

Cabinet

Wednesday 12 April 2017

10.00 am Luttrell Room - County Hall, Taunton



To: The Members of the Cabinet

Cllr J Osman (Chairman), Cllr D Hall (Vice-Chairman), Cllr A Groskop, Cllr W Wallace, Cllr C Le Hardy, Cllr F Nicholson, Cllr H Siggs and Cllr D Fothergill

All Somerset County Council Members are invited to attend meetings of the Cabinet and Scrutiny Committees.

Issued By Julian Gale, Strategic Manager - Governance and Risk - 4 April 2017

For further information about the meeting, please contact Julia Jones or Scott Wooldridge or 01823 359027 or jjones@somerset.gov.uk / 01823 359043 or swouldridge@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers



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AGENDA

Item Cabinet - 10.00 am Wednesday, 12 April 2017

**** Public Guidance notes contained in agenda annexe ****

1 **Apologies for Absence**

2 **Declarations of Interest**

Details of Cabinet Member interests in District, Town and Parish Councils will be displayed in the meeting room. The Statutory Register of Member's Interests can be inspected via the Community Governance team.

3 **Minutes from the meeting held on 15 March 2017 (Pages 7 - 14)**

To agree any amendments and to sign the minutes of the meeting held on 6 February 2017 as a correct record

4 **Public Question Time**

The Chairman will allow members of the public to present a petition on any matter within the Cabinet's remit. Questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

5 **Decision to award the contract for the Yeovil Western Corridor Improvement Scheme (Pages 15 - 26)**

To consider the report

Possible exclusion of the press and public

PLEASE NOTE: Although the main report for this item not confidential, the supporting appendix available to Members contains exempt information and is therefore marked confidential – not for publication. At any point if Members wish to discuss information within this appendix then the Cabinet will be asked to agree the following resolution to exclude the press and public:

Exclusion of the Press and Public

To consider passing a resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the press and public from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

6 **Growth Deal 3**

To receive a presentation.

Item Cabinet - 10.00 am Wednesday, 12 April 2017

7 **Any other urgent items of business**

The Chairman may raise any items of urgent business.

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Agenda Annexe

THE MEETING – GUIDANCE NOTES

1 Inspection of Papers or Statutory Register of Member's Interests

Any person wishing to inspect reports or the background papers for any item on the agenda or inspect the Register of Member's Interests should contact Scott Wooldridge or Julia Jones on (01823) 359027 or 357628 or email jjones@somerset.gov.uk

2 Notes of the Meeting

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the Cabinet will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from Scott Wooldridge or Julia Jones on (01823) 357628 or 357148 or email jjones@somerset.gov.uk

3 Public Question Time

At the Chairman's invitation you may ask questions and/or make statements or comments about **any matter on the Cabinet's agenda**. You may also present a petition on any matter within the Cabinet's remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

If you wish to speak at the meeting or submit a petition then you will need to submit your statement or question in writing to Julia Jones by 12.00pm on Friday prior to the meeting. You can send an email to jjones@somerset.gov.uk or send post for attention of Julia Jones, Community Governance, County Hall, Taunton, TA1 4DY.

You must direct your questions and comments through the Chairman. You may not take direct part in the debate.

The Chairman will decide when public participation is to finish.

If there are many people present at the meeting for one particular item, the Chairman may adjourn the meeting to allow views to be expressed more freely.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred because you cannot be present at the meeting.

Remember that the amount of time you speak will be restricted normally to two minutes only.

4 Hearing Aid Loop System

To assist hearing aid users, the Luttrell Room has an infra-red audio transmission system. This works in conjunction with a hearing aid in the T position, but we also need to provide you with a small personal receiver. Please request one from the Committee Administrator and return at the end of the meeting.

5 Emergency Evacuation Procedure

In the event of the fire alarm sounding, members of the public are requested to leave the building via the signposted emergency exit, and proceed to the collection area outside Shire Hall. Officers and Members will be on hand to assist.

6 Cabinet Forward Plan

The latest published version of the Forward Plan is available for public inspection at County Hall or on the County Council web site at:
<http://www.somerset.gov.uk/irj/public/council/futureplans/futureplan?rid=/guid/505e09a3-cd9b-2c10-89a0-b262ef879920>.

Alternatively, copies can be obtained by telephoning (01823) 359027 or 357628.

7 Excluding the Press and Public for part of the meeting

There may occasionally be items on the agenda that cannot be debated in public for legal reasons (such as those involving confidential and exempt information) and these will be highlighted in the Forward Plan. In those circumstances, the public and press will be asked to leave the room while the Cabinet goes into Private Session.

8 Recording of meetings

The Council supports the principles of openness and transparency, it allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishing to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the relevant Chairman can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council will be undertaking audio recording of some of its meetings in County Hall as part of its investigation into a business case for the recording and potential webcasting of meetings in the future.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Committee Administrator for the meeting in advance.

