

# Cabinet

## Monday 11 March 2019

### 10.00 am Council Chamber, Shire Hall



To: The Members of the Cabinet

Cllr M Chilcott (Vice-Chair), Cllr D Fothergill (Chairman), Cllr D Hall, Cllr D Huxtable, Cllr C Lawrence, Cllr F Nicholson, Cllr F Purbrick and Cllr J Woodman

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

Issued By Scott Wooldridge, Strategic Manager - Governance and Risk and Monitoring Officer  
- 1 March 2019

For further information about the meeting, please contact Michael Bryant or Scott Wooldridge or 01823 357628 [democraticservices@somerset.gov.uk](mailto:democraticservices@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](http://www.somerset.gov.uk/agendasandpapers)



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# AGENDA

Item Cabinet - 10.00 am Monday 11 March 2019

**\*\* 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 11 February 2019 (Pages 7 - 18)**

4 **Public Question Time**

The Chair 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 **Award of Contract for Bridgwater Special School (Pages 19 - 52)**

To consider the report

**Possible exclusion of the press and public**

**PLEASE NOTE:** Although the main report for this item not confidential, supporting appendices available to Members contain exempt information and are therefore marked confidential – not for publication.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 **Proposed merger of the existing Children's Safeguarding Board Arrangements with the Children's Trust Board (Pages 53 - 66)**

To consider the report

7 **Somerset Rivers Authority (SRA) Enhanced Programme of Flood Risk Management and the SRA Memorandum of Understanding and Constitution (Pages 67 - 104)**

Item Cabinet - 10.00 am Monday 11 March 2019

To consider the report

**Possible exclusion of the press and public**

**PLEASE NOTE:** Although the main report for this item not confidential, supporting appendices available to Members contain exempt information and are 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**

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

8 **Equality Objectives 2019-2023 and Equality Commitment (Pages 105 - 136)**

To consider the report

9 **Social Value Policy Refresh (Pages 137 - 146)**

To consider the report (Appendix 2 to follow)

10 **Month 10 Revenue Budget Monitoring (Pages 147 - 160)**

To consider the report

11 **Item referred from Full Council - Precautionary Salting Network (Pages 161 - 162)**

To consider the report

12 **Any other urgent items of business**

The Chair 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 Mike Bryant on (01823) 359048 or 357628 or email [mbryant@somerset.gov.uk](mailto:mbryant@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 Mike Bryant on (01823) 357628 or 359048 or email [mbryant@somerset.gov.uk](mailto:mbryant@somerset.gov.uk)

**3 Public Question Time**

At the Chair'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 Mike Bryant by 5.00pm three clear working days before the meeting.** You can send an email to [mbryant@somerset.gov.uk](mailto:mbryant@somerset.gov.uk) or send post for attention of Mike Bryant, Community Governance, County Hall, Taunton, TA1 4DY.

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

The Chair will decide when public participation is to finish.

If there are many people present at the meeting for one particular item, the Chair 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 Chair 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.

## THE CABINET

Minutes of a Meeting of the Cabinet held in the Library Meeting Room,  
Taunton Library, on Monday 11<sup>th</sup> February 2019 at 10.00am.

### PRESENT

Cllr D Fothergill (in the Chair)

Cllr M Chilcott  
Cllr D Hall  
Cllr D Huxtable  
Cllr C Lawrence  
Cllr F Nicholson  
Cllr F Purbrick  
Cllr J Woodman

Junior Cabinet members:  
Cllr G Frascini  
Cllr M Pullin

**Other Members present:** Cllr S Coles, Cllr H Davies, Cllr A Groskop, Cllr M Keating, Cllr J Lock, Cllr T Lock, Cllr L Leyshon, Cllr L Redman, Cllr B Revans

**Apologies for absence:** None

#### 170 **DECLARATIONS OF INTEREST** – agenda item 2

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

Cllr M Chilcott – West Somerset District Council  
Cllr F Purbrick – Yeovil Town Council  
Cllr J Woodman – Sedgemoor District Council

#### 171 **Minutes of the meetings of the Cabinet held on 23<sup>rd</sup> January 2019** - agenda item 3

The Cabinet agreed the minutes and the Chair signed these as a correct record of the proceedings.

#### 172 **Public Question Time (PQT)** – agenda item 4

The Leader of the Council, Cllr David Fothergill advised that public questions would be considered as a part of the relevant agenda items.

Cllr Pullin submitted a petition to the Cabinet requesting the need to sustain the young carers service. The Cabinet Member for Children and Families accepted the petition but clarified that there are no savings proposals for the young carers services within the MTFP 2019/20 item. The Cabinet Member undertook to provide a written response.

#### 173 **Leaders Opening Speech**

The Leader of the Council, Cllr David Fothergill, opened the meeting and raised a number of points including: the late government announcement of the revenue budget; finalising Council Tax collections; the small increase to

the Council's base budget; the government business rate retention pilot; the appropriate level of detail included within the budget reports; and his thanks to staff, contractors and partners for their help during the recent snowfall.

Cllr Fothergill highlighted that he was also delighted to announce that additional funding of up to £200k would be allocated to future winter treatment operations following a review in Spring 2019. Cllr Fothergill further noted the decision to reverse proposals regarding gully emptying in urban areas, reactive jetting, flood and water management capacity, encouraging apprentices to join the Council and care home dementia support, alongside using one off funding to pay off debts. In addition members were informed that an additional £500k would be ringfenced for preventative work across the Council.

In summary Cllr Fothergill noted the Performance Report which would be considered later in today's agenda, highlighting that the Council is providing effective, efficient and improving services, and is striding towards a position of financial sustainability.

174 **Quarter 3 Performance Report** - agenda item 5

The Leader of the Council, Cllr David Fothergill introduced the report and made a number of points including: the areas of success detailed in the report including the project revenue budget outturn position; the libraries redesign work; and the works at Yeovil Western Corridor.

The Director of Corporate Affairs, Simon Clifford noted that 63% of measured were rated as on or exceeding target.

The Performance Officer, Ryszard Rusinek drew members attention to Appendix A highlighting pertinent points.

The Cabinet proceeded to debate the report and invited views from other members present. Points raised included:

- Connecting Devon and Somerset Phase 2 and associated concerns regarding the delivery and roll-out timescale;
- the delay between the construction completion and operator procurement for the Energy and Innovation Centre;
- the progress made on major road schemes;
- the need to share data between other public sector partners;
- the excellent work with communities with the libraries service and
- a request for future reports to outline what would be needed to improve performance.

The Leader of the Council, Cllr David Fothergill noted the improved report presentation and highlighted the improvements in budget management illustrated by the projected revenue budget underspend and planned increase in general reserves.



**Following consideration of the officer report and appendix the Cabinet:**

- 1. Considered and commented on the information contained within this report.**
- 2. Considered the proposed management actions already in place are adequate to improve performance to the desired level.**
- 3. Agreed this report and any appendices as the latest position for Somerset County Council against its Council Vision.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

**175 Revenue Budget Monitoring Update – Quarter 3 2018/19 – agenda item 6**

The Cabinet Member for Resources, Cllr Mandy Chilcott introduced the report noting: the report details actual spend until the end of December 2018; the continued underspend which was now projected at £1.076m; the additional contribution to reserves; reducing the need to capital receipts to support the revenue budget; improving the Council's financial resilience; and general fund reserves were projected to the £11.637m at the end of the 2018/19 financial year. Peter Lewis, Director of Finance, highlighted that there was still a projected £2m in the contingency budget that could also be used to support the council's resilience.

The Cabinet proceeded to debate the report and invited views from other members present. Points raised included:

- Welcomed the introduction of the new expenditure trend graphs as part of the report
- Reference made to the continuing improvements in Childrens Services and the budget rebasing that had been undertaken for funding of these services

**Following consideration of the officer report and appendices the Cabinet noted the contents of this report.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

**176 Capital Investment Programme Update – Quarter 3 2018/19 – agenda item 7**

The Cabinet Member for Resources, Cllr Mandy Chilcott introduced the report and made a number of points including: the report outlined progress against the Council's Capital Investment Programme for the third quarter of 2018/19; and investment in new schools and highway improvements.

The interim Finance Director added to the points raised by Cllr Chilcott highlighting:

- Some scheme acceleration compared to the previous update
- The decrease in net approvals between Q3 and Q2 and the removal of completed schemes
- The projected increase in forecast spend in 2018/19 with details set out in Appendix C
- High level of confidence in achieving the capital receipts target

The Cabinet welcomed the report and the progress made.

**Following consideration of the officer report the Cabinet resolved to note the contents of this report.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

177 **Report of the Scrutiny for Policies, Adults and Health Committee on Medium Financial Plan 2019/20 – agenda item 8**

The Chair of Scrutiny Committee for Adults and Health was unable to attend the meeting. In her absence, the Cabinet Member for Adult Social Care, Cllr David Huxtable was invited to introduce the report noting the key areas of debate from the Committee meeting held on 30 January 2019. The Cabinet Member highlighted the Committee's concern regarding long term funding for Adult Social Care Services, the on-going sustainability of the adult services budget beyond 2019/20 and highlighted the recommendations which were put forward by the Scrutiny Committee.

The Cabinet proceeded to debate the report and invited other members to raise any questions. Reference was made to the outstanding Green Paper from the Government regarding Adult Social Care and there was still no clarity on when this would be coming forward. Support for a joint letter to go forward to request clarity on this.

**Following consideration of the Scrutiny Committees report the Cabinet noted the recommendations of the Scrutiny for Policies, Adults and Health Committee and agreed:**

- 1. In partnership with other stakeholders including Group Leaders and Somerset MP's, that the Council takes a leading role in proactively lobbying central government about the urgent need for sustainable long-term funding for adult social care in Somerset.**
- 2. That the Cabinet is aware of the future risk to adult social care funding, particularly the future capacity to deliver further savings and the impact this will have on preventative services.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

178 **Medium Term Financial Plan 2019-22 and Annual Budget 2019/20 – agenda item 9**

The Cabinet Member for Resources, Cllr Mandy Chilcott introduced the report, commended officers for their thorough work on developing a comprehensive plan and made a number of points including: reference to the proposals to deliver a balanced budget for 2019/20 set out in the report and various appendices; proposals for 2020/21 and 2021/22 to develop the Council's long-term financial resilience; on-going reductions in Government funding; increased demand for services; the Local Government Financial Settlement; and the Business Rate Retention pilot.

The Cabinet Member further drew Members attention to the addendum report and the revised recommendations which had been circulated to all members ahead of the Cabinet meeting. The Director of Finance was invited to outline the amendments and the reasons for these. Reference was also made to the statement of robustness in section 6 of the report.

The Cabinet considered a number of questions which had been submitted by Alan Debenham regarding the Council's budget, including: public spending and austerity; changes to the minimum revenue position for repayment of long-term debt; and the need to lobby for more funding for local government services. The Cabinet Member for Resources thanked Mr Debenham for his questions, provided a response to the points raised and advised that a written response would be provided as Mr Debenham was not present.

The Leader of the Council, Cllr David Fothergill drew members attention to the Council's Equalities duties under the Equalities Act 2010, highlighting that the papers included both a summary impact assessment in Appendix C and that specific assessments were included within the specific proposal documents

The Leader of the Council, Cllr David Fothergill, invited Cabinet Members to present the proposals in their areas of responsibility with reference to Appendices E1-E5. Points raised during debate included:

- Reference to the work undertaken on developing the budget in line with recommendations made previously by our external auditors
- Questions were raised about table 2 in the addendum and the proposed £500k funding for preventative work and what proposals would be funded from this
- Reference to vacancies not being filled in Childrens Services but assurance provided by Director of Childrens Services that statutory duties will be met
- Support for the revised proposals in the addendum, including delaying the proposal to reduce Care Home Dementia support, gully emptying and the funding for the reinstating gritting routes in 2019/20

- Questions raised why the gritting routes could not be reinstated in 2018/19 in view of the projected underspend. Clarification was provided by the Lead Commissioner for ECI that the contractor lead-in time meant that services could not be reinstated in 2018/19 and that the planned review in Spring 2019 would influence where the additional funding should be used. Councillors would be able to feed their views into the review.
- Reference to the proposals for learning and development and assurance provided by the HR & OD Director

The Leader of the Council made reference to his opening speech earlier in the meeting and the key points raised. He referred to further points that had been raised during debate and thanked Members and Officers for their work in developing the Medium Term Financial Plan. The Leader then proposed the recommendations to Cabinet with the Deputy Leader seconding these.

**Following consideration of the officer report and appendices the Cabinet agreed all of the following recommendations and also recommended these recommendations to Full Council for approval to:**

- 1. Agree a gross revenue budget of £780.181m and a net revenue budget in 2019/20 of £327.967m**
- 2. Agree the application of up to £2.791m in 2019/20 of capital receipts to fund the revenue costs associated with reforming services, subject to further development and review of business cases.**
- 3. Delegate authority to the S151 Officer, in consultation with the Chief Executive and the Director for Corporate Affairs to review all business cases before agreeing to the use of capital receipts or the Invest to Save reserve.**
- 4. Agree the replenishment of depleted reserves as follows:**
  - a. Create Invest to Save earmarked reserve of £2.852m to ensure resources are available to support further service reform;**
  - b. Addition of £2.000m to the General Fund, from the base budget provision, to bring the balance up towards a reasonable level for a Council of this size, and;**
  - c. Contribute an additional £3.389m to repay the Buildings Maintenance Insurance Scheme (BMIS) and Repairs & Maintenance Fund deficit reserves as the schemes have now ended;**
  - d. Addition of £0.540m to the Insurance Fund to partially replenish the fund to enable it to support likely claims against the Council.**

5. **Agree the actions required to manage the gap to be reduced to £15.112m in 2019/20:**
  - **the reversal of previously identified savings and technical adjustments totalling £18.154m as set out in paragraph 4.5 and Appendix A**
  - **approve the revised Minimum Revenue Provision (MRP) statement and policy (Appendix B), which delivers a saving in 2019/20 of £3.714m;**
  - **the reduction of the corporate contingency by £0.575m to £7.226m for 2019/20;**
  - **the use of the additional one-off Adult Social Care grant of £2.498m to meet the requirements set out by Government for this grant;**
  - **the use of the additional one-off Social Care grant of £4.267m for social care pressures, and;**
  - **approve the removal of the staff unpaid leave saving of £0.454m following rejection of the proposal by the Unions.**
6. **Consider the proposed treatment of the minor funding changes following receipt of the Final Financial Settlement received on 29 January 2019 and the potential use of these additional resources as set out in Table 2 of this report.**
7. **Agree the proposals for change (as set out in Appendices D and E1-E5 – subject to any amendments agreed by recommendation 6 above) necessary to set a balanced budget for 2019/20, totalling £8.512m, and delegated the implementation to the relevant director(s) following due process.**
8. **Agree that due regards have been taken to any equalities implications identified and risk implications prior to any decision being taken in relation to the recommendations in this report, noting the initial equalities impacts as set out in Appendix C.**
9. **Agree that the savings target relating to Waste Disposal costs (£225k) is endorsed to the Somerset Waste Board to consider agreeing to make savings to this value as part of setting its 2019/20 budget.**
10. **Agree the Strategy for the Flexible use of Capital Receipts (CRF) as set out in this report, in section 4.40.**
11. **Agree to keep the Scheme of Members' Allowances unchanged for 2019/20.**
12. **Note that the Leader of the Council, Cabinet Member for Resources, Chief Executive and Section 151 Officer will oversee and monitor the delivery of the proposals for change and report on progress as part of the budget monitoring reports.**

- 13. Delegate authority for the development of any additional alternative proposals for change that may be necessary to the Chief Executive in consultation with the Section 151 Officer and relevant Director(s).**
- 14. Agree that the Cabinet and the Council have reviewed and confirmed that account has been taken of the Section 151 Officer's assessment of the robustness of estimates and adequacy of reserves as set out in section 6 of this report.**
- 15. Agree the Reserves and Balances Policy Statement in Appendix K**
- 16. Agree to increase the level of the general Council Tax by 2.99%, which will provide a further £7.073m to support the Councils expenditure.**
- 17. Agree to increase Council Tax by a further 1% for the adult social care precept, which will provide a further £2.365m to support the growth in demand for services.**
- 18. Agree to continue the Council Tax precept of £12.84 within the base budget for the shadow Somerset Rivers Authority (representing no increase). This results in a Council Tax Requirement of £2.547m**
- 19. Agree to set the County Council precept for band D Council Tax at £1,239.73 which represents a 3.99% uplift. This is a rise of £0.91 per week for a Band D property, as set out in Appendix H.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

**179 Capital Strategy 2019-22 (Investment Strategy) – agenda item 10**

The Cabinet Member for Resources, Cllr Mandy Chilcott, introduced the report, highlighting the following points: the programme included £224m of investment in the County; non-treasury investments and potential contributions to the Council's revenue budget; and work to formulate proposals for on treasury investments.

The Cabinet proceeded to debate the report and other members were invited to ask questions. Points raised included:

- The proposed change to the minimum revenue provision and the reasons for this, following discussion with our external auditors and assurance from the Section 151 officer
- The need to ensure the Council learns from experience of other councils

**Following consideration of the officer report and appendices:**

- 1. The Cabinet recommended the Capital Strategy 2019/20-2021/22, and the prudential indicators contained within, to the Council for consideration and approval at their meeting on 20 February 2019 (as set out in Appendix 1).**
- 2. That the Cabinet and Council agreed to delegate authority to the Section 151 Officer, in consultation with the Leader, Deputy Leader, Opposition Spokesperson for Resources, Monitoring Officer and County Solicitor, to design the governance arrangements and remit of the non-treasury investments for recommendation to, and approval by, the Cabinet and the Council before the end of July 2019.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

180 **Treasury Management Strategy 2019/20 – agenda item 11**

The Cabinet Member for Resources, Cllr Mandy Chilcott, introduced the report, highlighting the need for effective treasury management which underpins the achievement of our business and service objectives and is essential for maintaining a sound financial reputation.

The Cabinet proceeded to debate the report and invited other members to put forward any questions. Members acknowledged that this was a comprehensive report and commended the work of officers.

**Following consideration of the Officer report and appendices Cabinet endorsed the following recommendations and recommended approval by Council on 20th February 2019:**

- To adopt the Treasury Borrowing Strategy (as shown in Section 2 of the report).**
- To approve the Treasury Investment Strategy (as shown in Section 3 of the report) and proposed Lending Counterparty Criteria (attached at Appendix B to the report).**
- To adopt the Prudential Treasury Indicators in section 4.**

**The Cabinet noted the current Treasury Management Practices (TMPs) attached at Appendix D to the report.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

181 **CAF 14b Proposals for the alternation and / or reduction of early help services provided to children and their families – getset – agenda item 12**

The Cabinet Member for Children and Families, Cllr Frances Nicholson introduced the report noting: the two previous Cabinet approvals relating to reductions in staffing levels across the service as a response to current demand levels and increasing caseload targets and the launch of a public consultation exercise to review the provision of early help services; the proposal to promote prevention in the community; the £200k set aside to help develop early help projects; and the importance of working alongside key partners such as schools. Reference was made to the equalities impact assessment in Appendix 4.

The Cabinet considered a number of questions which had been submitted by Elvira Elliot, Genia Pirrie and Nigel Behan. Responses were provided by the Cabinet Member which included:

- Clarification that the council and partners have continued to deliver early childhood services across Somerset and have retained 8 of our original children centre buildings as our “family centres”. The key is on providing effective and timely support and services to families, not buildings. The statutory duty is on health, police and local authorities to identify, assess and support families that require additional help – and this system is still in place.
- Recognition that these changes have been very difficult for the staff, and managers continue to support them whilst we work over this transitional period.
- The Council has listened carefully to the responses to the consultation and this has resulted in amendments to its original proposals, by retaining the level 2 service for a further year rather than an immediate cessation, recognising that further improvements need to be made over the next year in collaboration with partners. The right approach is to involve communities and partners as part of the solution and our proposals outline a system-wide approach that will improve early help support in Somerset. To that end we are looking at using our available resources to invest in the right areas to produce the outcomes for children and families that we all want.

The Cabinet Member highlighted that a petition from Adam Boyden had been received earlier that day and she acknowledged this. The Cabinet Member confirmed that Frome Childrens Centre is not closing.

The Cabinet proceeded to debate the report and invited other members to raise any questions. Points raised included:

- Recognition of the joint work with district councils to move to a different model of delivery
- Reference to the statutory duties and requirements upon the council
- Praise was given for the many volunteers who work with children and families
- Comments from Scrutiny for Children and Families were highlighted and a request that an update be provided in six months to provide assurance



**Following consideration of the office report, the equalities impact assessment and points raised during debate the Cabinet agreed:**

- **The proposals set out in Appendix 1 to improve Somerset's early help approach.**
- **The delegation of the award of the commissioning/grant fund to the Director of Children's Services.**
- **The submission of a business case for support from the Invest to Save fund, or Capital Receipts Flexibilities as determined by the Director of Finance, in June 2019, enabling development work of the electronic early help module to support partners in delivering early help.**
- **The delegation of the approval of business cases to the Director of Children's Services and Director of Corporate Affairs for the implementation of the electronic early help module (See Appendix 1 Section 2).**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

**182 Any other urgent items of business – agenda item 13**

The Cabinet thanked Peter Lewis, Interim Director of Finance for his work for the Council and wished him well for the future.

(The meeting ended at 12.40pm)

**CHAIR**

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Decision Report – Cabinet Key Decision

– 11<sup>th</sup> March 2019

**Appointment of Main Contractor – Bridgwater Special School**

Cabinet Member(s): Cllr Frances Nicholson – Cabinet Member for Children & Families, Cllr Faye Purbrick – Cabinet Member for Education & Council Transformation and Cllr Mandy Chilcott – Cabinet Member for Resources

Division and Local Member(s): Cllr David Hall

Lead Officer: Annette Perrington – Assistant Director for Inclusion

Author: Phil Curd – Strategic Manager – Access & Additional Learning Needs

Contact Details: 01823 355165

	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	22/02/19
	Monitoring Officer	Scott Wooldridge	26/02/19
	Corporate Finance	Peter Lewis	18/02/19
	Human Resources	Chris Squire	20/02/19
	Property	Paula Hewitt	27/02/19
	Procurement / ICT	Simon Clifford	20/02/19
	Senior Manager	Julian Wooster	27/02/19
	Commissioning Development Team	Vikki Hearn	14/02/19
	Local Member(s)	Cllr David Hall	27/02/19
	Cabinet Member	Cllr Frances Nicholson	27/02/19
	Opposition Spokesperson	Cllr Jane Lock	27/02/19
	Relevant Scrutiny Chairman	Cllr Leigh Redman	27/02/19
<b>Forward Plan Reference:</b>	FP/18/12/04		
<b>Summary:</b>	<p>The Local Authority has a legal duty to provide children with good quality school places in their local area.</p> <p>As there are not enough special school places in the Sedgemoor area, the aim is to replace and expand the two current schools with a new school building for up to 160 children aged 4-16.</p> <p>The delivery of this project aligns with the SEND Strategy and its principles of 'Local First' provision.</p> <p>This will reduce travel costs, free up capacity in our special schools and reduce spend on independent school placements.</p> <p>This paper seeks authority for the Authority to appoint a contractor at a gross maximum expenditure to deliver the new school building on Bower Lane, Bridgwater. This paper will also</p>		

	<p>give approval to cover the purchase of furniture and IT as required for the new school.</p>
<p><b>Recommendations:</b></p>	<p><b>That the Cabinet:</b></p> <ol style="list-style-type: none"> <li><b>1. Authorises the County Council to enter in to a call-off contract with the winning contractor (as identified in Appendix B) under the Southern Construction Framework for the construction of a 160-place special school at Bower Lane, Bridgwater for September 2020 at a gross maximum project cost (detailed in Appendix B).</b></li> <li><b>2. Agrees that Appendix B be treated as exempt information and to be treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.</b></li> <li><b>3. Agrees to exclude the press and public from the meeting where there is any discussion at the meeting regarding exempt or confidential information (Appendix B)</b></li> <li><b>4. Delegates authority to the Head of Corporate Property, in consultation with the County Solicitor, to finalise and execute the call-off contract referred to in recommendation 1.</b></li> </ol>
<p><b>Reasons for Recommendations:</b></p>	<p>To meet the Local Authority’s statutory duty to provide sufficient school places by allowing the County Council to proceed with the delivery of the new special school at Bower Lane in Bridgwater.</p> <p>The accompanying confidential appendix contains commercially sensitive information relating to the contract and the Council’s financial and business affairs. Officers recommend that this is treated as exempt information. “Exempt information” is defined by Section 100 of the Local Government Act 1972, by Schedule 12A to that Act.</p>
<p><b>Links to County Vision, Business Plan and Medium Term Financial Strategy:</b></p>	<p>The recommendations link to this Headline Vision in the County Plan:</p> <p>“Our vision for Somerset is simple: More jobs; more homes; more powers from government; more local co-operation; better health; better education and prospects; better roads, rail, broadband and mobile signal.”</p>

	<p>The recommendations link to the following Target in the County Plan:</p> <p>“We will aim to have better school results for all children across all key stages and in particular at GCSE and A-Level with a particular focus on disadvantaged children.”</p>
<p><b>Consultations and co-production undertaken:</b></p>	<p>In terms of this scheme, Commissioners and the Project Manager have been in discussions with the school representatives regarding the proposed project.</p> <p>Members have been consulted on the School Place Planning Infrastructure Growth Plan for Somerset which identifies our school place requirements for the next 14 years.</p> <p>The Scrutiny Committee for Policies, Children and Families Committee endorsed the Early Years and School Place Planning Infrastructure Growth Plan on 13th May 2016.</p> <p>Cabinet endorsed this approach to school place planning on 8th June 2016.</p> <p>Cabinet / SLT was consulted on this project in late 2018 and was supportive of its delivery.</p>
<p><b>Financial Implications:</b></p>	<p>The Capital Investment Programme for 2017/18 identified the need for the expansion and funding, through local authority borrowing, has been made available in the 2018/19 (start) capital programme to meet the cost of delivering the project.</p> <p>The tenders received indicate that the scheme can be delivered within the allocated budget as detailed in Appendix B. Whilst the majority of the cost is funded through borrowing, £4.75m will be funded by grant.</p> <p>There is a risk that other unforeseen issues arise which will increase the project cost and require officers to seek an additional funding approval.</p> <p>The delivery of this project will reduce revenue pressures relating to school transport and placement costs in independent &amp; non-maintained schools, by keeping children closer to home in a maintained setting.</p>
<p><b>Legal Implications:</b></p>	<p>Somerset County Council has a statutory duty under s.14 of the Education Act 1996 to secure that sufficient schools for primary and secondary education are available in its area. The construction of the new school in Bridgwater will help to ensure that the Council meets this statutory duty.</p>

