

### REPORT

Report to:	Full Council
Agenda Item:	TC2024/11 and
	TC2024/12
Date of	Thursday 1 February
Meeting:	2024
Date of this	Thursday 25 January
Report:	2024
<b>Author:</b>	David Mears – Town
	Clerk
Lead Officer:	N/A

# Asset and Service Devolution and Budget for 1 April 2024 to 31 March 2025 Report

## Recommendations

- 1. To adopt the asset and service devolution list in section 2 of this report.
- To accept the TUPE of staff that will be identified in the pooling exercise and note that the Town Clerk as Head of Paid Service has the authority to progress the TUPE of both Somerset Council and Arts Centre staff and make such changes as required to ensure efficient service delivery and that lawful employment terms and conditions are in place for those being TUPEd.
- 3. That the Town Clerk be given full delegated authority to progress the efficient transfer of assets and services from Somerset Council, this includes authority to determine those eligible for TUPE, issuing commercial contracts, the purchase of equipment from Somerset Council and from third parties as required to ensure an efficient level of service delivery.
- 4. That the Town Clerk be authorised to start and complete the recruitment process and appointment for new staff (Director of Finance and Corporate Services will be recommended to Full Council for appointment). This will include moving some staff internally to new positions.
- 5. To adopt the proposed Budget for the financial year 1 April 2024 to 31 March 2025 and issue the precept demand to Somerset Council.

# 1. Background

1.1. Bridgwater Town Council (the Council or BTC) has been in discussions with Somerset Council (SC) and its predecessor authorities of Somerset County Council and Sedgemoor District Council on asset and service devolution since November 2021. Little progress has been made until December 2023 when the serious financial state of Somerset Council was more apparent.

- 1.2. The five largest towns in Somerset were allocated a Service Director from Somerset Council to advance discussions on non-statutory service and asset devolution from Somerset Council with the aim to transfer as opposed to cut service delivery in these areas. BTC was assigned the Service Director of Regulatory and Operational. This work has been at pace and a package of transfer has been agreed by officers.
- 1.3. Regular updates have been provided to councillors at Full Council; Finance and Policy Executive Committee; and Environment Committee Meetings.
- 1.4. Both the ruling Labour group and the opposition Conservative group have received briefings on the budget and devolution.
- 1.5. Councillors have been clear with their intentions of the need to protect services in Bridgwater and to take on additional responsibilities to ensure that services and assets are protected for the community, and to improve service delivery. Failure not to will result in Somerset Council reducing and ceasing service delivery of discretionary services.

# 2. Package of Devolution

- 2.1. The Council agreed in December 2022 with Somerset Council/Sedgemoor District Council to takeover:
- Mansfield Park
- St Matthew's Field and Fair
- Blake Gardens
- Victoria Park
- Eastover Park/Cranleigh Gardens
- King Square
- Market Rights and on-street trading concessions
- West Market (part of the fair)
- Roller-coaster
- South Bridgwater Pantry
- The Docks and associated public realm (transfer in 2025/26)
- 2.2. The following service areas have been agreed between the Town Clerk and Somerset Council's Director of Regulatory and Operational:
- Street Cleaning across Bridgwater including highway channels and litter removal from verges
- Fly tipping
- Provision and collection of litter bins and dog waste bins
- Carnival clean-up
- Bedding planting
- Management and maintenance of open spaces assets including both green spaces as well as "hard" open spaces
- Grass cutting and open spaces management

- Grass cutting in Wembdon Road Cemetery and St Mary's Church, however responsibility and maintenance of paths and walls will rest with Somerset Council
- Local parks
- Winter Service filling grit bins
- Roadside verges maintenance including grass cutting
- Vegetation clearance and cutting on the Rights of Way network
- Road Sweeping across Drain jetting/Gully cleansing
- Non-illuminated sign cleaning and maintenance
- Weed treatment
- Minor Highways functions such as footway and footpath repairs
- Planned path safety inspections
- School crossing patrols funding contribution (Westover Green, Hamp Nursery and Infants' School, and St John & St Francis Church School)
- Blake Gardens' toilets
- Local tourism
- Local economic development.
- 2.3. A full list of grass areas that the council will be responsible for can be viewed in this file.
- 2.4. The following play areas to be transferred:

