#### THE OVERVIEW AND SCRUTINY COMMITTEE

19 March 2012

FINDINGS OF THE INFORMAL SCRUTINY GROUP ON COMMISSIONING AND THE VOLUNTARY AND COMMUNITY SECTOR

REPORT OF ASSISTANT DIRECTOR (ECONOMIC PROSPERITY)

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#### RECENT REFERENCES:

OS12 – Appointments to Batch 1 and Batch 2 Informal Scrutiny Groups 2011/12, 20 June 2011

Minutes of The Overview and Scrutiny Committee for 20 June 2011

CAB2153 - Introducing a Commissioning Approach, 13 April 2011

<u>CAB2098</u> – Proposals for a Commissioning Approach, 8 December 2010

#### **EXECUTIVE SUMMARY:**

The Council has, for many years, been creative about the way that it delivers services and projects. Delivery mechanisms range from the tendering of major contracts through to devolution to parish councils, and include grants programmes, one-off procurement and, of course, our own services.

Over the past 18 months, the Council has sought to strengthen and enhance this creative approach as part of its wider modernisation agenda, under the banner of 'commissioning'. One of the growing opportunities presented at the current time is to help communities to help themselves by delivering more through the voluntary and community (and broader 'not for profit') sector.

When the Council formally adopted a 'commissioning approach' last April (<u>CAB2153</u> - Introducing a Commissioning Approach, 13 April 2011), Members requested that it

be reviewed within a year. The Overview and Scrutiny Committee followed this request by establishing an Informal Scrutiny Group (ISG) looking in general terms at the success of the 'commissioning approach' and specifically at the capacity of the not-for-profit sector to respond to it.

The group has now met five times and concluded its deliberations, and this final report sets out its programme of meetings, main findings and recommendations.

Members of The Overview and Scrutiny Committee are asked to consider these recommendations with a view to referring them to Cabinet for implementation.

#### **RECOMMENDATIONS:**

- That Members consider the recommendations of the ISG as set out below, and refer them to Cabinet for implementation:
  - a) the Assistant Directors should proceed with a wider review of the needs of the not-for-profit sector (including social enterprises) begun at the consultation meeting on 23 February, and work with local authority colleagues and the council for voluntary service (cvs) organisations to identify the most appropriate 'package' of support;
  - b) at the same time, officers should work with Winchester Area Community Action (WACA) to provide additional training for the sector in identifying bidding partners, constructing strong bids, making good presentations and using the South East Business Portal (where opportunities are advertised);
  - c) the Assistant Directors should roll out training for the Council's Heads of Team on commissioning best practice to enable not-for-profit organisations to bid for a wide range of opportunities;
  - d) the Head of Corporate Communications should work with the Assistant Directors to increase the consistency, clarity and visibility of the information on the Council's website setting out the commissioning approach; actively communicate it to the sector, and enhance it, for example with tips and guidance, examples of best practice, useful contacts, answers to frequently asked questions;
  - e) the Chief Executive should consider a more systematic approach to determining which services, projects and programmes should be subject to new forms of delivery to enhance effectiveness and value for money, rather than the current more pragmatic approach (eg based on end of existing contract, departure of a staff member);
  - f) the Assistant Directors should work with the Head of Finance to strengthen the alignment between 'Expected Outcomes' in Change Plans and the commissioning approach; there should be an additional column in Change

Plans providing information about how the work will be done and/or paid for.

- g) the Corporate Director (Governance) should give consideration to the role of Members representing the Council on the management committees and boards of not-for-profit organisations, in terms of disseminating information about commissions, and feeding reports about the organisations back to officers and other Members.
- h) officers responsible for drafting service level agreements should encourage funded organisations to involve and promote their initiatives to Ward Members to increase understanding of their work.