	<p>The value of the proposed construction contract exceeds the threshold for the EU public procurement rules, however the Council is permitted to enter into the contract without running a full procurement process provided it has followed the call-off process in the Southern Construction framework; the Commercial and Procurement team have confirmed that this process has been followed.</p> <p>As the Council is procuring the works under a framework agreement, it must use the form of call-off contract set out in the framework agreement. As noted in Appendix A, the call-off contract is based on the NEC3 ECC contract which is an industry-standard contract that is widely used by local authorities when appointing works contractors. Legal Services have not been instructed to review the terms of the call-off contract and are therefore not in a position to advise on the allocation of construction risks under the contract.</p>						
<b>HR Implications:</b>	None						
<b>Risk Implications:</b>	<p>There is a risk that due to unforeseen issues relating to the site or the contractor, that the project runs over schedule or exceeds the allocated budget.</p> <table border="1" data-bbox="528 1086 1481 1126"> <tr> <td><b>Likelihood</b></td> <td><b>2</b></td> <td><b>Impact</b></td> <td><b>3</b></td> <td><b>Risk Score</b></td> <td><b>6</b></td> </tr> </table>	<b>Likelihood</b>	<b>2</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>6</b>
<b>Likelihood</b>	<b>2</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>6</b>		
<b>Other Implications (including due regard implications):</b>	<p><b><u>Equalities Implications</u></b></p> <p>The proposed new build will be fully accessible for disabled users with the proper facilities and provisions in place to cater for them, pursuant to statutory obligations set out in Equality legislation and that brought together under the umbrella provisions of the Equality Act 2010</p> <p><b><u>Community Safety Implications</u></b></p> <p>Improved access to education will have a positive impact on community safety. Improved access to quality educational facilities could serve to reduce the likelihood of low level anti-social behaviour and improve children’s chances to thrive long term.</p> <p><b><u>Sustainability Implications</u></b></p> <p>This school will serve the Sedgemoor community and additional pupils are likely to access the school using existing transport arrangements.</p> <p>For pupils in the immediate vicinity of the school, walking and cycling to school are options that can be considered, where the child’s SEND allows.</p>						

	<p>The design will make best use of sustainable technology, where the budget allows.</p> <p>The new school building will achieve the equivalent BREEAM Very Good or Excellent.</p> <p><b><u>Health and Safety Implications</u></b></p> <p>Risks involved in the proposed building works will be managed by the appointed contractor through their construction Health and Safety Plan required for all such projects.</p> <p>Once opened, Health and Safety of the site will be the responsibility of the school.</p> <p><b><u>Privacy Implications</u></b></p> <p>No identified implications.</p> <p><b><u>Health and Wellbeing Implications</u></b></p> <p>The school is being built to meet local demand so that children in the school will be able to develop peer relationships which can be enhanced outside of school.</p> <p>The site will have a range of play and therapeutic spaces which will help to maintain and improve their physical and emotional wellbeing.</p> <p><b><u>Social Value</u></b></p> <p>The identified contractor has agreed to deliver a range of socially responsible activities as part of the contract.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>• Employment opportunities through apprenticeships and traineeships</li> <li>• Local procurement and employment</li> <li>• Engagement events for the school and wider community</li> <li>• A legacy project</li> </ul>
<p><b>Scrutiny comments / recommendation (if any):</b></p>	<p>No comments or objections have been received.</p>

## **1. Background**

- 1.1.** The special school will deliver high quality for children with complex, providing opportunities for them to realise their learning potential and transition to adulthood while remaining part of their local community.  
It will also create local employment opportunities and provide another economic stimulus to the local community.
- 1.2.** The new special school will ensure sufficiency of special school places for the next 10-15 years (the limit of our projections).  
This aligns with the 'local first' model of educating children closer to home in maintained provision to reduce transport costs (financial and environmental), improve parent engagement and reduce our reliance on the independent sector.
- 1.3.** Over the next 15 years, demand for special school places in the virtual catchment of Sedgemoor will continue to rise as housing developments are delivered and the population increases.
- 1.4.** At present, both Penrose School and Elmwood School are full, meaning local children with complex SEND are not being educated in their local community, but need to be transported to other parts of Somerset, and neighbouring counties, at significant financial and environmental cost.
- 1.5.** Elmwood's current two-storey building, although relatively modern, was not designed to accommodate the needs of our most complex children. This new building will accommodate 160 children and has been designed to not only meet their complex learning needs but offer additional therapeutic facilities which will enable school staff and other professional to address children's physical and sensory requirements.

## **2. Options considered and reasons for rejecting them**

- 2.1.** Feasibility studies were undertaken at both Penrose and Elmwood in order to understand the cost and deliverability of expanding both schools – neither were deemed to be cost effective due to site constraints and other factors. Coupled with that, Bridgwater will need a significant amount of additional secondary school places and on that basis, the most cost-effective option was deemed to be the delivery of a new replacement special school for Bridgwater, with current accommodation at Robert Blake Science College (Elmwood) and Chilton Trinity School (Elmwood – Jean Rees) being converted in to mainstream secondary school places.
- 2.2.** A number of local authority owned sites in and around Sedgemoor were considered for the new school, but only one was deemed to be suitable in terms of its proximity to the main population centre (reducing travel time and



costs), size and dimensions (needed to accommodate what will be a large special school).

Its proximity to Bridgwater and the key residential areas of Bower, Sydenham and Kings Down will mean children living in those areas will be able to access the school using existing pedestrian networks. It will also enable parents to have better access to the school to engage with staff and other professionals and make use of the enhanced facilities the new school will provide.

### **3. Background Papers**

**3.1.** Appendix A – Tender Evaluation Report

**3.2.** Appendix B – Tender Evaluation Result (Exempt Information)

# Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

**Version**

**1.0**

**Date**

**12<sup>th</sup> February 2019**

**Description of what is being impact assessed**

Approval for the Authority to appoint a contractor to deliver the new special school at Bower Lane, Bridgwater.

**Evidence**

**What data/information have you used to assess how this policy/service might impact on protected groups?** Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#),, should be detailed here

Population and SEND data has been analysed to understand need for special school provision in the Sedgemoor area. This projection data then inform capital investment bids and the subsequent projects they deliver.

This project is part of a wider programme of works required to increase the number of special school places in Somerset. A similar project is already well advanced in Taunton while further investment is being sought to expand special schools in Yeovil.

**Who have you consulted with to assess possible impact on protected groups?** If you have not consulted other people, please explain why?

A number of stakeholders have been engaged to understand the impact of delivering this project and the feedback is entirely positive. Those stakeholders include school leaders, educational psychologists, Somerset Parent Carer Forum and advisory teachers.

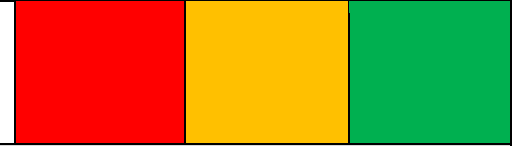
### Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
<b>Age</b>	<ul style="list-style-type: none"> <li>This will provide a high quality special school environment, for children aged 4-16</li> </ul>	☐	☐	☒
<b>Disability</b>	<ul style="list-style-type: none"> <li>This provision will specifically target children with SEND whose complex needs mean they require a special school environment with the high quality sensory and physical therapy spaces.</li> </ul>	☐	☐	☒
<b>Gender reassignment</b>	<ul style="list-style-type: none"> <li>Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement.</li> </ul>	☐	☐	☒

<b>Marriage and civil partnership</b>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	□	⊗	□
<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"> <li>Should a child in provision be or become pregnant, they will be supported appropriately.</li> </ul>	□	□	⊗
<b>Race and ethnicity</b>	<ul style="list-style-type: none"> <li>Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement.</li> </ul>	□	□	⊗
<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement.</li> </ul>	□	□	⊗
<b>Sex</b>	<ul style="list-style-type: none"> <li>Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement.</li> </ul>	□	□	⊗
<b>Sexual orientation</b>	<ul style="list-style-type: none"> <li>Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement.</li> </ul>	□	□	⊗
<b>Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.</b>	<ul style="list-style-type: none"> <li>Children of low income families have enhanced rights in relation to school transport in that the statutory walking distance to school is fixed at 2 miles as opposed to 3 miles when a child is aged 8 or above.</li> </ul>	□	□	⊗

This is designed to ensure better attendance for families more likely to disengage from education.



**Negative outcomes action plan**

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
N/A				<input type="checkbox"/>

**If negative impacts remain, please provide an explanation below.**

N/A

<b>Completed by:</b>	<b>Phil Curd</b>
<b>Date</b>	<b>13<sup>th</sup> February 2019</b>
<b>Signed off by:</b>	<b>Annette Perrington</b>
<b>Date</b>	<b>13<sup>th</sup> February 2019</b>
<b>Equality Lead/Manager sign off date:</b>	<b>18<sup>th</sup> February 2019</b>
<b>To be reviewed by: (officer name)</b>	<b>Phil Curd</b>
<b>Review date:</b>	<b>13<sup>th</sup> August 2019</b>

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## APPENDIX A

# Tender Evaluation Report

Provision of a Special Educational Needs School in Bower  
Lane, Bridgwater, Somerset  
Ref: DN376213

**Author:**     **Name: Natanya Nathan**  
                  **Title: Service Manager**  
                  **Commercial & Procurement Team**  
                  **Date: 15/02/19**

## Management Summary

Bridgwater currently offers SEN school places through three separate sites placed in the south, west, and north of Bridgwater. These sites offer progression through distinct phases of education, but essentially provide Primary, Secondary and Post-16 SEN facilities.

A recent review of SEN provision in Somerset has demonstrated that the district of Sedgemoor is currently operating at capacity, and that students are being sent 'out of the county' for SEN education. This practice is inefficient, draining the County's resources and leading to disproportionately high costs.

To compound the issue, a number of influencing factors (such as the Hinkley Point C Power Station), look set to significantly increase the demand for school spaces running through till 2025 and beyond. In anticipation of the increased demand, Somerset County Council commissioned a feasibility study to establish the extent of required SEN expansion in the immediate future. The feasibility study produced demonstrated an urgent need for an all-through SEN School in Bridgwater.

Following a Key Decision approval dated 27/02/18 and further Cabinet/SLT approval on 12/11/18; the decision was taken to go out to tender following a competitive process under the Southern Construction Framework. Following the evaluation of the responses by stakeholders (listed in Appendix 2), this evaluation report proposes the award of the contract to the winning contractor.

## Key Summary Points

### 1. Term

The contract term will be for pre-construction and construction of the school by July 2020.

### 2. Scope

The project scope of works is as follows:

- Construction of new 160 Place SEN School, including parking, associated ancillary facilities, and external works;
- Construction of school access road;
- Potential construction of additional section of spine road;
- Review of the existing design proposals and opportunity to propose VE;
- Contractor cost consultancy advice throughout the project and to agreement of final account. Client-side QS will be the subject of a separate appointment;
- Production of information required, in conjunction with appointed design team, to discharge planning conditions, if applicable;
- Preparation and submission of building control application;
- Co-ordination as required with statutory service providers to agree infrastructure requirements and installation;



- Design and co-ordination as required for any new service and supply connections;
- Compliance / delivery of BIM Level 2 as per SCC requirements
- The management / supervision of the installation of Client supplied IT and Loose FFE.

### **3. Procurement Process**

#### **a) Approach to Market**

Procurement have worked closely with Property and Schools Commissioning to agree the approach, including having commissioners as part of the evaluation team, clear minimum criteria and weighting discussions.

A number of commissioning models and routes to market were discussed including the SCAPE framework which is a direct award arrangement, carrying out our own OJEU exercise, using the Futures 4 Somerset agreement or carrying out a competition under the Southern Construction framework.

The Infrastructure Board agreed that competition should take place whenever possible. As Scape and Futures 4 Somerset are both direct award agreements, this could only be achieved by carrying out our own OJEU exercise or under the Southern Construction Framework further competition route. In order to reduce the requirements on internal resources and timetable the Southern Construction Framework was agreed as the preferred route to market, because it meets OJEU requirements, has agreed rates, KPI's and all the available suppliers have a history of delivering school build projects.

As this is a bespoke special needs school, designers were engaged to prepare designs to an advanced stage to include within the tender documents. In addition, the suppliers were given a tight target budget to 'aim' for. The Southern Construction Framework pricing is evaluated on % profit, overheads and fees as per the framework rules and technical ability.

#### **Southern Construction Framework**

The framework has a pre-determined two stage process. Stage 1 seeks expressions of interest from all 10 of the suppliers on the framework and high-level confirmation that they have the ability to carry out the works.

On this occasion 5 suppliers submitted expressions of interest and were invited to stage 2 – tender process.

#### **b) Market/stakeholder engagement**

We provided all the framework suppliers with estimated timelines and a pipeline of work. All the suppliers on the framework have delivered Special Educational Needs school facilities.

We have also been in discussions with the Southern Construction Framework 'owners' Devon County Council to understand how best to use the framework and learn from other organisations that use the framework. This has enabled us to build a good relationship with the suppliers and Devon County Council.

**c) Evaluation Methodology**

Tenders were evaluated in accordance with the evaluation criteria set out the procurement documents, which was agreed between Commissioning, Property and Procurement as follows:

<b>Sub-Criteria</b>	<b>Percentage of Overall Weighting (%)</b>
Part D	
Technical Question 1	20%
Technical Question 2	10%
Technical Question 3	5%
Technical Question 4	5%
Technical Question 5	15%
Technical Question 6	15%
<b>Total</b>	<b>70%</b>

Tenders were evaluated on the basis of 70% quality and 30% price as agreed by members of SLT following a business case approval.

The scoring mechanism is contained in Appendix 3.

Each evaluation panel member (see Appendix 2) scored each tender submitted on an individual basis and prior to the moderation meeting held on the 15<sup>th</sup> February 2019.

**Financial Evaluation**

The following formula was used to evaluate price as submitted by Bidders:

$$\text{Score} = \frac{\text{Lowest Price received by SCC across all Tenders} \times 30}{\text{Your organisation's price submitted}}$$

This process essentially ranks the lowest to highest prices and allocates a score based on the difference between them.

This evaluation process has been overseen by the Commercial and Procurement Team.

#### **d) Invitation to provide a Tender**

5 potential providers expressed an interest in receiving an Invitation to Tender (ITT) through the e-Tendering System (ProContract). The Procurement Documents were issued on 15<sup>th</sup> January 2019.

Bid responses were received by the closing date of 12 noon on 1<sup>st</sup> February 2019, as follows:

- 4 Bidders responded
- All Bidders submitted a compliant Bid
- Bids were evaluated in accordance to the criteria set out in the Procurement Documents, which are available upon request.

The Bids were evaluated and moderated by a panel of SCC, AWW and Aecom staff (see Appendix 1).

Overall scores for the Bids (see Appendix 2). The name of the winning contractor and their tendered price is contained separately within confidential Appendix B.

### **5. Sourcing Recommendation**

It is recommended to award a Contract to the winning contractor on the basis that they provided the Most Economically Advantageous Tender.

The Commercial and Procurement Team has checked all submitted tenders to ensure that all required documents were received.

Any risks identified can be incorporated in the discussions with the successful Bidder as part of the contract award process.

If SCC discovers errors or omissions in the Bid post award, the Bidder may be required to justify the price/item(s) concerned. SCC reserves the right not to accept any amendments to the initial Bid. If suitable justification is not supplied in relation to any errors or omissions, SCC reserves the right to approach the Bidder with the second highest score in order to award the Contract.

### **6. Contractual Position**

The new Contract will be established between the winning contractor and SCC. The Contract will be under the NEC3 terms and conditions.

This is subject to approval of a Key Decision supported by this evaluation report.

### **7. Termination**

There is a break clause within the Contract which allows termination at pre-construction stage, there is no commitment to continue to construction.

## **8. Programme**

A detailed programme plan is submitted as part of the tender exercise and indicates delivery by July 2020. The major projects team in Property work with the provider to ensure the programme is kept up to date and delivered as agreed.

## **10. Risks**

The main risks at this stage are to programme and costs. Mitigations have been suggested by the provider to ensure delivery on time and on budget. Surveys on the land have taken place and no additional risks have been discovered at this stage. Specific risks are addressed during the pre-construction phase, mitigation and ownership are also agreed during this phase.

## **11. Service Levels and Contract Management**

Customer satisfaction and service levels will be monitored as part of Contract Management. The major projects team in Property will contract manage the agreement to ensure that the service meets expectations and to identify further opportunities for cost and service improvement.

## **12. Added Value**

A key element of the Southern Construction Framework is to ensure social value is 'wrapped up' within the contractor's tender submissions. In particular apprenticeships and training opportunities.

The provider has also indicated that they will work with the local community and school to arrange legacy projects for pupils. Specific opportunities will be discussed during the pre-construction phase.

## **13. Next Steps**

- a)** Key Decision to be signed off
- b)** Suppliers to be informed of the decision by Commercial and Procurement Team
- c)** The Contract is to be sealed once the standstill period is complete.

**End of Report**

## **Appendix 1**

### **Evaluators**

The quality evaluation team:

- Richard Morris Project Management Team Lead, SCC
- Malcolm Burt Architectural Design Advisor, SCC
- Phil Curd Access and Additional Learning Needs, SCC
- Jamie Furse Director, AWW

The Commercial/Financial Requirements evaluators: -

- Heather Neale Senior Quantity Surveyor, SCC
- Natanya Nathan Service Manager - Procurement, SCC
- Ben Garton Quantity Surveyor, Aecom

## **Appendix 2 – Breakdown of final Scores**

	Weighting	Supplier A	Supplier B	Supplier C	Supplier D
Quality	70%	56.00%	48.00%	38.00%	60.00%
Price	30%	25.00%	19.81%	19.16%	30.00%
Total	100%	81.00%	67.81%	57.16%	90.00%

**Appendix 3 – Scoring Methodologies:**

Mini Competition Question	Unacceptable (0)	Poor (1)	Good (3)	Excellent (5)
Examples of Scoring Criteria				
<p><b>Q1. Financial Control : (Mandatory Question)</b></p> <p>Page 39</p>	<p>Answer not supplied</p>	<p>Limited commentary on how the scheme will be delivered to cost. No supporting information provided that demonstrates an ability to deliver to cost / at the proposed m2 rate. Poor or irrelevant risks presented. Inadequate mitigation provided for any relevant risks identified.</p>	<p>Robust commentary provided with good supporting information that demonstrates how the scheme will be delivered to cost. Risks are project specific and well considered with reasonable mitigation strategies proposed.</p>	<p>Very robust commentary provided with clear evidence of research, and scrutiny of the proposed cost plans to support any reassurance offered in the commentary provided. Risks are project specific and well considered with thorough practical mitigation strategies proposed.</p>
<p><b>Q2. Quality Assurance &amp; Performance :</b></p>	<p>Answer not supplied</p>	<p>Unable to clearly demonstrate where the contractor have driven innovation or offered added value. Schemes generally delivered over budget or late or unable to clearly demonstrate expected challenges and/or how to overcome them to ensure innovation/added value and performance against programme and cost</p>	<p>Able to demonstrate where they have been able to offer some value or innovation previously when delivering SEN projects. Schemes generally delivered on budget and on programme.</p> <p>Or can evidence relevant challenges and examples to overcome them and demonstrates with minor weaknesses how to bring innovation and assurances against meeting programme and costs</p>	<p>Contractor has clearly demonstrated where they have driven innovation and added value in previous projects. All examples completing on programme and on budget.</p> <p>Or can evidence relevant challenges and examples to overcome them and demonstrates how to bring innovation and assurances against meeting programme and costs with no weaknesses</p>
<p><b>Q3a. Social Responsibility :</b> A completed ESP and method statement is</p>	<p>Failure to provide ESP and</p>	<p>N/A</p>		<p>ESP and Method Statement</p>

Mini Competition Question	Unacceptable (0)	Poor (1)	Good (3)	Excellent (5)
	Examples of Scoring Criteria			
enclosed with this submission. (Yes 2.5%, No 0%)	Method Statement / failure to meet minimum requirements			provided and minimum requirements met
<b>Q3b. Social Responsibility :</b> The ESP meets the template minimum benchmark. (NOT SCORED)	N/A – Included in scoring above			
<b>Q3c. Social Responsibility :</b> Explain the reason for any negative variation to the SCF/CITB E & S Benchmark targets and set out the level of E & S outputs that can be achieved and describe how they will be delivered. (No variation scores 2.5%)	No Explanation Given for ESP Variations / No completed ESP and Method Statement Provided	Poor Reason Given for ESP Variations	Adequate Reason Given for ESP Variations	No Variation from ESP. Clear explanation as to how they will be delivered. With added benefit
<b>Q4. Social Responsibility :</b> Page 40	Answer not supplied / no socially responsible activities proposed	Very limited level of social responsibility activities. Poorly considered / not practical. Offer minimal benefit to the school / community.	Good level of social responsibility activities with some useful benefit to the school / community.	Excellent and extensive activities proposed that offer clear and significant benefit to the school / community.
<b>Q5. Programmes of Work :</b>	Answer not supplied / critical programme date not met	Critical programme date met and statement of reassurance provided but contains some weakness. Poor or irrelevant risks presented. Inadequate mitigation provided for any relevant risks identified.	Critical programme date met and sufficient statement of reassurance provided. Risks are project specific and well considered with reasonable mitigation strategies proposed.	Critical programme date met and statement of reassurance provided that instills extra confidence. Risks are project specific and well considered with thorough practical mitigation strategies proposed.
<b>Q6. Design Management :</b>	Answer not supplied	Limited information provided. Information not sufficiently detailed to enable internal technical review. Proposal not relevant to this project / proposal is something that will have significant detrimental impact on the programme.	Information provided and sufficiently detailed to enable internal technical review. Proposals are relevant and offer some benefit to the scheme, but with weakness e.g. slightly detrimental impact on the programme.	Excellent value engineering proposal that offers significant benefit to the scheme with no detrimental impact to programme. All information is clear and sufficiently detailed to enable internal technical review.





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# Bower Lane Special School



# What we'll cover

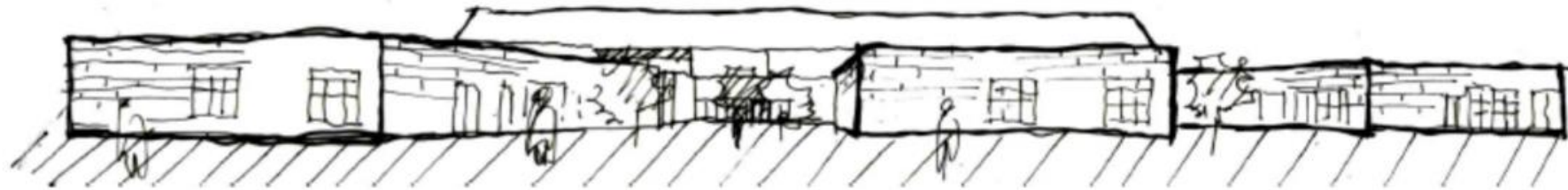
- Evidence of need
- Options considered
- Local First
- Summary



# Evidence of Need

Over the next 15 years, demand for special school places in the virtual catchment of Sedgemoor will continue to rise as housing developments are delivered and the population increases.

At present, both Penrose School and Elmwood School are full, meaning local children with complex SEND are not being educated in their local community, but need to be transported to other parts of Somerset, and neighbouring counties, at significant financial and environmental cost.



# Options Considered

Feasibility studies were undertaken at both Penrose and Elmwood in order to understand the cost and deliverability of expanding both schools – neither were deemed to be cost effective due to site constraints and other factors.

Coupled with that, Bridgwater will need a significant amount of additional secondary school places and on that basis, the most cost effective option was deemed to be the delivery of a new replacement special school for Bridgwater, with current accommodation at Robert Blake Science College (Elmwood) and Chilton Trinity School (Elmwood – Jean Rees) being converted in to mainstream secondary school places.



# Options Considered

A number of local authority owned sites in and around Sedgemoor were considered for the new school, but only one was deemed to be suitable in terms of its proximity to the main population centre (reducing travel time and costs), size and dimensions (needed to accommodate what will be a large special school).

Its proximity to Bridgwater and the key residential areas of Bower, Sydenham and Kings Down will mean children living in those areas will be able to access the school using existing pedestrian networks.

It will also enable parents to have better access to the school to engage with staff and other professionals and make use of the enhanced facilities the new school will provide.



# Local First

The new school will accommodate 160 children aged 4 – 16. The existing Penrose School will accommodate Post-16 provision for a further 20-30 CYP.

This will enable the local authority to reduce its reliance on independent and non-maintained special schools.

Handover of existing accommodation to Robert Blake and Chilton Trinity will realise around 500 additional secondary school places.





# Local First

By expanding a maintained special school, Somerset is able to accommodate local children with complex SEND in a school where the average annual cost to the High Needs Budget is £25,000. By comparison, placements for a child with similar needs in an INMSS would cost £50,000 - £55,000 annually.

On that basis, the additional capacity (60-70 places) when full, would see annual cost avoidance / savings of around £1.95m in placement costs alone.

Additional transport savings would also be significant.

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# Summary

This project is not just the delivery of a school for teaching and learning, it's the delivery of a place that will, for some of our most vulnerable children and their families, provide safety and security, warmth and compassion, hope and inspiration, excitement and adventure.

Our ambition for this school and the children who will attend it is demonstrated not only in the level of investment we have committed, but in the thought and energy that has gone in to the design.

The aspirations of the children and their families will not be limited by the schools we educate them in.





**Notice of private meeting**

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**The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – Regulation 5**

Following prior publication in the Forward Plan on 10 December 2019, in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – Regulation 5, notice is hereby given that the Cabinet is requested to consider agreeing a resolution at its Meeting on 11 March 2019 to exclude the press and public from any part of the meeting where exempt information relating to the item below is to be disclosed.

**Appointment of Main Contractor – Bridgwater Special School**

Contact Officer: Phil Curd – Strategic Manager – Access & Additional Learning Needs. Contact Details: 01823 355165

Reasons for the item to be considered in private session at the meeting

Local Government Act 1972 – Schedule 12A

The item is likely to contain information relating to the financial or business affairs of any particular person (including the authority holding that information).

Representations received to hold the item in open session

None.

Council's response to representations received

Not applicable.