1	Appledore Drive	14	Hazeley Close
2	Bower Ponds	15	Holford Road
3	Castle Green Walk	16	Linham Road
4	Chamberlin Ave	17	Mansfield Park
5	Coronation Park	18	Marsa Way
6	Countess Avenue	19	Meadowlands Avenue
7	Crowpill lane	20	Northgate Yard
8	Danesboro Road	21	Pollard Road
9	Duke Street	22	Stafford Road
10	Eastover Park	23	The Green
11	Edinburgh Road	24	Union Street
12	Gloucester Road	25	Victoria Park
13	Haywater Avenue	26	Viscount Square

- 2.5. Within all land holding the Council will be responsible for a total number of 1,802 trees.
- 2.6. Equipment (Plant) required to deliver, maintain and improve assets and services outlined above has been budgeted for in 2024/25 budget (note: equipment may be paid for in this financial year, and the budgeted amount for next year will transfer to general reserve fund to replace):

Vehicles					
Ordered	Not ordered	Existing with BTC	Existing with SC	Electric	Diesel
Plant and Go Vans x3					Yes

		Peugeot		Yes	
		Export –		163	
		Ranger Van			
		Ford Transit			Yes
		drop side			163
		(move from			
		Cemeteries			
		to open			
		spaces as			
		spaces as			
		moving plant			
		around			
Maxus caged		around		Yes	
tipper vans x2					
5.PP 51 151115 712			DFSK		Yes
			Van x1 –		
			awaiting		
			cost,		
			may not		
			need.		
Ford Transit					Yes
tipper double					
cab x1					
	Large road sweeper				Yes
	/ drain and gully				
	sucker				
			1x small		YEs
			road		
			road sweeper		
Equipment			sweeper		
<b>Equipment</b> Ordered	Not ordered	Existing with BTC		Electric	Diesel/Unleaded
	Not ordered		sweeper <b>Existing</b>	Electric	Diesel/Unleaded Yes
Ordered	Not ordered		sweeper <b>Existing</b>	Electric	
Ordered  1x Ransomes	Not ordered		sweeper <b>Existing</b>	Electric	
1x Ransomes bat wing mower fully road legal 2x toro 6000	Not ordered		sweeper <b>Existing</b>	Electric	
1x Ransomes bat wing mower fully road legal	Not ordered		sweeper <b>Existing</b>	Electric	Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000	Not ordered		sweeper <b>Existing</b>	Electric	Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers	Not ordered		Existing with SC	Electric	Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered		Existing with SC  1x John	Electric	Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered		Existing with SC  1x John Deere	Electric	Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered		Existing with SC  1x John Deere flail	Electric	Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered	with BTC	Existing with SC  1x John Deere	Electric	Yes Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered	4x Stihl	Existing with SC  1x John Deere flail	Electric	Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered	4x Stihl kombi	Existing with SC  1x John Deere flail	Electric	Yes Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered	4x Stihl kombi engines	Existing with SC  1x John Deere flail	Electric	Yes Yes Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered	4x Stihl kombi engines 4x strimmer	Existing with SC  1x John Deere flail	Electric	Yes Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered	4x Stihl kombi engines 4x strimmer attachments-	Existing with SC  1x John Deere flail	Electric	Yes Yes Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered	4x Stihl kombi engines 4x strimmer attachments-kombi	Existing with SC  1x John Deere flail	Electric	Yes Yes Yes Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered	4x Stihl kombi engines 4x strimmer attachments-kombi 2x long	Existing with SC  1x John Deere flail	Electric	Yes Yes Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered	4x Stihl kombi engines 4x strimmer attachments-kombi 2x long reach hedge	Existing with SC  1x John Deere flail	Electric	Yes Yes Yes Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered	4x Stihl kombi engines 4x strimmer attachments-kombi 2x long reach hedge trimmer	Existing with SC  1x John Deere flail	Electric	Yes Yes Yes Yes Yes Yes
1x Ransomes bat wing mower fully road legal 2x toro 6000 ride on mowers 2x walk behind	Not ordered	4x Stihl kombi engines 4x strimmer attachments-kombi 2x long reach hedge	Existing with SC  1x John Deere flail	Electric	Yes Yes Yes Yes Yes Yes

