

County Council (virtual meetings from July 2020 due to Coronavirus)

Wednesday 5 May 2021

10.00 am Virtual Meeting



To: The Members of the County Council (virtual meetings from July 2020 due to Coronavirus)

Cllr Mike Best, Cllr N Bloomfield, Cllr A Bown, Cllr A Broom, Cllr M Caswell, Cllr M Chilcott, Cllr J Clarke, Cllr P Clayton, Cllr S Coles, Cllr A Dance, Cllr H Davies, Cllr M Dimery, Cllr B Filmer, Cllr D Fothergill, Cllr G Fraschini, Cllr A Govier, Cllr A Groskop, Cllr D Hall, Cllr P Ham, Cllr M Healey, Cllr N Hewitt-Cooper, Cllr J Hunt, Cllr James Hunt, Cllr D Huxtable, Cllr M Keating (Vice-Chair), Cllr A Kendall, Cllr C Lawrence, Cllr M Lewis, Cllr L Leyshon, Cllr J Lock, Cllr T Lock, Cllr D Loveridge, Cllr T Munt, Cllr T Napper, Cllr F Nicholson, Cllr G Noel, Cllr L Oliver, Cllr J Parham, Cllr C Paul, Cllr H Prior-Sankey, Cllr M Pullin, Cllr F Purbrick, Cllr L Redman, Cllr B Revans, Cllr M Rigby, Cllr D Ruddle, Cllr N Taylor (Chair), Cllr J Thorne, Cllr G Verdon, Cllr L Vijeh, Cllr W Wallace, Cllr A Wedderkopp, Cllr J Williams, Cllr R Williams and Cllr J Woodman

You are requested to attend the Annual General Meeting of Somerset County Council, to be held virtually on Wednesday 5 May 2021 at 10.00am, to transact the business set out in the attached agenda

Issued By Scott Wooldridge, Strategic Manager - Governance and Risk and Monitoring Officer - 26 April 2021

For further information about the meeting, please contact Scott Wooldridge, Monitoring Officer on 01823 357628 or 07790 577336 or swouldridge@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda.

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

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



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AGENDA

Item County Council (virtual meetings from July 2020 due to Coronavirus) - 10.00 am
Wednesday 5 May 2021

Full Council Guidance notes

1 Election of Chair of the Council

To invite nominations and elect the Chair of the Council to serve until the Annual General Meeting of the Council in May 2022.

2 Appointment of Vice-Chair of the Council

To invite nominations and appoint the Vice-Chair of the Council to serve until the Annual General Meeting of the Council in May 2022.

3 Apologies for Absence

4 Declarations of Interest

Details of all Members' interests in District, Town and Parish Councils can be viewed on the Council Website at [County Councillors membership of Town, City, Parish or District Councils](#) and this will be displayed in the meeting room (Where relevant).

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team.

5 Minutes from the last meeting (Pages 9 - 48)

Council is asked to confirm the minutes are accurate.

6 Chair of Council's announcements (Pages 49 - 50)

To receive the Chair of Council's information sheet detailing activity since the last meeting.

7 Appointment of the Leader of the Council

To appoint the Leader of the Council to serve until the post-election Annual General Meeting.

8 Statement by the Leader of the Council

To receive a statement from the Leader of the Council.

Item County Council (virtual meetings from July 2020 due to Coronavirus) - 10.00 am
Wednesday 5 May 2021

9 **Public Question Time**

(see explanatory notes attached to agenda)

This item includes the presentation of petitions. Details of any public questions / petitions submitted will be included in the Chair's Schedule which will be made available to the members and to the public at the meeting.

For Decision

10 **Report of the Joint Independent Remuneration Panel** (Pages 51 - 80)

To consider a report by the Joint Independent Remuneration Panel regarding recommendations relating to the Scheme of Members' Allowances 2021/22.

11 **Report of the Monitoring Officer - Constitution and Appointments** (Pages 81 - 200)

To consider a report with recommendations from the Monitoring Officer relating to the annual review of the Constitution and proposed appointments to Committees and other internal and external bodies.

For Information

12 **Covid-19 update from the Chief Executive and Director of Public Health**

Council will receive a presentation

13 **Report of the Leader and Cabinet - Items for Information** (Pages 201 - 250)

To receive reports by the Leader of Council summarising key decisions taken by him and the Cabinet since the last Council meeting, and for elected members to ask questions of the Leader and Cabinet Members and to consider the following Annual Reports:

13B) Annual Report of the Leader of the Council (to follow)

13C) Annual Report of the Deputy Leader of the Council and Cabinet Member for Resources

13D) Annual Report of the Cabinet Member for Customers and Communities

14 **Annual Report of the Health and Wellbeing Board** (Pages 251 - 256)

To receive a report by the Chair of the Health and Wellbeing Board.

Item County Council (virtual meetings from July 2020 due to Coronavirus) - 10.00 am
Wednesday 5 May 2021

15 **Annual Report of the Scrutiny for Policies, Adults and Health Committee**
(Pages 257 - 266)

To receive a report by the Chair of the Scrutiny for Policies, Adults and Health Committee.

16 **Annual Report of the Scrutiny for Policies, Children and Families Committee**
(Pages 267 - 274)

To receive a report by the Chair of the Scrutiny for Policies, Children and Families Committee.

17 **Report of the Scrutiny for Policies and Place Committee** (Pages 275 - 280)

To receive a report by the Chair of the Scrutiny for Policies and Place Committee.

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Guidance notes for the meeting

1. Council Public Meetings

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have given local authorities new powers to hold public meetings virtually by using video or telephone conferencing technology.

2. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticservices@somerset.gov.uk or telephone 07790577336/ 07811 313837/ 07790577232. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers
Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

3. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at:
<http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

4. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Council will be asked to approve as a correct record at its next meeting.

5. Questions/Statements/Petitions by the Public

General

Members of the public may ask questions at ordinary meetings of the Council or may make a statement or present a petition – **by giving advance notice.**

Notice of questions/statements/petitions

Prior submission of questions/statements/petitions is required in writing or by e-mail to the Monitoring Officer – Scott Wooldridge (email: swooldridge@somerset.gov.uk) **by 5.00pm on Wednesday 28 April 2021.** The Monitoring Officer may edit any question or statement in consultation with the author, before it is circulated, to bring it into an appropriate form for the Council. In exceptional circumstances the Chairman has discretion at meetings to accept questions/ statements/ petitions without any prior notice.

Scope of questions/statements/petitions

Questions/statements/petitions must:

- (a) relate to a matter for which the County Council has a responsibility, or which affects the County;
- (b) not be defamatory, frivolous or offensive;
- (c) not be substantially the same as a question/statement/petition which has been put at a meeting of the Council in the past six months; and

(d)not require the disclosure of confidential or exempt information.

The Monitoring Officer has discretion to reject any question that is not in accord with (a) to (d) above. The Monitoring Officer may also reject a statement or petition on similar grounds.

Record of questions/statement/petitions

Copies of all representations from the public received prior to the meeting will be circulated to all members and will be made available to the public attending the meeting in the Chairman's Schedule, which will be distributed at the meeting. Full copies of representations and answers given will be set out in the minutes of the meeting.

Response to Petitions

Normally the Council will refer any petition to an appropriate decision maker for response – see the Council's Petition Scheme for more details. The organiser will also be allowed 2 minutes at the meeting to introduce the petition and will receive a response from a relevant member (normally a Cabinet member).

If a petition organiser is not satisfied with the council's response to the petition and the petition contains more than 5000 signatures (approximately 1% of Somerset's population) the petition organiser can request a debate at a meeting of the County Council itself. The Chairman will decide when that debate will take place.

6. Meeting Etiquette

As this will be a virtual meeting please note the following points:

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Only speak when invited to do so by the Chair.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

Switch off your video and microphone after you have spoken.

7. Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded 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, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, remove the participant from the meeting.

COUNTY COUNCIL

Minutes of a Meeting of the County Council (Virtual Meeting) Wednesday 17 February 2021 at 10.00am.

Present: Cllr M Best, Cllr N Bloomfield, Cllr A Bown, Cllr M Caswell, Cllr M Chilcott, Cllr J Clarke, Cllr P Clayton, Cllr S Coles, Cllr A Dance, Cllr M Dimery, Cllr B Filmer, Cllr D Fothergill, Cllr G Frascini, Cllr A Govier, Cllr A Groskop, Cllr D Hall, Cllr P Ham, Cllr M Healey, Cllr N Hewitt-Cooper, Cllr James Hunt, Cllr John Hunt, Cllr D Huxtable, Cllr A Kendall, Cllr C Lawrence, Cllr M Lewis, Cllr L Leyshon, Cllr J Lock, Cllr T Lock, Cllr D Loveridge, Cllr T Munt, Cllr T Napper, Cllr F Nicholson, Cllr G Noel, Cllr L Oliver, Cllr J Parham, Cllr C Paul, Cllr H Prior-Sankey, Cllr M Pullin, Cllr F Purbrick, Cllr L Redman, Cllr B Revans, Cllr M Rigby, Cllr D Ruddle, Cllr N Taylor (Chair), Cllr J Thorne, Cllr G Verdon, Cllr L Vijeh, Cllr W Wallace, Cllr A Wedderkopp, Cllr J Williams, Cllr R Williams and Cllr J Woodman.

224 Apologies for Absence - Agenda Item 1

Apologies for absence were received from Cllr A Broom, Cllr H Davies, and Cllr M Keating (Vice Chair).

The Monitoring Officer called for a proposer and a seconder for Vice Chair for this meeting. Cllr Peter Clayton was proposed by Cllr David Fothergill and seconded by Cllr Ann Bown. There being no other proposers the Council agreed to appoint Cllr Clayton as Vice Chair for the meeting.

225 Declarations of Interest - Agenda Item 2

The Chair reminded the meeting that details of all Members' interests in District, Town and Parish Councils could be viewed on the Council's Website and there is no need for members to individually declare these personal interests in those other councils at the meeting.

Members were reminded that the Monitoring Officer had granted a dispensation to enable all elected members to participate and vote on setting the Revenue Budget, Council Tax levels and the Members Allowance Scheme. Any member who had an amount of Council Tax due to be paid which had been unpaid for at least two months needed to declare that as they could not take part in the vote relating to the Budget.

226 Minutes of the Council Meeting held on 18 November 2020 - Agenda Item 3

The Minutes of the meeting held on 18 November 2020 were accepted as a true and accurate record and were signed by the Chair of the meeting.

227 **Public Question Time** - Agenda Item 4 (7 minutes)

Notice was received of Public Questions/Statements/Petitions (under 5000 signatures) and Elected Member Questions regarding:

Council tax increases and Debt borrowing

1-3. From: Alan Debenham

Responses from Cllr Mandy Chilcott, Deputy Leader of the Council

Council tax increase

4. From: Andrew Pope

Responses from Cllr Mandy Chilcott, Deputy Leader of the Council

Air Quality and Climate Change

5-6. From Nigel Behan

Responses from Cllr Clare Paul, Cabinet Member for Public Health and Well-being and Climate Change

Reform of Health and Care Services

7. From Nigel Behan

Response from Cllr Clare Paul, Cabinet Member for Public Health and Well-being and Climate Change

Buses in Somerset

8-10. From Lucy Travis

Responses from Cllr John Woodman, Cabinet Member for Highways and Transport

Trains in Somerset

11-13. From David Redgewell

Responses from Cllr John Woodman, Cabinet Member for Highways and Transport

Trains in Somerset

14-15. From John Hassell

Responses from Cllr John Woodman, Cabinet Member for Highways and Transport

(Full details of the questions and responses given at the meeting and/or in writing following the meeting are set out in Appendix A to these Minutes).

228 **Chair's Announcements** - Agenda Item 5

The Chair referred to:

Some inappropriate comments that he had made at the last meeting and he wished to make a public apology for those remarks.

The events the Chair had attended since the last meeting of the County Council in November 2020, as listed in the Chair's Information Sheet No. 10, circulated and published with the agenda.

The Chair also noted the passing of Mr John Brunsdon, MBE who had served as a County Councillor for Glastonbury. By leave, Cllr Napper recalled that Mr Brunsdon had come to Glastonbury as a vet in 1952 and became a County Councillor in the late 60's. He served the people of Glastonbury as a Councillor for 40 years and was Mayor on 3 occasions. He was awarded the M.B.E. for his service to the National Trust and until recently he would climb the Tor every day. Cllr Napper reflected that, like many, he was sad at the passing of John, a stalwart, true gentleman and servant to Glastonbury. The Council observed a period of silence to reflect Mr Brunsdon's passing.

229 **Report of the Leader of the Council** - Agenda Item 6

The Council considered a report by the Leader and Cabinet setting out recommendations arising from Cabinet meetings held on 16 December 2020, 20 January and 8 February 2021 on the Medium-Term Financial Plan and related matters and the Treasury Management Strategy Statement.

Medium Term Financial Plan 2021/22 Budget and Council Tax Setting – Paper A including: the Revenue Budget; the Capital Strategy; the Minimum Revenue Provision Statement; and the Section 25 Statement from the Section 151 Officer

Cllr David Fothergill, Leader of the Council, made a speech introducing the Medium-Term Financial Plan 2021/22 and the budget. Matters referred to by Cllr Fothergill included:

Reflecting on the Council's response to the Covid-19 pandemic and he provided a detailed overview of the wide range of activities and support undertaken by all staff, volunteers, partners and service providers across all sectors in Somerset. Recognising that although the pandemic had brought hardship and grief, he suggested a period

of applause and Members joined him and in so doing thanked and acknowledged the commitment and hard work of everyone in Somerset during the emergency response to the Covid-19 pandemic.

Suggesting the creation of a 'Somerset Medal' to be awarded as a symbol of recognition to those who had contributed in the towns, parishes and communities for the benefit of others during the pandemic.

Looking forward to the year ahead and the Council's improved financial position (as reflected in the agenda papers) putting in place a progressive budget for Somerset, that included increased funding for Adults Services (£10m), Children's Services (£9m), Climate change initiatives (£6.5m), Major infrastructure schemes (£130m) and he hoped all Members would endorse the budget.

Noting the forthcoming Government consultation on local government reform in Somerset, and he reflected on how the unified approach of One Somerset had already shown its merits as the County came together for the benefit of all residents and he believed working together as one would benefit all residents in future.

Medium Term Financial Plan 2020/21 - 2022/23 - Reports and Proposals

The Chair of Council invited Cllr Mandy Chilcott, Cabinet Member for Resources, to introduce the Medium-Term Financial Plan (MTFP) proposals which were set out in the Leader and Cabinet's report to Council as Paper A (and its appendices).

Cllr Chilcott indicated that the MTFP was considered by the Council's three Scrutiny Committees ahead of the Cabinet meeting on 8 February 2021. The Scrutiny Committees received an update and overview that summarised key messages from the MTFP (2021/22) Strategy Report approved by Cabinet on 16 December 2020. This included an overall assurance narrative from the Cabinet Member for Resources and the Section 151 Officer alongside more details about the key areas of focus for transformation in the next few years, and further explanation of the reasons for movements in the levels of spend and funding between the years over the MTFP period.

The Scrutiny Committees had provided challenge to the process and while none had made any formal recommendations, each had made comments and observations regarding the proposed MTFP, which were set out in the report. The Cabinet duly considered the MTFP and feedback from the Scrutiny Committees, and at its meeting on 8 February 2021 endorsed the recommendations, for approval by Council.

Cllr Chilcott reminded Members of the need to consider the Section 151 Officer's statement in Appendix L to Paper A regarding the robustness of the estimates and the adequacy of the reserves and balances and to have due regard to the equalities impact assessments within the papers.

Proposed Amendment

Further to Cllr Fothergill's budget speech, Cllr Chilcott, seconded by Cllr Liz Leyshon, moved that the recommendations relating to the Medium Term Financial Plan 2021/22 of the Leader and Cabinet be amended by the addition of the following, as set out in Annex A to the report:

To provide a grant of up to £400,000 to the Citizens Advice and for this to be financed from the Covid-19 funding that the Council has received.

Cllr Liz Leyshon, Opposition Spokesperson for Resources, confirmed her support of the proposed amendment and she thanked Officers for their work and she suggested that the Scrutiny for Policies and Place Committee might like to invite Citizens Advice to provide an update to one of its future meetings.

A named vote was taken on the proposed amendment, with votes being cast as follows:

For	Against	Abstain
Cllr Mike Best Cllr Neil Bloomfield Cllr Ann Bown Cllr Peter Clayton Cllr Mike Caswell Cllr Mandy Chilcott Cllr John Clarke Cllr Simon Coles Cllr Adam Dance Cllr Martin Dimery Cllr Bob Filmer Cllr David Fothergill Cllr Giuseppe Frascini Cllr Andrew Govier Cllr Anna Groskop Cllr David Hall Cllr Philip Ham Cllr Mark Healey Cllr Nigel Hewitt-Cooper Cllr James Hunt Cllr John Hunt Cllr David Huxtable Cllr Andy Kendall Cllr Christine Lawrence Cllr Mike Lewis		

Cllr Liz Leyshon Cllr Jane Lock Cllr Tony Lock Cllr Dave Loveridge Cllr Tessa Munt Cllr Terry Napper Cllr Frances Nicholson Cllr Graham Noel Cllr Linda Oliver Cllr John Parham Cllr Claire Paul Cllr Hazel Prior-Sankey Cllr Mike Pullin Cllr Leigh Redman Cllr Bill Revans Cllr Mike Rigby Cllr Dean Ruddle Cllr Nigel Taylor Cllr John Thorne Cllr Gemma Verdon Cllr Linda Vijeh Cllr William Wallace Cllr Alan Wedderkopp Cllr Josh Williams Cllr Rod Williams Cllr John Woodman		
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The Council therefore **RESOLVED** by 51 votes to 0 to adopt the amendment.

Substantive Motion and Decisions

Cllr Fothergill, Cllr Chilcott and Jason Vaughan responded to further points of clarification etc raised by members on matters including:

Cllr Prior-Sankey, Chair of the Adults and Health Scrutiny Committee, noted the demographic additional demands increase and additional money for Discovery and the employment support for Discovery and the Cabinet Member for Adult Social Care noted those details had been considered by Adults and Health Scrutiny and he highlighted further details were provided on page 49 of the agenda pack.

Cllr Liz Leyshon, Opposition Spokesperson for Resources, noted the low Council Tax base and the resultant low income from Council Tax in Somerset and the difficulties this imposed would continue whatever the outcome of local government reorganisation. She welcomed the capital budget proposals and investment plans for

specific areas, and regarding borrowing she noted table 6 on page 118 showed that by 2023-2024 the Council's borrowing would stand at £504m.

(The Chair left the meeting and the Vice Chair took the Chair for the remainder of this agenda item)

Cllr Ruddle asked given the Council's projected shortfall how the proposed savings targets would be achieved and he asked about borrowing in 2021 on page 118 and in response Cllr Chilcott noted the Council's reserves were within the required range for budget contingencies and the Director of Finance confirmed the Council's internal borrowing details were set out in page 117 of the agenda pack.

Cllr David Fothergill, seconded by Cllr Mandy Chilcott, moved the recommendation relating to the Medium-Term Financial Plan 2021/22 (Paper A), as amended, as the substantive motion.

A named vote was taken on the motion, with votes being cast as follows:

For	Against	Abstain
Cllr Mike Best		Cllr Andrew Govier
Cllr Ann Bown		Cllr John Hunt
Cllr Peter Clayton		Cllr Dave Loveridge
Cllr Mike Caswell		Cllr Leigh Redman
Cllr Mandy Chilcott		
Cllr John Clarke		
Cllr Simon Coles		
Cllr Adam Dance		
Cllr Martin Dimery		
Cllr Bob Filmer		
Cllr David Fothergill		
Cllr Giuseppe Frascini		
Cllr Anna Groskop		
Cllr David Hall		
Cllr Philip Ham		
Cllr Mark Healey		
Cllr Nigel Hewitt-Cooper		
Cllr James Hunt		
Cllr David Huxtable		
Cllr Andy Kendall		
Cllr Christine Lawrence		
Cllr Mike Lewis		
Cllr Liz Leyshon		
Cllr Jane Lock		
Cllr Tony Lock		
Cllr Tessa Munt		

Cllr Terry Napper Cllr Frances Nicholson Cllr Graham Noel Cllr Linda Oliver Cllr John Parham Cllr Claire Paul Cllr Hazel Prior-Sankey Cllr Mike Pullin Cllr Bill Revans Cllr Mike Rigby Cllr Dean Ruddle Cllr John Thorne Cllr Gemma Verdon Cllr Linda Vijeh Cllr William Wallace Cllr Alan Wedderkopp Cllr Josh Williams Cllr Rod Williams Cllr John Woodman		
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The Council **RESOLVED** by 45 votes to 0, with 4 abstentions, to adopt the substantive motion, and accordingly to:

Approve the General Fund net revenue budget for 2021/22 of £356,072,100 and the individual service budgets for 2021/22 as outlined in Appendix 1 including,

- a) The transformation, savings and income generation plans outlined in Appendix 2(i), in conjunction with the Equalities Impact Assessments where required in Appendix 2 (ii).
- b) The additional funding requirements set out in Appendix 3.
- c) An increase in Council Tax of 1.99% in 2021/22 (an increase of £25.66 per Band D property).
- d) An increase of 3.00% to Council Tax for the Adult Social Care Precept is approved in recognition of the current demands and financial pressures on this service. This is equivalent to an increase of £38.67 on a Band D property.
- e) 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 £2,560,700,

- f) Agree the precept requirement of £269,934,700 and set the County Council precept for Band D council tax charge at £1,353.53 for 2021/22.
- g) The use of reserves for once-off spend and the overall estimated position of Earmarked Reserves outlined in Appendix 4.
- h) Note the adequacy of General Reserves at £19.690m within a risk assessed range requirement of £18.70m - £20.67m
- i) The Capital & Investment Strategy attached at Appendix 6.
- j) The Capital Programme for 2021/22 of £152.138m including new capital bids of £73.913m outlined in Appendix 7, planned sources of funding, and notes the overall programme of £231.711m for 2022/23 to 2023/24, outlined in Appendix 8.
- k) The MRP Policy attached at Appendix 9.
- l) The Capital Prudential Indicators outlined in tables 12-18.
- m) Delegate any amendments within the final Government Financial Settlement and the final Business Rates amendments to the Director of Finance in consultation with the Leader of the Council.
- n) Approve a grant of up to £400,000 to Citizens Advice Somerset finance from Covid-19 funding with the allocation decisions delegated to the Section 151 Officer in consultation with the Cabinet Member for Resources based upon suitable business plans.
(NB – Recommendation (n) was the amendment agreed at the meeting)

Treasury Management Strategy Statement 2020/21 – Paper B

The Vice Chair invited Cllr Mandy Chilcott, Cabinet Member for Resources, to introduce proposals for the strategy and associated activities for the management of the Council's cash flows, borrowing and treasury investments and the associated risks to underpin the Council's business and service objectives which were set out in the report to the Cabinet attached to the Leader and Cabinet's report to Council as (Paper B (and its appendices)).

Cllr Chilcott, Cllr Fothergill and Jason Vaughan responded to further points of clarification etc raised by members on matters including:

Cllr Leyshon and Cllr Ruddle wished to record thanks to Officers for their diligence and experience in managing Somerset's money and borrowing so carefully.

Cllr John Clarke asked about total external borrowing and how this had been calculated as it appeared as if borrowing and debt would be increasing and in response the Director of Finance explained that the figures on page 145 comprised cumulative figures for all of the details provided in the budget papers such as the capital programme and all of the schemes approved and how those would be potentially funded.

Cllr Mandy Chilcott, seconded by Cllr David Fothergill, moved the recommendation relating to the Treasury Management Strategy 2021/22, noting that sections 2, 3 and 4 should read 12, 13 and 14.

A named vote was taken on the motion, with votes being cast as follows:

For	Against	Abstain
Cllr Mike Best Cllr Ann Bown Cllr Peter Clayton Cllr Mike Caswell Cllr Mandy Chilcott Cllr John Clarke Cllr Simon Coles Cllr Adam Dance Cllr Martin Dimery Cllr Bob Filmer Cllr David Fothergill Cllr Giuseppe Frascini Cllr Andrew Govier Cllr Anna Groskop Cllr David Hall Cllr Philip Ham Cllr Mark Healey Cllr Nigel Hewitt-Cooper Cllr James Hunt Cllr John Hunt Cllr David Huxtable Cllr Andy Kendall Cllr Christine Lawrence Cllr Mike Lewis Cllr Liz Leyshon Cllr Jane Lock Cllr Tony Lock Cllr Tessa Munt Cllr Terry Napper Cllr Frances Nicholson Cllr Graham Noel		Cllr Dave Loveridge

Cllr Linda Oliver Cllr John Parham Cllr Claire Paul Cllr Hazel Prior-Sankey Cllr Mike Pullin Cllr Leigh Redman Cllr Bill Revans Cllr Mike Rigby Cllr Dean Ruddle Cllr Gemma Verdon Cllr Linda Vijeh Cllr William Wallace Cllr Alan Wedderkopp Cllr Josh Williams Cllr Rod Williams Cllr John Woodman		
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The Council **RESOLVED** by 47 votes to 0, with 1 abstention, to:

1. Adopt the Treasury Management Strategy (as shown in section 12 of the report).
2. Approve the Treasury Investment Strategy (as shown in Section 13 of the report) and proposed Lending Counterparty Criteria (attached at Appendix B to Paper B).
3. Adopt the Prudential Indicators (as set out in section 14 of the report)

(Following a motion by the Vice Chair of the Council, the meeting was adjourned between 12.15pm and 12.20pm)

230 **Report of the HR Policy Committee** – Agenda item 7

The Chair of Council referred to a report by the HR Policy Committee, and he asked Cllr Mandy Chilcott, Chair of the Committee, to present it.

The report covered the Pay Policy Statement 2021/22 and Cllr Chilcott referred to the hourly rate for national living wage and the ratio of the pay of the Council’s median earner to that of the Chief Executive.

Cllr Revans, noting the actions of local NHS Trusts that had given staff an extra day of leave to thank them for their work during the pandemic, asked if Cllr Chilcott and the Director for HR if the Council would consider granting staff an extra day of leave. Cllr Chilcott confirmed this was being considered by the Council’s Leadership Team.

Cllr Mandy Chilcott, seconded by Cllr Leigh Redman, moved and the Council **RESOLVED** to approve the Pay Policy Statement (PPS) for the Council for 2021-22 as set out in Appendix A to the report.

231 Report of the Monitoring Officer - Agenda Item 8

The Council considered a report by the Monitoring Officer on the proposed Member Development Strategy 2021-2025, and the proposed appointment of an independent member of the Audit Committee.

The Monitoring Officer noted that the proposed Member Development Strategy would help Members to effectively carry out their functions and it included virtual learning and development opportunities and embracing new ways of working. The report also reflected a proposal from the Audit Committee following their consideration of a national review by Sir Tony Redmond that had suggested the appointment of an independent person to sit on local authority Audit Committees.

Cllr Mandy Chilcott, seconded by Cllr Jane Lock, moved and the Council **RESOLVED** to approve the Member Development Strategy 2021-2025, and the appointment of an independent co-opted member of the Audit Committee (without voting rights).

232 Report of the Joint Independent Remuneration Panel - Agenda Item 9

The Council considered a report from the Monitoring Officer and Mr John Thomson (Chair of the Joint Independent Remuneration Panel) to set out the Panel's report and recommendations.

Following presentation of the report by the Chair of the Panel, the Leader of the Council was invited to respond and he proposed that the Council agree to adjourn its consideration and debate of the Panel's report and recommendations until the next Full Council meeting in May pending clarification regarding the County Council elections and the Local Government Reorganisation review.

Cllr David Fothergill, seconded by Cllr Jane Lock, moved and the Council **RESOLVED** to defer consideration of the report until its next meeting in May 2021.

(Following a motion from the Chair of the Council, the meeting was adjourned between 1.00pm and 1.35pm)

233 **Requested Items** - Agenda Item 10

The Chair invited Cllr John Clarke to present and propose the requisitioned item about a pilot study for Universal Basic Income. Cllr Tessa Munt seconded the recommendations and hoped they would receive cross-party support.

The requisitioned item, in recognising the impact of the Covid-19 pandemic on Somerset's residents' incomes, and the urgent need to reduce inequality, disadvantage and poverty, asked the Council to request that the Leader:

1. To write to the Chancellor of the Exchequer, Somerset's MPs and the Secretary of State for Work & Pensions requesting the UK Government undertakes pilot studies for the Universal Basic Income, and that Somerset be included in any pilot.
2. That such pilot studies gather evidence of the effectiveness of a Universal Basic Income on reducing inequality, disadvantage and poverty.
3. That the Leader sends a copy of any responses from The Chancellor of the Exchequer, Somerset's MPs and the Secretary of State for Work & Pensions to all Somerset County Council Members as and when replies are received.

There was a brief debate on the requisitioned item and Cllr Munt proposed an amendment, seconded by Cllr Revans:

4. That, if there is a pilot study/trial, the Council should apply to be part of that pilot study/trail (for a Universal Basic Income).

The Council **RESOLVED** by majority not to support the amendment.

The Council then **RESOLVED** by majority not to adopt the requested item regarding a pilot study for universal Basic Income.

234 **Report of the Leader and Cabinet – Items for Information** - Agenda Item 11

The Council received a report by the Leader and Cabinet summarising key decisions which the Leader, other Cabinet Members and Officers had taken since the last Council meeting, including items of business discussed at Cabinet meetings on 16 December 2020 and 20 January and 8 February 2021.

Cllr David Fothergill and Cabinet Members responded to questions from members as set out below:

Cllr Mandy Chilcott responded to a written question from Cllr Lock regarding the refurbishment of A Block, County Hall.

Cllr Mandy Chilcott responded to a written question from Cllr Lock regarding the Brexit transition grant.

Cllr John Woodman responded to a question from Cllr Redman about the process for advisory disabled parking bays for residential areas.

Cllr John Woodman responded to a question from Cllr Kendall about yellow parking lines in Yeovil and he asked Cllr Kendall to send him the details.

Cllr David Hall responded to written questions from Cllr Redman regarding the impact of the proposed workforce increase at Hinkley Point C.

Cllr Huxtable offered to provide a written answer to a question from Cllr Revans regarding non consent of vulnerable people in respect of do not resuscitate orders.

At Cllr David Fothergill's invitation, Cllr Clare Paul, Cabinet Member for Public Health & Well Being and Climate Change, presented her Annual report and she recognised the work of the Council's Public Health team to manage the response to the Covid-19 pandemic whilst also maintaining their other work during that time to protect, support and improve the health and well-being of Somerset residents.

Cllr Paul offered to provide written answers to questions from Cllr Clarke regarding active travel initiatives, the Community Climate Emergency Fund and the 'Baby tree project'.

Full details of the submitted questions and responses given at the meeting and/or in writing following the meeting are set out in Appendix A to these Minutes.

The Council received and noted this report.

235 Annual Report of the Constitution and Standards Committee - Agenda item 12

The Council received and noted the report of the Constitution and Standards Committee, which was presented by Cllr William Wallace, Chair of the Committee.

The report covered the Committee's work between June 2019 and December 2020 and its work to maintain an effective, up to date and legally compliant Constitution. Cllr Wallace thanked the fellow Members of the cross-party Committee for their work to ensure the Council's Constitution was effective, up to date and fit for purpose.

236 Report of the Scrutiny for Policies, Adults and Health Committee - Agenda Item 14

The Council received and noted a report by Scrutiny for Policies and Place Committee, which was presented by Cllr Hazel Prior-Sankey, Chair of the Committee.

The report covered the work of the Committee since its last update to Council and Cllr Prior-Sankey thanked all those who worked across the Care and Health services to look after Somerset residents. She noted a future meeting would consider details about the integration of the care and health services.

237 Report of the Scrutiny Committee for Policies and Place – Agenda Item 15

The Council received and noted a report by the Scrutiny for Policies, Adults and Health Committee, which was presented by Cllr Anna Groskop, Chair of the Committee.

The report covered the work of the Committee since its last update to Council and Cllr Groskop welcomed her Committee being able to review reports prior to their submission to Cabinet, and she thanked the Director of Finance and his team for their work to ensure a robust budget setting process.

238 Report of the Scrutiny for Policies, Children and Families Committee – Agenda Item 16

The Council received and noted a report by Scrutiny for Policies, Children and Families Committee, which was presented by Cllr Leigh Redman, Chair of the Committee.

The report covered the work of the Committee since its last update to Council and Cllr Redman welcomed and encouraged Member participation in the work of the Committee, noting a Task and Finish Group was about to begin. He also referred to a recent all Member workshop held on Adverse Childhood Experiences that he and other Members had found very interesting and informative and he thanked Officers for their on-going work to support the Committee.

(The meeting ended at 3.05pm)

Chair of the Council

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Public and Member Questions County Council 17 February 2021

Public Questions

PQ	From	Topic	Question/statement
PQ1 -	Alan Debenham	Council Tax increases, Debt borrowing,	<p>Question 1</p> <p>In the recent Commons debate on the Local Government Settlement, the MHCLG Minister, Luke Hall MP, said that this year's settlement was very generous in that overall it involved a 4.5% increase in REAL TERMS compared with last year and local residents would much benefit. The opposition strongly refuted this by saying that Local Councils generally were having to take a serious hit over inadequate funding for the Covid-19 emergency, whilst still suffering from real terms cuts of up to 40% over the past decade through severe Tory austerity cuts, AND including still cuts to Revenue Support for 2021/22. The so-called 4.5% real terms increases are achieved ONLY by loading them onto very regressive Council Tax, with nearly all Councils – including this one – making local residents, especially the struggling poor, pay another 4.99% more for less services. What is the Leader's response to this damning critique of the government and this Council's position?</p> <p>Question 2</p> <p>From the Treasury Management Strategy (TMS), which includes vast millions of debt borrowing paid for at 4.66% interest and a few millions of County Council cash investments gaining a return of only of 0.73%, you can easily see how the billionaire so-called national and global investors of this world use usury to make themselves forever richer at the expense of the 99% rest of us. Is there no alternative which the Council can use to stop this daylight robbery and immorality?</p> <p>Question 3</p> <p>It is noted that the TMS and the accompanying capital programme should be serving the best interests of the County Plan which now includes the much-vaunted Climate Emergency Strategy (CES). Why is there not a full description of how in detail everything in the TMS adheres to the CES, particularly in divestment from any investment whatsoever in fossil fuels or associated products and all other environmentally damaging products or enterprises?</p>

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Response - Cllr Mandy Chilcott

My thanks to Alan for his questions, as ever thoughtful if not strictly accurate. In his first question he asks in effect why residents should pay an increased council tax for fewer services. I would point him to look at the actual budget which has significant investment in the key services closest to his heart – adults social care and children’s services. We propose a budget that will INCREASE spending in our Adults’ social care budgets by more than £10m. That is an increase, NOT a decrease. For children’s an INCREASE of £9m, for our infrastructure and economic and community infrastructure teams, an INCREASE. In fact the only area that will be reduced Alan, is our back-office service. I hope you would agree that we have got the emphasis right in this case – providing MORE funding for our adults and Children’s services and to Improve Lives in Somerset and providing less funding for back-office provision.

Your second point is about the historic debt that we as an administration inherited. I have no doubt that at the time, the ruling party of the day made decisions that they believed were valid and good value at that time. It has of course not stood the test of time and this Administration has had to deal with that level of debt repayment. There is nothing we can do as this borrowing is locked in for a generation to come with considerable financial penalties with any early repayment. By way of example, to repay the £159m of PWLB debt would cost more than an extra £125m in penalties.

Your final point is about the Climate Emergency Strategy. I’m pleased that our budget for next year shows considerable investment in this area but you are right to point out we need to do far more. That is why the on-going unitary debate is of such importance to Somerset. With a single powerful voice for Somerset, with one unitary council to speak for the population, we will be able to lobby and fight for more funding for our county and in particular our big ambitions for climate change. We will work hard to ensure the government consultation is successful and that they reach what this council believes is the right decision for us all.

PQ/MQ	From	Topic	Question/Statement
PQ2	Andrew Pope	Council Tax increase	I appeal to you to refuse the 4.99% increase in council tax. Ask yourself whether this is really justified when there has been money wasted on One Somerset which no residents of Somerset asked for, and where the County has a budget report which is deliberately opaque, long-

winded and hiding the truth.

The Cabinet Member responsible, as it is Councillor Chilcott's report after all, could have made it clearer, by asking officers to do so. Instead, the public has to interpret a total mess hiding the mis-spending of public funds on a huge scale. Why do I say the public? Because you councillors aren't doing your jobs.

There should be no taxation without representation. And the County Council has not listened to residents who want a referendum before any changes to how we are governed. In 2007, 82% of residents voted against a unitary. Even your own rigged consultation showed a lack of support. Please just stop it now.

Not only has this money been wasted, you are proposing to pay for other past, present and future mistakes by increasing council tax. £17 million for something that residents don't want, plus countless millions on who knows what in the future. No taxation without representation.

I spoke at the Police and Crime Panel recently, and for the first time, they refused an unjustified 6.6% increase which amounted to £15. They are councillors just like all of you apart from Councillor Hunt – national party politicians. Despite this, they stood up for residents and voted 11 for and 1 abstention. Your proposals are more than four times higher. Why? How?

I suggest to you that this level of increase is not justified, so you must refuse it today. Residents feel that you've got a cheek asking for any more money, let alone 4.99%, when your Conservative-run Council has provided no pushback whatsoever on the Conservative Government's failure to protect our county and its residents from the Pandemic. Instead, you beg for letters to and from failed Prime Minister Johnson. If you think Boris Johnson's support bolsters support for you, you are very much mistaken. He and you have failed us.

The public expect the county council to be responsible. Instead of this, you are proposing to cut

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support for Freedom of Information, spend millions on a solar farm that won't pay back for many years, plus more wasteful IT spending. These are just some examples but there are many more. Please think again.

You've squirreled millions of un-ringfenced Government Covid money to bolster Council's reserves, asking suffering residents to pay more again. What a cheek.

You should be standing up for us. You should be refusing this increase today. I say again, the Police and Crime Panel finally found some backbone. So, should you, because you should respect the dire situation that residents find themselves in, and vote against this misguided budget. No taxation without representation.

Thank you for listening and I hope that I will get a written response, and there will be a healthy debate, about the points that I have raised. You can contact us at somerinds@gmail.com.

Response - Cllr Mandy Chilcott

Dear Mr Pope, I note that you ask this as leader of a form of a political party so I will respond in the same tone.

I have to say I find it extraordinary that you are advocating a real time cut in support for our most vulnerable people, that at a time of a pandemic when our care homes are under such extraordinary pressure and our schools desperate for all the support we can give them, you seem to think the most appropriate course of action is not to INVEST in our adults and children's services, as we propose, but instead REDUCE their funding. Extraordinary.

I'm hoping that we will have some cross-party support for our budget proposals – and that single demonstration of understanding of our budgets, the huge amount of care that we give and the need to invest all we can in our key care services is what underpins everything within this budget. That sends a strong message to you and your political party.

You make totally unfounded allegations about misspending and offer no evidence so I will offer some evidence to help you out. Our accounts are prepared by qualified accountants and our Finance Director who has a statutory position. Those accounts are then audited by an independent organisation, and then signed off. We are open and transparent in this process and anticipate ALL our spending will be signed off by our auditors. During the pandemic we have voluntarily provided relevant spending details to government to enable them to

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approve our Covid spending – and as the Prime Minister has recently acknowledged, this has been welcomed and again given a clean bill of health.