CABINET

Minutes of a Meeting of the Cabinet held in the Luttrell Room - County Hall, Taunton, on Wednesday, 15 March 2017 at 10.00 am

Present: Cllr J Osman (Chairman), Cllr D Hall (Vice-Chairman), Cllr A Groskop, Cllr W Wallace, Cllr F Nicholson, Cllr H Siggs and Cllr D Fothergill

Other Members present: Cllr Coles, Cllr H Davies, Cllr R Henley, Cllr C Lawrence, Cllr J Lock, Cllr T Lock, Cllr G Noel, Cllr N Pearson, Cllr H Prior-Sankey, Cllr M Rigby and Cllr D Yeomans

Apologies for absence: Cllr C Le Hardy

669 **Declarations of Interest** - Agenda Item 2

As there was a large attendance, the Chairman took the opportunity to welcome everybody to the meeting and then preceded to the Wyndham Room next door to welcome those people in there.

Members of the Cabinet declared the following personal interests in their capacity as a Member of a District, City/Town or Parish Council:

Cllr A Groskop South Somerset District Council

Cllr J Osman Mendip District Council
 Wells City Council

Cllr H Siggs Mendip District Council
 Wells City Council

Cllr W Wallace South Somerset District Council

670 **Minutes from the meeting held on 20 February** - Agenda Item 3

The minutes of the Cabinet Meeting held on 20 February 2017 were agreed and signed as correct.

671 **Public Question Time** - Agenda Item 4

There were a number of members of the public who wished to speak about agenda item 5 regarding the Learning Disability and Provider Service (LDPS) and who had submitted questions by the deadline.

The Chairman invited the speakers to put their questions and statements to the Cabinet in the order listed on the public question list.

Adrian Welland, Assistant Team Manager, Northmead House, said there were concerns about the way the new LDPS provider would operate and run and that the terms of transfer for staff had changed dramatically. Customers would be hit hard as staff that had supported them for many years would be leaving.

He asked for the Cabinet to defer the transfer date so that these issues could be investigated further.

David Sweet spoke on behalf of Eileen McCawley, a family carer and member of Yeovil Carers Group. Her statement said she had spent hours at meetings drawing up specifications sharing aspirations for a new future with service users, staff and carers; a real and meaningful partnership, staff as an integral part of this new beginning. She was concerned that many bidders pulled out of the process. She also asked about the disbanding of the Shadow Board, the lack of working groups, guarantees, why funding for learning disabilities hadn't been ring fenced, changes to staff's pay and working conditions and answers to questions raised at the Council meeting on 15th February and today's meeting.

Susanne Matthews a support worker, asked if members could explain how proposing to cut wages terms and conditions, reviewing day services with possible closures, making redundancies, and making staff pay for the shortfall in funding was a fair and just way of treating them. Staff service users, their families and carers felt misled by the Council and she asked for it to pause to engage in meaningful consultation with UNISON.

Sean Cox said he had a petition to hand in asking the Council to stick to its promise of providing a quality Learning Disability Provider Service. He asked if the Council could guarantee that the vulnerable customers would not suffer significant reductions in their levels of care, potentially endangering their health and safety, welfare and safeguarding, despite the best efforts of the front line staff that remain. He asked that if the Cabinet could not answer yes with any confidence that the matter be deferred. He also asked for further explanation around the new contracts.

Ewa Marcinkowska, a LDPS worker, said she had proudly worn her SCC badge for more than 7 years but that both her and her colleagues who were dedicated, committed, and highly trained felt let down and undervalued by the Council. They did not oppose change within the LD services. Redundancies, proposed cuts to wages, terms and conditions, and the level of transformation to roles had been known only for the last few weeks. Staff had built up trustful relationships with customers over many years and was concerned what would happen to them when bonds were broken.

Nigel Behan, Unite Branch Secretary resubmitted a number of questions that he had asked at the County Council meeting on 15th February as he was still awaiting a response. He also asked whether there would be an immediate review; further consultation with service users, families, trade unions and staff; an In House Service Improvement and Innovation Plan; whether councillors were fully notified of the implications; if people had been misled; requested to see the Business Case; if there was to be any closure of day centres. He also asked about the appearance of the compensation fund and if it conformed to TUPE and procurement legislation and whether extra funding had been factored into the business case and if this would have a detrimental impact on remaining services and users.

Paul Kitto, a LDPS staff and union member, explained that he had not received any response to his questions raised at the Council meeting in February. He

asked for a deferment to the transfer of services for full meaningful consultation.

Jeanette Cave asked about a possible legal challenge to the decision and what procedures were in place to protect the outsourcing and was concerned this could lead to further cuts in council services.

