No tolerances applicable at this stage.

11. Project Organisation Structure

12.2 Key Project Team Members

The need to formalise any external involvement (i.e. parish or county representatives) will be finalised once the Task Group is established.

Name	Role	Title	Service/Unit
Nadine Muschamp	Project Executive		
Ron Matthews	Project Manager		
Richard Tulej	Senior User		
Mark Davies	Senior Supplier		
Richard Mason	Potential Supplier		
Andrew Kipling	Project Accountant		

13. Benefits Management

See objectives of project, as set out above.

14. Equality Impact Assessment (EqIA)

No formal EqIA undertaken at this stage.

Notes on CCDS provided services.**Cleansing-**

Cleansing- Every adopted highway / pavement / back street in district has been allocated a scheduled cleansing frequency.

Allocated cleansing frequency driven by requirement of Environmental Protection Act. Prime concern is outputs as opposed to inputs. So concerned with maintaining the cleanliness of an area to an acceptable standard. Therefore frequency of cleansing will look at a variety of factors including land use types (eg recreation, industrial, retail), density of housing, number of visitors. E.g. The cleanliness of a town centre will deteriorate to an unacceptable standard much more quickly than a rural road so therefore will be cleaned much more frequently.

If an area has been allocated a cleansing frequency and deteriorates to an unacceptable standard ahead of the next scheduled clean – ring customer service centre 01524 582491- we will respond. If frequent occurrence we will also adjust cleansing schedules.

Maps showing frequency of cleansing across the district are in the intranet

Bins- to keep areas at a standard of acceptable cleanliness we provide litter bins / dog bins. The location of these has been recently reviewed and they are again mapped on intranet. Bins are provided / maintained by City Council. Current policy is that if a Parish Council indicates that additional bins are required we will assess the request. If there is a need for a bin to be relocated we will do that- if there is a need for extra bins because of growth (eg new development) we can achieve that through S106 etc. If the Parish just wants to locate an extra bin then the cost of the bin and the cost of maintenance would have to be borne by the Parish. Since review no occurrences of this.

If bins overflowing- ring csc- if one off will respond if frequent occurrence will relocate / adjust emptying schedule etc.

Fly tipping- City Council responsible for removing fly tipping on all adopted highways / pavements / back streets. Arrangements with County for dealing with fly tipping on rights of way.

Grounds Maintenance-

City Council responsible for maintaining its own open space / trees. Very little City Council open space in any parished area except Morecambe. Areas of open space in places like Carnforth, Warton etc tend to be Council Housing land. Any other areas of public open space will have transferred to the Council via Planning agreements.

County Council are responsible for open space / trees on public highway (verges, roundabouts etc). In this District we have a formal agreement with County whereby the County Council provides an annual amount to the City Council to maintain open space / trees on the public highway, within a geographically defined area known as the urban core to a safe standard. Part of the Council's grounds maintenance budget is also allocated to maintenance of these areas to a higher than safe standard. This allows for a planned tree maintenance programme, flower beds in visitor areas, improved verge maintenance on some main roads. This policy is consistent with the

corporate priorities of clean and green places, safe and healthy communities and supporting our local economy.

Arrangements outside the urban core will be covered by County rep.

Play areas- As the Council has very little open space outside the urban cores any City Council play areas in parished areas will be located in Morecambe / Carnforth or on Council Housing land.

The City Council recognises the need for sustainable provision of play and has allocated capital for refurbishment of play areas. Play areas are ranked according to-

Proximity to other playgrounds
Surrounding demographics
Strategic location
Location in relation to sustainable transport
Indices of deprivation

Available capital is then allocated down the list.

Play areas in parishes that belong to the City Council will have all been ranked. Refurbishment funding when available will be allocated according to the place on the list.

All play areas belonging to the City Council are regularly maintained and repaired when appropriate.

Toilets-

Based on a strategy of-

- **Lancaster-** provide toilets in partnership with other providers- eg Marketgate, Bus station, Bulk St car park. Also allow others to provide toilets as part of planning process- St Nicholas arcade. This approach has led to adequate provision within Lancaster.
- **Morecambe-** determine best locations for toilets and invest in improving provision in those toilets. Close down surplus toilets (eg Bare prom, Dome, West End). There is adequate provision within Morecambe but there are still some issues that need to be resolved. Specifically-

Removal of surplus toilets- capital is required to demolish and reinstate.

The Festival market toilet is well located and used. It is very expensive to run. Conversion into a purpose built unit as per the Clock Tower and Library car park would require up front capital investment but would reduce ongoing running costs from £31K per annum to £11K per annum.