Circulation:

Leader of the Council and Cabinet Members  
Scrutiny Committee Chair's  
All County Council members  
Public notice board at County Hall, Taunton  
Council's website

1 March 2019

Scott Wooldridge – Monitoring Officer

For questions about this notice please contact Scott Wooldridge, Strategic Manager, Community Governance, County Hall, Taunton, TA1 4DY. Tel: 01823 357628 Email:SWooldridge@somerset.gov.uk
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Decision Report – Cabinet decision

- 11 March 2019

**Proposals to implement the new Somerset Safeguarding Children Partnership arrangements**

Cabinet Member(s): Cllr Frances Nicholson, Cabinet Member for Children and Families

Division and Local Member(s): All (if county wide) or name specific councillors & their Divisions

Lead Officer: Julian Wooster, Director of Children’s Services

Author: Caroline Dowson, Somerset Safeguarding Children Board Manager

Contact Details: 07970108212

	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	25.02.19
	Monitoring Officer	Scott Wooldridge	25.02.19
	Corporate Finance	Peter Lewis	
	Human Resources	Chris Squire	25.02.19
	Property	Paula Hewitt / Claire Lovett	
	Procurement / ICT	Simon Clifford	25.02.19
	Senior Manager	Julian Wooster	28.02.19
	Commissioning Development Team	Vikki Hearn	
	Local Member(s)		
	Cabinet Member	Cllr Frances Nicholson – Lead Member for Children and Families	
	Opposition Spokesperson	Cllr Jane Lock – Opposition Spokesperson for Children and Families	
	Relevant Scrutiny Chairman	Cllr Leigh Redman for Scrutiny Children & Families,	
<b>Forward Plan Reference:</b>	FP 19/01/06		

<p><b>Summary:</b></p>	<p>The three Somerset Safeguarding Partners (police, CCG and County Council) are required to publish new safeguarding children arrangements by 29 June 2019 that become operational by 30 September 2019, replacing the Somerset Safeguarding Children Board.</p> <p>It is proposed to use the measures within the new Children and Social Work Act 2017 and the existing flexibility of the Children’s Trust requirements to integrate the Somerset Children’s Trust with the new Safeguarding Partnership arrangements.</p> <p>The three partners are proposing an amalgamation of the Children’s Trust Board Executive &amp; Board with the current Somerset Safeguarding Board governance group and wider Board from October 2019 to create efficiencies both for the Council and partners in terms of the resources available and senior leadership availability.</p> <p>It is proposed to enter into contractual arrangements for the performance of appropriate safeguarding activity with partners in a regional Safeguarding Partnership, based on the Avon &amp; Somerset Constabulary boundaries, in consultation with local Safeguarding Partners. Initial discussions have taken place with regional partners on the practice and financial benefits of sharing activities and combining capacity at a regional level. Areas under discussion include: contextual safeguarding, practice guidance and quality assurance arrangements.</p> <p>Further discussions with partners are to take place in relation to ensuring that arrangements are developed to secure sufficient challenge and independence in the new Safeguarding Partnership. It is currently not planned to have an independent chair as current thinking is that a different arrangement may be more effective.</p>
<p><b>Recommendations:</b></p>	<p><b>That the Cabinet approves and endorses:</b></p> <ol style="list-style-type: none"> <li><b>1. The proposal to implement new Safeguarding Partnership arrangements alongside changes to the Children’s Trust arrangements.</b></li> <li><b>2. Consultation with the wider partnership on the proposed new integrated arrangements to meet the Council’s and other local agencies’ duties to children under the Children and Social Work Act 2017 and Children Act 2004.</b></li> <li><b>3. That the Director of Children Services and the Head of Legal services undertake further discussions with local Safeguarding Partners with a view to agreeing contractual arrangements whereby certain safeguarding duties and tasks will be undertaken by identified members of the regional Safeguarding Partnership.</b></li> <li><b>4. Delegation to the Director of Children’s Services of final approval of the Somerset Safeguarding Partnership arrangements to be published by 29 June 2019</b></li> </ol>

	<p><b>5. The retention of a maximum of the current Somerset County Council budget allocation for this first year, and the identification of efficiencies with partners for 2020/2021, hence delivering a reduced budget requirement in future years.</b></p>
<p><b>Reasons for Recommendations:</b></p>	<p>The Children and Social Work Act 2017 and the statutory guidance Working Together 2018 remove the requirement for a Local Children’s Safeguarding Board. Instead of the local authority being the lead agency the new Act apportions equal responsibility for making multi-agency safeguarding arrangements between three ‘Safeguarding Partners’ who have a shared and equal duty to make arrangements to work together to safeguard and promote the welfare of all children in a local area.</p> <p>The Government carried out a review of local safeguarding children boards (LSCBs) in 2016 and concluded that for multi-agency working to be strong and effective it needs to be responsive and involve the right people. A new system is required that will guarantee accountability. The review found that overall LSCBs, including their independent chairs were remote from front-line practice, with the board arrangements overly bureaucratic and not providing the accountability grip on multi-agency working.</p> <p>Under the new legislation, the three Safeguarding Partners (local authorities, chief officers of police, and clinical commissioning groups) must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area.</p> <p>New safeguarding arrangements must be published by 29 June 2019 and become operational by 30 September 2019.</p>
<p><b>Links to County Vision, Business Plan and Medium-Term Financial Strategy:</b></p>	<p>The merger of the Children’s Trust Board Executive &amp; Board with the current Somerset Safeguarding Board governance group and wider Board is a strategic partnership development which builds on Somerset Children’s Trust arrangements as well as partnership safeguarding arrangements (See appendix). It links them to the County Vision of partnership working for the benefit of children and families, with a focus on those most in need of safeguarding to promote the best possible outcomes for children.</p> <p>The merged group will take ownership of the revised Children and Young People’s Plan and strengthen links to other relevant strategic partnerships that have a role in safeguarding children and young people.</p> <p>The proposal supports better integration with health partners in line with the Somerset Four Year Efficiency Plan (Partnership and Integration) and promotes stronger communities by taking an overarching strategic approach to working with children and families (Think Family).</p>

<p><b>Consultations and co-production undertaken:</b></p>	<p>The other Safeguarding Partners have been consulted and are in agreement with this proposal. It is proposed to consult with other relevant agencies (members of the Somerset Safeguarding Children Board and sub-groups)</p>
<p><b>Financial Implications:</b></p>	<p>Funding to support the activity of the current Board is received from all the relevant agencies, with the largest financial contributions made by the Local Authority, the police and the Clinical Commissioning Group (CCG). In kind contributions are also received in the form of rooms/parking to accommodate meetings and training and partner contributions to the delivery of multi-agency training.</p> <p>In the new guidance, there is no prescription regarding other statutory (Section 11) partners (e.g. CAFCASS, District Councils etc) who currently make smaller contributions to the operation of the Safeguarding Children Board. The guidance requires the Safeguarding Partners to set out how 'relevant' agencies are to contribute to the new arrangements.</p> <p>The Police and the CCG have agreed to retain the current budget for this first year and the County Council is recommended to do the same. Together the Safeguarding Partners will identify efficiencies for 2020/21 to allow a reduced budget to be set for this area.</p>
<p><b>Legal Implications:</b></p>	<p>Working Together 2018 sets out the requirements for the Safeguarding Partnership. The lead representatives for the Safeguarding Partners are the local authority chief executive, the accountable officer of the clinical commissioning group, and the chief officer of police.</p> <p>All three Safeguarding Partners have equal and joint responsibility for local safeguarding arrangements. In policy situations that require a clear, single point of leadership all three Safeguarding Partners should decide who will take the lead on issues that arise.</p> <p>Everyone working with children and families, including those who work with parents / carers, understands the role they should play and the role of other practitioners. They should be aware of, and comply with, the published arrangements set out by the local Safeguarding Partners.</p> <p>For the time being it is proposed that arrangements between the partners remain informal in legal terms. The Safeguarding Partners have agreed to establish a non-binding memorandum of understanding between themselves, the terms of which have yet to be agreed, while they explore opportunities for further and closer joint working. This joint working could include the possibility of some delegation of functions to a jointly established body where appropriate as well as the implementation of cost-saving measures where synergies have been identified. Until a joint committee between the Safeguarding Partners has been formally constituted (which would require a delegation from the Council) any function undertaken by one Safeguarding Partner on behalf of another must be underpinned by</p>



	<p>contractual arrangements which protect the body responsible for the function against liabilities arising from its performance.</p> <p>These arrangements are to be strongly promoted at a local level through the commitment of chief officers in all organisations and agencies, in particular those representing the Safeguarding Partners.</p>						
<b>HR Implications:</b>	<p>There are no known HR implications for the first year. Business Unit staff hold contracts of employment with the Local Authority. Any future reduction in funding from the three partners could have implications for these staff in later years.</p>						
<b>Risk Implications:</b>	<p>There are a number of risks associated with the proposals:</p> <p>There is a risk of not meeting the statutorily prescribed timescales if agreement cannot be reached amongst the Safeguarding Partners for publication of new safeguarding arrangements by 29 June 2019 and implementation from 30 September 2019.</p> <p>The Safeguarding Children Board, current governance group, Independent Chair, and Board Business Manager are monitoring progress towards the new arrangements monthly. Progress is also being monitored nationally through the Department for Education.</p> <p>There is a risk that other statutory partners (relevant authorities) may not commit resources to the partnership. Discussions are ongoing in order to avoid this outcome.</p> <p>There is a risk that integrating children's trust and safeguarding functions may dilute the focus on core child protection responsibilities. Increased scrutiny of front-line safeguarding practice is a key feature of the new arrangements. All three partners have committed to developing a framework which strengthens accountability, improved scrutiny and independent challenge.</p> <table border="1"> <tr> <td><b>Likelihood</b></td> <td><b>3</b></td> <td><b>Impact</b></td> <td><b>3</b></td> <td><b>Risk Score</b></td> <td><b>9</b></td> </tr> </table>	<b>Likelihood</b>	<b>3</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>9</b>
<b>Likelihood</b>	<b>3</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>9</b>		
<b>Other Implications (including due regard implications):</b>	<p><b><u>Equalities Implications</u></b></p> <p>An Equalities Impact Assessment is not required as there are no service implications to the proposed merger of governance arrangements</p> <p>However, due regard will be given to the following:</p> <ul style="list-style-type: none"> <li>• The use of plain English</li> <li>• Any need for translation or interpretation services</li> <li>• Accessibility</li> <li>• Vulnerable Groups</li> </ul> <p><b><u>Community Safety Implications</u></b></p> <p>There are no community safety implications to this proposal but there may be opportunities in the future to align with the Safer Somerset Partnership to promote children's safeguarding and well-being.</p> <p><b><u>Sustainability Implications</u></b></p>						

	<p>There will be a positive impact on time, cost and travel, and hence pollution, from reducing the number of meetings.</p> <p><b><u>Health and Safety Implications</u></b></p> <p>There are no Health and Safety implications to the proposed merger of governance arrangements.</p> <p><b><u>Privacy Implications</u></b></p> <p>There are no known privacy implications to the proposals.</p> <p><b><u>Health and Wellbeing Implications</u></b></p> <p>The proposals for the Children’s Trust Board Executive to merge with governance for new safeguarding arrangements safeguard and promote the welfare of children and young people in the context of their families and communities and promoting independence. They therefore support the priorities in the Health and Wellbeing strategy.</p>
<p><b>Scrutiny comments / recommendation (if any):</b></p>	<p>See paragraph 1.4 and noting the need for further engagement on the proposed new arrangements with Scrutiny Committee for Children and Families.</p>

## 1. Background

- 1.1 The Children Act 2004 gave lead responsibility for arrangements to safeguard and promote the welfare of children in a local area to the Chief Executive of the top tier local authority, working alongside the Lead Member for Children's Services and the Director of Children's Services. Specified organisations and agencies were required to work together with the local authority to achieve this. Responsibility for coordinating and ensuring the effectiveness of such services lay with the Local Children's Safeguarding Board, working directly to the Local Authority Chief Executive.

The Children and Social Work Act 2017 changed this arrangement and apportions equal responsibility for this join-up locally between three 'Safeguarding Partners' who have a shared and equal duty to make arrangements to work together to safeguard and promote the welfare of all children in a local area.

A Safeguarding Partner in relation to a local authority area in England is defined under the Children Act 2004 (as amended by the Children and Social Work Act, 2017) as:

- (a) the local authority
- (b) a clinical commissioning group for an area any part of which falls within the local authority area
- (c) the chief officer of police for an area

Under the new legislation, the three Safeguarding Partners must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area.

**New arrangements must be published by 29 June 2019 and operational by 30 September 2019.**

## 1.2 Resources

The proposal to Cabinet by the three key Safeguarding Partners recommends the retention of current budget for this first year, and the identification of efficiencies with partners for 2020/2021.

Funding to support the activity of the current Board is received from all the relevant agencies, with the largest contributions made by the Local Authority, the police and the Clinical Commissioning Group. Securing ongoing contributions from partners currently making smaller contributions is proposed for the first year of the new arrangements. It is not intended that the Council, or other larger partners, will make up the deficit should these contributions not be secured.

## 1.3 Local Executive arrangements (Tier 1) (See Appendix)

It is proposed to use the flexibility of the new Children and Social Work Act 2017 and the existing flexibility of the Children's Trust arrangements to integrate the Somerset Children's Trust with the new Safeguarding Partnership arrangements.

The Safeguarding Partners are proposing an amalgamation of the Children's Trust Board Executive & Board with the current Somerset Safeguarding Board governance group and wider Board from October 2019 to create efficiencies both for the Council

and partners in terms of funding and senior leadership availability. A number of existing partnerships in Somerset (but notably the Children's Trust Board) have terms of reference which interface with and overlap those of the Somerset Safeguarding Children Board (SSCB) and whose activities have significant impact on the safeguarding children agenda and therefore the proposals support making efficiencies.

Somerset Children's Trust Executive has jointly agreed a framework for commissioning of safeguarding services. It oversees the preparation and implementation of the Children and Young People's Plan to reflect identified local need. It also seeks to ensure there is no overlap and duplication between services provided by different organisations, ensures alignment of priorities with Somerset's Health and Wellbeing Strategy and reflects the voice of the child and families. The Trust also commissions relevant services. The new Children and Young People's Plan proposes four priority areas from 2019, underpinned by our collective Safeguarding responsibilities and the 'Think Family' strategy.

By combining the Children's Trust Executive with the governance group responsible for new safeguarding arrangements, a small executive group of senior leaders from the Safeguarding Partners, with the addition of other partners as appropriate, meeting regularly, would be in a position to set a coherent strategic direction, align funding and resources, agree the business plan, manage risks, monitor effectiveness, impact and outcomes, and provide accountability.

Both the Children's Trust Executive and the Somerset Safeguarding Children Board governance group regularly meet separately. In joining together, they would fulfil the safeguarding governance requirements, create efficiencies and reduce demand on the safeguarding leadership capacity across the partners by reducing the number of meetings with separate agendas.

Under the new safeguarding arrangements there are no prescribed functions of the executive, but a requirement to:

- act as a strategic group in supporting and engaging others
- have equal and joint responsibility for making local safeguarding arrangements (Working Together to Safeguard Children 2018).

A new body which encompasses all strategic planning for children would take responsibility for and maintain a focus on safeguarding responsibilities. Furthermore, an overarching 'Think Family' approach strengthens Somerset's wider agenda for children such as preventative work/early help and aligns with the work of other strategic boards represented on the Joint Protocol Strategic Partnership Chairs group.

Participation arrangements for the new safeguarding arrangements would be reinforced by the Children's Trust's framework for children and young people's involvement. In turn, the SSCB has a strong tradition of partnership working to further enhance the Children's Trust Board arrangements. Amalgamation of the governance of both would strengthen both areas.

#### 1.4 **Scrutiny of Safeguarding Partnership Arrangements**

Further discussions with partners are to take place in relation to ensuring that arrangements are developed to secure sufficient challenge and independence in the new Safeguarding Partnership. The Safeguarding Partners are required jointly to appoint an Independent Person to scrutinise the effectiveness of the safeguarding arrangements and have also discussed the possibility of asking regional partners (outside Somerset) to scrutinise the arrangements. It is currently not planned to have an independent chair of the Safeguarding Partnership Executive and a different model will be developed.

There is a risk that integrating children's trust and safeguarding functions may dilute the focus on core child protection responsibilities.

Partnership-wide scrutiny and quality assurance arrangements will ensure that this is not the case and that the new arrangements for safeguarding children are robust and satisfy the Working Together to Safeguard Children (2018) statutory guidance. Scrutiny of safeguarding of children is a key feature of the new arrangements. A framework will therefore be developed which builds on existing scrutiny and quality assurance activity which includes, but is not limited to, multi-agency audits, Section 11 audits, peer reviews and a statutory annual report. In addition, Working Together (2018) stipulates the need for independent scrutiny which is likely to be provided both by local peer review and by engagement of independent scrutineers/independent auditors.

#### 1.5 **Wide partnership engagement (Tier 2)**

Building on the current SSCB Board structures, the three Somerset Safeguarding Partners are working towards the development of the current SSCB into a Somerset Safeguarding Children Partnership (*working title*), meeting at least three times per year in conference style to address regional and local priorities, and maintain communication and engagement. This tier of leadership and engagement will be informed by learning from local and regional intelligence and national responses to emerging safeguarding themes. Partners will need to consider a range of options, which include whether this will be linked to district council areas or based on a Somerset-wide approach.

#### 1.6 **Delivery arrangements (Tier 3)**

Under the new arrangements, the three Safeguarding Partners have agreed the need to retain a local focus on some core activities, such as learning and improvement (e.g. transition from Serious Case Reviews to Child Safeguarding Practice Reviews).

It is proposed to enter into contractual arrangements for the provision of appropriate safeguarding tasks with the partners of a regional Safeguarding Partnership, based on the Avon & Somerset Constabulary boundaries, and in consultation with local Safeguarding Partners. Initial discussions have taken place with regional partners on the practice and financial benefits of sharing activities and combining capacity at a regional level. Areas under discussion include: contextual safeguarding, practice guidance and quality assurance arrangements. Regional activity will be undertaken where it improves service delivery and efficiency.

The existing SSCB is further informed by a Health Advisory group and an Education Advisory group, and it is proposed that these advisory boards continue to support new safeguarding arrangements, with revised terms of reference. The engagement of education in the new safeguarding arrangements will be a key area for consideration in line with the statutory guidance 'Keeping Children Safe in Education'. Educational involvement is currently being reviewed.

Children and young people are telling us that their priorities are:

- Education and preparing for adulthood
- Health – physical and emotional
- Support for parents/carers and children and young people
- Positive activities

These will be reflected in the new Children and Young People's Plan, effective as of 1 April 2019. All four priorities are underpinned by a responsibility for children and young people's safety and security and are therefore aligned with the safeguarding agenda. There may be opportunities in the future to align existing work programmes e.g. from the Children and Young People's Plan/ Safer Somerset Partnership/Somerset Safeguarding Adults Board (e.g. incorporating Domestic Homicide Reviews from a learning perspective).

#### 1.7 **Child Death Overview Panel**

The Child Death Overview Panel (CDOP) sits under the SSCB arrangements at present but will fall outside new statutory safeguarding arrangements as of October 2019.

Through annual reporting, the executive Safeguarding Partners will seek assurance from the CDOP in relation to safeguarding matters.

#### 1.8 **Timeline**

- Publication of new safeguarding arrangements: **29 June 2019**
- Cessation of current Somerset Safeguarding Children Board arrangements: **30 September 2019**
- New safeguarding children arrangements effective: **30 September 2019**
  - Proposed new safeguarding governance arrangements operational
  - New CDOP arrangements effective
  - Progress Report to Children's Scrutiny – **15 November 2019 (Publish on 7 November)**

## **2. Options considered and reasons for rejecting them**

- 2.1 Alignment with the Somerset Safeguarding Adults Board has been considered. At this stage there is a more natural alignment and opportunity for efficiency with the priorities identified by children and young people for the next Children and Young People's Plan. Similarly, the Safer Somerset Partnership governance does not align as closely with the safeguarding arrangements as the Children's Trust Executive at present. However, there may be opportunities to align future arrangements to create leadership capacity and further back office efficiencies.

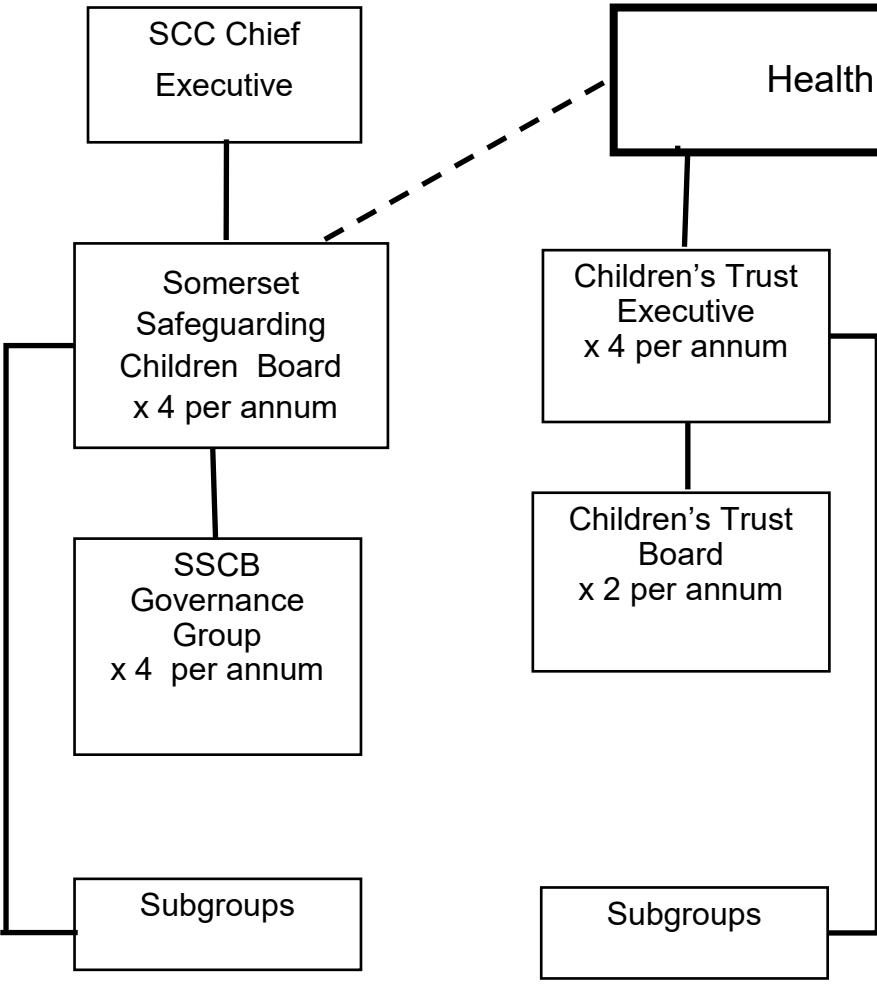
## **3 Background papers**

None

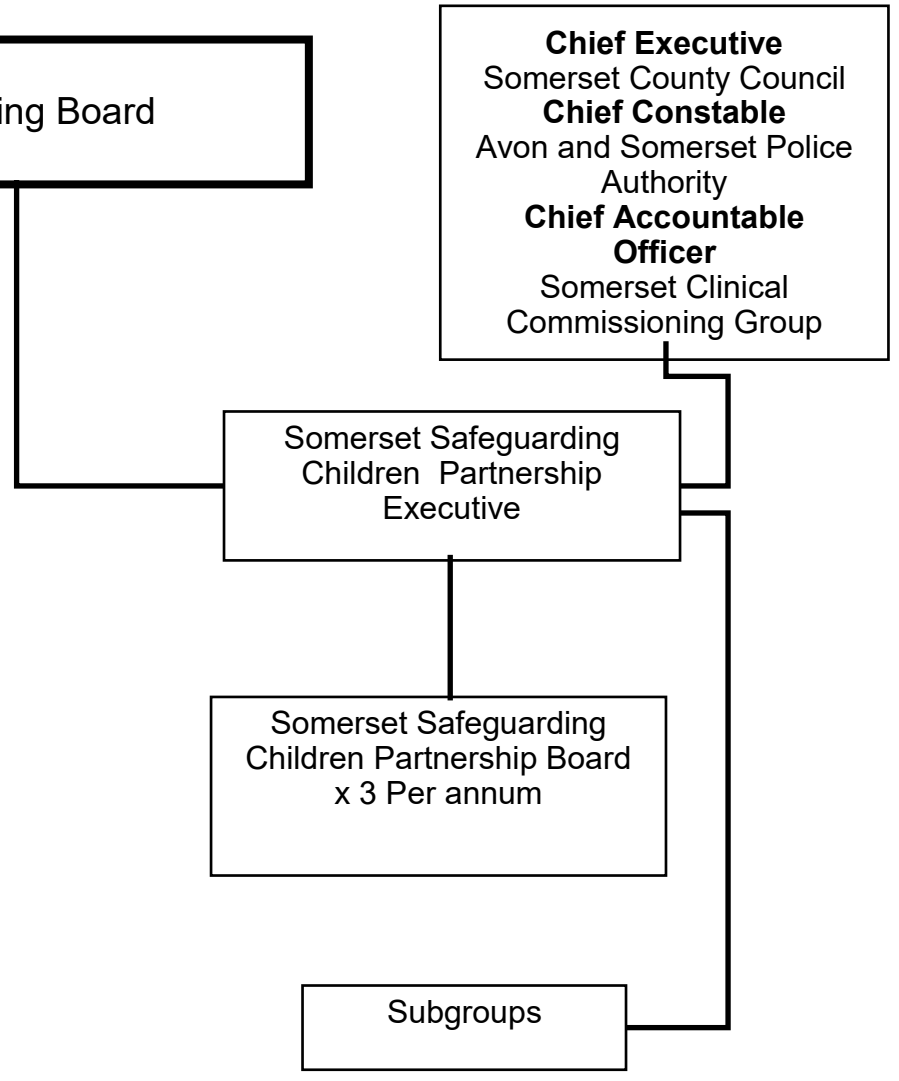
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**Current Structure**



**Proposed Structure**



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Decision Report – Cabinet Key decision  
– 11<sup>th</sup> March 2019

**Somerset Rivers Authority (SRA) 2019/20 Enhanced Programme of Flood Risk Management Works, the SRA Memorandum of Understanding and Constitution**

Cabinet Member(s): Cllr David Hall, Cabinet Member Economic Development, Planning and Community Infrastructure

Division and Local Member(s): All

Lead Officer: Michele Cusack, Director Economic and Community Infrastructure Commissioning

Author: David Mitchell, Senior Manager, Somerset Rivers Authority

Contact Details: 01823 356789

	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	20/02/2019
	Monitoring Officer	Scott Wooldridge	26/02/2019
	Corporate Finance	Peter Lewis	22/02/2019
	Human Resources	Chris Squire	20/02/2019
	Property	Paula Hewitt / Claire Lovett	20/02/2019
	Procurement / ICT	Simon Clifford	20/02/2019
	Senior Manager	Michele Cusack	28/02/2019
	Commissioning Development Team	Vikki Hearn	26/02/2019
	Local Member(s)	All	
	Cabinet Member	David Hall, Cabinet Member Economic Development, Planning and Community Infrastructure	27/02/19
	Opposition Spokesperson	Cllr Simon Coles	27/02/19
	Relevant Scrutiny Chairman	Cllr Anna Groskop for Scrutiny Place	27/02/19
<b>Forward Plan Reference:</b>	FP/19/01/10		
<b>Summary:</b>	As Somerset County Council is the accountable body for the Somerset Rivers Authority (SRA) the Cabinet is asked to approve the allocation of funds, raised through an alternative notional amount on Council Tax and contributions from Somerset Internal Drainage Boards, for use by the SRA in 2019-20.		