#### THE OVERVIEW AND SCRUTINY COMMITTEE

#### 19 March 2012

# FINDINGS OF THE INFORMAL SCRUTINY GROUP ON COMMISSIONING AND THE VOLUNTARY AND COMMUNITY SECTOR

#### REPORT OF ASSISTANT DIRECTOR (ECONOMIC PROSPERITY)

#### **DETAIL**:

- 1 Introduction
- 1.1 At a meeting of The Overview and Scrutiny Committee held on 20 June 2011, it was agreed to establish an Informal Scrutiny Group (ISG) to consider
  - "delivery of support for a strong and vibrant community and voluntary sector, coupled with arrangements for the Council's commissioning approach to service delivery."
- 1.2 The five Members of the ISG were Cllrs Hutchison (Chair), Phillips, Scott, Jackson and Love, although Cllr Love was subsequently replaced by Cllr Banister. As Chief Executive of Winchester Area Community Action (WACA), the support body for the voluntary sector in the Winchester District, Paul Williams was also invited to attend four of the five meetings.
- 1.3 The Group first met on 21 November 2011, at which point it adopted a framework for its meetings based on the following three questions:
  - a) How much progress has the Council made so far in becoming a commissioning organisation, and with what success?
  - b) Is the voluntary sector of the Winchester District prepared and able to take up the challenge of the commissioning approach?
  - c) How does the commissioning approach support delivery of the outcomes of the Community Strategy?
- 1.4 In answering these questions, Members of the ISG endeavoured to identify pragmatic and low cost improvements designed to enhance current practice and impact.
- 1.5 During the meetings, Members used the term 'not for profit' to include community and voluntary groups, as well as other types of organisation such as social enterprises and cooperatives. Whilst such organisations seek to make a surplus, no profit is distributed to shareholders: the surplus is reinvested to further the ends of the organisation or the cause(s) which it supports. As such, it was felt that the whole sector should be considered as part of the work of the ISG.

1.6 The programme of meetings, including details of the broad themes for each one and the presentations made, is included at Appendix 1. This report summarises the main findings of the ISG, and sets out its recommendations for further consideration by the Overview and Scrutiny Committee.

- 2 <u>How much progress has the Council made so far in becoming a commissioning organisation, and with what success?</u>
- 2.1 The Council has, for many years, been creative about the way that it delivers services and projects. When an opportunity for change has arisen, consideration has usually been given to alternative forms of delivery intended to secure service improvements, efficiency savings or new approaches. Delivery mechanisms range from the tendering of major contracts through to devolution (i.e. the passing down of assets or responsibilities) to parish councils, and include grants programmes, one-off procurement and, of course, the Council's own services.
- 2.2 Over the past 18 months, the Council has sought to strengthen and enhance this creative approach as part of its wider modernisation agenda, under the banner of 'commissioning'. Although the term has often proved confusing because it has different connotations for different audiences, it has been defined by the Council simply as 'getting things done'. Appendix 2 sets out the main forms of commissioning and the agreements which underpin each type of relationship. At its heart, the commissioning approach is intended to encourage new ways of thinking about delivery, including by encouraging external partners to formulate fresh approaches..
- 2.3 <u>Cab2069</u> (Proposals for a Commissioning Approach, December 2010) states, "Commissioning not only relates to the way the services are procured: it also seeks to link the deployment of all appropriate resources to delivery of strategic priorities...The aim will therefore be to commission a wide range of services in this way, over time, so as to influence the design of service plans for public sector operational teams, multi-agency initiatives, service level agreements with voluntary sector partners, contracts with local businesses, etc."
- 2.4 The approach is founded on a number of principles, including:
  - a) a clear link back to the priority outcomes set by the Community Strategy. This is achieved through the annual Change Plans which set out actions and programmes in support of the three outcomes of economic prosperity, a high quality environment and active communities;
  - b) greater and more systematic consideration of alternative delivery options, guided by the Council's own service redesign processes;
  - c) a focus on end results (or outcomes) rather than levels of activity (or outputs);