You foolishly accuse us of “squirreling away covid funding in a reserve” - let me remind you this pandemic is far from over. We will need to spend this Covid money on combatting this virus and its impacts for many months to come. If by “squirreling away” you mean prudently and with common sense, we are setting aside some funding for the costs that will inevitably come, then we can agree on one thing.

As to your points about unitary status, we are in a government-driven consultation and will play our part in that. Be under no illusion, this is a government consultation that will lead to a decision by the Secretary of State. It is not in this Council’s hands as to what, if any, local government reform will be put in place but we are clear that we believe One Somerset is by far the proposal that will have the biggest impact on residents in Somerset with more investment, better services and a joined-up approach that will improve lives in our county.

Finally, a comment on your highly inflammatory comments about this council’s work during the pandemic and your charge that we have “failed” our residents. I have nothing but praise for our staff, our partners, our volunteers and all councillors across our county – and by that I mean at this council, our districts, our towns, city and parishes, who have worked so hard and so long to carry out the government’s message “protect the NHS and save lives”.

It is more than disappointing that you believe it is right to criticise this effort and I know that all councillors in this meeting will agree with me that our staff’s leadership, dedication and enormous efforts have been instrumental in helping manage this crisis and I have no doubts whatsoever that they have saved lives.

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PQ	From	Topic	Question/statement
PQ3	Nigel Behan	Air Quality and Climate Change	Question 1 Whilst it is not too surprising, given the magnitude of the pandemic induced reaction, that the Taunton & Yeovil AQMAs have achieved compliance with mandatory standards for the first time how does SCC intend to maintain compliance (without transferring the problem (advecting) it elsewhere) and how will the Climate Emergency Strategy be put into reality (e.g. include practical actions and measurable, specific “targets”) to prevent increases in carbon dioxide (and other Greenhouse Gas) concentrations?

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Response - Cllr Clare Paul

Answer Q1

Thank you Nigel for your questions, I will take them in turn if I may

Air Quality compliance is a District Council function and we will continue to provide support to them as they consider any necessary amendments to their Air Quality Action Plans in both Taunton and Yeovil.

As you know, Carbon Dioxide and other GHG emissions are not the sole contributor to local air quality issues, so different strategies are needed to address both climate change and local air quality, however some of the actions will undoubtedly be complementary.. For example we have recently, in conjunction with District Councils and Exmoor National Park, developed a county-wide strategy to support the strategic approach to the roll-out of Electric Vehicle charging points across the county, a strategy that will address both carbon emissions and air quality across Somerset.

We are in the process of further developing our Climate Action Plans, however, as noted above, many actions are already underway.

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PQ	From	Topic	Question/statement
	Nigel	Air Quality	Question 2

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	Behan	and Climate Change	<p>The report "Air Quality and coronavirus: a glimpse of a different future or business as usual" by the Parliamentary Environment, Food and Rural Affairs Committee (11 February 2021) noted in the Summary Air Quality and coronavirus: a glimpse of a different future or business as usual - Environment, Food and Rural Affairs Committee - House of Commons (parliament.uk) that: Cleaner air and clearer skies were one of the few positives that many people experienced following the first covid-19 lockdown in March 2020. However, as the pandemic progressed evidence also began to emerge that air pollution might be playing a role in people's susceptibility to, and increased mortality from, covid-19. Air pollution is the largest environmental risk to UK public health and is linked to as many as 64,000 early deaths a year. It is an issue that our predecessor Committees returned to several times, concluding the Government had failed to address the scale of the challenge.</p> <p>What practical steps and measures will SCC (along with other Local Authorities) take to act and respond to this report's key findings?</p>
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Response – Cllr Clare Paul

Answer Q2

Secondly, you refer to the Air Quality and Coronavirus report and you are seeking information about the practical steps and measures SCC will take to act and respond to this report's key findings.

Somerset's draft air quality strategy was put on hold while the climate change strategy was under development, to ensure that the two were compatible. For the last year the officers at the county and district councils who were working on air quality, alongside other duties, have very largely been working on Covid-19 matters. Due to the reduction in road traffic through the lockdowns, air quality was improved during 2020, but it is recognised that there is a risk that motor traffic could increase beyond previous levels if people prove reluctant to return to public transport, or to cycle and walk where feasible. This could worsen air quality in the short-term, as well as other public health factors such as physical activity and obesity.

In the last week air quality officers have briefly discussed the need to revisit the draft air quality strategy to revise and make fit for purpose, as soon as the Covid situation allows, hopefully this summer. This will include consideration of developments in policy and practice, such as the

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document referenced in the question. It will have a particular focus on achieving compliance with legal limits in the Yeovil and Taunton Air Quality Management Areas. It will also consider other air quality issues such as use of solid fuels, for example wood burning stoves.

Members will be aware that the Active Travel Cell has been working throughout the pandemic to improve provision for active travel (walking and cycling). In the first phase this was focused on ensuring social distancing in shopping streets. In the next phase schemes are being brought forward to provide new cycle routes, in order to enable more people to cycle for everyday journeys. Local Cycling and Walking Infrastructure Plans are in development for Taunton, Yeovil and Bridgwater, and can play an important part in securing local and national capital funding for cycle routes that have been identified as high priorities for investment due to the high potential usage they would have for new and existing cyclists.

Many of the measures proposed as part of the Climate Change Strategy are expected to have a strongly beneficial impact on air quality in our towns, including electrification of the vehicle fleet. However, it is important to note that particle emissions from tyres and brakes are an important element of vehicular air pollution and are likely to increase proportionately if we simply switch from motor vehicles to electric like for like, given the much heavier weight of the latter. Electric buses and car clubs have much potential for reducing the numbers of vehicles on the roads in urban areas, and thus reducing particulate as well as gaseous pollution.

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	<p>Nigel Behan</p>	<p>Reform of Health and Care Services</p>	<p>Question 3 Whilst "Counties warn against social care centralisation" (Public Finance - Counties warn against social care centralisation Public Finance Local authorities require long-term funding certainty to help implement changes to the social care system, according to a new report.)</p> <p>And "If "parity" is expected between the NHS and social care, as the government suggests, then staff should have similar pay and conditions. At the moment, care workers are typically paid only £8.67 per hour, barely above the minimum wage, and a quarter of them are on zero hours contracts.</p> <p>The Association of Directors of Adult Social Services has called for wages to be linked to the pay of band 3 NHS health care assistants, who do a similar job but earn £10.90 an hour and have much greater security at work. That would be both logical and fair. Care workers from</p>
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abroad should have the same immigration rights as NHS staff in a truly integrated system.”

Will SCC campaign for these reasonable proposals to be applied across the Care Sector, including Private Sector organisations that receive Cash - for providing Care - from Local Government (Commissioners)?”

Response - Cllr David Huxtable

Somerset has long been at the forefront of campaigning, led by Councillor Fothergill, for fair and permanent funding solutions for social care and those that work within it. Only last week we highlighted the dedication and courage of this workforce in a powerful film which highlighted the sadness and challenges that Covid has brought the social care sector as well as our NHS colleagues. We were also one of the first local authorities to support the Unison “Stop the spread” campaign for full pay for those ill with or isolating with Covid and have worked with our provider partners to maximise the Covid grant funding for this purpose.

We continue to raise awareness and understanding of the fantastic job that those who work in the sector do every day in support of our residents. Only a permanent funding settlement for social care would enable an open debate on the specific wage parity in your question. A balance and equality within health and care is indeed long overdue and we will continue to work on this with local partners, making the most of the opportunities presented by NHS reform announced last week. Our HR leads are already working on joint apprenticeships and training that are across NHS and Social care provision.

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PQ/MQ	From	Topic	Question/Statement
PQ4	Lucy Travis	Somerset catch the bus campaign	<p>Question 1 Firstly in Frome we still need a regular Covid 19 cleaning programme for all bus shelters. We need a bus shelter outside the Frome hospital in Frome Fields, one at Frome Railway station approach for bus 53 and one at Frome Cork Street coach station. Will Somerset County Council work with Wiltshire County Council to improve bus services to Frome station?</p> <p>Question 2</p>

On shelter maintenance I am very concerned that as a wheelchair user, I cannot get off the bus at Walton due to the shelter being closed down as it has barriers around it. The shelter of course needs to maintain Covid 19 secure cleaning standards and social distancing with social distancing notices. Will the Council help ensure the barriers and railings at Wells bus station are repaired and can we please have this shelter at Walton repaired?

Question 3

It is important with reductions in bus services from Mendip towns to Bath Spa bus and coach station from Frome, Shepton Mallet and the City of Wells bus station and from Street, Glastonbury, Wells bus station to Bristol Temple Meads and Bristol bus station, it is important that clear timetable information should be provided for passengers by the WECA mayoral transport authority, North Somerset Council and Somerset County Council about services operating within Mendip district. Will the County Council commit in the longer term to update bus timetables on all bus stops in the Mendip District Council area bus stations and interchanges and railway stations at Castle Cary and Frome?

Response - Cllr John Woodman

Thank you Lucy, for your 3 questions – I will take them one at a time:-

Answer Q1

Regarding the maintenance and cleaning of bus shelters, this is not a responsibility of Somerset County Council. Bus Shelters in Somerset are owned by either the local District, Town or Parish Council who are responsible for these matters.

With regards to new bus shelters we currently have no funding available for these facilities.

Somerset County already provide joint funding along with Wiltshire Council to support services that serve Frome Railway Station. There are currently no plans to improve these services, but we will continue to work with Wiltshire Council to support the existing service levels.

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Answer Q2

With regards to your 2nd question, I can confirm that the Bus Shelters at Walton and Wells Bus Stations are both owned and maintained by Mendip District Council. We will raise the issues you have highlighted with Mendip District Council.

Answer Q3

Regarding your question about timetabling, First West of England update their timetable information in the Mendip area and Somerset County Council ensure that contracted services timetable information is correct. We will contact First West of England to check that they have updated their bus stop timetables and we will also carry out spot checks in the area to ensure that up to date information is on display.

I trust my answers have provided you with the information you are seeking.

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PQ	From	Topic	Question/statement
PQ5	David Redgewell	South West Transport network	Question 1 Important of public transport in Somerset county council budget . We also need to invest in public transport network real time information on key bus routes D2 Bath Spa bus and coach station to Frome Sainsbury's, service 174 Wells bus station to Shepton Mallet bus interchange to Radstock, Midsomer Norton, Paulton, Peasdown St John to Bath bus and coach station, service 173 Wells bus station to Chilcompton, Midsomer Norton, Radstock, Peasdown St John and Bath Spa bus and coach station, service 376 Street, Glastonbury ,wells bus station Bristol Temple meads station and Bristol bus and coach station service 1 Shepton Mallet, Castle Cary railway station and Town to Yeovil bus station, service 29 Wells bus station to Glastonbury and Street to Taunton, service 126 Wells Cheddar, Axbridge, Wincombe, Banwell and Weston Super mare, service 30 Taunton, Chard to Axminster railway station with connections for Lyme Regis, Bridport, Weymouth and Dorchester, service 21 Taunton, Bridgwater, Burnham on Sea for Weston Super Mare, service 20 for Weston Super Mare, service 22 Taunton to Wellington, service 28 Taunton, Watchet and Minehead. We observe that the

public transport network is for essential journeys with services funded by the Department for Transport and we must lobby through the county MP's and Secretary of State for continued bus operators Covid 19 emergency grant and the new proposed Covid 19 bus service recovery grant. Grants should be awarded via Somerset County Council to the bus operators and not direct. As the Transport Authority will the Council confirm that it will keep a bus service budget and a community transport budget?

Question 2

We are still very concerned about provision of safe stopping places in Taunton town centre essential on journeys from Castle Way, The Parade and Corporation Street. Before lockdown we were very concerned about the lack of social distancing among passengers in Taunton town centre and the risk of super spreading and we would like to see the County Council and Somerset West and Taunton Council through its bus scrutiny commission to work on improving bus passengers interchange facilities. The vision for Taunton development shows no provision for bus and coach interchange facilities. It would appear that Somerset county council The Transport authority will need to work with Somerset west and Taunton council to make sure the plan includes Public transport interchange facilities in Taunton Town centre. In Exeter a brand new bus station is opening soon and a brand new bus station has opened in Gloucester as a transport hub with a second phase to link to the railway station and a new bus interchange in Weston Super Mare is to be constructed all with Department for Transport government grant. Swindon has just been give £25 million to regenerated the town centre and there is a new bus and coach station on Flemming Way, Somerset County Council (The Transport Authority) and Somerset West and Taunton Council need to bid for Government grant through the South West Transport board for bus and coach interchange facilities in Taunton town centre. Bus passengers facilities need improving in Minehead town centre and at Minehead Railway station. Is the County Council responding to the Government consultation on the rural transport strategy?

Question 3

We welcome the Work by Somerset county council The Transport authority. Working with First group west of England buses and First south west in developing bus services and community transport services and slinky bus services. The wells bus station Shepton Mallett cenotaph bus interchange to the Bath and west show ground is very welcome by Mendip district residents. And service no1 provided south west Coaches between Yeovil bus station to castle cary Town and Railway stations and the Bath and west show ground and shepton mallett cenotaph bus interchange. We work with first group south west the buses of Somerset. To provide a shuttle bus between Taunton town centre and Taunton racecourse vaccinations centre. Following the lack of Bus service to the vaccinations centre only first group bus 99 operates to the racecourse on its way from Taunton Town centre to chard every 3 hours funded by Somerset county council. The only other service is First south west buses of Somerset service 6 with a 15-minute walk to the racecourse vaccinations centre. Community transport and slinky bus only provides a limited service.

Would the country council please ask Somerset clinical commission group vaccinations NHS vaccinations lead to look urgently at public transport to this vaccinations centres with 900 vaccinations planned every day?

Response- Cllr John Woodman

Thank you David, for your questions

Answer Q1

Regarding your question around realtime information, we have no plans at present to provide bus stop real time information screens. However, we continue to work with our partners at National Passenger Transport Information (Traveline), on providing real time information to mobile devices. We continue to receive Covid 19 funding from Central Government to support bus services and to provide additional capacity on services into Schools and Further Education Colleges from both the Department for Transport and the Department for Education.

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We are currently awaiting further information from Central Government in relation to any ongoing recovery funding. We have no plans to reduce SCC budgets for the funding of bus services in the 2021/22 financial year.

Answer Q2

With regards to bus top facilities in Taunton, we are continuing to work with South West and Taunton Council on the provision of suitable facilities in Taunton town centre, following the closure of the Bus Station. We have already responded to the Government consultation on the rural transport strategy.

Answer Q3

Your third question relates to improving bus links, I can confirm that we are currently working with the NHS to provide a better service link between the two sites.

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PQ	From	Topic	Question/statement
PQ6	John Hassel	Railfuture Severnside	<p>Question 1 On Railways we welcome the return of trains over Christmas and hopefully again in the Summer and the investment in the study for a Langport and Somerton Parkway station and progress on Wellington railway station and the need also to look at opening Chard Junction station. The regeneration of Taunton railway station with a public transport interchange. and the need to get Trains service operating on the west Somerset railway from Taunton Bishop lydeard to Wilton watchet and Minehead with both steam leisure service and Through passenger's service s to the main line. By D MU service s.by First Great western railway. Is the county council able to support Go co-op rail proposals for an open access service from Swindon to Taunton and Bishop lydeard?</p> <p>Question 2 Has the country council raised with the Department for Transport the loss of train catering services on the First MTR south western railway service from Exeter st David and central to London Waterloo?</p> <p>During the Covid 19 emergency timetables it is very important that The Department for Transport, First Group Great Western Railway and South Western Railway have a emergency recovery plan to maintain connectivity across Somerset to the west country and connections elsewhere in the country for essential journeys.</p>
<u>Response - Cllr John Woodman</u>			
Thank you John, for your questions. I will answer them in turn.			

Answer Question 1

The county council is aware of the Go-Op proposals and has met with them on a number of occasions to discuss progress with their plans. We welcome the additional services and connectivity across Somerset that they might provide. We will continue to work with them, and with other stakeholders in the rail industry, and will look constructively at more specific proposals and their benefits as they come forwards. We also continue to work in support of the promoters of the various station re-opening projects referred to in the question.

Answer Question 2

We have not raised the matter of onboard catering with the DfT. We are aware that SWT has suspended all on board food and drink services and that the contract with the supplier was formally cancelled. This was in part to help maintain social distancing regulations during the ongoing Coronavirus measures but also because it was heavily loss making. DfT was involved in that decision within the current Emergency Recovery Measures Agreement.

The train operator is currently going through a Direct Award negotiation with a view to the franchise commencing in April. The consideration of whether onboard catering will be return will be an important factor within a tight cost envelope, reflecting the pressure on the Treasury's finances. If the outcome is not positive, there are a range of alternatives that we will discuss with the train operator including provision of extra facilities at stations.

Additionally, the county council continues to work in close collaboration with all the train operating companies and Network Rail to ensure the best level of rail connectivity to support connectivity and growth for Somerset, both during the current situation and as we move into a recovery phase.

Equally, we know that customer experience and service they receive onboard our trains is as important to them as having good connectivity and journey times and we continue to make this point with the operating companies and Network Rail.

Once again, thank you for your questions.

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MEMBER QUESTIONS

MQ	From	Topic	Question/Statement
MQ1	Leigh Redman	Hinkley Point C	<p>Reference the impact of Hinkley Point C workforce to date, lessons learnt and following the proposed workforce increase.</p> <p>Question 1 Can the cabinet member please provide me with a list of 'what lessons have been learnt from the original assumptions of the project' and from those lessons what should we ask for to mitigate them if unresolved?</p> <p>Question 2 Can you also identify the 3 main areas, cross County, that may need additional mitigation following on from previous learning and the new request to increase workforce from 5600 to 8500?</p> <p>Question 3 Can the cabinet member also detail the impact on Bridgwater the proposed large increase of non-homebased workers could have on the town?</p>

Response - Cllr Clare Paul and Cllr David Hall

Thank you, Lee, for your questions to both myself and Cllr Paul. Having liaised with Clare, I will respond to all the questions you have asked, covering the elements within my portfolio and the Health-related elements on behalf of Councillor Paul.

The Joint Councils (Somerset County Council, Sedgemoor District Council, Somerset West and Taunton Council and North Somerset Council) continue to work with EDF Energy regarding their recently announced intention to increase the size of their workforce at the Hinkley Point C

site beyond the number that was assessed in the Development Consent Order. The workstreams already established are centred around Accommodation, Workforce Development, Transport, Health, Community Safety and Environment. We are seeking to understand the key assumptions and methodologies to be used in EDF's assessment and the positive actions that they propose to take.

It is of course a matter for EDF themselves to engage with the community about its intentions. This has already commenced in the form of 'virtual' drop in opportunities that were widely advertised. Consideration is being given by the Joint Councils as to how best to ensure the engagement of their members, over and above any activity undertaken by EDF Energy. This will provide an opportunity to explore our collective experiences of the project to date and raise any concerns about the workforce increase envisaged, balanced by the positive opportunities this increase may present.

The Joint Councils wrote to the Planning Inspectorate (PINS) in July 2020 concerning EDF Energy's intentions to increase the workforce. PINS response signposts the Councils to the relevant Regulations which would be used by PINS and the Secretary of State should an application from EDF be necessary or forthcoming. Notably, the response does not highlight any concerns from PINS in respect of the discussions that are currently underway between the Joint Councils and EDF to take the issue forward. We have therefore concluded that we should continue our work with EDF on the workstreams and assessments. There is still some way to go with these discussions. Only when the assessments are complete will we be able to agree together what our next actions should be, and indeed consider whether the proposed change is material. It is therefore too early to consider what additional mitigation might be necessary or conclude if the workforce uplift would be acceptable.

In respect of your question about the issues and lessons learnt, I personally have been involved with this project for the last 11 years. As you would expect, there have been many lessons for all parties during this period, far too many to list them all today. One lesson which bears repetition, however, is the importance of avoiding snap judgements and decisions before all the facts in a situation are known and properly assessed. I would reiterate therefore that it is not appropriate at this stage to pre-empt the outcome of the assessment by predicting what the impacts will be or indeed what mitigation may be necessary and appropriate.

Turning to the Health-related aspects of your question, as part of the proposed workforce expansion, NHS and public health are engaged with EDF, through a standing group, and will review the proposals as they relate to health services and public health. That group has been advised that the original health impact assessment for the project is being reviewed, and they will critically appraise that review when it is available. Once again, it would not be appropriate to be pre-emptive in judging issues for additional mitigation ahead of this review process.

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With regards to Covid -19, SCC Public Health, Public Health England, and Environmental Health colleagues from SWTC and Sedgemoor DC have regular and frequent contact with the Covid Office at HPC, and have developed a close and effective working relationship to review cases and controls through a standing Outbreak Control Team.

I trust this answer gives you the assurances you are seeking and I know that you will make every effort to ensure your colleagues and constituents are kept accurately informed of the position as matters develop.

MQ	From	Topic	Question/Statement
<u>MQ2</u>	Jane Lock	A Block refurbishment	Could Council have an update on the income generated following the £10million refurbishment of A block?

Response Cllr Mandy Chilcott

Thank you, Jane, for your question.

The A Block project was completed in June 2020, within the original budget for the scheme in spite of cost challenges associated with the Coronavirus pandemic and the first national lockdown. It is important to note that a significant proportion of the cost related to the replacement of the historic heating system for the campus (which serves Shire Hall, B and C blocks as well as A Block) as well as other essential maintenance; this was far more than a refurbishment. The investment has enabled the council to free up space elsewhere in the County Hall campus, some of which will be used by a local NHS partner under a 10 year licence agreement for office accommodation which was concluded in October 2020. Appendix 2 of Paper A on your agenda sets out an annual net saving of £280,000 from this agreement, income which helps to balance the budget put before Council today, and which, over the life of the licence agreement, will repay a significant proportion of the project cost. Further savings associated with the investment include reduced energy costs following the replacement of the heating system, which are also included within the budget proposals put before Council today and which support the council's carbon reduction commitments. The property function is currently reviewing office accommodation for council staff on the County Hall campus in the light of new ways of working emerging from the pandemic, and we will continue to work with the NHS and other local partners to review further opportunities for collaboration and income generation.

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MQ	From	Topic	Question/Statement
MQ3	Jane Lock	Government Grant spending	Could Council be told how much Somerset received from the Government Brexit transition grant and how was it spent?
<u>Response Cllr Mandy Chilcott & Cllr David Hall</u>			
<p>Thank you, Jane, for your question to both myself and David.</p> <p>In 2019/2020, Somerset County Council received from MHCLG £262,500 for Brexit related activities.</p> <p>The funding has been spent to date on staff time to plan for Brexit, support for businesses and the economy and promoting the EUSS Scheme. The remainder was held in case any unforeseen disruptive challenges were encountered at the end of the Transition Period on 31st December 2020. The remaining balance is now being allocated to further promote the EU Settlement Scheme, to assist people to make applications to the scheme and for business and economic support activities.</p>			
MQ	From	Topic	Question/Statement
MQ4	Bill Revans		Q1 about Do Not Resuscitate (DNR) notices and if there were any known cases locally in which DNR notices had been added to adults with learning disabilities without their families knowledge during the Covid-19 pandemic?

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Response Cllr D Huxtable

Thanks to Bill for raising such an important issue – the rights of people with learning disabilities should be at the forefront of the equality and health and care debate at any time but particularly with regard to Covid-19. At the beginning of the pandemic we worked closely with the CCG and our Primary Care Teams to ensure that any miscommunication with families was rectified. Since then we are not aware of any DNR notices applying to this area in Somerset, nor of course would we support their use without full person and family involvement. This debate began in March 2020 and both the Director of ASC and Public Health were very clear with health and Primary care colleagues that no such practice would be appropriate in Somerset. The Primary Care lead at the CCG spoke to Primary Care Networks and practices about this to clarify the position following local discussions. We also continue to raise with local and national health colleagues the issue of annual health checks for people with Learning Disabilities and the equality of access that they deserve in this area.

MQ	From	Topic	Question/Statement
MQ5	John Clarke		<p>Q1 Regarding active travel initiatives – walking and cycling schemes – how will the money be distributed/spent in Somerset?</p> <p>Q2 Regarding the £1m held in reserves, has any consideration been given to using some of that for on-street Electric Vehicle charging points?</p> <p>Q3 Regarding the 'Baby tree project' could an update be provided on the number of trees planted (one for every child born in Somerset) since the project began?</p>

Response Cllr C Paul

Answer Q1

In respect of Tranche 2 of the Active Travel Fund from DfT, we have received a sum of £457,900. Working in partnership with districts and

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other stakeholders it has been agreed to make the following contributions to local schemes with the objective of supporting further walking and cycling opportunities:

- Frome: 'School corridor' scheme around Oakfield Road to Somerset Road, allowing safe access to three schools and connect access to a fourth – contribution of £117,000.
- Yeovil: Lyde Road Strategic Cycleway – three sections of segregated cycleway approximately one kilometre in length – contribution of £150,000
- Bridgwater: An improved walking and cycling route from Wembdon Road to Victoria Road to improve accessibility between the town centre and residential areas – contribution of £105,000.
- Taunton: Continuation of the East Street pedestrianisation with a more permanent scheme with monitoring and assessments on traffic impacts and access. It will also provide access for blue badge holders at limited times – contribution of £80,000.
- With a contingency sum of £5,900 to cover any additional costs.

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With regard to future spending we will be focusing initially on the needs identified through our Local Cycling and Walking Implementation Plans. These have been developed for Taunton, Bridgwater and Yeovil and will be available for wider review and comment at the end of February. The Department for Transport has stated that future allocations of walking and cycling funding will be looking towards those plans as a priority. In addition, we will be building on the success of our Active Travel Group and continuing our collaborative working with our partner authorities to identify key local priorities and develop a pipeline of potential schemes that can be brought forwards for future funding opportunities.

Therefore, there are no specific plans on how the new capital allocation of £1.5m will be invested, as yet. The schemes will emerge from the development of priorities from the LCWIPs and other pipeline proposals. However, we expect to be focusing on our town schemes in the early stages as these will benefit the largest number of users and the funding available is likely to deliver relatively modest schemes, unless we can use it to leverage additional funds from elsewhere.

Answer 2

I believe that the £1m reserve you are referring to is the £1m set aside for the Leader's Community Climate Emergency Fund - if not please let me know and I will attempt to answer this question again.

Assuming I am correct, we have received an overwhelming number of bids to this fund from the Town and Parish Councils (including the

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unparished areas) across Somerset and the activities which these bids cover are very wide ranging. We are still in the process of evaluating these bids against a set of agreed eligibility and impact criteria and the Decision Panel meets in early March to make a decision on which bids to fund. Whether amongst these are any bids to support the installing of On-Street Electric Vehicle Charging Points, I am not able to say, as I have not, as yet seen the detail of these proposals.

If you meant have we given consideration to using some of the fund for on-street Electric Vehicle charging points which would be installed by SCC as the Highway Authority, the simple answer is no, as that is not what the fund was intended for and we currently do not have a Somerset-wide EV Strategy and policy against which the Highway Authority can make decisions on if and where EV Charging Points, on-street could be sited. I can confirm, however, that we have recently undertaken work with our District colleagues to deliver the EV Strategy for Somerset which needs formal adoption by all 5 Councils and are currently working on the development of the Policy which will steer and legitimise any decisions regarding EV Charging Points on-street

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The fund is very much focused on supporting community grass roots schemes which support our local Town and Parish Councils in getting local projects within their respective communities off the ground and in trying to encourage local communities to engage with our Climate Emergency Strategy.

Again, I trust this provides you with the clarity you are seeking but again, if I have misinterpreted your question if you let me know I will come back to you with a more appropriate answer.

Answer 3

We are in the process of working with partners to evaluate the number of trees that have been planted in Somerset over the last year against the number of births that have been registered. When I have the full picture of this number I will get back to you with the details.

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Information

for County Councillors

From:	Cllr Nigel Taylor, Chair of Somerset County Council
Date:	17/02/2021– 04/05/2021
To:	All County Councillors

Chairman's Report – 17/02/2021- 04/05/2021

February 2021

19 February The Chair attended the on line meeting for the Somerset Day Board.

March 2021

15 March The Chair attended the on line meeting for AONB.

April 2021

16 April The Chair and his consort attended the Thanksgiving Service at Wells Cathedral for HRH Duke of Edinburgh.

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Somerset County Council

County Council

– 5 May 2021

Report of the Joint Independent Remuneration Panel

Cabinet Member:

Division and Local Member: All

Lead Officer: Scott Wooldridge, Monitoring Officer and Strategic Manager – Governance & Democratic Services

Author: Julia Jones, Governance Specialist – Democratic Services

Contact Details: jjones@somerset.gov.uk

1. Summary/link to the Corporate Plan

- 1.1.** This report sets out the report and recommendations of the Joint Independent Remuneration Panel (“the Panel”) following their ‘light touch’ review of the Scheme of Member’s Allowances.
- 1.2.** The arrangements for determining allowances for elected members are set down in statutory regulations - the Local Authorities (Members’ Allowances) (England) Regulations 2003 (SI 1021) and subsequent amendments to the regulations (SI 2003/1022 and SI 2003/1692). Each local authority is required to appoint and maintain an Independent Panel to make recommendations to the Council on members’ allowances. The County Council, Somerset West and Taunton Council and Mendip District Council established a joint panel to advise the councils’ on their respective Schemes. The Council must have regard to the Panel’s recommendations before making decisions in relation to members’ allowances but doesn’t have to accept them. Where the Council doesn’t accept the Panel’s recommendations it should give reasons for not doing so.
- 1.3** All Members have a personal and prejudicial interest in the receipt of allowances, but the Council’s Code of Conduct includes a dispensation allowing members to attend relevant meetings and vote on this matter. This paragraph has the effect of declaring this interest by all Members at this meeting of Council. Members do not need therefore to make a verbal declaration at the Council meeting.

2. Recommendations

2.1 Council is recommended to:

- (a) Consider the Panel’s nine recommendations set out in the Panel’s report attached as the Annex to this report and set out in paragraph 6.6 (a proposed SRA banding system is shown at Appendix C) and decide accordingly.**

- (b) **Authorise the Monitoring Officer to make any amendments to the Scheme of Members' Allowances for 2021-22 required as a result of the Council's decisions in (a) above.**

3 Background

- 3.1** In July 2017 the Council considered a report from the Joint Independent Remuneration Panel after it had carried out a fundamental review and agreed a revised Scheme of Member Allowances for 2017-21.

With the advent of County Council elections in 2021 the Panel would usually undertake another fundamental review ahead of this for consideration by the County Council. However with the possibility of reorganisation of Local Government in Somerset, the Panel sought the Leader's opinion about the type of review it was thought prudent to proceed with and it was agreed a 'light touch' review should be carried out.

The Panel has held virtual meetings on many occasions in recent months and most recently on the 11th January. The culmination of that work is set out in the report of the Panel attached as the Annex to this paper which includes recommendations for changes to the Scheme of Members' Allowances. The proposed SRA banding system which reflects the Panel's recommendations is attached to the Panel's report as Appendix C.

The Panel's recommendations are intended to provide guidance for the forthcoming year, with a more fundamental review to be planned ahead of the next Council year.

4. Implications

- 4.1** Financial: The full year impact of applying the Panel's recommendations in full would see an overall reduction in the cost of the SRA structure of £23,262 pa (a reduction from a total cost of £309,288 to £286,026) over a full financial year. An illustration of this is provided in Appendix D.
- 4.2** Legal: The legal requirements are set out in the report.
- 4.3** Risk: The risks are reputational rather than legal. The Council does not have to accept the Panel's recommendations but where it chooses not to do so it should give reasons that can be part of the record of the meeting. The Council is required to give reasons where it chooses not to accept Panel recommendations on allowances.
- 4.4** Impact Assessment: There are no direct equalities implications arising from any of the proposals in this report. There are also no sustainability or community safety implications.

5. Background papers

- 5.1** Joint Independent Remuneration Panel – fundamental review
Scheme of Member Allowances 2020/21
(both available at on the following link [SCC allowances and expenses](#))

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Report of the Joint Independent Remuneration Panel

1. Introduction

- 1.1 This report sets out the conclusions and recommendations from the light touch review of the Somerset County Council Scheme of Members' Allowances carried out by the Joint Independent Remuneration Panel in November and December 2020.

It builds on the previous reports submitted by the Panel, the most recent fundamental review having taken place in 2017 and considered on 19th July by full council. In this report Somerset County Council is referred to as SCC, the Basic Allowance is referred to as BA and the Special Responsibility Allowances are referred to as SRAs.

The Panel wishes to thank members for their time and open engagement with the process, and staff at the County Council for their invaluable assistance.

2. Executive Summary

- 2.1 In the light of the possible restructuring of Local Government in Somerset, this has been a "light touch" review rather than a deeper delve. The resultant recommendations are intended to provide guidance for the forthcoming year, with a more fundamental review to be carried out next year in the event that there is no change to the current provision of local Government in the county.

A voluntary survey of elected members followed by a short series of interviews provided the panel with an important "sense check". The Panel also considered data gleaned from desktop survey of a peer group which demonstrated that Somerset remains broadly in line with the average for that group. The report includes:-

- Appendix A – Questionnaire results on how representative the membership of the Council was of the population in Somerset;
- Appendix B – Current SRA Banding System (for 2020/21);

It also references the SCC full Scheme of Allowances.

The Panel's most significant concern is that the number of SRA payments exceed the "50% rule" and indeed the situation would be worse if not for the number of councillors "doubling up". The panel concluded that some positions, those with the weakest case, should be removed from the SRA structure.

The Panel also found that there is a case for a small number of minor adjustments to the band of SRA allotted to some positions.

The panel also have some suggestions for refinement to the information provided to and gathered from future candidates.

All of the recommendations are contained in 6.6, below.

3. Members' Allowances and Remuneration Panels – the legal position and methodology

- 3.1 By way of an introduction the legal provisions in relation to members' allowances are set out in the Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021) and subsequent amendments to the regulations (SI 2003/1022 and SI 2003/1692) ["the Regulations"]. Under the Regulations each Council has to appoint an Independent Panel to make recommendations on its Scheme of Members' Allowances. The Council must have due regard to the recommendations of the Panel before it makes any decisions in relation to its Members' Allowances Scheme, but it may accept, reject, or amend any of the Panel's recommendations. The Regulations provide for a single panel to advise more than one Council [see 3.4 below].
- 3.2 The regulations define a number of basic requirements for allowances schemes but also give considerable scope to allow a council to adopt local provisions according to their circumstances. The only mandatory element provided for, in the Regulations, is the payment of a Basic Allowance to all members of a Council. All the other elements that are currently paid under the scheme, i.e. Special Responsibility, Travel, Subsistence and Carers' allowances are discretionary.
- 3.3 The basic principles on which Remuneration Panels work are not set out in statute but there is guidance from the government. On a regional basis South West Councils has also produced a guide aimed at filling a gap in supportive material for the work of Panels. The guide is currently undergoing revision having been produced in 2015 but sets out a number of commonly adopted principles used by Panels. The Somerset Panel has considered these and concluded that the following principles should guide their considerations:
- the 50% rule (an expectation that no more than 50% of members of any individual Council should receive an SRA. Government guidance states that "If the majority of members of a council receive a special responsibility allowance the local electorate may rightly question whether this was justified"¹);
 - an individual Member should only receive one SRA at any one time;
 - BA payments should take into account a discretionary voluntary time contribution, as set out in guidance to reflect the community-minded nature of the commitment and maintain the difference between a salary and an allowance. The calculation of this varies but in the past, in line with a number of other Panels, 33%² has been used;
 - when considering the payment of an SRA, clarity is needed by both Council and the Panel as to explicit criteria used by the Panel when considering each specific position and whether it qualifies for an SRA, e.g. is the position one which requires judgment and responsibility or is it much more of a supporting role but based on substantial additional time and effort; and
 - the need to ensure that the level of allowance does not deter potential candidates from standing for election.

¹ "New Council Constitutions - Guidance on Consolidated Regulations for Local Authority Allowances, 2003", published by ODPM

² The Council, in the past, has used, 33%. This discount on hours 'worked' by councillors reinforces that the BA payment is not a salary paid for employment.

The Local Authorities (Members' Allowances)(England) Regulations 2003 state that where allowances are adjusted annually by reference to an index "it may not rely on that index for longer than four years".

- 3.4 Joint Independent Remuneration Panel: SCC is a member of a joint IRP alongside Mendip District Council and Somerset West and Taunton Council. The Panel's membership comprises three independent representatives appointed by SCC and one each by the District Councils. At the time of this review there was one vacancy which Mendip were in the process of filling. All of the members of the Panel are residents of Somerset. The current Panel membership is outlined in brief below for information:

Panel members:

John Thomson (Chair)

From a housing background, initially worked for local authorities and then was Chief Executive of SHAL Housing, a Bridgwater-based housing association, for 20 years, and now retired. John represents Somerset West and Taunton on the Panel.

Colin McDonald

Semi-retired after over 30 years full-time employment in social housing, 25 (in total) of these at South Somerset District Council (over two occasions) including several years as Head of Housing & Welfare.

Bryony Houlden

Chief Executive of South West Councils, a membership organisation of all 33 local authorities in the South West. Formerly a senior civil servant. Serves as a Chair/member or advisor to nine other Independent Remuneration Panels.

Alan Wells

39 years' experience in financial services. Specialist in benefit and remuneration structures.

Technical Advisers to the Panel:

Scott Wooldridge, Monitoring Officer, Somerset County Council

Julia Jones, Governance Specialist – Democratic Services, Somerset County Council

Kait Harvey, Senior Democratic Service Officer, Somerset County Council

- 3.5 As is mentioned in section 1.1 above, the last fundamental review on SCC allowances was carried out in 2017 and was considered by the Council on 19th July that year. Accordingly, the Panel set in motion a fundamental review to be completed in 2021 and covering the next four years. On 30th October 2020 the Leader of the Council, Cllr Fothergill, wrote to the Panel's Chair to inform the Panel that due to a possible local government re-organisation, the elections in May 2021 may be delayed. As a consequence, he suggested that a "light touch review" be carried out with a report to the February 2021 meeting. This was agreed by the Panel, and this is the resulting report.

- 3.6 In 2017 the fundamental review, whilst acknowledging that allowances are not wages, nevertheless considered: -
- external regional wage comparators;
 - comparisons with peer authorities; and
 - indexing arrangements.

This report does not cover the first of these points as it is intended to cover, as a “light touch”, only the coming year. As such the Panel has looked at peer councils to ensure that allowances are not out of line with those peers. In a full review the Panel would have reviewed the basis for the allowances and this would have gone back to the local labour market, for, as will become apparent later in this report, to fulfil the role of councillor (and not necessarily the excellent job of some) takes a lot of time; time which might otherwise be spent in paid employment.

As part of this review all members at SCC were invited to take part in a short survey and the results are included below or attached as appendix A. The Panel also interviewed Group Leaders at SCC together with a number of other members who had indicated via the survey that they wished to be interviewed, in total ten interviews, all of which were conducted by the Chair and two other members of the Panel. The final sample group of elected members represented a range of responsibilities and came from all parties, including independents.

4 Basic Allowance (BA)

- 4.1 The purpose of the BA is:-

“.....to recognise the time commitment of all councillors, including such inevitable calls on their time at meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes, [...telephone calls and visiting constituents]³.” It is also expected to cover the occasional chairing of meetings, routine monitoring of services and budgets and taking part in performance management and training.

The BA is not a payment for a job, nor a wage or salary. However, elected members can devote a substantial time to the role, and this will inevitably mean that they cannot spend **that** time on other pursuits. For some this may be leisure activities or alternative voluntary commitments, but for others it will be paid employment, and standing for election may give rise to anxieties about financing the family income both in the short term but also potentially undermining their long term career prospects, particularly if their employer is not supportive. This person might be known as the “marginal candidate” (we use this term purely in a financial context). For these people the level of BA is a material issue in considering whether to stand. A 2013 University of Plymouth survey of local election candidates (reported in our 2017 report) reported that 30% were “of the opinion that insufficient payment to councillors discourages people from standing”. So, whilst not looking, in this report, at underlying wage levels in our community the Panel has looked at comparisons with peer authorities.

