

County Council

Wednesday 15 May 2019
10.00 am Council Chamber - Shire Hall,
Taunton



CHAIR'S SCHEDULE AND MEETING BUSINESS PLAN

County Council Meeting – Wednesday 15 May 2019 (10.00am)

- 1. ELECTION OF CHAIR** **Guide Time: 10.03am**

The Monitoring Officer will ask for nominations for the Chair of Council. Cllr David Fothergill will propose Cllr Nigel Taylor to be elected Chair for the ensuing year and Cllr Jane Lock to second.

The member appointed will read and sign the formal Declaration of Acceptance of Office and receive the Chain of Office from the Monitoring Officer.
- 2. APPOINTMENT OF VICE-CHAIR** **Guide Time: 10.05am**

The Chair will call for nominations and seconders for the appointment of Vice-Chair of Council. Cllr Fothergill will propose Cllr Mark Keating to be elected Vice-Chair for the ensuing year. Cllr Chilcott will second the nomination. The member appointed will read and sign the formal Declaration of Acceptance of Office and receive the Chain of Office from the Chair.
- 3. APOLOGIES FOR ABSENCE** **Guide Time: 10.07am**

Cllr Nigel Hewitt-Cooper, Cllr Simon Coles, Cllr Mike Pullin, Cllr Alan Wedderkopp, Cllr Bill Revans
- 4. DECLARATIONS OF INTEREST** **Guide Time: 10.10am**

The County Solicitor will read out any prejudicial interests that have been declared by Members. All personal interest forms will be displayed in the chamber.

Members are reminded that if any business of the Council relates to or affects a Disclosable Pecuniary Interest which you have declared you should disclose it at the meeting not later than the start of the consideration of the business in which you have an interest or (if later) the item at which the interest becomes apparent to you and you should leave the room whilst the business is being considered.
- 5. MINUTES** **Guide Time: 10.12am**

To confirm the accuracy of the Minutes together with the Appendix attached of the Council meeting held on 20 February 2019, and if agreed, the Chair will sign the Minutes as a correct record.

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11. **For information:** **Guide Time: 10.15am**

Chair to inform meeting that he is moving item 11 to this point of the agenda

CHAIR'S ANNOUNCEMENTS

The Chair's announcements covers information regarding visits made from February to May 2019.

6. **PUBLIC QUESTION TIME** **Guide Time: 10.30am**

Public Questions / Statements

Note: The questions / statements / public petitions submitted by each member of the public are detailed in ***Annex A to this Schedule.***

For decision:

7. **Annual Report of the Constitution and Standards Committee** **Guide Time: 10.45am**

Item 7 to be introduced by Cllr William Wallace, the Chair of the Constitution and Standards Committee

Chair to invite Cllr William Wallace to introduce the report and addendum.

The Committee considered the draft annual report at its meeting on 10 May and are recommending the Council approve the proposals set out in sections 3.3, 3.4 and 3.5 of the **addendum** to the review of the constitution regarding audio recordings of council meetings, public question time rules, deadlines for public submissions.

The Constitution & Standards Committee recommends that the Council approve the proposals set out in sections 3.3, 3.4 and 3.5 of this report.
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For decision:

8. **Report of the Monitoring Officer** **Guide Time: 11.05am**

To consider a report by the Monitoring Officer regarding the review of the Council's constitution and democratic arrangements, proposed appointments to committees and the proposed appointment of the Deputy S151 Officer.

Monitoring Officer to highlight that the Constitution & Standards Committee agreed amendments to the Constitution for the Council to consider. The amendments to recommendation 2.5 are set out in an addendum that was published on 13 May.

Monitoring Officer to highlight mistake at point 3.4.1 at the top of p54. of the report pack regarding meeting dates which should state 20 May 2020 not 2019.

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The recommendations at paragraph 2 to be proposed by Cllr David Fothergill seconded by Cllr Mandy Chilcott, debated and voted upon as detailed below.

The suggested changes to appointments are:

- **Scrutiny for Polices and Place Committee – Ann Bown** to replace Mike Lewis on the committee and to be appointed as Vice Chair
- **Audit Committee – Mike Lewis** to replace Gemma Verdon on the committee and to be appointed as Vice Chair
- **Officer Appeals Committee – Dean Ruddle** to replace Josh Williams (allocated place by Conservative group)

The County Council is recommended to:

2.1 Appointments Schedule – Appendix 1 refers

To approve the Appointments Schedule – see section 3.2 and Appendix 1 to this report – to follow.

2.2 Appointment of Deputy Section 151 Officer

To appoint Elizabeth Watkin, Strategic Finance Manager – Chief Accountant, as the Council’s Deputy Section 151 Officer with effect from 15 May 2019.