- d) a commitment to broadening the marketplace, in terms of making opportunities more available to small to medium sized enterprises and not-for-profit organisation;
- e) ensuring that local organisations are aware of and able to bid for new opportunities;
- f) being open to new ideas and approaches suggested by organisations or individuals from the community;
- g) building long term relationships with suppliers;
- h) maximising the potential to generate efficiency and improve value for money.
- 2.5 In an era of 'localism' and 'the Big Society', local authorities have been encouraged to devolve services in a way which brings them as close as possible to local citizens. One way of doing this is to commission services from the not-for-profit sector, which includes charities, trusts, community groups, arts and sports clubs, social enterprises and other organisations which exist for the public good rather than to make a profit. Most draw on the time, skills and commitment of volunteers, which enables them to provide services more cost-effectively than commercial organisations. These volunteers have direct and frequent contact with many of our most vulnerable residents, and the organisations have an excellent understanding of the needs of their customer groups and are well placed to gather and act on 'front line' evidence
- 2.6 Although the Council adopted a formal 'commissioning approach' only last April, the last three years have seen changes to traditional ways of thinking about delivery. For example, Members of the ISG heard about the new waste management contract. Key differences in this tendering exercise included:
  - issuing a joint contract with another district, bringing about significant savings
  - inviting prospective suppliers to a pre-tendering meeting to discuss the approach to 'parcelling up' services in order for contractors to deliver them effectively and for the tendering process to yield best results
  - accepting a joint (consortium) bid to benefit from the combined skill sets of two different organisations to achieve best delivery of services
  - specifying the contract by results (outcomes) rather than issuing complex schedules, with resulting flexibility built into the contract to tackle temporary problems or changed priorities without incurring additional cost.

2.7 Having demonstrated its commitment to new ways of thinking through its biggest single contract in this way, the Council has used the first year of its official commissioning era to roll out changes to the grants programmes.

- 2.8 Members of the Group heard about:
  - a) new style service level agreements being negotiated with funded organisations from both the voluntary and business sector, which set out the contribution to be made by those organisations in delivering the outcomes of the Community Strategy;
  - b) steps being taken to reduce bureaucracy for funded organisations, which have already led to a reduction in the amount of paperwork required in applying for a grant or submitting evidence of expenditure;
  - c) the introduction of 'Partner Organisation' status for those not-for-profit organisations best able to support delivery of the five priorities of the Community Strategy for 2010 2013, which brings with it a three year funding agreement for core funding to provide financial stability for the organisation and the potential for longer term planning for both parties.
- 2.9 Finally, the year has also seen the first opportunities 'commissioned' by the Assistant Directors team. These have included:
  - a) the external procurement of services such as the 'Village Agents' project to co-ordinate volunteers providing support and information to older people, and the Council's Parish Celebrations advisor for 2012;
  - b) the external procurement of individual tasks, such as the current study into young people and employment and the art strategy for West of Waterlooville:
  - c) commissioning of arts advisory and sustainability services rather than providing through its own staff, leading to financial and personnel savings;
  - d) internal commissioning of services, such as the Council's Landscapes and Open Spaces Team to improve the safety and presentation of open space around The Carroll Centre in Stanmore.
- 2.10 Co-commissioning features regularly (e.g. the District Combined Heat and Power business feasibility study with Hampshire County Council; the arts advisory service with Havant Borough Council), bringing together budgets to achieve better outcomes.
- 2.11 Members of the ISG heard from Community Action Hampshire an organisation which had recently bid for one of these opportunities why they felt that Winchester City Council's approach to this type of commission was an example of good practice. Reasons included:
  - clarity of the brief

- adequate timescale to forge a bidding consortium with another organisation from the voluntary sector
- constructive feedback
- timetables established at the outset and adhered to
- 2.12 However, whilst there is clearly good practice being developed, Members were aware that this was not necessarily embedded across the Council. Members preferred a controlled and methodical evolution towards a commissioning approach.
- 3 <u>Is the voluntary sector of the Winchester District prepared and able to take up the challenge of the commissioning approach?</u>
- 3.1 The not-for-profit sector includes many small organisations with extremely limited management/administrative capacity. Although the Winchester District benefits from high levels of volunteering, many volunteers are less than enthusiastic to carry out the kind of 'workplace' responsibilities which they left behind when they retired and there is little cash with which to employ office staff. For such organisations, even the grants process can be challenging and applications are typically not of a high standard. Bidding for a new opportunity in the commissioning era will require more time, skills and organisation than most small voluntary groups have. It is most likely that such organisations would work in partnership with larger ones for any bids, and these partnerships will vary according to the nature of the opportunity on offer. Creating partnerships is, in itself, a skill, and it is becoming clear that many not-for-profit organisations are not well networked locally.
- 3.2 Although some larger organisations, such as the Citizens' Advice Bureau, The Trinity Centre and Winchester Area Community Action, have a small number of paid staff, they are focussed increasingly on finding core funding for their organisations. In order for them to bid for a commission, they will almost certainly need to be able to recharge some of their overheads to the project.
- 3.3 Community Action Hampshire summarised the issues for the sector as follows:
  - a) lack of capacity
  - b) a tendency for contracts to be focussed on levels of activity rather than outcomes (although not in Winchester's case)
  - c) lack of trust/understanding by the commissioning bodies
  - d) the daunting size and scope of contracts on offer
- 3.4 Whilst commissioning did not appear to be an alien concept for the larger not-for-profit organisations, the sector will clearly need more support if it is to benefit from the commissioning principle of opening up the market to the voluntary and community sector. Members heard how the County Council is working with Districts to review the support currently provided largely through the 11 councils for voluntary services (such as WACA and Community Action Hampshire) in comparison to the needs expressed by the

