

## **CABINET**

<b>DATE</b>	19 <sup>th</sup> January 2022
<b>REPORT OF</b>	Councillor Stanley Shreeve – Deputy Leader and Portfolio Holder for Finance, Resources and Assets
<b>RESPONSIBLE OFFICER</b>	Sharon Wroot – Executive Director Environment, Economy and Resources
<b>SUBJECT</b>	Delegation of Functions to Humberston Parish Council
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	CB 01/22/05

### **CONTRIBUTION TO OUR AIMS**

Devolving responsibility for the maintenance of assets and open space to Humberston Parish Council supports the key priorities of promoting a stronger local economy and stronger communities. A clean and well-maintained public space is a key component of local environmental quality and has been shown to have a positive impact on a person's sense of "well-being".

### **EXECUTIVE SUMMARY**

The Council has been approached by Humberston Parish Council expressing an interest to enter into long term arrangements, under delegated functions, for a section of verge at the junction of North Sea Lane and Church Avenue, Humberston referred to as the "Site". The purpose is to principally be able to undertake all the grounds maintenance activities as well as make some improvements to the area. This report seeks Cabinet's approval to "delegate functions" using powers available within Local Government legislation. This will provide officers with the ability to deal with expressions of interests of this nature effectively and efficiently within acceptable timescales.

### **RECOMMENDATIONS**

It is recommended that Cabinet:

1. approves the delegation of functions to allow Humberston Parish Council the ability to maintain and improve the Site shown for identification purposes on the plan edged red at Appendix A;
2. delegates to the Executive Director Environment, Economy and Resources in consultation with the Deputy Leader and Portfolio Holder for Finance, Resources and Assets, authority to settle all terms and ensure all necessary and reasonable actions are carried out to complete Recommendation 1.
3. authorises the Assistant Director of Law, Governance and Assets (Monitoring Officer) to complete and execute all requisite legal documentation in relation to the matters outlined above.

### **REASONS FOR DECISION**

To approve the delegation of grounds maintenance functions under the Local Government Act 2000 and to delegate authority to enable the Humberston Parish

Council the ability to undertake these activities and some improvements to the Site.

## **1. BACKGROUND AND ISSUES**

- 1.1 The Council has the ability to delegate executive functions to Town and Parish Councils operating within the Borough. The legal mechanism for the delegation of discharge of these executive functions is under section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.2 The Council has received an expression of interest from Humberston Parish Council to take over the management of a section of open space, via delegated functions.
- 1.3 Maintenance activities undertaken at the Site would include grass cutting, litter picking, weed spraying, shrub maintenance. In addition, the Parish have indicated they wish to add an extra bench to the existing, add a Village Noticeboard (as the existing one is located some distance away on North Sea Lane and not easily located), and have a special sloped centenary flower bed which will mark 100 years of Humberston Parish Council. Further proposals at this stage include planting some non-invasive trees to the rear of the Site for extra shielding – which could include using some trees gifted by the Woodland Trust, as well as using these to enhance the general environment in Humberston.

## **2. RISKS AND OPPORTUNITIES**

- 2.1 The risks associated with this proposal are considered minimal. All grounds maintenance functions for this area will be taken on by the Parish Council and will therefore deliver value for money as a small reduction will be made to the resource provided by the Council.
- 2.2 The opportunity associated with this proposal allows the Parish Council to manage a clean and well-maintained public space as well as proposed improvements which is a key component of providing a quality local environmental and has been shown to have a positive impact on a person's sense of "well-being". Keeping streets clean is also key to maintaining public health.

## **3. OTHER OPTIONS CONSIDERED**

If Cabinet are minded not to proceed as recommended, the Parish Council may decide to submit a Right to Challenge. However, the delegation of functions to the Parish Council presents a more flexible and efficient model at this time, provided that Cabinet agrees to the recommendations. At such time as a Right to Challenge is submitted a delegated function could not be pursued and a statutory procedure would have to be followed.

## **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

There are potential positive reputational implications for the Council resulting from the decision. The grounds maintenance activities for the area will slightly reduce saving both in time and financial impact. It is a positive project for the Parish to lead on and to improve an area within our Borough which should be received well by local people.

## **5. FINANCIAL CONSIDERATIONS**

- 5.1 The proposal outlined within the report supports the Council's key priorities of

‘stronger economy and stronger communities’, by enabling the local Parish Council to maintain and enhance the Site, leading to improvements for the benefit of the Borough.

- 5.2 The maintenance costs of the area will be financed through resources obtained by the Parish. Any future investment will be subject to the Parish using their own resources which will remove the financial commitment from the Council.
- 5.3 In all cases of a disposal, the proposal will result in a small ongoing annual revenue saving. This is consistent with the Council’s policy to contribute to improved value for money and supports the financial objective and our determination to be an efficient and effective Council.

## **6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

- 6.1 The recommendations outlined within this report have been considered so far as their impact of the proposal on climate change and the environment. In reference to the Council’s environmental policy, the proposal supports the Council’s environmental priorities:
  - By recognising and realising the economic and social benefits of a high-quality environment.
  - By working towards a low carbon North East Lincolnshire that is prepared for, and resilient to, the impacts of climate change.
- 6.2 Providing a more local solution will reduce the environmental impact of transport through reduced emissions and consumption of fuel. A clean and well-maintained public space is a key component of local environmental quality and keeping streets clean is also key to maintaining public health.

## **7. CONSULTATION WITH SCRUTINY**

There has been no consultation with Scrutiny at this stage.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 There will be a small reduction in resource requirement from the Council from the proposed delegation of functions.

## **9. LEGAL IMPLICATIONS**

- 9.1 The proposed agreement involves the delegation of certain functions to Town and Parish Councils. These are executive functions of this Council, and the legal mechanism for the proposed agreement for the discharge of these executive functions is under section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 9.2 The nature of the agreement is that it is a cooperative arrangement between the Councils. Among other things, there are arrangements for review and for delivering savings, there is cooperation in the division of the responsibilities for ground maintenance (to the Council best placed to carry out the particular work), and there is a prohibition on the Town Council sub-contracting the work.

9.3 As the arrangement is for the discharge of public functions by cooperation, with no private sector involvement, it is exempt from the requirements of the Public Contracts Regulations 2015.

#### **10. HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications

#### **11. WARD IMPLICATIONS**

This proposal directly affects the ward of Humberston.

#### **12. BACKGROUND PAPERS**

There are no background papers to this report.

#### **13. CONTACT OFFICERS**

Wendy Fisher, Head of Estates and Business Development, NELC  
(01472) 323132

**COUNCILLOR STAN SHREEVE**  
**DEPUTY LEADER AND PORTFOLIO HOLDER FOR FINANCE,**  
**RESOURCES AND ASSETS**

# APPENDIX ONE – SITE LOCATION PLAN