	2		
	2x short		Yes
	reach Stihl		
	hedge		
	trimmer		
	2x Stihl		Yes
	backpack		
	blower		
	2x Stihl		Vaa
			Yes
	handheld		
	blower		
	2x Stihl		Yes
	reciprocating		
	head		
	attachments		
	(can be		
	shared		
	between		
	teams)		
	 2x Stihl pole	 	Yes
	pruner		
	attachment		
Ov Chilal Icamahi	attacriment		Vaa
2x Stihl kombi			Yes
engines			
2x strimmer			Yes
attachments-			
kombi			
1x long reach			Yes
hedge trimmer			165
attachment-			
kombi			
1x short reach			Yes
Stihl hedge			
trimmer			
1x Stihl			Yes
backpack blower			100
1x Ctibl band			Vaa
1x Stihl hand			Yes
held blower			
	4x Stihl	Yes	
	AR3000	(used by	
	Batteries	Rangers)	
	2x Stihl	Yes	
	electric	(used by	
	kombi 135R		
		Rangers)	
	2x Stihl	Yes	
	strimmer	(used by	
	attachments	Rangers)	
	 1x Stihl	 Yes	
	electric	(used by	
	hedge	Rangers)	
	trimmer	Nullycis)	
	130R		
	1x Stihl long	Yes	
	reach hedge	(used by	
	trimmer	Rangers)	
	attachment		
	accasimism		

		T		
		1x Stihl	Yes	
		reciprocating	(used by	
		head	Rangers)	
		attachment	- ,	
		4x Stihl	Yes	
		battery	(used by	
		chargers	Rangers)	
			Yes	
		1x Stihl pole		
		pruner	(used by	
		attachment	Rangers)	
			Yes	
		1x Stihl RMA	(used by	
		mower	Rangers)	
		2x Stihl	Yes	
		harness for	(used by	
		batteries	Rangers)	
			Yes	
		2x Stihl BGA	(used by	
		blowers		
		Diowers	Rangers)	
	various hand tools -			
	shovels, spades,			
	rakes, hoes,			
	handsaws			
	strimmer cord ,2			
	stroke fuel oils, fuel			
	cans, fuel storage			
	container. All			
	relevant PPE			
1x	TOIO VAITO I I I			
chipper/shredder				
to be shared by				
all teams				
	litter picks, bag			
	holders/rings			
	First aid kits for			
	each vehicle			
	sharps boxes			
	charging point			
	needs to be			
	installed in new unit			
	Tools for play			
	equipment			
4	repairs/maintenance		V	
1x electric walk			Yes	
behind city				
street sweeper				
3x push barrow				
for litter picking				

2.7. Extensive planning has been underway for some time to ensure the Council is ready to take over the package of devolution outlined in 2.1 to 2.5 of this report. The Council has started procuring equipment and vehicles by way of committee/council decision or officer delegation. A unit has been

secured for which the teams can operate from. The Council will be ready to take on services and assets from mid-April.

- 2.8. Current planning is focused on preparation for waste and recycling disposal with accounts being set-up and ensuring relevant licences in place.
- 2.9. Training has been organised to ensure that staff being TUPEd and new staff have a level benchmark with their knowledge in regards to COSHH, PPE, Manual Handling and Health and Safety Awareness.
- 2.10. Work is underway to review existing work schedules / patterns and see what improvements and changes are needed.
- 2.11. Changes will be made to the street cleaning routine to ensure more efficiency with a wider coverage and increased recycling.
- 2.12. A dedicated BTC 20ton road sweeper will ensure all roads in Bridgwater will be regularly swept and gullies and drains cleaned.

# 3. Proposed Budget for 2024/25

- 3.1. The budget proposals have been carefully drafted based on current responsibilities and take account for asset and service devolution figures received from Somerset Council. Both Councils are working at pace with a view that transfer of responsibility will take place mid-April. Legal title transfer will take place during 2024 possibly 2025.
- 3.2. Proposed budget key points:

#### Other information:

General

- Insurance will increase from £25,670 to approx. £40,000
- Office Phones, internet and I.T costs will rise by a considerable amount over several budget headings due to increase of staff
- Mobile Phones will rise by a considerable amount over several budget headings due to increase of staff
- Training costs will rise by a considerable amount over several budget headings due to increase of staff
- Professional Fees budget increase from £10,000 to £30,000 to take account of extensive legal work and buffer for professional advice that isn't available internally or from existing external advisors
- Audit fees will be higher due to turnover.

#### Civic Costs:

Members Allowance if approved £1,240 per councillor – total £19,840

#### Community:

- General Grants budget £18,000. Total requests this year: £30,000
- Defib project funding £10,000
- BTC Events £15,000 increase from £5,000
- £2,500 budget for more warm spaces and community drop-ins

• Higher Publicity budget now £5,000 due to increase of responsibility and effort to improve external communications.