Alison Campbell, a former LD staff member and carer for a daughter with Downs Syndrome, said she had worked for the LD service for 20 years and knew of the quality of service it had provided and how valued it was by service users. She felt quality could be compromised by the proposal and asked for Cabinet to delay its decision until after the elections.

Susan Tucker spoke on behalf of John Williams and concerns were raised about LD users' future care. Members were told that users also regarded staff as friends and without them would feel alone.

Jon Robinson asked about changes to staff rights, raised concerns about staff turnover in LD, communications about the transfer date, and staff morale.

There was a written statement from UNISON steward Susan Jones and it was agreed she would receive a written response.

Susan Matthews spoke on behalf of Oliver James who had provided a written statement regarding his sister who had learning disabilities. Cabinet were asked to consider what price they would put on spending time with people who made a difference in their lives. It was agreed that change was needed but it needed to be progressive.

Sarah Mainwaring, a Council employee said she worked for SCC for 19 years and built up relationships with the people she supported. She was concerned about the changes proposed by the new social enterprise and felt the quality of the service would be comprised. She felt she could no longer work for the Council and handed in her proximity card in protest.

Jenny Winchester from UNISON said although there was an expectation of change the level and speed of the change was dramatic. She felt this was a high risk strategy and would have consequences for one of Somerset's most vulnerable groups and the tax payer. She also asked for the Cabinet to defer the transfer date to ensure the full implications were understood.

Alan Debenham, Taunton Deane Green Party Local Government Representative, said had not received a response to his questions from the Council meeting on 15th February 2017 and asked what response the Council had given to protestors. He also asked about agenda item 7 on the Strategic Board for Somerset.

Cabinet member for Resources Cllr Harvey Siggs said letters should have been sent out with responses to questions and apologised if these had not yet been received. A written response to the question about the Strategic Board would be provided.

The Chairman explained that the council had to make savings every year and at its last meeting £18m in savings had been agreed. The Chancellor had announced funding towards Adult Social Care but for specific issues and full details about this were still to emerge.

The Chairman then allowed David Holland, a LD service user, to speak. He asked the Cabinet if they would like changes to be made if it affected their families.

Finally Nick Batho spoke and said all the arguments for going to a social enterprise set out in the business case were still valid and there had been a huge investment in time and energy to get to this point. If there was any delay there would be a significant financial penalty. However he was concerned that the Cabinet needed to reassure parents, carers and staff that this was the right course of action.

672 Report from the Scrutiny for Policies, Adults and Health Committee - Learning Disability Provider Service - Agenda Item 5

The Chairman invited the Chairman of the Scrutiny for Policies, Adults and Health, Cllr Hazel Prior-Sankey to introduce the report and recommendations from the committee. She explained that the Scrutiny Committee felt that there should be a delay in the implementation of the transfer of the Council's Learning Disability Provider Service until after the May election and for Cabinet to review the original decision. This was because of information regarding potential day centre closures and changes to staff's pay and conditions. There had been no previous mention of a compensation fund and time should be given to further scrutinise this.

Cabinet Member for Adult Social Care Cllr William Wallace introduced a presentation regarding Learning Disability Services which was intended to remind everybody on the background and rationale for the decision, provide an update on the work to date, and provide clarification on queries.

The Business Case was approved by Cabinet to procure a social enterprise in February 2014 and the recommendation to award the contract to Dimensions in July 2016. The delivery of transferred services was due to start on April 1st 2017 with transformational changes from then onwards.

Further points highlighted in the presentation included:

- The vision was for people with learning disabilities and their families to have more control and choice over their services with buildings of high quality and services which were good value for money
- The outcomes included to have an organisation that understood what worked well and what needed to be changed in order to improve services for customers and carers
- Although some current service provision of day centres was good, lots were not due to a poor environment and incompatible groupings.

- Good day time support had been identified as aspiration orientated, focused on accessing opportunities within the community not segregated environments, and flexible
- Transition and transformation costs which were shown in Appendix D of the Cabinet report in July 2016 were again presented.
- There was further clarification on the contracts and what would happen to any surplus

Cllr Wallace then reminded the meeting that the forthcoming funding from the Government for Adult Social Care was for specific measures such as to relieve bed blocking. He then moved the recommendation not to accept the Scrutiny Committee's recommendation but to continue to implement the decision agreed in July 2016. He also proposed that Cabinet agreed to increase the Equal Pay Buy-Out fund through appropriate discussions.

The Chairman asked the County Council solicitor for further clarification on the current situation and she confirmed that a contractual relationship was in place and if there was a deferment of the transfer the Council would be in a position that it would have to pay a considerable amount of money. He pledged to speak to Dimensions on behalf of those who had spoken to raise their concerns. He also agreed to meet with Paul Kitto.

