

Local Devolution Programme in North Somerset – FAQs

This document provides answers to frequently asked questions about North Somerset Council’s Local Devolution Programme (LDP). It is designed to support Town and Parish Councils in understanding the framework, opportunities and responsibilities involved in asset and service devolution.

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Frequently Asked Questions

Please note this is an active document and if questions are asked which are not answered below, we will continue to update.

**Disclaimer - Information shared in this document does not override the framework.*

General FAQs

What is Local Devolution?

- Local Devolution offers the opportunity for town and parish councils, alongside community groups, to take a greater role in the management of assets in their area such as parks, play areas and community spaces.
- This approach brings operational decision-making closer to residents and enables priorities to be shaped directly by local needs.

Why is North Somerset Council pursuing Local Devolution?

- Strengthen our collaboration with Town and Parish Councils, the voluntary and the community sector to ensure we work well together for the benefits of our residents.
- Enable the continued revitalisation of our towns and villages, making North Somerset a great place to live, trade well, work and visit.

What are the benefits for communities?

- Greater local control and responsiveness to community needs
- Keeping important local services and facilities open so people can continue to use them.
- Finding new and creative ways to use council resources to meet community needs.
- Access to funding not available to North Somerset Council (NSC)

What are the options for implementing Local Devolution in my area?

- There is a [Local Devolution framework](#) which offers six distinct delivery pathways for asset and service devolution, each offering varying levels of responsibility and control. These include:
 1. **Influencing and Monitoring** allows Town and Parish Councils to shape service delivery without taking on direct responsibility.
 2. **Joint/ Enhanced Delivery** enables them to fund improvements beyond baseline services, often in partnership with NSC.
 3. **Agency Agreements and Sponsorship** provide formal arrangements for local service enhancement, including advertising and maintenance.
 4. **Delegated Authority** involves full responsibility for service delivery, typically under legal agreements.
 5. **Transfer of Services or Assets** includes ownership and management of specific assets, requiring robust business cases and legal compliance.
 6. **Transfer of a Group of Assets** allows for bundled asset transfers to support financial viability, assessed under NSC's Community Asset Transfer Policy.
- Each pathway is designed to empower local communities while ensuring alignment with council priorities and legal obligations.

What assets and services are in scope?

- An immediate focus of Local Devolution is on our play areas. With NSCs repair and maintenance budget being extremely limited, there is a real opportunity for town and parish councils to safeguard these areas for the future
- Other discussions are focusing on open spaces (particularly those containing play areas), litter bins and community halls
- When considering what assets or services to become more involved with, a town or parish council should consider all delivery pathways and engage with NSC officers to discuss options.
- In many cases, delivery pathways 1 to 3 offer a lighter touch approach that can deliver community benefits with less ongoing delivery responsibility

What are the risks and challenges?

The responsibilities and financial implications of any asset or service transfer must be carefully evaluated. Some key points to consider are (not an exhaustive list):

- Financial implications
- Legal responsibilities
- Health and safety
- Need for governance and operational capacity
- Managing public expectations and service standards

Do town and parish councils have to participate in Local Devolution?

- No. It's up to individual councils to decide how and if they would like to engage with this programme. The framework offers a range of delivery pathway options. Our Officers are happy to talk through these options with you to find which best suits your requirements. Please email Your.Neighbourhood@n-somerset.gov.uk to set-up an initial meeting.

Will NSC simply stop services if they are not taken on by a town or parish?

- No, the Council will continue delivering these services. This programme is not about forcing town or parish councils to take on responsibilities. Town and Parish Councils have historically asked for greater influence over how services are delivered locally. The programme provides a range of options from; having more say, to jointly shaping delivery, to fully taking on ownership and management where this is appropriate.
 - Play areas are the only exception to this. North Somerset Council currently has an extremely limited annual budget (around £20k) to manage, maintain and invest in its 56 play areas across the district. Cabinet agreed on 10 September that play areas would be included in the first phase of devolution. Any play area not taken on by a town or parish will continue to be managed safely by NSC. However, because of the limited investment budget, broken equipment will not be replaced, meaning some sites will gradually reduce in quality over time and would eventually close.
- Rising costs particularly in adult social care and children's services, combined with reduced national funding mean the Council must save £44 million over the next three years. To keep statutory services sustainable, other services may need to increase income (for example concessions) or have reduced standards such as less frequent grass cutting.

- By working with communities on these choices, rather than imposing changes, the Council can protect essential services while enabling local areas to enhance or influence others. Where a town or parish chooses to take on an asset or service, it enables the Council to redirect resources to deliver other priority services for North Somerset residents.

How does this align with NSC's Corporate Plan?

- It supports goals to make the best use of assets, strengthen partnerships and enable community-led regeneration.

Has the planned development in North Somerset and the Local Plan been considered?