	<p>The Cabinet is also asked to agree to forward funding of SRA projects in advance of recouping costs from a Heart of the SW Local Enterprise Partnership Growth Deal allocation.</p> <p>Finally, the Cabinet is asked to review the 2019-20 SRA Memorandum of Understanding (MOU) and approve the signing of the MoU by the Cabinet Member for Economic Development, Planning and Community Infrastructure.</p>
<p><b>Recommendations:</b></p>	<p><b>That the Cabinet agrees:</b></p> <ol style="list-style-type: none"> <li><b>1. To approve the revised Local Memorandum of Understanding (including the Constitution of the SRA) set out in Appendix 1 and authorise the Cabinet Member for Economic Development, Planning and Community Infrastructure to sign this on behalf of Somerset County Council;</b></li> <li><b>2. Agrees the case (set out in ‘legal implications’ for exempt information) for Appendix 2 Budget Confidential to be treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.</b></li> <li><b>3. Agrees to exclude the press and public from the meeting where there is any discussion at the meeting regarding exempt or confidential information (Appendix 2).</b></li> <li><b>4. To approve the SRA Budget for 2019/20, (Appendix 3 Budget Public) in accordance with the recommendations of the SRA Board from its meeting on the 1<sup>st</sup> of March 2019.</b></li> <li><b>5. To the release of funding committed from all sources in 2019/20 for the purposes of the SRA, subject to receipt of those funds, in accordance with the budget for 2019/20 as set out in item 3 above.</b></li> <li><b>6. To provide forward funding for the delivery of Flood Action Plan projects in advance of drawing down Local Enterprise Partnership (LEP) Growth Deal funding.</b></li> <li><b>7. That the detailed management of the 2019/20 Budget and Enhanced Programme within the control total allocated to the SRA is undertaken in accordance with the constitutional, financial regulations and decision making arrangements of SCC as accountable body.</b></li> </ol>
<p><b>Reasons for Recommendations:</b></p>	<p>Somerset County Council is the accountable legal body for the Somerset Rivers Authority until such time as it becomes a separate legal entity.</p> <p>The recommendations will enable the Somerset Rivers Authority to continue to work with partners to deliver the actions within the</p>

	<p>agreed Somerset Flood Action Plan, leading to an enhanced level of flood management in the county.</p> <p>The allocation of funding to specific projects within the 2019/20 Enhanced Programme is proposed to be considered in exempt session to avoid compromising the procurement position of the delivery partners.</p> <p>The Local Memorandum of Understanding and Constitution which set the context for the work of the SRA has been revised to reflect changes relevant to 2019-20 and to include the fact that a new Somerset West and Taunton Council will be in effect from 1<sup>st</sup> April 2019.</p> <p>Changes made to the MoU are listed below:</p> <ul style="list-style-type: none"> <li>• changes in MoU dates to reflect new financial year</li> <li>• removed references to Taunton Deane Borough Council and West Somerset Council, replaced with Somerset West and Taunton Council</li> <li>• Updated with 2019-20 shadow precept contribution value and IDBs contribution</li> <li>• changes to Management Group personnel since the last MoU was agreed</li> </ul> <p>The MOU must be formally agreed by all Partners to ensure the ongoing support of Partners in delivering the SRA Enhanced Programme and provide a clear governance structure for setting and managing that work. The MoU will be signed on behalf of SCC by the Cabinet Member for Economic Development, Planning and Community Infrastructure who sits on the SRA Board.</p> <p>The accompanying confidential appendix 2 contains commercially sensitive information relating to the contract and the Council's financial and business affairs. Officers recommend that this is treated as exempt information.</p>
<p><b>Links to County Vision, Business Plan and Medium Term Financial Strategy:</b></p>	<p>The SRA Flood Action Plan links closely with the vision set out within the County Plan and with the SCC Business Plan. In particular it supports the objectives which seek to create a thriving and productive local economy; a county of resilient communities; a county where all partners actively work together for the benefits of residents; and, investing in Somerset's economy and infrastructure.</p> <p>The work of the SRA is bringing different organisations together to protect key infrastructure from the impacts of flooding; make communities more resilient to flooding; and, helping rural businesses to be resilient to flooding whilst also protecting the special characteristics of Somerset.</p>

	<p>The work of the SRA also directly supports the following objectives of the Somerset Growth Plan:</p> <ul style="list-style-type: none"> <li>• Increased flood resilience will improve the resilience of Somerset’s transport infrastructure, and will enable previously marginal sites to be fully developed for housing and employment</li> <li>• Somerset will still be renowned for the high quality of its environment, and the quality of life that can be achieved</li> </ul> <p>The work of the SRA directly supports all the objectives contained within Somerset County Council’s <i>Local Flood Risk Management Strategy</i>. The SRA works closely with SCC as Lead Local Flood Authority to identify joint priorities for action.</p>
<p><b>Consultations and co-production undertaken:</b></p>	<p>Represented on the SRA board are Somerset County Council (SCC), the Somerset District Councils and Internal Drainage Boards (IDBs), the Environment Agency, Natural England and Wessex Regional Flood &amp; Coastal Committee. The Board is responsible for overseeing the delivery of the Flood Action Plan. The SRA Enhanced Programme of works plan, which delivers against the Flood Action Plan objectives, is developed by all the partners working together to address issues of concern to local communities and local stakeholders.</p> <p>SCC representation on the Board is Councillor David Hall. The SRA Board approved the 2019/20 Enhanced Programme on the 1<sup>st</sup> of March 2019.</p> <p>The Flood Action Plan draws on a wide range of evidence and feedback from the community. It also builds on other relevant strategies and plans including Water Level Management Plans, and SCC’s Local Flood Risk Management Strategy.</p> <p>In considering this proposed decision, the conclusions and recommendations of the SRA Board at its meeting on the 1st of March 2019 have been taken into account.</p>
<p><b>Financial Implications:</b></p>	<p>Funding amounting to £2.926m is available to the SRA for 2019/20 from local partners, of which Somerset County Council is contributing £2,547,400 from Council Tax receipts as confirmed at the Full Council meeting on the 20<sup>th</sup> February 2019. This funding is raised by a 1.25% ‘alternative notional amount’ (ANA) added to council tax bills; permission to raise this ANA is given by central government and can be used only to fund the SRA.</p> <p>Looking beyond 2019/20, the government, in its response to the Efra Committee second report of 2016-17 re: ‘Future flood prevention’, confirmed its intention to give a statutory basis to the SRA’s funding when parliamentary time allows.</p>

	<p>On the 6<sup>th</sup> of March 2018 the <i>Rivers Authorities and Land Drainage Bill</i> was presented to Parliament by David Warburton MP as a Private Members Bill. If enacted by parliament this Bill will enable the SRA to raise its own funds via a separate precept. In the meantime, the flexibility afforded to Somerset's local authorities to raise council tax for this purpose continues. The Bill successfully received its 2<sup>nd</sup> Reading on the 8<sup>th</sup> of February 2019 and will now pass to Committee Stage.</p> <p>In addition to the above, the Department for Environment Food and Rural Affairs (Defra) published a consultation document on the 15<sup>th</sup> January 2019 that explicitly states that the Government intends to take forward the necessary legislation that would enable the SRA to become a Risk Management and Precepting Authority.</p> <p>There is now a twin track approach to ensuring the SRA is put on a sustainable legal and financial basis. It is vitally important that SCC and the other SRA Partners continue to show support to ensure that the necessary legislation is passed to guarantee Somerset benefits from increased investment in flood risk management into the future.</p> <p>It is also recommended that Somerset County Council provides forward funding in advance of drawing down funding from the Heart of the SW Local Enterprise Partnership (LEP). This enables the delivery of the LEP funded Somerset Flooding Project which, in turn, supports the delivery of the Somerset Flood Action Plan.</p> <p>During 2019-20 SRA delivery partners are estimating spending between £2m and £3m in total on LEP funded projects. Approval is sought for SCC funds to be used to reimburse the delivery partners for this expenditure on a quarterly basis. SCC will then reclaim these funds directly from the LEP, also on a quarterly basis. LEP funding has a deadline for use of March 2021. Total LEP funds currently available for drawing down until March 2021 is approximately £4.3m</p>
<p><b>Legal Implications:</b></p>	<p>The funding made available to the SRA from the Heart of the SW Local Enterprise Partnerships Growth Deal is subject to a Funding Agreement between SCC and the LEP. Onward allocation of that funding is the subject of separate funding agreements between SCC (as host authority on behalf of the SRA) and the individual SRA Delivery Partner.</p> <p>Agreements for 2019/20 projects in the Enhanced Programme funded using the shadow precept are currently being drafted ready for use should financial approval be received.</p> <p>The amendments to the SRA's memorandum of understanding and constitution do not carry any significant legal implications for SCC or any of the SRA partners and merely facilitate the implementation of the 2019/20 SRA Budget.</p>

	<p>Appendix 2 contains exempt information. “Exempt information” is defined by Section 100 of the Local Government Act 1972 and by Schedule 12A to that Act. The information in Appendix 2 is exempt information because it is considered to fall within paragraph 3 of Schedule 12A:</p> <p><i>“Information relating to the financial or business affairs of any particular person (including the authority holding that information)”</i>.</p> <p>The public interest test is then applied and in this instance it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reasons set out in paragraph 1.3 in the <i>Background</i> section below.</p>
<p><b>HR Implications:</b></p>	<p>SCC acts on behalf of the SRA Board as Host Authority. In particular it employs SRA staff (x3). As such SCC is responsible for all HR related matters for the SRA team.</p>
<p><b>Risk Implications:</b></p>	<p>If the SRA budget and associated financial arrangements are not agreed, there is a significant risk that the momentum achieved since the SRA’s inception in 2015 in mitigating the intensity and duration of flooding events will not be maintained. As a result, further flooding events would be more likely to adversely affect local communities, infrastructure and businesses, and SCC in the delivery of its services.</p> <p>There is a risk of reputational damage to SCC if funding is not approved and the SRA is no longer viable resulting in a failure to deliver its programme of works.</p> <p>If funding is not approved there is a risk of staff redundancies within the SRA team and a potential financial liability for SCC from redundancy payments. This is mitigated by the agreement to use any remaining SRA funds to settle this liability in the first instance.</p> <p>There is a small risk that the Local Enterprise Partnership (LEP) will not reimburse SCC the forward funding for LEP funded projects if they were ruled to have been used on non-eligible expenditure. There is also a risk that the LEP could claw back previously granted funds if a project was not completed or it was found that the funds had been incorrectly spent This is mitigated by the SRA claims procedure which requires any partner claim to be certified by a suitably qualified finance officer or other senior officer of the organisation.</p> <p>SCC has agreed to ‘own’ the risks associated with spending of LEP funding on behalf of the SRA. This risk is mitigated by the fact that SCC has signed ‘strategic grant agreements’ with the delivery partners which makes the delivery partner liable for the risk of LEP clawback.</p>



	<p>There are risks to project delivery as a result of not having resolved a matter within the SRA about how project risks are shared across the partnership for SRA funded schemes. In the absence of such resolution, risks associated with SRA projects are being borne by the delivery partner who has overall responsibility for delivering the project. Some partners feel they are exposed to greater risk than others. If not resolved then it could lead to projects not being started due to concern about potential future liabilities. This mainly relates to projects on Main Rivers which are undertaken by the Environment Agency or Internal Drainage Boards. As such the main risk for SCC is a reputational one if the SRA is seen not to be able to deliver schemes.</p> <p>Projects are developed with a financial allowance for risk and projects are being developed in ways which reduce risks, for example by delivering incrementally to reduce the overall risk.</p>					
	<b>Likelihood</b>	<b>2</b>	<b>Impact</b>	<b>5</b>	<b>Risk Score</b>	<b>10</b>
<p><b>Other Implications (including due regard implications):</b></p>	<p><b><u>Equalities Implications</u></b></p> <p>This decision relates purely to the requirement for SCC as Host Authority and accountable body for the Somerset Rivers Authority (SRA) to make a formal decision to allocate the funds raised through the ‘shadow precept’ specifically to delivering the activities of the SRA as set out within the SRA’s Enhanced Programme.</p> <p>Recommendations 3,4 and 5 are financial recommendations and as such do not require an Impact Assessment. The Enhanced Programme of works is a series of relatively small scale interventions related to flood risk management. The work often has very localised impacts and are developed in consultation with landowners, property owners and statutory bodies such as Somerset CC, Environment Agency and Natural England.</p> <p>Where community based work is undertaken as part of the Programme, such as building community resilience, these will be undertaken in an inclusive manner with reference to SCC standards on publications, communication and consultation. As part of the work stream on community resilience a community engagement protocol is being prepared which will ensure that accessibility and equality issues are considered as part of project planning.</p> <p>Representation of the communities of Somerset, and their various characteristics, will be achieved through representation on the Board and working groups of the SRA, which includes representatives of the County and District Councils, the Drainage Boards and Farming and Wildlife Advisory Group SW.</p> <p>The local Memorandum of Understanding sets out, among other things, that the SRA shall, where relevant and unless otherwise</p>					

	<p>agreed, operate in accordance with SCC practices and procedures, relating to:</p> <ul style="list-style-type: none"> <li>• Equalities policies;</li> <li>• Policies for dealing with access to information and data protection.</li> </ul> <p>No other Equalities implications have been identified.</p> <p><b><u>Community Safety Implications</u></b></p> <p>There are no implications with regard to crime, but the aim of the funding is to improve community safety by reducing risks associated with flooding.</p> <p><b><u>Sustainability Implications</u></b></p> <p>The vision of the Flood Action Plan is for “a thriving, nature-rich wetland landscape, with grassland farming taking place on the majority of the land. The impact of extreme weather events is being reduced by land and water management in both upper catchments and the flood plain, and by greater community resilience.”</p> <p>The aim of setting up the SRA is to provide a long term sustainable funding solution to enhanced flood risk management in the county. There are direct positive implications therefore of SRA-funded works improving the flood resilience and sustainability of those parts of Somerset where projects are undertaken.</p> <p><b><u>Health and Safety Implications</u></b></p> <p>None identified at this time.</p> <p><b><u>Privacy Implications</u></b></p> <p>None identified at this time.</p> <p><b><u>Health and Wellbeing Implications</u></b></p> <p>The aim of the Programme as a whole is to improve community well-being. There are specific actions in the Programme that are aimed at improving community resilience. The health and wellbeing of residents potentially impacted by flooding is improved through increasing resilience and protection.</p>
<p><b>Scrutiny comments / recommendation (if any):</b></p>	<p>No comments / recommendations made</p>

## 1. Background

- 1.1. Winter 2013-14 was the wettest in Somerset for 250 years. Around 150km<sup>2</sup> of land was submerged for weeks, 165 homes flooded, 7,000 businesses affected, 81 roads closed. An Economic Impact Study estimated the cost to Somerset as being up to £147.5m. SRA launched in January 2015 to provide an extra level of flood protection and resilience for Somerset. It was an Action in Somerset's 20 Year Flood Action Plan (FAP), drawn up at the Government's request in 2014 to reduce the severity, duration, frequency and impact of flooding. Since 2014, approximately an extra £45million has been brought into Somerset for flood risk reduction. The SRA is a partnership of existing Flood Risk Management Authorities (FRMAs). Its members are Somerset County Council, the five district councils, the Environment Agency, Natural England, the Wessex Regional Flood & Coastal Committee, the Axe-Brue IDB and the Parrett IDB. The SRA does not diminish the roles, funding and responsibilities of any of its Flood Risk Management partners - nor indeed of landowners (who have their own riparian responsibilities). What the SRA does is improve joint working opportunities. Through the SRA, work is better co-ordinated. The aim is to ensure that Somerset's flood risk management benefits from people's *collective* experience and knowledge. The SRA does *extra*, not *instead*. It delivers an *extra* level of flood protection and resilience for the whole of Somerset. It raises extra *money*. It does extra *work*.
- 1.2. The Medium Term Financial Plan (MTFP) 2019/20 for SCC was considered by Full Council on 20th February 2019. Full Council resolved to continue the Council Tax precept of £12.84 within the base budget for the Somerset Rivers Authority (representing no rise from 2018/19). This results in a Council Tax requirement of £2,547m as detailed in paper C of Item 6, *Medium Term Financial Plan 2019 – 2022*. The outcomes of that meeting can be found by visiting the SCC website at <http://democracy.somerset.gov.uk/documents/g763/Decisions%2020th-Feb-2019%2010.00%20County%20Council.pdf?T=2> (No. 17). This funding, plus funding committed by Somerset's other local authorities, plus the two Somerset Drainage Boards totals £2,926,310 and is ring-fenced to finance the SRA in 2019/20, its 5th financial year. Therefore, while SCC will act as Host Authority for the SRA, the SRA budget will have a neutral impact on SCC's own budget.
- 1.3. This local funding will deliver a range of flood risk management activity across all districts in Somerset, with the emphasis on maintenance and improvement activities, both river and drainage, but will also include a number of small capital projects, initiatives to tackle urban run-off and natural flood management to slow the flow in the upper catchments. Appendix 4 of this report gives details of the works and Appendix 2 gives the allocation of funding to each of the works. Appendix 2 is confidential to avoid compromising commercial negotiations with contractors when tenders are published for project delivery.
- 1.4. In January 2016, the Council entered into a Funding Agreement on behalf of the Heart of the SW Local Enterprise Partnership (LEP), committing £13.049m of Local Growth Fund to be used to fund a package of measures to reduce the duration, depth and frequency of flooding on the Somerset Levels and Moors.

This agreement was revised in January 2017 and is known as the 'Somerset Flooding Project'. These funds are required to be spent in the six year period 2015/16-2020/21 and are claimed quarterly in arrears. As SCC is the Accountable Body for the SRA there is a requirement for SCC to provide forward funding to cover the period between financial claims made to the SRA by Delivery Partners and SCC drawing down the allocated LEP funds. As the claims are quarterly and the forecast spend period of the project is spread over the four years ending 2019/21, the requirement for forward funding will not be the full amount of the Local Growth Deal; claims will only be for works completed in each financial quarter.

- 1.5. This Growth Deal funding will deliver a number of flood risk management capital projects across all districts in Somerset, including:
  - Pioneer dredging of Somerset's main river systems;
  - Improving the hydraulic efficiency of the Sowey/King Sedgemoor Drain system
  - Developing the Bridgwater Tidal Barrier project
  - Small scale, on-farm schemes to slow the flow in the upper catchments
- 1.6. On 1<sup>st</sup> of March 2019 the SRA Board agreed to roll over the 2018/19 Local Memorandum of Understanding (Local MoU) and Constitution, save for updating it to reflect the soon to be created West Somerset and Taunton Council, personnel changes and date changes. A copy of the 2019/20 version is attached as Appendix 1 of this report.
- 1.7. The Scheme of Delegation referenced in the SRA Constitution will effectively be met by adherence to the SCC constitutional arrangements and schemes of delegation. This is appropriate given that SCC is the accountable body, and the SRA in its current form lacks status as a decision making body. Appendix 6 of the SRA Constitution (contained within Appendix 1 of this report) outlines the SRA decision making processes and reflects that these decisions are decisions 'in principle' and are subject to formal approval by its host authority and the accountable body for all SRA funding, namely SCC.
- 1.8. The proposed budget, associated works funded by local partners and the Growth Deal funding and the Local Memorandum of Understanding and Constitution was approved by the SRA Board on 1st of March 2019.

## **2. Options considered and reasons for rejecting them**

- 2.1. The SRA Technical Group considered a large number of alternative flood risk management options for the SRA 2019/20 Enhanced Programme of Works in accordance with the agreed SRA Policies for Funding. Technical Group reviewed and scored each proposal to prepare a preferred list of proposals. The draft programme of works was presented to the SRA Board on the 7<sup>th</sup> of December 2018 for consideration; the draft programme was provisionally approved. The SRA Board formally approved the 2019/20 programme, as proposed, on the 1<sup>st</sup> of March 2019 following funding approvals by the County Council, District Councils and internal drainage boards, at February budget setting meetings.

### **3. Background Papers**

**3.1.** (key papers are included as appendices)

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## Local Memorandum of Understanding & Constitution

### 1. Background and Context

#### 1.1 The Parties

Somerset County Council (SCC), the Axe Brue and the Parrett Internal Drainage Boards (IDBs), Mendip District Council, Sedgemoor District Council, South Somerset District Council, Somerset West and Taunton Council, the Environment Agency, Natural England, and the Wessex Regional Flood & Coastal Committee (together the “Parties”) comprise the Somerset Rivers Authority (SRA). These Parties, to whom this Local Memorandum of Understanding (MoU) applies, are those agreed to be represented on the SRA Board.

#### 1.2 The Somerset Flood Action Plan

The Parties, together with Defra and MHCLG (the Ministry of Housing, Communities, and Local Government, formerly the Department for Communities and Local Government – DCLG) are committed to reducing flood risk and increasing resilience to flooding in Somerset via implementation of the Somerset Flood Action Plan, including the delivery of its vision for the Levels and Moors (*Appendix One*). The SRA Board agreed that this will require additional expenditure on water and flood risk management and that this should be secured via an SRA precept.

#### 1.3 Memorandum of Understanding 8 December, 2014 and sustainable funding mechanism

Pursuant to the commitment in para 1.2 above, on 8 December 2014, a Memorandum of Understanding was agreed by the local authorities, the IDBs, Defra and DCLG, which confirmed funding totalling £2.7m available to the SRA for 2015-16. That MoU included a commitment to work together to review the options for a sustainable local funding solution for the work of the SRA from 2016-17 onwards, and provide an assessment of the options for consideration by Ministers in July 2015.

In September 2015, it was decided that the preferred funding mechanism was the establishment of the SRA as a precepting body and the Chairman of the SRA wrote to both the Secretaries of State for Environment, Food and Rural Affairs, and for Communities and Local Government with a view to discussing and agreeing how to implement this as soon as possible.

The government in its response to the Efra Committee report on Future Flood Prevention, published in February 2017, gave a commitment to put the long-term funding of the SRA on a statutory basis when parliamentary time allows.

**1.4 Local Government Finance Settlement 2016-17**

The Local Government Finance Settlement 2016-17 included the provision of alternative notional amounts for council tax levels so that pending the establishment of the Somerset Rivers Authority as a precepting body, Somerset County Council and all Somerset district councils could set a shadow precept of up to the equivalent of a 1.25% increase in Council Tax, for the purpose of funding the Somerset Rivers Authority.

**1.5 This Local Memorandum of Understanding (Local MoU)**

This Local MoU document is not intended to be legally binding on the Parties, but the Parties agree to the Local MoU, intending to honour their obligations set out in it. It will cover the period up to 31 March, 2020. Section 2 of this Local MoU set outs a constitution for the SRA. Information on background papers, technical terms and acronyms, can be found in Appendix Two.

**1.6 Term & Amendment**

This Local MoU shall come into effect on 1 April, 2019, and shall continue in force unless terminated in accordance with this Local MoU. It will be reviewed before the end of the financial year, no later than 31 March, 2020.

Proposals for amendments should be communicated to the SRA Senior Manager, no less than 30 days ahead of any Board meeting at which they would need to be considered. Proposals would then be circulated for comment, and any recommendations made to the SRA Board would, in accordance with its decision-making arrangements, be decided by a simple majority.

**1.7 Previous Arrangements**

Prior to this Local MoU, the Parties have worked collaboratively in relation to the Somerset Rivers Authority through a Local MoU dated 8 June, 2018. Those arrangements will be superseded by the arrangements put in place under this Local MoU.

Signed by **David Hall** for and  
on behalf of **Somerset County  
Council**

Date

Signed by     for and on behalf  
of **Somerset West and  
Taunton Council**

Date



Signed by \_\_\_\_\_ for and on behalf  
of **South Somerset District  
Council**

Date

Signed by \_\_\_\_\_ for and on behalf  
of **Mendip District Council**

Date

Signed by \_\_\_\_\_ for and on behalf  
of **Sedgemoor District  
Council**

Date

Signed by **Tony Bradford** for  
and on behalf of the **Parrett  
Internal Drainage Board**

Date

Signed by **Jeff Fear** for and on  
behalf of the **Axe Brue Internal  
Drainage Board**

Date

Signed by **David Jenkins** for  
and on behalf of the **Wessex  
Regional Flood & Coastal  
Committee**

Date

Signed by **Nick Gupta** for and  
on behalf of the **Environment  
Agency**

Date

Signed by **Matt Heard** for and  
on behalf of **Natural England**

Date

## 2. Somerset Rivers Authority (SRA) - Constitution

### 2.1 Legal Status of SRA

The SRA will continue as an unincorporated association. This does not require any new statutory powers. In participating in this association, the Flood Risk Management Authorities (FRMAs, see para 2.3.1) are acting in accordance with the co-operation duty under the Flood and Water Management Act 2010, Section 13.

The SRA Board has agreed it is committed to enabling the necessary legislation to be enacted to establish the SRA as an independent precepting body as soon as possible.

The government in its response to the Efra Committee report on Future Flood Prevention, published in February 2017, gave a commitment to put the long-term funding of the SRA on a statutory basis when parliamentary time allows.

### 2.2 Purpose of the SRA

**2.2.1** To bring together and co-ordinate the Environment Agency, Natural England, the Somerset Internal Drainage Boards (IDBs), the Lead Local Flood and Highway Authority (Somerset County Council - SCC) and the other Somerset local authorities, in their roles as FRMAs

**2.2.2** To provide a strategic overview of the continued delivery of the Somerset Flood Action Plan, and Flood Risk and Water Level Management in Somerset

**2.2.3** To provide a public forum and single point of contact for collective decision-making in respect of Flood Risk and Water Level Management in Somerset

**2.2.4** To identify, prioritise, find funding for and oversee the delivery of additional flood risk and water level management work across the whole of Somerset, over and above that which the FRMAs are able to justify within their existing funding streams and to prepare an annual programme detailing that work, to raise the necessary funds and to oversee its delivery.