³ From “Guidance on Members' Allowances for Local Authorities in England”, 2001, published by ODPM

4.2 The BA for 2020/21 for SCC members is currently £11,540 a year (see appendix B) and is paid to all members. It has been linked to rises in wages and salaries for SCC employees since our 2017 report, although the Panel’s recommendation at that time was for it to track CPIH (Consumer Price Index including owner occupier’s housing costs). In comparing the BA, the Panel has looked, for the purposes of this “light touch” review, only at similar local authorities. The Chartered Institute of Public Finance and Accountancy (CIPFA) produces “near neighbours” for local authorities based, not upon geographical location, but upon demographic and socio-economic indicators. This model produces the following top ten “near neighbours” for Somerset.

Table 1
“Top ten nearest neighbour” councils

1	North Yorkshire
2	Suffolk
3	Worcestershire
4	Gloucestershire
5	Norfolk
6	Warwickshire
7	Devon
8	Lincolnshire
9	Cumbria
10	Leicestershire

This list is identical to the list used in 2017 with the exception of Dorset (no longer a county council) being replaced with Lincolnshire.

Table 2, below, shows a comparison of BA from the “top ten nearest neighbour” with SCC with current information gleaned from the websites of each of the councils concerned. This exercise was previously done in 2017 and the figures from that time are included for interest.

Table 2
Basic Allowance comparison

	1	2	3
	Top ten nearest neighbour councils 2017	Top ten nearest neighbour councils 2021	Percentage increase 2017-2021
Average (mean)	£9,885	£10,532	6.5
Minimum	£8,405	£8,744	4.0
Maximum	£12,483	£13,213	5.8
Median	£9,721	£10,595	9.0
SCC	£10,795	£11,540	6.9

As can be seen, in both years, the BA in Somerset was/is above average (currently £11,540 is 9.57% higher than the average) but not, in the Panel’s estimation, unduly so. By comparison, in 2017 the Somerset BA was 9.2% above the average. In both years SCC falls **within** the range set by the peer councils.

4.3 Table 2 also shows the BA has risen in the past four years as the BA has been increased in line with officer salaries. However, the Office for National Statistics (ONS) uses CPIH as their lead inflation index. This is the inflation index previously recommended for increases as it is easily understood by the public and ensures that, for the marginal candidate (see section 4.1 above), a councillor’s income keeps pace with prices. If the BA had been increased in line with this inflation index the position would have been as outlined in table 3 below.

Table 3
Keeping pace with CPIH

	Inflation (CPIH)*	BA
BA 2017		£10,795
CPIH April 2018	2.20%	£11,032
CPIH April 2019	2.00%	£11,253
CPIH April 2020	0.90%	£11,354
BA 2020		£11,540

* as published by ONS

As can be seen the BA as it currently exists is broadly what would have been expected from using the usual measure of inflation, albeit £186 higher. As is often mentioned in these reports (and particularly in section 4.1 above) it is important that potential councillors are not put off applying for election by a BA which is steadily eroded by inflation. Since 2017 this is not the case. It might be argued that, in setting a BA for 2021/22, any inflationary increase should start at a base £186 lower than the current BA, but the Panel do not think this would be proportionate or appropriate given the evidence in 4.2.

4.4 This year the Panel ran a short questionnaire for members at SCC (see 3.6 and appendix A). There was no obligation to complete it but 37 members (out of a maximum of 55) did so, a 65% response rate. Some of the questions were specifically related to the BA. As mentioned in section 4.3 above one of the concerns is that people should not be discouraged from standing for election, particularly by financial concerns. And once elected it is not useful if the member is then put off by the volume of work expected of them in relation to the recompense from the allowance.

The panel believes the survey responses highlight some key issues:

- 86% (32 of 37 respondents) regard the BA as important
- 38% (14 of 37 respondents) stated it as a factor in their decision to stand for office.

- 75% (28 of 37 respondents) confirmed that their time commitment is greater than they expected.
- 51% (19 of 37 respondents) used the word ‘community’ unprompted when asked for their motivation in standing for office.

We also asked how many hours they put in before the “covid era” on BA work.

Table 4

Hours spent on BA work

	Number of members
Less than 10 hours a week	2
10-19 hours a week	17
20-29 hours a week	9
30 hours a week or more	9

It must be remembered that this is a snapshot and that not all members have completed the survey but there is nevertheless a substantial part of many members’ time spent on council business. The Panel are keen to understand whether the allowance scheme in its current structure provides support and encouragement to potential candidates or acts as a barrier. Mention has been made, above, of allowances but the Panel also wonder whether SCC represents the communities it serves and in so far as it doesn’t is that because of the allowances or other factors such as culture? Appendix A attached to this report looks at this in a little more detail.

Arising from this, the Panel finds Somerset to be unusual in that a larger proportion of its elected members are in work but is unable to say whether this materially affects their opinions on the level of the basic allowance. There is clearly a gender imbalance but whilst the council may be seen to be under representative of the community at large in this respect, it appears not to be out of kilter with local government as a whole which suggests that the imbalance is cultural rather than related to the level of remuneration. Somerset at first glance appears to be under representative of the general population with respect to disabilities and out of line with local government as a whole but note that the margin as a percentage is close to one member in real terms and may just be due to which members completed the survey or wished to declare their disability or ethnicity.

A further issue, not covered in the questionnaire but which has arisen more than once in the interviews, is the geography of Somerset. For some, attendance at a meeting in Taunton is a time consuming business due to the time taken to travel from their home, and for these, in particular, the advent of virtual meetings, the Panel has been told, has proved beneficial and may provide an opportunity in the future for enhanced engagement across all the membership depending on the model of working adopted by SCC, post pandemic, and subject to government regulation.

Potential candidates will no doubt take account of the time it takes to get to Taunton, and the frequency of such journeys, in considering whether to stand.

5 Special Responsibility Allowances

5.1 Section 5 of the Local Authorities (Members' Allowances)(England) Regulations 2003 states that an authority "may provide" for the payment of an SRA to members of the authority in one of the following categories:-

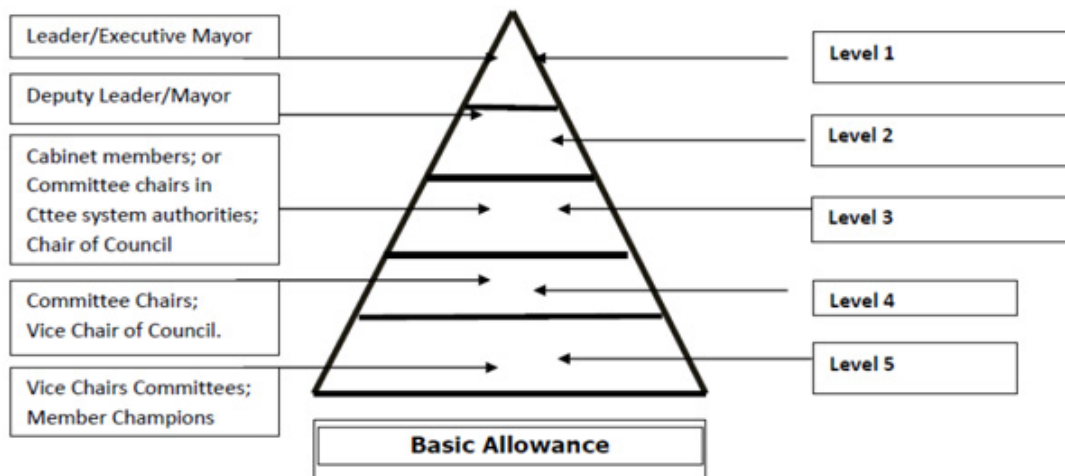
- Leader or deputy leader of a political group;
- Members of an executive;
- Chair of a committee or sub-committee;
- Representative of the council;
- Member of a meeting with exceptional frequency / period;
- Spokesman of a political group;
- Member of an adoption or licensing panel; and
- Any other activity requiring time and effort equal to, or greater than, the roles listed above.

So, whilst an authority **must** provide a BA to all members, it may, if it wishes, provide SRAs for members with special responsibilities. At SCC there are currently 39 SRA positions, of which 34 are paid (see section 3.3 above). With 55 members this means 61% of members currently receive an SRA, far exceeding the "50%" rule that the Panel regards as an important principle. It means that, if SCC is to meet the rule, the number of SRAs payable should be reduced by six.

5.2 The Panel has adopted its own methodology for assessing "special responsibilities" which extends the identified categories set out in statute. In the view of the Panel a particular responsibility might be deemed "special" if it is characterised as having some of, or elements of, the following components, but recognising that particular roles established by councils may well exhibit a range of component characteristics.

- (1) Time commitment
- (2) Specialist skills
- (3) Functional Leadership
- (4) Important decision-making
- (5) Complexity
- (6) Identifiable accountability
- (7) Direct responsibility for important outcomes
- (8) Culpability
- (9) Constitutional relevance

5.3 The existing scheme has been in place since 2013 and includes a "pyramid of responsibility" which defines certain roles. The "level" determined for a role gives (a) comparison with other roles and (b) a level of payment. The following diagram illustrates the concept and is taken from SW Councils publication "Councillors' Allowances: A practical guide for those involved in the work of Independent Remuneration Panels".



As with many councils, SCC currently calculates payment at various levels by reference to the BA, so, for example, the Leader on level 1 receives an additional payment of three times the BA. This has been the case since 2013. And, it should be pointed out that it is the **role** which attracts the SRA, not the individual, and so the description of the role is the important thing. Performance is not formally assessed, and so performance related payments are not appropriate or applicable!

- 5.4 In determining whether an SRA is appropriate for a role, it is important to ask whether the role is (a) outside the scope of the BA (see section 4.1 above), and (b) formally recognised by the Council and (c) included in the list in the 2003 Regulations. If the role satisfies **all** these criteria, and other criteria identified by the Panel as relevant (see 5.2 above), then the role may merit an SRA.

Having identified a role as qualifying for an SRA then the level of responsibility (and how the role fits into the pyramid, above) has to be set.

- 5.5 Using publicly available data on council websites current values of SRAs for principal roles in the “top ten nearest neighbour” councils have been obtained. Table 5, below, shows how these SRAs compare with those of Somerset.

Table 5

Comparable posts and Basic Allowance multipliers

	Average, top 10 nearest neighbour councils	Average, top 10 nearest neighbour Multiplier	SCC	SCC Multiplier
Basic Allowance	£10,532		£11,540	
Leader of the council	£32,468	3.08	£34,620	3
Deputy leader of the council	£20,073	1.91	£20,657	1.79
Cabinet posts	£16,978	1.61	£18,463	1.60
Deputy Cabinet member	£6,592	0.63	£6,924	0.60
Chairman of the council	£10,621	1.01	£10,368	0.90

Vice-chairman of the council	£3,253	0.31	£2,308	0.20
Opposition Leader	£8,723	0.83	£10,386	0.90
Chairman of audit committee	£6,722	0.64	£6,924	0.60
Chairman of Scrutiny	£9,268	0.88	£6,924	0.60
Other Group Leader*	£5,204	0.49	£1,154	0.10
Opposition Spokesperson	£2,253	0.21	£1,154	0.10

* NB four councils have minimum numbers of members required for a Group Leader to warrant an SRA, ranging from 2 members to 9.

As can be seen, there is a remarkable correlation between the **average** council and Somerset, both with the value and with the multiplier (for example, SCC pays its Leader 3 times the BA as an SRA, whilst the average near neighbour council pays 3.08 times). It is also interesting to note that SCC falls within the range of values for peer (near neighbour) councils for each of these posts. It does disguise many variations, however. For example, whilst the average SRA for the Leader of a council is £32,468, of the 10 nearest neighbours the lowest SRA for a Leader is £24,137 and the highest £38,730. Table 6, below, shows the full range of Leader SRAs as an example of variations found.

Table 6
Leader SRAs in “top ten nearest neighbour” councils

Council	Leader SRA
1	£24,137
2	£26,270
3	£32,066
4	£32,981
5	£33,033
6	£33,079
7	£34,170
8	£34,192
9	£36,026
10	£38,730
SCC	£34,620

- 5.6 In the Panel’s 2017 review there was a discussion about the (then newly created) Deputy Cabinet Member positions and the Panel recommended that the posts be allocated to Band 5 in the “pyramid of responsibility” on the same level as the chairs of Regulation, Audit and Scrutiny. The recommendation went on to require a thorough review of the banding of these posts “once the precise nature of the role has become apparent” but this has never been done. Of the “top ten nearest neighbour” councils only two have such posts, as is shown in table 7, below.

Table 7

Deputy Cabinet Members in “top ten nearest neighbour” councils

Council	Deputy Cabinet Member
1	£5,344
2	£7,839
SCC	£6,924

As can be seen, the allowance at SCC again falls between the others and is a little above the average of £6,591.

As with all SRAs, it is the role which attracts the allowance, not the person. The role description of Deputy Cabinet Member (Junior Cabinet Member) on the SCC website explains what the role is and the (important) first three tasks are to:-

1. Focus on information gathering and understanding key policy/service delivery area; and
2. Assist with the development of options and policies for consideration by the Cabinet member taking into account national policies and local circumstances; and
3. Brief and make recommendations to Cabinet members and others on relevant issues in relation to policy development and decision making.

The description makes it quite clear that the person undertaking the role is “not able to take decisions” and it may be felt that the role is more akin to an understudy role where a person can develop their skills whilst not actually being in a role which might cause damage! And yet, when these roles were discussed in 2017, they were considered by the Panel as equivalent to the chairs of Regulation, Audit and Scrutiny committees, on Band 5.

- 5.7 Another role at SCC which appears only three times in the top ten near neighbour councils is that of Opposition Spokesperson, as is shown in table 8, below.

Table 8

Opposition Spokesperson

Council	Opposition Spokesperson
1	£3,206
2	£2,473
3	£1,079
SCC	£1,154

NB only three councils have an SRA for these posts

The Panel has interviewed all Group Leaders as part of this review and has also spoken to a number of other members of the Council. During these discussions some members spoke quite positively about these roles, expressing the view that, in order to hold the executive to account, scrutinise decisions and actively support or oppose those decisions, it was essential that there were people skilled, experienced and

trained in the topics under discussion. This must surely be the position everywhere, but only three of the 10 “nearest neighbours” felt the positions should be awarded an SRA. However, as section 5.1 states, a spokesperson is an individual who may be awarded an SRA.

- 5.8 The sharp eyed amongst the readers of this report may have noticed that the role of Vice-Chair does not appear in table 5 above. As with Opposition Spokesperson, at SCC this is a Band 7 SRA. However, it is rare to see a Vice-Chair included for payment in the top ten nearest neighbour councils. The exception to this is Vice-Chair of Scrutiny, which is awarded an SRA in 6 councils, as is shown in table 9.

Table 9
Vice-Chair, Scrutiny

Council	Vice-chair Scrutiny
1	£1,741
2	£4,947
3	£2,147
4	£4,823
5	£4,316
6	£2,139
SCC	£1,154

In this instance SCC falls below the average of £3,352 and below the lowest council. And yet scrutiny is one of the key roles in the cabinet style of local government, for the executive must be held to account. One of the members interviewed by the Panel explained that this can work especially well where the Chair and Vice Chair are both immersed in the subject matter and both participate in management of the committee. As was explained, being Vice-chair of Scrutiny is not just being available to head the meeting in the Chair’s absence.

- 5.9 The Panel’s survey of councillors asked about the amount of time, per week, that they spent on SRA related activities. Not all those responding have an SRA, but there were 22 who do.

Table 10, below, shows the responses grouped by allowance band and indicating the number of hours spent on these activities.

Table 10
Average hours spent on SRA activities

Band	Total hours	Total Councillors	Average hours
1	35	1	35.0
3	199	8	24.9
4	47	2	23.5
5	42	3	14.0
6	3	1	3.0
7	41	7	5.9

As can be seen, the more senior roles consume more of a member’s time and band 5 which encompasses Deputy Cabinet Members and Chairs of Regulation, Audit and Scrutiny, has an average time spent on those activities of 14 hours. Band 7, which includes Vice Chairs and Opposition Spokespersons, has an average time spent on those activities of 5.9 hours. Of course, this is a snapshot, with people estimating their time and not everyone concerned completed the form, but it does confirm the Panel’s expectations.

6 **Conclusions and recommendations**

6.1 In undertaking a “light touch” review for one year only there is much background work that is left for the fuller review that will be required in due course. And there are shortcomings of just carrying out a peer review, not least, if every council does that eventually every council will end up being average. However, it does highlight if the council is currently wildly out of step with its peers and which may otherwise cause questions to be asked.

Nevertheless, there is much that was needed to be considered. Always there is the underlying issue of ensuring that the level of allowances does not put off potential candidates standing for election and our interviews this year have highlighted this as a concern amongst existing members. So many have commented that the time commitment is an issue as is mentioned in section 4.4 about the survey. Many of those we have interviewed have expressed the view that you have to put the time in to get the job done properly, and you are always available, no matter how inconvenient to you this may be. Some have also commented upon the time taken to travel to meetings (although obviously less so in 2020). These points, it has been suggested more than once, need to be emphasised to potential candidates so that they know what they might be letting themselves in for if elected. And it is because of this time commitment that the level of BA is so important, as time taken being a councillor can so often conflict with paid employment. Appendix A includes comparisons between those answering our survey and the Somerset population, generally, and a survey of councillors run by the LGA. SCC ran sessions for potential

candidates before the 2017 elections and produced a useful brochure. SCC also collects diversity information for those elected. However, it would be useful to the Panel to know about all of those considering standing for election, and not just standard criteria but also working patterns, geographic location, travel time to Taunton and socio-economic background.

One member also expressed the view that there is a need at the other end of a period of service to ensure that members leaving office should receive advice or support on how to resume their normal (that is, pre-councillor) life.

- 6.2 Having looked at the nearest neighbour councils the Panel is of the view that the BA is set at an appropriate level. SCC is not an outlier, with the BA falling within the range of its peers. Members who answered the questionnaire overwhelmingly asserted that the BA was important to them and the Panel feel it is at a level sufficient to reassure potential candidates for election.

The Panel still feels that adjusting allowances in line with inflation is correct, but continue to stress that a widely recognised measure should be used, hence previous recommendations for CPIH; one that better reflects the opportunity cost of gainful employment in the wider world lost in order to commit to the responsibility of elected office. It is felt that this is a more easily defended argument with the public.

- 6.3 Sections 5.1 and 5.2 set out the Panel's criteria for setting SRAs. As is said, all members are entitled to a BA. Certain roles can also be paid an SRA but it is up to the Council to determine which roles, and how much, should be paid. The SRA banding system for the current financial year is attached as appendix B.

It is noted that SCC abides by the "one person, only one SRA guiding rule", but does not restrict the number of SRAs to 50% or less. The Panel believes it is important that SRAs should remain "special" and so see this as a matter of concern. To comply with the "50%" rule the number of SRAs payable would need to be reduced by six.

The Panel recognises that although the scheme has more than 50% SRAs, not all of them are paid as some members carry out two or more special responsibilities but are only paid for one of them. There are six Opposition Spokesperson roles and one Vice Chair role for which payment is made.

All the peer councils pay certain SRAs, but as you get further down the pyramid of responsibility there is less correlation across those councils. The actual amounts paid are generally within the range of those peers, it is the number of positions attracting an SRA which is the issue if the principle of 50% is to be followed. Of course, the positions can remain, it is the payment of an SRA which is the issue.

The positions which the Panel would identify as having a weaker case attracting an SRA are:-

- Junior Cabinet Member;
- Opposition Spokesperson; and
- Vice-Chairs (other than Vice-chair of Scrutiny and Vice-chair of Council).

When the Panel made its recommendation for Junior Cabinet Members in 2017 the details of the roles were new and untried, and the Panel may therefore have set the roles at too high a level in the pyramid.

6.4 As can be seen from table 5 above there is a correlation between the average SRA for most of the roles listed in peer councils, and at SCC. And they all fall within the range (for Vice-chair of Scrutiny, see section 5.8 above). As a consequence, the Panel feel that it is not necessary to change the pyramid of responsibility at SCC nor the banding system currently in operation, but with the following exceptions: -

- if the roles of Junior Cabinet Members are to remain as detailed in the constitution, they should be moved to Band 7;
- the case for role of Opposition Spokesperson to be paid to six individuals is not strong and the roles should no longer benefit from an SRA (see 5.7 above);
- the roles of Vice-chair of Regulation and Audit Committees should no longer benefit from an SRA (see 5.8 above);
- the role of Vice-chair of Scrutiny should be moved into Band 6 (see 5.8 above).

6.5 In 2017 the Panel recommended that “group leaders of small political groups should qualify for SRA payments based on group size” and it can be seen from table 5 that this is also the position taken up by other councils. However, this was not agreed by the Council at that time. But, as part of a process of reducing the number of SRA entitlements, this could be looked at again. Amongst the peer councils, minimum numbers of members needed to warrant an SRA for Group Leader were 2, 7, 8 or 9.

6.6 Accordingly the Panel RECOMMEND that;-

1. the Council consider the way in which information is provided to help potential candidates decide whether to stand for election and survey such potential candidates, to include finding out through a questionnaire how important the level of BA is to their decision together with working patterns, geographic location, travel time to Taunton and socio-economic background;
2. the council undertakes exit interviews with members leaving office which would include identifying if they are in need of advice or support in returning to pre-councillor life;
3. the level of BA be increased by inflation from April 2021 as determined by CPIH published in April 2021 (rather than a rise linked to officer pay levels);
4. if the roles of Junior Cabinet Members are to remain as detailed in the constitution, they should be moved to Band 7;
5. the role of Opposition Spokesperson should no longer benefit from an SRA;
6. the roles of Vice-chair of Regulation and Audit Committees should no longer benefit from an SRA;
7. the role of Vice-chair of Scrutiny should be moved into Band 6.
8. the Council consider removing the payment of an SRA to Opposition Group Leaders whose membership is below a certain level.

9. whilst the Panel feel there is an argument for looking at travel and subsistence rates in the SCC Scheme of Allowances for Members in a future fundamental review, for this year travel allowances to be adjusted in accordance with rates set by HM Revenue and Customs (HMRC) from time to time and subsistence allowances to remain linked to increases in staff subsistence rates.

John Thomson

Chair, Joint Independent Remuneration Panel

27 January 2021

Questionnaire

We wondered how representative the membership of the Council was of the population in Somerset and asked some specific questions in the questionnaire to find out. It must be remembered that this is a snapshot and that not all members have completed the survey. Readers should also note that the survey was simple (to ensure a quick response) and answers have been aggregated for the sake of comparison.

There was no obligation to complete the questionnaire but 36 members (out of a maximum of 55) did so, a 65% response rate.

Table A1

Age of councillors completing survey, compared with Somerset adult population

Age group	Survey %	Somerset %
18-34	0	21
35-64	54	48
65+	46	31

Source: Panel Questionnaire/Nomis population estimates, 2019, figures rounded. The Panel has been advised that 3 SCC members are aged below 35.

Table A2

Ethnicity of councillors completing survey, compared with Somerset population

	Survey %	Somerset %
Minority ethnic background	2.7	5.4

Source: Panel Questionnaire/2011 census

Table A3

Gender of councillors completing survey, compared with Somerset population

	Survey %	Somerset %
Male	68	49
Female	32	51

Source: Panel Questionnaire/Nomis population estimates, 2019

Disability

Of those answering the Panel's questionnaire, 8% considered that they had a disability. At the time of the 2011 census, 18.8% of Somerset's population said they had a long-term condition or disability which limited their day-to-day activities a lot or a little.

We also wondered how representative SCC Councillors were of councillors as a whole and compared the questionnaire results with a national survey of councillors carried out by the Local Government Association (LGA) in 2018.

Table A4

Employment Status of councillors completing survey, compared with LGA survey

	Survey %	LGA %
Employed (to some extent)	57%	26%
Retired (completely)	14%	45%
Other	30%	29%

Source: Panel Questionnaire/LGA survey 2018

Employment Status of councillors completing survey

	SCC Survey	Survey %
Employed (full time)	7	19%
Employed (part time)	5	14%
Retired and employed	3	8%
Retired and self-employed	6	16%
Retired	5	14%
Not employed / Other	11	30%

Source: Panel Questionnaire

Table A5

Gender of councillors completing survey, compared with LGA survey

	Survey %	LGA %
Male	68	63
Female	32	36

Source: Panel Questionnaire/ LGA survey 2018

Table A6

Age of councillors completing survey, compared with LGA survey

Age group	Survey %	LGA %
65+	46	43

Source: Panel Questionnaire/LGA survey 2018 - Under 65s not comparable

Table A7

Ethnicity of councillors completing survey, compared with LGA survey

	Survey %	LGA %
Minority ethnic background	2.7	4.0

Source: Panel Questionnaire/LGA survey 2018

Disability

Of those answering the Panel's questionnaire, 8% considered that they had a disability. At the time of the LGA 2018 survey, 16% had a long-term health problem or disability which limited their daily activities.

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SRA BANDING SYSTEM - Total banded Allowances 2020/21

Member Role	Rate of Allowance from 1/4/20		
	Basic £	SRA £	Total £
Band 1: BA x 3: Council Leader	11,540	34,620	46,160
Band 2: BA x 1.79 Deputy Leader (with Cabinet responsibilities)	11,540	20,657	32,197
Band 3: BA x 1.6 Cabinet member	11,540	18,463	30,003
Band 4: BA x 0.9: Opposition Leader (Liberal Democrat) Chair of County Council	11,540	10,386	21,926
Band 5: BA x 0.6 Chair of Regulation, Audit and Scrutiny Committees Junior Cabinet Members	11,540	6,924	18,464
Band 6: BA x 0.2 Chair of Pensions Committee Chair of Constitution & Standards Committee Vice-Chair of County Council	11,540	2,308	13,848
Band 7: BA x 0.1 Opposition Group Spokespersons Vice-Chair of the Regulation, Audit and Scrutiny Committees Deputy Leader (Liberal Democrat Group) Group Leader (Labour, Independent and Green Groups)	11,540	1,154	12,694

In addition, co-opted members of the Standards Committee receive a Co-opted Members Allowance of £577 p.a., which equates to Basic Allowance x 0.05.

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**PROPOSED SRA BANDING SYSTEM - Total banded Allowances
2021/22 (if agree all JIRP recommendations and based on CIPH
inflation rate of 0.8%)**

Member Role	Rate of Allowance from 1/4/21		
	Basic £	SRA £	Total £
Band 1: BA x 3: Council Leader	11,632	34,897	46,529
Band 2: BA x 1.79 Deputy Leader (with Cabinet responsibilities)	11,632	20,821	32,453
Band 3: BA x 1.6 Cabinet member	11,632	18,611	30,243
Band 4: BA x 0.9: Opposition Leader (Liberal Democrat) Chair of County Council	11,632	10,469	21,101
Band 5: BA x 0.6 Chair of Regulation, Audit and Scrutiny Committees Junior Cabinet Members	11,632	6,979	18,611
Band 6: BA x 0.2 Chair of Pensions Committee Chair of Constitution & Standards Committee Vice-Chair of County Council Vice-Chair of Scrutiny Committees	11,632	2,326	13,958
Band 7: BA x 0.1 Junior Cabinet Members Opposition Group Spokespersons Vice-Chair of the Regulation, Audit and Scrutiny Committees Deputy Leader (Liberal Democrat Group) Group Leader (Labour, Independent and Green Groups)??	11,632	1,163	12,795

In addition, co-opted members of the Standards Committee receive a Co-opted Members Allowance of £582 p.a., which equates to Basic Allowance x 0.05.

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PROPOSED SRA BANDING SYSTEM - Total banded Allowances 2021/22 (if agree all JIRP recommendations and based on CIPH inflation rate of 0.8%)

Member Role	Rate of Allowance from 1/4/21		
	SRA Total per role £	SRA total of all roles without changes to bandings £	SRA total of all roles with the proposed changes to bandings £
Band 1: BA x 3: Council Leader (x1)	34,897	34,897	34,897
Band 2: BA x 1.79 Deputy Leader (with Cabinet responsibilities) (x1)	20,821	20,821	20,821
Band 3: BA x 1.6 Cabinet member (x9)	18,611	167,499	167,499
Band 4: BA x 0.9: Opposition Leader (Liberal Democrat) Chair of County Council (x1)	10,469	10,469	10,469
Band 5: BA x 0.6 Chair of Regulation, Audit and Scrutiny Committees (x5) Junior Cabinet Members—(x2)	6,979	48,853	34,895
Band 6: BA x 0.2 Chair of Pensions Committee (x1) Chair of Constitution & Standards Committee (x1) Vice-Chair of County Council (x1) Vice-Chair of Scrutiny Committees (x3)	2,326	6,978	13,956
Band 7: BA x 0.1 Junior Cabinet Members (x2) Opposition Group Spokespersons (x8) Vice-Chair of the Regulation, Audit and Scrutiny Committees (x5) Deputy Leader (Liberal Democrat Group) (x1) Group Leader (Labour, Independent and Green Groups)?? (x3)	1,163	19,771	3,489
	Total	309,288	286,026

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Somerset County Council

County Council

– 5 May 2021

Report of the Monitoring Officer – Appointments and Constitutional Matters

Cabinet Member: All

Division and Local Member: N/A

Lead Officer & Author: Scott Wooldridge - Monitoring Officer and Strategic Manager for Governance & Democratic Services

Contact Details: 01823 357628

1. Summary

- 1.1 This report sets out proposals for decisions on appointments and constitutional matters required to be made by the County Council at its annual meeting and deals with some other related issues. Whilst the Government has deferred the County Council elections until May 2022 there is a need to review and agree member appointments as they are due to expire at this Annual General Meeting in May 2021. Member appointments are proposed up to the next Annual General Meeting following the next scheduled elections in May 2022, subject to the appointed Members being re-elected.

2. Recommendation(s)

2.1 Council is recommended to:-

- (1) Note the election and appointment of the Chair of the Council, Vice Chair of the Council and Leader of the Council agreed at this Annual General Meeting prior to this agenda item.**
- (2) Approve the County Council Appointments Schedule as set out in Appendix A for the Council and its committees up to the next Annual General Meeting – see section 3.1 for more detail.**
- (3) Approve the appointments to Internal, Partnership and Outside Bodies up to the next Annual General Meeting as set out in Appendix B**
- (4) Approve the revised Constitution as set out in Appendix C, summarised in Appendix D and note the further work to be undertaken during 2021 as set out in section 3.2.**
- (5) To agree the dates for the ordinary meetings of the County**

Council (full council) for 2021 and 2022 up to the next Annual General Meeting in May 2022 as set out in section 3.3.

3. Background

3.1 Annual General Meeting - appointments

3.1.1 The Council at its annual meeting in May 2017 following the County Council elections in 2017 made the following appointment decisions:

- (a) the Leader of the County Council (for a four-year period until the scheduled annual meeting in May 2021);
- (b) member appointments to its committees and sub-committees for 2017/18;
- (c) the chairs and appointed vice-chairs of committees for 2017/18 (except the Officer Appeals Committee which appoints its own chairman);
- (d) the appointments to internal groups, partnerships and outside bodies;
- (e) and delegated authority to the Monitoring Officer in consultation with the Political Group Leaders, to make in-year amendments (ahead of Annual General Meetings) to committee and other appointments which are the responsibility of the Council.

Since then, appointment decisions have been taken at subsequent Annual General Meetings in 2018 and 2019 along with delegated decisions by the Monitoring Officer in consultation with relevant members. The scheduled Annual General Meeting (AGM) in May 2020 had to be cancelled due to the Covid-19 pandemic and Government guidance which led to appointments for 2020-21 being made using emergency powers.

3.1.2 Full Council is invited to review the proposed allocation of committee seats (set out in paragraph 3.1.10) and make appointments to committees (including the Chairs and Vice-Chairs) for the 2021/22 municipal year (period between the Annual General Meetings held in May 2021 to May 2022) in accordance with the wishes of the political groups as set out in Appendix A.

Full Council is asked to note that in-between the Annual General Meetings the Monitoring Officer has delegated authority under the Constitution to agree in-year appointment changes to Committees, Sub-Committees and internal, partnership and outside bodies. That authority is subject to the Group Leaders agreeing to the appointments. Any in-year proposed changes to the Chairs or Vice-Chairs is a matter for Full Council to determine.

3.1.3 Somerset County Council's membership comprises 5 political groups along with 1 individual councillor who is not a member of a political group. Under the regulations, 2 or more councillors may form and register a political group.

3.1.4 The composition of the Council, political balance and the size of the political groups is as follows:

Political Group	No of Members	Overall entitlement to committee seats
Conservative	33	60%
Liberal Democrat	14	25.5%
Labour	3	5.5%
Independent	2	3.6%
Green	2	3.6%
Individual member	1	1.8%
Totals	55	100%

3.1.5 The number of seats on ordinary committees are allocated to each political group in the same proportion as the overall strength of each political group as far as practicable. This excludes the Cabinet as those appointments are made by the Leader of the Council and also any other committee where political balance is not required such as the Health and Well Being Board and the Somerset Waste Board. The proposed elected members for both the Cabinet, Health & Well-Being Board and Somerset Waste Board are also set out in Appendix A for information purposes.

3.1.6 In addition, where a political group has a majority of the seats on the Council it must also have, where practicable, a majority on each individual body to which appointments are made. This means that the Conservative Group, with 60% of the seats on the Council is entitled to a majority of seats on all committees, where this is not possible to achieve, a pragmatic approach has been taken.

3.1.7 The Local Government and Housing Act 1989 sets out the principles to be used in agreeing the size of and allocation of places to committees (and sub-committees) of the Council and also requires this process to be repeated annually at the Council's AGM. The principles must be followed so far as is reasonably practicable.

3.1.8 The following principles from the 1989 Act, together with a commentary where appropriate, must be applied to the allocation of seats on committees.

1. All the seats should not be allocated to the same political group.
2. A majority group is required to have a majority on all committees unless the Council agrees otherwise. *The proposal in the table below satisfies this principle. Local arrangements apply to the Constitution and Standards Committee membership where all political groups are represented and the Scrutiny Committee for Children & Families*

where the membership includes 5 co-opted members with a vote on education matters only.

3. Subject to principles (1) and (2), the total number of seats on all the committees of the Council allocated to each political group should reflect the number of seats held by that group on the Council. *The table below reflects this calculation.*
4. Subject to principles (1), (2) and (3), the number of seats on each committee of the Council allocated to each political group should reflect the number of seats held by that group on the Council. *This calculation is also reflected in the table below.*

3.1.9 Full Council may waive the political balance rules for any committee(s) where the Council wishes to appoint alternative number of members from political groups. In order for political balance to be waived no member must vote against this motion, an objective by a single member would make it necessary to apply strict proportionality. This report assumes that the Council will not want an alternative arrangement to that prescribed in the Act.

3.1.10 The calculation of committee places and outside bodies is set out below :

Seats held on the Council	33	14	3	2	2	1	55
Committee	Con	Lib Dem	Lab	Ind	Green	Single member	Total
Regulation	5	2	1				8
Scrutiny (Place)	5	2	1				8
Scrutiny (Adults & Health)	5	2	1				8
Scrutiny (Children)	5	2	1				8
HR Policy	4	2					6
Audit	5	2	1				8
Officer Appeals	5	2	2				9
Pensions	3	1					4
Fire Authority	5	2	1				8
Exmoor NPA	3	1					4
Con & Standards	1	1	1	1	1		5
Individual cttee totals	46	19	9	1	1		76
Overall calculation -	45.6	19.4	4.2	2.8	2.8	1.4	76

total places							
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3.1.11 Explanation of the committee places table in 3.1.10 above and summary of current appointments:

- There are **76** committee places in total to be allocated. These do not divide neatly across the 5 political groups within the overall calculation hence the inclusion of decimal points. This is the second most important calculation after ensuring that the Conservative Group has a majority on each committee where it wants it.
- The Labour Group is over-provided for in terms of places on individual committees and gave up places of their choice under a 'local arrangement' to the Independent Group, the Green Group and the individual member to achieve a closer match with the overall calculation.

3.1.12 Some of the political groups have previously decided to allocate some of their entitled places to another political group to bring the allocation of seats closer in line with the overall allocation in the table above. Appendix A includes proposals to continue with that approach in order to support the achievement of the overall allocations.

3.1.13 The Council and the Leader of the Council also make appointments to a number of internal, partnership and external bodies e.g. Somerset Waste Board, Somerset Rivers Authority, Heart of the South West Joint Committee, etc. Details of the proposed appointments to these bodies are set out in Appendix B (marked to follow and for publication after the agenda ahead of the meeting taking place).

3.2 **Annual Review of the Constitution**

An annual review of the Constitution is reported to the Council's Annual General Meeting and any recommendations for amendments are for the Council to consider. In between the Annual General Meetings, the Constitution and Standards Committee has considered any proposed amendments and these have been reported to the Council.

3.2.1 Members will recall that following Government announcements, guidance and regulations as a result of the global Covid-19 pandemic, the Leader of the Council and Chief Executive agreed emergency democratic and decision making arrangements for the Council in late March 2020, subject to review after three months. That review was completed and reported to the July meeting of the Council where the Council commended the achievements

made during that period and it agreed that the majority of the emergency democratic arrangements would be stood down as virtual committee meetings had been established and were operating effectively.

The use of emergency powers by Officers throughout the pandemic has been kept under regular review by the Chief Executive and the Senior Leadership Team (including the Director of Public Health) as these have remained essential to support the emergency response and regulations set by the Government. The Council's emergency response to the Covid-19 pandemic has also been regularly reported to Members, this has included reporting to Cabinet meetings and the Member Covid-19 Engagement Board.

- 3.2.2 For the benefit of the public, the Council operates a Leader and Cabinet model of governance in accordance with legislative requirements. The Council has operated this model of governance since 2001. The Leader and Cabinet model places the majority of functions carried out by the Council as the responsibility of a specified number of councillors (maximum of 10) operating as an 'Executive' or 'Cabinet'. The Leader has responsibility for agreeing the Cabinet arrangements and the executive decision-making arrangements across the Council.
- 3.2.3 The review of the Council's Constitution has been led by the Monitoring Officer and has been undertaken in consultation with the Senior Leadership Team and County Solicitor. The proposed revisions are set out in Appendix B for the Council to consider and a summary of the revisions and short explanation is set out in Appendix C.
- 3.2.4 The proposed revisions in Appendix B can be summarised in the following categories of amendments:

Points of clarification and technical amendments

- 1) Changes to postholder titles of Members / Officers;
- 2) Further clarification of procedural matters such as appointments and terms of office e.g. Chair and Vice Chair of Council;
- 3) Further clarification of the functions and membership requirements of some committees e.g. Regulation Committee;
- 4) Clarification of delegated powers and functions to Senior Officer; and
- 5) Clarification that some meetings may not be held at County Hall or the Council Chamber and also potentially be held as virtual or hybrid meetings (subject to legislative provisions and requirements being met)

New proposals being recommended for approval by the Council:

- 1) Proposal to set the maximum duration of a Council meeting to four

hours unless the majority of members present at that meeting agree to extend the duration of the meeting;

- 2) Proposal to rename the current HR Policy Committee to Human Resources Committee to recognise that the committee deals with more than policy matters;
- 3) Proposal to add the Returning Officer for local elections to the role of the Chief Executive. This reflects the practice of the Council for many years;
- 4) Addition of the Prevent Duty (statutory duty for the Council) and delegation of powers to the Chief Executive
- 5) Proposal for the Monitoring Officer, in consultation with the Chairs of Committees, Sub-Committees, Internal, Partnership and Outside bodies to agree the calendar of meeting dates, places and times of meetings
- 6) Proposal for changes to the membership of the co-opted members of the Scrutiny Committee for Children and Families but for the total number of co-opted members to remain the same

3.2.5 Areas of further review

Due to the emergency response and other urgent priorities, some delayed and outstanding Government and Local Government Association guidance it has not been possible to conclude all areas of the Annual Review of the Constitution. The areas that will be subject to further review are:

- 1) Local Government Reorganisation review
- 2) Virtual / Hybrid meetings
- 3) Webcasting of meetings and the Council's Recording of Meetings Protocol
- 4) Code of Conduct for Members and Co-Opted Members
- 5) Contract Procedure Rules

3.2.6 Local Government Reorganisation review

The Government's consultation on the Local Government Reorganisation proposals completed on 19 April 2021 and the Council submitted its response. Subject to a decision by the Secretary of State considerable further work would need to be undertaken in terms of constitutional, democratic and governance arrangements to support the implementation of any changes to existing local government arrangements in Somerset. Further details on that work would be set out in subsequent reports.