- Local plan (new housing) is a big consideration for NSC when dealing with requests to dispose of assets. If they form part of the local plan for new housing, it is unlikely they will be devolved.
- Our local plan will continue to require development to provide public facilities, such as open space and decisions around their management will be determined during the planning process.

What budget is planned to carry out the devolution?

- A budget of £104,450 has been allocated to support the initial resources for North Somerset Council to deliver phase 1 (short-term, quick wins).
- Phase 2 is for medium/long term assets and services and are still under discussion and will be subject to further approvals.
- The recipient organisation for any transfer of asset(s) or service(s) will need to cover their own costs.

Has any asset gone through the Local Devolution process yet?

- Early opportunities - such as allotments and play areas - have been earmarked for transfer. We are currently working on c.30 proposals for various delivery pathways as part of our 'Phase 1 – quick wins' with a completion target of the current financial year.

Delivery pathway specific FAQs

Delivery pathway 1 - Influencing and monitoring

What does this pathway involve?

- Town or parish councils can monitor service delivery, for example bin emptying, and influence how assets are used or managed, without taking on direct responsibility.

How can a town or parish council support service delivery

- Having eyes on the ground reporting back issues related to council works can help massively with improved service delivery.

Delivery pathway 2 – Joint/ enhanced delivery

How can town or parish councils enhance existing services?

- By funding improvements beyond baseline or statutory services, such as NSC are piloting an approach to working with Parish Councils to enable them to support further delivery on certain non-statutory highway services.

Delivery pathway 3 – Agency agreements and sponsorship

What is an agency agreement

- This is a formal arrangement where a council or group manages a service or asset under agreed standards.

How can town or parish councils (or even businesses) sponsor local infrastructure?

- Sponsorship opportunities include roundabouts, signage and landscaped areas.
- Please approach us with any ideas around sponsorship by emailing Your.Neighbourhood@n-somerset.gov.uk

Delivery pathway 4 – Delegated authority

What legal agreements are required?

- This would be formal agreements such as leases or service-level contracts.

Can statutory services be delegated?

- The ultimate responsibility for providing statutory services rests with North Somerset Council. Due to the legal and financial sanctions for failing to deliver these services they are not appropriate for delegation.

Delivery pathway 5 - Transfer of Services or Assets

What is asset transfer?

- This refers to the transfer of ownership or responsibility for public assets - such as parks and open spaces, play areas - from North Somerset Council to a parish or town council.

What due diligence is required for assets to be transferred?

We advise that each recipient organisation looks into this carefully. Below are some examples:

- Condition surveys
- Legal checks
- Health and safety responsibilities (especially for HSE)
- Financial planning
- Community consultation
- Business planning – resources required such as people, depots and machinery

What happens to enquiries from the members of the public?

- Post transfer – all service enquiries, and complaints become the responsibility of the recipient organisation. It is key you have resources in place to manage demand.
- North Somerset Council will only intervene for statutory issues or covenant breaches.

Delivery pathway 6 – Transfer of a group of assets

Why bundle assets?

- To create financially viable packages that balance income and expenditure across multiple assets.

What is the role of the Framework?

- It sets out procedures and criteria for evaluating grouped asset transfers, ensuring strategic alignment and community benefit.

Roles and responsibilities

Who manages public enquires post-transfer of an asset?

- At the point of transfer, North Somerset Council will no longer have management responsibilities, and it will be up to the town or parish council to manage how all future enquiries are dealt with in the end
- North Somerset Council will only become involved if any of the land transfer covenants are breached or for statutory responsibilities such as environmental protection.
- Other organisations may also be contacted by the public - such as the Health and Safety Executive – for which the recipient organisation will be expected to respond.

What roles and responsibilities will be transferred with an asset?

- Condition surveys: Assess the physical state of the asset
- Legal checks: Review ownership, covenants and liabilities
- Financial analysis: Estimate ongoing costs and potential income
- Consultation: Engage with the community and stakeholders
- Business planning: Develop a sustainable management plan, back-office systems and skills required to undertake the management of devolved assets
- Risk assessments and insurance coverage
- Clear policies for asset management
- Regular reporting and maintenance schedules
- Community engagement mechanisms

- TUPE – staffing resource new/ existing
- Emergency call out provision

What support is available from NSC?

- North Somerset Council has already met with the Towns and some /of the Parishes to discuss management responsibilities for their future asset transfers, and we can have ongoing dialogue through the devolution process.
- Project management for specific tasks will also be possible, but this will need to be discussed on an individual basis.

What happens to existing volunteer groups?

- Volunteer groups are typically aligned to a site so they will be asked to carry on working with the new landowner.
- NSC will ensure there is a meaningful discussion early on between volunteers and the new landowner.