The Stone Jetty toilets are contained within the café (apart from the disabled unit). They are maintained by the Council. This arrangement causes ongoing problems. It would be better if negotiations took place with the café owner with a view to transferring management of these toilets to the café.

- **Rural areas-** In the other areas of the District we have a number of issues that need to be addressed-

All the facilities are in need of upgrade and considerable investment. Besides structural and cosmetic problems the buildings are compared to our new facilities inefficient in terms of use of water, energy and design.

At least one facility (Red Bank Shore) is currently closed because it is structurally unsafe and will require expenditure of £5-10K before it can reopen.

Some of the toilets are poorly located (Hest Bank).

Some of the toilets are an eyesore (Bolton Le Sands, Heysham Village) and detract from the surroundings.

Bull Beck and Glasson Dock toilets both located adjacent to established cycling and walking paths are very well used but in need of upgrading .

The toilets at Carnforth are well used but relative to some of the recently refurbished toilets expensive to maintain.

- **Williamson Park / Happy Mount Park-** both of these parks are well used and have an ongoing visitor programme. Happy Mount Park toilets have been recently refurbished and converted to pay as you go facilities. Williamson Park has three sets of toilets one of which is only open during the summer months. Toilet provision is currently being reviewed along with many other issues.

2.1 In order to address the issues outlined above a clear direction for the future of the District's toilets needs to be developed and agreed. What is clear is that status quo is not sustainable as the Council retaining the current toilet stock is not affordable. Therefore a clear plan is required that would-

- Build on the good practice already in place in Lancaster and Morecambe.
- Consider invest to save options to improve toilets in key locations.
- Reduce the Council's toilet stock in non key locations. Reduction could either be through closure / demolition or if requested transfer to the relevant Parish / Town Council with an appropriate annual grant and initial support in arranging the transfer.
- Consider the appropriateness of a community toilet scheme.
- Address any outstanding issues- eg surplus toilets.

Mark Davies

Policy for Grounds Maintenance

City Council responsible for maintaining its own open space / trees. Very little City Council open space in any parished area except Morecambe. Areas of open space in places like Carnforth, Warton etc tend to be Council Housing land. Any other areas of public open space will have transferred to the Council via Planning agreements.

County Council are responsible for open space / trees on public highway (verges, roundabouts etc). In this District we have a formal agreement with County whereby the County Council provides an annual amount to the City Council to maintain open space / trees on the public highway, within a geographically defined area known as the urban core to a safe standard. Part of the Council's grounds maintenance budget is also allocated to maintenance of these areas to a higher than safe standard. This allows for a planned tree maintenance programme, flower beds in visitor areas, improved verge maintenance on some main roads. This policy is consistent with the corporate priorities of clean and green places, safe and healthy communities and supporting our local economy.

This means that on open space owned by the City Council (including Council Housing) and on public highways within the urban core there are flower beds. The last time the number and location of flower beds was reviewed was during last year's budget exercise. The majority of the City Council's flower beds are on main routes between Lancaster and Morecambe, in parks and in the Morecambe as the District's major tourist area. Provision of flower beds is consistent with the corporate priorities of clean and green places, safe and healthy communities, supporting our local economy, climate change etc.

Many Parishes do have their own flower beds which will be located on either their own land or public highways which are outside the urban core.

Original List Of Prioritised Play Areas

<u>Ranking</u>	<u>Location</u>	<u>Date Improved</u>		<u>Cost</u>	
<u>Current status</u>					
1.	Happy Mount Park	2007/08	45k		good
2.	Ryelands Estate				good
3.	Ryelands Park				good
4.	Promenade Central				good
5.	Peel Avenue	2006/07	11k		good
6.	The Cliffs	2006/07	10k		good
7.	Whinsfell View	2007/08	5k		poor
8.	Blades Street				fair
9.	Glasson Dock	2006/07	17k		good
10.	Palatine Recreation Ground				good
11.	King Georges – Slyne Rd				good
12.	Yealand	2006/07	5k		good
13.	Benson Avenue	2006/07	4k		good
14.	Parkfield				removed
15.	Regent Park				good
16.	Derby Road				good
17.	Promenade – Battery				good
18.	Kingsway				fair
19.	Kilnbank Avenue				good
20.	Borwick Court				good
21.	Douglas Park	2007/08	3k		fair
22.	Hill Road				good
23.	Carnforth Kellet Road	2006/07	3k		good
24.	Carnforth Dunkirk Avenue				good
25.	Carnforth Johnson Close				good
26.	Poulton Park				good
27.	Willow Lane				good
28.	Galgate Crofters Fold				good
29.	Galgate Wharfedale				good
30.	Priorsgate				poor
31.	Scotch Quarry				fair
32.	Hala Hill				poor
33.	Michaelson Avenue				fair
34.	Promenade East				fair
35.	Winchester Avenue	2007/08	17k		good
36.	Hala –Abbeystead Drive				fair
37.	Newton				fair
38.	Mainways				poor
39.	Broadway Park				good
40.	Marsh –Sycamore Grove				good
41.	Plover Drive				good
42.	Warton The Roods				poor
43.	Parliament Street				fair
44.	Galgate beech Avenue				good
45.	Dorrington Road				poor
46.	Altham Meadow				good
47.	Langridge Way				poor
48.	Bolton-Le-Sands Church Brow				poor
49.	Ambleside Road				poor