Cabinet members were then given the opportunity to ask questions and made the following points:

- The level of engagement with unions - there had been a number of discussions and consultation and negotiating sessions were in place. Presentations had been given and work had been done with Dimensions.
- The Council would still face the same problems if it delayed the decision until May. A £3m reduction in this service area would equate to about 150 redundancies.
- No formal changes to terms and conditions had yet been put forward but the process would start post-transfer.
- It was necessary to make the LD service attractive to young people.
- The transition and transformation costs were available to Scrutiny members.

Cllr Prior-Sankey said that details regarding closures of day centres and changes to staff terms and conditions were not discussed at the Scrutiny Committee meeting and the Unions did not ask any questions at the time. She felt that committee members did not understand.

Further points raised in the debate included:

- The Chief Executive was satisfied that all reports and data presented to Cabinet and the Scrutiny Committee were available to all members.
- People felt left in the dark about this.
- More information about the compensation fund was needed.
- There was some concern about Dimensions.

- Disappointment that Cabinet did not wish to review its decision.
- Criticism that this was about money saving and also of the use of the word 'demobilisation' which had been unclear to people.

Cllr Hall then seconded Cllr Wallace's recommendation. The Chairman said he had listened with great interest and was personally touched by what he had heard. It would be easy for the Cabinet to say what people wanted to hear. The background to the decision had been explained and it was necessary to be careful about commercial sensitivities. It would be wrong to delay this until after the election and the Council had to take austerity measures. There was a need to modernise the LD service and Dimensions were the second largest not for profit organisation in this area. This decision was based on an outcome focussed model and although fears were understood there had been a lot of research. He had pledged to meet Dimensions to put forward the comments from today and called on councillors and union members to work together constructively.

Following consideration of the officer report, presentation and discussion, the Cabinet agreed:

- 1) That it did not accept the Scrutiny Committee for Policies for Adults and Health recommendations and that officers would continue to implement the decision agreed by Cabinet in July 2016.
- 2) Subject to confirmation from the Section 151 Officer, to increase the Equal Pay Buy-Out fund through appropriate discussions.

ALTERNATIVE OPTIONS CONSIDERED:

As set out in the officer's presentation, taking into account the debate at the meeting and the amendment proposed by the Cabinet Member for Adult Social Care.

REASON FOR DECISION:

As set out in the officer's presentation, taking into account the debate at the meeting and the amendment proposed by the Cabinet Member for Adult Social Care.

There was a small adjournment at 12.10pm.

673 Award contract for a carers support service - Agenda Item 6

The meeting reconvened at 12.18pm.

The Chairman reminded members that although the main report was not confidential, the appendix contained exempt information and if members wished to discuss the information within this then the Cabinet would need to agree the resolution to exclude the press and public.

Carers were a valued part of the community with 58,000 identified as carers in Somerset. This report gave information regarding the recommendation to award a contract for a new Carers Support Service. Carers had been involved

in this process and reviewed all existing services. They had set up a Carers Panel that worked with commissioners to develop the tender documentation and evaluate the bids. The current contract for the Carers Support Service was due to expire on 30 September 2017. Council officers had worked closely with the Clinical Commissioning Group through the evaluation period and assess the response.

Cabinet members supported the report and acknowledged the work of carers. The process was praised and recognised as a model for the future.

The Chairman said there had been no response from the Scrutiny Committee and due consideration had been given to the Equalities Impact Assessment and the report and appendix were very clear. He felt there was a clear winner and the organisation knew Somerset well.

Following consideration of the officer's report, the Equalities Impact Assessment, Appendix A and the debate, the Cabinet RESOLVED to:

1. Endorse the procurement process and approve the selection of the service provider (Bidder A in Appendix A) to deliver the Carers Support Service from 1 st October 2017 for three years with the option for the Council to agree two further periods of up to 12 months
2. Agree that Appendix A be treated as exempt information, and treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.

ALTERNATIVE OPTIONS CONSIDERED:

As set out in the officer report.

REASON FOR DECISION:

As set out in the officer report.

674 Strategic Board for Somerset discussion paper - Agenda Item 7

The Chairman invited Rob Williams to speak who said he supported the recommendation and endorsed the proposal. This was important for Somerset's future.

The discussion paper acknowledged that there had been a good and growing degree of collaboration across Somerset through various partnership arrangements both formal and informal. However there was no formal overarching joint committee that took a broad or longer-term view on the strategic needs and development of the county. This paper was to prompt discussion to gauge interest across key partners for a Somerset Board that could take more of a strategic co-ordinated approach for the local population.

The Chairman asked if it was now time to bring all the partnerships together and wanted to start conversations about this to gauge interest.