#### Art Centre

• This is new a new budget requirement – taking over 1 April 2024

#### Town Hall

• No major changes other than new staffing in the draft budget from 2023/24 financial year.

#### Muesum

This has increased largely due to cost-of-living pressures.

#### Mill

Using Earmarked reserves for feasibility reports.

#### Cemeteries

No major changes – cost of living and new van lease.

## Facilities Support

- Higher income to changes with tenanted properties
- Blake Gardens' Toilets are due to be transferred (by way of lease) extra funding required to refurbishment
- Lodge exterior paint, windows and soffits required, hence the request for £15,000
- Footfall counters increase due to purchasing additional units
- Christmas Lights an extra £12,000 requested to replace Fore Street lights and new lights for Northgate Yard.

#### Town Team

• Slight increase of £900 to expand shop front improvement grants for targeted area of Eastover.

### ReCreation

• Direct funding for Youth Activities requested of £15,160.

## Parks, Open Spaces and Street cleaning

 Parks and Open Spaces and Street Cleaning is the biggest budget area of just over £1.4m. This is a higher cost compared to SC due to the need to purchase new machines and vehicles and to make improvements such as new litter and recycle bins. £90,000 is requested to install more play equipment and a MUGA at Mansfield Park.

## Rollercoaster

No changes in overall budget.

# 3.3. Key data Precept (council tax) data from town and parish councils in Somerset

Parish Name	Band D council tax (£) 2022-23	billing authority (£)	precept purposes	Band D council	Band D for 2024.25	
Langport	£277.83	£107,285.00	330.06	£325.05	£340.54	Agreed
Shepton Mallet	£198.76	£715,750.00	3,429.64	£208.70	£305.57	Agreed
Taunton	[z]	£2,114,000.00	19,276.13	£109.67	£299.30	30/01/2024
Glastonbury	£133.28	£650,924.00	3,254.62	£200.00	£298.13	Agreed
Bridgwater	£91.31	£1,153,746.00	10,296.83	£112.05	£295.33	01/02/2024
Somerton	£222.63	£549,902.00	2,109.53	£260.68	£292.33	Agreed
Yeovil	£142.59	£1,335,693.00	9,203.55	£145.13	£276.08	30/01/2024
Frome	£208.69	£1,983,504.00	9,060.52	£218.92	£270.97	Agreed
Wells	£212.29	£1,149,307.00	4,352.77	£264.04	£269.05	Agreed

3.4. Key data across England. It should be noted that the parishes below provide extensive service delivery like Bridgwater Town Council and in some cases not to the extent of Bridgwater Town Council (e.g. Langport).

5,610 councils have precepts exceeding £10,000, down from 5,638 in 2022-23

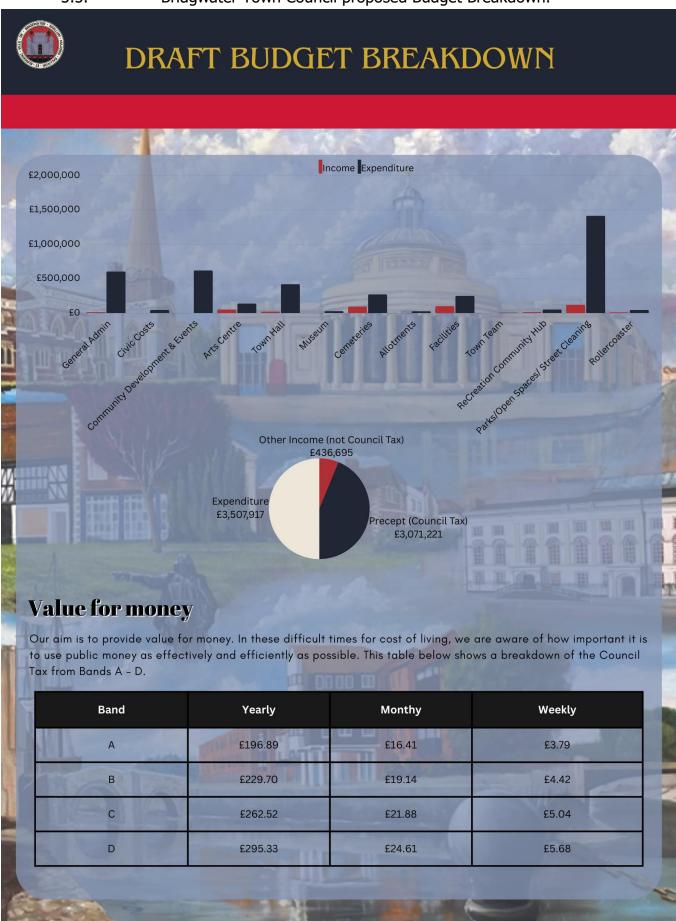
846 councils have precepts exceeding £200,000, up from 781 in 2022-23