3.2.7 Virtual / Hybrid meetings (to allow remote attendance and voting)

Members will be aware that the current coronavirus regulations that permit remote council meetings (referred to as virtual meetings) are due to expire on 7 May. Despite extensive lobbying by the local government sector, the Government confirmed in late March that it had considered the case for extending the current legislation very carefully but has concluded that it cannot extend the regulations and that there is insufficient time to bring forward emergency legislation to enable remote meetings to continue beyond 7 May.

The Government has issued a 'call for evidence' to invite councils to respond to a formal consultation to help inform whether legislation should be brought forward to enable remote meetings (virtual meetings) / remote attendance and voting at meetings (hybrid meetings). The deadline for responses is

3.2.8 As part of the lobbying of Government regarding the benefits of remote meetings and remote attendance and voting, additional legal advice was provided by the local government sector to the Government. An application was made to the High Court by Lawyers in Local Government, the Association of Democratic Services Officers and Hertfordshire County Council in a bid to seek a declaration on this matter. At the time of writing this report no decision had yet been made by the High Court.

3.2.9 In the light of such uncertainty and the challenges of holding some face-to-face meetings at this time the Council is adopting a pragmatic approach by deferring the majority of its scheduled meetings from 7 May until after 21 June (a key scheduled Covid-19 lockdown regulations review date). Any urgent matters requiring decision before 21 June will utilise existing delegated decision making arrangements or where a face-to-face meeting for a Committee has to take place then appropriate safety arrangements will be put in place.

3.2.9 Webcasting of meetings and the Council's Recording of Meetings Protocol

The Council is currently procuring a webcasting solution that should support the requirements for virtual / hybrid meetings, subject to appropriate legislation so that the technology can be used to support remote attendance and voting.

3.2.10 Code of Conduct for Members and Co-opted Members

All councils are required to have a Members Code of Conduct and the County Council's Code of Conduct has been subject to periodic review to ensure it meets legal requirements and remains fit for purpose.

In December 2020 and February 2021, the Constitution and Standards Committee considered the Local Government Association's Model Code of Conduct and supported its use as part of the review of the Council's Code of Conduct being undertaken by the Monitoring Officer and County Solicitor. The conclusion of that review is scheduled to be considered in late summer 2021.

3.2.11 The LGA's Model Code of Conduct has been developed following extensive consultation with the local government sector as part of its work on supporting all tiers of local government continuing to aspire to high standards of leadership and performance. It has been developed as a template for councils to adopt in whole and/or with local amendments to their existing Codes.

3.2.12 Contract Procedure Rules

The Contract Procedure Rules were reviewed and updated in April 2020 using delegated powers as part of the Covid-19 emergency response. The changes were reported to Constitution and Standards Committee in July 2020.

Due to the ongoing emergency response it has not been possible to complete the annual review in time for the Annual General Meeting and it is intended that the review will be reported to the next available Constitution and Standards Committee.

3.2.13 Next steps

Work will continue on the areas of review set out above and subsequently report on any proposed changes or additions to the Council's Constitution to the Constitution and Standards Committee with a subsequent report to the Council to follow that.

3.3 Council meeting dates

3.3.1 The following dates are proposed for Full Council meetings during 2021 and 2022:

2021

21 July

24 November

2022

23 February (Budget Meeting)

28 February (Budget Meeting reserve date)

25 May (Annual General Meeting)

20 July

30 November

- 3.3.2 Subject to approval of these dates then work will follow with group leaders and committee chairs to finalise and extend the meetings calendar through to the end of 2022. A delegation is included in the recommendations to enable this work to be taken forward.

4. Consultations

- 4.1 There has been consultation with the leaders of the political groups regarding the proposed appointments for consideration. The Annual Review of the Constitution led by the Monitoring Officer has taken on board views from the Constitution & Standards Committee, elected Members and Senior Officers over the last 12 months.

5. Implications

5.1 Legal & Risk:

This report complies with all legal requirements. The only risk to the Council would result from the Council failing to fulfil its legal obligations as set out in the report through any decisions taken or not taken at this meeting.

The Council's Constitution sets out the legal framework within which the Council takes decisions and fulfils its functions and responsibilities. It needs to be kept up to date and legally compliant. All of the proposed amendments to the Constitution are in accord with the legislative requirements which give considerable scope for the Council to agree its own constitutional arrangements.

Financial, equalities, sustainability and community safety implications:

There are no direct equalities implications arising from any of the proposals in this report. There are also no anticipated direct financial, sustainability or community safety implications associated with the proposals in this report.

6. Background Papers

- 6.1 Council's Constitution
Emergency democratic arrangements and decision-making report agreed by the Leader of the Council and Chief Executive in March 2020
Emergency democratic arrangements and decision-making report to Council in July 2020
Monitoring Officer committee appointments report to Council in July 2020
Monitoring Officer report to Council in November 2020
Monitoring Officer report to Council in February 2021

APPOINTMENTS SCHEDULE

COMMITTEE APPOINTMENTS

AUDIT COMMITTEE (8 members)

Group / Seats

Chair: Mike Lewis

Vice-Chair: Mike Caswell

Membership: *(CIPFA advice is no Cabinet members and preferably no high profile scrutiny members to be appointed)*

Mike Lewis

Philip Ham

Graham Noel

Mike Caswell

Bob Filmer

Con (5)

Mike Rigby

Liz Leyshon

Lib Dem (2)

Hugh Davies

Independent
Group (1)

CONSTITUTION AND STANDARDS COMMITTEE (5 elected members and 5 co-opted members)

Groups / Seats

Chair: William Wallace

Membership – elected members: *(political proportionality requirements waved by the Council – all political groups represented – 1 member each)*

William Wallace

Tessa Munt

Dave Loveridge

Hugh Davies

Martin Dimery

Con (1)

Lib Dem (1)

Lab (1)

Ind (1)

Green (1)

Membership – co-opted non-voting members:

Robin Horton

Wesley Wooding

Vacancy
Vacancy
Vacancy

DEVON AND SOMERSET COMBINED FIRE AUTHORITY
(8 members)

Groups / Seats

Chair's appointment is made by the Fire Authority itself

SCC's Membership:

Ann Bown
Mark Healey
Linda Vijeh
Terry Napper
Peter Clayton

Con (5)

Simon Coles
Mike Best

Lib Dem (2)

Leigh Redman

Lab (1)

EXMOOR NATIONAL PARK AUTHORITY (4 members)

Groups / Seats

Chair's appointment is made by the Park Authority itself

SCC's Membership:

Frances Nicholson
Christine Lawrence
James Hunt

Con (3)

Bill Revans

Lib Dem (1)

HR POLICY COMMITTEE (6 elected members)

Groups / Seats

Chair: Mandy Chilcott *(This Committee is chaired by the Cabinet member with responsibility for HR issues)*

Membership:

Mandy Chilcott
William Wallace
Anna Groskop
Philip Ham

Con (4)

Andy Kendall

Lib Dem (1)

Leigh Redman

Labour Group (1)

OFFICER APPEALS COMMITTEE (9 members)

Groups / Seats

Chair: (appointment delegated to the Committee)

Membership: *(Committee of 3 members chosen from the 9 to hear each appeal – members **must** receive appropriate training in HR issues to be allowed to participate)*

Linda Vijeh

Rod Williams

John Parham

Mike Pullin

Giuseppe Frascini

Con (5)

Jane Lock

Tessa Munt

Lib Dem (2)

Neil Bloomfield

Individual member (1)

Martin Dimery

Green (1)

PENSIONS COMMITTEE (4 elected members)

Groups / Seats

Chair: John Thorne

Membership:

Graham Noel

John Thorne

John Parham

Con (3)

Simon Coles

Lib Dem (1)

Non-elected Membership: (4 voting non-elected representatives)

– representing the district councils

Mr P Butler – representing the Avon & Somerset Police & Crime Commissioner

Mr G Bryant – representing other employers
Sarah Payne – representative of pension scheme members

Mr R Henley

REGULATION COMMITTEE (8 members)

Groups / Seats

Chair: John Parham

Vice-Chair: Nigel Hewitt-Cooper

Membership: *(no Cabinet members. Members **must** receive training in planning, rights of way and village green issues before taking part in a committee meeting)*

John Parham

Nigel Hewitt-Cooper

Mike Caswell

Nigel Taylor

Mark Keating

Con (5)

Simon Coles

Andy Kendall

Lib Dem (2)

John Clarke

Green Party (1)

Named substitutes

Ann Bown, Terry Napper, Mike Pullin

Tony Lock and Dean Ruddle

Dave Loveridge

Con

Lib Dem

Labour

SCRUTINY FOR POLICIES, ADULTS AND HEALTH COMMITTEE (8 members)

Groups / Seats

Chair: Hazel Prior-Sankey

Vice-Chair: Mark Healey

Membership: *(no Cabinet members to be appointed)*

Mike Caswell

Peter Clayton

Gemma Verdon

Ann Bown

Mark Healey

Con (5)

Hazel Prior-Sankey

Jane Lock

Lib Dem (2)

Andrew Govier

Labour (1)

SCRUTINY FOR POLICIES, CHILDREN & FAMILIES

(8 members)

Chair: Leigh Redman

Vice-Chair: Rod Williams

Membership: *(no Cabinet members to be appointed)*

Rod Williams

Nigel Hewitt-Cooper

William Wallace

James Hunt

Josh Williams

Groups / Seats

Con (5)

Bill Revans

Martin Dimery

Lib Dem (2) –
Lib Dem
allocating a
place to Green
Party

Leigh Redman

Lab (1)

Voting non-elected representatives for the consideration of
education matters only:

Ruth Hobbs

Vacancy

Parent Gov Reps
(2)

Mrs E Tipper

Schools
Education
Partnership
Board (1)

Mr P Elliot

Ms H Fenn – Roman Catholic Diocesan Rep

Schools Forum
(1)

2 vacancies

Church Rep (3)

SCRUTINY FOR POLICIES AND PLACE COMMITTEE

Groups / Seats

(8 members)

Chair: Anna Groskop

Vice-Chair: Ann Bown

Membership: *(no Cabinet members to be appointed)*

Anna Groskop

Ann Bown

Philip Ham

Mark Keating

Bob Filmer

Con (5)

Tessa Munt

Liz Leyshon

Lib Dem (2)

John Hunt

Independent
Group (1)

SOMERSET HEALTH AND WELLBEING BOARD

Groups / Seats

Membership *(overall membership agreed by the Council):*

Proposed County Council membership – subject to the approval of the Leader *(5 members appointed by the Leader – currently includes relevant Cabinet Members for Children’s Services, HR and Adult Social Care)*

Clare Paul (Chair)

Frances Nicholson (Vice-Chair)

David Huxtable

Linda Vijeh

Con (4)

Mike Best

Lib Dem (1)

District Council Elected Representatives (1 elected member per Council)

Chris Booth – Somerset West and Taunton Council

Ros Wyke – Mendip District Council

Brian Hamilton – South Somerset District Council

Janet Keen – Sedgemoor District Council

Officers and Independent Members

Ms T Grant (SCC)
Ms M Lock (SCC)
Mr J Wooster (SCC)
Dr A Murray (CCG)
Mr J Rimmer (CCG)
Dr Ed Ford (CCG)
Mark Cooke (NHS England)
Judith Goodchild (HealthWatch)
Superintendent Mike Prior, Avon and Somerset Police

SOMERSET PENSIONS BOARD (6 – 3 Employer reps, 3 Member reps)

Groups / Seats

Chair: (appointment delegated to the Board)

Membership: *(one elected member to be included as an 'employer' rep)*

3 'Employer' reps:

Mark Healey
Mr P Deal
Vacancy

Con (1)

3 'Member' reps

Mr N Behan
Vacancy
Vacancy

FOR INFORMATION

CABINET

The Leader has appointed the following members to his Cabinet by way of a Leader's decision.

- Leader of the Council and Cabinet Member for Strategy and Customers & Communities – David Fothergill
- Deputy Leader and Cabinet Member for Resources – Mandy Chilcott
- Cabinet Member for Economic Development, Planning and Community Infrastructure – David Hall
- Cabinet Member for Adult Social Care – David Huxtable
- Cabinet Member for Children and Families – Frances Nicholson
- Cabinet Member for Education and Council Transformation – Faye Purbrick
- Cabinet Member for Highways and Transport – John Woodman
- Cabinet Member for Health, Wellbeing & Climate Change – Clare Paul
- Cabinet Member for Customers and Communities – Christine Lawrence

Junior Cabinet Member Appointments

- Economic Development, Planning and Community Infrastructure – Mike Pullin
- Adult Social Care – Giuseppe Fraschini

OPPOSITION APPOINTMENTS – FOR INFORMATION

LIBERAL DEMOCRAT GROUP

Leader: Jane Lock

Deputy Leader: Liz Leyshon

Cabinet Member	Opposition Group Spokesperson
David Fothergill (Leader of the Council)	Jane Lock (Opposition Group Leader)
Mandy Chilcott (Deputy Leader)	Liz Leyshon
David Hall	Dean Ruddle
Clare Paul	Tessa Munt (Climate Change) Mike Best (Health & Well-Being)
Christine Lawrence	Simon Coles
John Woodman	Mike Rigby
David Huxtable	Jane Lock
Frances Nicholson	Bill Revans
Faye Purbrick	Tessa Munt (Education) and Mike Rigby (Transformation)

LABOUR GROUP

Leader: Leigh Redman

INDEPENDENT GROUP

Leader: John Hunt

GREEN GROUP

Leader: Martin Dimery

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CONSTITUTION OF SOMERSET COUNTY COUNCIL (Appendix C)

May 2021

PART 1 – CONSTITUTIONAL ARRANGEMENTS

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Section 1 - The Constitution

1.1 **PURPOSE:** The Constitution sets out how the Council operates and how decisions are made. It reflects current legislation and, where appropriate, the ability of the Council to choose from options available within the law. Legislative requirements take precedence over the contents of this Constitution.

1.2 **STRUCTURE:** The Constitution comprises:
(a) Part 1 – Constitutional Arrangements: These sections set out the basic rules governing the Council’s business.
(b) Part 2 – Rules, Codes and Protocols: Supporting documents relating to the role and rights of elected Members and Officers.

1.3 **REVIEW:** Full Council approves the Constitution and updates it at least annually and as recommended by the Constitution and Standards Committee.

Note: The part of the Constitution that comprises the Council’s ‘executive arrangements’ has also to be agreed by the Council Leader.

1.4 **INTERPRETATION:** The Chair of Council’s ruling on the interpretation and / or application of this Constitution is final. The Chair will consult the Monitoring Officer prior to issuing such a ruling.

1.5 **ACCESS:** The Constitution is published on the Council’s website at <http://www.somerset.gov.uk/constitution> and copies can be inspected at County Hall, Taunton in normal office hours. Copies can be purchased for a reasonable fee. Printed copies are available from Democratic Services (01823 357628).

1.6 **DEFINITIONS:**

Budget. Reference to the ‘Budget’ includes the allocation of funds to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council’s borrowing requirement and investments, the control of its capital expenditure, the setting of virement limits and procedures for dealing with under and overspendings on budget headings at year end.

“**Disciplinary action**” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

“**Executive**” and “**executive Leader**” have the same meaning as in Part II of the Local Government 2000 Act.

Land.

(a) “Land” has the meaning assigned to it in Section 205 of the Law of Property Act 1925 and, in particular, but without in any way limiting

that meaning, includes land, buildings or parts of buildings and easements of both freehold and leasehold tenure;

- (b) References to the acquisition of land include the acceptance of gifts of land and the taking of leases, licences, dedications and easements of or over any land (including buildings) whether by way of valuable consideration or exchange but not the appropriation of land.

Local Choice

'Local Choice' functions are indicated throughout the document in italics. The Council may choose to exercise 'local choice functions' itself, delegate them to Committees or Officers or to the Leader as 'executive' functions. They may be further delegated as indicated within the Constitution.

"Member of staff" means a person appointed to or holding a paid office or employment under the authority; and

Policy Framework. This refers to following plans and strategies:

- (a) Somerset Health & Wellbeing Strategy (agreed on behalf of the Council by the Somerset Health and Wellbeing Board)
- (b) Local Transport Plan;
- (c) Plans and alterations which together comprise the Development Plan;
- (d) Medium Term Financial Plan
- (e) Treasury Management Plan
- (f) Asset Management Plan
- (g) County Plan
- (h) The Council's Pay Policy Statement.

"Proper Officer" means an Officer appointed by the authority for the purposes of the provisions in this Part.

Senior Leadership Team: This description includes the following posts: Chief Executive; Director of Corporate Affairs; Director for Adult Services & Lead Commissioner Adults and Health (DASS); Director of Children's Services; Lead Director for Economic and Community Infrastructure & Director of Commissioning; Director of Finance;; Director of Public Health; HR & OD Director; Deputy Director Children and Families ; Economic & Community Infrastructure Operations Director; Economic & Community Infrastructure Commissioning Director; Managing Director Somerset Waste Partnership; Deputy Director Adults & Health Operations and Deputy Director Adults & Health Commissioning.

"The 1989 Act" means the Local Government and Housing Act 1989;

"The 2000 Act" means the Local Government Act 2000;

Section 2 - Members of the Council

2.1 COUNCIL COMPOSITION: The Council consists of 55 County Councillors (commonly referred to as Members) elected by, and representing the voters of, an area of Somerset referred to as an electoral division. Members are elected for a 4 year period. The next election is in 2022. Details of current councillors including contact details are set out on the Council's website.

2.2 ROLES AND FUNCTIONS OF MEMBERS: Detailed role descriptions for Members are set out in Part 2 (Rules, Codes and Protocols). In summary:

- (a) **Key roles.** All Members:
 - (i) Take formal decisions;
 - (ii) Provide a key link between representing their communities and the Council;
 - (iii) Participate in running the Council.

Some Members also hold positions of special responsibility, e.g. Leader of Council, Cabinet Members and Committee Chairs.

- (b) **Rights and duties:** Members:
 - (i) Have rights of access to information held by the Council.
 - (ii) Must act in accordance with the law and this Constitution including the Members' Code of Conduct.

2.3 APPOINTMENTS:

2.3.1 In Council election year, all Council and Leader Member appointments are valid until the new Council meets following the election or until a replacement is appointed, as long as the Member is re-elected to the Council. The only exceptions to this are the appointments of Chair and Vice-Chair of Council who remain in post until their replacements are appointed by the new Council following the election, whether or not they were re-elected as councillors at the election.

2.3.2 The Council or the Leader (depending on who has responsibility for the appointment) can change any appointment at any time. In addition, Members will automatically be removed from any Council position or appointment if:

- (a) They resign from the position; or
- (b) They are suspended from being a Member of the Council under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) They are no longer a Member of the Council.

2.4 **ALLOWANCES:** Members are entitled to receive allowances for undertaking official duties in accordance with the Scheme of Members' Allowances set out in Part 2 of this Constitution.

Section 3 - Citizens and the Constitution

3.1 CITIZENS' RIGHTS: The Constitution explains citizens' rights to access information about the democratic process and opportunities to participate in it. For reasons of space, it does not detail all of the rights of citizens in respect of the work of the Council and much more information can be found on the Council's website.

3.2 VOTING AND PETITIONS: Somerset citizens registered on the electoral roll can:

- (a) Vote at the County Council elections.
- (b) Petition the Council (subject to meeting the minimum number of signatures required and published by the Council annually) for a referendum to request the election of a directly elected mayor model of governance for Somerset and the Council as an alternative to the Leader and Cabinet governance model.
- (c) Petition for a community governance review of the area to request changes to electoral division arrangements.

Also, if you live, work or study within Somerset you can submit or present a petition on any matter which relates to a function of the Council and you will receive a response. The Council has a petitioning scheme on its website together with the facility to submit on-line petitions.

3.3 ACCESSING INFORMATION: This is a summary of the provisions set out in Section 8 – Decision-making Access to Information Procedure Rules. Citizens can:

- (a) Attend formal member meetings and make representations;
- (b) Find out about decisions made and to be made and make representations to decision makers before decisions are taken (for all Member decisions and some Officer decisions);
- (c) Inspect the Council's accounts and submit views to the external auditor;
- (d) Access certain information held by the Council using the provisions of the Freedom of Information Act 2000;
- (e) Access personal information held about them by the Council, in accordance with the relevant data protection legislation.

3.4 COMPLAINTS: Citizens rights to make complaints or submit views on services are detailed on the Council's website. Complaints about Members are dealt with under a separate procedure and the process is also detailed on the Council's website.

3.5 **CITIZENS' RESPONSIBILITIES:**

3.5.1 Citizens must not be violent, abusive or threatening to Members or Officers (either physically or verbally), nor may they harass or victimise Members or Officers of the Council.

3.5.2 Citizens must not wilfully harm any property owned by the Council, Members or Officers. In addition they must not misuse information obtained in the course of their contact with the Council (e.g. for personal/commercial financial gain).

3.5.3 The Council take complaints very seriously but it also has a procedure – the **Unacceptable Customer Behaviours Policy** - which will only be used in exceptional circumstances, to respond to habitual and vexatious complainants.

Section 4 - Full Council

ARRANGEMENTS

4.1 **FORM AND COMPOSITION:** Full Council (“the Council”) consists of all 55 Members.

4.2 **FUNCTIONS AND RESPONSIBILITIES:**

4.2.1 Full Council Responsibilities:

To:

- (a) (i) Approve the Constitution annually on the recommendation of the Constitution and Standards Committee. Only Council can change the model of democratic governance or the Council’s Committee structure or the operational arrangements of the Council. Approval of the Constitution is subject to the Leader’s approval of any changes to the Leader and Cabinet arrangements.
- (a) (ii) Subject to (i) above, delegate authority to the Constitution and Standards Committee to approve in-year amendments to specific parts of the Constitution.
- (b) Approve the Policy Framework and Budget (see Part 1, Section 1 for definitions of both);
- (c) Take any decision which is a departure from the Policy Framework or Budget, subject to the urgency procedure contained in Part 1, Section 8 - Decision-making Arrangements;
- (d) **Appoint the Chair and Vice Chair of the Council at the Annual General Meeting to hold office until the next Annual General Meeting (usually held in May each year)**
- (e) Appoint the Leader of the Council to hold office from his/her appointment until the day of the post election annual general meeting (usually a 4 year term of office) , including the power to rescind the appointment;
- (f) Consider any issues referred by the Leader or the Scrutiny Committee Chairs for advice, including issues where the Leader and the relevant Committee are not in agreement;
- (g) Adopt a Scheme of Members’ Allowances - see Part 2 of the Constitution – Part D;
- (h) Appoint Council Committees (including their Chairs and Vice-Chairs as appropriate) and decide their functions annually. The Committees, their functions and operating arrangements are detailed in Part 1, Sections 6, 6A and 6B;
- (i) Remove the Chairs and Vice-Chairs where appointed by the Council;
- (j) Receive regular reports from the Cabinet and the Scrutiny

- Committees on their work, including an annual report from each Committee;
- (k) Receive an annual report from the Leader of Council, in addition to the Leader submitting any matter for consideration by the Council at any other time. The Leader will also report significant changes made to Cabinet arrangements to the next available meeting of the Council
- (l) Receive annual reports on the work of the Pensions, Audit and Constitution and Standards Committees, and the Corporate Parenting Board. The annual report of the Constitution and Standards Committee will be taken as the first main item of business on the Council agenda at the AGM. The report of the Corporate Parenting Board will be taken as the second main item of business on the Council agenda at the AGM;
- (m) Receive reports for information on an 'as and when' necessary basis from the Human Resources Committee;
- (n) Approve the annual calendar of meetings for Council and Committee meetings;
- (o) Approve the appointment of the Chief Executive on the recommendation of the Appointments Committee;
- (p) Consider any matter for which the Council has a responsibility or which, in the Council's opinion, affects the authority's area or its inhabitants;
- (q) Appoint or nominate representatives of the Council to serve on joint or outside bodies where these appointments are the responsibility of the Council;
- (r) *The appointment of any individual*
 (i) *to any office other than an office in which he/she is employed by the authority*
 (ii) *to any body other than*
 - *the authority*
 - *a Joint Committee of two or more authorities; or*
 - *any Committee or Sub-Committee of such a body,**and the revocation of any such appointment;*
('Local choice' function for appointments which are the responsibility of Council)
- (s) Make an order to implement recommendations made in a community governance review of electoral division arrangements;
- (t) Approve the treasury management policy statement on an annual basis;
- (u) Approve the Council's pay policy statement on an annual basis;
- (v) Receive the Annual Reports of the Heart of the South West Local Enterprise Partnership and the Avon & Somerset Police and Crime Panel following consideration by the Cabinet, and any other relevant partnership as requested by the Constitution and Standards

Committee;

(w) Deal with all other matters which, by law, must be reserved to Council.

4.2.2 Full Council delegations:

Council delegates functions and responsibilities to:

- (a) Committees of the Council – as detailed in Part 1, Sections 6A and 6B.
- (b) Officers of the Council – as detailed in Part 1, Section 7
- (c) The Council Leader (under the 'local choice' provisions) – as detailed in Part 1, Sections 5 and 8.

The Council can also delegate County Council functions to another council or accept functions. A Committee of the Council may do the same.

4.2.3 DESCRIPTION OF EXECUTIVE ARRANGEMENTS: The following parts of the Constitution comprise the 'executive arrangements' of the Council which are the responsibility of the Council to agree:

- (a) Part 1, Section 5 – Leader and Cabinet Arrangements (subject to the approval of the Leader - see note below)
- (b) Part 1, Section 6A – Scrutiny Committee Arrangements
- (c) Part 1, Section 8
 - Paragraphs under 8.5 – Council and Cabinet Scheme of Delegation to Officers – relevant delegations
 - Paragraphs under 8.6 – Decision-making Access to Information Procedure Rules

Note: The Leader and Cabinet Arrangements which form part of the Council's executive arrangements are the responsibility of the Leader to approve.

4.3 FULL COUNCIL MEETINGS: There are 3 types of Full Council meeting:

- (a) The Annual General Meeting - In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in either April or May. The Annual General Meeting deals with the annual review of the Council's Constitution, procedural matters and appointments as well as the usual business of the Council.
- (b) Ordinary Meetings – held 3 times a year normally in February, July and November to deal with the usual business of the Council. In a County Council election year there is an additional meeting in advance of the election.

- (c) Extraordinary (or special) Meetings. These deal specifically with the business for which the meeting has been called. They can be called by:
- (i) The Council;
 - (ii) The Chair of the Council or, in the absence of the Chair, the Vice-Chair of the Council;
 - (iii) Any 5 Members of the Council through a signed request to the Chair of the Council (or the Vice-Chair in the absence of the Chair). The Chair must make arrangements to call an extraordinary meeting within 7 calendar days of receiving the request;
 - (iv) The Monitoring Officer.

4.4 TIME AND PLACE OR FULL COUNCIL MEETINGS: Council meetings usually start at 10.00am and are normally held at Shire Hall, Taunton or such other place as the Council may decide (including virtual or hybrid meetings subject to legislative requirements being met). The dates of Council meetings are published on the Council's website for up to a year in advance of the meetings.

PROCEDURAL RULES

4.5 ELECTION OF CHAIR AND VICE-CHAIR: From the elected Members of the Council, the Council elects the Chair and Vice-Chair at its Annual General Meeting. The Chair shall, unless he/she resigns or becomes disqualified, continue in office until his/her successor becomes entitled to act as Chair of the Council.

If a vacancy in these positions occurs the Council will fill the vacancy at the next available meeting. In the absence of the Chair and the Vice-Chair at a Council meeting, a Chair will be elected for the meeting from the members present.

4.6 CHAIR'S POWERS AND FULL COUNCIL MEETINGS: The Chair may:

- (a) Call an extraordinary meeting of Full Council;
- (b) Vary the order of business for Full Council meetings in advance of the agenda being sent out or at the meeting itself;
- (c) Alter both the start time and the venue of Full Council meetings;
- (d) Decide how and when business from an adjourned meeting is dealt with;
- (e) Exercise discretion over the application of the requirements of the rules for public question time and member debate.

4.7 QUORUM: 14 Members are required for a valid Full Council meeting to be held. If a quorum is not present, the meeting will be adjourned until a quorum is present or any remaining business will be considered at the next Ordinary Meeting or at a time and date fixed by the Chair.

4.8 DURATION OF MEETING: Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for four hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next scheduled meeting.

4.9 FULL COUNCIL MEETING BUSINESS PLAN: The Business Plan for each meeting is contained within the Chair's Schedule which is published on the day of the meeting to members, all other persons attending the meeting and on the Council's website. Public questions or statements to be considered at the meeting shall be published on the Council's website by 5pm on the working day before the meeting is held.

4.10 PROPOSALS REQUISITIONED BY MEMBERS: Any Member can requisition a proposal for consideration by the Council. In order to be formally considered requisitioned proposals must:

- (a) Relate to Council business or be a matter which affects the County and must request the Council to take action;
- (b) Be formally notified to the Monitoring Officer at least 10 calendar days (excluding any bank holidays) before the meeting at which it is to be considered.
- (c) Be formally proposed by the Member who submitted it or, with his/her consent, by another Member;
- (d) Be formally seconded by another Member at the meeting.

A proposal can only be withdrawn by the Member who originally submitted it either in writing in advance of the meeting or verbally at the meeting.

4.11 PUBLIC QUESTION TIME (INCLUDING TREATMENT OF SMALL PETITIONS)

Note: References in this section to petitions relate to petitions which individually or collectively (on the same subject matter) contain under 5000 signatures.

4.11.1 Public representations (questions, statements or a petition) must be received in writing by the Monitoring Officer by 5pm on the Thursday prior to the meeting (for Wednesday Council meetings) to be considered at that meeting. Any questions, statements or petitions received after the deadline will only be considered with the discretion of the Chair of the relevant meeting. The questioner will need to set out reasons for their late submission to be considered at the meeting. If the Chair rejects the late question or statement then a written reply will be provided by the council within 20 working days of the meeting.

Notwithstanding the above, where a question relates to a matter which is included on the agenda for a meeting at which the question is to be put but that agenda or any Officers Report has not been made available before the normal deadline for submission of questions by 5pm three clear working days before the meeting then provided written notice of a question is received within 24 hours of that Agenda or Report having been so published then the question shall be allowed.

4.11.2 If a person submits more than three questions (including any sub-division or component questions ie. Question 1a, 1b and 1c would mean three questions the same as Question 1, 2 or 3) then only the first three questions shall be accepted for a meeting (subject to those questions not duplicating or being similar to other questions received from other persons for the meeting). Where there is duplication or the question or statement is similar then it is proposed that those will be rejected. The Monitoring Officer shall adjudicate on the application of this in consultation with the Chair.

4.11.3 Public representations will be rejected by the Chair of the Council, following consultation with the Monitoring Officer, if they:

- (a) Do not relate to a matter for which the council has a responsibility or which affects the County;
- (b) Are defamatory, frivolous, offensive, vexatious or unlawful;
- (c) Are substantially the same as a public representation which has been put at a meeting of the Council, Cabinet or a Committee in the past six months;
- (d) Require or request the disclosure of confidential or exempt information in any response;
- (e) Relate to any non-determined planning application or town and village green application
- (f) Name or identify individual service users, members of staff or members of staff of partner agencies
- (g) Are considered to be inappropriate for the particular meeting

The Monitoring Officer can edit public representations in consultation with the author and the Chair. If changes cannot be agreed the Monitoring Officer can reject the representations.

4.11.4 The Chair's Schedule for the meeting includes details of public representations. They are also detailed in the Minutes together with the responses (given at the meeting or provided following the meeting). Up to 20 minutes is allowed for public question time.

4.11.5 Members of the public have up to 3 minutes to introduce and present their representations. If a member of the public is unable to attend a meeting in person, then they will be allowed to arrange for someone to ask the question on their behalf. If no person is able to put the question to the meeting then either the Chair or the Monitoring Officer shall present their question to the meeting.

4.11.6 A Member (usually the relevant Cabinet Member) will normally provide a brief verbal response to public representations at the meeting. There will be no member debate. If a full response cannot be given at the meeting, then a written response will be provided within 20 working days of the meeting.

4.12 TREATMENT OF LARGE PETITIONS

4.12.1 Petitions of 5000 or more signatures (individually or collectively) qualify for a 15 minute debate at a Full Council meeting if notice is given in accordance with 4.11 above.

4.12.2 The petition will be regarded as having been formally handed over to the Chair and the Council by being placed on the front table at the meeting.

4.12.3 The petition organiser will have a maximum of 5 minutes to introduce the petition. Any related public questions to the petition will then be considered – the normal rules for public questions set out in 4.11 above apply.

4.12.4 The relevant Cabinet Member has a maximum of 5 minutes to respond to the petition organiser / public questions prior to a member debate which is limited to 15 minutes.

4.13 FILMING OF FULL COUNCIL MEETINGS BY THIRD PARTIES

4.13 Recording and transmission of formal Council meetings by third parties is allowed to in accordance with the Somerset County Council Recording Protocol: Third Party Recording of Committees, Boards and Panels as set out as Appendix I in Part 2 of the Constitution. Details of the provisions are included on all formal meeting agendas and are displayed in the meeting rooms.

4.14 LEADER AND CABINET MEMBER REPORTS - MEMBER

QUESTIONS: Member questions must be received by the Monitoring Officer by 5pm on the Thursday before the meeting (when that meeting is being held on a Wednesday) to guarantee receiving a full response by the Cabinet Member at the meeting. Questions notified are included in the Chair's Schedule for the meeting. If notice is not given a full answer may be given at the meeting but if this is not possible a written answer will be provided within 20 working days of the meeting. Questions and responses are included in full in an appendix to the Minutes.

4.15 OVERTURNING COUNCIL DECISIONS

4.15.1 A proposal to:

- (a) overturn a decision made within the past 6 months; or
- (b) consider a similar proposal to one that has been rejected in the past 6 months

can only be considered if supported by at least 10 Members at the meeting. Once dealt with, the Council will not consider a similar proposal for 6 months.

4.15.2 Paragraph 4.15.1 above does not apply to recommendations of the Leader, the Cabinet, a Committee or decisions / proposals made prior to the last main County Council election.

4.16 PROPOSALS AND AMENDMENTS NOT REQUIRING NOTICE:

4.16.1 The following proposals or amendments to proposals can be proposed at a Full Council meeting without giving notice under paragraph 4.10:

- (a) Electing a Chair.
- (b) Referring a matter to the Leader or a Committee.
- (c) Appointing a Committee (or Members to a Committee) when the agenda contains an item to allow Members to do so.
- (d) Requesting approval to withdraw a proposal.
- (e) Amending a proposal submitted under paragraph 4.10 above.
- (f) Amending a recommendation in a report.

- (g) Asking the Council to proceed to the next item on the agenda.
- (h) Asking the Council to move straight to a vote on the issue being discussed (otherwise known as a proposal that the question is put to the vote without delay).
- (i) Adjourning the debate.
- (j) Adjourning the meeting.
- (k) Suspending the Council's procedural rules.
- (l) Excluding the press and public to deal with confidential or exempt business.
- (m) Dealing with disorderly conduct by a Member under paragraph 4.22 that follows below;
- (n) Dealing with disorderly conduct by a member of the public under paragraph 4.23 below.

4.16.2 Significant amendments must, wherever possible, be received by the Monitoring Officer by noon on the Monday before a Wednesday meeting. The Monitoring Officer will approve any amendments and include them in full in the Chair's Schedule. Amendments received after the Monday deadline will only be allowed at the discretion of the Chair.

4.17 VOTING:

4.17.1 Decisions are made by a simple majority vote. The Chair will seek a general verbal agreement from those present or request a show of hands or set out other means in which Members can indicate their vote. If the vote is equal, the Chair can exercise a second or casting vote and may cast one or both votes in whatever way he or she chooses. Any Member immediately following a vote can request that their vote is recorded in the Minutes.

4.17.2 If 11 Members present demand it (such as by standing), the names for and against the proposal or amendment and those who didn't vote are recorded in the Minutes.

4.17.3 For any budget proposal or amendment formally considered, the names of the persons who voted for or against, or those who didn't vote, are recorded in the Minutes.

4.17.4 Where there are more than two people nominated for any position and one person fails to achieve a clear majority of votes, then the person with the least number of votes is taken off the list and a new vote taken. The process continues until there is a majority of votes for one person.

4.18 MINUTES: Minutes include all proposals, amendments and decisions in the exact form and order considered at the meeting. With the consent of the Council, the Chair will sign the Minutes as a correct record at the next scheduled meeting. Only the accuracy of the Minutes may be discussed. Any signed Minute is sufficient to be received in evidence in a court of law without further proof.

In respect of the Council's audio recordings of its meetings, reference should also be made to the Access to Information Procedure Rules.

4.19 RECORD OF ATTENDANCE: All Members present must sign the attendance sheets provided at the meeting or alternatively the Monitoring Officer will be required to record Members' attendance at the meeting.

4.20 EXCLUSION OF THE PUBLIC: The public and press can only be excluded for confidential or exempt business or under paragraph 4.23 (Disturbance by the public).

4.21 MEMBERS' RIGHT TO SPEAK

4.21.1 A Member's speech must relate either to the matter under discussion or to a 'personal explanation' or to a 'point of order', as appropriate. A member has up to 5 minutes to speak on an agenda item and shall speak only once on a single item.

4.21.2 Any Member who wants to raise either a point of order or to speak by way of personal explanation will be allowed by the Chair to speak immediately.

- (a) **Points of order** - the Member must immediately state which procedural rule or statutory provision has been broken and in what way.
- (b) **Personal explanation** – a Member has the right to speak to clarify remarks made by him/her earlier in that debate which appear to him/her to have been misunderstood.

Note - there is no automatic right to speak just because a Member has been named and in this instance the relevant Member must seek the Chair's permission to address the Council.

4.21.3 In seconding a proposal or an amendment a Member can reserve his/her right to speak later in the debate.

4.22 MEMBERS' CONDUCT

4.22.1 Members must indicate their wish to speak to the Chair. When invited by the Chair, the Member must stand and address the meeting through the Chair. If the Chair stands or indicates otherwise his request for any Member to stop speaking during a debate, any Member speaking at the time must immediately be silent and sit down and all other Members must be silent and seated.

4.22.2 If a Member's behaviour disrupts the meeting, the Chair can propose that the Member is silent and if seconded, the proposal will be voted on without discussion. If agreed and the Member continues to behave improperly, the Chair can propose that either the Member is excluded from

the meeting or that the meeting is adjourned for a specified period. If seconded, the proposal will be voted on without discussion.