Further points highlighted in the debate included:

- It was important to have the right people around the table to discuss matters and engage with different parts of the community
- Good progress was already being made in the areas of Health and Wellbeing and shared services arrangements were also working well
- Early help and prevention was essential and it was thought the current Health and Wellbeing Board could be given more power and responsibility rather than necessarily have another joint committee
- The needs of the population were changing and people did not know what the organisational boundaries were

The Cabinet endorsed the Leader of the Council to take forward discussions with wider partners to gauge the degree of support for the approach in the county.

ALTERNATIVE OPTIONS CONSIDERED:

As set out in the officer report.

REASON FOR DECISION:

As set out in the officer report.

675 Any other urgent items of business - Agenda Item 8

The Chairman introduced John Turner from Visit Somerset and Andrew Fawcett, a Wells Civic Society member and museum trustee who together were working on a proposal for a Wells City of Culture bid. They explained that it had already started to generate a huge amount of interest and support was being pledged by numerous organisations around the county. It was hoped that both the County and District Councils would also support the initiative.

Cabinet members acknowledged this could add value to the Somerset economy and welcomed the initiative.

The Chairman said this was an exciting plan and he hoped Cabinet would support it and asked what assistance the Council could offer.

The Cabinet supported Visit Somerset's proposed submission of a Wells City of Culture bid and undertook to provide a letter of support along with a supportive press release.

ALTERNATIVE OPTIONS CONSIDERED:

The only other alternative was not to support the bid and this was discounted.

REASON FOR DECISION:

To support the submission of a City of Culture bid by the deadline

(The meeting ended at 12.53 pm)

CHAIRMAN

Decision Report – Key decision

decision date – 12th April 2017

Contract award for the provision of highway improvements at Yeovil Western Corridor

Cabinet Member(s): All

Division and Local Member(s): Cllr David Greene – Yeovil South, Cllr Anthony Lock – Yeovil East, Cllr Alan Dimmick - Yeovil Central, Cllr Jane Lock – Yeovil West, Cllr Samuel Crabb – Brympton, Cllr Marcus Fysh – Coker, Cllr Michael Lewis – Castle Cary.
Lead Officer: Mike O’Dowd Jones – Strategic Commissioning Manager: Highways and Transport

Author: Nisha Devani – Technical Lead – Transport Policy

Contact Details: 01823 359634

	Seen by:	Name	Date
	County Solicitor	Honor Clarke	24/03/17
	Monitoring Officer	Julian Gale	31/03/17
	Corporate Finance	Kevin Nacey	
	Human Resources	Chris Squire	23/03/17
	Property / Procurement / ICT	Richard Williams	31/03/17
	Senior Manager	Paula Hewitt	03/04/17
	Local Member(s)	Marcus Fysh, Michael Lewis, David Greene, Anthony Lock, Alan Dimmick, Jane Lock, Samuel Crabb.	03/04/17
	Cabinet Member	David Fothergill – Cabinet Member for Highways & Transport	03/04/17
	Opposition Spokesperson	Cllr J Bailey	03/04/17
	Relevant Scrutiny Chairman	Cllr Tony Lock	03/04/17
Forward Plan Reference:	FP15/04/04		
Summary:	<p>The Yeovil Western Corridor transport scheme has been developed over a number of years to accommodate planned growth in the surrounding area of Yeovil.</p> <p>It was selected to be funded as part of the Heart of the South West Local Transport Board Scheme Prioritisation Process subject to the submission of a successful business case. In October 2014, a Non Key Decision was taken by the Lead Commissioner: Economic and Community Infrastructure to enable the procurement process to commence.</p>		

	<p>This has now been completed and this Key Decision needs to be taken to award the contract.</p> <p>The Tender Evaluation Report is attached as Confidential Appendix A.</p>
<p>Recommendations:</p>	<p>That the Cabinet</p> <ol style="list-style-type: none"> 1. Agrees to award a contract for highway junction improvements and associated works at Yeovil Western Corridor to the supplier identified in Appendix A, following a competitive process. 2. Agrees the case for exempt information for Appendix A to be treated in confidence, as public disclosure of the commercially sensitive data contained within would prejudice the Council's position in ensuring competitiveness of future tender processes. 3. Agree to exclude the press and public from the meeting where there is any discussion at the meeting regarding exempt or confidential information (Appendix A). <p>Exclusion of the Press and Public To consider passing a resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the press and public from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:</p> <p>Reason: Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>
<p>Reasons for Recommendations:</p>	<p>Appendix A contains commercially sensitive information relating to the tender submissions. Detailed commercial reasons for these recommendations are set out in that Appendix.</p> <p>This transport scheme has been developed to reduce congestion and to improve the pedestrian and cycling environment whilst also taking into account the planned development proposals in Yeovil as defined in the South Somerset Local Plan.</p>

