

MANDATORY AND DISCRETIONARY SERVICES

1 SUMMARY

- 1.1 Members requested information on the services that were mandatory or discretionary.

2 BACKGROUND

- 2.1 Members will recall that the simple test of “Do we have to provide a service by law” needs some qualification.
- (1) The Council takes on legal obligations even when there is no statutory duty to provide a service. An example here is the maintenance of a building or land, which is open to the public. The Council has a duty to ensure that the asset is fit for the purpose.
 - (2) The support services of the Council are not statutory but without them statutory services, could not be provided.
 - (3) How a statutory service is provided is often open to some interpretation. Therefore, the Authority could decide to provide either a minimal provision of service or a comprehensive one.
 - (4) This last point will however be affected by Government requirements in relation to Best Value and Competitive Performance. The Authority is judged by its performance on certain services thus reducing in some cases the option to have a minimal response. This will increase with the introduction of league tables and Authorities being marked as either High Performing, Striving, Coasting or Poor Performing.
 - (5) The introduction of the Central/Local Partnership and its effective translation through Public Service Agreements will also impact on whether a service should be delivered and if so by what means and to what level.
 - (6) As part of the Local Government Act 2000, the Government introduced the power to promote well being. Here, the objectives are the promotion or improvement of the economic, social and environmental well being of the area. The legislation makes it clear that these powers are deliberately wide-ranging and include broad spending powers. Hence. Matters such as

economic development and leisure and recreation provision could be regarded as mandatory rather than discretionary under this definition.

How much this legislation is regarded as a power as against requirement remains to be seen within the framework of competitive performance.

3 CONSIDERATION

- 3.1 Appendix A to this report is a list of the frontline services with the broad division of Mandatory and Discretionary. In some cases, this may be shown on the basis of mainly Mandatory or mainly Discretionary. An example might be within the cost centre for democratic representation. This cost centre contains the cost to Members and the Committee process. Many Committees can be aligned to the delivery of Mandatory services but not all. In addition, items like the subscription to the Local Government Association are seen as a means of achieving mainly Mandatory services.
- 3.2 Another example might be recycling. It could be regarded as a Mandatory service up to the Government standards for the District but possibly not beyond.
- 3.3 The numbering relates to the appropriate page in the Budget Book for the Financial Year 2001/2002 and the column net expenditure includes support service recharges but does not include asset rentals/depreciation.

4 RECOMMENDATION

Members are requested to consider the report.

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Background Papers:

None

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