4.22.3 If there is a general disturbance amongst the Members, the Chair may adjourn the meeting for as long as he/she thinks necessary.

4.23 DISTURBANCE BY THE PUBLIC: If a member of the public interrupts the meeting, the Chair will invite the person to stop. If they continue to disrupt the meeting, the Chair can order their removal from the meeting. If there is a more general disturbance the Chair may adjourn the meeting to allow all or part of the meeting to be cleared.

4.24 SUSPENSION AND AMENDMENT OF COUNCIL MEETING RULES

4.24.1 Any Full Council meeting rule can be suspended with the agreement of the Council as long as at least 40 of the 55 Members of the Council are present. Suspension can only be for the duration of the meeting or part of the meeting.

4.24.2 Any proposal (other than a recommendation contained in a report) to change any of the Full Council meeting rules will, if seconded, be referred without discussion to the Constitution and Standards Committee for consideration and report to the next scheduled Meeting of the Council.

4.25 APPLICATION OF THESE RULES TO COMMITTEES OF THE COUNCIL: Procedural rules 4.5, 4.8, 4.11, 4.17 to 4.20 and 4.22 to 4.23 apply with appropriate modification to meetings of the Committees of the Council. The procedural rules that apply to the Council's 'executive' arrangements are detailed in Part 1, Section 5 of this Constitution.

Section 5 - Leader and Cabinet Arrangements

5.1 LEADER, DEPUTY LEADER AND CABINET APPOINTMENTS

5.1.1 The Council appoints the Leader of Council for a period of 4 years and the Council can rescind the appointment at any time.

5.1.2 A Cabinet of 8 members (the maximum allowed is 10 members) has been appointed by the Leader including a Deputy Leader and 6 other Cabinet Members. The Leader can change the Cabinet membership at any time. All members of the Cabinet are currently members of the largest political group on the Council. The Leader chairs meetings of the Cabinet unless absent when the Deputy Leader chairs the meeting.

5.1.3 The Leader has appointed 2 Junior Cabinet Members to provide support to the Cabinet Members as well as a degree of possible succession planning for future Cabinet membership. Their main responsibilities are detailed in 5.6 that follows. Junior Cabinet Members cannot legally be given the full range of Cabinet Members responsibilities and therefore they cannot take formal decisions. They have, however, been given a formal constitutional role as they are required to be consulted on key and non-key decision reports that fall within their service areas.

5.1.4 The Chair and Vice-Chair of the Council and members of any of the Scrutiny Committees cannot be members of the Cabinet.

5.2 FUNCTIONS AND RESPONSIBILITIES OF THE LEADER

5.2.1 Under the Policy Framework and Budget agreed by the Council, the Leader of the Council ("the Leader") is responsible for the day-to-day running of the Council and all related decisions (known as 'executive' decisions). The Leader therefore discharges all the Council's responsibilities under Education and Social Services legislation and as Highway Authority (other than those public rights of way decisions exercised by the Regulation Committee), County Planning Authority (other than the determination of planning applications), Waste Disposal Authority, Public Transport Authority and Traffic Authority and for all its statutory duties, including the exercise of 'local choice' functions delegated by the Council.

'Local Choice' functions (see Part 1, Section 1 for a definition) are indicated in italics below.

5.2.2 The Leader has allocated decision-making responsibilities to:-

- (a) The Leader;
- (b) The Cabinet;
- (c) The Traffic Regulation Order Sub-Committee of the Cabinet;
- (d) Jointly to two Cabinet members;
- (e) Individual Cabinet members;
- (f) The Somerset Waste Board; and

(g) Senior Leadership Team Officers.

Note: (g) above includes interim appointments in the absence of relevant contracted employees

5.2.3 The Leader has retained the following responsibilities:-

- (a) To refer to Council for approval any proposed executive decision which is outside of the Council's Policy Framework or Budget, or the virement limits set by the Council.
- (b) To exercise any delegated executive decision-making responsibility including where a Cabinet Member wants to take a decision against officer advice, or where there is uncertainty as to who may take a decision.
- (c) In addition to any specific delegations to Cabinet Members and Senior Leadership Team Officers, to acquire land by agreement or, failing agreement, by compulsory purchase and to dispose of County Council land – see 5.2.4 to 5.2.6 below.
- (d) To appoint any individual to an outside body or partnership or joint committee of two or more authorities where the appointments relate to executive functions.
- (e) *The determination of an appeal against any decision made by or on behalf of the authority in respect of Early Years Providers. (Local choice function)*
- (f) *The appointment of any individual*
 - (i) *to any office other than an office in which he/she is employed by the authority*
 - (ii) *to any body other than*
 - *the authority*
 - *a Joint Committee of two or more authorities; or*
 - *any Committee or Sub-Committee of such a body,**and the revocation of any such appointment*
(‘Local choice’ function for appointments falling under the responsibility of the Leader)

5.2.4 The Leader can only acquire land after having first considered the Chief Finance Officer's advice and recommendations on the value and for a sum no greater than the maximum (if any) recommended by the Chief Finance Officer.

5.2.5 When acquiring land or disposing of land, the Leader will comply with the relevant general procedures laid down by the Council including for dealing with capital payments or capital receipts.

5.2.6 The Leader shall not re-delegate his / her power to acquire land, except:-

- (a) where statute permits;
- (b) where the powers concern the compulsory acquisition of land or the acceptance of gifts of land for the creation or improvement of an existing County road - these powers can be delegated to a Sub-Committee comprising the Leader, Deputy Leader and one other Member of the Cabinet.

5.2.7 The Leader can amend the Leader and Cabinet arrangements at any time via a Leader's Non-Key decision. Any changes will be reported for information to the next meeting of the Council.

5.2.8 In the absence of the Leader or where the Leader is unable to act, the Deputy Leader has authority to exercise the Leader's responsibilities.

5.3 DECISION MAKING RESPONSIBILITIES AND FUNCTIONS OF THE CABINET

5.3.1 The Cabinet collectively take key strategic, policy or operational decisions or where there are significant cross-cutting issues across 3 or more Cabinet Member's areas of responsibility as set out in 5.3.2 below e.g. the Council's County Plan, and countywide plans.

5.3.2 The Cabinet:-

- (a) Make recommendations to Council on the Policy Framework, except where the statutory responsibility for the submission of such recommendations rests with another body;
- (b) Recommends the Annual Budget and Precept to Full Council for approval;
- (c) Advises the Council on the economy, efficiency and effectiveness of its activities and the need for new services and the necessity of existing ones;
- (d) Advises the Council on the overall organisation, co-ordination and management of the Council;
- (e) Advises the Council on its policy and response to international, national and regional initiatives;
- (f) Has responsibility for the overall allocation and control of the financial, staff and land resources of the Council and acts as the 'corporate client';
- (g) Receives the annual outturn reports;
- (h) Approves the Council's risk management strategy and policy statement. This is a joint responsibility with Full Council;
- (i) Recommend the treasury management policy statement to Full Council for approval, on an annual basis;
- (j) Reviews policy and develops and agrees new policy (aside from policies within the Council's Policy Framework) as required, seeking where appropriate to involve scrutiny in the development of proposals;
- (k) Considers any Scrutiny Committee recommendations.

5.3.3 In addition, the Leader may put on any Cabinet meeting agenda any 'executive' matter which he or she wishes providing the statutory notice requirements are complied with.

5.3.4 The Leader, a Cabinet Member or the Cabinet can delegate functions to another council or to accept functions from another council in their area of responsibility.

5.4 ALLOCATION OF SERVICE RESPONSIBILITIES AND DECISION MAKING RESPONSIBILITIES TO CABINET MEMBERS - SUMMARY:

5.4.1 Service responsibilities allocated to Cabinet Members by the Leader are detailed on the Council's website. Alternatively, a copy can be obtained from the Democratic Services Team, tel 01823 357628.

5.4.2 Cabinet Members take Key and Non-Key Decisions in their allocated service areas and some have additional responsibilities as detailed in this section. They always have the option to refer decisions to full Cabinet. They:

- (a) Ensure effective delivery of services;
- (b) Are responsible for all policy matters in their area of responsibility involving scrutiny as appropriate;
- (c) Monitor compliance with policies and the framework of accountability and control.

5.4.3 A Cabinet Member can convene, on an ad hoc basis, a small representative group of Members of the Council (i.e. all party) to assist in the consideration of particular issues or matters. These are not formal meetings as defined in the Code of Conduct and the Cabinet Member is responsible for all of the arrangements.

5.5 ALLOCATION OF DECISION MAKING RESPONSIBILITIES TO CABINET MEMBERS

Cabinet functions for which responsible	Conditions on the exercise of the function
<p><u>General delegations to all Cabinet members</u></p> <p>Key Decisions: Cabinet Members take Key Decisions in their areas of responsibility (except those reserved to the Leader or Cabinet).</p> <p>Non-Key Decisions: Cabinet Members take Non-Key decisions in their areas of responsibility – as follows:</p>	<p>General:</p> <p>A Cabinet Member can take a Key Decision and Non-Key Decision as long as it is:-</p> <ul style="list-style-type: none"> (a) within the Council's policies and objectives; (b) in accord with legislation, statutory guidance, good practice and the Constitution;

<ul style="list-style-type: none"> • To spend budgets or realise savings between £100,000 and £500,000 • To approve bids for Council funding from external bodies, subject to suitable on-going revenue support and time periods/exit strategies are in place. • To submit bids on behalf of the Council for external funding, subject to suitable on-going revenue support and time periods/exit strategies are in place. • To let contracts and employ consultants and contractors on behalf of the Council • To declare land surplus to operational requirements • To approve responses to consultation papers • To authorise any relevant consultation on behalf of the Council • To make planning and building regulations applications • To approve capital or revenue virements between £50,000 and £ 250,000 in consultation with the relevant Senior Leadership Team Officer and the Director of FinanceTo appoint representatives to internal committees / bodies and joint committees • To approve procurement / tendering for delivery of services on behalf of the County Council (with no financial limit) • To approve operational arrangements for delivery level partnerships / joint working arrangements with other public, private, voluntary and community sector organisations • To take decisions on behalf of the Council when officially representing the Council on a partnership or outside body subject to advance notice of the issue having been given to the Council's representative. <p><u>Specific delegations to individual Cabinet Members</u></p> <p>The Cabinet Member- Resources can:</p> <ul style="list-style-type: none"> • declare land / property surplus to the requirements of the Council and agree its disposal regardless of its capital value or 	<p>(c) within Budget.</p> <p>All decisions taken by Cabinet Members must follow the relevant procedures set out in Part 1, Section 8, para 8.6.</p> <p>All proposed Leader or Cabinet Member Non-Key and Key Decisions must be notified to the Service Manager – Executive, Democratic Services together with any report(s) or other information supporting the decision.</p> <p>The Monitoring Officer or his/her representative will attend to advise the decision maker and ensure compliance with constitutional requirements when any Member Key or Non-Key Decision is taken.</p> <p>All decisions and supporting material will be published via the Council's website and available for public inspection at any time – excluding any exempt or confidential documents or information.</p> <p>Joint Non-Key decisions can be made by Cabinet Members on matters within their collective remits. Joint Key Decisions can be made by two or more members of the Cabinet.</p> <p>Approval of partnership operational arrangements and memberships rests with the Cabinet Member with the greatest input. For true cross-cutting partnerships, this responsibility rests with the relevant Cabinet Member when identified.</p> <p>If a Cabinet Member is absent or otherwise unable to act, the Leader (or in his / her absence the Deputy Leader) can take the decision on their behalf.</p> <p>If a Cabinet Member wants to take a Key or Non-Key Decision against Officer advice, or there is uncertainty or a dispute as to who may act, the matter will be decided by the Leader (or Deputy Leader in the absence of the Leader) in consultation with relevant Officers.</p> <p>Consultation requirements pre-decision:</p>
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<p>annual rental income / leasehold consideration.</p> <ul style="list-style-type: none"> • acquire land and property regardless of its capital value or leasehold consideration / annual rental cost. • approve capital sales at an under-value. • approve any changes to the Council's office portfolio and authorise any necessary property requirements, including disposal, office relocations, acquisitions, leases, etc • approve any capital or revenue virements above £250,000 in consultation with the relevant Cabinet Member(s) and Director of Finance. • receive and approve the financial and performance monitoring reports on behalf of the Cabinet, with a requirement for subsequent notification to all Cabinet Members and the Chairs of the Scrutiny Committees. <p>The Cabinet Member-Resources approves the establishment of all earmarked reserves and all new trading accounts and activities.</p> <p>The Cabinet Member-Highways and Transport can approve, amend or rescind traffic management schemes.</p> <p>The Cabinet Member- Resources approves staffing levels as part of the Medium Term Financial Plan.</p>	<p>The consultation requirements for member decisions are set out in Part 1, Section 8, paras 8.6.14 (Key Decisions) and 8.6.15 (Non-Key Decisions)</p> <p>Publication requirements pre-decision:</p> <p>Publication requirements in relation to Member / Officer Key Decisions before the decision is taken are set out in paragraphs Part 1, Section 8, paras 8.6.17 to 8.6.20.</p> <p>Publication requirements post decision:</p> <p>Publication requirements in relation to Member / Officer Key Decisions, Member Non-Key Decisions, and Officer Non-Key Decisions taken under direct delegated authority after the decision is taken are set out in Part 1, Section 8, paras 8.6.21 and 8.6.22.</p> <p>Scrutiny call-in of Key Decisions:</p> <p>The process for the call-in of Key Decisions by the Scrutiny Committees is set out in Part 1, Section 6, paras 6.2.6 and 6.2.7.</p> <p>Non-Key Member Decisions - referral back</p> <p>The process for Members to request a referral of a Non-Key Member Decision not yet implemented back to the decision taker is set out in Part 1, Section 6, para 6.2.8.</p>
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5.6 JUNIOR CABINET MEMBERS

5.6.1 The Support Members are not able to take decisions but they can advise the Cabinet and the relevant Cabinet Member. They will:

- (a) Support their relevant Cabinet Member to provide clear political leadership both within and outside of the County Council in order to help advance and deliver the Council's priorities and key outcomes
- (b) Focus on information gathering and understanding key policy / service delivery in their areas of responsibility
- (c) Assist with the development of options and policies for consideration by the Cabinet and relevant Cabinet Member taking into account national policies and local circumstances
- (d) Brief and make recommendations to Cabinet and their relevant Cabinet Members and others on relevant issues in relation to policy and strategy development, service improvement or changes and decision making.
- (e) Represent or deputise for their relevant Cabinet Member at meetings or events as necessary. NB (The term 'deputise' does not include authority to take formal decisions.)
- (f) Promote and support good governance of the Council and its business.

- (g) Keep other Members of Council informed about their activities,
- (h) Maintain effective working relationships with Senior Leadership Team officers and other Officers.
- (i) Create and maintain effective relationships with partners and organisations to deliver the Council's priorities
- (j) Be accountable to their relevant Cabinet Member, and ultimately the Leader of the Council, for the development and delivery of policies and strategies to meet the outcomes required by the Council and the Cabinet.
- (k) Be accountable to their relevant Cabinet Member for supporting the commissioning and delivery of services to meet the outcomes required by the Council and the Cabinet. This includes supporting the delivery of County Plan priorities and Medium Term Financial Plan savings
- (l) Play a key role in supporting transformational programmes within their areas of responsibility
- (m) Play a key role in the delivery of specific projects within their areas of responsibility.

5.6.2 Where a Junior Cabinet Member is temporarily unable to perform their role e.g. due to illness, then the relevant Cabinet Member is able to appoint a temporary Junior Cabinet Member. In these instances the Leader of the Council will be consulted and the Monitoring Officer informed.

5.7 TRAFFIC REGULATION ORDER SUB-COMMITTEE

5.7.1 The Leader has appointed a 3 member Traffic Regulation Order Sub-Committee whose function is to make decisions on Traffic Regulation Orders where there are significant objections to the proposed Order. The Sub-Committee has delegated powers to confirm the Order, make minor modifications or to refer it back to Officers for reconsideration of the scheme proposals.

5.7.2 The Economies & Communities Infrastructure Commissioning Director will determine whether a Sub-Committee meeting will be held in consultation with the local Member and Cabinet Member for Highways and Transport.

5.7.3 The Sub-Committee meets when required. The Chair of the Sub-Committee agrees the venue, time and meeting date. Cabinet members appointed to the Sub-Committee will not normally include any Cabinet member from the relevant district council area that relates to the Order. All three Sub-Committee members (or a substitute) must be present in order for there to be a valid meeting. The Sub-Committee's decisions are reported to Council in the Cabinet's regular report. Normally, the business of the Sub-Committee will be shown in the Cabinet Forward Plan of Key Decisions.

5.8 SOMERSET WASTE BOARD

5.8.1 **Functions:** The Leader has delegated to the Board the County Council's statutory functions as Waste Disposal Authority, together with the delegation of powers under Local Government Act 2003 in relation to the ability to charge for discretionary services such as the use of discretionary

recycling sites/services that are not provided under Section 51 Environmental Protection Act 1990.

5.8.2 Form and Composition: The Board is a Joint Committee of Somerset County Council, Mendip District Council, Sedgemoor District Council, South Somerset District Council and Somerset West and Taunton Council . The Board was established under sections 101(5) and 102 of the Local Government Act 1972 and other relevant enabling legislation.

5.8.3 Each Council appoints two of its elected Members to be its representatives on the Board. One of the authority's appointed Members must be the relevant Cabinet Member for waste and/or the environment. Where a substitute takes the place of a Cabinet Member then the substitute must also be a Member of the Cabinet.

5.8.4 Board decisions: Aside from the Board itself, the following can take decisions with the agreement of the Board:

- (a) A Sub-Committee of the Board (a minimum of 3 Members representing 3 of the Partner Authorities);
- (b) The Administering Authority (under the Board's Scheme of Delegation);
- (c) The Managing Director (under the Board's Scheme of Delegation).

Delegation of a decision under (a) to (c) above does not prevent the Board taking the decision if it wishes to do so.

5.8.5 Board decisions are taken at a meeting in accordance with the Board's Forward Plan except where the General Exception Procedure or the Special Urgency Procedure applies.

5.8.6 Access to Information: The Board includes Members who are not on the Cabinet / Executive of any participating councils. Therefore, the Decision making Access to Information Procedure Rules in Part 1, Section 8, apply in accordance with the access to information provisions in Part VA of the Local Government Act 1972.

5.9 SUB-DELEGATION OF EXECUTIVE RESPONSIBILITIES:

5.9.1 All executive decision-making responsibilities can be delegated to an Officer subject to compliance with financial threshold limits. The Monitoring Officer maintains details of delegations from the Leader, Cabinet or Cabinet Members within the Council and Cabinet Scheme of Delegation to Officers – see Part 1, Section 8.

5.9.2 A delegation does not prevent the discharge of a delegated responsibility by the person or body who agreed the delegation.

5.10 CABINET MEETING ARRANGEMENTS:

5.10.1 Meetings Calendar: The Leader agrees the calendar of meetings for the Cabinet and publishes them on the Council's website. Special meetings can be called by the Leader or any 3 members of the Cabinet. The Cabinet normally meets at the Council's main offices in County Hall, Taunton or any such other place as the Leader of the Council determines.

5.10.2 Public involvement at Cabinet Meetings: Cabinet meetings are open to the public unless exempt or confidential information is being discussed. Members of the public may make a statement, ask a question or present a petition and the rules are set out in detail in Para 1, Section 8, paragraphs 8.6.35 and 8.6.36.

5.10.3 Non-Cabinet Member involvement in Cabinet meetings: The Chair may allow non-Cabinet Members to speak on any Cabinet item.

5.10.4 Cabinet quorum: A minimum of 4 members are required to have a valid meeting of the Cabinet. The quorum for a Sub-Committee of the Cabinet shall be fixed when the Sub-Committee is established. Only a member of the Cabinet may substitute for a member of a Cabinet Sub-Committee.

5.10.5 Cabinet decision making: Part 1, Section 8 – Decision-making Access to Information Procedure Rules detail the Cabinet decision making processes. Paragraphs 4.10, 4.15 to 4.18 and 4.20 to 4.21 in Part 1, Section 4 – Full Council Procedural Rules – apply in full or in part to meetings of the Cabinet, the Traffic Regulation Order Sub-Committee and Somerset Waste Board.

5.10.6 Who can put items on the Cabinet agenda? The following can put items on a Cabinet agenda:

- (a) The Cabinet itself;
- (b) The Full Council;
- (c) A Scrutiny Committee;
- (d) Any member of the Cabinet;
- (e) The Chief Executive;
- (f) The Monitoring Officer;
- (g) The County Solicitor;
- (h) The Chief Finance Officer / Section 151 Officer;
- (i) Any Officer from the Senior Leadership Team.

5.10.7 Leader / Cabinet reports to Council: A report of Cabinet meetings and all Key decisions taken is made to each Full Council meeting. Individual Cabinet Members also present annual reports to the Full Council of their activities.

5.11 CABINET DECISION-MAKING ARRANGEMENTS: The procedures for taking Key and Non-Key Decisions are detailed in Section 8. This includes the rights of the public to:

- (a) Access details of decisions and related reports before and after they are taken; and

(b) Make representations to the decision maker before a decision is taken.

Section 6 – Council Committees

ARRANGEMENTS

6.1.1 COMMITTEES OF THE COUNCIL: The Council has appointed standing Committees as detailed in sections 6A, 6B and 6C to undertake the functions specified. Committee functions cannot be delegated to the Leader unless allocated by the Council as a ‘local choice’ function.

Local Choice’ functions (as defined in Part 1, Section 1) are indicated in italics.

6.1.2 COMMITTEE APPOINTMENTS: Full Council appoints all members of Committees on an annual basis.

6.1.3 COMMITTEE CHAIRS AND VICE-CHAIRS: Full Council appoints the Chairs and Vice-Chairs of Committees on an annual basis unless otherwise indicated in sections 6A, 6B and 6C.

6.1.4 SUBSTITUTION ON COMMITTEES: Substitutes for elected members of Committees are allowed on the Council’s Committees except the Pensions Committee, the Officer Appeals Committee, the Somerset Health and Wellbeing Board and the Pensions Board. In the case of the Regulation Committee substitutes must be trained in planning and rights of way issues. Where substitution is allowed, the nomination of a substitute is for the entire meeting, not a part of it, even if the named Member of the Committee is available for part of the meeting. Substitution is not allowed for co-opted members.

6.1.5 MEETING DATES: Committee meeting dates and times are published on the Council’s website, the public notice board at County Hall, and at any external venue used for a meeting. Committees normally meet in public at the Council’s main offices in County Hall, Taunton or such other place as the Council may decide (including virtual or hybrid meetings subject to legislative requirements being met). All of the Committees meet on a regular cycle except the Officer Appeals Committee which meets as and when necessary. The Officer Appeals Committee generally meets in private because of the nature of its business.

6.1.6 COMMITTEE BUSINESS – PUBLIC INVOLVEMENT: Committee meetings are open to the public unless exempt or confidential information is being discussed. Members of the public can find out about the business to be considered and may attend to make a statement, ask a question or present a petition where the agenda makes such provision. The rights of members of the public are set out in the rules detailed in Part 1, Section 8.

6.1.7 NON-COMMITTEE MEMBER INVOLVEMENT IN COMMITTEE MEETINGS: A Chair may allow a Member who is not a member of a Committee to speak on an item of business at a formal Committee meeting.

Section 6A – Scrutiny Committees

6.2 SCRUTINY FOR POLICIES AND PLACES COMMITTEE / SCRUTINY FOR POLICIES, CHILDREN AND FAMILIES COMMITTEE / SCRUTINY FOR POLICIES, ADULTS AND HEALTH COMMITTEE

FUNCTIONS

6.2.1 These Committees fulfil the statutory “overview and scrutiny” functions of the Council, to influence the decision makers and drive improvement in public services in Somerset. The Committees have no decision-making powers but have responsibilities delegated by Council.

Place

Functional areas that are the responsibility of the Committee are as follows:

- Environment services (and appointment of members to the Joint Waste Scrutiny Panel with the district councils)
- Planning Policy
- Property & Asset Strategy
- Climate Change & Carbon Reduction
- Economic Development and Growth
- Transport and Connectivity
- Highways
- Traffic Management
- Trading Standards
- Infrastructure and infrastructure projects
- Flooding & Water Management
- Cultural Services (eg, Libraries, Heritage)
- Corporate services (eg, ICT, Customers and Communities, Change Programme and Commissioning Development).

Children and Families

Functional areas that are the responsibility of the Committee are as follows:

- Investing in and improving school facilities
- Improving the health of children & young people
- Supporting educational achievement and improved outcomes for children & young people
- Improving young people’s prospects and skills (*shared with Cabinet Member for Resources & Economic Development*)
- Delivery of Personalisation Agenda and Personal Budgets
- Protect and care for the most vulnerable
- Support and recruit more adopters and fosterers of children
- Improve prospects of disadvantaged children and young people and their families, and those at risk of being disadvantaged
- Specialist services for children with disabilities
- Special Educational Needs
- Safeguarding children

- School admissions
- Academy conversions.
- Youth offending and targeted youth work
- Early years and children's centres
- Appointment of school governors

Scrutiny for Policies, Adults and Health Committee

Functional areas that are the responsibility of the Committee cover personal services to individuals as follows:

- Health & Wellbeing (including Public Health Services)
- Education, Training & Skills
- Learning and Physical Disabilities
- Adult Care & Support Services
- Community Safety
- Somerset Armed Forces Community Covenant
- In addition the Committee considers any referrals made by Healthwatch.

6.2.2 In respect of their functions, each committee will:

- Advise the Cabinet, on the formative stages of key service developments and reviews;
- Influence planned key decisions before they are taken;
- Hold Cabinet decision-makers (including Officers) to account for Key decisions.
- Question members of the Cabinet and/or committees and senior officers about their decisions and performance standards
- Ensure that all the Council's performance management and assessment systems continually improve the Council's service delivery;
- Assist the Cabinet / Council in budget and policy development;
- Review delivery of key action plans (including external inspection action plans) and Council objectives through the achievement of outcomes;
- Consider any matter affecting the County of Somerset or its inhabitants (specifically children in the case of Scrutiny Children and Families);
- Ensure active engagement of Members, the public, media, stakeholders, partners and Officers in the work of the Council and the Committee and to enable the voice of the wider community to be heard within the Council;
- Make reports and/or recommendations to the Full Council and/or the Cabinet, Council, other Committees and/or partner bodies;
- Scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to discuss their activities and performance.

6.2.3 **FORM AND COMPOSITION:** Each Committee comprises 8 elected Members reflecting the political composition of the Council. In addition, the membership of the Scrutiny for Policies, Children and Families Committee includes 2 co-opted church representatives, 2 co-opted parent governor

representatives, 2 school governor representatives and 1 representative from the Schools Forum, all with voting rights (which are full voting rights) on educational matters only. Members of the Cabinet cannot be members of these committees.

6.2.4 JOINT HEALTH SCRUTINY: For significant NHS proposals, eg, regional matters and ambulance NHS Trust matters, a Joint Overview and Scrutiny Committee of the relevant councils is appointed to provide a collective response. The Council's representatives to the Joint Committee (up to 4) are appointed by the Scrutiny for Policies, Adults and Health Committee. The Chief Executive approves the terms of reference, constitution and arrangements for such a Joint Committee on behalf of the Council.

6.2.5 QUORUM: A minimum of 5 elected members are required to be present for a valid meeting to take place.

6.2.6 COMMITTEE BUSINESS: The following can include items on scrutiny agendas:

- (a) The Committee itself;
- (b) Full Council;
- (c) The Leader;
- (d) The Cabinet collectively;
- (e) Any Member of the Committee. The non-elected Members of the Scrutiny for Policies, Children and Families Committee may include items on the Committee's agendas in relation to education;
- (f) Any other Member, for an issue affecting their division and where all other methods of resolution have been exhausted;
- (g) The Monitoring Officer;
- (h) The County Solicitor;
- (i) Any Officer from the Senior Leadership Team;
- (j) The Scrutiny Officer.

CALL-IN OF KEY DECISIONS

6.2.7 "Call-in" is a facility which Members can use to challenge Key Decisions where a scrutiny committee has not been involved prior to the decision being taken or where a Member believes a decision has been taken without the proper process having been followed.

6.2.8 Call-in of Key Decisions is subject to the following rules:

- (a) General provisions:
 - (i) Call-in should be used on an exception basis and not to unnecessarily delay Council business;
 - (ii) An individual Key Decision should normally only be subject to scrutiny once, whether pre or post decision;
 - (iii) Key Decisions cannot be called in where the decision requires urgent implementation. Urgent implementation requires the

approval of the Leader of the Council and the Chair of the relevant Scrutiny Committee;

- (iv) Call-in only applies to decisions. Recommendations (for example, made by the Cabinet to Council) cannot be called-in.
- (b) Scrutiny of Key Decisions before they are taken: This should focus on ensuring that the decision-maker has all the necessary information, to take a fully informed decision and that any procedures have been properly followed. Any scrutiny review at this stage should not pre-empt the decision. The decision-maker must take the views of the relevant Scrutiny Committee into account before taking the decision.
- (c) Scrutiny of Key Decisions after they are taken but before they are implemented:
 - (i) Key Decisions are published to all Members and the public (via the website) within 2 working days of the decision date;
 - (ii) Key Decisions (unless urgency is agreed) must be called-in within 5 working days of publication or the decision will be implemented automatically.
 - (iii) Any Member may request a call-in but the call-in must be supported by a Member of the relevant Scrutiny Committee and agreed by the Chair (or Vice Chair in their absence) of that Committee in order to be formally considered. The call-in must be submitted in writing or by email to the Chair of the relevant Committee;
 - (iv) The Chair of the relevant Scrutiny Committee will consider call-in requests against the principles of good decision-making and will either agree the request or detail their reasons for rejecting the request for report to the next available meeting of the relevant Committee;
 - (v) A call-in must specify the subject matter, the reason(s) for it, information required to enable full consideration and the preferred outcome;
 - (vi) Each call-in will be considered at the next meeting of the relevant Scrutiny Committee unless an alternative is agreed with the decision-maker;
 - (vii) The Scrutiny Committee having considered a call-in will report to the decision-maker. The Committee also has the option of reporting direct to the Council as well as or instead of the decision-maker;
 - (viii) Where an item has been subject to pre-decision scrutiny of the process, post decision call-in should normally only relate to the decision itself;
 - (ix) If there is no pre-decision scrutiny of an item then the process and/or the decision may be the subject of call-in.

- (d) Scrutiny of Key Decisions after implementation: This should only occur where the decision-maker was required to make a decision that was time critical or at a later stage to gauge the effect of the decision. Scrutiny in these circumstances is not part of the call-in process.

6.2.9 REFERRAL OF NON-KEY MEMBER DECISIONS: Non-key member decisions can be referred back to the decision-maker by Members prior to implementation as follows:

- (a) Non-Key Member Decisions are published to all Members and the public on the Council's website within 2 working days of the date of decision;
- (b) Any Member with the support of their Group Leader (or in their absence, the Deputy Group Leader) and the agreement of the Chair of the relevant Scrutiny Committee may refer a proposed decision back to the decision-maker within 3 working days of it having been published. The decision-maker will consider the referral prior to confirming the decision and its implementation.
- (c) If there is no referral the decision will be implemented automatically at the expiry of the 3 day notification period.
- (d) The only exception to this rule shall be 'urgent' decisions requiring immediate implementation. A decision will be urgent if any delay would, or would be likely to, significantly prejudice the Council's or the public interests. Urgent implementation requires the approval of the Leader of the Council and the Chair of the relevant Scrutiny Committee.

6.2.10 MEMBERS AND OFFICERS ATTENDING SCRUTINY

COMMITTEES: A Scrutiny Committee can **require** a Member of the Cabinet, the Chief Executive and/or an appropriate Senior Officer or Officers (as agreed the Chief Executive) to attend a meeting in order to explain matters within their remit including any particular decision or series of decisions. Officers identified must attend.

6.2.11 ATTENDANCE BY OTHERS AT SCRUTINY MEETINGS: A Scrutiny Committee can **invite** others to address their meetings, discuss issues of local concern and/or answer questions. Attendance is optional.

6.2.12 REPORTING: A Scrutiny Committee can report and make recommendations to the Leader / Cabinet or the Council, as appropriate, and to partner public bodies involved with Community Safety or the NHS. Each Committee presents a summary of its work to each Full Council meeting and reports annually to Full Council on its work, its future work programme and recommendations for improving the way it carries out its functions, if appropriate.

6.2.13 FORWARD WORK PLANS OF BUSINESS: The chairs and vice-chairs of each committee meet as and when required to organise and co-ordinate the forward work programmes of business.

Section 6B – Decision-making Committees

6.3 REGULATION COMMITTEE

6.3.1 **FUNCTIONS:** The Committee undertakes a range of regulatory functions and other functions as delegated by the Council. These are the responsibilities of the Council for:-

- (a) Town and country planning and development control (except any functions reserved to the Full Council meeting or the Cabinet)
- (b) Registration of common land and town or village greens
- (c) Assertion and protection of public rights of way
- (d) The issue of fire certificates under Section 5 of the Fire Precautions Act 1971
- (e) *Contaminated land*
- (f) *The control of pollution or the management of air quality*
- (g) Making byelaws
- (h) The approval of premises for the solemnisation of marriages
- (i) The Registration Service and Registrars
- (j) *Any function under a local Act*
- (k) *The service of an abatement notice in respect of a statutory nuisance*
- (l) *The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area*
- (m) The inspection of the authority's area to detect any statutory nuisance
- (n) Delegating the Committee's functions to another authority

(‘Local Choice’ functions [as defined in Part 1, Section 1] delegated by the Council)

except for functions delegated to the Economic & Community Infrastructure Commissioning Director (see Part 1, Section 8, paragraph 8.5.6), but subject nevertheless to the Committee retaining an overseeing role in respect of such functions.

6.3.2 **FORM AND COMPOSITION:** The Committee comprises 8 Members and the membership reflects the political composition of the Council. Membership must not include Cabinet Members. Substitution is allowed but excluding Cabinet Members.

All Members of Regulation Committee must have received the appropriate training before sitting on the Committee and taking part in decision making. Only Members who have received this training are eligible to act as substitute Members on the Committee.

6.3.3 **QUORUM:** A minimum of 5 members is required for a valid meeting of the Committee.

6.3.4 **COMMITTEE BUSINESS:** The following can include items on the Committee's agenda:

- (a) The Committee itself
- (b) Full Council
- (c) A member of the Committee
- (d) The Chief Executive
- (e) The Monitoring Officer
- (f) The County Solicitor
- (g) Relevant Senior Leadership Team officers.

6.3.5 **REPORTING:** In the event that a report is necessary, the Committee reports to Full Council.

6.3.6 **CODE OF PRACTICE – COMMONS REGISTRATION, PLANNING CONTROL, RIGHTS OF WAY:** The Committee must have regard to the Code of Practice - Commons Registration, Planning Control and Rights of Way (contained within Part 2 of the Constitution) which sets out procedures to guide Members in decision-making on regulatory matters.

6.4 PENSIONS COMMITTEE

6.4.1 **FUNCTIONS:** The Committee discharges the functions of the Council in its role as the administering authority of the Somerset County Council Pension Fund. Principal responsibilities of the Committee are to decide investment policy objectives, manage the investments and monitor their performance, consult with stakeholders and consider requests from organisations wishing to join the Fund.

6.4.2 **FORM AND COMPOSITION:** The Committee comprises 4 elected Members of the County Council (the membership reflects the number of Members that each political party has on the Full Council), 1 elected Member representative of the district councils in Somerset, 1 representative of the Avon and Somerset Police and Crime Commissioner, 1 representative of all other employers, and 1 representative of the individuals covered by the Fund (current active, deferred and pensioners). All Members of the Committee are voting members. With the Chair's casting vote, those Members of the Committee appointed by the County Council must form a majority of voting members. The Committee does not have a Vice-Chair.

6.4.3 **QUORUM:** A minimum of 3 elected members is required for a valid meeting of the Committee.

6.4.4 **COMMITTEE BUSINESS:** The following can include items on the Committee's agenda:

- (a) The Committee itself
- (b) Full Council
- (c) A member of the Committee
- (d) The Chief Executive
- (e) The Monitoring Officer
- (f) The County Solicitor
- (g) The Section 151 Officer.

6.4.5 **REPORTING:** The Committee submits an Annual Report to Full Council.

6.5 **AUDIT COMMITTEE**

6.5.1 FUNCTIONS: In summary, the Committee approves internal audit arrangements, considers external audit reports and deals with other governance matters including risk.

The Committee:

- (a) Approves (but not directs) internal audit's strategy, plan and performance;
- (b) Reviews summary internal audit reports and the main issues arising, and seeks assurance that action has been taken where necessary;
- (c) Considers the reports of external audit and inspection agencies;
- (d) Ensures that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
- (e) Ensures that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process and effective financial governance is actively promoted;
- (f) Reviews the financial statements, external auditor's opinion and reports to Members, and monitors management action in response to the issues raised by external audit.
- (g) Approves the annual accounts of the Council and the Annual Governance Statement, together with considering the Matters Arising from the Accounts Audit.

6.5.2 FORM AND COMPOSITION: The Committee comprises 9 Members and the membership reflects the political composition of the Council. Membership must not include Cabinet Members. Substitution is allowed but excluding Cabinet Members.

6.5.3 QUORUM: A minimum of 5 members is required for a valid meeting of the Committee.

6.5.4 COMMITTEE BUSINESS: The following can include items on the Committee's agenda:

- (a) The Committee itself
- (b) Full Council
- (c) A member of the Committee
- (d) The Chief Executive
- (e) The Monitoring Officer
- (f) The County Solicitor
- (g) The Chief Internal Auditor
- (h) The Section 151 Officer.

6.5.5 REPORTING: The Committee submits an Annual Report to Full Council and reports to the Leader / Cabinet as necessary.

6.6 HUMAN RESOURCES COMMITTEE

6.6.1 **FUNCTIONS:** The Committee formally:

- (a) Determines, monitors, reviews and amends staffing policies and practices to secure the best use and development of the council's staff, including the power to deal with all matters relating to staff terms and conditions.
- (b) Acts as the Council's Remuneration Committee for Chief Officers pay (with the exception of the post of Monitoring Officer).

Note: The term 'Chief Officers' as used in this delegation reflects the legislative definition. It applies to all officers within the Council's Senior Leadership Team.

In exercising the functions outlined above, and in accordance with the Council's approved Pay Policy Statement, the Committee:

- (a) decides whether national pay awards for SLT Officers are applied locally and where it is agreed that these awards will be paid these will be reflected in the next annual review of the Pay Policy Statement
- (b) reviews on at least an annual basis the pay and grading structure of the Council (including SLT officers grades and salaries) and makes recommendations for any changes considered necessary to Full Council by way of a revised Pay Policy Statement .

6.6.2 The Committee also has responsibility for employee relations on behalf of the Council. Specifically it will meet as a forum for consultation 3 times a year with representatives of the trades unions and senior officers as set out below. The Committee will then formally consider recommendations arising from these consultative meetings and make decisions or recommendations to Council as necessary. Functions of this meeting:

- (a) To act as a forum for consultation to secure co-operation between the Council and its employees and between the different services of the County Council.
- (b) To discuss the conditions of service, hours of employment, remuneration, training and health, safety and welfare at work of employees of the Council within the terms of overall County Council HR Policies and Procedures and make recommendations as necessary.
- (c) To take or recommend such action as it may be deemed necessary or desirable to prevent differences and misunderstandings between the County Council and its employees, provided that no question of individual discipline, remuneration, promotion or efficiency shall be within the purview of the joint meeting.