	<p>A funding package to cover the cost of the contract is in place via funding contributions from The LEP Local Transport Board (LTB) Local Growth Fund, developer contributions and the SCC capital programme</p> <p>This decision will allow the Council to award a contract, following the competitive tender process which has identified the most economically advantageous tender for the works.</p> <p>This decision now needs to be taken to award the contract so that works can commence to ensure delivery on the ground in line with the timetable required to accommodate housing and economic growth in the area and to meet the requirements of the Local Enterprise Partnership as a key funding body.</p> <p>A significant amount of expenditure has already been incurred in the development and advance works associated with the scheme such as utility diversions and vegetation clearance.</p>
<p>Links to Priorities and Impact on Service Plans:</p>	<p>The proposed major transport scheme is a major investment in transport infrastructure in Yeovil. This investment in infrastructure would support development and the local economy in Yeovil and further the following objectives of the County Plan:</p> <ul style="list-style-type: none"> • a thriving local economy, which attracts jobs and investment; and • invest in Somerset; improve broadband connections and road links like the A303, to help businesses and residents. <p>The procurement process has followed the principles contained in the Social Value Policy Statement to deliver social value benefits.</p> <p>The scheme is included in the Future Transport Plan 2011-2026, being identified within the Transport & Development Policy document as required in order to support housing and economic growth.</p>
<p>Consultations and co-production undertaken:</p>	<p>Consultations have taken place with the Cabinet Member for Highways and Transport and the Local County Council Members at a meeting to present the schemes in January, March & May 2014 and July 2015. No issues were raised regarding the implementation of a scheme at this location.</p> <p>South Somerset District Council councillors were presented the schemes in January 2014 and July 2015, again no issues were raised regarding the implementation of a scheme at this location.</p> <p>Somerset County Council undertook a public consultation event in Yeovil in May 2014, this was in addition to the further public</p>

	<p>consultation that was undertaken by the LTB once the scheme has been submitted.</p> <p>The general public have been consulted on the inclusion of the Yeovil Western Corridor within the LTB major scheme programme. This was undertaken by the LTB.</p> <p>The scheme has been discussed with a number of local stakeholders at various points in its development including individual local County and District Council members, the Town Council and Chamber of Commerce.</p>														
<p>Financial Implications:</p>	<p>The Yeovil Western Corridor is a transport scheme that helps to deliver approximately 1500 dwellings and 19.5 hectares of employment land. This will help to deliver housing and economic targets as well as helping to release New Homes Bonus revenue and business rates that will support the Council's financial situation.</p> <p>A recent review of the funding package and developer contributions (taking latest indexation into account) concludes that up to £16.148m is currently available for the scheme comprising:</p> <table border="1" data-bbox="528 1032 1450 1373"> <thead> <tr> <th>Funding source</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>LEP Local Growth Fund</td> <td>Up to £6.49m</td> </tr> <tr> <td>S106 contributions already received</td> <td>£0.842m</td> </tr> <tr> <td>S106 contributions now due</td> <td>£2.776m</td> </tr> <tr> <td>S106 contributions yet to reach trigger points and which will require SCC to cashflow until triggers met.</td> <td>£1.190m</td> </tr> <tr> <td>SCC capital programme contingency</td> <td>£4.850m</td> </tr> <tr> <td>TOTAL</td> <td>£16.148m</td> </tr> </tbody> </table> <p>By the end of the 16/17 financial year approximately £1m will have been spent on scheme development and advance preparatory works following earlier decisions to proceed with advance works.</p> <p>The estimated scheme cost is currently being finalised following completion of the tender process with final sums such as risk allocations and land values currently being calculated. The tender price confirms that the scheme is deliverable within the funding package available.</p>	Funding source	Value	LEP Local Growth Fund	Up to £6.49m	S106 contributions already received	£0.842m	S106 contributions now due	£2.776m	S106 contributions yet to reach trigger points and which will require SCC to cashflow until triggers met.	£1.190m	SCC capital programme contingency	£4.850m	TOTAL	£16.148m
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<p>Legal Implications:</p>	<p>The procurement process undertaken complied with the requirements of the Public Contracts Regulations 2015.</p>														
<p>HR Implications:</p>	<p>HR implications have been considered and no issues have been identified.</p>														

