

Parish Service Scheme Consultation Summary

INTRODUCTION

Maidstone Borough Council conducted a consultation on its proposed Parish Services Scheme in October 2011. The purpose of the consultation was to get parishes' views on the different elements of the scheme as well as some of the principles and mechanics behind it.

Additional sources of information, such as one to one meetings with parishes, feedback from a presentation day on the new scheme, correspondence via email, phone and letter and from a Joint Overview and Scrutiny Meeting held on 29 November 2011 have also been taken into consideration to produce the proposed revisions to the scheme.

Maidstone Borough Council would like to thank all those who have responded to the consultation and provided their feedback.

FORMAT OF THE CONSULTATION

The consultation was split into 4 main sections as well as the opportunity to provide additional comments. The sections were:

Section A – Draft Scheme Document

Section B – Funding Agreement

Section C – Evidence Based Discussion

Section D – Concurrent Functions Funding Impact 2012/13

Any Other Comments

SECTION A – DRAFT SCHEME DOCUMENT

SUMMARY OF RESPONSES AND MAIN POINTS RAISED

There were clear concerns raised regarding the chosen categories, whilst a number of parishes agreed with categories 1-3 (though not necessarily the content) they did not agree with category 4 (headings to be removed as out of date or defunct). Beyond the categories themselves parishes differed in their opinions as to which headings should go where and there was some fundamental disagreement on where some headings had been placed.

Concerns were raised regarding the proposal for categories and headings as being too complicated and a number of helpful alternative approaches were outlined. The major concerns raised were a lack of local discretion and flexibility and that the administration from the scheme would increase dramatically.

Other concerns related to ensuring the differences between parishes can be considered, that land ownership should not be a criterion on its own and how administration costs will be calculated.

Several comments were made that the existing scheme should remain.

MAIDSTONE BOROUGH COUNCIL'S RESPONSE

The need to keep the scheme simple and to allow local discretion are accepted. It is also agreed that land ownership cannot be a defining criterion on its own as issues around land ownership and responsibility are far too complicated to be simplified in that manner.

In order to increase local discretion the scheme will be amended to demonstrate that it accepts the principle that parishes are local bodies who should determine local standards and the split of expenditure on services agreed with Maidstone Borough Council.

To increase simplicity it is recommended that categories and headings are removed and a test applied to ensure that the services funded by MBC through this scheme are services that MBC would deliver. This test is that in the theoretical absence of the parish council, would MBC provide a service, or change its existing service provision? If it would then funding be provided to the parish for that service, if not then the service is in addition to what MBC is/would provide and will need to be funded by the parish. Additionally, the proposal to increase discretion on how funding is allocated between agreed services will simplify how payments are received as will the proposal to not make the funding dependent on any particular service level being achieved (beyond statutory minimums such as health and safety).

In effect these changes will mean that parishes receive a lump sum payment to split amongst the agreed services as they wish and that the level of administration will be equivalent to what the current scheme requires.

PROPOSED CHANGES AND ACTIONS

- That the requirement for parishes to meet MBC's service standards to receive the funding be removed
- That the categories and headings be removed and the Test of whether, in the theoretical absence of the parish council, would MBC provide a service, or change its existing provision, be applied
- That the funding provided for the agreed services be provided as a lump sum payment, not ring-fenced to any particular agreed service, but that it must be spent on the agreed services.

SECTION B – FUNDING AGREEMENT

SUMMARY OF RESPONSES AND MAIN POINTS RAISED

The majority of responses felt the funding agreement was simple, but some of the principles behind it were causes for concern. Specifically, what the annual review would entail, the level of administration arising from the review and how this fits with an agreement that has a life of 3-5 years.

Additionally, concerns were raised regarding allowing flexibility for parishes to change the services provided. Some parishes felt it was not possible for them to plan 12 months in advance so felt the agreements were unsuitable whilst others welcomed the ability to plan ahead through having a fixed life agreement.

Another issue raised was the burden, enforcement complications and perception of a lack of trust on MBC's behalf that monies would be clawed back if spent incorrectly.

Nearly all parishes agreed with maintaining 2 payments over the course of the year.

MAIDSTONE BOROUGH COUNCIL'S RESPONSE

The lack of clarity on the annual review and the need for flexibility are understood. In line with the proposals to reduce administration and increase discretion outlined above (Section A) it is proposed that the agreements have no fixed life and are assumed to run indefinitely for as long as the services in them are provided. There will be no annual review. However, to allow for flexibility for both parties the agreements will not be fixed and will allow services to be removed or added as service provisions change at either a borough or parish level.