Adopting Assets and Services

Legal and financial considerations

What liabilities come with asset adoption?

- Maintenance and repair
- Insurance
- Health and safety compliance
- Legal obligations (e.g. covenants, access rights). Any councils looking to take on assets should engage with relevant legal advice.

Will any funding or budget transfer from North Somerset Council to the recipient town or parish council?

- Each organisation (NSC and the recipient) will be required to bear their own legal and related costs
- Any town or parish taking on local assets will need to carefully consider how this is funded in advance as there will not be any transfer of budgets.

What financial burdens might arise from adopting assets?

- Adopting assets will lead to ongoing costs such as maintenance and repair, insurance and staffing.
- These financial responsibilities must be carefully assessed to ensure sustainability.

How will the management of transferred assets be funded?

- Town and parish councils do not have to follow the same financial constraints, so are able to increase local precepts to cover the new management of any services or assets they take on.
- The decision to increase any precepts is the decision of the individual town or parish council and should be carefully considered.
- Town and parish councils may choose to use their own reserves, allocate their Community Infrastructure Levy funds or even access grant funding

What is “best consideration” under the law?

- As with any asset disposal (or transfer) NSC is legally required to transfer the asset at market value, unless community benefit justifies a lower price under Section 123 of the Local Government Act 1972.

What are the implications of TUPE?

- TUPE stands for Transfer of Undertakings (Protection of Employment) and is UK legislation that protects employees’ rights when a business or service changes ownership, ensuring their jobs, terms, and continuity of employment transfer automatically to the new employer.
- If staff are affected, TUPE regulations may apply. Early legal advice is recommended.

What is the legal process around disposal of an Open Space?

- NSC are required by law to advertise the disposal of public assets to comply with statutory requirements under the Local Government Act 1972, which mandates public notices and consideration of objections before releasing land from public trust.
- This ensures transparency and gives communities the opportunity to comment on proposed changes to public spaces.

Communications and engagement

How is NSC consulting with communities?

- Externally, engagement has so far focused on gauging interest from town and parish councils via the Strategic Steering Group (SSG)
- Internally Local Devolution has been discussed with the CATE Scrutiny Panel and the Cabinet, wider communications have also been shared with NSC Members
- Further engagement will occur on any open space land transfers that require a public consultation period as required under the Local Government Act 1972 and statutory notices must be published, and objections considered, to release land from public trust per Sections 123(2A) and (2B) of the Act.
- Whilst the Council will focus on its legal obligations in terms of responding to feedback, it will continue to consider other enquiries.

Do town and parish councils need to consult residents?

- Yes. Transparency is essential, especially regarding funding and service changes.
- How each town or parish council chooses to do this is up to them and subject to their local constitution.
- Councils are advised to engage with their communities to align expectations with what can realistically be delivered and on what this will cost them locally

How should we communicate changes locally?

- Local Devolution is intended to be delivered in partnership between NSC and the recipient organisation. Any announcements should be co-produced and include key messages from both organisations.
- NSC comms team will be engaged in the process at the point of transfer to support outgoing communications and media enquires
- For any questions around media please contact communications@n-somerset.gov.uk in the first instance

North Somerset Council finances

Why do you need to make savings?

- The council is facing an unprecedented financial emergency and whilst we may be making savings in specific areas of our work our overall costs are continuing to increase in other areas
- Demand for our services that we have to deliver by law (known as statutory services) are going up, and the costs of providing those services also continue to rise – but our funding isn't increasing sufficiently to cover these, and hasn't for a number of years.
- Like many councils across the country, North Somerset Council is continuing to face an ongoing financial challenge caused by year-on-year cuts to council budgets coupled with rising demand for council services, particularly in care services for children and adults.
- The council has had to dig deep to explore and identify savings across various services, to fill our funding gaps.
- The Local devolution programme will reduce the overall number of assets owned or leased by North Somerset Council over time, whilst making best use of its remaining assets and resources to deliver value for money and support the council's statutory duties.

What savings do you need to make?

- Across North Somerset Council, we need to reduce our overall spending by over £44million over the next three years.
- Local devolution will only provide a small contribution to the overall savings target..

Does this mean council tax will increase / decrease?

- Unfortunately this does not mean council tax will decrease.
- North Somerset Council is restricted by law as to how much it can put up its council tax in a given year - the current restrictions being 2.99 per cent for general spending (spread across all services) and a further two per cent ring-fenced for adult social care. Town and parish councils don't have the same financial constraints.

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- As town and parish councils do not have to follow the same financial constraints, it is possible that town and parish councils could look to increase their local precepts to cover the new management of any services or assets they take on through the process of devolution. For confirmation on increasing precepts, contacting parish and town councils directly is advised.

For more information about how the council is funded see the article [Council looking to tackle funding challenges | North Somerset Council](#)