- (d) To consider any proposed legislation affecting employees of the County Council.
- (e) To encourage, consider and recommend improvements to the organisation, and the study of methods of administration including recruitment and training with a view to improving the efficiency of the service.
- (f) To consider any matter which may be referred to it by a standing Committee of the County Council, the Central Safety Committee or alternatively a matter which it may be requested to deal with jointly by the Joint Secretaries.

6.6.3 FORM AND COMPOSITION: Meeting as a Committee of the Council, the Committee comprises 6 Members and the membership reflects the political composition of the Council. The Committee does not have a Vice-Chair.

6.6.4 QUORUM: A minimum of 3 members is required for a valid meeting of the Committee.

6.6.5 COMMITTEE BUSINESS: The following can include items on the Committee's agenda:

- (a) The Committee itself
- (b) Full Council
- (c) A member of the Committee
- (d) The Chief Executive
- (e) The Monitoring Officer
- (f) The County Solicitor
- (g) The HR & OD Director.

6.6.6 REPORTING: The Committee reports to Full Council on relevant matters as required.

6.6.7 CONSULTATIVE MEETINGS WITH THE TRADE UNIONS: The consultative meetings will be closed to the public and press although recommendations arising from them will be considered at scheduled formal meetings of the Committee held under the requirements of the Local Government and Housing Act 1989.

6.6.8 The position of chair of the joint consultative meeting with the unions will rotate annually between the chair of the Human Resources Committee and a trade union representative.

6.6.9 The joint consultative meetings will continue to be supported by relevant officers.

6.7 OFFICER APPEALS COMMITTEE:

6.7.1 **FUNCTIONS:** To hear and determine all Officer appeals against dismissal (except appeals resulting from posts becoming redundant) or against the rejection of a complaint under the grievance procedure, in respect of all employees of the Council except where other specific provision is made.

6.7.2 **FORM AND COMPOSITION:** The Committee comprises 6 Members and the membership reflects the political composition of the Council. To undertake each individual hearing, a minimum of 3 Members are selected from the total membership. The members convened for each hearing appoint a Chair for the duration of the hearing.

6.7.3 **QUORUM:** A minimum of 3 members are required for a valid meeting of the Committee.

6.7.4 **COMMITTEE BUSINESS:** The HR & OD Director refers individual cases to the Committee.

6.7.5 **REPORTING:** In the event that a report is necessary, the Committee reports to Full Council.

6.8 CONSTITUTION AND STANDARDS COMMITTEE

6.8.1 **FUNCTIONS:** In summary, the Committee's main responsibilities relate to updating the Council's Constitution and the policies and procedures in relation to members' standards of conduct.

Constitutional matters:

The Committee is responsible for:

- (a) Maintaining an effective, up to date and legally compliant Constitution.
- (b) Considering proposals from Council committees for changes to the constitutional arrangements of the Council.
- (c) Approving in-year changes to individual parts of the Constitution and submitting an annual report to the Council recommending a revised Constitution for approval to the Council's Annual General Meeting. See notes below.
- (d) Taking all required decisions in respect of the County Council elections;
- (e) Overseeing the Council's input and response to boundary reviews as required by the Boundary Commission.

Notes: The delegation set out in (c) above exclude approval of:

- Any changes to the operational arrangements of the Council including the Committee structure – which will be referred to Council for approval as a recommendation

- The Scheme of Members' Allowances which is approved by the Council on the recommendation of the Joint Independent Remuneration Panel;
- The Council's executive arrangements , which are the responsibility of the Leader of Council;
- Any change to the Council's model of democratic governance under the Localism Act 2011.

Conduct matters:

The Committee:-

- Has responsibility for promoting high standards of conduct by Members, Co-opted Members and Officers and for the policies and processes which support this aim.
- Advises on the induction and training of Members and Co-opted Members on standards of conduct ;
- Monitors the operation of the Members' Code of Conduct and recommends any changes considered necessary to the Code to the Council for approval.
- Has responsibility for overseeing the Standards of Conduct for officers and recommending any changes considered necessary to the Council for approval
- Manages the members' and officers' registers of interests and gifts / hospitality;
- Monitors the Council's Whistleblowing Policy and make recommendations to the Council in respect of any proposed changes.

The Committee has no role in considering or determining member complaints.

6.8.2 FORM AND COMPOSITION: The Constitution and Standards Committee comprises of 1 elected member per political group (currently 5 elected Members) [but no Cabinet Members] and 5 Co-opted Members without voting rights. Substitutes will be permitted for the elected members appointed to the Committee. The Chair is appointed by the Council on an annual basis. Council has agreed to waive the political proportionality requirements for appointments to the Committee to enable all of the political groups on the Council to be represented.

6.8.3 QUORUM: A minimum of 3 elected members is required for a valid meeting of the Committee.

6.8.4 COMMITTEE BUSINESS: The following people and bodies may include items on the Committee's agendas:

- The Committee itself;
- Full Council;
- The Leader;
- The Chair of any Council Committee;
- A member of the Committee, including a co-opted member
- The Chief Executive;

- (f) The Monitoring Officer;
- (g) The Chief Finance Officer / Section 151 Officer;
- (h) The County Solicitor.

6.8.5 **REPORTING:** The Committee shall make an annual report to Council and shall report as necessary outside of these occasions. To reflect the importance of the Committee its reports to Council always appear at the beginning of the Council agenda before any other reports.

6.9 SOMERSET HEALTH AND WELL-BEING BOARD

FUNCTIONS

6.9.1 The Board, on behalf of the County Council and the Somerset Clinical Commissioning Group (SCCG), identifies and agrees health and wellbeing needs and priorities across Somerset through:

- (a) The regular refresh and publication of the Joint Strategic Needs Assessment (JSNA) to support evidence-based prioritisation, commissioning and policy decisions;
- (b) The preparation, agreement and publication of the Somerset Health and Wellbeing Strategy (SHWBS). The SHWBS sets a high level joint strategic vision for health and wellbeing, taking into account the JSNA and the Annual Public Health Report, as well as national policy developments and legislation.

Organisations represented on the Board have a duty to have regard of the strategy and are held to account for their contribution to delivery of outcomes.

6.9.2 The Board also:

- (a) Oversees, where appropriate, the use of resources across a wide spectrum of services and interventions, to ensure that the SHWBS and priority outcomes are achieved and to drive a genuinely collaborative approach to commissioning, including the co-ordination of agreed joint strategies.
- (b) Supports the inclusion of the public, patients and communities in the setting of strategic priorities, including (but not solely) through the involvement of local Healthwatch.
- (c) Communicates and engages with local people in how they can achieve the best possible quality of life and be supported to exercise choice and control over their own health and wellbeing and that of the people living around them.

6.9.3 **FORM AND COMPOSITION:** The Board is a Committee of the County Council established under Section 102 of the Local Government Act 1972 as amended in relation to the Board. The base membership of the Board is set out in the legislation and the Council has authority to appoint additional Board

members. The membership as agreed by the Council includes 5 elected members of the Council. The Leader of the Council appoints the Council's representatives on the Board. The Leader of Council also has responsibility for appointing the Chair and the 2 Vice-Chairs of the Board. The Board reports to Full Council and to the Cabinet on relevant matters.

6.9.4 THE BOARD'S CONSTITUTION: The Board has its own Constitution agreed by the Council and other constituent bodies setting out the procedural arrangements for its business and meetings arrangements.

6.9.5 REPORTING: The Board reports to Full Council and Cabinet on an 'as necessary basis'.

Section 6C – Pensions Board

LEGAL BACKGROUND

6.10.1 The Pensions Board is established under Section 5 of the Public Service Pensions Act 2013 and regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).

6.10.2 The Board is established by Somerset County Council in its capacity as the Administering Authority of the Somerset County Council Pension Fund and operates independently of the Pensions Committee.

FUNCTIONS

6.10.3 The Board's remit covers all aspects of governance and administration of the LGPS, including funding and investments.

6.10.4 The Board will exercise its duties in the following areas:

- (a) monitor compliance with the relevant legislation and Codes of Practice set by The Pensions Regulator;
- (b) review and ensure compliance of the Fund's:
 - (i) governance compliance statement
 - (ii) funding strategy statement
 - (iii) pension administration strategy statement
 - (iv) discretionary policy statement
 - (v) communications policy statement
 - (vi) statement of investment principles
 - (vii) annual report and accounts
- (c) review and scrutinise the performance of the Fund in relation to its governance and administration, policy objectives and performance targets;
- (d) ensure policies and processes are in place so that employers comply with their obligations under the regulations;
- (e) review the processes for setting strategy, policy and decision-making and ensure they are robust;
- (f) agree the annual internal audit plan for the Fund;
- (g) consider the output of any internal audit work carried out on the Fund;

- (h) consider the external audit report on the Fund's Annual Report and Statement of Accounts;
- (i) review the Fund's risk register;
- (j) monitor the Fund's Internal Dispute Resolution Procedures;
- (k) from time to time the administering authority may consult the Board or ask assistance on specific issues.

6.10.5 Under Regulation 106(8) the Board has the general power to do anything which is calculated to facilitate or is conducive or incidental to, the discharge of its functions.

FORM AND COMPOSITION

6.10.6 The Board comprises of:

- (a) 3 employer representatives – 1 of whom is a county councillor
- (b) 3 employee representatives – 2 of whom are directly nominated by the Trades Unions

6.10.7 The Board's members are appointed by Full Council as per the requirements of the Board's Constitution and Terms of Reference.

6.10.8 The Chair of the Board shall be elected annually by the members of the Board and shall rotate between the employer and the employee representatives on the Board.

QUORUM

6.10.9 The quorum for a meeting of the Board shall be 3 to include the Chair. The quorum must include one employer representative and one member representative.

BOARD MEETINGS ARRANGEMENTS

6.10.10 Board meetings shall be conducted in accordance with its Constitution and Terms of Reference.

6.10.11 The Boards terms of reference shall be reviewed by the Council on the advice of the Board and on an annual basis to ensure that they remain fit for purpose and in accordance with any regulations and guidance issued by the Secretary of State. Any revisions will be agreed by the Council and by the Board.

Section 6D – Code of Conduct Hearing Panel Arrangements

FORM, FUNCTION AND COMPOSITION

6.11.1 The Code of Conduct Hearing Panel deals with the assessment, review and determination of complaints under the Members' Code of Conduct against Members and Co-opted Members where referred by the Monitoring Officer following consultation with the Council's Independent Person (IP). Where an investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, a Hearing Panel shall be appointed by the Leader on the request and advice of the Monitoring Officer to consider and determine the complaint.

6.11.2 Given the wider provisions in place for determining complaints against members, it is expected that these arrangements will only be required to be used in exceptional circumstances where the alleged breach of the Code of Conduct is particularly serious and a satisfactory outcome has not been achieved through the other stages of the process.

6.11.3 The Hearing Panel will comprise of 3 members:

- The Leader of the Council (or his/her nominated representative)
- The Leader of the largest opposition group (or his/her nominated representative)
- 1 other member from the opposition groups nominated by their group leader with the agreement of the other opposition group leaders.

6.11.4 Appointments to the Panel will be made by the Leader of Council on the basis of the nominations made by Group Leaders. If a Group Leader is the subject of the complaint to be considered, they will take no part in the selection of the members for the Panel. In these circumstances the nominations will be made by the Deputy Group Leader or the other members of a political group where there is no Deputy Group Leader.

6.11.5 The Panel will have authority to determine complaints and apply sanctions under the Council's procedure as required except where the decisions are not unanimous. In these circumstances the Panel's decision must be referred as a recommendation to Full Council for confirmation.

QUORUM

6.11.6 The quorum for a meeting of the Panel shall be 3 members.

MEETING ARRANGEMENTS

6.11.7 The Panel will be chaired by the Administration's appointed representative from within the membership set out in 6.11.3 above.

6.11.8 Prior to a hearing, there will be a 'case management' meeting involving the Chair of the Hearings Panel, the subject member, the Monitoring Officer and the County Solicitor to consider options for the procedure to be followed. Following this meeting, the Chair of the Hearing Panel, in consultation with the Monitoring Officer, will confirm the scope and content of the hearing panel process. This delegated authority includes agreeing the format of the hearing including whether with the agreement of the subject member there should be a full public hearing with witnesses etc or whether it could be dealt with in private session by way of written representations. All parties will be informed of the Chair's decision.

6.11.9 If it is decided that a full public hearing is held it will be held in public subject to the rules on exempt information and will be conducted on a relatively informal basis. However both parties will be able to make representations and call a limited number of witnesses to be agreed in advance with the Chair. At the end of the Hearing, the Panel, after consulting with the IP, will decide whether, on the balance of probabilities there has been a failure to comply with the Code of Conduct and what 'sanction' or 'sanctions' should be imposed.

6.11.10 The Panel will be advised by the Monitoring Officer and/or the County Solicitor on the process to be followed and potential outcomes including the sanctions available to the Panel should the decision be made that the Code of Conduct has been breached.

6.11.11 At the conclusion of the evidence and following any confidential members' discussion to reach a draft decision, the Panel members will meet in exempt session with the MO, County Solicitor (in order to have access to legal advice), and the IP, to formally agree their decision prior to the decision and outcomes being confirmed to the subject member and published.

SANCTIONS

6.11.12 Where the Hearings Panel confirms that a breach of the Code of Conduct has occurred, the range of actions available to the Panel is as follows:-

- (a) Reporting its findings to Council for information;
- (b) Recommending to the Member's Group Leader that the Member is removed from any or all Committees or Sub-Committees of the Council of which they are a member;
- (c) Recommending to the Leader of the Council that the Member is removed from the Cabinet, or removed from particular cabinet responsibilities;
- (d) Instructing the Monitoring Officer to arrange training for the Member;
- (e) Removing the Member from all outside appointments to which he/she has been appointed or nominated by the authority;
- (f) Withdrawing facilities provided to the Member by the Council, such as a computer, website and/or email and internet access;

- (g) Excluding the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-Committee meetings.

Section 7 – Officer Arrangements

This section incorporates the Mandatory Standing Order requirements as designated in the Local Authorities (Standing Orders) (England) Regulations 2001. It also includes relevant requirements of the annual Pay Policy Statement as agreed by the Council.

7.1 **APPOINTMENT OF OFFICERS:**

7.1.1 **GENERAL:** The Head of Paid Service (the Chief Executive) is responsible to the Council for:

- (a) appointing sufficient Officers to deliver the Council's functions;
- (b) the Council's Senior Leadership Team (SLT) (see section 1 for the definition of the posts which comprise SLT) and the supporting officer structures to deliver agreed outcomes. The process for such reviews shall be decided by the Chief Executive following consultation with whoever he/she considers relevant. SLT comprises all officers within grades 1 to 3 in the Council's grading structure.

Any changes proposed to SLT and supporting officer structures are subject to consultation with the Cabinet and informing Full Council of the changes. Changes will be agreed via a formal decision taken by the Chief Executive.

The Council's Pay Policy Statement, senior management structure and pay details and a description of the roles of the statutory officers of the Council is available to view on the Council's website via the following link:

<http://www.somerset.gov.uk/organisation/senior-salaries-and-pay-policy/>

7.1.2 The Chief Executive has authority:

- (a) to appoint and dismiss all employees except where this function is specifically delegated to Members.
- (b) to approve changes to the terms and conditions of all SLT posts (and to include the Monitoring Officer) on the recommendation of the Appointments Panel or the Appointments Committee or on his / her own initiative and having obtained the agreement of the Leader of the Council . All decisions taken by the Chief Executive on such matters will be the subject of a formal Officer Decision which will be published on the Council's website as soon as it is confirmed
- (c) after having sought the agreement of the Leader, and after appropriate consultations, to agree:
 - (i) acting up arrangements into SLT positions (to include the Monitoring Officer but excluding the post of Chief Executive) to cover periods of temporary absence either planned or unplanned
 - (ii) emergency cover arrangements for the statutory Chief Officer roles (other than that of Chief Executive) where these positions become vacant between Full Council meetings. Any such agreement will

be subject to review and confirmation at the next available Full Council meeting.

7.1.3 The Chief Executive, having obtained the agreement of the Leader of Council, will approve the recruitment of interims at SLT (and to include the Monitoring Officer) on a case by case basis and based on a business case presented by the Appointments Panel.

SENIOR LEADERSHIP TEAM APPOINTMENTS (AND THE MONITORING OFFICER)

7.1.4 Appointments to these posts must involve elected Members.

- In addition, in the absence of full-time contracted employees in relevant SLT posts, appointments to interim posts are also subject to the requirements of section 7.

The Monitoring Officer post is not part of SLT but appointments to this post will similarly involve members.

7.1.5 Where a vacancy occurs in these appointments, the recruitment process requires the appointment of an Appointments Panel and then an Appointments Committee.

Appointments Panel:

7.1.6 The Panel reviews the terms and conditions of employment relating to the post and where appropriate makes recommendations to the Chief Executive for any changes; decides the appointments process or other course of action; and appoints the Appointments Committee to undertake the appointments process. This review includes reviewing the job and person specifications, the means of advertisement and short-listing arrangements. The Panel will then appoint an Appointments Committee. The Panel can convene virtually or meet as required.

7.1.7 If a Panel decides that no changes to terms and conditions are necessary when it reviews a vacant post (and that the salary will be advertised at the bottom of the range [the 'spot' for the grade] for posts on grades 1 to 3) then the Panel has authority to progress the recruitment without the need to seek further approvals. If a Panel wishes to make changes to the terms and conditions of a vacant post (other than the post of Chief Executive) then these are subject to the approval of the Chief Executive having obtained the agreement of the Leader of the Council. This includes where a Panel wishes to advertise a salary for a post on grades 1 to 3 (other than the post of Chief Executive) above the 'spot' at the bottom of the range. This must be the subject of a Panel recommendation to the Chief Executive for decision. If the Panel's recommendations for changes to terms and conditions relate to the post of Chief Executive then Full Council must agree these changes. In all cases the Panel will appoint the Appointments Committee.

7.1.8 In respect of the appointment of interims to SLT posts (including the post of Monitoring Officer) the Panel will present a business case to the Chief Executive which takes into account:

- value-for-money for the taxpayer
- the evaluated grade of the post to be covered
- the public profile of the post
- risks to the Council
- the labour market, both nationally and locally in the South West, for interims providing cover for similar posts in councils of a similar size

7.1.9 The Panel comprises 3 members, the Leader of the Council, the Leader of the largest Opposition Group, and the Deputy Leader of the Council (or their nominated representatives) with any relevant Cabinet Members as consultees.

Appointments Committee

7.1.10 The Committee will:

- (a) Interview all short-listed candidates and either
- (b)
 - Appoint a suitable candidate to the post; or
 - In the case of the Chief Executive make a recommendation to the Full Council who must approve the proposed appointment before an offer of appointment is made; or
 - Follow any other course of action decided upon by the Appointments Panel.

7.1.11 The Committee comprises a maximum of 5 Members including:

- (a) The Leader of the Council (or his/her nominated representative)
- (b) The Leader of the largest Opposition Group (or his/her nominated representative)
- (c) Up to 3 other Members of the Council selected in accordance with the rules of political proportionality and including the relevant Cabinet Member.

Notes:

- (a) It is a statutory requirement that at least 1 member of an Appointments Committee must be a Member of the Cabinet.
- (b) The Committee appoints its own Chair.
- (c) All Members of the Committee must have up-to-date knowledge of and have received training in the areas of Recruitment and Equalities.
- (d) The selection process must be conducted in accordance with the Council's agreed Code of Practice.

7.1.12 An offer of employment to these posts shall only be made where no justifiable objection has been made by the Cabinet member.

7.1.13 If the Committee during the course of an appointment process wishes to vary the terms and conditions or the salary already agreed for a specific post, then such a proposal is subject to the approval of the Chief Executive having obtained the agreement of the Leader of the Council. The exception to this is where the Committee's recommendations relate to the appointment of the Chief Executive where only Full Council may amend the terms and conditions to be applied to the post.

7.1.14 The Appointments Committee will interview candidates for interim appointments at SLT (and to include the post of Monitoring Officer) level to assess their suitability for the role and will confirm appointments.

7.1.15 Chief Officer level interim appointments will be subject to formal review by the Chief Executive at the end of six months and at six monthly intervals thereafter to assess whether there is a requirement to retain their services. The original Appointments Committee will be consulted where the Chief Executive proposes to extend the engagement of an interim. The final decision on the extension of an interim rests with the Chief Executive.

Appointment of Agency Interims below Chief Officer level

7.1.16 All interim appointments below Chief Officer level will be sourced by the relevant Chief Officer or the Chief Executive where a Chief Officer is unable to act. If this interim is to be employed at a rate of over £500 per day:

- (a) The appointment will be subject to a formal review process at the end of the first six months and six monthly thereafter; and
- (b) Any decision to extend the engagement of such an interim will require the approval of the Chief Executive.

7.1.17 All other interim appointments will be subject to a formal review process at the end of the first six months and six monthly thereafter and the decision to extend the engagement of such appointments rests with the relevant Chief Officer.

7.1.18 **VOTING ON OFFICER APPOINTMENTS:** Where two or more candidates are interviewed for an appointment to a senior post, and there is not a majority of votes cast in favour of one candidate the candidate receiving the least number of votes will be disregarded and a fresh vote taken, and so on until one candidate receives a majority of the votes.

7.1.19 **OTHER OFFICERS:** Appointment of all other Officers is the responsibility of the Chief Executive as the Head of the Paid Service, or the relevant Senior Leadership Team Officer as authorised by the Chief Executive. Members cannot be formally involved in these appointments but leading members may be involved on an informal basis. Guidance on this involvement is available from the HR & OD Director.

RECRUITMENT AND APPOINTMENT – DECLARATIONS: Note: For the purpose of these paragraphs, ‘Senior Officer’ means any Officer holding an appointment on spinal column point SCP32 or above.

7.1.20 Candidates for appointment must state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing member, an ‘additional voting or non-voting Member’ or a Senior Officer of the Council; or of the partner/spouse of such persons. Failure to make such a declaration will render the candidate disqualified for the appointment and, if appointed, liable to dismissal.

7.1.21 Every Member, ‘additional voting or non-voting Member’ of a Committee and Senior Officer of the Council, will inform the Monitoring Officer in writing of any relationship known to them to exist between themselves and any person whom they know is a candidate for an appointment under 7.1.2 above, as soon as they are aware of that person’s candidature. The Monitoring Officer will report any such disclosure to the Appointments Committee.

7.1.22 A candidate who is related to a member or an Officer will only be appointed with the agreement of the relevant Senior Leadership Team Director or an Officer nominated by him/her.

SEEKING SUPPORT FOR APPOINTMENT:

7.1.23 An applicant who directly or indirectly seeks the support of a Member or ‘additional voting or non-voting Member’ of a Committee for any appointment will be disqualified from appointment.

7.1.24 No Member or ‘additional voting or non-voting Member’ of a Committee will seek support for any person for any appointment with the Council.

7.1.25 **VACANCIES TO BE ADVERTISED:** All vacancies will be advertised in accordance with the County Council’s Code of Recruitment Practice unless otherwise agreed by the HR & OD Director.

7.1.26 **PAYMENT OF EXPENSES:** Every candidate interviewed will be reimbursed their expenses in accordance with the policy of the Council. In the event of no scale of allowance having been prescribed, the candidate will be paid their actual and reasonable travelling and out-of-pocket expenses. The successful candidate will normally only be reimbursed on taking up their appointment.

7.2 DISCIPLINARY ACTION (INCLUDING DISMISSAL) IN RELATION TO OFFICERS:

7.2.1 **DEFINITION:** ‘Disciplinary action’ means any action confirmed in relation to alleged misconduct and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body. It only includes failure to renew a contract of employment for a fixed term where the Council has undertaken to renew such a contract.

7.2.2 **GENERAL:** The rules set out below are subject to:

- (a) Conditions of service approved by national negotiating bodies recognised by the County Council;
- (b) Special conditions of service prescribed by the Articles of Government and Voluntary Aided schools in relation to non-teaching staff in such establishments;
- (c) Where any disciplinary action is taken, regard having been had to the Council’s Disciplinary and Appeals Procedure.

SLT OFFICERS (AND INCLUDING THE MONITORING OFFICER):

7.2.3 Any proposal for a **dismissal** of the **Chief Executive, the Section 151 Officer** or the **Monitoring Officer** under 7.2.1 above, will be determined by the Council on the recommendation of the Independent Persons’ (IPs) Panel comprising a minimum of 3 IPs selected to participate by the Chief Executive in accordance with the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015. The IPs will be selected from a joint Somerset Councils’ Panel of IPs. The Panel will be appointed by the Chief Executive (or the Head of HR where the Chief Executive is the subject of the proposed dismissal). The Panel shall be appointed a minimum of 20 days before the Council is due to meet to consider the dismissal.

7.2.4 Aside from the officers referred to in 7.2.3 above, a proposal for a dismissal of a SLT Officer will be determined by the Council on the recommendation of a special Panel of 6 Members appointed by the Leader of the Council (or his/her nominated representative) and comprising:-

- (a) The Leader of the Council (or his/her nominated representative)
- (b) The Leader of the largest opposition group (or his/her nominated representative)
- (c) 4 other Members of the Council selected by the Leader of the Council in consultation with the other Group Leaders and in accordance with the rules of political proportionality.

Note: The membership of the Panel will not include any Member previously involved in an individual Officer’s case.

7.2.5 Any question of dismissal on the grounds of redundancy (including voluntary), permanent ill-health or infirmity of mind or body in relation to a Chief Officer shall be determined by the Special Members' Panel appointed in accordance with 7.2.4 above with the exception detailed in 7.2.6 below

7.2.6 The exception is where a proposed financial settlement for an officer leaving the Council exceeds £100,000. In these circumstances only Full Council can agree the financial settlement.

7.2.7 Any question of disciplinary action in relation to a Chief Officer or the Monitoring Officer shall be determined by the Special Members' Panel appointed in accordance with 7.2.4 above.

7.2.8 The Special Members' Panel referred to in 7.2.4 above, when a proposal is made to dismiss one of these statutory post-holders, shall decide whether there is any justification to the proposal and therefore whether it needs to be investigated. If the decision is that an investigation is necessary the Panel will appoint an investigator. If the investigation confirms a potential dismissal, the Panel will refer the matter to the IPs' Panel for consideration and report to Council. If the investigation recommends disciplinary action then the Special Members' Panel shall consider and decide whether disciplinary action is justified and if so agree any action to be taken.

7.2.9 An Officer named in this section who is subject to possible dismissal or other disciplinary action has the right to be informed as to the basis of any action which may be taken and to appear before the relevant Panel prior to a decision being made or before a recommendation is made to Council.

7.2.10 The Officer concerned also has the right to appear before and address the Council before a dismissal is confirmed. The Panels and the Council will be advised by the Monitoring Officer and the HR & OD Director. If either of these officers is the subject of the Panel's report, the Chief Executive will make alternative arrangements for the provision of advice to the Council in place of that Officer.

7.2.11 Council can only give notice of dismissal to an Officer named in this section (other than the Monitoring Officer) where no justifiable objection has been made by any Member of the Cabinet.

7.2.12 A SLT Officer can be suspended for the purpose of investigating potential gross negligence or gross misconduct where such suspension is considered:

- (a) necessary to allow an investigation to take place;
- (b) otherwise desirable in the interests of the Council or the employee

Any such suspension shall be on full pay and terminate no later than 2 months beginning on the day on which the suspension takes effect. The power to suspend a SLT Officer rests with the Chief Executive, in consultation with the Leader. If the Chief Executive is the subject of the proposed

suspension, then the Leader shall have the power to suspend the Chief Executive following consultation with the other group leaders and on the advice of the HR & OD Director.

OTHER OFFICERS:

7.2.13 As authorised by the Chief Executive as Head of the Paid Service, any SLT Officer, or a Senior Officer nominated by them, can suspend any employee suspected of potential gross negligence or gross misconduct where such suspension is considered:

- (a) Necessary to allow an investigation to take place, or
- (b) Otherwise desirable in the interests of the Council or the employee.

7.2.14 When suspended the employee is entitled to full salary or wages, subject to any agreement to the contrary that they may reach with the Council.

7.2.15 As authorised by the Chief Executive, any SLT Officer, or their nominated Senior Officer, can dismiss an employee:-

- (a) Employed under a fixed-term or temporary contract of employment which is ending;
- (b) Whose post is or is about to become redundant;
- (c) For unsatisfactory performance at the end of an agreed probationary period;
- (d) Medically certified to be incapable of discharging their duties by reason of ill-health;
- (e) Who has reached compulsory retirement age; or
- (f) For some other substantive reason.

7.2.16 A SLT Officer, or their nominated Senior Officer, can:-

- (a) Dismiss with due notice any employee who has previously been the subject of formal disciplinary action but whose standards of conduct or capability have remained unsatisfactory;
- (b) Dismiss any employee without notice where satisfied on reasonable enquiry that the employee has been guilty of gross misconduct; subject to prior consultation with the Monitoring Officer and the HR & OD Director.

7.2.17 Any appeal against dismissal or disciplinary action will follow the Council's Disciplinary and Appeals Procedure.

7.2.18 Any employee selected for compulsory redundancy has a right of appeal to the Redundancy Review Panel.

7.3 **GRIEVANCES:** Any grievance by a member of staff will be dealt with in accordance with the Council's agreed procedures.

7.4 SLT OFFICERS (INCLUDING THE MONITORING OFFICER) – SEVERANCE PROCESS: Any process for the consideration and determination of severance arrangements for these posts is determined by the HR & OD Director in consultation with whoever he/she considers relevant.

7.5 STATUTORY DESIGNATIONS: Certain posts carry statutory responsibilities and authority. Statutory designations and the posts agreed by the Council to cover these statutory requirements are set out below. The posts of Head of Paid Service, Chief Finance Officer (also know as Section 151 Officer) and Monitoring Officer have a range of key constitutional responsibilities as set out in relevant legislation.

Designation	Post
Head of Paid Service and Returning Officer for local elections	Chief Executive
Monitoring Officer	Strategic Manager – Governance & Democratic Services
Chief Finance Officer (Section 151 Officer)	Director of Finance In the absence of a contracted employee to the above role, the Interim Director of Finance shall fulfil the statutory role.
Director of Children’s Services	Director of Childrens Services / Lead Commissioner Children and Learning In the absence of a contracted employee to the above role, the Interim Director of Children’s Services shall fulfil the statutory role.
Director of Adult Social Services	Director of Adult Services & Lead Commissioner Adults and Health
Director of Public Health	Director of Public Health
Scrutiny Officer	Service Manager – Governance (Scrutiny)

7.6 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND THE CHIEF FINANCE OFFICER / SECTION 151 OFFICER: The Council is required to provide the Monitoring Officer and the Chief Finance Officer / Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

7.7 OFFICER EMPLOYMENT – MANDATORY STANDING ORDERS

Note: The paragraphs that follow set out the mandatory Standing Orders that apply in this particular area and must be included in the Constitution. The rest of Section 7 – Officer Requirements – reflects these Standing Orders.

OFFICERS – APPOINTMENTS AND DISMISSALS

7.7.1 Subject to paragraphs 7.7.2 and 7.7.9, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the Officer designated under section 4(1) of the 1989 Act (designation and reports of Head of Paid Service) as the Head of Paid Service or by an Officer nominated by him/her.

7.7.2 Paragraph 7.7.1 shall not apply to the appointment or dismissal of, or disciplinary action against –

- (a) The Officer designated as the Head of Paid Service;
- (b) A statutory Chief Officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
- (c) A non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act;
- (d) A Deputy Chief Officer within the meaning of section 2(8) of the 1989 Act; or
- (e) A person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

7.7.3 Where a Committee, Sub-Committee or Officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an Officer designated as the Head of Paid Service, the authority must approve that appointment before an offer of appointment is made to him/her or, as the case may be, must approve that dismissal before notice of dismissal is given to him/her.

7.7.4 Where a Committee or Sub-Committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any Officer referred to in sub-paragraphs (a) to (d) of 7.8.3, at least one member of the executive must be a member of that Committee or Sub-Committee.

7.7.5 In paragraphs 7.7.5 to 7.7.6, “appointor” means, in relation to the appointment of a person as an Officer of the authority, or, where a Committee, Sub-Committee or Officer is discharging the function of appointment on behalf of the authority, that Committee, Sub-Committee or Officer, as the case may be.

7.7.6 An offer of an appointment as an Officer referred to in sub-paragraphs (a) to (d) of 7.7.2 must not be made by the appointor until –

- (a) The appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

- (b) The Proper Officer has notified every member of the executive of the authority of –
 - (i) The name of the person to whom the appointor wishes to make the offer;
 - (ii) Any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
 - (iii) The period within which any objection to the making of the offer is to be made by the executive Leader on behalf of the executive to the Proper Officer; and

- (c) Either the –
 - (i) Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he/she nor any other member of the executive has any objection to the making of the offer;
 - (ii) Proper Officer has notified the appointor that no objection was received by him/her within that period from the executive Leader; or
 - (iii) Appointor is satisfied that any objection received from the executive Leader within that period is not material or is not well-founded.

7.7.7 In paragraphs 7.7.7 to 7.7.8, “dismissor” means, in relation to the dismissal of an Officer of the authority, the authority or, where a Committee, Sub-Committee or another Officer is discharging the function of dismissal on behalf of the authority, that Committee, Sub-Committee or other Officer, as the case may be.

7.7.8 Notice of the dismissal of an Officer referred to in sub-paragraphs (a) to (d) of paragraph 7.8.3 must not be given by the dismissor until –

- (a) The dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

- (b) The Proper Officer has notified every member of the executive of the authority of –
 - (i) The name of the person who the dismissor wishes to dismiss;
 - (ii) Any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - (iii) The period within which any objection to the dismissal is to be made by the executive Leader on behalf of the executive to the Proper Officer; and

- (c) Either the -
 - (i) Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he/she nor any other member of the executive has any objection to the dismissal;

- (ii) Proper Officer has notified the dismissor that no objection was received by him/her within that period from the executive Leader; or
- (iii) Dismissor is satisfied that any objection received from the executive Leader within that period is not material or is not well-founded.

7.7.9 Nothing in paragraph 7.7.1 shall prevent a person from serving as a member of any Committee or Sub-Committee established by the authority to consider an appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
- (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

OFFICERS – DISCIPLINARY ACTION

HEAD OF THE PAID SERVICE, CHIEF FINANCE OFFICER, MONITORING OFFICER – DISCIPLINARY ACTION

7.7.10 Definitions:

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “Chief Finance Officer”, “disciplinary action”, “Head of the Authority’s Paid Service” and “Monitoring Officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Order) (England) Regulations 2001;
- (c) “Independent Person (IP)” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
- (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “relevant officer” means the Chief Finance Officer, Head of the Paid Service or Monitoring Officer, as the case may be.

7.7.11 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

7.7.12 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

7.7.13 In paragraph 7.7.12 “relevant independent person” means any independent person who has been appointed by the authority or, where there

are fewer than 2 such persons, such independent persons as have been appointed by another or such authorities as the authority considers appropriate.

7.7.14 Subject to paragraph 7.7.15, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 7.7.12 in accordance with the following priority order:

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed to the authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.

7.7.15 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 7.7.12 but may do so.

7.7.16 The authority must appoint any Panel at least 20 working days before the relevant meeting.

7.7.17 Before the taking of a vote at the relevant meeting on whether to approve such a dismissal, the authority must take into account, in particular:

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal;
- (c) any representations from the relevant officer.

7.7.18 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

SECTION 8 – DECISION MAKING

8.1 PRINCIPLES OF DECISION-MAKING: All decisions will comply with the following principles:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) After consultation and in the light of professional advice from officers;
- (c) Lawfulness, including respect for human rights (see below for further details);
- (d) Efficiency of decision-making;
- (e) A presumption in favour of openness;
- (f) Explanation of the options considered and recording of the reasons for the decision including an evaluation of risk; and
- (g) Clarity of aims and desired outcomes.

8.2 TYPES OF DECISION:

8.2.1 Decisions taken under the authority of Full Council at meetings of the Council, Committees of the Council as detailed in Part 1, Section 6B or under the Council and Cabinet Scheme of Delegation to Officers as detailed in this section.

8.2.2 'Executive' decisions under the authority of the Leader at member level as detailed in section 5 and the Council and Cabinet Scheme of Delegation to Officers as detailed in this section. There are two categories of executive decisions – Key Decisions and Non-Key Decisions and different rules apply to each.

Key Decisions - defined in legislation as:

- (a) Resulting in the local authority incurring expenditure** which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; and / or
- (b) Significant in terms of their effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

**There is no definition in the legislation of the word 'significant' in (a) above. Therefore the Council has decided that the financial threshold at or above which a financial decision is significant (and a Key Decision) will be a total value of £500,000 for capital / revenue expenditure or savings. Money delegated to schools as part of the Scheme of Financial Management of Schools exercise is exempt from these thresholds once it is delegated to the school.

'Key Decisions' can be taken by the Leader, the Cabinet collectively, jointly by two Cabinet Members, individual Cabinet Members, Senior Leadership Team Officers and the Somerset Waste Board.

In the event of any doubt, the Monitoring Officer will determine whether a proposed decision is a Key Decision under the definitions set out above.

Non-Key Decisions: These are all 'executive' decisions which fall beneath the 'Key Decision' financial or geographical thresholds. 'Non-Key Decisions' can be taken by the Leader, the Cabinet collectively, jointly by two Cabinet Members, individual Cabinet Members, the Somerset Waste Board and Officers.

8.3 HUMAN RIGHTS ISSUES: The Council, the Leader, the Cabinet collectively, a Cabinet Member, a Committee of the Council, or an Officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

8.4 DECISIONS ON THE BUDGET AND POLICY FRAMEWORK

Note. The paragraphs that follow set out the mandatory Standing Orders that apply in this particular area and must be included in the Constitution. The rest of Section 8 complies with these requirements.

8.4.1 THE FRAMEWORK FOR EXECUTIVE DECISIONS: The Council agrees the Policy Framework and Budget. The Leader implements the Policy Framework and Budget.

8.4.2 PROCESS FOR DEVELOPING THE FRAMEWORK: The process for developing the Policy Framework and Budget is:

- (a) The Cabinet recommend the adoption of the relevant Policy or Budget to Full Council. Council either:
 - (i) Adopts the Cabinet's proposals without amendment and with immediate effect,
 - (ii) Follows the process set out in (b) to (h) below, where it has objections to the proposals.
- (b) Where Council is unable to adopt the Policy or Budget in full it informs the Cabinet of the objections and requires the Cabinet to reconsider the Policy or Budget.
- (c) Under (b) above the Council must give the Cabinet at least 5 working days to:
 - (i) Submit to the Council a revised draft Policy or Budget with reasons for amendments; or
 - (ii) Inform the Council of any disagreement with its objections and the reasons for any such disagreement.
- (d) The Council must consider the Cabinet's response to its objections, and decide whether to amend the Policy or Budget or adopt it unchanged.

Note: The Monitoring Officer will, if necessary, call a Council meeting within 21 working days of the expiry of the period referred to in (c) above, to enable the considerations in (d) to take place.

- (e) In approving the Policy Framework and Budget, the Council agrees the extent to which monies can be transferred between different budget headings (virement) within the Budget and the degree of in-year changes to the Policy Framework which can be agreed by the Leader / Cabinet, in accordance with paragraphs 8.4.5 to 8.4.12 of these Rules (decisions outside of the Budget or Policy Framework, urgent decisions outside of the Budget or Policy Framework, and virement).