**2.2.5** To enable the FRMAs to take on a broader role, to ensure that Somerset's flood risk and water level management activity benefits from the collective wisdom, experience and knowledge of all its members.

**2.2.6** To undertake the detailed planning and, with government, put in place the necessary arrangements for the establishment of the SRA as a precepting body.

**2.2.7** To achieve long-term sustainable flood risk management funding for Somerset.

### 2.3 Scope of Activities

**2.3.1** The geographic scope of the SRA is the whole of the area administered by Somerset County Council.

**2.3.2** The SRA does not diminish the responsibilities of the individual Parties or those of riparian owners. The existing FRMAs and their existing associated funding streams, responsibilities and accountabilities continue, and their existing powers and discretions are unaffected. However, opportunities will be taken to join up delivery where agreed.

**2.3.3** The SRA makes publicly available, in one place, information about all the planned inland flood risk and water level management activity in Somerset, funded from Somerset FRMAs' and other local partners' existing budgets. This information is called the Somerset Common Works Programme.

**2.3.4** The SRA prepares an annual Enhanced Programme detailing the additional work outlined in 2.2.4. The SRA commissions the delivery of such actions, details of which in respect of the 2019-20 Enhanced Programme, can be found in Appendix Three.

**2.3.5** The SRA co-ordinates the implementation of the Somerset Flood Action Plan whose outstanding actions, are contained in either the Somerset Common Works Programme or the Enhanced Programme.

**2.3.6** Public Sector Co-operation Agreements under the Flood & Water Management Act 2010 section 13(4) will be used as appropriate.

**2.3.7** Where works are undertaken by a Party, the practices and procedures of that Party shall apply. Each of the Parties shall take responsibility for its own liabilities, including insurance: for example, through appropriate insurance cover or indemnity of Members and officers.

**2.3.8** The SRA will not include within its scope activities associated with emergency response and recovery or coastal flood risk.

**2.4 Funding**

**2.4.1** Funding totalling £2.926m will be available to the SRA for 2019-20, raised by Somerset's local authorities and the Parrett and Axe-Brue Internal Drainage Boards as follows:

<b>Authority</b>	<b>Contribution</b>
Somerset County Council	£2,547,400
Somerset West and Taunton Council	£99,090
Sedgemoor District Council	£73,816
Mendip District Council	£74,512
South Somerset District Council	£111,492
Somerset Internal Drainage Boards	£20,000
<b>Total</b>	<b>£2,926,310</b>

**2.4.2** The Heart of the South West Local Enterprise Partnership Growth Deal funding totalling £13.049m is available to SCC as the accountable body for the SRA for the 6-year period 2015-16 – 2020-21

**2.4.3.** SCC will account for the use of all funds to the Parties as set out in para 2.7.

## **2.5 Host Authority**

**2.5.1** As recipient and accountable body for the funding contributions from Somerset's local authorities, SCC shall act on behalf of the SRA Board as Host Authority.

In particular it shall:

- Provide the services of its Chief Financial Officer and Monitoring Officer at no cost
- Provide accounting, financial analysis, accounts payable and receivable
- Provide procurement services to all contracts SCC awards on behalf of the SRA and, on request, on those of the SRA's delivery partners as required
- Employ any Host Authority staff and provide HR and IT services in support of them and the SRA website
- Respond to requests for information
- Carry out such other functions as may be agreed

**2.5.2** The costs of the Host Authority in this role shall be covered by the funding available to the SRA, and shall be separately identified in the SRA budget for the year as shall any interest accruing in respect of funding made available at the beginning or during the year.

**2.5.3** The SRA shall, where relevant and unless otherwise agreed, operate in accordance with Host Authority practices and procedures, including the following:

- Procedural standing orders for the conduct of meetings
- Financial regulations
- Equalities policies
- Policies for dealing with access to information and data protection
- Employment Policies
- Formal decision-making procedures

## **2.6 Conduct of SRA Board Members**

Members of local authorities, IDBs and Regional Flood & Coastal Committees are bound by their own codes of conduct, as are staff of the Environment Agency and Natural England.

SRA board members, including any co-opted members, will in particular need to comply with the principles of the Host Authority's Members' code of conduct as it applies to the declaration of interests, and compliance with the principles of public life set out by the Nolan Committee on Standards in Public Life.

## 2.7 Obligations

**2.7.1** As the accountable body for the funding, SCC shall ring fence the funding, provide quarterly information on spend to date against budget and interest accrued to the SRA Board.

In particular, SCC will apply its normal financial probity and accountability controls, and will maintain reliable, accessible and up-to-date accounting records with an adequate audit trail for at least six years.

**2.7.2** The other Parties shall pay to the Host Authority their contribution (see para 2.4.1) on 1 April 2019, following receipt of an invoice from the Host Authority, and shall provide timely information relating to progress, costs, benefits and impacts in connection with their roles as delivery partner in relation to the SRA 2019-20 Enhanced Programme (see *Appendix Three*).

**2.7.3** The Parties shall, by 31 March 2019, agree the budget for 2019-20, arrangements as to the way in which SRA funding for 2019-20 shall be spent, managed and accounted for. These shall include mechanisms for handling any underspends against budget, for managing the risk of cost increases, and for facilitating the flow of funding from SCC to meet agreed expenditure incurred by another Party.

**2.7.4** SCC will settle all payments within 30 days of agreement and submission.

## 2.8 Member Organisations (The Parties)

Somerset County Council, the Axe-Brue and the Parrett IDBs, Mendip District Council, Sedgemoor District Council, South Somerset District Council, Somerset West and Taunton Council, the Environment Agency, Natural England, and the Wessex Regional Flood & Coastal Committee.

## 2.9 SRA Board

**2.9.1 Composition of Board:** One representative per member organisation, except for the IDBs that shall each have two, totalling 12 members.

**2.9.2 Authority of Board:** The SRA Board has the authority to;

- Agree the SRA annual Enhanced Programme and authorise SCC to release SRA funding for the delivery of its current year's activities
- Endorse programmes that reduce both the risk and impact of flooding and other activities supporting the delivery of the Vision and the Flood Action Plan to be carried out by the Parties
- Determine the scope of services provided by SCC as Host Authority

**2.9.3 Appointment of Board Members and Period of Office:** The Parties have appointed representatives to serve as members of the SRA Board. Board members shall hold office until written notification of their removal and/or replacement is received

by the Host Authority, or shall cease with immediate effect if they cease to hold office within that member organisation.

**2.9.4 Nomination of Deputies to Attend Meetings:** Each of the Parties shall nominate a deputy for its appointed Board member, to attend and to vote at any meeting of the Board in place of the appointed Board member, who for any reason is unable to attend.

**2.9.5 Appointment of Chair and Vice-Chair:** The SRA Board elected a Chair and a Vice-Chair, who are members of the Board, on 21 July, 2017. They will hold office until they cease to be members of the Board or until 21 July, 2019, whichever is the earlier and an election will be held at the next meeting of the Board to appoint their successors. If neither the Chair nor Vice-Chair is present, then a member shall be elected from those present to act as Chair for that meeting.

**2.9.6 Co-option of additional Board Members:** The SRA Board shall have the power to appoint additional non-voting members to the Board. The process for co-option is to invite expressions of interest following agreement to do so by the SRA Board. Any expressions of interest would need to be accompanied by a curriculum vitae setting out relevant skills and experience of the invited individual or representative of the invited organisation. To ensure that adequate time is available for consultation on any co-option proposal any expressions of interest should be forwarded to the SRA Senior Manager, for circulation to Board Members for comment no less than 30 days ahead of any Board meeting at which they would need to be considered. Proposals would then be put as recommendations to the SRA Board, and in accordance with its decision-making arrangements, be decided by a simple majority.

**2.9.7 Voting:** Decisions to be made by a simple majority of voting members attending. In the event of a tied vote, the Chair shall have a casting vote. In the event of a disclosable pecuniary interest and/or a prejudicial interest arising, a member will need to abstain from participation in accordance with normal practice.

**2.9.8 Quorum:** A minimum of 9 voting members, including the accountable body for the funding.

**2.9.9 Access to Meetings and Information:** SRA Board meetings will be open to the public. Papers will be published on the SRA website 5 clear working days prior to meetings. Minutes of Board meetings will also be published on the website.

**2.9.10 Public Speaking and Questions:** Guidance is published on the SRA website as follows:

***“Public Question Time***

*“You may ask questions and/or make statements or comments about any matter on the agenda. The length of public question time will be no more than 30 minutes in total, unless extended at the discretion of the Chair.*

*“If you wish to speak at the meeting then you will need to submit your statement or question in writing at least two clear working days ahead of the meeting. This can be done by sending an email to [sra@somerset.gov.uk](mailto:sra@somerset.gov.uk)”*

*“A slot for Public Question Time is set aside near the beginning of the meeting. However, questions or statements about any matter on the agenda for this meeting may, at the chair’s discretion, be taken at the time when each matter is considered.”*

*“You must direct your questions and comments through the Chair. You may not take direct part in the debate, unless invited to do so by the Chair.”*

*“The Chair will decide when public participation is to finish.”*

*“The amount of time you speak will be restricted normally to two minutes only, although it can be extended at the discretion of the Chair.”*

**2.9.11 Frequency of Meetings:** A calendar of meetings for each Board year will be approved by the Board and published by the beginning of each financial year. Full Board meetings are held quarterly and extra meetings will be called in the event of an urgent decision.

**2.9.12 Attendance at Meetings:** Each of the Parties shall be responsible for meeting any remuneration, costs and expenses associated with attendance at meetings.

## **2.10 Officer Support and Availability of Information**

**2.10.1** Where appropriate, the Parties shall make such of their officers and their information available for the purposes of the SRA, and for the Host Authority to meet its responsibilities, and in particular for updating and implementing the Flood Action Plan, the outstanding works of the SRA 2015-16, 2016-17, 2017-18 and 2018-19 Enhanced Programmes, the SRA 2019-20 Enhanced Programme and Somerset’s Common Works Programme.

**2.10.2** An officer Management Group has been set up to oversee the delivery of the SRA’s Enhanced Programmes and the outstanding actions of the Flood Action Plan. Their terms of reference are set out in Appendix Four and members of the SRA Management Group are senior officers as follows:

- Paula Hewitt (*Chair*), Somerset County Council
- Doug Bamsey, Sedgemoor District Council
- **TBC, Somerset West and Taunton Council**
- Paul Deal, Mendip District Council
- Martin Woods, South Somerset District Council
- Michele Cusack, Somerset County Council
- Ben Thorne, Farming and Wildlife Advisory Group South West
- Donna Gowler, Natural England
- Roger Burge, Somerset Drainage Boards Consortium
- Dr Rachel Burden, Environment Agency
- David Mitchell, Somerset Rivers Authority

**2.10.3** An officer Technical Group has been set up in support of the Board. Their terms of reference and membership are set out in Appendix Five.

## **2.11 Delegations / Urgent Business**

**2.11.1** The SRA delegations are outlined in Appendix Six.

## **2.12 Dispute Resolution**

**2.12.1** All disputes between the Parties on the meaning and interpretation of the constitution, and all disputes or differences in any way arising from the constitution, shall in the first instance be referred to the next meeting of the SRA Board for resolution.

**2.12.2** In the event that the dispute is not resolved through this mechanism, it shall be referred to a mediator in accordance with the CEDR Model Mediation Procedure.

**2.12.3** All parties shall use their reasonable endeavours to conclude the mediation with 40 business days of referral of the dispute to mediation.

**2.12.4.** If the dispute is not resolved in accordance with para 2.12.2 within 40 business days, it shall be referred to an arbitrator to be agreed between the parties in dispute, and failing agreement, to an arbitrator appointed by the President of the Chartered Institute of Arbitrators, and the Arbitration Act 1996 shall apply to any such arbitration.

## **2.13 Withdrawal / Termination**

**2.13.1.** In order to withdraw from the SRA, any Party shall give not less than 3 months' notice in writing to the Host Authority to expire on 31 March in any year.

**2.13.2.** The Parties may agree to wind up the SRA through a decision of the SRA Board by giving not less than 3 months' notice to the Host Authority.

**2.13.3** If a Party serves notice to withdraw under para 2.13.1 above, or the Parties agree to wind up the SRA under para 2.13.2 above, the Host Authority shall arrange with that Party or the Parties, such operational, administrative and financial arrangements as may be agreed between the Parties.

**2.13.4.** A Party withdrawing from the SRA, or the Parties winding up the SRA, shall be entitled to receive a fair share of any assets held, offset by any liabilities, to be agreed between the Parties, at the date of the withdrawal or winding up, to be received when those assets are able to be realised.

**2.13.5** In the event of the Parties winding up the SRA all redundancy liabilities for directly employed SRA staff will, in the first instance, be met using remaining SRA funds. Should the SRA funds be insufficient then the funding partners (as set out in paragraph 2.4.1) will share the remaining liabilities across the funding partners in the same proportion as their annual contribution as at the start of that financial year.



**2.14 Overview and Scrutiny**

**2.14.1** An SRA Joint Scrutiny Panel has been established, comprising 2 members from each local authority and 1 member of each Internal Drainage Board, to oversee and scrutinise the activities of the SRA.

**2.14.2** Officer support and administrative services for the SRA Joint Scrutiny Panel will be provided by Somerset County Council's Democratic Services team.

## Appendix 1: A Vision for the Somerset Levels & Moors in 2030

- We see the Somerset Levels and Moors in 2030 as a thriving, nature-rich wetland landscape, with grassland farming taking place on the majority of the land. The impact of extreme weather events is being reduced by land and water management in both the upper catchments and the flood plain and by greater community resilience.
- The landscape remains one of open pasture land divided by a matrix of ditches and rhynes, often bordered by willow trees. Extensively managed wet grassland dominates the scene with the majority of the area in agriculture in 2010 still being farmed in 2030.
- The floodplains are managed to accommodate winter flooding whilst reducing flood risk elsewhere. These flood events are widely recognised as part of the special character of the Levels and Moors.
- The frequency and duration of severe flooding has been reduced, with a commensurate reduction in the flood risk to homes, businesses and major roads in the area.
- During the summer months there is an adequate supply and circulation of high-quality irrigation water to meet the needs of the farmers and wildlife in the wetlands. On the low-lying peat moors, water levels have been adopted which conserve peat soils and avoid the loss of carbon to the atmosphere. Water quality has improved and meets all EU requirements.
- The Levels and Moors are regarded as one of the great natural spectacles in the UK and Europe with a mix of diverse and valuable habitats. Previously fragmented habitats such as fen and flower-rich meadows have been re-connected and are widely distributed. In the north of the area over 1,600 hectares are managed as reed-bed, open water and bog. Elsewhere the populations of breeding waders exceed 800 pairs. Each winter the wetlands attract large numbers of wintering wildfowl and waders regularly exceeding 130,000 birds. Wetland species such as Crane, Bittern and pollinator populations flourish.
- Optimum use is being made of the agricultural potential of the Levels and Moors, particularly on the higher land, whilst unsustainable farming practices have been adapted or replaced to secure a robust, sustainable base to the local economy
- New businesses, including those based on 'green tourism', have developed, meeting the needs of local people and visitors alike, while brands based on the area's special qualities are helping farmers to add value to the meat, milk and other goods and services that they produce.
- The internationally important archaeological and historic heritage of the area is protected from threats to its survival and is justly celebrated, providing a draw to visitors and a source of pride and identity to local communities.

- Farmers and landowners are rewarded financially for the public benefits and ecosystem services they provide by their land management including flood risk management, coastal management, carbon storage and the natural environment.

*Somerset Levels and Moors Task Force, 31 January 2014.*

## Appendix 2: Background Papers, Glossary of Terms & Acronyms

### A1.1 Background Information and previous meeting papers

- Background information and previous papers can be found on the Somerset Rivers Authority website at [www.somersetiversauthority.org.uk](http://www.somersetiversauthority.org.uk)

### A1.2 Technical Terms

- **Prejudicial Interest** - An interest of an individual Board member, which could be perceived to represent a conflict of interest with any matter considered by the Board
- **Public Sector Co-operation Agreements** - The Flood and Water Management Act 2010 enables an FRMA to arrange for a flood risk management function to be exercised on its behalf by another risk management authority. This can be done under a Public Sector Co-operation Agreement.
- **Riparian Owner** - An owner of land or property adjoining a watercourse.

### A1.3 Acronyms

- BC Borough Council
- CEDR Centre for Effective Dispute Resolution
- DC District Council
- DCLG Department for Communities and Local Government
- Defra Department for the Environment, Food and Rural Affairs
- FRMA Flood Risk Management Authority
- HR Human Resources
- IDB Internal Drainage Board
- IT Information Technology
- MoU Memorandum of Understanding
- SCC Somerset County Council
- SRA Somerset Rivers Authority

## **Appendix 3: 2019-20 Enhanced Programme**

**Insert Final EP**

## Appendix 4: Terms of Reference – SRA Management Group

The SRA Management Group is a key part of the SRA structure providing a useful forum for consultation and information sharing between partners and the SRA Senior Manager about SRA progress and the business of the SRA Board. Members of the Group are drawn from senior officers of each of the SRA partners and Farming and Wildlife Advisory Group, South West. The Group also oversees the delivery of SRA-funded activities and the outstanding actions of the Somerset Flood Action Plan.

The Group is involved with these programmes of work:

1. The SRA current year's Enhanced Programme. This comprises the flood risk management works for which funding has been agreed by the SRA Board.
2. The outstanding actions of the Somerset Flood Action Plan that are not included in 1. above.
3. The outstanding works of prior years' Enhanced Programmes

The Group will:

- With regard to the delivery of all the SRA-funded programmes:
  - hold the SRA Technical Group to account by monitoring overall progress and exploring in more detail where delivery/progress is flagged red (using a RAG status)
  - review key risks and issues and identify additional actions where these are insufficiently mitigated
- Monitor, update and review the framework for SRA Enhanced Programmes and prioritisation criteria, advise the SRA Board and direct the Technical Group accordingly
- Review all proposals for change to the agreed SRA Programmes that are outside the SRA scheme of delegation and provide a recommendation to the SRA Board
- Review and comment on all the other work of the SRA Board
- Review, comment and share information on all matters relating to the work of the SRA
- Review the individual Flood Action Plan work streams – overall content and progress

### Membership

Members of the Group are senior officers as follows:

- Paula Hewitt (*Chair*), Somerset County Council
- Doug Bamsey, Sedgemoor District Council
- **TBC, Somerset West and Taunton Council**
- Paul Deal, Mendip District Council
- Martin Woods, South Somerset District Council
- Ben Thorne, Farming and Wildlife Advisory Group SouthWest
- Donna Gowler, Natural England
- Roger Burge, Somerset Drainage Boards Consortium

- Dr Rachel Burden, Environment Agency
- David Mitchell, Somerset Rivers Authority

The Group will meet as required, but no more than monthly. A meeting quorum is a minimum of 6 members (or nominated substitutes) including the accountable body and two other funding organisations.

## **Appendix 5: Terms of Reference – SRA Technical Group**

The SRA Technical Group is a key part of the SRA's structure. It consists of technical officers from SRA partners and associated bodies (such as FWAG SW and Wessex Water) who can contribute expertise towards a co-ordinated and efficient programme of flood risk management works.

The Group helps with the delivery of Flood Action Plan actions.

SRA Technical Group responsibilities include the following:

- Work together to identify opportunities for cost-savings through joining up activities from partner organisations and considering joint/alternative delivery approaches
- Identify opportunities for schemes with multiple benefits that a single organisation may not be able to justify in isolation
- With reference to SRA Enhanced Programmes:
  - Identify and bring forward potential schemes for funding
  - Review the viability of schemes put forward, with respect to benefits, costs, environmental impacts and deliverability, using a set of scoring criteria derived from the main objectives of Somerset's 20 Year Flood Action Plan
  - Prepare programmes of works from partners for approval by the SRA Board, taking demonstrable account of funding criteria and identifying delivery partners
  - Be accountable to the SRA Management Group for the delivery of SRA Enhanced Programme activities and provide information as required on progress with delivery
  - Provide a technical challenge (procurement strategy, flood risk management, project management) to implementation plans and performance
  - Identify any potential changes to Enhanced Programmes for recommendation to Management Group, and thence the Board
- Discuss issues of mutual interest in flood risk management with a view to improving practices and service delivery in Somerset
- Lead the delivery and regular monitoring of performance of actions in the Somerset Flood Action Plan

The Group has a "critical friend" role and as such officers from other organisations can take part of this Group to maximise the value it brings to the process.



### Membership

The Group will consist of a balanced mix of officers, including those from the following organisations, many of which contribute schemes to SRA Enhanced Programmes:

- The Environment Agency
- Somerset Drainage Boards Consortium
- Somerset County Council – (Lead Local Flood Authority and Highways)
- District Councils
- Wessex Water
- Farming and Wildlife Advisory Group SouthWest
- Natural England
- Somerset Catchment Partnership

SRA Technical Group meets every 6 weeks.

In addition to the roles above, the Group can also make comment or recommendations on other activities such as consultation requirements for particular schemes, etc.

## **Appendix 6: SRA Scheme of Delegation**

### **SRA decision-making processes**

For as long as the SRA remains an informal partnership and not a legal entity, any decisions of the SRA Board are decisions 'in principle' and are subject to formal approval by its host authority and the accountable body for the funding it has access to. The host authority and accountable body for all the SRA funding is Somerset County Council (SCC), which makes the necessary formal decisions with regard to programmes of work and spend according to the SCC decision making processes including the SCC scheme of delegations. These decisions, however, are informed by the SRA Board's decisions, and the decisions it makes under its own scheme of delegation; it is expected that SCC's decisions will follow the SRA Board's decisions, unless they are either illegal or go against SCC's own code of conduct.

### **SRA Delegations**

The general principles guiding the SRA's scheme of delegations are as follows:

- The SRA Board approves all Programmes of work
- No works in any of the Board approved Programmes can be deleted without SRA Board approval
- No change can be agreed that means the total SRA expenditure exceeds the total funding available across all Programmes.
- All individual works within Programmes have tolerances set
- These delegations will be reviewed after one year

The Programmes of work to which these delegations apply are shown below:

- The SRA's current year Enhanced Programme. This comprises the flood risk management works for which funding has been agreed by the SRA Board on 1 March, 2019.
- Outstanding works from the SRA's Enhanced Programmes for 2015-16, 2016-17, 2017-18 and 2018-19.

Changes to the Programmes can be made by the SRA Senior Manager, in consultation with the Chair and Vice-Chair of the SRA Board, subject to the following:

- Each change requires a formal decision paper and a record of that decision will be kept
- A report of all changes made within the previous quarter will be reviewed by the SRA Board at the SRA Board meeting at the end of that quarter
- The SRA Management Group will review all changes made since the previous Management Group meeting.

The following changes can be made:

1. Additional works can be added as long as they are the next affordable works on the prioritised list of works of the SRA Board approved Enhanced Programme. Tolerance up to £500,000.
2. New works proposed by the Technical Group can be added to the SRA's Enhanced Programme during the course of a year. Tolerance up to £20,000.
3. Cost increases to individual works in SRA Enhanced Programmes. Tolerance up to £500,000 or 30% of the original budget for that works, whichever is the smaller.

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## Somerset Rivers Authority

### Budget for 2019-20 by funding stream

		2019-20 Budget £	
Item	<b>2019-20 'Shadow' precept, plus IDB contribution</b>		
1	Works	1,702,670	
2	SRA staffing and overheads (4 FTE)	226,000	
3	Provision for Sowy/KSD	1,057,000	
4	Contingency Funds	179,000	
5	<b>Total SRA 'Shadow' precept funding</b>	<b>3,164,670</b>	
	<b>Brought forward from previous years*</b>		
6	'Shadow' precept 2018-19 Enhanced Programme - works	990,299	
7	'Shadow' precept 2017-18 Enhanced Programme - works	398,001	
8	'Shadow' precept 2016-17 Enhanced Programme - works	627,626	
9	Interim Funding 2015-16 Enhanced Programme - works	18,000	
10	CLG funding - community resilience - activities	51,924	
11			
12	Growth Deal Projects (Pioneer Dredging, Sowy / KSD Enhancement)	4,394,000	
13	<b>Total Brought forward and Growth Deal</b>	<b>6,479,849</b>	11+12
	Total budget provisions set aside towards Sowy-KSD	<b>943,097</b>	
14	funding package in previous years		
	This figure excludes the allocation from the 2019-20) 'shadow precept'		
	<b>Total Budget approval - all funds allocated to projects</b>	<b>10,587,616</b>	5+13+14

\*estimates as figures prepared prior to closure of 2018-19 accounts

**Note:** to avoid compromising commercial negotiations we are unable to make more detail available publicly about project costs

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**Notice of private meeting**

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**The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – Regulation 5**

Following prior publication in the Forward Plan on 29 January 2019, in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – Regulation 5, notice is hereby given that the Cabinet is requested to consider agreeing a resolution at its Meeting on 11 March 2019 to exclude the press and public from any part of the meeting where exempt information relating to the item below is to be disclosed.

**Somerset Rivers Authority (SRA) 2019/20 Enhanced Programme of Flood Risk Management Works, the SRA Memorandum of Understanding and Constitution**

Contact Officer: David Mitchell, Senior Manager, Somerset Rivers Authority  
Contact Details: 01823 356789

Reasons for the item to be considered in private session at the meeting

Local Government Act 1972 – Schedule 12A

The item is likely to contain information relating to the financial or business affairs of any particular person (including the authority holding that information).

Representations received to hold the item in open session

None.

Council's response to representations received

Not applicable.