<p>Risk Implications:</p>	<p>A suitable supplier has been identified as part of the procurement process.</p> <p>If the decision is not implemented there is a business and reputational risk related to the Council not delivering major transport schemes and would affect the ability of the Council to deliver future investment in transport infrastructure.</p> <p>Not selecting a contractor would delay the scheme being delivered and the wider economic benefits may not be realised.</p> <p>Delay in delivery of the scheme would increase the risk of the Local Enterprise Partnership reviewing its financial contribution to the scheme.</p> <table border="1" data-bbox="513 667 1465 703"> <tr> <td>Likelihood</td> <td>1</td> <td>Impact</td> <td>4</td> <td>Risk Score</td> <td>4</td> </tr> </table>	Likelihood	1	Impact	4	Risk Score	4
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<p>Other Implications (including due regard implications):</p>	<p>There will be road closures and diversions in place when the works are being completed which will mean restricted access to the community for the duration of the works.</p> <p>Implications for equality & diversity, human rights, community safety, sustainability, FOI and data protection have been considered and no issues have been identified.</p> <p>All tenderers have given due regard to the awareness and application of the equalities, social and economic requirements of the Council. The contract documents will include requirements regarding monitoring of the successful Contractors' compliance</p> <p>An Equalities Impact Assessment has been completed.</p>						
<p>Scrutiny comments / recommendation (if any):</p>	<p>Not applicable</p>						

1. Background

- 1.1. The Yeovil Western Corridor transport scheme has been developed over a number of years to accommodate planned growth in the surrounding area of Yeovil. A total of 1,547 dwellings are proposed by residential developments at Brimsmore (830) and Lufton (717) and a 16 hectare site at Bunford Park has planning permission for B1 employment. The Western corridor will also serve a 4.5 hectare site of predominately B1 employment at Lufton which also has planning permission. The scheme will help to deliver housing and economic targets as well as helping to release New Homes Bonus revenue and business rates that will support the Council's financial situation.
- 1.2. The outline business case for the Yeovil Western Corridor was submitted to the Local Transport Board. This was approved April 2014 and the next step was for Officers to work up the Full Approval Business Case. As part of this work an appropriate decision was taken undertake the procurement process and land acquisition activities.

- 1.3** The project will deliver a number of transport infrastructure improvements including junction improvements, new footway/cycleway and new and improved pedestrian/cycle crossing facilities. The proposed junction improvements are based on the latest forecast traffic flows derived from the Yeovil Traffic Model which has recently been updated in accordance with the most appropriate relevant guidance. The current proposals are considered to be best suited to accommodate future travel patterns on the local transport network and without this intervention, the issues identified will hold up current planned growth.
- 1.4** The local highway network is forecast to suffer from significant congestion problems in the future, and currently experiences capacity problems during the morning and evening peak periods. If the junctions are not improved there will be an increase in peak hour delays and journey times caused by increases in traffic flows and the associated worsening of severance issues affecting pedestrian and cycle movements. The existing junctions have insufficient capacity to accommodate planned development and traffic growth to 2028, and the improvements will allow the junctions to operate effectively with that additional growth. The scheme has been forecast to reduce journey times in 2028 by up to 36% in the morning peak and 27% in the evening peak.
- 1.5** Pedestrian and cycle facilities on the Western Corridor are limited and do not provide good access to homes, shops and workplaces. The existing crossing facilities provided at junctions can be difficult to use when traffic flows are high creating severance issues and dropped crossing provision is currently inconsistent.
- 1.6** The scheme provides very good value for money with the economic benefit of reduced traffic delay estimated at £123m, and provides an estimated £1.384m saving in the cost of collisions.
- 1.7** Extensive consultation has taken place since 2014 with Elected Members from Somerset County Council and South Somerset District Council. Presentations have also taken place to the Chamber of Commerce. A communications plan has been drafted which details stakeholders and proposed actions.
- 1.8** The successful contractor has provided an excellent stakeholder management plan incorporating customer care and relations with the public, landholders and local residents. The successful contractor will provide a public liaison officer and develop a Communications and Customer care plan which will provide a structured framework for communications activities.
- 1.9** The plan will include writing to stakeholders with details of the proposed works and provide contact details. An information centre will be established to act as a central point for discussions to take place and access to project information. A web page will be set up along with social media feeds. Works will be carefully managed to minimise disruption, particularly during events such as football matches.
- 1.10** There will be weekly meetings on site which will allow integration with SCC's communications team and press office.

1.11 The procurement objective for the project was to ensure that the most suitable supplier was selected to deliver a programme of works including the provision of all associated Labour, Materials and Design to deliver the Improvement works.

1.12 A procurement process was developed for the project to ensure:

- Better cost certainty over the life of the scheme;
- The scheme at tender stage remains within the budgetary constraints;
- Appropriate conditions of contract were put in place;
- Development of an approach for commercial and technical delivery through a strong professional client team. The existing SCC team will be supplemented by an external 'NEC3' Technical Project Manager.

1.13 It is proposed that immediately following the cabinet decision and after sufficient time has elapsed for scrutiny call-in, letters will be issued to the successful and unsuccessful tenderers allowing the mandatory standstill period to commence. Should no market challenge arise, the contract may commence immediately following the expiry of the standstill period, whereupon a Contract Award Notice shall be published in the Official Journal of the European Union.