sector. At the time of the ISG, officers had already organised a consultation meeting for voluntary and community groups (which took place on 23 February) to inform this review.

- 4 How does the commissioning approach support delivery of the outcomes of the Community Strategy?
- 4.1 Members discussed early in the series of meetings the idea that the commissioning approach is rooted in the delivery of the three outcomes of the Winchester District Community Strategy or the corporate outcome of being an efficient and effective Council. The high level strategy is translated into a set of action plans or Change Plans setting out the significant projects, programmes or activities to be initiated during the course of the financial year which will bring about real change in the pursuit of these outcomes.
- 4.2 For example, commissioning the arts advisory service following a period of service review and redesign directly reflected the Change Plan for the Efficient and Effective outcome:

EEC/	Collaborative Solutions for	Services are efficient, well run and provided by a
001.3	Service Delivery	range of organisations, including other local
		authorities, the private sector, the voluntary and
		community sector as well as the Council itself.

4.3 The commissioning of the study into young people and employment, on the other hand, had been identified in the Change Plan for Economic Prosperity, and reconfirmed by the recent Informal Scrutiny Group looking at the same topic as the extract below shows:

options for young people in Winnall and Stanmore 1 reducing barriers to work iii	i) Mapping completed of existing provision, and gaps identified ii) Follow up opportunities arising from the Government's new Work Programme, still to be announced iii) Assess options for increasing access by school children to personal development opportunities (eg Winnall Rock School, mentors, special trips)
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4.4 The new style of service level agreements (SLAs) for core grants referred to elsewhere in this report as part of the wider commissioning mix also clearly

<sup>&</sup>lt;sup>1</sup> NB: At the Council meeting of January 2012, Highcliffe was added to the priority neighbourhoods for the 2012/13 Change Plans, but this extract is taken from the 2011/12 Change Plans.

reflect the Community Strategy outcomes. The extract below is from the Theatre Royal's SLA for 2011/12:

Active Communities
Theme 3 —
Protect children and
young people, and help
them fulfil their
potential, focussing on
those who are not
achieving or who are
living in relative poverty

Theatre outcome:

The Theatre supports and develops young people who are disadvantaged through an inclusive programme of outreach, education and participation.

Performance indicators:

- At least three apprenticeships, internships or voluntary placements provided to young people from disadvantaged backgrounds or situations by March 2012;
- The Theatre has carried out relevant research, and articulated a policy for education, enhancement and engagement by September 2011;
- c) Identification of a focused programme and offers for students and young people, by September 2011;
- 4.5 There have been some notable successes in applying new commissioning principles (eg £1.4 million in savings from the new joint waste contract, in relation to the 'Efficient and Effective' outcome). But, as the approach evolves further, a closer alignment is needed between the prioritisation of key actions and outcomes in the Change Plans and decision-making on the annual budget. Not all Priority Actions identified in the Change Plans appear to be treated as such, particularly during the budget process. Once this greater degree of consistency in aligning corporate resource and commitment to delivery of the Community Strategy priorities has been achieved then the 'golden thread' running through the Change Plans, the annual budget and the commissioning processes, should be increasingly visible.