50.	Lindbergh Avenue	good
51.	Grosvenor Park	good
52.	Fairfield Park	good
53.	Braddon Close	good
54.	Cedar Road	poor
55.	Essington Field	poor
56.	Hasgill Court	fair
57.	Arcon House	poor
58.	Green Street	poor
59.	Wilton Close	poor
60.	Crag Bank Field	fair
61.	Hamilton Drive	fair
62.	The Cedars	good
63.	Barnacre Close	fair
64.	Crag Bank St.Austell Place	removed
65.	Highgrove Close	good
66.	Furness Street	poor
67.	Slyne Manor Brow	fair
68.	Gregson Road	poor
69.	The Willows	poor
70.	Forest Park	poor
71.	Galgate Carrwood Gardens	removed
72.	Wingate Avenue	poor
73.	Montrose Crescent	poor
74.	Low Moor	poor

Playgrounds not appearing on list

Greaves Park	New – Privately funded	2007
Thirmere Drive	New – Section 106	2005
Borwick Close	New – Privately funded	2005
Parsons Close	New – Section 106	2006
Redruth Drive	New – Section 106	2007

Funding (cabinet 5th Sep.2006)

Year	City Council	External (lottery)	Total
06/07	40k		40k
07/08	50k	50k	100k
08/09	50k	50k	100k
09/10	100k		100k
10/11	60k		60k

nb. Lottery funding not secured – budget re-profiled and approved in Nov.07 by Asset Working Management Board as follows

07/08	75k
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08/09	61.666k*
09/10	61.666k
10/11	61.668k

Nb 09/10 Capital monies for playground improvements deferred for 12 months.

LANCASTER CITY COUNCIL
Overview and Scrutiny Committee

23rd November 2009

Briefing Note

Local Service Delivery in association with Parish Councils in Lancaster

Current Position: At the present time, the County Council provides the following support to Parish Councils to assist local service delivery:

- **Customer Service Centre:** Parish Councils are encouraged to make full use of the customer service centre for reporting faults/defects and raising more complex issues. Calls are registered and callers provided with a unique number through which reports on progress may be requested. The service centre may be contacted as follows:
 - Telephone **0845 0530011**
 - Email highways@lancashire.gov.uk
 - Website www.lancashire.gov.uk

- **Grass cutting:** The County Council provides funding to the following Parish Councils in Lancaster district to support grass cutting within parish settlements:
 - Caton-with-Littledale
 - Cockerham
 - Halton-with-Aughton
 - Hornby-with-Farleton
 - Nether Kellet
 - Quernmore
 - Slyne-with-Hest
 - Warton
 - Wennington
 - Yealand Redmayne

- **Bus Shelter Grants:** All Parish and Town Councils have the power to erect and maintain bus shelters. As such, they are eligible to apply to the County Council's Public Transport team for a bus shelter grant. This covers the full cost of a shelter, raised kerbs and road markings equating to £7500 - £8000 per location. The County Council provides and installs the works. The Parish/Town council agrees to maintain the shelter for minimum of 5 years. The total budget is currently about £150,000 per annum, which equates to about 20 shelters per annum across the County. There is currently a short waiting list of requests, which is prioritised annually based on how busy the stop is, with additional priority given to stops which serve facilities used regularly by older people.

- **Parish Lengthsman Scheme:** **The Lengthsman scheme is, in essence, the re-incarnation of an old concept; a local person contracted to maintain roadside verges and drainage, public open space and pathways. The modern**

Lengthsman role has now been expanded to tackle small-scale environmental projects directly or jointly with the local community and the partners involved.

