

REPORT TO A MEETING OF THE POLICY AND RESOURCES COMMITTEE TO BE HELD ON 9TH JULY 2020

WARWICK DISTRICT COUNCIL STREET CLEANSING AND GROUNDS MAINTENANCE SERVICES

1. PURPOSE OF THE REPORT

To consider the request by Warwick District Council that the Town Council contributes to the cost of certain items within the Street Cleansing and Grounds Maintenance Services contracts.

2. INTRODUCTION

2.1 Warwick District Council is in the process of tendering for its new street cleansing and grounds maintenance contracts which are due to commence on 1st April 2021. Initial tender submissions have been received which, in the context of the unprecedented pressures on the Council's finances, have required the Council to consider what services they are able to provide.

2.2 The District Council has therefore undertaken a post tender examination of the following services:

Town Centre Barrow Operatives – providing continual street cleansing and litter bin emptying throughout the day, 7 days a week, in all Town Centre areas.

Fixed raised planters located in Town Centre areas and entrances to towns - Spring and Summer bedding displays which includes ground preparation, planting, dead heading and weeding, removal of plants and general maintenance of the beds.

2.3 The District Council states that it is in a position where the continued provision of these services is unaffordable without funding support from the Town Council. The Town Council is therefore asked to consider funding contributions as follows:

Type of provision	Anticipated annual cost of provision	Town Council requested annual contribution
Royal Leamington Spa Town Centre Barrow Operative	£40,000	£20,000
Fixed raised planters in Royal Leamington Spa town centre and entrances to town	£491	£491
TOTAL	£40,491	£20,491

2.4. The Town Council is further advised that without a funding contribution, it will be necessary to cease the provision of the above services. The costs of service provision indicated in the above table are indicative only and may change as the District Council progresses the procurement process. The District Council indicates that further discussions may be required if and when contracts are awarded.

3. **RELEVANT CONSIDERATIONS**

3.1 The Town Council has been requested to consider making a financial contribution to specific services which make up part of a much larger contract. However, it is important that the Committee understands the difference between the two distinct elements of the contract to which a contribution is now being requested by Warwick District Council.

3.2 Barrow Operative Service

It is not clear from the evidence submitted by the District Council the current extent of this service but the Town Council's funding contribution appears to be restricted to that part dealing with the litter collection and emptying of litter receptacles in the Town Centre. Town Councils benefit from a general power under the Litter Act, 1983 to provide litter bins. It must be assumed that the power also extends to emptying them.

3.3 The difficulty that needs to be addressed however is that removal of litter is a statutory function within the Environmental Protection Act 1990.

The Act places this responsibility on the following:-

County Councils

District Councils

Single-tier Councils (Unitary Authorities)

Parish and Town Councils are therefore not litter authorities within the definition of the Act. It follows that the responsibility for removing litter in places to which the public have access and which is under the control of the principal authority cannot be devolved to a Parish or Town Council. Parish or Town Councils can however undertake the function as an agent for the principal authority or contribute to the costs of so doing.

3.4 Warwick District Council has indicated that if no funding contribution is forthcoming it will cease to provide the services identified above. Whilst the provision of planting schemes and floral displays is a discretionary service and can be discontinued, the same is not true for services that are statutory. In this regard the Environmental Protection Act 1990 (Section 89) places a duty on litter authorities to:

“ensure that the land is, so far as is practicable, kept clear of litter and refuse.”

The Act further states that:-

“In determining what standard is required, as respects any description of land, highway or road, for compliance with (the relevant) subsections, regard shall be had to the character and use of the land, highway or road as well as the measures which are practicable in the circumstances.”

3.5 It is evident that the legislation applicable in this case does not permit Warwick District Council to withdraw a service to remove litter and cease cleansing operations in its entirety. However, it can reduce the frequency and level of service depending on the circumstances. Unfortunately, at the time of writing this Report, the District Council has given no indication as to the minimum level of service it will continue provide in relation to street cleansing and litter control in the Town Centre.

3.6 Planters in Town Centre

No details were provided in relation to these items but it is believed the service relates to the four planters situated outside Leamington Spa Town Hall. These were replaced with new planters some 3-4 years ago, the cost being met entirely by the Town Council. The planters are therefore the property of the Town Council. Whilst the cost of the maintenance is modest in annual terms, it should be noted that these planters are planted with perennial planting schemes as agreed with Warwick District Council and have received no on-going maintenance over the last twelve months. The costs quoted are therefore almost certainly inflated and possibly unnecessary should a more modest maintenance regime be required.

4. FINANCIAL IMPLICATIONS

4.1 The Committee will be aware that the Council’s principal source of income is the precept which is raised by a charge on all domestic ratepayers of the Parish. Whilst some revenue is now being generated via the Community Infrastructure Levy, this is modest and does not represent a suitable source for meeting future revenue expenditure such as that required for delivery of services now being proposed for contribution.

4.2 As indicated in paragraph 3.5 above, the Town Council cannot absolve the District Council of its responsibilities to keep the Town Streets reasonably free of litter, but it can contribute to a level of service higher or more frequent than that provided using its powers under the Litter Act, or Section 137 of the Local Government Act, if necessary

4.3 The District Council has provided very little contextual data to enable the Council to fully assess the financial implications of this proposal and further information has been requested in relation to the duration of the contract and other matters that will be necessary to inform the Council’s decision.

4.4 The Committee will be aware that it presently jointly funds the seasonal lighting contract with Warwick District Council and BID Leamington. It should be noted however that the Town Council was fully involved in the tender specification, contract award and delivery of the project and a proportion of the lighting scheme is directly attributed to the Town Council. Should the Town Council be minded to support the

street cleansing and grounds maintenance services contract it is suggested that the same protocols are observed.

4.5 In terms of the funding necessary, whilst the Council has sufficient balances to meet the cost of the first year contribution, the contract is likely to be of several years duration and will necessitate an increase in the Precept annually of approximately 6%.

4.6 It is understood that all four Towns in Warwick District have received a similar approach. There may be opportunities for collaboration between the four Town Councils which may offer some contractual benefits if there is common agreement on undertaking certain elements of the contract on an agency basis.

5. RECOMMENDATION

5.1 The District Council has afforded the Town Council no opportunity for discussion of options and has requested a response to its request by 29th July. The absence of information significant to an understanding of the context of the contract and the specific work undertaken by the Town Centre Barrow Operatives denies the Town Council the opportunity at this stage to make an informed decision on the future scope of the service and the implications for the cleanliness of the Town Centre.

5.2 Whilst the District Council has been asked to provide more information prior to the meeting, it is advisable that further consideration of this matter is deferred until the Council meeting on 16th July. A meeting between Officers of the District and Town Councils may also be helpful to an understanding of the implications of the current proposal.