Circulation:

Leader of the Council and Cabinet Members  
Scrutiny Committee Chair's  
All County Council members  
Public notice board at County Hall, Taunton  
Council's website

1 March 2019

Scott Wooldridge – Monitoring Officer

For questions about this notice please contact Scott Wooldridge, Strategic Manager, Community Governance, County Hall, Taunton, TA1 4DY. Tel: 01823 359043 Email:SWooldridge@somerset.gov.uk
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Decision Report – Cabinet Key decision

11<sup>th</sup> March 2019

Agreement of Equality Objectives 2019 - 2023

Cabinet Member(s): Cllr Christine Lawrence – Cabinet Member for Public Health and Wellbeing

Division and Local Member(s): All

Lead Officer: Trudi Grant / Director of Public Health

Author: Tom Rutland/Corporate Equality Manager

Contact Details: 01823 359221

	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	27.02.18
	Monitoring Officer	Scott Wooldridge	26.02.18
	Corporate Finance	Peter Lewis	19.02.18
	Human Resources	Chris Squire	27.02.18
	Property	Paula Hewitt / Claire Lovett	27.02.18
	Procurement / ICT	Simon Clifford	18.02.18
	Senior Manager	Trudi Grant	27.02.18
	Commissioning Development Team	N/A	
	Local Member(s)	All	27.02.18
	Cabinet Member	Cllr Christine Lawrence	27.02.18
	Opposition Spokesperson	Cllr Amanda Broom	27.02.18
	Relevant Scrutiny Chairman	Cllr Hazel Prior-Sankey	27.02.18
<b>Forward Plan Reference:</b>	FP/18/07/05		
<b>Summary:</b>	<p>Somerset County Council [SCC] is required by statute to review and establish organisational equality objectives. Our existing objectives are due to end in April 2019.</p> <p>The Public bodies (District and County Council, Health and Fire) in Somerset have again chosen to work together on a set of equality objectives. This will make the most effective use of reducing Public Sector resources for equality and diversity. The hope is that it will also improve the impact of any changes on the community as a whole.</p> <p>A refreshed set of objectives are proposed for approval and endorsement. This is supported by</p>		
<b>Recommendations:</b>	<p><b>That Cabinet are asked to:</b></p> <ol style="list-style-type: none"> <li>1. Agree and endorse the proposed five Equality Objectives for the organisation from April 2019 till April 2023.</li> <li>2. Agree and endorse the revised Joint Equality and Diversity Policy</li> </ol>		

	<p>3. Request Directors to identify further actions to support the identified Objectives.</p> <p>4. Receive an annual review of the equality objectives and outcomes achieved by 30 September 2020</p>
<b>Reasons for Recommendations:</b>	The objectives aim to improve the lives for the residents of Somerset. The objectives also support the Council's legal requirements identified through the Equality Act 2010.
<b>Links to County Vision, Business Plan and Medium Term Financial Strategy:</b>	<p>These objectives will contribute to the council's vision themes of:</p> <ul style="list-style-type: none"> <li>• A thriving and productive County that is ambitious, confident and focused on improving people's lives.</li> <li>• A County of resilient, well-connected and compassionate communities working to reduce inequalities</li> <li>• A County where all partners actively work together for the benefit of our residents, communities and businesses and the environment in which we all live.</li> </ul>
<b>Consultations and co-production undertaken:</b>	<p><b>Joint Equality and Diversity Policy</b> During the process of creating the policy the relevant service areas were consulted and their feedback was incorporated within the Policy. We have also consulted with the Unions on the Policy and its implications for staff.</p> <p><b>Equality Objectives</b> The Equality Objectives have been supported by a range of engagement opportunities. Once a long list of Objectives was created consultation was undertaken to create a shorter and achievable list of Objectives. This included an online consultation that went to over 150 organisations supporting protected characteristics. This process asked people to:</p> <ul style="list-style-type: none"> <li>• identify their priorities for the equality objectives</li> <li>• identify any actions to support these objectives</li> <li>• identify any Objectives they think we might have missed.</li> </ul> <p>We also engaged with the Unions on their views on the Equality Objectives.</p> <p>Finally, we attended 4 equality events in Somerset to get direct feedback from the community. At these events we asked people to rate their top three objectives.</p> <p>These three pieces of information informed the final list of 5 Equality Objectives. It also contributed to the potential actions supporting these objectives.</p>
<b>Financial Implications:</b>	It is not envisaged that there will be any direct cost commitments arising from agreeing the equality objectives set out in this report.

	<p>However, there may be some costs arising from specific actions and any funding required will be requested on a project by project basis. This will include seeking external and joint funding where appropriate. No commitments to action that involves spend will be given by Somerset County Council staff before approval to spend has been sought and given by the Director for HR and OD and the Director of Finance.</p>						
<b>Legal Implications:</b>	<p>The objectives and the information gathered for them contribute to the Council's compliance with the Equality Act 2010. Either not having Objectives or collecting data could find the Council in breach of the Equality Act 2010.</p>						
<b>HR Implications:</b>	<p>The Equality Objectives support the Council's ability to meet its duties under the Equality Act 2010.</p>						
<b>Risk Implications:</b>	<p>The main risk identified for these objectives would be not completing the objectives setting process. This would place us in breach of our legal duties. It is felt this would be unlikely as a set of objectives have been created. Once these Objectives have been agreed through the decision-making process this risk would no longer be valid.</p>						
	<table border="1"> <tr> <td><b>Likelihood</b></td> <td><b>1</b></td> <td><b>Impact</b></td> <td><b>3</b></td> <td><b>Risk Score</b></td> <td><b>3</b></td> </tr> </table>	<b>Likelihood</b>	<b>1</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>3</b>
	<b>Likelihood</b>	<b>1</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>3</b>	
<p>These are joint equality objectives. As such they are reliant on all partners identifying and completing the actions connected to them. Should these actions not be completed then it would put the joint completion of these objectives in jeopardy. As part of the monitoring process a joint monitoring report will be completed every year to make sure we are on track. This is further explained in 1.12</p>							
	<table border="1"> <tr> <td><b>Likelihood</b></td> <td><b>3</b></td> <td><b>Impact</b></td> <td><b>3</b></td> <td><b>Risk Score</b></td> <td><b>9</b></td> </tr> </table>	<b>Likelihood</b>	<b>3</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>9</b>
<b>Likelihood</b>	<b>3</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>9</b>		
<b>Other Implications (including due regard implications):</b>	<p>By the nature of what is being considered, the report addresses any equality implications.</p> <p>The objectives also go some way to supporting the Council's requirements around community safety, human rights, access, health and wellbeing.</p> <p>There will be no impacts in relation to privacy, sustainability and health and safety</p>						
<b>Scrutiny comments / recommendation (if any):</b>	<p>Scrutiny Committees will be invited to consider the proposed annual review of the equality objectives and outcomes achieved ahead of these being reported to Cabinet by September 2020.</p>						

## 1. Background

### 1.1. Legislative Background

The Equality Act 2010 came into force on the 1<sup>st</sup> October 2010. It replaced over 100 pieces and sections of legislation that afford people protection through the delivery of service or when in employment. The Equality Act also sets out the Public Sector Equality Duty that includes the General and Specific Equality Duties.

The Public Sector Equality Duty came into force across Great Britain on 5<sup>th</sup> April 2011. It means that public bodies must consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees. It also requires public bodies to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These Duties are supported by Specific Equality Duties that came into force on the 10<sup>th</sup> September 2011. The specific duties require public bodies to publish relevant, proportionate information showing compliance with the Equality Duty, and to set equality objectives at least every four years.

### 1.2. The Equality Act identifies who is protected under the legislation and refers to them as Protected Characteristics. They are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and Belief
- Sex
- Sexual orientation

Locally we have also recognised the following characteristics:

- Carers
- Military status – Connected to our commitments around the Military Covenant
- Rurality
- Low income

This report does not change the status for any of the protected characteristics

### 1.3. Current Objectives

### 1.4. For the Equality Objectives 2016 – 2019 we set ourselves some very challenging targets. These were dependant on working with other partners and successfully engaging the community. Over the life of these objectives there have been some substantial changes to how some of those partner

organisations work. As an organisation we have also had some substantial organisational changes that have seen capacity within the equality service used to support the organisation through this change.

**1.5.** Considering this the completion rate of the equality objectives has not been 100%. Currently we have a completion rate of the actions supporting the equality objectives of 64%.

**1.6.** Below are a number of the success achieved over the last 3 years:

- Supporting Race communities within Somerset to come together and get both a stronger single voice. This includes increasing the visibility of the communities and supporting them to work together going forward. [https://somersestrcc.org.uk/our\\_work/supporting-individuals/diversecommunities/](https://somersestrcc.org.uk/our_work/supporting-individuals/diversecommunities/)
- Re-establish connections with and between the Faith and Belief communities within Somerset. This is with recognition of the support they provide to the most vulnerable members of Somerset and the areas for joined up working.
- Re-establish a forum with the Lesbian, Gay, Bisexual and Transgender communities within Somerset. As a marginalised community in Somerset we have started working with them to establish the support that is missing and how this can be filled together.
- Established a single list of potential land through public bodies that could be used to meet District Council requirements for the Gypsy and Traveller community in Somerset.
- Re-established a single public sector group for the recognition of Hate Crime in Somerset. This was supported with a single approach to hate crime, new promotional materials and work with the community on recognition of what a hate crime is. We have also provided yearly training sessions for our staff around identifying what a hate crime is and how to support people reporting it.
- We are currently going through a process of training all staff to remind them of their responsibility from the Equality Act 2010.

### **1.7. Equality Objectives 2019 - 2023**

**1.8.** The Public bodies (District and County Council, Health and Fire) in Somerset have again chosen to look at working more collective on a set of equality objectives. This will make the most effective use of reducing Public Sector resources for equality and diversity. The hope is that it will also increase the impact of any changes on the community as a whole.

**1.9.** Considering this a joint engagement of potential equality objectives took place between September and November 2018. This included an online consultation form, promotion to 150+ equality organisations and consultation at 4 equality events. The following set of objectives have been agreed to be taken forward. These are being taken forward with the understanding that each Public Body can choose which they will sign up to, identify local actions, be able to identify additional objectives if needed.

**1.10.** The collectively identified Objectives are:

- Work with Communities to improve the opportunities for integration and cohesion.

- Improve public understanding of mental health
- Work with the Gypsy and Traveller community to improve relationships
- Create an Equality Working group for staff in the Public Sector in Somerset
- Implement and review the Accessibility Information Standard to create consistency around its implementation.

**1.11.** These objectives and action table can be found in Appendix 1. This identifies the process the objectives will follow and how they were identified. It also provides information on the actions that will be completed to support the identified Objectives.

### **1.12. Governance and Management**

**1.13.** As these objectives are being completed collectively, at a county wide basis, we need to consider how they will be carefully monitored. Each action that supports the objectives will have a lead officer connected to it. This officer will be responsible for this actions completion. We will then provide feedback on the objectives in the following ways:

- Year one – A report indicating completion and progress on actions. This can then be shared with partner organisations and interested partners.
- Year two – A consultation event with communities to establish if the objectives are making a difference.
- Year three – A report indicating completion and progress on actions. This can then be shared with partner organisations and interested partners.
- Year four – Consultation and engagement on new objectives.

### **1.14. Equality and Diversity Policy**

**1.15.** Alongside the joint equality objectives, a joint equality policy has been created. The aim will be to create consistency in what a member of the public, staff or potential employee can expect from Public Bodies in Somerset. The policy can be found in Appendix 2.

## **2. Options considered and reasons for rejecting them**

**2.1.** It was considered to create of Equality Objectives specifically for the County Council. This would mean that we would miss out on the opportunity to work with others on securing additional funding into the area. It would also mean we would be removed from additional work that could benefit our residents.

## **3. Background Papers**

**3.1.** There are two background papers attached to this report:

- Appendix 1 – Equality Objectives Action Plan
- Appendix 2 – Equality and Diversity Policy

## Somerset Equality Objectives 2019 2023

### What is this

In Somerset public bodies have decided to work together on equality and diversity. We are doing this through a partnership called Somerset Equality Officers Group (SEOG). This group is made up of County and District Councils, Somerset Clinical Commissioning Group, Taunton Musgrove and Yeovil Hospitals, Somerset Partnership and Devon and Somerset Fire and Rescue. Part of the work we have done together over the last year is looking at the documents and policies we have. We have created a single equality policy and equality impact assessment process. This creates consistency in what we are doing and makes it easier for the public to understand what public bodies are committed to for equality and diversity. This document sets out the Equality Objectives that these public bodies have committed to and the actions they will undertake to complete them.



### Where they came from

The objectives were created over a 6-month period. Firstly, SEOG pulled together their collective knowledge to of areas of work and inequality. They also reviewed evidence and data to establish what this was telling them about local need. This was then used to inform a long list of potential objectives for SEOG to consult with the community on. We did this over a three-month period sharing the objectives with over 150 equality and diversity groups, providing an online consultation and going to four community events. Based on this information we selected 5 objectives that we could collectively contribute towards.


### How it Works

Each member of SEOG has agreed to adopt 5 collective equality objectives. These we will work together on to achieve a greater impact. These objectives will have joint and individual actions underneath them. SEOG member organisations are also able to adopt their own organisational objectives. We will list these below as well, so all objectives can be looked at together.

### How will they be monitored

As these objectives are being completed collectively at a county wide bases we need to consider how they will be carefully monitored. Each action that supports the objectives will have a lead officer connected to it. This officer will be responsible for this actions completion. We will then provide feedback on the objectives in the following ways:

- Year one – A report indicating completion and progress on actions. This can then be shared with partner organisations and interested partners.
- Year two – A consultation event with communities to establish if the objectives are making a difference.
- Year three – A report indicating completion and progress on actions. This can then be shared with partner organisations and interested partners.
- Year four – Consultation and engagement on new objectives.

Objective 1		Work with Communities to improve the opportunities for integration and cohesion.				
Organisations committed to this Objective						
	Action	Lead Organisation	Responsible and support officers	Completion Date	Status	Commentary
1.1	Work with the Lesbian, Gay Bisexual and Transgender community about support that is needed and opportunities that are available for better integration opportunities.		Tom Rutland and Angela Farmer	2020 – Partnership in existence and way forward agreed		
1.2	Work with the Faith and Belief community about support that is needed and opportunities that are available for better integration opportunities		Tom Rutland and Angela Farmer and Lucy Nicholls	March 2019 – a way forward will be agreed with the community		
1.3	Undertake county wide Faith Audit		Angela Farmer and Tom Rutland	2021		Update of current audit
1.4	Review how Somerset Authorise marks Holocaust Memorial Day (HMD). Work with partners to create a larger joint response.		Tom Rutland	2020		



	<b>Action</b>	<b>Organisational Lead</b>	<b>Responsible and support officers</b>	<b>Completion Date</b>	<b>Status</b>	<b>Commentary</b>
1.5	Work with Hate Crime support organisations, Hate Crime Champions and Community Groups to create a hate crime event in Somerset		Tom Rutland	October 2020		Connect to Somerset Community Cohesion and Hate Crime Action Plan. Connect to Hate Crime Awareness Month.
1.6	Support the BME Community around creating a Multicultural Forum in Somerset.		Tom Rutland, Angela Farmer and Lucy Nicholls	Ongoing		
1.7	A publicly available list of equality community and VCS groups in Somerset.		David Crisfield	April 2019 – Then reviewed Annually		For people to be able to identify support and for groups to identify connections.
1.9	Work with ESOL (English for Speakers of Other Languages) providers in Somerset to create a single website to identify all ESOL provision in Somerset		Angela Farmer and Tom Rutland	September 2020		
	Work with Syrian refugee families to support their integration in the communities of Somerset		Brittney Strange	Ongoing		
1.10	After retendering translation and interpretation contract promote their use internally.	Somerset County Council	Tom Rutland	October 2019		

1.11	Review how Somerset County Council engage with equality communities and work with Partners on more efficient engagement mechanisms	Somerset County Council	Tom Rutland	December 2019		
	<b>Action</b>	<b>Organisational Lead</b>	<b>Responsible and support officers</b>	<b>Completion Date</b>	<b>Status</b>	<b>Commentary</b>
1.12	Issue regular newsletters to communities across Somerset, identifying: <ul style="list-style-type: none"> <li>• Progress in the delivery of the objectives</li> <li>• Events going on</li> <li>• Consultation and engagement opportunities at local and county level</li> </ul>	Sedgemoor District Council	Angela Farmer All	April 2020 – annual review to ensure remains fit for purpose		
1.13	Determine how websites can be used to hold better information and support for communities, delivering a common approach that can be replicated	Sedgemoor District Council	All	April 2020		
1.14	Seek agreement to long term funding for English Classes at the Skills Café	Sedgemoor District Council	Angela Farmer	September 2019		
1.15	Hold 5 Sedgemoor Conversation events to June 2020	Sedgemoor District Council	Angela Farmer	July 2020		
1.16	Determine involvement of Spark in future work for the Council	Sedgemoor District Council	Angela Farmer	July 2020		

1.17	Hold 2 Sedgemoor Older Persons' forum each year	Sedgemoor District Council	Angela Farmer	April 2023, although annual review to ensure numbers are adequate to continue		
1.18	Hold an event and a forum with the Disabled community in Sedgemoor during 2018	Sedgemoor District Council	Angela Farmer	December 2019		
1.19	Determine basis for engaging with the Disabled community in Sedgemoor long term	Sedgemoor District Council	Angela Farmer	December 2019		
1.20	Determine a local approach to Carer's group to understand their issues and concerns	Sedgemoor District Council	Angela Farmer	December 2019, review progress to determine continuation		Determine how any Council related issues and concerns can be resolved. To connect to Somerset Partnership.
1.21	Hold 4 quarterly meetings with Elected Member each year	Sedgemoor District Council	Angela Farmer	April 2023		
1.22	Work with Customer Services Managers to develop and deliver a Customer Panel to support the Council's transformation work on customer access	Sedgemoor District Council	Angela Farmer	April 2020, review progress		
1.23	Assess future role and composition of the moribund South Somerset Equality Forum and bring forward action plan as appropriate.	South Somerset District Council	Richard Birch - Lead Specialist Dave Crisfield – Specialist	December 2019		

1.24	Design and deliver new Equalities module as part of SSDC staff Induction training, and more detailed ongoing Equalities Training for both staff and elected members.	South Somerset District Council	Dave Crisfield - Specialist HR Specialist	June 2019		
1.25	Enhance community integration and cohesion through improved delivery of the Public Sector Equality Duty by delivering a process that will achieve greater compliance with the requirement to undertake Equality Impact Assessments.	South Somerset District Council	Dave Crisfield - Specialist Case Officer	February 2019		
1.26	Around the World at YDH – diversity celebration event at Yeovil Hospital 25-26 March 2019. Invitation will be extended to external partners following previous discussions, e.g. Council	Yeovil District Hospital	Elaine Cox	March 2019		
1.27	YDH holding internal Domestic Abuse Awareness training day for its staff in April 2019	Yeovil District Hospital	Elaine Cox	April 2019		If places for external partners become available, to be shared
1.28	Support specific communities to plan for, respond and recover from emergencies.	Devon & Somerset Fire and Rescue Service	Audrey Gilding-deKort	Ongoing		
1.29	Actively seek partnerships that reach our targeted vulnerable groups	Devon & Somerset Fire and Rescue Service	Audrey Gilding-deKort	Ongoing		



## Objective 2

## Improve public understanding of mental health

### Organisations committed to this Objective



	Action	Lead Organisation	Responsible and support officers	Completion Date	Status	Commentary
Page 118	Work with youth groups to improve knowledge of and destigmatise eating disorders	Somerset CCG	Lee Reed	December 2020		
2.2	Agreement on the definition of a Mate Crime (Mate crimes happen when vulnerable people are befriended by someone who uses the relationship to exploit or abuse them) across Somerset	Somerset County Council	Tom Rutland	September 2020		Connected to the Somerset Hate Crime and Community Cohesion Group
2.3	Work with Mental Health charities in Somerset to identify training materials and opportunities for staff.	Somerset County Council	Tom Rutland	December 2020		
2.4	Deliver training to core partners (Police, Social Care, Housing Associations, Hospital Staff) on mental health conditions		Tom Rutland	April 2023		

2.5	Create a mechanism to reach agreement on what Public bodies publish about Mental health	Somerset County Council	Tom Rutland	April 2021		
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2.6	Use of social media to spread information about mental health conditions	Somerset County Council	Lucy Nicholls and Tom Rutland	April 2023		Prioritising TimeToTalk Day in February
2.7	Training opportunities for staff to improve understanding around mental health	Somerset County Council	Michelle Anderson	April 2023		Mental Health First Aid training ongoing for staff at YDH
2.8	Develop a 3 year training programme using the Sedgemoor Bitesize initiative on Disability Awareness which will include sessions on Mental Health awareness and threat of suicide	Sedgemoor District Council	Angela Farmer	April 2020		
2.9	Develop the internal Intranet site to allow staff access to information on disability and mental health conditions, including links to local support and community groups,	Sedgemoor District Council	Angela Farmer	April 2020		This links to the action above
2.10	Update the Council's action plan around Disability Confident Employer, producing an update report for Assistant Directors	Sedgemoor District Council	Angela Farmer People Team	April 2020		
2.11	To refresh and update the Supporting Attendance Policy for Sedgemoor including extending the support available to include mental health support through Working Minds	Sedgemoor District Council	People Team			
2.12	Contribute to the delivery of improved mental health services in Somerset by: <ul style="list-style-type: none"> <li>Participation in the local South Somerset Health and Wellbeing</li> </ul>	South Somerset District Council	Dave Crisfield - Specialist Ian Potter – Lead Specialist	Ongoing		



	forums and the development of local projects. <ul style="list-style-type: none"> <li>• Strategic influence through the South Somerset Strategy Group</li> </ul>		(Vulnerable People)			
2.13	Achieve Disability Confident Level 2		Audrey Gilding-deKort	Dec 2019		Currently Disability Confident Committed
2.14	Create promotion activity and community support around a mental health day at Mendip District Council Shepton Mallet offices.	Mendip District Council	Tom Rutland and Nataliya Wills	May 2020		
2.15	Promote Purple Tuesday to Businesses in Mendip. Help to promote those that are taking part to the disabled community.	Mendip District Council	Tom Rutland and Jenny Pitcher	November 2019		
2.16	Work with Businesses in Mendip to provide Mental Health first aiders	Mendip District Council	Tom Rutland and Jenny Pitcher	November 2020		
2.17	Create a network of Mental Health Ambassadors in Somerset	Somerset County Council	Michelle Anderson	April 2023		

Objective 3		Work with the Gypsy and Traveller community to improve relationships and the provision of pitches				
Organisations committed to this Objective						
	Action	Organisational Lead	Responsible and support officers	Completion Date	Status	Commentary
3.1	Work across Somerset to identify pitch/plot provision for Gypsies and Travellers (including temporary and transit pitch provision)		Angela Farmer and Tom Rutland	December 2019		
3.2	Work with support services to create a companion document for the Gypsy and Traveller Accommodation Assessment (GTAA) focusing on services		Tom Rutland and Angela Farmer	June 2019		
3.3	With the Community create an informed Illegal encampments process for Somerset		Angela Farmer and Tom Rutland	December 2019		
3.4	Work with the Community to create briefing sheets for staff around understanding of the community in relation to service delivery		Angela Farmer and Tom Rutland			

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3.5	Work to find suitable funding to create Gypsy Liaison Officer role for Somerset		Tom Rutland and Angela Farmer			
3.6	Work with the community to create a functioning Gypsy and Traveller Forum		Angela Farmer and Tom Rutland			
3.7	Determine which land parcels Sedgemoor will take forward based on SCC land identification work	Sedgemoor District Council	Angela Farmer	April 2019		
3.8	Seek agreement from Senior Leadership team about the plots to take forward including the actions that will be needed to deliver the sites and budgetary requirements	Sedgemoor District Council	Angela Farmer	April 2019		
3.9	Seek agreement from the Executive to the approach agreed	Sedgemoor District Council	Angela Farmer	December 2019		
3.10	Support Planning Policy team in the delivery of Development Plan Document for Gypsy and Traveller sites in Sedgemoor	Sedgemoor District Council	Angela Farmer Planning Policy Team	April 2021		
3.11	Provide training for the Planning Board on Gypsy and Traveller issues in relation to planning. Using this opportunity to remind them of their responsibilities in this area.	Mendip District Council	Tom Rutland	November 2019		


<b>Objective 4</b>	<b>Create an Equality Working group for staff in the Public Sector in Somerset</b>
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**Organisations committed to this Objective**



	<b>Action</b>	<b>Organisational Lead</b>	<b>Responsible and support officers</b>	<b>Completion Date</b>	<b>Status</b>	<b>Commentary</b>
4.1	Create a pilot staff equality working group in South Somerset made up of multiple public bodies	Somerset County Council	Michelle Anderson	December 2019		YDH keen to promote this eventual group to staff, as alternative to its own Staff Minorities Network
4.2	Work with HR to reassess the role of the Staff Forum in Sedgemoor. Report to Assistant Directors to discuss the proposed changes and agree a way forward	Sedgemoor District Council	Angela Farmer People team	October 2019		

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Objective 5		Implement and review the Accessibility Information Standard to create consistency around its implementation.				
Organisations committed to this Objective						
	Action	Organisational Lead	Responsible and support officers	Completion Date	Status	Commentary
5.1	Create a Sensory Loss Charter for Somerset, recognising the Accessibility Information Standard		Tom Rutland and Angela Farmer			
5.2	Sensory Loss Action Plan		Tom Rutland and Angela Farmer			
5.3	Deliver the work necessary to meet the accessibility requirements within Bridgwater House	Sedgemoor District Council	Angela Farmer and Sedgemoor Property Team	April 2020		
5.4	Undertake a review of the Council's website in light of EU accessibility requirements for websites	Sedgemoor District Council	Angela Farmer and Web Manager	April 2020		
5.5	Work to deliver an agreed approach to translation and interpretation in Sedgemoor	Sedgemoor District Council	Angela Farmer	April 2020		

5.6	Work to improve information to staff around accessibility requirements, how to respond and what provider the Council has agreed to use	Sedgemoor District Council	Angela Farmer	April 2020		
5.7	Deliver an accessible new SSDC website as part of the Transformation Programme	South Somerset District Council	Jess Power Dave Crisfield	January 2019	Website design complete with input from equality stakeholders.	Website will comply with Web Content Accessibility Guidelines (WCAG) 2.0 Level AA (Intermediate) as a minimum standard.  Current BSL videos being checked for ongoing accuracy and usefulness
5.8	Monitor new website in its first 12 months of operation to address any initial accessibility teething problems.	South Somerset District Council	Dave Crisfield	December 2019		
5.9	Produce an accessibility standard for Mendip District Council	Mendip District Council	Tom Rutland	December 2019		
5.10	Complete an access audit on all Mendip Council buildings	Mendip District Council	Tom Rutland	December 2020		
5.11	Identify work to be completed to make Mendip buildings More accessible for staff and the public.	Mendip District Council	Tom Rutland	December 2020		

## Equality and Diversity Commitment

This Commitment is part of Somerset's public sector ambition to encourage a vibrant county where the diversity of people's different backgrounds and circumstances is appreciated and positively valued; where people are empowered and maintain independence. Tackling equalities issues, ensuring those from different backgrounds have similar life opportunities and ending discrimination are fundamental to creating cohesive communities.

By signing up to this Commitment the signatories, listed below, are committed to equality of opportunity for the whole community and believes that the diversity of the community is a major strength which contributes to the social and economic prosperity of the area. The public sector commits to working within the Equality Act 2010 to ensure that no resident of, or visitor, to the area, job applicant, employee or other person associated with the public sector is treated inequitably or in an unlawful or unjustifiably discriminatory manner.