While some Parishes in Lancashire have continued to use local Lengthsman, the County Council re-introduced and extended the concept in 1998 as a pilot project in the Forest of Bowland AONB. The 2 pilot projects were successful and because of this initiative, there are now 22 Parish Lengthsman Schemes operating in 48 parishes throughout the County. The scheme is a joint venture funded by the Parishes involved, Lancashire County Council and where applicable District Council.

There are currently 5 joint schemes operating in Lancaster at the following parishes:

- Caton-with-Littledale, Halton-with-Aughton, Hornby-with-Farleton
 - Carnforth, Warton
 - Bolton-le-Sands, Slyne-with-Hest, Nether Kellet, Over Kellet
 - Melling-with-Wrayton, Wray-with-Botton, Tatham
 - Cockerham in conjunction with Wyre parishes Nether Wyresdale and Forton.
- **Lancashire Local – Lancaster District:** Each Lancashire Local has an annual Highways Services budget. The Local may allocate this budget to local priorities which enhance the maintenance of the highway or improve the highway environment. Lancaster parishes may bid into this budget through their local County and/or City Councillors. In recent years, this budget has funded:
 - additional tourism signs in Carnforth,
 - improvements to the bus turning circle at Overton and
 - creation of virtual footways in Slyne-with-Hest (construction in 2009/10)
 - provision of pedestrian refuge in Carnforth (construction due in 2009/10)

Public Realm Integration Project: On 8th October 2009, the County Council's Cabinet approved an initiative to develop the current working relationship with district and parish/town councils in order to improve local service delivery. The initiative will build on the pilot work carried out with South Ribble and Burnley Borough Councils, which considered 'clean and green agenda' and strategic planning respectively. The project is proposed in four phases as follows:

Phase 1	Service delivery - clean and green activities
Phase 2	Service delivery – wider aspects of public realm integration
Phase 3	Operational management integrated working with communities
Phase 4	Strategic management and policy decisions

During Phase 1, a strategy will be developed which will provide clear direction on:

- **The scope of integration and delivery of public realm services**
- **Determine what will be achieved and how**
- **Project objectives and priorities**
- **Timescales and achievability**

There are over 180 parish and town councils in Lancashire covering both rural and urban areas. Parish councils are playing an increasing role in the development of their localities and issues relating to the public realm are high on their list of priorities. The public realm project will engage with the Parish councils through existing channels to ensure that their representations and views are incorporated.

County and District officers will be engaged in the project through workshops and one to one meetings. The Public Realm Integration project will act as a vehicle for debate at officer level and for improved integration between the County Council officers and the District and Parish Councils, and the Highways Area offices.

Appendix 7

TASK GROUP ON PARISH FUNDING

Given that "special expenses" are a way of allocating expenditure and accepting that "special expenses" are not and never were a method of funding for parishes ...

what is required now is

a legally acceptable financial framework that Council has the option to apply to selected categories of expenditure by the City Council where Council determines that it is fairer to use such a system to allocate such expenditure to the residents of a part of the district than it would be to charge that expenditure proportionally to all council tax payers in the whole district.

Occasions when "special expenses" may be determined to be a proper way of determining the allocation of expenditure by the city council are where the city council incurs expenditure that is for the benefit of a specific part of the district - like a neighbourhood or parish or in the non-parished areas of the district - and in other parts of the district, similar expenditure is incurred by a parish council from a parish precept - or the related service is not provided at all. [this includes the circumstance in which "double taxation" can arise [i.e. when a council tax payer in a parish is paying a proportionate part of the expenditure that was incurred by the city council on other neighbourhoods or parishes in addition to the full amount of the expenditure incurred out of the parish precept.]

Given that the method used for calculating "special expenses" for a number of years up until 2008-9 was flawed because it may not have been justifiable, what is required in the report from this Task Group is an explanation of an acceptable calculation method for use by the City Council in 2010-11 and subsequently.

Given that a "special expenses" system is unlikely to be perfect, the argument remains that an imperfect but legally watertight system is better than no system at all.

It would, for example, be a partial return to an allocation of city council expenditure if only a few categories of city council expenditure were to be allocated using the acceptable calculation method. Candidates for treatment under the renewed system might include one or more from the following illustrative list - which is not intended to be exhaustive:-

Allotments (as already referred to the Task Group by Cabinet)

Flower beds

Grass cutting

Community Halls

Public toilets [if for example they are deemed to be for the benefit of local people rather than for the public generally, regardless of where such public users might live]

Children's play areas.

