

NORTH SWINDON PARISH COUNCIL

Deed – Swindon Borough Council

Full Council – 9 August 2017

1. Introduction

At the Parish Council meeting on 12 July 2017 it was agreed that the Parish Council should obtain legal advice before signing the Deed for the transfer of services.

2. Report Details

- 2.1** The Clerk contacted South Swindon Parish Council to ascertain whether the legal advice they had received from their solicitor could be shared with other Parish Councils. The response received was that the advice was confidential to the client, but that the report made as a result of the advice was in the public domain.
- 2.2** Following discussion with the Chair and Vice-Chair it was agreed that the Parish Council should obtain their own legal advice from the same company and a quotation of £200 was obtained for this service.
- 2.3** The legal advice has now been obtained and a copy is attached.

From the advice it is suggested that the following changes are made to the Deed. These can be added to at the meeting:

3.2 that an additional paragraph is inserted to cover indirect cost or a clearer interpretation of what is meant by 'directly attributable'

Add 3.3 to repeat the same wording in terms of reimbursement of loss if Swindon Borough Council give notice at one of the five year break clauses

Schedule 1 A 1) under Street Cleaning should read 'Parish Council has capacity and not parish' and add 'where it is practicable for the Parish Council to remove'.

Schedule 1 A 1) permission to clean road signs should be removed as it is not a function, only a permission.

Schedule 1 B 2) add that the Parish Council is responsible for delivery of the function in the coloured area, other than the pink(not SBC) and not for the uncoloured areas

Schedule 2 2) second paragraph about elected member should be removed.

- 2.4** If these changes are approved at the Full Council meeting, then the Chair and the Clerk would negotiate the amendment of the Deed with the Director of Law at Swindon Borough Council.
- 2.4** A meeting is being arranged with Swindon Borough Council officers and the chair of South Swindon Parish Council is being arranged for Tuesday 22 August 2017.

3. Recommendations

- 3.1** That the Parish Council requests Swindon Borough Council to make the changes to the Deed as outlined in paragraph 2.3.