#### 5 Principles for Improvement

- 5.1 During the course of the meetings, Members identified a number of principles which would support the continued development of an effective commissioning approach, whilst also ensuring that the not-for-profit sector was able to play its part. These were:
  - i) Creating the right environment the Council needs to:
    - know the marketplace: understand the breadth of organisations, their capacity and their track record in order to understand what might be possible, given a sympathetic procurement process and good communications with the sector;
    - involve not-for-profit organisations in all stages of the commissioning cycle, to help identify priorities and the best means to address them;

- use proportional processes and measures: i.e. a 'horses for courses' approach which ensures that risks are managed but that an excessive administrative load is not built into the system;
- seek input from potential suppliers before specifications are finalised: taking advice will help to shape contracts to make them more attractive to bidders, more efficient to run and more workable on the ground – and so more likely to offer value for money;
- ensure processes and decisions are transparent: be honest with suppliers to build trust and respect, even when they are not being awarded a contract. Good feedback from the commissioning body will help to improve the quality of future bids.
- allow for recharging of core costs: the Council should recognise that bidding for and delivering contracts can be very time consuming and that traditional funding for the voluntary sector makes it essential for them to recoup some core costs from each contract they win.
- foster relationship building by challenging conventions which can limit opportunities (eg unfounded beliefs about 'conflict of interest' or unfair competition)
- ii) Building capacity more needs to be done to:
- provide appropriate and tailored training for not-for-profit organisations
- facilitate the creation of partnerships/consortia for bidding
- feed back on performance during the bidding process to enable organisations to improve their performance
- share information about commissioning and about opportunities.
- iii) Focus on the long term the Council should:
  - be realistic about what can be achieved in just one year, and seek to offer longer term opportunities, grants etc
  - consider value for money in relation to economic, environmental and social impacts and not just price
  - learn from experience, and use this to review and refine the commissioning process on a continuous basis
  - be clear about outcomes
  - recognise the value of continuity and the added value that comes from corporate knowledge and loyal experienced staff, wherever they work.

These are useful principles for officers and partners with whom we work. However, the ISG was reassured to hear from many of the speakers that the Council already follows many of these principles and the continued evolution of the commissioning approach will see good practice becoming standard practice.

#### 6 Recommendations

- 6.1 Having considered the evidence presented, Members felt that the most pressing area for action was in providing the right support for the not-for-profit sector. They proposed the following recommendations, all of which are considered to be low- or no-cost and practical, in line with the ISG's Terms of Reference:
  - a) officers should proceed with a wider review of the needs of the not-for-profit sector (including social enterprises) beginning at the consultation meeting on 23 February, and work with local authority colleagues and the cvs organisations to identify the most appropriate 'package' of support;
  - b) at the same time, officers should work with WACA to provide additional training for the sector in identifying bidding partners, constructing strong bids, making good presentations, and using the South East Business Portal (where opportunities are advertised).
  - c) the Council should roll out training for its Heads of Team on commissioning best practice to enable not-for-profit organisations to bid for a wide range of opportunities.
  - d) the Head of Corporate Communications work with the Assistant Directors to increase the consistency, clarity and visibility of the information on the Council's website setting out the commissioning approach; actively communicate it to the sector, and enhance it, for example with tips and guidance, examples of best practice, useful contacts, answers to frequently asked questions.
  - e) the Council should consider a more systematic approach to determining which services, projects and programmes should be subject to new forms of delivery rather than the currently more pragmatic approach (eg based on end of existing contract, departure of a staff member).
  - f) to strengthen the alignment between 'Expected Outcomes' in Change Plans and the commissioning approach, there should be an additional column in Change Plans providing information about how the work will be done and/or paid for.
  - g) consideration should be given to the role of Members representing the Council on the management committees and boards of not-for-profit organisations, in terms of disseminating information about commissions, and feeding reports about the organisations back to officers and other Members.

h) service level agreements should encourage funded organisations to involve and promote their initiatives to Ward Members to increase understanding of their work.

#### OTHER CONSIDERATIONS:

- 7 <u>SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS</u> (<u>RELEVANCE TO</u>):
- 7.1 The subject of the ISG was directly relevant to the Sustainable Community Strategy, in seeking to ensure that the commissioning approach will facilitate delivery of its three outcomes.
- 7.2 In considering the capacity and development of the not-for-profit sector, the ISG's work was particularly significant in relation to the Active Communities outcome of the Strategy.
- 7.3 Finally, in reviewing new ways of working to ensure that they are 'fit for purpose', the Council is pursuing its corporate commitment to be an Efficient and Effective Council.
- 8 RESOURCE IMPLICATIONS:
- 8.1 There are no new resource implications arising from any of the recommendations of this report. All improvements can be accommodated within existing budgets.
- 9 RISK MANAGEMENT ISSUES
- 9.1 In seeking to make improvements to the way that it delivers services and projects, the Council is actively managing the risk of non-delivery of corporate and communities priorities. This business risk can in turn lead to reputational damage and poor financial management.
- 9.2 Any new way of working carries with it inherent risk, and the Council has taken time in rolling out a commissioning approach in order to be able to test, review and improve the underlying principles and processes. This ISG has provided a forum at which the Council's own views can be tested against those of representatives from the not-for-profit sector to ensure that we have a clearer understanding on which to base future developments.