308 councils have precepts exceeding £500,000, up from 281 in 2022-23

104 councils have precepts exceeding £1M, up from 83 in 2022-23

Top 50 highest Council Tax at Band D

	Parish Name	Band D council tax (£) 2023-24 [note j]
1	Falmouth	423.06
2	Horden	366.76
3	Peterlee	336.82
4	Salisbury City Council	335.00
5	Bodmin	327.81
6	Langport	325.05
7	Truro	320.38
8	Filton	312.84
9	Shirebrook	312.76
10	Shildon	301.24
11	Penzance	299.86
12	Chippenham	298.64
13	Easington Colliery	294.88
14	Camelford	287.94



3.6. Council tax band data for Bridgwater (Somerset Council, 2023). Please note that nationally the base figure used for council tax figures is for band D properties. In Bridgwater there are a low number of properties charged at this rate (4.56%). The majority of council taxpayers (77.60%) are in Band A and B, with a total of 92.85% in Bands A to C) with a significant number entitled to single occupancy discount and council tax support.

Banding	Percentage of Bridgwater properties	Current annual Band charge for BTC	Proposed annual Band charge for BTC from 1 April 2024	Proposed Band Charge per week
Band A	50.70%	£74.70	£196.89	£3.79
Band B	26.90%	£87.15	£229.70	£4.42
Band C	15.25%	£99.60	£262.52	£5.04
Band D	4.56%	£112.05	£295.33	£5.68
Band E	1.77%	£136.95	£360.96	£6.94
Band F	0.58%	£161.85	£426.59	£8.20
Band G	0.20%	£186.75	£492.22	£9.46
Band H	0.04%	£224.10	£590.67	£11.36

# 4. Legal Considerations

- 4.1. The Council will need to ensure operations conform with strict legislation such as, the Environmental Protection Act 1990 and Health and Safety at Work etc Act 1974 are the key pieces of primary legislation. Transfer of Undertakings (Protection of Employment) Regulations 2006 and its amendment in 2014) is also applicable regarding the taking over of service delivery.
- 4.2. The Council has the General Power Competence so does not need to concern itself with other powers available to local councils to talk on the services outlined in section 2.
- 4.3. For the control and enforcement of dogs these are known as public spaces protection orders under the Anti-Social Behaviour, Crime and Policing Act 2014. Please note that public spaces protection orders are made and enforced by principal councils in England and Wales not by parish, town or community councils.
- 4.4. Regarding Business Rates, a park provided for free and unrestricted use by members of the public is exempt from local nondomestic rating, Local Government Finance Act 1988, Schedule 5, para 15(1).

## 5. Financial and Risk Considerations

5.1. The Council cannot take over the package of devolution without setting an adequate budget and increasing staffing levels. The Council also needs to maintain a minimum level of reserves of 25% of annual expenditure. There are various large capital items built into the proposed budget that will assist

with building the required reserves to reduce the need to increase the budget by such a large percentage in the short to medium term.

# 6. Climate Change and Sustainability Considerations

- 6.1. Biodiversity (England) under section 40 of the Natural Environment and Rural Communities Act 2006 there is a duty on public authorities in England including town and parish councils to have regard to conserving biodiversity as part of their policy or decision making. Conserving biodiversity can include restoring or enhancing a population or habitat. English public authorities should be able to show their duty to have regard for conserving biodiversity if they have identified ways to integrate biodiversity when they:
  - Develop policies and strategies and put them into practice
  - Manage:
    - otheir land and buildings
    - o woodlands and nature reserves
    - ogardens, parks and public open space
    - o community amenities e.g. sports grounds and cemeteries
    - waste and pollution
    - o energy and water
    - o wood and plant products
  - Develop infrastructure, such as roads, buildings or flood defences
  - Make decisions about procurement
  - Implement economic, environmental and social programme.
- 6.2. Within the budget there is provision for improving recycling, planting and an increase in litter picking across Bridgwater and to sweep roads and clear drains and gullies, which is currently more reactive or inactive.

#### End of report.