

WEST SWINDON PARISH COUNCIL**Planning & Environment Committee****Parish Boundaries & Grounds Maintenance****1. Information**

- 1.1 From 1 May 2017, West Swindon Parish Council agreed a legal deed with Swindon Borough Council for the transfer of grounds maintenance and street cleaning functions.
- 1.2 The agreement delegates grounds maintenance which is the responsibility of the Borough Council to the Parish Council. The delegation covers a number of areas specified in the agreement all of which, belong to the Borough Council. The delegation started on 1 April 2017 and lasts for twenty years subject to termination as per the agreement. It transpires that some of the land covered by the delegation lies outside both the parish and the Borough Council.
- 1.3 The land is primarily an area of grass cutting in Common Platt and hedgerow cutting at Hook Street. The land outside of Swindon Borough Council boundary and the Parish boundary but is owned by Swindon Borough Council. Residents do not pay Precept or Council tax to either organisation.



- 1.4 The agreement states in Purpose A that the Parish Council wishes to undertake the delegated function within its area. However, the Parish Council signed up to the agreement when it covered land outside its area..

- 1.5 The Parish Manager has consulted with the National Association of Local Council's legal advice service which has concluded that a situation like this is not entirely clear as the Parish Council can argue that the written document does not accurately reflect the actual agreement as the Parish Council clearly did not want to deal with land outside the parish. However, the Borough Council can argue that the Parish Council willingly signed the agreement and should have checked the areas concerned.
- 1.6 The area of additional responsibility is not worthy of legal action however, the Parish Council could seek to propose an end to the inclusion of this land at the Deed Agreement review date in 2022. The Borough Council may decide that it will not enter into a new agreement with the Parish Council unless it covers all the land at which point, the Parish Council would need to determine its position.

2. Recommendation:

- 2.1 For this Committee to note the current provision and instruct the Parish Manager to either continue the service for the foreseeable future or take action to propose an amendment to the Deed agreement in 2022.

Paula Harrison
Parish Manager