#### **BACKGROUND DOCUMENTS:**

Minutes of the ISG, held by the Democratic Services Team

<u>CAB 2069</u> - Adoption of the Winchester District Sustainable Community Strategy 2010 - 2020, 13 October 2010.

CAB 2249 - Change Plans 2012/13: Consultation Draft, 9 November 2011

### APPENDICES:

Appendix 1: Work Programme of the Commissioning and the Voluntary and Community Sector ISG

Appendix 2: Main Commissioning Mechanisms and their Characteristics

#### Appendix 1

## Work Programme of the Commissioning and the Voluntary and Community Sector ISG

Meeting one: 21 Nov 2011

Theme: Contextualising the ISG

- Refine and agree the terms of reference and proposed work programme for the Group
- The commissioning approach Eloise Appleby, Asst Director (Economic Prosperity)
- Overview of the community/voluntary sector Paul Williams, Chief Executive of Winchester Area Community Action (WACA)

Meeting two: 21 Dec 2011

Theme: Commissioning Approach in Action

- Major contracts Rob Heathcock, Asst Director (High Quality Environment)
- Core Grants Mark Courtice, Chief Executive, Theatre Royal Winchester and Sue Savidge, Winchester Rent Deposit Scheme
- Externalised services Chris Holloway, Director, Winchester Action on Climate Change

Meeting three: 9 Jan 2012

Theme: Developments in the voluntary sector

- County overview Gail Tong, Hampshire County Council
- National view Jenny Meadows, Chief Executive Designate, Winchester & District CAB
- Isle of Wight experience Martin Johnson, Service Manager, Partnerships, Isle of Wight Council

Meeting four: 14 Feb 2012

Theme: Commissioning and the voluntary sector

 Challenges for the sector - Sue Dovey, Chief Executive, Community Action Hampshire

Meeting five: 28 Feb 2012

Conclusions

- Commissioning in a wider Council context Simon Eden, Chief Executive, WCC
- Summary of findings for Overview and Scrutiny report, including observations from Cllr John Cooper as Portfolio Holder for Communities, Safety and Public Health

**Appendix 2: Main Commissioning Mechanisms and their Characteristics** 

Mechanism	Procured by	Underpinned by	For example
Grant	Application by potential recipient; competitive process	Service level agreement	CAB, Blue Apple, Theatre Royal, Trinity Centre, Winnall Rock School, The Carroll Centre
Procurement of goods or services	Contracts procedures – 1 quote to £10k, 3 quotes to £100k  Increasing use of SE Business Portal  Would be open to 'spin off' organisations and social enterprises	Purchase order or contract with specification	Arts advisory service, youth unemployment mapping study, green business accreditation scheme, VISA project coordination
WCC service delivery (one-off or ongoing)	Corporate business planning/budget processes Cabinet reports during the year Internal discussions	Change Plan or Portfolio Plan	Neighbourhood wardens, planning management
Partnership	Senior officer negotiation, generally approved by Cabinet	Partnership agreement	Small – Treasures of Hde Abbey exhibition with Hyde900 Large – High Street refurbishment with HCC
Shared service	Senior officer negotiation, generally approved by Cabinet/Personnel	Partnership agreement	Shared IT, Head of Revs and Bens post
Major contract	Contracts procedures – full scale tender exercise, advertised on SE Business Portal  Would be open to 'spin off' organisations and social enterprises	Contract with specification	Biffa, DC Leisure
Devolution (passing responsibilities down to more local authorities – eg parish councils)	Senior officer negotiation, approved by Cabinet	Partnership agreement or similar legal document (eg lease, tenancy agreement)	Meadowside playing fields passed to Whiteley Parish Council