2.3 Meeting dates

To approve the programme of ordinary meetings of the Full Council for the year as set out in section 3.4 of this report and to delegate to the Monitoring Officer, in consultation with the Group Leaders and committee chairmen, agreement of the detailed calendar of meetings of the committees of the Council for 2019 and 2020.

2.4 Review of democratic arrangements

Note the reviews currently being undertaken (see section 3.5).

2.5 Review of the Constitution

i) Approve the revisions to the Council’s Constitution set out at section 3.6.5 of the report as endorsed by the Constitution and Standards Committee at its meeting on 8 February 2019.

ii) Consider the proposed revisions to the Council’s Constitution set out in the addendum at 3.3, 3.4 and 3.5 as recommended by the Constitution and Standards Committee at its meeting on 10 May 2019.

9. REPORT OF THE LEADER AND CABINET FOR DECISION Guide Time: 11.30am

Item 9 - to be introduced by Cllr David Fothergill – Leader of the Council

To consider the report. The recommendations at 2.1 of the report to be proposed by Cllr David Fothergill, seconded by Cllr Leigh Redman, debated and voted upon as detailed below.

The Somerset Plan for Children – see Appendix A

The Council is recommended to approve ‘Our Plan’ – Somerset’s Plan for Children, Young People & Families 2019 – 2022

10. REQUISITIONED ITEMS Guide Time: 11.45am

No requisitioned items have been submitted.

11. CHAIR’S ANNOUNCEMENTS

Taken earlier in the meeting.

12. REPORT OF THE LEADER AND CABINET – ITEMS FOR INFORMATION Guide Time: 11.47am

Item 12 – to be introduced by Cllr David Fothergill – Leader of the Council

Please note Appendix B regarding decisions made at the Cabinet meeting on Monday 13 May was published yesterday.

To be noted.

13. LEADER OF THE COUNCIL ANNUAL REPORT Guide Time: 11.55am

Item 13 – to be introduced by Cllr David Fothergill, Leader of the Council

To be noted.

14. ANNUAL REPORT OF THE CABINET MEMBER FOR CUSTOMERS AND COMMUNITIES Guide Time: 12.05pm

Item 14 – to be introduced by Cllr David Fothergill, Leader of the Council

To be noted.

Member questions for the Leader of the Council to be taken at this point.

15. ANNUAL REPORT OF THE CABINET MEMBER FOR RESOURCES Guide Time: 12.15pm

Item 15 – to be introduced by Cllr Mandy Chilcott, Deputy Leader of the Council

To be noted.

Member questions for Deputy Leader to be taken following report and then other questions to Cabinet Members on items not on the agenda elsewhere will be taken under this item. The questions are detailed in Annex B to this Schedule.

Member questions to be taken in the following order after Mandy Chilcott:

**Cllr John Woodman
Cllr David Hall
Cllr Frances Nicholson
Cllr Christine Lawrence
Cllr David Huxtable
Cllr Faye Purbrick**

16 ANNUAL REPORT OF THE SCRUTINY FOR POLICIES, ADULTS AND HEALTH COMMITTEE Guide Time: 12.25pm

Item 16 – to be introduced by Cllr Hazel Prior-Sankey – Chair of the Scrutiny for Policies, Adults and Health Committee

To be noted.

17. ANNUAL REPORT OF THE SCRUTINY FOR POLICIES, CHILDREN AND FAMILIES COMMITTEE Guide Time: 12.35pm

Item 17 – to be introduced by Cllr Leigh Redman – Chair of the Scrutiny for Policies, Children and Families Committee

To be noted.

18. ANNUAL REPORT OF THE SCRUTINY FOR POLICIES AND PLACE COMMITTEE Guide Time: 12.45pm

Item 18 – to be introduced by Cllr Anna Groskop – Chair of the Scrutiny for Policies and Place

To be noted.

Finish: 12.55pm

Public Questions / Statements

ANNEX A

Public Questions / Statements

1. Report of the Monitoring Officer – Appointments / procedural matters and constitution

From Nigel Behan

<http://democracy.somerset.gov.uk/documents/s10492/2019%20May%2015%20Report%20of%20the%20Monitoring%20Officer%20-%20Appointments%20and%20Procedural%20Matters.pdf>

It is proposed in Section 3.6.6 Part 1, Section 8 that:

“Access to Information Rules The following amendments have been recommended and are being considered by the Constitution and Standards Committee at its meeting on 10 May. Any proposed amendments to what is set out below will be reported to the Council meeting on 15 May.

Recommended amendments:

1) Audio recordings of Council meetings: Since July 2018, audio-recordings of key public committee meetings have been published on the council’s website.