Conservative Group
11 November 2009

Appendix 8

http://www.bathnes.gov.uk/Committee_Papers/Council/co001130/11specia.htm

4 BACKGROUND AND LEGAL FRAMEWORK

4.1 When setting the Council tax, additional calculations have to be carried out where there are special items applicable to part only of the Council's area. This requires recalculation so as to reduce the basic Council tax payable by those who are not, and increase the basic Council tax payable by those who are, in the relevant area. This is designed to ensure that special expenditure applicable to part only of a Council's area is borne only by the residents of that area.

4.2 Section 35 of the Local Government Finance Act 1992 specifies items which are to be treated as special items. There are two broad categories i) a precept relating to part only of the Council's area, and, ii) any special expenses, as defined by section 35. Special expenses, as defined by section 35, include expenses incurred by the Council in performing in one part of its area a function performed in another part of its area by a Parish Council. However, this is not applicable if the Council has resolved that such expenses are not special expenses. The Council resolved not to have special expenses in November 1995.

4.3 In the second category, these expenses are those which are incurred in a part of the Authority's area on a function performed elsewhere in its area by a Parish. Where special expenses are deemed to exist they may then only be chargeable to the Council's area which benefits from those services.

4.4 Functions which the Council performs throughout its area or are available to all people in the area (e.g Planning, Refuse Collection) or which none of the Parish Councils perform cannot be "special expenses." If services are provided for the benefit of all inhabitants across the whole of a Council area, they should be charged to all the residents of the Council area.

4.5 Where special expenses are deemed to exist they will then only be chargeable to the Council's area which benefits from those services.

4.6 B&NES has to date resolved that no expenses in this category should be considered as special, although other neighbouring Councils do operate special expenses schemes.

4.7 If a Parish provides an enhancement to a service provided by the District Council, that enhancement cannot be treated as a special expense.

4.8 The services most commonly deemed to be special are allotments, bus shelters, playing fields, Christmas lights, public conveniences, closed churchyards, community centres, open spaces and play areas

5.9 In summary, to classify as special a service provided by a District Council it must:

a) Be provided by a Parish Council.

b) Must not be an enhancement to any service which the principal Council currently provides.

c) Be solely for the benefit of local residents.



Subject: **Local government: special expenses**
To: Geraldine Smith MP
From: Keith Parry
Reference: **2008/12/66-PCC**
Date: 15 December 2008

The Leader of the local authority has been advised by the Monitoring Officer that current arrangements for payment of special expenses under section 35(2)(d) of the *Local Government Finance Act 1992* can no longer be justified and, indeed, would not be lawful if continued in the next financial year. He has asked for your advice on this.

I am sure you will appreciate that I am not a lawyer and not privy to the facts of this case. I can only point to the legislation and any guidance which is likely to apply. Section 35 of the 1992 Act specifies items which are to be treated as special items when setting the level of council tax. This includes various categories of 'special expenses' including those referred to by your constituent. The *Parish Councillors Guide* explains these as follows:

The expenses of a district (or unitary council) are normally charged as general expenses on the whole of the district (or county) but a district (or unitary council) must charge as special expenses on any parish any expenses incurred in the parish by performing therein any function performed elsewhere in the district (or county) by a parish council unless it passes a resolution to treat them as general expenses.¹

The Government has published guidance on this matter as an appendix to its document on the Quality Parish and Town Council scheme. This states:

In order for expenses incurred in performing any function of a district council to be special expenses under section 35(2)(d), the function must be carried out by the district in only part of its area, and the same function must be carried out in another part of the district by one or more parish councils. The detailed identification of concurrent functions is therefore essential for using this special expenses provision.²

The document makes it clear that double taxation of this nature is a complex matter and that making a judgement on it is anything but straightforward (para 20). It goes on to discuss various aspects of special expenses including their impact on council tax levels in the parish in question and elsewhere in the district. It summarises the value and the drawbacks of this provision as follows:

28. Responses from authorities using the special expenses provisions suggest that the strengths of this method are that it meets three of the important principles for financial

¹ Paul Clayden, *The Parish Councillor's Guide*, Shaw & Sons, 19th ed, 2007, p90

² DCLG, *The quality parish and town council scheme – the quality scheme explained, Appendix 3: Best practice guidance on double taxation*, 2002,
<http://www.communities.gov.uk/documents/localgovernment/pdf/155163.pdf>
Or use this link - <http://www.communities.gov.uk/publications/localgovernment/201248>

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