Equality is not about treating everyone the same; equality is about valuing a person 'as an equal' regardless of their characteristics and treating people according to their needs in order to achieve an equal or fair outcome. Freedom from discrimination and equality of opportunity are basic rights. Somerset's public sector is committed to challenging inequality and celebrating diversity to achieve this.

Discrimination is often unwitting – this is when someone does not realise they are discriminating unlawfully. This can happen when people develop policy and practice based upon their own needs, preferences and values and do not stop to consider the different needs of other people. The law, however, does not recognise ignorance as a defence.

This Commitment applies to people who are served by the public sector; those with responsibilities as a carer, disabled people, people who are lesbian, gay, bisexual or transgender and those who are married or in a civil partnership. It applies to men and women, people who hold or do not hold a religion or belief. The policy includes tackling discrimination on account of age, economic or social background, pregnancy or maternity status, race or ethnic background.

In addition to users, this policy talks about the responsibility that people within the public sector have, those that support people to use our services and those that we buy services and goods from. Inherently this is what people can expect when they are looking to the public sector for employment, services, information or business opportunities.

When we use the term service users we mean anyone using one of our services. This could be customers, patients, service users, clients, visitors, relatives or anyone else using our services.

### **Basic Principles of the Commitment:**

- Managers are responsible for the application of this Commitment in their work area.

- Anyone who has any form of contact or relationship with public sector organisations has a right to be treated fairly with dignity and respect. This includes councillors, customers, ‘staff’ (including apprentices, temporary workers, consultants, and agency staff), partners, contractors, volunteers and visitors.
- To create a working environment that promotes dignity and respect for all. No form of intimidation, bullying, harassment or victimisation will be tolerated;
- All public sector employees are individually responsible and accountable for their own behaviour and will be made aware of this at an early stage.
- That Equality is embedded within all activity. This means ensuring that all policies and procedures, plans, practices, and service provision reflect inclusivity and incorporate our aspirations and principles of equality and diversity.
- The public sector will develop, implement and review its policies in consultation with trade unions, staff associations, and other appropriate representatives of employees, residents, visitors, service users, partner agencies, voluntary and community organisations and the business community.
- The Somerset councils expects that Elected Members conduct themselves with integrity and in a manner that is consistent with the various policies, procedures, protocols and Codes of Conduct that apply to the role they undertake as Elected Members of the council.
- The way we operate and the images and language we use should reflect and be sensitive to the county’s diverse communities, regardless of however small they may be.
- Set and review equality objectives and targets in relation to employment, service delivery and the carrying out of our functions annually.

#### **Commitment adopted:**

#### **Recruitment**

We want everyone to feel they can apply for a job or volunteering opportunity. Through the recruitment process we want to see the best that people can offer. We will support them when needed and make sure that what is required of them is no more than the essential requirements. The public sector specifically supports Disability Confident and will reflect this in its recruitment practices.

#### **Manager Responsibility**

- Review job paperwork, asking only for the skills, experiences and qualities needed to do the job and with all job applicants being assessed against these requirements.
- When designing competitive internal interview processes, ensure

#### **Organisational Responsibility**

- Include within all jobs a requirement to implement equality and respect diversity
- Regularly audit the equalities profile of the workforce to identify any under-representation from Protected Characteristics.



<p>staff that have been away from the office on maternity leave or other extended leave are given the opportunity to update on current issues in the workplace to ensure they are not indirectly disadvantaged.</p> <ul style="list-style-type: none"> <li>• Value skills gained through non-traditional or informal work, such as voluntary work and caring responsibilities. The competencies gained through this kind of experience will be balanced against those gained through more formal methods</li> <li>• Understand requirements around Disability Confident such as; <ul style="list-style-type: none"> <li>○ Shortlisting and interviewing all disabled applicants who meet the essential criteria.</li> <li>○ Making reasonable adjustments to the interview process such as BSL interpreters, screen readers.</li> </ul> </li> <li>• Advertise widely to address under representation of any equalities community within their teams.</li> </ul>	<p>Implement an action plan to improve and target communications.</p> <ul style="list-style-type: none"> <li>• Consider Positive Action initiatives to address under representation across the workforce. For example, Diverse Recruiters and Reverse Mentoring initiatives.</li> </ul>
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## Decision Making

The impact of our decisions can affect all people in Somerset. Decisions need to take account of whether impacts will affect different groups differently. Decision making also needs to be clear and open so that people can understand the decisions that affect them.

### Employee's Responsibility

- Consider the potential impact on customers, communities and staff before making important decisions.
- Undertake equality impact assessments for all applicable activities, including reviews of existing policies and services.
- Work with communities, community groups and organisations over proposals or changes to services, policies or functions, before implementing changes.
- Use the feedback received from equalities communities to help shape future plans, decisions and policies.

### Elected Members' Responsibility

- Read and understand Equality Impact Assessments
- Fully consider the information within Equality Impact Assessments as part of the decision making process.
- Ask for more information where there isn't enough to make an informed decision.
- Target resources at communities that are under-represented in public life to help them to become fully involved in the social, cultural, political and economic life of Somerset.

<ul style="list-style-type: none"> <li>• Monitor the equalities impact of change programmes, service reviews and other specific activities targeted to deliver efficiency savings across the organisation.</li> </ul>	
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**Partnership**

How we work in partnership with others helps set the wider standard that we meet as a public sector. It can be an opportunity to influence other partners and make sure they are committed to equality and diversity. It is also an opportunity for us to learn different and improved ways of addressing equality and diversity.

<b>Employee's Responsibility</b>	<b>Public sector's Responsibilities</b>
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<ul style="list-style-type: none"> <li>• Share information, experience and examples of good practice on equality through links with other public, private, voluntary and community organisations in the county.</li> <li>• Promote equality and diversity within partnership arrangements and in their dealings with the media.</li> </ul>	<ul style="list-style-type: none"> <li>• Work with other public, private, voluntary and community organisations in the county to ensure that equality and diversity policies and plans are adopted and implemented more widely.</li> <li>• Work with other organisations and partners, including the Local Enterprise Partnership and the Health &amp; Wellbeing Board, to develop joint plans to promote equality of opportunity and to tackle discrimination and disadvantage.</li> <li>• Learn from the equality and diversity policies and plans of other organisations.</li> </ul>
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**Service Delivery**

Services should be accessible at the first point of contact. This should include how they are accessed, what they deliver and how they are delivered.

<b>Employee's Responsibility</b>	<b>Manager Responsibility</b>	<b>Service Users</b>
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<ul style="list-style-type: none"> <li>• To not discriminate against, harass or victimise colleagues or members of the public.</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluate the equalities profile of customers and service users to identify if any communities are under-represented in using</li> </ul>	<ul style="list-style-type: none"> <li>• To not discriminate against other service users or staff</li> <li>• Make staff aware of their access needs</li> </ul>
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- To make information as accessible and easy-to-read as possible. As a minimum to follow the access requirements set out in organisation Branding/Communication guidance. (SCC text – as a minimum use plain English and Arial 12 in all documents and communications)
- To encourage understanding, tolerance and good relations between people from different backgrounds.
- Involve service users and colleagues and increase the opportunities for people to influence public sector services.
- To provide information in accessible formats on request including electronic format, Braille, large print, audio tape, community language translations and British Sign Language DVDs or provide interpreters in spoken community languages and in British Sign Language.
- If alternative formats are requested, work with the customer to understand the best way of achieving this and deliver in a timely manner.
- Audit public sector buildings and facilities for their compliance with the disability access requirement of building regulations, with plans put in place to tackle non compliance

services and action plan to improve communications and access if needed.

- Ensure services and the buildings they are delivered from are as accessible as they can be. This includes offering a range of ways for customers and users to access services and information.
- Ensure that equality issues are considered at the outset of all policy development and planning
- It is the responsibility of Heads of Service to ensure that the actions required to meet the needs of specific key groups are included in their annual service planning.

so they can be supported in the best way possible.

- Customers and Service Users do not have the right to refuse service from staff for reasons of their age, disability, gender reassignment, marital or civil partnership status, pregnancy and maternity, race/ethnicity, religion and belief, sex, sexual orientation, or any other factor that is considered unreasonable. (There may be situations where there is a genuine and objective need for a customer to request a specific response, for example some women who may feel uncomfortable receiving certain services otherwise provided by a man).

<b>Buying Services from others</b>	
The Public sector is a major purchaser of goods and services in order to carry out its work and deliver its services.	
<b>Employee's Responsibility</b>	<b>Contractor's Responsibility</b>
<ul style="list-style-type: none"> <li>• Complete an equality impact assessment on the outline specification to make sure what is being contracted will not discriminate.</li> <li>• Require our contractors and suppliers to have developed policies on equalities in relation to employment and service delivery.</li> <li>• Comply with the Public Services (Social Value) Act 2012, for example encourage businesses and suppliers to employ and provide training to local people and to use other local businesses and suppliers as a means of supporting the Counties economy and improving the employment prospects for the people of Somerset.</li> <li>• Monitor the practices of any contractor or business it employs, contracts with or purchases from to ensure they act in accordance with its policies on equality and diversity.</li> <li>• Work with suppliers to ensure continued adherence to the public sector's values on equality throughout the life of the contract and improving performance where required</li> </ul>	<ul style="list-style-type: none"> <li>• Have policies on equalities in relation to employment and service delivery.</li> <li>• Seek to support the public sector's diverse communities and the businesses operating in those communities.</li> <li>• Review its own policies and practices and where necessary make changes to ensure they do not discriminate against the protected characteristics (customers, staff/workers/employees).</li> <li>• Be able to evidence on-going training for staff in relation to equality, diversity and human rights</li> </ul>

<b>Consultation</b>	
Engaging with people who deliver and receive services is vital to lasting change and improvement. This should result in a meaningful and effective change to how things are done.	
<b>Employee's Responsibility</b>	<b>Organisational Responsibility</b>
<ul style="list-style-type: none"> <li>• Plan/budget for the additional costs of consultation with equality communities e.g. translation costs or paying for a community group's involvement.</li> <li>• Set up opportunities in local communities for people to be involved</li> </ul>	<ul style="list-style-type: none"> <li>• Develop effective working relationships with all the diverse communities in Somerset through appropriate groups, forums and networks. Up to date contact lists are available from Equalities leads.</li> </ul>

<p>in planning services and influencing decision-making.</p> <ul style="list-style-type: none"> <li>• Feedback progress to communities in a timely fashion.</li> </ul>	<ul style="list-style-type: none"> <li>• Promote a range of diverse methods by which communities can be effectively consulted with and involved in decision making and service planning.</li> <li>• To adopt the COUNT principle; Consult once use numerous times; To work with other partners and signatories to share or co-produce consultation in order to minimise the impact on the community through duplication.</li> </ul>
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**Complaints including Bullying Harassment and Discrimination**

Everyone has the right to complain about discrimination without the fear of being victimised. This means people should be able to raise concerns without feeling awkward, threatened or isolated. Discrimination can include harassment, not being able to access a service or information, or being treated less favourably or unfavourably because of a protected characteristic.

The public sector is part of a community partnership to tackle hate crime, which is any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice.

<b>Employee's Responsibility</b>	<b>Manager Responsibility</b>	<b>Service Users</b>
<ul style="list-style-type: none"> <li>• If staff members feel embarrassed, humiliated, offended, distressed, alarmed, apprehensive or fearful because of someone else's behaviour towards them, staff have the right to make a complaint and ask for the behaviour to be stopped. Employees also have the right to take up issues through their respective Grievance procedures.</li> <li>• To identify and report all forms of bullying, harassment and intimidation.</li> <li>• Will take reports of discrimination and harassment reported to them seriously and compassionately.</li> </ul>	<ul style="list-style-type: none"> <li>• Responsible for <ul style="list-style-type: none"> <li>○ dealing with cases of harassment in the workplace and community,</li> <li>○ treating all complaints of harassment seriously and in strict confidence</li> <li>○ protecting from victimisation anyone asking for advice,</li> <li>○ making a complaint or helping in an investigation.</li> </ul> </li> <li>• Responsible for informing customers, either in person or in writing, that access to services may be withdrawn if involved in the harassment of staff. Managers will consider the removal of services if users continue to harass or perpetrate hate crimes against</li> </ul>	<ul style="list-style-type: none"> <li>• Customers can complain via the organisation's respective complaints procedure which should be available on its website.</li> <li>• Customers/service users should treat staff and other customers/service users with respect and in a non-discriminatory way.</li> </ul>

<ul style="list-style-type: none"> <li>• Take appropriate and speedy action if an incident of Hate Crime occurs on Public sector property or business</li> </ul>	<p>public sector staff. Managers will also remove staff from situations if they are being harassed, in line with all relevant safeguarding measures.</p> <ul style="list-style-type: none"> <li>• Take action against staff whose behaviour may be understood as discriminatory, harassing or belittling to customers and colleagues from the Protected Characteristics.</li> </ul>	
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**Employment, Volunteers and Agency Workers**

Employees, job applicants, apprentices, interns, trainees, agency/contract workers and volunteers must not be discriminated against because of a protected characteristic. This means that people must be provided equality of opportunity in all aspects of recruitment, selection, appraisal, training, promotion/transfer, work allocation, supervision, reward, recognition, retirement, redundancy, career development and any other conditions of employment or work environment.

<b>Employee's Responsibility</b>	<b>Manager Responsibility</b>	<b>Organisational Responsibility</b>
<ul style="list-style-type: none"> <li>• To encourage understanding, tolerance and good relations between people from different communities.</li> <li>• Listen to service users and colleagues and increase the opportunities for people to influence public sector decisions, policies and services.</li> <li>• Are encouraged to update their equalities monitoring information</li> <li>• Are supported to identify and report harassment, victimisation and discrimination;</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that equality policies and objectives are embedded in relation to managing your staff and their work.</li> <li>• Where necessary undertake on-going training in order to support the effective implementation of this policy.</li> <li>• Make sure the working environment is supportive and non-threatening by challenging and resolving discrimination or harassment, and by ensuring compliance with staff codes of conduct.</li> <li>• Encourage staff with protected characteristics to take part in self-organised employee groups. Such groups can act as a critical friend and can be influential in advising public</li> </ul>	<ul style="list-style-type: none"> <li>• Equality monitoring in employment is an essential part of the public sector's Equalities commitment. The public sector will monitor all stages of the recruitment and selection process. It will monitor representation within the workforce by department, pay, training, promotion, redeployment, redundancy, complaints, investigations, grievances and disciplinary proceedings</li> <li>• The public sector will strive to ensure that its employment policies, practices and arrangements are flexible and will support, as far as is lawful, reasonable and practicable the specific needs and</li> </ul>

	<p>sector organisations on a range of areas such as policy development, strategy implementation, service provision and workforce development.</p>	<p>requirements of individuals and groups. The public sector will also encourage other local employers to adopt such policies.</p> <ul style="list-style-type: none"> <li>• Commitment to and promotion of Disability Confident and Mindful Employer status.</li> <li>• The public sector is committed to consulting its staff on employment matters and understands that the successful promotion of equality of opportunity involves the support and participation of staff, staff groups and Trade Unions.</li> </ul>
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<b>Additional Guidance and support</b>		
<b>This Policy does not sit in isolation it is supported by the following. It will also support the public sector's commitment to the following legislation.</b>		
<b>Guidance</b>	<b>Policies</b>	<b>Legislation this policy supports</b>
Armed Forces Covenant		Equality Act 2010 Mental Health Act Social Policy

Review Date and edition

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Decision Report – Cabinet decision

– 11th March 2019

**Social Value Policy Statement Refresh**

Cabinet Member(s): Cllr David Fothergill – Leader of the Council

Division and Local Member(s): All

Lead Officer: Paula Hewitt / Lead Director for ECI and Director for Commissioning

Author: Vikki Hearn / Strategic Manager, Commissioning Development

Contact Details: 07976692057

	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	25.02.19
	Monitoring Officer	Scott Wooldridge	25.02.19
	Corporate Finance	Peter Lewis	
	Human Resources	Chris Squire	25.02.19
	Property	Paula Hewitt / Claire Lovett	
	Procurement / ICT	Simon Clifford	25.02.19
	Senior Manager	Paula Hewitt	
	Commissioning Development Team	Vikki Hearn	
	Local Member(s)	All	
	Cabinet Member	David Fothergill	
	Opposition Spokesperson	Cllr Jane Lock	
	Relevant Scrutiny Chairman	Cllr Anna Groskop	
<b>Forward Plan Reference:</b>	FP/18/07/05		
<b>Summary:</b>	<p>This Social Value Policy Statement, which outlines how the Council will embed social value and demonstrates Somerset County Council's commitment to delivering social value benefits through our commissioning and procurement arrangements, requires a refresh.</p> <p>The policy set out our agreed Social Value priorities and helps commissioners to identify social value opportunities through commissioning and procurement activity. Included in the background section is a link to the current Social Value Policy statement for comparison.</p>		

<p><b>Recommendations:</b></p>	<p><b>That the Leader of the Council approves:</b></p> <ol style="list-style-type: none"> <li><b>1. The refreshed Social Value Policy Statement.</b></li> <li><b>2. For the statement to be published as a statement of Somerset County Council’s agreed social value priorities</b></li> </ol>
<p><b>Reasons for Recommendations:</b></p>	<p>It is a legal requirement (The Public Services (Social Value) Act 2012) for Somerset County Council to have regard to economic, social and environmental well-being in connection with public services contracts; and for connected purposes. The Act requires Local Authorities to consider how the services they commission and procure which are expected to cost more than the thresholds provided for in the Public Contracts Regulations might improve the social, economic and environmental well-being of the area.</p> <p>SCC goes further than the legal minimum and expects social value to be considered as part of the commissioning process every time we buy something (procurement) because we see one of our key roles as helping to ensure value for money (including social value) across whole systems. The Social Value Policy Statement is our public commitment to this and was last updated in 2016. Whilst no major changes are required, and only a few additions are recommended, it is important that we regularly review this document and our commitment.</p>
<p><b>Links to County Vision, Business Plan and Medium Term Financial Strategy:</b></p>	<p>The Somerset County Council Business Plan states that to address Somerset’s challenges we will demonstrate Social Value and Value for Money in all that we do.</p>
<p><b>Consultations and co-production undertaken:</b></p>	<p>The Strategic Commissioning Group (SCG) have contributed to the suggested changes contained within the refreshed document and are happy with retained priorities, as they remain relevant to the organisation.</p> <p>Our Equalities Officer has also been consulted as part of this. He requested the inclusion of disabled people in the first priority, recognising that they are an historically under-employed group.</p> <p>SCG have been asked to share the document with their teams to ensure there are no wider issues, or opportunities that we have not yet explored as part of this refresh. SCG membership covers the following areas of the organisation:</p> <ul style="list-style-type: none"> <li>• Children’s Commissioning</li> <li>• Adults and Health Commissioning</li> <li>• Public Health</li> <li>• Economies, communities and Infrastructure (ECI) Commissioning</li> <li>• Commercial and Procurement</li> <li>• Insurance</li> <li>• Legal</li> </ul>

	<ul style="list-style-type: none"> <li>• Finance</li> <li>• Business Change</li> <li>• ICT</li> <li>• Corporate Affairs and Customer and Communities</li> </ul> <p>Briefing sessions have taken place with the Leader of the Council and the Leader of the Opposition. From these conversations and the cabinet pre-agenda meeting the following considerations have been raised:</p> <ul style="list-style-type: none"> <li>• Consider adherence to ISO14001 certification for larger suppliers and construction industry when working with the Council</li> <li>• Consider how can best demonstrate Social Value outcomes and potentially include within the Council’s reporting frameworks</li> <li>• Consider how this Social Value policy aligns to the Social Values considerations within the LEP.</li> </ul> <p>These considerations will be picked up as part of the monitoring and implementation of the policy across the organisation.</p>
<p><b>Financial Implications:</b></p>	<p>There are no financial implications resulting directly from this policy statement. There may be financial implications and cost savings opportunities on an individual commissioning level as social value requirements and possibilities are explored.</p>
<p><b>Legal Implications:</b></p>	<p>Under the provisions of the Public Services (Social Value) Act 2012 (the Act) Somerset County Council is required to consider how the economic, social and environmental well-being of the county might be improved through the procurement of services. This policy statement sets out the Council’s aims in this regard. In particular it seeks to:</p> <ul style="list-style-type: none"> <li>• set out a definition of Social Value</li> <li>• set out the social value priorities for Somerset based on our vision and business plan objectives</li> <li>• describe how Social Value will work in practice</li> </ul> <p>To help commissioners to meet these obligations and the commitments contained within the Social Value Policy Statement the Social Values Guidance for commissioners and procurement staff will also be refreshed.</p>
<p><b>HR Implications:</b></p>	<p>There are no HR implications resulting from this policy statement.</p>
<p><b>Risk Implications:</b></p>	<p>There is no risk to the council of having a Social Value Policy Statement, but there could be a risk of not having an up-to-date statement that commissioners can follow as they fulfil the commissioning role and responsibilities.</p> <p>Not refreshing this policy could result in a lack of understanding of our social value responsibilities and a lack of focus on the importance of Social Value by commissioners.</p>

	<b>Likelihood</b>	<b>2</b>	<b>Impact</b>	<b>4</b>	<b>Risk Score</b>	<b>8</b>
<b>Other Implications (including due regard implications):</b>	<b><u>Equalities Implications</u></b>					
	There are no direct equalities implications resulting from this policy refresh.					
	An Equalities Impact Assessment should be completed as part of all commissioning activity within the council. Social Value should be considered within this and can help to manage some of the equality's implications identified.					
	<b><u>Community Safety Implications</u></b>					
	There are no direct community safety implications resulting from this policy refresh.					
	An Impact Assessment should be completed as part of all commissioning activity within the council. Social Value should be considered within this and can help to manage some of the community safety implications identified.					
	<b><u>Sustainability Implications</u></b>					
	There are no direct sustainability implications resulting from this policy refresh.					
	An Impact Assessment should be completed as part of all commissioning activity within the council. Social Value should be considered within this and can help to manage some of the sustainability implications identified.					
	<b><u>Health and Safety Implications</u></b>					
There are no direct health and safety implications resulting from this policy refresh.						
<b><u>Privacy Implications</u></b>						
There are no direct privacy implications resulting from this policy refresh.						
<b><u>Health and Wellbeing Implications</u></b>						
There are no direct health and wellbeing implications resulting from this policy refresh.						
An Impact Assessment should be completed as part of all commissioning activity within the council. Social Value should be considered within this and can help to manage some of the health and wellbeing implications identified.						
<b>Scrutiny comments / recommendation (if any):</b>	Not applicable.					

## **1. Background**

- 1.1. Somerset County Council has had a Social Value Policy Statement in place since 2014. This was refreshed in June 2016. The statement outlines our agreed definition of Social Value, how we intend to embed Social Value and our agreed Social Value priorities. A series of examples will be set out in Appendix 2.
- 1.2. Guidance for commissioners and procurement staff to accompany the statement was produced in 2017 and this will be refreshed once Cabinet agreement has been acquired.

## **2. Options considered and reasons for rejecting them**

- 2.1. Consideration was given to creating a new policy, but the Strategic Commissioning Group (SCG) agreed that, in the whole, the priorities are still relevant to the organisation. Additional priorities have been added at the request of SCG to strengthen the environmental elements of the policy.

## **3. Background Papers**

- 3.1. The current Social Value Policy Statement has been used as the basis for this refresh. This can be accessed [here](#).
- 3.2. The refreshed policy statement is attached.

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# Somerset County Council Social Value Policy Statement

## 1. Summary:

Social value is a case of asking the question: “If £1 is spent on the delivery of services, can that same £1 be used to also produce a wider benefit to the community?” It’s about how we secure wider benefits to society as well as financial value from our contracts. By doing this we hope to get better value for money and benefit the local community, the local environment and/or the local economy. It is different from added value, which is when a provider is able to increase the amount of what they are already providing at no extra cost.

It is a legal requirement (The Public Services (Social Value) Act 2012) for SCC to consider social value in certain circumstances. SCC goes further than the legal minimum and expects social value to be considered every time we buy something (procurement) because we see one of our key roles as helping to ensure value for money (including social value) across whole systems.

This Social Value Policy Statement outlines how SCC will embed social value and demonstrates the County Council’s commitment to delivering social value benefits through its commissioning and procurement arrangements. The policy builds on existing commissioning and procurement practices and underlying principles of:

- Sustainable Procurement.
- Taking a value for money approach when assessing contracts.
- Considering the most appropriate form of consultation, accounting for requirements of people and organisations being consulted, size of procurement, and likely impact of procurement. Including consulting supply markets, as appropriate, before formal procurement to develop robust and intelligent specifications.

## 2. A definition of social value:

Somerset County Council recognises that social value is about maximising the impact of public expenditure. Social value is defined as ‘the additional benefit to the community from a commissioning / procurement process over and above the direct purchasing of goods, services and outcomes.’<sup>1</sup>

Through thinking about how everything we commission can generate wider benefit for the community, we can achieve added value from our spending through third parties and enable a more joined up approach.

## 3. How Somerset County Council will embed social value:

- i. SCC commissioners and all those involved in externally sourcing contracts will consider, as part of commissioning and the pre-procurement stage:
  - a. how what is to be procured may improve the social, environmental and economic well-being of a relevant area;
  - b. how they might secure any such improvement; and
  - c. whether there is a need to undertake consultation on these matters.

<sup>1</sup> Social Enterprise UK: The Social Value Guide 2012  
[https://www.cips.org/Documents/Knowledge/social\\_value\\_guide.pdf](https://www.cips.org/Documents/Knowledge/social_value_guide.pdf)

- ii. It is recognised that there can be no 'one size fits all' model. Under the requirements of the Act consideration needs only be given to 'matters that are relevant to what is proposed to be procured and, in doing so, commissioners must consider the extent to which it is proportionate' and so tailored to reflect the service or goods to be procured.
- iii. It is the role of commissioners to consider, on a contract by contract basis, the potential social value outcomes that could be delivered through the procurement process and the most appropriate procurement strategy to achieve this.
- iv. Commissioners will be expected to evidence that social value has been considered as part of commissioning intention plans, SCC decision making process and any associated impact assessments.
- v. Social value priorities for the commissioned service area should be embedded throughout procurement activity and be clear in adverts and tender specifications. Commissioners will be responsible for agreeing social value criteria, as well as being open and transparent in terms of defining how social value elements will be weighted in the evaluation and decision-making processes.
- vi. As appropriate, local communities should be engaged in shaping / deciding what is important to them, as well as engaging with the market to understand their ideas for how they can contribute to social value.
- vii. The manner in which evidence of social value outcomes are to be provided is not prescribed by the Act or this policy. Dependent on the requirements of each procurement exercise, SCC may choose to specify requirements explicitly within a tender or ask potential providers to come up with their own innovative ideas.
- viii. Applications to provide services from organisations should demonstrate their and, where appropriate, their supply chains', ability to add economic, social and environmental value above and beyond simply providing the tendered service and provide evidence demonstrating this.
- ix. Measures should be put in place to ensure that agreed social value activity is monitored and tracked as part of any contracting arrangements.
- x. To improve transparency, wherever possible and practicable, steps should be taken to enable SCC to report centrally on added social value achieved across the Local Authority through commissioning and procurement arrangements.
- xi. Examples of best practice from both within the Local Authority and other local authorities should be developed to inform future commissioning activity.