The Council revised its policy to clarify its procedures and reasons for making the recordings and which meetings it would record. The intention of the council’s audio recordings has always been to assist with the production of the minutes of a meeting which are the legal record. This is consistent with what other councils do.

The policy is not explicit for how long the audio recordings are retained on the council’s servers. Some councils retain the audio recordings for up to six months after a meeting has been held and some councils delete the audio recording immediately when the minutes have been agreed. In order to protect the status of the minutes as the legal record it is recommended that the audio recording is deleted when the minutes have been agreed and it is recommended that 8.6.8 of the Constitution is amended as follows:

8.6.38 The Council makes audio recordings of its main decision making meetings – Full Council, Cabinet and Regulation Committee – available to access on the website immediately following meetings and until the minutes of the meeting have been signed as a correct record at the next meeting. Following approval of the minutes the audio recording will be deleted from the council’s systems. Audio recordings are also made separately available to members via private access arrangements for the same period. Other formal meetings may be recorded on an ad-hoc basis depending on the circumstances and those attending will be informed where this is the case in advance of the start of the meeting.”

The record of the Houses of Parliament (Commons etc.) via Hansard/Parliament TV etc. is a verbatim recording and transcript of Parliamentary Proceedings which sets a reasonably accurate “blow by blow” account of the discussions/exchanges/debates of the Elected Members of Parliament (and in various Committee meetings.) Formal decisions and voting are recorded and importantly the debates can be put into context as the actual discussions are all recorded.

Citizens, Electors, Residents and Taxpayers (including Council Taxpayers) can see and hear for themselves the Contributions Their Representatives make in the Democratic Process (Parliament). In order to hold representatives to Account it is useful to see and hear them in

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action. Obviously people can be better informed to judge by being and able to accurately follow views, statements, questions, arguments and voting records etc.

Some Local Authorities state that minutes of Council meetings are the "Official Record" (above states "Legal Record").

Q1 - Does SCC believe that destroying ("deleting from the Council's systems") the "audio recording" when the minutes are agreed reduces transparency and access to the democratic process - even if the meeting was filmed by a number of members of the public, for instance and posted on social media whilst the remaining official record will be only a summary of the meeting with recommendations agreed (or otherwise)?

Q2 - Does this proposal meet the Information Commissioner's Office (ICO) best practice guidance on retention (of important recordings of the democratic process) and what advice did the Council's Data Protection/Freedom of Information Officer?

Response from Cllr David Fothergill, Leader of the Council

2. Climate Change

From Nigel Behan

Now that "A national climate emergency has been declared by the UK Parliament" and following the Council agreeing by majority at the last County Council meeting in February (2019):

"The Council RESOLVED by majority to: a) affirm the Council's recognition of the scale and urgency of the global challenge from climate change, as documented by the latest Special Report of the Intergovernmental Panel on Climate Change, and declares a climate emergency; and b) mandate the Policy and Place Scrutiny Committee to review and recommend what further corporate approaches can be taken through a SCC Climate Change Strategy and to facilitate stronger Somerset-wide action through collaboration at a strategic, community and individual level; and c) pledge to work with partners, including the Heart of the South West LEP, individuals and community action groups across the county to identify ways to make Somerset carbon neutral by 2030, taking into account both production and consumption emissions (scope 1, 2 and 3); and d) write to the Secretaries of State for Business Energy & Industrial Strategy, Transport, Environment, Food & Rural Affairs and Housing, Communities & Local Government calling for the creation, provision or devolution of powers and resources to make achievement of the 2030 target possible here in Somerset; and e) report to Full Council before the end of 2019 with the actions the Council has and will take to address this emergency; and f) allocate £25,000 from the Council's 2018/19 contingency budget and authorise the Lead Director for Economic and Community Infrastructure to utilise this funding to resource the work necessary to support Scrutiny Committee for Policies and Place and to assess any specific recommendations and financial implications. Any unspent allocation will be carried forward into 2019/20 to continue the work."

Events have developed since then with Extinction Rebellion (and protests) rising up the news agenda and Sir David Attenborough said in Climate Change – The Facts (BBC iPlayer) we face "irreversible damage to the natural world and the collapse of our societies".

Q3 - How does the Council plan to involve/engage Citizens, Electors, Residents, Council Taxpayers and include all members of the Somerset Community (and beyond)?

Response from Cllr David Hall, Cabinet Member for Economic Development, Planning and Community Infrastructure

3. Providing value for money, good quality services and accountability

From Eva Bryczkowski

It can be a fine balance between having too much change in a particular service and too little change.

Sometimes, a service staying the same can lead to problems that need to be addressed and resolved.