2. Options considered and reasons for rejecting them

2.1. Options considered included:

- Utilise the existing highway term maintenance contract.
- Join an existing framework contract procured by another Authority.
- Utilise a National framework.
- Procure a dedicated new contract for the scheme.

Due to the value of the scheme, and the desire to specify particular terms and conditions of contract it was decided to undertake a dedicated procurement under the European Procurement rules, utilising Option B of the NEC Contract. The procedure followed the open procurement procedure.

3. Background Papers

3.1. None

Equality Impact Assessment Form and Action Table 2015

(Expand the boxes as appropriate, please see guidance
(www.somerset.gov.uk/impactassessment) to assist with completion)

"I shall try to explain what "due regard" means and how the courts interpret it. The courts have made it clear that having due regard is **more than having a cursory glance** at a document before arriving at a preconceived conclusion. Due regard requires public authorities, in formulating a policy, to give equality considerations the weight which is **proportionate in the circumstances**, given the potential impact of the policy on equality. It is not a question of box-ticking; it requires the equality impact to be **considered rigorously and with an open mind.**"

Baroness Thornton, March 2010

What are you completing the Impact Assessment on (which policy, service, MTFP reference, cluster etc)?

Decision Paper for FP/15/04/04. Authorising the award of a contract to undertake a capacity improvement scheme at Yeovil Western Corridor

Version

2

Date

20/03/2017

Section 1 – Description of what is being impact assessed

The decision is to award a contract for the construction and delivery of the Yeovil Western Corridor highway junction improvements and associated works.

Section 2A – People or communities that are targeted or could be affected (taking particular note of the Protected Characteristic listed in action table)

It has been identified that the existing transport network would not be able to accommodate the growth planned for the Yeovil area without significant increases in journey times and delays. This means that the community as a whole, will benefit from this scheme as the aim is to reduce congestion, improve facilities for pedestrians and cyclists and support the economy of Yeovil.
There will be road closures and diversions in place when the works are being completed which will mean restricted access to the community for the duration of the works.

Section 2B – People who are delivering the policy or service

Commissioning has undertaken the initial scoping work with procurement and operations to ensure viability. The chosen contractor will undertake the works and will be obliged to adhere to agreed policy and working practices including personal conduct on a daily basis on site.

Section 3 – Evidence and data used for the assessment (Attach documents where appropriate)

An Options Assessment Report was completed as part of the Business Case process which identified several options and reasons why they were discarded. Environmental and ecological stakeholders were consulted and an information session was held for the community.

Section 4 – Conclusions drawn about the equalities impact (positive or negative) of the proposed change or new service/policy (Please use **prompt sheet** in the guidance for help with what to consider):

Works may involve disruption to existing pedestrian crossings which may impact on people with protected characteristics, particularly older people, children and people with limited mobility such as wheelchair users.
The scheme and associated traffic management during construction will be designed to appropriate standards of accessibility to meet the needs of all users including provision of

appropriate lighting and other facilities (such as footways and crossings) which meet the needs of people with disabilities.
 Traffic management and footway diversion plans should be designed to ensure their needs are taken into account.
 Once the scheme has been completed, it is likely to have a positive impact overall.

If you have identified any negative impacts you will need to consider how these can be mitigated to either reduce or remove them. In the table below let us know what mitigation you will take. (Please add rows where needed)

Identified issue drawn from your conclusions	Actions needed – can you mitigate the impacts? If you can how will you mitigate the impacts?	Who is responsible for the actions? When will the action be completed?	How will it be monitored? What is the expected outcome from the action?
Age			
Elderly pedestrians impacted whilst works are being carried out.	Traffic management and footway diversion plans will need to be designed to accommodate appropriate levels of accessibility	SCC/Contractor	Design review. No impact
Disability			
Disabled pedestrians impacted whilst works are being carried out	Traffic management and footway diversion plans will need to be designed to accommodate appropriate levels of accessibility	SCC/Contractor	Design review. No impact
Gender Reassignment			
N/A			
Marriage and Civil Partnership			
N/A			
Pregnancy and Maternity			
N/A			
Race (including ethnicity or national origin, colour, nationality and Gypsies and Travellers)			
N/A			
Religion and Belief			
N/A			
Sex			
N/A			
Sexual Orientation			
N/A			
Other (including caring responsibilities, rurality, low income, Military Status etc)			
N/A			

Section 6 - How will the assessment, consultation and outcomes be published and communicated? E.g. reflected in final strategy, published. What steps are in place to review the Impact Assessment

Non sensitive items are being published for the public to see. There is a monitoring and evaluation plan in place to assess the scheme over a period of 5 years.

Completed by:	Nisha Devani
Date	20/03/17
Signed off by:	Mike O'Dowd - Jones
Date	20/03/17
Compliance sign off Date	23/03/17
To be reviewed by: (officer name)	Sunita Mills
Review date:	01/04/18

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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