VOTING ON THE BUDGET

8.4.3 Immediately after a vote is taken on the budget at a budget decision meeting of the Council there will be recorded in the Minutes of the proceedings the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

8.4.4 Budget decision meeting as referred to in 8.4.3 above means a meeting of the Council at which it—

- (a) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(4); or
- (b) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;

8.4.5 References to a vote in 8.4.3 above are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

DECISIONS OUTSIDE OF THE POLICY FRAMEWORK OR BUDGET

8.4.6 Subject to the provisions of paragraph 8.4.10 (in relation to virement), only the Council can take decisions outside of the Policy Framework or Budget.

8.4.7 If the Monitoring Officer and / or the Chief Finance Officer consider that a proposed decision is outside of the Policy Framework or Budget, then the decision can only be made by Full Council, unless the decision is a matter of urgency, in which case the provisions in paragraph 8.4.8 (urgent decisions outside the Budget and Policy Framework) apply.

8.4.8 An urgent decision can only be taken:

- (a) If it is not practical to convene a meeting of the Full Council; and
- (b) If the Chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a meeting of Full Council must be recorded on the record of the decision.

8.4.9 Urgent decisions taken under 8.4.8 above are reported to the next Full Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

8.4.10 **VIREMENT:** The rules on the transfer of approvals (virement) between budget headings are set out in the Council's Financial Regulations – see Part 2 of the Constitution.

REVIEW OF DECISIONS THAT MAY FALL OUTSIDE OF THE POLICY FRAMEWORK OR BUDGET

8.4.11 Where a Scrutiny Committee considers that a Key Decision made or proposed is or would be outside of the Policy Framework or Budget, then it can seek advice from the Monitoring Officer and/or the Chief Finance Officer.

8.4.12 If the Monitoring Officer and/or the Chief Finance Officer agree with the Scrutiny Committee's opinion they will present a report to the Leader with a copy sent to every Member of the Council. The Leader must decide what action to take and prepare a report to Full Council.

8.4.13 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be outside of the Policy Framework or Budget, the Scrutiny Committee can refer the matter to Full Council for decision. Full Council must meet within 21 days of the request by the Scrutiny Committee. Full Council can either:

- (a) Confirm that the decision falls within the Policy Framework or Budget;
or
- (b) Amend the Council's Financial Regulations or the relevant policy and agree to the decision with immediate effect; or
- (c) Require the Leader to reconsider the matter in accordance with the advice of either the Monitoring Officer / Chief Finance Officer.

8.4.14 COUNCIL DELEGATIONS TO OFFICERS

Somerset County Council has functions given to it by statute. Certain functions rest with the authority as a whole. These powers can be delegated to Officers under the Local Government Act 1972. Other functions, called Executive Functions rest with the Council's Leader of the Council and can be delegated by the Leader to the Cabinet, Cabinet Members or Officers.

See section 8.5 – Council and Cabinet Scheme of Delegation to Officers

8.5 COUNCIL AND CABINET SCHEME OF DELEGATION TO OFFICERS

'Local Choice' functions (as defined in Part 1, Section 1) are indicated in italics.

8.5.1 To the Chief Executive and Senior Leadership Team (SLT) Officers

General:

Authority to manage the services for which they are responsible for commissioning or delivering and to act to safeguard, protect and promote the interests of the Council.

Authority for all relevant decisions not delegated to members (unless delegated to an Officer by a Member or by a Committee). Where a specific delegation is available then it should be used as opposed to any general delegation

Where the decision making responsibility is shared with a Cabinet Member, the Officer cannot make a decision without the agreement of the relevant Cabinet Member.

Authority to delegate decision making responsibilities to other Officers of the Council. Current delegations are set out in the Officer Scheme of Delegation.

Specific delegations to Operations Directors can be exercised by any Commissioner within the Senior Leadership Team where the named Officer is absent or unable to act.

The making of agreements with other local authorities for the placing of staff at the disposal of those authorities (this delegated authority includes the County Solicitor).

Note: the authority to act and take decisions under this Scheme includes the following interim appointments in the absence of relevant contracted employees:

- Interim Director of Finance

Prevent Duty

Authority for the Chief Executive to act and take decisions as part of the Prevent Duty (Counter Terrorism and Security Act 2015)

Property

Authority to enter, inspect and survey land, buildings or premises and issue as necessary any evidence or authority as may be required in order

for them to execute their duties in accordance with the Council's statutory powers.

Where either the capital payment does not exceed £500,000 or the annual rental does not exceed £100,000, authority:-

- (a) Subject to the consent of the Section 151 Officer and the Monitoring Officer, and in consultation with the relevant Cabinet Member, to authorise and approve the acquisition of land and the taking of leases, licences, dedications and easements of or over any land (including buildings) whether by way of valuable consideration or exchange;
- (b) To declare land surplus to Directors' requirements and meet Corporate Landlord requirements.
- (c) To arrange for sessional lettings of premises for periods of less than 24 hours.

Partnerships: Authority

- (a) To approve operational frameworks for delivery level partnership / joint working arrangements with other public, private, voluntary and community sector organisations
- (b) When representing the Council or the Leader on a partnership or outside body to take decisions on behalf of the Council / Leader subject to advance notice of the issue having been given to the Council's representative.

Financial: The authority and responsibilities of Senior Leadership Team Officers in respect of financial matters are set out in the Council's Financial Regulations – see Part 2 of the Constitution.

Contracts: The authority and responsibilities of Senior Leadership Team Officers in respect of contractual matters are set out in the Council's Contract Standing Orders set out in Part 2 of the Constitution.

Staff Resources: Authority to act in relation to the appointment, dismissal and all other matters relating to the employment of Officers. For further details about the exercise of these delegated powers see Part 1, Section 7.

Section 106 agreements, Bid submissions & Consultations:

Authority to :-

- (a) Approve responses to consultation papers
- (b) Agree operational requirements for S106 Agreements or other similar agreements with no financial limit, providing suitable on-going revenue support and exit strategies are in place.
- (c) Agree the completion of Section 106 Agreements on behalf of the Council or other similar agreements with no financial limit, providing suitable on-going revenue support and exit strategies are in place.
- (d) Submit bids on behalf of the Council. Any Council bids for funding

from external bodies are only to be made where suitable on-going revenue support and time periods/exit strategies are in place.

- (e) Carry out any relevant consultation on behalf of the Council
- (f) Make appropriate planning and building regulations applications
- (g) Approve promotional and marketing campaigns.

8.5.2 To the Chief Executive

Authority to act on behalf of the Council in all such duties and functions of a Head of Paid Services as set out in legislation.

Functions

- (a) Management: Overall corporate management and operational responsibility including overall management responsibility for all staff, and co-ordinating the work of the Council's services.
- (b) Professional advice: Together with the Monitoring Officer and County Solicitor, the provision of professional advice to all parties in the decision making process.
- (c) Record Keeping: Together with the Monitoring Officer, responsibility for a system of record keeping for all decisions made by or on behalf of the Council.
- (d) Representation: Representing the Council on partnership and external bodies as required.
- (e) Discharge of functions by the Council: Authority in relation to Officer arrangements is set out in Section 7 of the Constitution,
- (f) Restrictions on functions: The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

Emergency Powers

In an emergency, the Chief Executive (and any Officer(s) authorised by the Chief Executive) is authorised to take any and / all action(s) he/she considers appropriate to protect and/or further the best interests of the Council, the County of Somerset and / or the public, subject to:

- (a) Consultation with the Leader of Council or in his/her absence the Deputy Leader and any appropriate Member of the Cabinet.
- (b) A report of the action taken and the reasons behind it being presented to the next meeting of the Cabinet, the Council or the relevant Committee.

This includes exercising the Council's powers under Section 138 of the Local Government Act 1972 to incur expenditure (regardless of whether the value would equate to a key decision) and to suspend aspects of

business as usual to enable the Council to comply with its duties under the Civil Contingencies Act.

8.5.3 To the Director of Finance (Section 151 / Chief Finance Officer):

Authority to act on behalf of the Council in all such duties and functions of a Chief Finance Officer (Section 151 Officer) as set out in legislation.

Functions:

(a) Ensuring lawfulness and financial prudence of decision making: After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council (or to the Cabinet in relation to an executive function) and send a copy of the report to all Members of the Council and to the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council (or the Executive) is about to enter an item of account unlawfully.

(b) Administration of financial affairs: The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) Contributing to corporate management: The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) Providing advice: The Chief Finance Officer (in liaison as necessary with the Monitoring Officer) will provide advice on the scope of powers and authority to take decisions, maladministration in relation to financial matters, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and staff in their respective roles.

(e) Give financial information: Where required by law or authorised by the Council, the Chief Finance Officer will provide financial information to the media, members of the public and the community.

Powers:

- i) Arrangements for internal audit.
- ii) Authority to accept resources from the Government and other third parties additional to that set out in the Council's approved Medium Term Financial Plan where there is no consequential impact to either capital resources or the Revenue Budget.

8.5.4 To the Monitoring Officer

Authority to act on behalf of the Council in all such duties and functions of a Monitoring Officer as set out in legislation. In addition the Monitoring Officer is empowered to act as the Proper Officer in the following instances:

Appointment matters

- 1) Authority to make appointments to:
 - (a) Committees and Sub-Committees,
 - (b) Internal, partnership and outside bodies.

This authority is subject to the Political Group Leaders agreeing to the appointments. In the event that a Group Leader does not agree with a proposed appointment then the decision will be referred to a County Council meeting.

- 2) Authority to receive and witness the declarations of acceptance of office by the Chair of Council, Vice Chair of Council or a Member of the County Council under Section 83 of the Local Government Act 1972.
- 3) Authority to accept the written notice of resignation from any office under the Local Government Act 1972.

Procedural matters

- 4) In consultation with the Chairs of Committees, Sub-Committees, Internal, Partnership and Outside bodies to agree the calendar of meeting dates, places and times of meetings
- 5) To receive notification from Members of the formation of and changes to political groups
- 6) To receive information concerning Members' interests and keeping that information up to date.
- 7) To be the Proper Officer for receiving written requests for dispensations from Members and any voting co-opted members from either or both of the restrictions in Section 31(4) of the Localism Act 2011.
- 8) To sign and issue a summons to attend a meeting of the Council and excluding from inspection by members of the public the whole or part of any report which in the Monitoring Officer's opinion is not likely to be considered in public at a Council, Committee or Sub-Committee meeting.

Functions:

- (a) Maintaining the Constitution: The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) Ensuring lawfulness and balance in decision making: After consulting with the Head of Paid Service, the Chief Finance Officer and County Solicitor, the Monitoring Officer will report to the full Council (or to the

Executive in relation to an executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or to maladministration. Such a report will be sent to all Members of the Council and will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Standards Committee: The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct and ethics through provision of support to the Standards Committee.

(d) Receiving complaints and reports: The Monitoring Officer will receive and act on complaints that Members may have breached the Members' Code of Conduct and any reports made by Investigating Officers appointed by him/her and any determination decisions of the Standards Committee and/or its Hearings Panel.

(e) Assessment of complaints and conducting investigations: The Monitoring Officer will assess complaints made, in consultation with the Independent Person(s) for standards, and will decide whether a complaint merits formal investigation or other action.

(f) Advising whether executive decisions are within the budget and policy framework: The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

(g) Providing advice: The Monitoring Officer (in liaison as necessary with the Chief Finance Officer and County Solicitor) will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

(h) Restrictions on posts: The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

8.5.5 To the Director of Children's Services

Authority to act on behalf of the Council in all such duties and exercise the functions of a Director of Children's Services as set out in legislation.

('local choice' functions allocated by Council to the Leader):

(a) The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils).

(a) The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals).

(b) The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).

8.5.6 To the Director of Adult Social Care

Authority to act on behalf of the Council in all such duties and exercise the

functions of a Director of Adult Social Services as set out in legislation.

8.5.7 To the County Solicitor and other Officers - Legal and Procedural

The County Solicitor (and other such person authorised by the County Solicitor) is authorised:

- (a) To serve statutory notices to ascertain the legal interest in land of any person;
- (b) To institute, defend or settle any legal proceedings or any dispute or matter where there is the potential for legal proceedings to be instituted by any party (either in the name of the Council or an individual Member and / or Officer of the Council) and to lodge an appeal in any matter. For the avoidance of doubt this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter notices, and Notices to Quit.
- (c) Where any document is required for any legal procedure or proceedings on behalf of the Council, it will be signed by the County Solicitor or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given the necessary authority to some other person.
- (d) To attest the affixing of the Common Seal of the Council. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to documents as required by the Contract Standing Orders or which in the opinion of the County Solicitor (or some other person authorised by him/her) otherwise require sealing. The affixing of the Common Seal must be attested by the County Solicitor or some other person authorised by him/her.
- (e) To authorise Officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972;

Without prejudice to the powers of the County Solicitor to institute proceedings, Devon County Council have full delegated powers on behalf of Somerset County Council to institute proceedings either in the name of the Council or in the name of a designated Officer under the relevant statutory powers, duties and provisions to enforce Trading Standards, Food and Animal Health legislation. Devon County Council has been given the power to authorise Officers (subject to approval by the Lead Director for Economic and Community Infrastructure approving any appointments) to enforce Trading Standards, Food and Animal Health legislation, to issue statutory notices in relation to those areas and to authorise other local authorities to investigate and institute proceedings in respect of alleged offences under any legislation which are alleged to have been committed within Somerset. Devon County Council has been given delegated powers to appoint a Chief Inspector of Weights and Measures under s72 of the Weights and Measures Act 1985, a Public Analyst under S27 Food Safety Act 1990, and an Agricultural Analyst and under S67(3)(b) of the

Agriculture Act 1970, and deputies if required, subject to the approval of the Lead Commissioner for Economic and Community Infrastructure.

Senior Leadership Team Officers are authorised to appoint any individual Officer of the Council as the “Proper Officer” for the purpose of any legislation.

8.5.8 To the Lead Director for Economic and Community Infrastructure – Property

Subject to the consent of the Section 151 Officer and the Monitoring Officer:

- (a) Where either the capital payment does not exceed £500,000 or the annual rental does not exceed £100,000, authority:-
 - (i) to declare land and property surplus to the Council’s requirements;
 - (ii) to dispose of land and grant, or vary, leases, licenses, dedications of or over any land. In the case of the grant of tenancies of small-holdings, these delegated powers shall be exercised in consultation with the relevant Cabinet member.
- (b) Authority to sell land or property at an undervalue not exceeding £100,000 (expressed as a capitalised figure) or 20% of the unrestricted value, whichever is the lower.
- (c) Authority to issue and sign documents in relation to the Right to Buy provisions of the Housing Act 1985
- (d) The function of Authorising Officer under the Regulation of Investigatory Powers Act 2000 and to designate such other Authorising Officers (as defined in the Act) as he/she considers to be necessary and competent for the purposes of the Act.

8.5.7 To the Economic & Communities Infrastructure Commissioning Director

Planning Control

The functions of the Council relating to town and country planning and development control with the exception of:

- (c) Any such functions reserved to Full Council or the Cabinet;
- (b) Determining an application for planning permission where
 - (i) a significant planning objection has been made, or
 - (ii) the Officer recommendation is to refuse planning permission, or
 - (iii) the local Member refers the application to committee for determination under the pre-decision consultation process.

Where the Economic & Communities Infrastructure Commissioning Director considers an objection not to be significant, he/she must obtain

the agreement of the local Member(s), and the Regulation Committee Chair & Vice-Chair and Regulation Committee lead member (Opposition Group) before the decision can be taken under delegated powers. Where such agreement is not reached the Regulation Committee shall determine the application.

Public Rights of Way

The functions of the Council relating to public rights of way, including the maintenance of the rights of way network and the review of the definitive map and statement, under the Highways Act 1980, the Wildlife and Countryside Act 1981 and any other relevant enactment, including, in consultation with the County Solicitor, the determination of applications for modification of the definitive map, with the exception of the following which shall be determined by the Regulation Committee:

- (a) Those applications which in the view of the Economic & Communities Infrastructure Commissioning Director, in consultation with the Chair of the Regulation Committee, are contentious or controversial; and
- (b) Requests from applicants for Modification applications to be taken out of turn from the adopted Statement of Priorities.

Common Land, Town or Village Greens

The functions of the Council relating to common land and town or village greens under the Commons Act 2006 and any other relevant enactment, including, in consultation with the County Solicitor, the determination of applications for the registration of the same or for amendment of the Commons Register, with the exception of those applications which in the view of the Economic & Communities Infrastructure Commissioning Director, in consultation with the Chair of the Regulation Committee, are contentious or controversial, which shall then be determined by the Regulation Committee.

Traffic regulation

- (a) To determine applications for traffic regulation orders determined in accordance with criteria of the Department of Transport and County Council policy.
- (b) To determine applications for the stopping up of a highway and/or its diversion (except in relation to rights of way).

'Local choice' functions allocated by the Council

- (a) *The investigation of any complaint as to the existence of a statutory nuisance.*
- (b) *The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land*
- (c) *The obtaining of particulars or persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976*
- (d) *The making of any agreements for the execution of highways works.*

8.5.9 Conditions on the exercise of any delegated power

Before exercising a delegated power the Officer must consider whether the decision to be made is of such a nature that it ought to be referred to members for decision.

Any action taken under delegated powers shall be in accordance with:

- (a) The Council's Policies and Budget;
- (b) All appropriate legislation, statutory guidance, good practice and this Constitution (including the Contract Standing Orders and the Council's Financial Regulations/Financial Procedures).

The exercise of delegated powers is subject to:

- (a) Consultation, where appropriate, with the Cabinet Member, Junior Cabinet Member, or relevant Committee Chair (or in his/her absence the Vice-Chair).
- (b) Any local Member whose area is significantly affected being consulted before the decision is taken and informed of any subsequent action / outcome.(*)
- (c) Consultation with relevant Senior Leadership Team Officer(s) (including the Section 151 Officer) and / or the Monitoring Officer and County Solicitor and due regard to any advice given.
- (d) Consulting or informing the relevant Opposition Spokespersons and Scrutiny Chair, as appropriate to the subject matter and depending on the type of decision.

* where the decision relates to more than one electoral division then all relevant Members should be informed ie. if this is countywide then all members should be informed

Notes

- (a) For decisions proposed to be taken under the authority of the Council, where the local Member(s) consulted under (b) above so requests, the matter will be referred to the relevant Committee for decision.
- (b) Where a Non-Key Decision is below £15,000 in value then only provision (c) above needs to be followed, together with (b) where appropriate.
- (c) The delegated authority to Officers excludes the determination of

policy, amendments to policy and exceptions to policy.
(d) All Key Decisions taken by Officers are subject to call-in action by scrutiny.

8.6 ACCESS TO INFORMATION PROCEDURE RULES GENERAL

8.6.1 Part 1 of these rules set out the rights of the public and Members to access information under the decision making process.

8.6.2 Part 2 details Members' wider access rights to access information held by the Council. These rights are complex and are set out in legislation, regulations and the common law. Members' rights go beyond those of the public. **However, Members do not have an automatic right of access to all information held by the Council. A Member's right to access information held by the Council is dependent on their legal and constitutional rights as determined, where necessary, by the Monitoring Officer as an 'independent' arbiter.**

8.6.3 "Need to know": The common law right of Members to have access to Council information on a "need to know" basis is a broad provision based on the principle that a member has a prima facie right to have such access so far as is reasonably necessary to enable him/her to perform their duties as a member of the Council. To exercise this right the Member must be able to demonstrate a genuine "need to know" rather than just undertake a general 'fishing expedition'. Members do not have a general right to access all documents held by the Council. In most cases access will be provided as a matter of course but in some circumstances (e.g. a Member wishing to access Council documents which contain personal information about third parties) justification will be required. In some cases, Members may be required to sign a non-disclosure agreement in order to have a greater level of access to exempt information than would be allowed to Members' generally. Even in these circumstances full access may still not be allowed for legal reasons or where the risks of disclosure are considered too great to the Council, an organisation or an individual. Any Member asked to sign a non-disclosure agreement must be advised of the level of access that will be permitted by signing the agreement. If access is disputed the Monitoring Officer will give a final ruling.

8.6.4 A Member may request information and advice from a council service in connection with their role as a member. Such approaches should however normally be directed to the relevant Director or Strategic Manager. Members must not put undue pressure on Officers to release information and documents to which they are not entitled to have access.

8.6.5 A Member must only use Council information provided for his/ her duties as a member of the Council.

8.6.6 The rules set out in Part 1 apply in full or in part to the Council's Cabinet (executive) decision-making arrangements as indicated. The following rules in Part 1 apply as specified to meetings of Full Council and the Council's Committees, 8.6.7-9, 20-22, 27-29, 31-37, 44 and 47-51. The rules comply with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

PART 1 – ACCESS TO INFORMATION RULES – DECISION MAKING

8.6.7 Definitions:

- (a) '5 clear days' – references to the term 'clear' in this context excludes Saturdays, Sundays, Bank and Public Holidays, the day that the agenda is sent to Members and the day of the meeting.
- (b) '28 clear days' - references to the term 'clear' in this context includes weekends and public holidays.
- (c) 'Executive decisions' – are Key or Non-Key decisions taken under the authority of the Leader and by the Leader or delegated to the Cabinet, a committee of the Cabinet, a Cabinet Member or an Officer.
- (d) 'Information' - means information, including any document, report or background paper other than in draft form.
- (e) 'Publication', or derivatives of - means: publication on the Council's website unless otherwise stated. Hard copies of papers are available for inspection or can be provided free of charge on request. If large volumes are requested a charge may be made.

MEMBERS OF COMMITTEES – RECEIPT OF PAPERS

8.6.8 Committee Members receive a printed copy of agendas and papers for meetings of that body unless they have exercised the option to receive the papers electronically via a link to the website. Either method complies with the legal requirement to give notice by the Council under the Local Government (Electronic Communications) (England) Order 2015. A Member may revoke this request at any time.

8.6.9 **NOTICE OF MEETINGS:** The Council normally gives at least 5 clear days' notice of public meetings via the website, the public notice board at County Hall, Taunton and at the venue for the meeting if held elsewhere. If the meeting is convened at shorter notice than 5 days, then public notice is given at the time the meeting is convened.

CABINET FORWARD PLAN OF KEY DECISIONS

8.6.10 The Cabinet Forward Plan of proposed Key Decisions is published weekly. The Council also publishes the Somerset Waste Board Forward Plan of proposed Key Decisions. Normally at least 28 clear days' notice of key decisions is given in the plans. Meeting notices list the key decisions to be taken.

PROCEDURE BEFORE A KEY DECISION CAN BE TAKEN:

8.6.11 Unless the General Exception Rule (8.6.13) or Special Urgency Rule (8.6.14) is used, a Key Decision can only be taken:

- (a) If published in the relevant Forward Plan;
- (b) At a formally convened meeting;
- (c) By an individual Cabinet Member or Officer, where a notification report has been published at least 5 clear days before the decision is due to be taken or when published if less than 5 clear days can be given.

Key decision details published must include the:

- (a) The key decision title and description
- (b) Name or title of the decision-making body or person
- (c) Date of the decision or the period within which it will be made
- (d) List of documents submitted to the decision maker for consideration
- (e) Details of copies of the documents can be obtained or accessed
- (f) Opportunity for other documents to be submitted to the decision-maker and details of how copies may be obtained.

8.6.12 A Cabinet Member must consider officer advice before committing the Council via a formal decision in any dealings with third parties in relation to the acquisition or disposal of land, property or contractual issues.

KEY DECISIONS – GENERAL EXCEPTION AND SPECIAL URGENCY RULES:

8.6.13 General Exception Rule: If 28 clear days notice of a Key Decision cannot be given, then subject to Rule 8.6.14 (Special Urgency), then a key decision can only be taken if the Monitoring Officer has:

- (a) Informed the Chair of the relevant Scrutiny Committee, or, in their absence, each member of that Committee in writing or by email, of the matter for decision;
- (b) Has given 5 clear days' notice via the public notice board at County Hall, Taunton and on the Council's website.

8.6.14 Special Urgency Procedure Rule: If a Key Decision is required so urgently that Rule 8.6.13 above (General Exception Procedure) cannot be complied with, then the decision can only be taken with the agreement of the Chair of the relevant Scrutiny Committee (or if unavailable, the Chair of Council or in his/her absence the Vice-Chair of Council), in writing or by email that the decision is urgent and cannot be deferred.

8.6.15 If urgency is agreed, the Monitoring Officer will publish a notice at County Hall, Taunton and on the Council's website stating the reasons for

urgency and why the 28 day notice and general exception procedures cannot be complied with.

CABINET MEMBER AND OFFICER KEY AND CABINET MEMBER NON-KEY DECISIONS – CONSULTATION REQUIREMENTS

8.6.16 Before a Key Decision can be taken, the following must be consulted:

- (a) The relevant Cabinet Member(s), Junior Cabinet Member (where appropriate) and Senior Leadership Team Officer(s).
- (b) Any local Member whose electoral division is significantly affected. They must also be informed of any subsequent action / outcome.
- (c) The Chief Finance Officer, the Monitoring Officer and the County Solicitor and due regard given to their advice where there are likely to be financial, legal or standards implications.
- (d) The relevant Opposition Spokesperson / Leader
- (e) The Chair (or in their absence the Vice-Chair) of the relevant Scrutiny Committee.

8.6.17 Before a Cabinet Member Non-Key decision is taken, the consultation requirements at (a), (b) and (c) of 8.6.16 above must be met.

In addition, the relevant Opposition Spokesperson / Leader and the Chair (or Vice-Chair in their absence) of the relevant Scrutiny Committee must be informed of the decision.

QUARTERLY REPORTS ON SPECIAL URGENCY DECISIONS

8.6.18 The Leader reports Special Urgency Key Decisions taken in the preceding three months within the quarterly reports of the Cabinet to the Full Council.

SCRUTINY – RIGHT TO REQUIRE CABINET TO REPORT TO COUNCIL

8.6.19 Where a Scrutiny Committee considers that a non key decision should have been taken as a key decision, the Committee can require the Cabinet to submit a report to the County Council at the earliest opportunity. The report must set out the decision, the reasons for it, the name of the decision maker and, following review, the reasons why it was not treated as a key decision.

PUBLIC ACCESS TO REPORTS AND OTHER DOCUMENTS:

General

8.6.20 Documents for key and Member non-key decisions and for formal meetings are published except those containing confidential or exempt information. Meeting papers are published at least 5 clear days before the meeting or when the meeting is convened if at shorter notice. If a late item is

added to an agenda, a revised agenda and any additional report (s) will be published at the same time as being sent to Members.

BACKGROUND PAPERS:

8.6.21 Each decision report includes a list of documents (called background papers) used to prepare the report and which are not already referred to. The list will not include published works or those which disclose exempt or confidential information.

8.6.22 Background papers for all Member decisions, key decisions taken by officers and decisions taken by an Officer under delegated authority from the Cabinet or a Cabinet member are published.

DECISION NOTICES:

8.6.23 As soon as possible after a decision is taken at a Cabinet meeting or by a Cabinet Member, the Monitoring Officer will produce a decision notice to include:

- (a) A record of the decision including the date
- (b) The reasons for the decision
- (c) Details of any alternative options considered and rejected
- (d) A record of conflicts of interests declared by members of the Cabinet and any dispensations agreed by the Chief Executive.
- (e) Details of whether urgent implementation has been agreed, along with reasons.

There are similar requirements for recording executive decisions taken by officers.

INSPECTION OF DOCUMENTS FOLLOWING AN EXECUTIVE DECISION

8.6.25 Decision notices prepared under 8.6.23 above and supporting papers are published for Member / Officer Key Decisions, Member Non-Key Decisions and Officer Non-Key decisions taken under a direct delegation from the Cabinet or a Cabinet Member.

8.6.26 Hard copies of published decision notices and supporting papers are available on request. Where a number of copies are requested a reasonable charge may be made to cover printing and postage costs.

Access to decision records/reports/minutes/background papers etc after decisions are taken

8.6.27 The Council makes available for inspection via its website the following for a minimum of 6 years from the date of the decision:

- (a) Minutes of Council, Committee or Cabinet meetings
- (b) Records of Cabinet, joint and individual Cabinet Member decisions
- (c) Officers decisions (for Key Decisions / and decisions delegated by Cabinet or an individual Cabinet member only);
- (d) A non-confidential summary of any Minute(s) / decision record (s) containing exempt or confidential information;

- (e) Agendas; and
- (f) Any relevant reports.

8.6.28 Background papers supporting decisions made at formal meetings are also made available for inspection for a minimum of 4 years from the date of the decision. In addition, in the case of a decision taken by the Cabinet, a Cabinet Member or an Officer under delegated authority from the Cabinet or a Cabinet Member, the background papers are published and available for a minimum of 4 years from the date of the decision.

RIGHTS OF THE PUBLIC TO ATTEND MEETINGS:

8.6.29 Members of the public may attend all formal Members’ meetings except where confidential or exempt information is to be considered.

8.6.30 There are separate rules for the consideration of confidential and exempt Cabinet and Somerset Waste Board business from those that apply to Full Council and Committees. Where a Cabinet or Somerset Waste Board meeting is due to consider confidential or exempt information, advance notice will be published in the relevant Forward Plan together with details of how representations can be made for the business to be considered in public session. A further notice will then be published 5 days before the decision meeting setting out details of any representations received and the Council’s response.

8.6.31 If advance notice of confidential or exempt business required under 8.6.30 cannot be given then the approval of the Chair of the relevant Scrutiny Committee (or where unavailable the Chair or Vice-Chair of the Council) must be given and a notice published as soon as the item is known about.

8.6.32 ‘Confidential’ information is information given to the Council by a Government Department on terms forbidding its public disclosure or information which is prevented from being publicly disclosed by Court Order. Where confidential information is to be considered it is a requirement to exclude the press and public from accessing papers and discussions on such matters and members access is limited by statute. Accordingly, the press and public will be excluded from the meeting by resolution where confidential information is to be considered.

8.6.33 Exempt information is as follows,

Category	Qualifications
<ol style="list-style-type: none"> 1. Information relating to any individual. 2. Information which is likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular 	<ol style="list-style-type: none"> 1. Information is not exempt information if it is required to be registered under the Companies Act,

<p>person (including the authority holding that information).</p> <p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority.</p> <p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> <p>6. Information which reveals that the Authority proposes –</p> <p>(a) to give under any enactment notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make order or direction under any enactment.</p> <p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Charities Act etc.</p> <p>2. Information is not exempt information if it relates to proposed development for which the Council may grant itself planning permission.</p> <p>3. Subject to paragraphs 1 and 2 above, information which falls within paragraphs 1 to 7 opposite is exempt information if and so long as the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
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8.6.34 The press and public may be excluded from a meeting where exempt information is to be considered and any supporting information withheld from publication or the meeting may decide to consider the item of business and any reports with the public present and publish the report after the meeting.

8.6.35 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of the Act.

RIGHTS OF THE PUBLIC TO SPEAK AT FORMAL MEETINGS OF THE CABINET AND COMMITTEES OF THE COUNCIL – PUBLIC QUESTION TIME (PQT):

Note: Different requirements apply to Public Question Time at Full Council meetings and these are set out in Section 4.

8.6.36 The relevant Chair has discretion to vary any of the following rules:

- (a) A member of the public may ask a question or make a statement about any item on an agenda for the meeting.
- (b) In addition, a petition may be presented on any matter within the overall remit of the body.
- (c) The agenda will provide for questions/statements/petitions to be taken early in the meeting although the Chair has discretion to take them when the relevant item is reached on an agenda.
- 1) (d) For Committee meetings, a person wishing to speak under public question time should submit their statement / questions in writing to the relevant Democratic Services Manager / meeting administrator (via the following email address: democraticservices@somerset.gov.uk) by 5pm three clear working days before the meeting i.e. 5pm on the Thursday prior to a meeting that is being held on a Wednesday.. Any questions, statements or petitions received after the deadline will only be considered with the discretion of the Chair of the relevant meeting. The questioner will need to set out reasons for their late submission to be considered at the meeting. If the Chair rejects the late question or statement then a written reply will be provided by the council within 20 working days of the meeting.

Notwithstanding the above, where a question relates to a matter which is included on the agenda for a meeting at which the question is to be put but that agenda or any Officers Report has not been made available before the normal deadline for submission of questions by 5pm three clear working days before the meeting then provided written notice of a question is received within 24 hours of that Agenda or Report having been so published then the question shall be allowed.

- (e) The Chair will allow those who have given prior notice to introduce their question / statement / petition - 3 minutes maximum. If a person is unable to attend a meeting in person, then they will be allowed to arrange for someone to ask the question on their behalf. If no person is able to put the question to the meeting then either the relevant Chair of the meeting or the Democratic Services Manager will present the statement / questions to the meeting.
- (f) If a person submits more than three questions (including any sub-division or component questions ie. Question 1a, 1b and 1c would mean three questions the same as Question 1, 2 or 3) then only the first three questions shall be accepted for a meeting (subject to those questions not duplicating or being similar to other questions received from other persons for the meeting). Where there is duplication or the question or statement is similar then these will be rejected. The Monitoring Officer or relevant Democratic Services Manager shall adjudicate on the application of this in consultation with the Chair of the relevant meeting.
- (g) A response will be given once the question/statement/petition has been introduced or when the relevant agenda item is considered. After the response has been given there will be no member debate.
- (h) Normally a maximum of 20 minutes is allowed for public question time.

- (i) Where there are a large number of questioners on the same subject matter, the Chair may ask those concerned to nominate one or more of their number to ask question(s).
- (j) In exceptional circumstances the Chair may adjourn the meeting temporarily to allow views to be expressed more freely.

RECORDING AND REPORTING AT PUBLIC MEETINGS:

8.6.37 Public and press are welcome to record / film / transmit the proceedings of formal meetings in accordance with the Somerset County Council Recording Protocol set out in Part 2 of the Constitution.

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. 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.

MEMBERS ACCESS RIGHTS TO REPORTS FOR FORMAL MEETINGS

General

8.6.39 All Members have a statutory right under the Local Government Act 1972 to inspect any Council document for business to be transacted at a Council, Cabinet, or committee meeting. This right extends to any relevant background papers but normally excludes confidential and exempt information.

Cabinet business

8.6.40 Subject to 8.6.41 below, all Members have a statutory right to inspect any Cabinet document (including background papers) in support of business to be transacted at a meeting and this shall be available five clear days before the meeting or at the time when an item is added to an agenda or a meeting convened at shorter notice. These legal rights are restricted in relation to confidential and exempt information.

8.6.41 The right to inspect in 8.6.39 above extends to any document in support of and a decision made by:

- (a) a Cabinet Member under delegated powers, or
- (b) an Officer as a key decision or under a delegation from the Cabinet or a Cabinet Member.

Rights of scrutiny committee to access Cabinet documents

8.6.42 Rights to copies / inspect documents: Subject to Rules 8.6.43 to 8.6.44, members of the Scrutiny Committees are entitled to inspect any Cabinet document and which contains material relating to:-

- (a) Business to be transacted at a Cabinet meeting; or
- (b) A Cabinet Member decision
- (c) Any Key Decision taken by an Officer and Officer Non-Key decisions taken under delegated authority from the Cabinet or a Cabinet member.

8.6.43 A document requested under 8.6.42 will be made available as soon as is practicable after the request and within 10 clear days.

8.6.44 Scrutiny Committee Members are **not** entitled to:

- (a) Draft documents; or
- (b) Any part of a document containing exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

8.6.45 The Cabinet can refuse access to information requested by a scrutiny member but must provide a written statement giving the reasons for refusal.

8.6.46 In the event of any conflict between this Protocol, any other policy, protocol, or guidance of the Council and any law (either common law or statutory), the law shall take precedence.

MEMBERS ACCESS TO CONFIDENTIAL / EXEMPT REPORTS FOR FORMAL MEETINGS

8.6.47 The right of access for non-Cabinet members to confidential or exempt information within the ownership of the Cabinet is limited to certain categories of information – see 8.6.48 below. Access is limited to viewing the document after the meeting or after a decision is made and must be available on request within 24 hours of the decision.

8.6.48 The legal right of access only applies to documents that fall under Part 1 of Schedule 12A of the Local Government Act 1972 in the following categories:

- (a) Paragraph 3, ie, information relating to the financial and business affairs of any particular person [including the authority] except for information relating to terms proposed or to be proposed in negotiations for a contract); and
- (b) Paragraph 6, ie, information which reveals the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or directions under any enactment.

8.6.49 The Council goes beyond the legal requirements set out above in providing access to confidential and exempt information held by or on behalf of the Cabinet. Cabinet Members taking a Cabinet or a non-Cabinet decision will receive papers containing confidential or exempt information as necessary in order to be able to take the decision. There is then a

presumption that, except in the case of reports which contain confidential personal information about employees or other persons, or where the report contains highly confidential commercially sensitive information, reports containing confidential or exempt information will be made available to other individual non-Cabinet members attending the meeting or on request. As stated above this in addition to any other specific rights that members may have as a result of having a specific role on the Council, eg, as a Scrutiny Member. This presumption of openness also applies to Committee meetings.

8.6.50 There may be occasions where the Monitoring Officer advises that a report contains information which is so sensitive (eg, contains highly sensitive commercial information) that it is necessary to limit access to the report following a request by members not involved in the decision making process. This may be achieved in various ways including giving out named copies at the start of a debate and collecting them in at the end of the debate or requiring Members with a specific interest or role to sign a non-disclosure agreement.

8.6.51 Confidential or exempt information will normally be provided to Members as a confidential annex to a public report. A public summary of the confidential report will be published. The same approach is taken to confidential decision records or the minutes of the meeting.

8.6.52 A Member's entitlement (under common law or under statute) to see a report containing confidential or exempt information, extends to relevant background papers. However, the Member must maintain the confidentiality of the background papers.

8.6.53 A Member who is refused access to information and is dissatisfied with this response, may take the matter up with the appropriate Senior Leadership Team Officer (or Chief Executive for corporate or cross-cutting issues) who, if necessary, will consult with the Leader of the relevant group, the relevant Cabinet Member or Opposition Group Spokesperson and the Monitoring Officer before responding.

PART 2 – Members' Access to Information and Confidentiality Issues – General.

8.6.54 There are two basic requirements for information to be considered confidential.

- (a) It must not already be published and widely available publicly.
- (b) The information must fall under the protection of the confidentiality laws, eg personal data, commercially sensitive data, military secrets and the like. In many areas of law such as Access to Information, Data Protection and Freedom of Information the categories protecting information are clear. The general law is far less clear and there has to be a legitimate expectation of confidentiality. Without justification, writing "confidential" at the top of a document will not provide legal protection, nor is a document "confidential" merely because its contents

may be embarrassing or inconvenient.

8.6.55 Confidentiality usually arises because a person or organisation claims confidentiality for information they have, and wish to withhold from publication. In the public sector anyone wishing to claim protection at law for confidential information is increasingly likely to have to justify that claim.

8.6.56 Confidential information can only be released or passed on with legal justification or with proper authority, eg, with the consent of a person properly authorised to give it. To release confidential information without consent:

- (a) Could lead to legal action (against either the individual personally and/or the Authority).
- (b) Is likely to be a breach of the Council's Standards of Conduct for Officers or the Members' Code of Conduct.

If you are unsure whether information passed to you is confidential or not please check its status with the sender before you pass it to anyone else.

8.6.57 The Members' Code of Conduct includes 'tests' that Members must fulfil if they are considering releasing confidential information, as follows:

- (i) The 'public interest' test. In order for disclosure to be in the "public interest", the information should involve one or more of the following matter(s), or something of comparable seriousness:
 - a) a criminal offence;
 - b) failure to comply with a legal obligation;
 - c) a miscarriage of justice;
 - d) serious health or safety issue
 - e) potential damage to the environment
 - f) deliberate concealment of any of the above matters;
- (ii) The 'good faith' test. For a disclosure to be in "good faith", a Member should not be acting with an ulterior motive, eg to achieve a party political advantage or to settle a score with a political opponent or some other person.
- (iii) The "reasonable requirements of the Authority" test, which requires the Member to comply with the Council's policy or protocols on matters such as whistle blowing, confidential information and any other specific requirements which the Council may reasonably make. The Member must first raise his or her concerns through the appropriate channels set out in relevant policies or protocols

8.6.58 Anyone considering releasing confidential information without consent is strongly advised to obtain and consider professional advice before passing the information on. In the case of members you must consult the Monitoring Officer or the County Solicitor before releasing such information without consent.