On the other hand, if there is far too much change, there is the danger of possibly compromising on safety, not recruiting quality staff or high staff turnover.

This leads me to my first question:

Q1. How will the Council specifically ensure that this balance is maintained?

It is far too easy to be cynical and solely focus on chief executives' in certain organisations that the Council is responsible for, financial mismanagement or serious safeguarding issues.

While there is some truth in this, the fact is that these companies have to make money in order to survive, and importantly for the Council they have to provide value for money.

Coming back to the previously mentioned concerns about the balance between maintaining stability and need for change - regarding the latter - many employees in organisations such as Discovery for example, the very quick level of change has been claimed to be at the expense of service users and high quality of staff.

In the minutes of the Cabinet meeting the Somerset Safeguarding Board (SSB) was mentioned - and how effective it is in dealing with a number of safeguarding issues occurring in various contexts and organisations. I fully agree with the Cabinet on this - up to a point. It can take a very long time for the SSB, through no fault of their own, to find out about serious concerns regarding safety and safeguarding issues in certain establishments. Two such examples are Mendip House, and, to a much lesser extent, those arising regarding Discovery - which I believe have not kept the balance between stability and change. For example, their stated need for transformation has led to an exceedingly high turnover of staff, with service users and families reporting on a BBC documentary that they felt safety was being compromised. The Council said at one point, that this rapid transformation and change, while it may cause serious disruption at first, is necessary, and worth the teething problems and high staff turnover, in order to achieve this transformation.

Regarding checking and monitoring serious problems when they occur, frankly the Council and Discovery having video conferences, regular meetings and report backs don't cut it as far as I'm concerned, for a number of reasons. For example, they didn't prevent the problems I mentioned earlier from occurring, and they weren't immediately dealt with or resolved when the complaints and concerns were raised.

Regarding the Care Quality Commission, (CQC), (this isn't the Council's or Discovery's fault), despite complaints being received about various different organizations, they didn't pick up on them or act quickly enough to prevent and stop them from occurring again. It appears that sometimes they pick up on safety concerns, sometimes they don't, often displaying a tick box approach - and it's just not good enough when there might be service users suffering greatly, for example at Mendip House. I am making general points here and wish to prevent focusing on Discovery, whose problems are lesser and bear no resemblance to Mendip House, where the staff bullied and cruelly treated the residents.

This leads me onto my next question:

Q2. How will the Council be able to pick up on serious complaints in any of the organisations it oversees - and do this immediately when they occur?

Q3. What goals and outcomes can the council aim for that are specific, effective and achievable - by, for one example, reducing them down to smaller steps in order to move forward quickly to achieve them?

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Response from Cllr David Huxtable, Cabinet Member for Adult Social Care and Cllr Mandy Chilcot, Cabinet Member for Resources

ANNEX B

Member questions have been submitted with advance notice as follows:

Elected Member Questions

1. Refurbishment of Shire Hall and A Block

From Cllr Jane Lock

Q1 - Is the refurbishment of Shire Hall and A Block on track both time wise and on budget?

Q2 - What was the cost of the replacement heating system and what progress has been made between SCC and the Ministry of Justice on the installation of thermostats to the radiators in Shire Hall? As noticed by Councillor Napper during the debate on the Climate Emergency at February's meeting.

Response from Cllr Mandy Chilcot, Cabinet Member for Resources

2. Services for Vulnerable People

From Cllr Liz Leyshon

This Council provides services to a number of vulnerable people, including those who will be moved to Universal Credit under a 'managed migration' as early as this summer when further pilots commence in England.

Q1 - What arrangements does this Council have in place to work closely with Citizens Advice Bureaux and other agencies as District Councils no longer receive funding for assisted digital support and personal budgeting support?

Specific funding to support claimants in some areas of Somerset is time limited and so must not be considered as continuity of support.

Q2 Can this Council be confident that those people being moved to Universal Credit later this year and next year will not be excluded from a system that is 'digital by default' in a County where the age of our population and the geography can lead to a lack of communication for some people and in some places?

Q3 Has the work of Connecting Devon & Somerset been successful enough that online services for claimants are viable for the continuous contact necessary with the Department of Work & Pensions, particularly in rural areas?

We have obligations under the Care Act of 2015, through safeguarding and as corporate parents to people who need our consideration at what may be a challenging and possibly distressing time in their lives. We should be mindful that all the monies of these benefits, be they legacy benefits or Universal Credit, are spent here in the County of Somerset and that if individuals or families reach crisis point in their lives, the responsibility will be with this Council to provide essential support and services.

Response from Cllr David Huxtable, Cabinet Member for Adult Social Care