Additionally, the Council has a duty to provide Value for Money and it will therefore be basing the funding amounts it provides on its own costs of service provision. A price list will be produced to make sure this is transparent to parishes. Every 3 years MBC will revise this price list in accordance with its own costs to ensure value for money (where MBC's costs have gone down) and fairness to parishes (where MBC's costs have risen).

The proposal to remove the funding requirement of meeting MBC's standards will have the knock-on effect of simplifying the agreements further as the standards will not need to be stated.

With regard to recovering monies it is proposed that this will not take place for the previous year, but where it is demonstrated that monies have been incorrectly spent the agreement will be reviewed with the parish.

Additionally it is proposed to include provision for parishes to accrue the monies in a capital pot for expenditure on the agreed services in future years. This will provide parishes with a mechanism to carry monies over from one year to the next and prevent parishes from being unfairly punished for efficient expenditure. This will also enable parishes to accrue capital monies for unforeseen expenditure and allow some flexibility year on year.

PROPOSED CHANGES AND ACTIONS

- Remove the need for an annual review and use the end of year return to get a statement from parishes that statutory minimums have been met
- Remove the fixed life from agreements so that they run indefinitely and are amended only when service provision changes (by either parish or MBC)
- Set the revision of MBC's price list at 3 years for planning purposes
- That where a parish is demonstrated to have spent monies on services not agreed with MBC that the monies not be recovered for the preceding year but that the funding agreement be reviewed and funding reconsidered for the current and future years.
- Any underspend can be accrued to a capital pot for future expenditure on the agreed services, so that underspends do not have to be refunded to MBC and parishes are not unfairly penalised for efficient spending on the services.

SECTION C – EVIDENCE BASED DISCUSSIONS

SUMMARY OF RESPONSES AND MAIN POINTS RAISED

Parish Councils were nearly unanimous in their disagreement that evidence should be used in discussions with them over the scheme. The main reason being that parishes do not rely on evidence for services but local knowledge and common sense and that producing evidence would be bureaucratic and costly.

With regard to evidence from MBC the main request was for MBC's standards and to ensure that any information was provided before the meeting.

MAIDSTONE BOROUGH COUNCIL'S RESPONSE

Parishes concern regarding producing additional evidence for the discussions is understood. However, in their responses parishes list numerous examples of evidence they already have, for example direct feedback from residents (in person, via email, via letter etc.). The concerns seem to have been compounded by the wording of the question that suggests surveys, audits and the parish plan. The examples given were not exhaustive and it was not expected that parishes would go out and produce additional pieces of work for this exercise, but that any existing evidence would be used (including the examples given by parishes).

Any existing evidence would be welcomed as part of discussions with parishes on agreeing a list of services with them – however, the Test (outlined in section A above) will now be applied and whilst it is not a requirement, parishes may find it helpful to bring evidence with them should they wish to dispute proposals put forward by MBC.

The removal of the funding requirement of meeting MBC's standards reduces the emphasis on MBC's standards, however, MBC is happy to provide that information ahead of meeting with parishes.

PROPOSED CHANGES AND ACTIONS

- No changes but that it be noted that evidence will be considered at the discussions in all its forms and that no evidence will be mandatory but would aid discussions.

SECTION D - CONCURRENT FUNCTIONS FUNDING IMPACT 2012/13

The majority of parishes did not feel able to complete this section as part of the consultation and those that did were keen to stress that the information provided was estimated and could change. However, the decision has been taken by Cabinet to recommend a budget to Council that includes continuation of concurrent functions funding at its existing level for 2012/13 making this section unnecessary.

ANY OTHER COMMENTS

SUMMARY OF RESPONSES AND NEW POINTS RAISED

One parish was keen to point out that MBC could have done more on the administration of the existing scheme, this is also feedback received from elsewhere. Other points made were that parishes did not wish to change from the existing scheme and wished MBC to complete its negotiations with KALC, that the consultation process had taken up a lot of time and a comment regarding council tax being frozen.

MAIDSTONE BOROUGH COUNCIL'S RESPONSE

It is accepted that MBC could have carried out tighter administration of the existing scheme and it will do so for 2012/13, in addition it will ensure that this lesson is carried over to the new scheme.

MBC is no longer in negotiations with KALC over the new scheme as has been previously stated. This is due to the lack of progress made with KALC in 2011 and the increased and more constructive progress made over the last 4 months by consulting with parishes directly.

PROPOSED CHANGES AND ACTIONS

- That the point raised regarding the administration of the existing scheme be noted and learned from for 2012/13 and the new scheme.