#### 4. Social Value Priority Areas for Somerset:

**1. Developing employment, skills and training opportunities, particularly for hard to reach/ disabled/target groups**

**Examples: Providing mentoring support, apprenticeships, work shadowing, volunteer opportunities for individuals not in employment, education and training, children in care and care leavers, armed forces veterans, people with disabilities and long term unemployed. Supporting skills development/progression and better-quality employment.**

**2. Improving health and wellbeing, maintaining independence and reducing inequalities of local residents and employees**

**Examples: Setting up employee health and wellbeing schemes, supporting initiatives which encourage individuals and communities to take responsibility for their own health and wellbeing.**

**3. Helping build community capacity and playing an active role in the local community, especially in those areas and communities with the greatest need**

**Examples: Allowing community groups to use premises / facilities, allowing employees to volunteer or be trustees, providing specialist pro bono business support to organisations.**

**4. Creating opportunities for micro-providers, the voluntary sector, small and medium enterprises to be part of supply chains which support Somerset County Council priorities and service delivery.**

**Examples: Investing in local suppliers, organisations and communities.**

**5. Actively encouraging and working with partners, suppliers and customers to adopt measures to reduce / cut their use of single use plastics.**

**Examples: Adopting a no single use plastics policy within a catering contract. Creating community refill initiatives.**

**6. Reducing air pollution, particularly in urban areas**

**Examples: Low emission vehicles in fleet; incentivising staff to travel to work on foot, by cycle or on public transport; any diesel vehicles acquired to be Euro6/VI standard.**

**Updated by:**

Vikki Hearn, Strategic Manager, Commissioning Development.  
(30 January 2019)

DRAFT

Decision Report – Cabinet  
– 20 March 2019

**Revenue Budget Monitoring Update**

Cabinet Member(s): Cllr Mandy Chilcott – Cabinet Member for Resources  
Division and Local Member(s): All  
Lead Officer: Sheila Collins, Director of Finance  
Author: Sheila Collins, Director of Finance  
Contact Details: 01823 359028

	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	25.02.19
	Monitoring Officer	Scott Wooldridge	01.03.19
	Corporate Finance	Sheila Collins	01.03.19
	Human Resources	Chris Squire	25.02.19
	Property	Paula Hewitt / Claire Lovett	25.02.19
	Procurement / ICT	Simon Clifford	01.03.19
	Senior Manager	Sheila Collins	01.03.19
	Commissioning Development Team	<a href="mailto:commissioningdevelopments@somerset.gov.uk">commissioningdevelopments@somerset.gov.uk</a>	
	Local Member(s)	All	
	Cabinet Member	Mandy Chilcott	01.03.19
	Opposition Spokesperson	Liz Leyshon	
	Relevant Scrutiny Chairman	Cllr Anna Groskop for Scrutiny Place	01.03.19
<b>Forward Plan Reference:</b>	FP/19/02/04		
<b>Summary:</b>	<p>This report outlines, a projected revenue outturn underspend for 2018/19; of £1.385m. This projection is based upon actual spending to the end of January 2019 (month 10) and compares to the available budget of £317.882m. The last reported projection, based on spend to the end of December 2018, was an underspend of £1.067m. The contingency has a residual sum of £1.788m uncommitted at this stage and is very likely to contribute to further underspending at the year end.</p> <p>Controlling the 2018/19 budget has been a priority of the Council since a projected overspend became apparent in early 2018. The robust control is now producing a more optimistic</p>		

	<p>landscape for the Council, with this projected underspend laying the foundations for a resilient budget and improved reserves for 2019/20. In light of this, opportunity has been taken to review the strategic risk, ORG0043, to reduce both the likelihood and impact ratings, as shown below.</p> <p>This report is only a summary, highlighting the main differences between month 9 and month 10; more detail was presented in the Quarter 3 report and will be presented in the outturn report.</p>
<p><b>Recommendations:</b></p>	<p>It is RECOMMENDED that the Cabinet:</p> <ol style="list-style-type: none"> <li>1. comments upon the contents of this report and particularly notes the progress being made with controlling the budget for 2018/19, including the intention to partially replenish earmarked reserves to improve the resilience of the Council for future years;</li> <li>2. notes the additional uses of the revenue contingency budget (£0.212m);</li> <li>3. notes the potential for specific carry forwards where funds have been received in advance of need or are unspent against specific projects.</li> <li>4. Supports the use for urgency and agrees to set the Council's net budget requirement for 2018/19 (Revenue Budget) as £317,881,900 (see section 1.7)</li> </ol> <p>The Chair of Scrutiny Committee for Policies and Place has agreed the case for urgency for the decision relating to recommendation 4 to enable that decision to be taken by Cabinet and reported to the next meeting of Full Council.</p>
<p><b>Reasons for Recommendations:</b></p>	<p>Preparing a coherent, confident and realistic budget for the County Council is essential to ensure that the corporate plan and service delivery priorities of the Council can be achieved, and that financial sustainability can be secured. Furthermore, closely monitoring spend against the agreed budget is necessary to ensure that the Council delivers its priorities within its means. This report requires action to be taken so that this objective can be met.</p> <p>There is a need for the net budget requirement to be finalised ahead of the end of the financial year. Alterations to the approved Revenue Budget are reserved for Full Council to agree but there is provision in the Constitution for decisions to be taken urgently where it is not practical to convene or wait for a Full Council meeting. In this instance the approval of the Chair of the relevant Scrutiny Committee is required. The proposed change to the net revenue budget aligns to the budget monitoring reports which have been reported to Cabinet and various committees throughout 2018/19 and it is therefore considered to be a technical amendment. Officers advise that it is not considered practical to convene a special meeting of</p>

	the Council ahead of the end of the financial year and the next scheduled Full Council meeting is not until mid May which is after the 2018/19 financial year has ended.
<b>Links to County Vision, Business Plan and Medium Term Financial Strategy:</b>	The Medium Term Financial Plan (MTFP) sets the funding for the County Vision and the use of those funds is then monitored, via this report and others throughout the year to ensure delivery of Council objectives and actions within the resources available.
<b>Consultations and co-production undertaken:</b>	Information and explanations have been sought from directors on individual aspects of this report and their comments are contained in the report. Due process and consultations will be carried out where required for any further specific proposals for change.
<b>Financial Implications:</b>	The financial implications are identified throughout the report.
<b>Legal Implications:</b>	There are no specific legal implications arising from this report.
<b>HR Implications:</b>	There are no HR implications arising directly from this report, but remedial actions may have such implications. These will be dealt with in any subsequent reports.

<b>Risk Implications:</b>	<p>Our corporate risk register recognises the risk to containing spend within budget in the face of service pressures, reducing funding and the challenges of delivering ever more savings and efficiencies.</p> <p>Although broader market uncertainty exists in view of the current Brexit negotiations, at this stage any precise implications are not known. The Council needs to be alert to potential implications as negotiations develop and respond accordingly at the time.</p> <p>The Children’s Services budget, while rebased, remains under pressure as the Service continues to improve and due to the sensitivity of some aspects of the services to volume changes, especially placements.</p> <p>The Organisational Risk (00043) has a broad perspective, encompassing both current year spending and future years’ budgets. On the risk register it is framed as:  Maintain a sustainable budget: Reserves will not be sufficient to manage any in-year overspends for the forthcoming financial year 2018/19. That we don't set a balanced budget for 2019/20. Risk that we don't have a short and medium term financial plan for SCC.</p> <p>Given that the projected outturn position has improved and a balanced budget has been set for 2019/20 (at the Council meeting on 20 February 2019), this risk has been reviewed. It is judged that the likelihood has reduced from 5 (very likely; &gt;75% chance of occurrence) to 4 (likely; &gt;50 to 75% chance of occurrence; likely to happen within the next 1-2 years). Given the unknown funding arrangements for 2020/21 then it is considered inappropriate to reduce the likelihood score further at this time.</p> <p>In terms of impact, it is considered that it has reduced from 5 (complete failure to deliver a strategic priority or opportunity) to 4 (major impact, positive or negative, on a strategic priority).</p> <p>This combination of scores still leaves the risk as “red” – “very high”, but is showing a positive direction of travel without allowing any room for complacency. The financial situation is still vulnerable to increased demand or poor management. Robust control must be maintained.</p>				
	<b>Likelihood</b>	<b>4</b>	<b>Impact</b>	<b>4</b>	<b>Risk Score</b>

<b>Other Implications (including due regard implications):</b>	<b><u>Equalities Implications</u></b>
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	<p>There are no specific equalities implications arising from the contents of this report.</p> <p><b><u>Community Safety Implications</u></b></p> <p>There are no community safety implications arising from the contents of this report.</p> <p><b><u>Sustainability Implications</u></b></p> <p>There are no sustainability implications arising from this report.</p> <p><b><u>Health and Safety Implications</u></b></p> <p>There are no health and safety implications arising from this report.</p> <p><b><u>Privacy Implications</u></b></p> <p>There are no privacy implications arising from this report.</p> <p><b><u>Health and Wellbeing Implications</u></b></p> <p>There are no health and wellbeing implications arising from this report.</p>
<p><b>Scrutiny comments / recommendation (if any):</b></p>	<p>This report will be presented to Scrutiny for Policies and Place Committee, also on 5<sup>th</sup> April 2019; comments arising will be made available to the Cabinet at a subsequent meeting.</p>

## 1. Background

- 1.1. The Council continues its journey to tighten control of its revenue budget; it has maintained the projected underspend that was reported last month while further replenishing earmarked reserves. Overall, the Council's resilience is much improved since the Cabinet made its budget resolutions in September 2018 and the prospects for 2019/20 are encouraging.
- 1.2. Robust monitoring of the revenue budget and particularly of the proposals for change agreed in both February and September 2018 have significantly aided the improvements described in this report.
- 1.3. A forecast underspend of £1.385m is now projected, as shown in Appendix A of this report and described in the paragraphs below. This reflects the continued focus by services on managing budgets. Whilst an encouraging position, it is

important to recognise that there are significant financial challenges faced by the Council beyond the current year, meaning it is essential to also focus on securing the Council's long term financial resilience through holding adequate reserves and contingencies.

- 1.4. Within the service forecasts there are elements of funding that have been received, such as grants, where the full spend is not expected by the end of the year or where spend against specific projects will not be complete. This results in a forecast underspend; however, due to the nature of the funding being for specific purposes or projects it is anticipated that this funding will be requested to be carried forward into the new year. This will be included within the outturn report that is due to be considered by Cabinet in June.
- 1.5. In addition to the underspend described above, the contingency budget has £1.788m uncommitted as at the end of January. If it remains unallocated at the year-end then it will further add to the projected underspend.
- 1.6. The table showing the projected outturn, and variances from month 9, are set out in Appendix A. The paragraphs below offer short explanations of the major parts of those variances.
- 1.7. As part of preparations for the Statement of Accounts we have identified that £1m of Collection Fund surplus was incorrectly accounted for in the setting of the net revenue budget for 2018/19. This surplus forms part of the overall financing of the authority and should not be included within the Net Budget Requirement which as a result should have been reported as £317,881,900. The proposed change to the net revenue budget aligns to the budget monitoring reports which have been reported to Cabinet and various committees throughout 2018/19 and it is therefore considered to be a technical amendment. This error does not impact any other part of the budget setting process or any other financial reporting.

## 2. Key Variances

- 2.1. **Children's Services** (*Net budget £86.447m, £1.182m projected overspend, an adverse movement of £0.182m since month 9*)

**Children & Learning Central Commissioning: favourable £0.624m;  
movement favourable £0.022m**

The service has been successful in a bid for grant funding for reducing parental conflict to support the Troubled Families programme. Notification has been received that this will be allocated in year for costs to be incurred during 2019/20. A request will be made at outturn to carry this funding forward for use next year in addition to the carry forward reported in Quarter 3 in regard of the West Somerset Opportunities Area (WSOA) grant



**Children & Families Operations: adverse £1.806m; movement adverse £0.204m**

The Children's Service has made good progress in 2018/19 in regard of controlling the costs of placements. Gross savings of £1.641m have been made, but these have been offset by additional spend of £1.201m as new and more expensive placements have arisen. Further activity continues in 2018/19 and will continue into 2019/20 to seek to reduce costs further. Progress of the improvements will be monitored and reported through the Children's Transformation Board and will form part of budget monitoring report throughout the year.

Meanwhile, in month 10 sufficiency issues in the external placements market and the complexity of need of looked after children has resulted in an additional 5 external residential placements being made in a short period of time. This has increased projected costs by £0.276m. The costs of parent and child placements has also increased due to decisions made by the courts, which are beyond our control. These have resulted in extended placements at an increased projection of £0.071m.

These costs have been offset in part by further vacancy savings, additional grant income and efficiencies across the service of £0.143m.

**2.2. Adults Services** (*Net budget £133.623m, £0.000m projected on budget, no change from month 9*).

**Adult Services: on budget £0.000m; movement £nil**

There have been two notable, favourable movements in the anticipated outturn figures, although there are plans for applying these further underspends hence the projection is for no change from month 9.

The first change is that further efficiencies have been achieved through the latest contract change in Discovery, which do not impact on access to services or the delivery of services to clients. It is proposed that the resultant underspend will be attributed to the outstanding balance (£0.910m) on the equalisation reserve, reducing it to £nil. (£4.000m was reported in month 9).

Secondly, the service is requesting that the in-year underspend against the Winter Pressures grant (£1.600m) and a small surplus from the iBCF (£0.330m) be ringfenced into an Adult Social Care reserve. This will be used to support ongoing system pressures during 2019/20. Given the joint oversight of these funds with the Clinical Commissioning Group (CCG), this is a prudent way forward.

In addition to the above two movements, Adult Social Care has seen a reduction in projection since the previous report of £0.156m, which mainly as a result of redirected funding to offset increased costs following the change in Extra Care

Housing provider. There was also a small reduction in the projected cost of equipment through the Integrated Community Equipment Service.

The Mental Health service has continued the upward trend that has been seen throughout the year with an increase of £0.208m. There are seven new residential placements being reported this month as well as additional staffing costs. The increasing demand for residential placements is a major concern for 2019/20 when the full year effect of these costs will be seen.

There have been a number of changes within the Learning Disabilities budget, but all these add up to just a very small increase of £0.014m. There was one new placement made and a loss of CHC funding for one person, however these were offset by CHC funding being awarded for three Supported Living clients.

**2.3. Public Health** (*Net budget £0.961m, £0.580m projected underspend, no movement since month 9*).

**Public Health: favourable £0.580m; movement £nil**

Although the Public Health underspend has grown to £700k, the reported underspend remains at £0.580m and the service will request that £120k be transferred into the earmarked reserve at year end to fund transition costs to bring Public Health Nursing in house. The IT costs in particular are likely to be significant so the additional funding for 19/20 would support a smoother transition of service.

**2.4. Economy Community and Infrastructure** (*Net budget £64.796m, £2.585m projected underspend, an improvement of £0.404m since month 9*)

**Economy & Community Infrastructure: favourable £2.585m; movement favourable £0.404m**

Economy Community and Infrastructure's (ECI) forecast has improved by £0.404m resulting in a projected underspend of £2.585m at month 10.

There are a number of reasons for the increased underspend within ECI. Traffic Management's underspend has increased further (-£0.232m favourable movement) since month 9. This is due to the continuing increase in Traffic Engineering income, bus gate income and a reduction on Traffic Control works expenditure. The underspend on the Highways budget has also increased since month 9 (- £0.170m favourable movement). This is due to a reduction in Highway Lighting energy costs as a result of there being a change to the rate charged during the evening. This was in part offset by an increase in winter service costs due to the recent adverse weather.

There is also an increased underspend in Community and Traded Services (-£0.003m favourable) as a result of the finalisation of the County Ticket payments, in part offset by a reduction in income within Scientific Services.

Somerset Waste Partnership's underspend has reduced since month 9 (+£0.066m adverse movement) as a result of tonnage figures, however tonnages remain low and the forecast assumes these tonnage trends will continue for the rest of the year. Any un-spent funding for the Recycle More project may be requested to be carried forward at year end.

Property Services are reporting a favourable movement (-£0.051m) due to reduced property rationalisation costs, savings on central accommodation costs and contract cleaning.

There are still several factors that may change forecasts including winter and emergency costs, any upturn in waste volumes and Concessionary Fares. For example, last year's late and severe weather conditions resulted in additional costs of over £0.500m in Highways.

**2.5. Corporate and Support Services** (*Net Budget £21.158m, £0.069m projected overspend, an improvement of £0.052 since month 9*)

**Corporate and Support Services: adverse £0.069m; movement favourable £0.052m**

Corporate and Support Services is showing an overspend of £0.069m. This is an improvement of £0.051m since month 9.

This is due to a number of movements within Corporate and Support Services. There is a favourable movement in Communications (-£0.010m) as a result of staffing vacancies that will not be filled until 2019/20. Customers and Communities also have a favourable movement (-£0.013m) mainly due to further savings from the Community Development fund offset in part by the cost of having to replace inferior headsets in customer contact. The additional cost of Centre for Public Scrutiny work has resulted in an adverse movement in Community Governance (+£0.010m). The Legal budget is reporting an adverse movement from month 9 (+£0.036m) due to the use of external legal support. Projections have been amended within Finance to reflect the vacancies that will not be filled until 2019/20 due to recruitment difficulties (-£0.036m favourable movement). There is a small element of grant funding from the LGA within the Finance Service which may be requested to carry forward at year end to support the continued Budget Management training programme for all services. The ICT budget is projecting to be further underspent (-£0.036m favourable movement) due to a reduction in telecoms projections and staffing costs.

**2.6. Non-Service** (*Net budget £10.879m, £2.001m projected overspend, an adverse movement of £0.205 since month 9*).

**Central Redundancies: adverse £0.220m; movement £nil**

Based on the average figure for redundancies so far this year, and before any redeployment of staff who may be at risk there is a forecast overspend of £0.220m on this budget. This figure does not yet include any decisions that are

made in this financial year for the 2019/20 budget, and the individual amounts of redundancy payments due will depend on the individuals leaving the organisation.

**Discontinued Services: adverse £0.065m; movement £nil**

The first eight months charges from the Pensions Fund for Compensation of Loss of Office (CLO) have now been processed. The overall inflationary increase is now projected to exceed the reducing cost of individuals concerned by £0.065m.

**Investment Income: favourable £0.200m; movement favourable £0.030m**

Due to a better than expected return on investment, the Council is anticipating additional income of £0.200m.

**Use of Contingency: movement adverse £0.212m**

As at the Quarter 3 report, £2m remained uncommitted from the contingency. New commitments have arisen during month 10 including £0.200m for the iAero Programme and £0.012m for Centre for Public Scrutiny review of Scrutiny arrangements in Somerset County Council.

**2.7. Trading Units:** *(Net budget £0.00m, £0.000m projected outturn position, no movement since month 9).*

**Dillington House: adverse £0.488m; movement £nil**

Income levels across the main areas of activity are now forecast to come in below the levels budgeted. This is due to significant reductions from weddings arising from the post of Wedding Co-ordinator being vacant during the last year. Adult education courses are reduced due to a degree of duplication/repetition in the programme, a decline in take up from existing customers and as yet no diversification of the programme offer or widening of the customer base. Conference bookings from SCC have decreased by over £0.060m in the last year due to the wider Financial Imperative. Additional income has been secured from other areas such as a wider social events programme and conferences bookings by external organisations. This is not sufficient to offset the reductions elsewhere.

Unfortunately, the impact from developments taking place as part of the revised business plan will not be seen until next financial year, e.g. enabling customers to book Bed and Breakfast accommodation on line through external booking agencies and increasing exposure through wedding fairs, refresh of the education programme, etc. These are deep rooted issues which will take more time to address.

**Support Services for Education: favourable £0.325m: movement favourable £0.031m**

Vacancy savings within Business Services have resulted in an increased surplus.

**2.8. Improving Financial Resilience**

As mentioned in recent monitoring reports, opportunities will be sought to use 2018/19 underspends to partially replenish reserves to strengthen the balance sheet and hence improve the financial resilience of the Council. This is especially important given that the financial outlook for 2020/21 is not yet known and reserves may be required to absorb any shocks from unexpectedly poor financial settlements for future years. This projection assumes that a further £0.910m will be added to the outstanding balance on the LD equalisation reserve during 2018/19, thereby eliminating the negative balance.

**3. Options considered and reasons for rejecting them**

- 3.1. There is no alternative but to undertake effective and thorough budget monitoring to follow through with appropriate actions to address any variances.

**4. Background Papers**

- 4.1. Month 9 Revenue Budget Monitoring report to Cabinet – 19 February 2019.

## Appendix A – Revenue Budget Monitoring month 10 – Headline Summary Table

Service	Original Base Budget	Budget Movements	Total Budget Approvals	Negative (+) Variances	Positive (-) Variances	Planned Use of Earmarked Reserves	Planned Use of Capital Receipts Flexibility	Net Variance Under (-) / Overspend		Previous Cabinet Report *	Movement from Previous Report
	£m	£m	£m	£m	£m	£m	£m	£m	%	£m	£m
Adults and Health	141.284	-7.661	133.623	9.271	-13.577	6.840	-2.534	<b>0.000</b>	0.00%	0.000	0.000
Children and Families - Operations	46.279	15.589	61.868	3.765	-1.862	0.000	-0.097	<b>1.806</b>	2.92%	1.602	0.204
Children and Learning - Commissioning	19.750	4.829	24.579	0.736	-1.868	0.574	-0.066	<b>-0.624</b>	-2.54%	-0.602	-0.022
Public Health (SCC funding)	1.026	-0.065	0.961	0.000	-0.700	0.120	0.000	<b>-0.580</b>	-60.35%	-0.580	0.000
ECI Services	66.745	-1.950	64.796	4.888	-5.744	-0.967	-0.762	<b>-2.585</b>	-3.99%	-2.182	-0.404
<b>Key Services Spending</b>	<b>275.084</b>	<b>10.743</b>	<b>285.827</b>	<b>18.660</b>	<b>-23.751</b>	<b>6.567</b>	<b>-3.459</b>	<b>-1.983</b>	<b>-0.69%</b>	<b>-1.762</b>	<b>-0.222</b>
Corporate and Support Services	20.106	1.052	21.158	4.703	-3.385	1.244	-2.493	<b>0.069</b>	0.33%	0.121	-0.052
Non-Service Items (Inc Debt Charges)	22.692	-11.795	10.897	2.947	-1.196	0.000	0.000	<b>1.751</b>	16.07%	1.796	-0.045
Trading Units	0.000	0.000	0.000	0.507	-0.344	-0.163	0.000	<b>0.000</b>	0.00%	0.000	0.000
<b>Support Services and Corporate Spending</b>	<b>42.798</b>	<b>-10.743</b>	<b>32.055</b>	<b>8.157</b>	<b>-4.925</b>	<b>1.081</b>	<b>-2.493</b>	<b>1.820</b>	<b>5.68%</b>	<b>1.917</b>	<b>-0.096</b>
Updated Business Rates Receipts	0.000	0.000	0.000	0.338	-3.060	0.000	0.000	<b>-2.722</b>	0.00%	-2.722	0.000
Technical Adjustment (Capital Receipts Flexibilities)	0.000	0.000	0.000	0.000	0.000	0.000	1.500	<b>1.500</b>	0.00%	1.500	0.000
<b>SCC Total Spending</b>	<b>317.882</b>	<b>0.000</b>	<b>317.882</b>	<b>27.155</b>	<b>-31.736</b>	<b>7.648</b>	<b>-4.452</b>	<b>-1.385</b>	<b>-0.44%</b>	<b>-1.067</b>	<b>-0.318</b>

Original Base Budget = Budget set by the Council on 21 February 2018

Budget Movements = Transfers between services, not affecting the total budget for 2018/19

Total Budget Approvals = Revised budget after movements

Positive variance = one that improves the projected outturn position

Negative variance = one that deteriorates the projected outturn position.

Somerset County Council

**Notice of key decision**



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**The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – Regulation 10**

In accordance with the Council's Access to Information Procedure Rule 4, as set out in the Council's Constitution, notice is hereby given that the following Key Decision, which has not been included in the current Cabinet Forward Plan for the required 28 days, is to be considered by the Cabinet on Monday 11<sup>th</sup> March 2019:

**Revenue Budget Monitoring Update**

Author: Sheila Collins, Director of Finance

Contact Details: 01823 359028

Reasons

It is proposed to take a key decision on this matter on the date shown above. It would be impracticable to defer the decision until it has been included in a published version of the Forward Plan for the required 28 days.

Circulation:

Leader of the Council

Cabinet Members

Chair's of Scrutiny Committee for Polices and for Place, for Adults and Health and Children & Families

All County Council Members

Public notice board at County Hall, Taunton

1 March 2019

Scott Wooldridge

Monitoring Officer

For questions about this notice please contact Scott Wooldridge, Monitoring Officer and Governance Manager, Democratic Services, County Hall, Taunton, TA1 4DY. Tel: 01823 357628
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Somerset County Council

Cabinet

– 11 March 2019

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**Item referred from Full Council**

Cabinet Member: All

Division and Local Member: All

Lead Officer: Scott Wooldridge – Monitoring Officer

Author: Scott Wooldridge, Strategic Manager - Governance & Risk

Contact Details: (01823) 357628

**1. Precautionary salting network**

1.1 The following item has been referred from the Full Council meeting on 20 February as it relates to functions under the remit of the Leader and Cabinet.

1.2 This item was proposed by Cllr Mike Rigby and seconded by Cllr John Hunt:

That the Cabinet:

1. Acknowledge that the damage caused to the Somerset economy during recent snow events has been exacerbated by last year's reduction in the extent of the precautionary salting network;
2. Acknowledge that the reduction in the extent of the precautionary salting network has been counter-productive, costing the wider public purse more than it saved Somerset County Council;
3. Acknowledge that unnecessary stress has been placed on the emergency services, having to attend RTCs that are unlikely to have occurred had the precautionary salting network not been reduced last year;
4. Reinstate the part of the precautionary salting network that was lost in last year's reduction programme.

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