8.6.59 A person passing on confidential information with legal justification or permission must make it clear to the recipient of the information that the information is confidential and must not be disclosed. If the recipient cannot provide appropriate assurance that the confidentiality of the information will be respected, it must not be passed on.

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APPENDIX D

ANNUAL REVIEW OF THE CONSTITUTION – SUMMARY OF REVISED CONTENTS AND CHANGES

	Title (and summary of subject matter)	Summary of changes
Part 1 – Sections	<u>Constitutional Arrangements</u>	
1	Constitution: (Purpose, Structure, Review, Interpretation, Access, Definitions)	Senior Leadership Team membership and job titles clarified
2	Members of Council: (Council composition, Role and Functions of Members, Appointments, Allowances)	2.1 amended to reflect next elections are in 2022 not 2021
3	Citizens and the Constitution: (Citizens' rights, Voting and petitions, Accessing Information, Complaints, Citizen's Responsibilities)	No change
4	Full Council <ul style="list-style-type: none"> • Arrangements: (Form and Composition, Functions & Responsibilities, Full Council Meetings, Time and Place of Full Council Meetings, Description of Executive Arrangements) • Procedural Rules: (Election of Chairs and Vice-Chairs, Chair's Powers and Full Council Meetings, Quorum, Full Council Meeting Business Plan, Proposals Requisitioned by Members, Public Question Time [including Treatment of Small Petitions] , Treatment of Large Petitions, Leader and Cabinet Member Reports – Member Questions, Overturning Council Decisions, Proposals and Amendments not Requiring Notice, Voting, Minutes, Record of Attendance, Exclusion of the Public, Members' Right to Speak, Members' Conduct, Disturbance by the Public, Suspension and Amendment of Council Meeting Rules) 	<p>4.2.1 clarification of the annual appointment of Chair and Vice Chair and also the appointment of the Leader of the Council</p> <p>4.3 clarification that Annual General Meeting is usually held in May</p> <p>4.4 recognition that council meetings may be also held in any such place as the Council may decide and recognising the potential for virtual / hybrid meetings subject to legislative requirements being met</p> <p>4.5 clarification that only an elected member may be appointed to the roles of Chair and Vice-Chair and this is usually done at the Annual General Meeting</p> <p>4.8 new proposal to clarify the duration of a Council meeting.</p> <p>4.10 clarification that any requisitioned items should be submitted 10 calendar days before the meeting</p>

		<p>4.17.2 amendment to recognise other ways that members can demand a recorded vote such as in the instance of a virtual / hybrid meeting where it is difficult to see 11 members standing at a meeting</p> <p>4.19 clarification that in a hybrid / virtual meeting the Monitoring Officer will make a record in the minutes of the meeting of all Members that attended</p> <p>4.21.2 clarification that there is not a right for Members to speak when they are named during debate at a meeting as the rights are those set out in 4.21.2 (a) and 4.21.2 (b)</p> <p>4.22.1 amended to also reflect virtual / hybrid meeting situations</p> <p>4.23 amended to also reflect virtual / hybrid meeting situations</p>
5	<p>Leader and Cabinet: Arrangements: (Leader, Deputy Leader and Cabinet Appointments, Functions and Responsibilities of the Leader, Decision-making Responsibilities and Functions of the Cabinet, Allocation of Service Responsibilities and Decision making Responsibilities to Cabinet Members – Summary, Allocation of Decision making Responsibilities to Cabinet Members, Traffic Regulation Order Sub-Committee, Somerset Waste Board, Sub-delegation of Executive Responsibilities, Cabinet meeting arrangements, Cabinet Decision-making Arrangements)</p>	<p>5.2.2 Clarification of ability to make interim SLT appointments to cover absences / vacancies that arise this is further reflected in section 7.1.4</p> <p>5.8.2 Somerset Waste Board membership amended to reflect Somerset West and Taunton Council</p>
6	<p>Council Committees Arrangements (Committees of the Council, Committee Appointments, Committee Chairs & Vice-Chairs, Substitution on Committees, Meeting Dates, Committee Business – Public Involvement, Non-committee Member Involvement in Committee Meetings)</p>	<p>6.1.4 clarification that substitution is not allowed for co-opted members</p> <p>6.1.5 recognition that committee meetings may be also held in any such place as the Council may decide and recognising the potential for virtual / hybrid meetings subject to legislative requirements being met</p>
6A	<p>Scrutiny for Policies and Places Committee / Scrutiny for Policies, Children and Families Committee / Scrutiny for Policies, Adults and</p>	<p>6.2.1 clarification of functions for Scrutiny Place in relation to council services and Scrutiny Adults & Health in terms of Healthwatch referrals</p>

	<p>Health Committee (Functions, Form and Composition, Joint Health Scrutiny, Quorum, Committee Business, Call-in of Key Decisions, Referral of Non-Key Member Decisions)</p>	<p>6.2.3 amended to reflect 8 members for each of the Scrutiny committees and proposal to change in Scrutiny Children and Families Committee co-opted member membership (same number of total co-opted members)</p> <p>6.2.9 clarification that any requests for urgent implementation of Member Non-Key decisions require the approval of the Leader of the Council and the Chair of the relevant Scrutiny Committee (same process as for key decisions)</p>
6B	<p>Decision-making Committees (Regulation, Pensions, Audit, HR Policy, Officer Appeals, Constitution and Standards Committees and the Somerset Health and Well-being Board): (Functions, Form and Composition, Quorum, Committee Business, Reporting)</p>	<p>6.3.2 clarification that 8 members of the Regulation Committee and that appropriate training must be completed by any members taking part in decision making.</p> <p>6.6 Renaming of HR Policy Committee to Human Resources Committee and consequent changes wherever current HR Policy Committee is referenced</p> <p>6.8.3 amended to clarify quorum is 3 elected members</p>
6C	<p>Somerset Pensions Board</p>	<p>No change</p>
6D	<p>Code of Conduct Hearing Panel Arrangements</p>	<p>No change</p>
7	<p>Officer Arrangements (Appointment of Officers, Dismissal [including Redundancy] of Officers or other Disciplinary Action], Officer Employment – Mandatory Standing Orders)</p>	<p>7.5 Addition of Returning Officer statutory role to the Chief Executive</p>
8	<p>Decision Making: (Principles of Decision-making, Types of Decision, Human Rights Issues, Decisions on the Budget and Policy Framework [includes Mandatory Standing Orders], Council and Cabinet Scheme of Delegation to Officers, Decision- making Access to Information Procedure Rules)</p>	<p>8.4 clarification on the Scheme of Delegation to Officers</p> <p>8.5.1 insertion of Chief Executive in addition to SLT Officers, addition of the Prevent Duty and Corporate Landlord requirements</p>

		<p>8.5.2 clarification on key functions and powers of the Chief Executive as the Head of Paid Service</p> <p>8.5.3 clarification on key functions and powers of the Director of Finance as the Chief Finance Officer</p> <p>8.5.4 clarification on key functions and powers of the Monitoring Officer including several procedural matters and proposal to agree to the calendar of meeting dates, times and places for Committees, Sub-Committees, Internal, Partnership and external bodies in consultation with the relevant Chairs</p> <p>8.5.5 reordering of statutory post of the Director of Children’s Services along with the other statutory posts</p> <p>8.5.6 reordering of statutory post of Director of Adult Social Services along with the other statutory posts</p>
Part 2 - Sections	<u>Codes and Protocols (appendices to the Constitution)</u>	
A	Financial Regulations	No change
B	Contract Standing Orders	No change
C	Code of Conduct for Members and Co-opted Members	No change
D	Scheme of Members’ Allowances	No change
E	Code of Practice – Commons Registration, Planning Control, Rights of Way	No change
F	Protocol on Members’ Access to Information and Other Confidential Issues	No change
G	Member / Officer Protocol 2014	No change
H	Members’ Role Descriptions	No change
I	Somerset County Council Recording Protocol: Third Party Recording of Committees, Boards	No change

	and Panels	
J	Tell Local Councillor (TLC)	No change
K	Appointment of Honorary Aldermen and Alderwomen	No change
L	Scrutiny Task and Finish Group Protocol	No change
M	Officer Code of Conduct	No change
N	Officer Scheme of Delegation	No change
O	Whistleblowing Policy	No change

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Somerset County Council

County Council
– 5 May 2021

Report of the Leader and Cabinet – Items for Information

Cabinet Member: Cllr David Fothergill – Leader of the Council

Division and Local Member: All

Lead Officer: Scott Wooldridge - Strategic Manager – Governance & Democratic Services and Monitoring Officer

Author: Mike Bryant – Governance Specialist - Democratic Services

Contact Details: 01823 357628

1. Summary

- 1.1. This report covers key decisions taken by the Leader, Cabinet Members and officers between 10 February 2021 and 23 April 2021, together with the items of business discussed at the Cabinet meetings on 17 March 2021 and 21 April 2021.

The Leader and Cabinet Members may also wish to raise other issues at the County Council meeting.

2. Details of decisions

- 2.1. Agenda and papers for the Cabinet meetings held on 17 March 2021 and 21 April 2021 are published within the Cabinet webpages on the Council's website. Individual Leader, Cabinet Member and Officer key decision records and related reports are also published within the Cabinet webpages on the Council's website.

LEADER OF COUNCIL – Cllr David Fothergill		
Item	Date of Meeting	Summary of Decision
Corporate Performance Report – Quarter 3	17 March 2021 by Cabinet	<p>SUMMARY OF DECISION: The Cabinet considered and commented on the information received within the report and the proposed management actions already in place. The Cabinet agreed the latest position as documented in the report, for Somerset County Council against its Council Vision.</p> <p>The report highlighted areas of success including the Revenue Budget, Enterprise Centres, breastfeeding continuation, and the Covid Vaccination programmes. Areas of concern were also noted including Connecting Devon and Somerset Phase 2 (which was the only red rated indicator), alongside Adult Contacts Handled by the Contact Centre Resolved with Information and Advice/Signposting by either Contact Centre or Locality Triage Teams which had fallen below its 75% target (due to Covid related restrictions).</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
Climate Emergency Community Fund Grant Awards	16 April 2021 by Leader of the Council	<p>SUMMARY OF DECISION: This decision follows the February 2020 announcement by the Leader of the Council regarding the launch of a new £1m grant fund which would be available to parish and town councils to support climate change initiatives in communities.</p> <p>Following an independent assessment and scoring of the applications the successful applicants were identified, this decision authorised the Climate Emergency Community Fund grant awards to the successful applicants, as recommended by the funding assessment panel as documented in Appendix A of the report.</p> <p>Note – Special urgency was invoked to allow the immediate consideration of this</p>

LEADER OF COUNCIL – *Cllr David Fothergill*

Item	Date of Meeting	Summary of Decision
		decision. ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report. REASONS FOR DECISION: As set out in the officer report.

RESOURCES – *Cllr Mandy Chilcott*

Item	Date of Meeting	Summary of Decision
Revenue Budget Monitoring Report - Month 10	17 March 2021 by Cabinet	<p>SUMMARY OF DECISION: This report set out the forecast year-end position against the 2020/21 budget as at the end of January (month 10). The report highlighted an overall favourable movement of £0.986m since month nine, this in the main comprised of underspends in the LD Adults, ECI Waste, Children’s Commissioning and ICT areas.</p> <p>The Cabinet approved the report and its recommendations including: a £2.000m contribution to the Capital Fund earmarked reserve; the contribution of £0.250m to the Insurance Fund from the underspends within the Finance Service; that the future s31 Grants in respect of Business Rates are added to the Funding Volatility Reserve in order to smooth out the impact upon the base budget; and that any unspent Covid-19 funding is carried forward (where allowed) and is added to the 2021/22 Covid-19 budget.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>

RESOURCES – Cllr Mandy Chilcott		
Item	Date of Meeting	Summary of Decision
Minehead Library Refurbishment works approval	19 March 2021 by the Leader of the Council	<p>SUMMARY OF DECISION: Minehead library is owned by the County Council and requires comprehensive refurbishment. Both the fabric of the building and its thermal efficiency are very poor, and the current roof is at the end of its operational life.</p> <p>The refurbishment proposals had reached the stage whereby planning permission had been sought and tender submissions had been evaluated. This decision approved the recommendation to appoint the preferred contractor and authorised the Authority to enter into appropriate legal contracts following tender, review and evaluation; including the approval of a total capital project spend of £872,800.</p> <p>Works are expected to be completed between May and November 2021, during which time the library and Registration Services will relocate to a part of the old hospital site in Minehead.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
Revenue Budget Monitoring – Month 11	21 April 2021 by Cabinet	<p>SUMMARY OF DECISION: This report set out the forecast year-end position against the 2020/21 budget as at the end of January (month 10). The report highlighted a predicted end of year position of a favourable variance of £6.642m, however it was further noted that services had identified significant workstreams that had not been progressed during the year, mainly due to Covid-19, and that as such this figure should be treated with some caution.</p> <p>In summary, services had identified £4.315m of proposed carry forward requests, reducing the favourable variance to £2.327m. Favourable movements of £3.311m were also highlighted, covering the services areas of ECI, Adults Services and Children’s Services.</p> <p>The Cabinet approved the report, noting the favourable variances and agreed the</p>

RESOURCES – Cllr Mandy Chilcott

Item	Date of Meeting	Summary of Decision
		<p>following movements to reserves: Transporting Somerset to transfer £0.048m to an earmarked fund for Gypsy and Travellers Project Management work; and Traffic Management to transfer £0.150m to an earmarked fund is required for a feasibility study and deliverability of a road narrowing scheme in Glastonbury.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>

ECONOMIC DEVELOPMENT PLANNING AND COMMUNITY INFRASTRUCTURE – Cllr David Hall

Item	Date of Meeting	Summary of Decision
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<p>SCC Youth Kickstart Scheme</p>	<p>10 February 2021 by the Director of Commissioning and Leader Director for ECI and the Director of Finance</p>	<p>SUMMARY OF DECISION: The career opportunities of 16-24 year olds have been disproportionately affected by the current economic downturn. In response, the Government launched a new initiative called Kickstart as part of its Plan for Jobs, aimed at providing targeted help to get young people into work. The County Council is to work with national and local organisations to ensure countywide coverage of the Kickstart Scheme. Offering new employment opportunities to our young people whose career opportunities are disproportionately affected by any economic downturn will form part of Somerset's Covid Economic Recovery.</p> <p>This decision agreed that following a successful application, Somerset County Council enter into the Grant Agreement with DWP to act as the Kickstart Scheme Gateway and accountable body for Somerset public sector organisations, their supply chains, and other businesses wishing to work with SCC to deliver Kickstart placements.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
<p>Somerset Rivers Authority (SRA) Enhanced Programme of Flood Risk Management Works and signing the SRA Memorandum of Understanding and Constitution.</p>	<p>17 March 2021 by Cabinet</p>	<p>SUMMARY OF DECISION: The approval of this report enabled the Somerset Rivers Authority to continue to work with partners to deliver the actions within the agreed Somerset Flood Action Plan, leading to an enhanced level of flood protection and resilience in the county.</p> <p>This decision specifically saw the Cabinet:</p> <ul style="list-style-type: none"> • Approve the revised Local Memorandum of Understanding (including the Constitution of the SRA). • Approved the SRA Budget for 2021/22, in accordance with the recommendations of the SRA Board and agreed to the release of funding committed from all sources in 2021/22 for the purposes of the SRA, subject to receipt of those funds, in accordance with the budget for 2021/22. • Agree to provide forward funding for the delivery of Flood Action Plan projects in advance of drawing down Local Enterprise Partnership (LEP) Growth Deal

		<p>funding and that the detailed management of the 2021/22 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.</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>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
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ADULT SOCIAL CARE – Cllr David Huxtable		
Item	Date of Meeting	Summary of Decision
Adult Social Care Fees and Charges 2021-22	31 March 2021 by Cabinet Member for Adult Social Care	<p>SUMMARY OF DECISION: Adult Social Care (ASC) service fees and charges are updated annually and adjusted to take account of cost of living and annual benefit increases, market factors, legislation, national guidance, demand and local policy requirements.</p> <p>This decision specifically agreed the charges and the proposals as set out in report for Care services for 2021/22, and for payment of Adult Social Care provider fees for 2021/22, including the additional one-off Covid recovery funding. The 2021/22 fees and charges are a significant permanent increase in real terms of at least 2.5% alongside a Covid Premium of a further one-off 3% equating to a total budget increase of £8.6m.</p> <p>Note – Special urgency was invoked to allow the immediate consideration of this decision.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>

CUSTOMERS AND COMMUNITIES – Cllr Christine Lawrence		
Item	Date of Meeting	Summary of Decision

No individual decisions	n/a	n/a
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<i>PUBLIC HEALTH AND WELLBEING AND CLIMATE CHANGE – Cllr Clare Paul</i>		
Item	Date of Meeting	Summary of Decision
No individual decisions	n/a	n/a

<i>CHILDREN AND FAMILIES – Cllr Frances Nicholson</i>		
Item	Date of Meeting	Summary of Decision
Holiday Activity Fund (HAF) Programme	29 March 2021 by Cabinet Member for Children and Families	<p>SUMMARY OF DECISION: This decision authorised the spend of Government issued grant funding of £1.5m on the Somerset’s Holiday Activity Fund programme:</p> <ul style="list-style-type: none"> • £120,000 to SASP for programme coordination. • £1,380,000 available to providers across Somerset to bid for (under grant agreements). <p>The purpose of the Holiday Activity Fund is to provide healthy food and enriching activities to children and young people who are eligible to receive benefits-related free school meals.</p> <p>The terms of the funding allow local authorities to coordinate the programme themselves or work with another organisation to coordinate the programme on their behalf. Up to 10% of the grant may be used for co-ordination. This decision agreed to grant-fund the Somerset Activity & Sports Partnership (SASP) to coordinate the programme at a cost of £120k (8% of total funding).</p> <p>Note – Special urgency was invoked to allow the immediate consideration of this decision.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
Early Years Block -	1 April 2021 by	SUMMARY OF DECISION: The Government’s Early Years National Funding Formula sets

CHILDREN AND FAMILIES – Cllr Frances Nicholson		
Item	Date of Meeting	Summary of Decision
Early Years Single Funding Formula rates 2021-22	Cabinet Member for Children and Families	<p>the hourly funding rates that each Local Authority is paid to deliver the entitlement funding for 3&4-year olds and eligible 2-year olds. For the 2021-22 financial year the Government increased the rate payable to Somerset from £4.38 to £4.44 per child per hour for 3&4-year olds and from £5.28 to £5.36 per child per hour for eligible 2-year olds.</p> <p>Local Authorities are required to set and use a locally determined formula to fund all types of Early Years provision (the Early Years Single Funding Formula). The formula must have a base rate for all providers and must include a deprivation supplement for 3&4-year olds. At least 95% of the EYSFF funding rate must be passed to Early Years providers. It has been agreed at Schools Forum that a minimum of 97% will be passed to providers to maximise the hourly rate paid.</p> <p>This decision specifically saw the Cabinet Member for Children and Families agree: a base rate of £4.22 per hour per child for the Early Years Single Funding Formula for 3&4-year olds for 2021-22. 2; and a rate of £5.20 per hour per child for eligible 2-year olds for 2021- 22.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>

EDUCATION AND COUNCIL TRANSFORMATION – Cllr Faye Purbrick		
Item	Date of Meeting	Summary of Decision

Item	Date of Meeting	Summary of Decision
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School Organisation in the Crewkerne and Ilminster Area	17 March 2021 by Cabinet	<p>SUMMARY OF DECISION: In the Crewkerne and Ilminster area, high-quality education is at risk due to low pupil numbers and consequent financial instability, a concern that has been growing for over ten years. Change in the area is essential in order to address the challenges posed by schools running under pupil capacity, even when taking in to account the possibility of housing growth in the area. Consultation and engagement activity over the last five years has sought views on a wide range of options, but none of the alternatives that have come forward have been viable or likely to produce better outcomes.</p> <p>This decision saw Cabinet approve the statutory proposal as published, including, specifically:</p> <ul style="list-style-type: none">• Age-range and admission changes, closure of Misterton school, closure of Swanmead school for the purposes of amalgamation only.• Modifications to the implementation plans within the statutory proposal, in response to public consultation; review the impact of admissions arrangements in Crewkerne town, further modelling in relation to funding and pupil numbers during transition for Crewkerne schools, publication of detailed transition plans to parents, review of Special Educational Needs and/or Disabilities (SEND) provision. <p>It was noted that changes to a school's published admission numbers would be the subject of an application to the Office of the Schools Adjudicator to vary the admissions arrangements for Voluntary Controlled and Community Schools for 2022/23 and that the proposed changes to Maiden Beech, included within the proposal, will be the subject of a significant change proposal to be proposed by the Bridgwater and Taunton College Trust. The proposed significant change to Maiden Beech Academy would be determined by the Regional Schools Commissioner.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
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<p>One Somerset Programme Update including Government. Consultation Process and Initial 'Stronger Somerset' Independent Report Findings</p>	<p>17 March 2021 by Cabinet</p>	<p>SUMMARY OF DECISION: This paper set the work undertaken over the last two months and that planned through until the end of April 2021 and specifically addressed: the general programme update; the Government consultation on local government reform in Somerset and deferral of the County Council election by one year; and the County Council's planned response process to the 'Stronger Somerset' proposal' including commissioning four independent reports to provide an evidence based and balanced input to that response.</p> <p>In approving the report, the Cabinet: noted the work that has been undertaken on the programme between December 2020 and March 2021; noted the government consultation process, timing and list of named consultees and the County Council's proposed plan to respond to this including the independent reports commissioned to inform this response; and considered the independent reports on Stronger Somerset and the views expressed by the Scrutiny Committees referred to in the report.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
<p>Appointment of a main contractor to deliver the expansion of Holyrood Academy, Chard</p>	<p>30 March 2021 by Director of Children's Services</p>	<p>SUMMARY OF DECISION: Following the approval of the Cabinet in September 2020 to proceed with the expansion of Holyrood Academy by 225 places taking the capacity of years 7 -11 from 1125 to 1350 and to proceed to tender, this paper sought authority for the County Council to appoint contractors at a gross maximum expenditure to deliver the expansion at Holyrood Academy and also gave approval to cover the purchase of furniture and ICT equipment as required for the new elements of the school.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
<p>Expansion of Robert Blake Secondary</p>	<p>25 February 2021 by Cabinet Member for</p>	<p>SUMMARY OF DECISION: This decision follows the 2019 Cabinet approval to enter a contract to build a new special school in Bridgwater (Polden Bower) to replace the</p>

School to provide additional school places from 2021	Education and Transformation	<p>existing Elmwood and Penrose special schools. The new special school will ensure sufficiency of special school places for the next 10-15 years. Coupled with that, Bridgwater will need 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 Elmwood accommodation at Robert Blake Science College being converted to secondary school places.</p> <p>This decision approved the expansion of Robert Blake Science College, authorised officers to proceed with negotiations and award necessary contracts for the delivery of the project (within the total project budget as detailed in confidential appendix A).</p> <p>Note – Special urgency was invoked to allow the immediate consideration of this decision.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
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HIGHWAYS AND TRANSPORT – Cllr John Woodman		
Item	Date of Meeting	Summary of Decision
Extension of the existing Traffic Signal and Ancillary Equipment maintenance contract	8 March 2021 by Director of Economic and Community Infrastructure Operations	<p>SUMMARY OF DECISION: The contract for the maintenance of Traffic Signals and Ancillary Equipment across Somerset was due to expire on the on the 31st March 2021.</p> <p>Work to tender for a new contact has been delayed due to the on-going global pandemic and so this decision sought approval to extend the current contract by 12 months until March 2022, whilst the re-procurement process is progressed.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
Highways Term Maintenance and Vehicle Workshop Fleet Maintenance - Novation of Contracts	16 March 2021 by Director of Economic and Community Infrastructure Operations:	<p>SUMMARY OF DECISION: This decision authorised the novation of the Highways Term Maintenance and Vehicle Fleet Maintenance contracts from Skanska Construction UK Ltd (Skanska) to Milestone Infrastructure Limited the new service provider. The decision to novate the contracts to a new service provider is due to Skanska divesting the Infrastructure Services division of its organisation. This decision was taken to ensure the novation of contracts can be completed in a timely manner and facilitate the work needed to ensure a smooth transition between service providers and minimise the impact on the delivery of the highways service and fleet vehicle maintenance.</p> <p>This decision delegated authority to the Director of Economic and Community Infrastructure Operations to finalise and enter into the novation agreement.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>

Item	Date of Meeting	Summary of Decision
Arrangements for the provision of SEN in Mendip	22 February 2021 by Cabinet Member for Children and Families and Cabinet Member for Education and Transformation	<p>SUMMARY OF DECISION: The SEND thematic review in 2015/16 recommended that all ASC bases should be under mainstream school management and as a result, following consultation with all affected parties, it was decided that Park Road Support Centre (PRSC) Autistic Spectrum Condition (ASC) Resource Base would transfer to the management of Midsomer Norton School Partnership (MNSP), specifically St Dunstan's School.</p> <p>In its current format, PRSC ASC Resource Base has capacity to support up to 12 pupils with ASC, but demand for specialist placements of the nature far exceeds this. As well as this, the base is not on site of a mainstream school and therefore, it was approved that a purpose-built ASC base would be developed on site at St Dunstan's School. In partnership with MNSP Trust, the Local Authority will plan for and fund the construction of a new purpose-built ASC base on the site of St Dunstan's School in Glastonbury, with the aim of re-locating the Park Road provision to the new base in September 2023.</p> <p>To ensure oversight and governance of the project, a contract has been drafted which details the arrangements noted above, including specific financial information. The designated funding for the development of the purpose-built ASC base on the grounds of St Dunstan's School is £1.2million. The contract provides that the new building must be used as ASC provision for 9 years following the effective date of the contract.</p> <p>This report specifically authorised:</p> <ul style="list-style-type: none"> • The building of a new ASC base on St Dunstan's school site. • The Assistant Director – Inclusion and the Director of Children's Services to sign the contract. <p>Note – Special urgency was invoked to allow the immediate consideration of this decision.</p>

		<p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
Creation of New Academies in Somerset	25 February 2021 by Cabinet Member for Education and Transformation, Cabinet Member for Children and Families and Director of Commissioning and Lead Director for ECI	<p>SUMMARY OF DECISION: The Secretary of State for Education directed via an Academy Order, the conversion to Academy Status of three schools; Sky College, East Huntspill School and West Huntspill Community Primary School. These are technical decisions to facilitate decisions taken by the Secretary of State for Education.</p> <p>This decision authorised the County Council to enter into:</p> <ul style="list-style-type: none"> • A Commercial Transfer Agreement relating to the transfer of the staff, assets and contracts of Sky College and approved the grant of a 125-year leasehold interest in Sky College to the Learn@ Multi Academy Trust on 01/04/2021. • A Commercial Transfer Agreement relating to the transfer of the staff, assets and contracts of East Huntspill School Community School and approved the grant of a 125-year leasehold interest in East Huntspill School to The Priory Learning Trust on 01/04/2021 • A Commercial Transfer Agreement relating to the transfer of the staff, assets and contracts and approved the grant of a 125-year leasehold interest in West Huntspill Community Primary School to The Priory Learning Trust on 01/04/2022. <p>This decision also authorised the appropriate officers under delegation to undertake all necessary actions to give effect to the above.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
Public Sector De-Carbonisation Grant - in principle	19 February 2021 by Director of Commissioning and	<p>SUMMARY OF DECISION: Following a competitive bidding process, the County Council was provisionally awarded Section 31 grant funding 'in principle' from the Public Sector Decarbonisation Scheme for energy efficiency projects at two public buildings</p>

<p>acceptance of grant and agreement to deliver projects at Taunton Library, Chilthorne Domer Primary School and County Hall B-Block</p>	<p>Lead Director for ECI and Director of Finance</p>	<p>Taunton Library and Chilthorne Domer Primary School as well as at B Block, County Hall. The provisional award of funding is subject to technical assessments of the bids by the grant administrator (SALIX finance), and a detailed cost planning exercise, which are currently ongoing.</p> <p>This decision recommended the acceptance, in principle, of grant funding for the three projects, alongside agreement and approval of delegated authority to implement the projects should funding be confirmed following the technical assessment process and should the projects prove to be affordable. The project at Chilthorne Domer Primary School is a small-scale project to improve insulation; the projects at Taunton Library and B Block, County Hall are larger and include modifications to heating and lighting systems at Taunton Library, as well as the replacement of windows and improvements to roof and cavity insulation.</p> <p>This decision accepted, in principle and subject to any outstanding technical assessment by SALIX finance and an affordable cost plan for the schemes, a Section 31 grant to fund the projects and authorised the County Council to execute any contract documentation required.</p> <p>Note – Special urgency was invoked to allow the immediate consideration of this decision.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
<p>Public Sector De-Carbonisation Grant - acceptance of grant and agreement to deliver projects at Frome Library, the</p>	<p>26 February 2021 by Director of Commissioning and Lead Director for ECI and Director of Finance</p>	<p>SUMMARY OF DECISION: Following a competitive bidding process, the Council was provisionally awarded Section 31 grant funding (totalling nearly £1.1m) from the Public Sector Decarbonisation Scheme for energy efficiency projects at seven public buildings (Frome Library, the Key Centre Frome, Glastonbury Library Hub, Highbridge Family Hub, Burnham-on Sea Library, Beechtrees Children’s Home Wellington, and Sydenham Family Hub in Bridgwater).</p>

<p>Key Centre Frome, Glastonbury Library Hub, Highbridge Family Hub, Burnham-on-Sea Library, Beechtrees Children's Home Wellington, Sydenham Family Hub Bridgwater.</p>		<p>This report authorised the acceptance, in principle, of grant funding for the projects, alongside agreement and approval of delegated authority to implement the projects following the technical assessment process.</p> <p>This decision accepted in principle and subject to any outstanding technical assessment by SALIX finance, a Section 31 grant to fund the projects and authorised the County Council to execute any contract documentation required.</p> <p>Note – Special urgency was invoked to allow the immediate consideration of this decision.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
<p>5 Year Extension of the Community Use and Leisure Agreement (CULA) - Building Schools for the Future (PFI Contract)</p>	<p>11 March 2021 by Deputy Chief Executive and Director of Corporate Affairs</p>	<p>SUMMARY OF DECISION: The Community Use and Leisure Agreement (CULA) currently provides leisure services at Robert Blake and Elmwood and Chilton Trinity Schools for Education as well as community Use. The CULA is a contract between Somerset County Council (SCC), the Somerset Local Enterprise Partnership: LEP (Futures for Somerset) and BAM PPP (the PFI Contractor). The contract was for an initial period of eleven years from September 2010 to August 2021, but also allowed for a 5-year extension. Under the CULA, the Somerset LEP are responsible for the delivery and management of services that are being provided at Robert Blake and Elmwood and Chilton Trinity Schools.</p> <p>The Council have a contractual obligation to provide Community and Leisure Operations under the terms of the BSF PFI contract until 2037 and this decision agreed a continuation of the services provided by the Somerset LEP to SCC, by permitting an Extension Notice to be issued that will extend the Expiry Date of the CULA until the 22nd September 2025. This Expiry Date being co-terminus with the Expiry Date of the SPA. Furthermore, such agreement, will also result in the CULIA and Leisure Agreement</p>

		<p>also being extended to the same Expiry Date.</p> <p>ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.</p> <p>REASONS FOR DECISION: As set out in the officer report.</p>
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Somerset County Council

County Council 5 May 2021

Annual Report of the Cabinet Member for Resources

Cabinet Member: Cllr Mandy Chilcott - Cabinet Member - Resources

Division and Local Member: All

Lead Officers:

Jason Vaughan - Director of Finance,

Chris Squire - -Director of HR and OD,

Simon Clifford - Corporate Affairs Director,

Paula Hewitt, Director of Commissioning and Lead Commissioner for Economic and Community Infrastructure

Author: Cllr Mandy Chilcott - Cabinet Member - Resources

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1. Summary/link to the County Plan

- 1.1** This report highlights the key activities and achievements of the past year within my areas of responsibility.

I could not let this moment pass without acknowledging what an exceptional year it has been for Somerset County Council and its communities.

Throughout the report you will read that the entire council – every single member of staff has been affected in some way by the pandemic, whether in a work or personal capacity.

In March last year there was an overnight change that was rapid and seamless, that saw staff from offices and various locations make the move to home working. There were many organisations that did not manage to do this and its been a real strength of our authority that we were able to put in place the training, support and technology to achieve this.

I cannot thank the staff enough for everything that they have done. They have come forward with ideas and initiatives to help ensure the County Council has been able to respond. I've seen some real advances in how we engage with our partner organisations and residents including ever closer working with our colleagues in health and social care.

Staff have been deployed across all areas working inside and outside of the organisation. This has helped us work with and support individuals,

communities, schools and businesses. It has helped set up vaccination centres, source and deliver PPE and deliver mass testing and so much more.

I am immensely proud and grateful that so many have stepped up, often doing work that is entirely new to them. This includes not only our staff, but our communities and voluntary sector. Working together, all have supported each other to ensure that the Somerset has continued to provide the essential services that our residents need and many depend upon.

The areas covered within the report underpin much of the work of the Council, providing advice to and supporting frontline services. This has helped to deliver the Councils priorities whilst continuing to manage our finances and resources effectively.

2. Key Achievements and Activities

2.1 Statement of Accounts

Grant Thornton have signed off the 2019/20 Statement of Accounts and provided an unqualified audit opinion. Like in the majority of the councils, the process was delayed because of the impact of Covid-19 and the increased assurance work that auditors are required to carry out nationally with respect to pensions and asset valuations.

The final outturn showed an underspend of £6.4m on the Revenue Budget and £1.3m on the Capital Budget for the year.

As part of the audit function, Grant Thornton are required to make a value for money judgement based upon the Councils arrangement to secure economy, efficiency and effectiveness in its use of resources. They have issued an unqualified value for money conclusion for 19/20. This is the best level of opinion that the Council can receive and is a further improvement on the previous years' judgement. This reflects the continued strengthening of our financial management arrangements and financial resilience.

Work has started on the 2020/21 Statement of Accounts and these will be published by the end of July 2021 in accordance with new statutory timetable.

2.2 2021/22 Budget

A progressive and balanced budget for 2021/22 was approved in February 2020. This included a £19.15m increase towards services for our most vulnerable residents increasing both the adult and childrens services budgets,

as well as creating a new £10.8m Emergency Fund for activities to help combat Covid-19.

There is also an ambitious capital program that invests £73.9m in new capital projects including:

- £17.2m for schools including SEND provisions
- £1.1m for early years
- £5.9m for Climate Change linked schemes
- £2.2m highways small improvement/safety schemes
- £8m traffic signals upgrade.

The Director of Finance's Report and Advice on the robustness of the budget and adequacy of reserves and balances concluded that the estimates for 2021/22 were robust and the budget lawful and that levels of general and earmarked reserves were adequate and reasonable in meeting the Council's risk.

2.3 Covid-19

The Finance team has been overseeing the financial controls of just under £75m of Covid-19 funding received this year to ensure that all spending meets the criteria set by central Government. The team has made changes to how they work with debtors to ensure that those affected by Covid-19 can amend their payment schedules accordingly. The team also made 112,271 creditor payments totalling £752,173,898 many of them early to support businesses through the Covid-19 pandemic.

2.4 Financial Reporting

Despite the impacts of Covid-19 the monthly revenue budget and quarterly capital monitoring to Scrutiny Place and Cabinet has continued throughout the year. The format of the reports has continued to evolve, and further improvements are planned for 2021/22.

2.5 CIPFA – Financial Management Code

Work has been undertaken to publicise, embed, and comply with the Financial Management Code. This was developed by the Chartered Institute of Public Finance and Accountancy (CIPFA) in the context of increasing concerns about

the financial resilience and sustainability of local authorities and to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. A self-assessment will be completed early in the new financial year and reported to the Audit Committee along with any actions needed to improve our compliance with the code.

2.6 Internal Audit

Throughout this financial year the Chief Internal Auditor (CIA) role has been held by the South West Audit Partnership (SWAP) on behalf of the Council. The Director of Finance and the Chief Internal Auditor have liaised frequently to review progress against audit plans, previous audit action plans and to consider any fraud or irregularity instances. In addition, the CIA has attended the Council's Governance Board regularly to update them on internal audit progress and consider appropriate changes to the audit plan and most recently to develop the audit plan for next year. Attendance at the Governance Board has provided useful insight for the CIA to be aware of current and emerging challenges that might influence the audit work programme.

The CIA retains authority to act independently and has access to relevant officers and members to carry out audit duties as appropriate, including reporting independently to the Audit Committee and attending the Senior Leadership Team meetings.

2.7 Audit Committee

The Finance Team have ensured a robust work programme has been in place to enable effective governance reporting. This has included regular updates from SWAP on internal audit reports and their audit plan for the year and also from our external auditors, Grant Thornton on their work on the Statement of Accounts including their Value for Money assessment.

2.8 Risk Management

During 2020/21, in my role as both Cabinet Member and the Council's Risk Champion, we continue to work to raise the understanding that risk management is a vital management discipline and is a key part of our governance framework. I continue to oversee, with the help of the Audit

Committee through their constructive challenge and ideas, the assurance and compliance with the Council's risk management business procedures. Covid-19 has had a significant impact upon the council and its risks management processes have proved to be robust.

2.9 Financial Services

The appointment of Jason Vaughan to the permanent Director of Finance role and a number of vacancies has led the service to review the senior Finance Leadership Team. Donna Parham was appointed as Deputy S151 Officer & Head of Corporate Finance in March 2020, Ben Bryant was appointed to the role of Strategic Manager – Finance Systems in Governance in September 2020 and Chris Evans joined the Council in January 2021 as Strategic Manger – Finance Business Partnering. There have been a number of changes at Service Manager level with Paul Griffin being appointed as Chief Accountant, Rebecca Hall as Service Manger- Financial Planning & Reporting and Steve Rose as Service Manager Exchequer. All of the senior roles within the Finance Team are now filled with permanent staff.

3 Corporate Property

3.1 Supporting the COVID emergency response

3.1.1 As with other service areas, the work of the Corporate Property function was dominated by the Council's response to the Coronavirus emergency during 2020, and the service has continued to support the council's response during the first part of 2021. During the initial phase of the pandemic, officers from the Property team worked alongside colleagues in Adult Social Care to secure and adapt two 'nightingale' care home sites in Yeovil and Wellington, as well as a range of other emergency placement solutions. The Property function were heavily involved in establishing the Council's warehouse for PPE distribution to the care sector - since the start of the pandemic, more than 11 million items of PPE have been issued from the warehouse and the operation remains ongoing. During the winter of 2020-21 Property staff supported work to refurbish and fit-out six 'lateral flow' mass-testing sites around the county, and key members of the team were redeployed to support this project and the vaccination programme.

3.1.2 Within Corporate Property, the Facilities Management service has perhaps felt the greatest impact from the pandemic. In the early part of 2020, the FM team worked with public health colleagues and our cleaning contractor (Glen Cleaning) to introduce enhanced infection control measures across the council's buildings as the virus started to spread in the UK. During the first lockdown period, FM and Property Maintenance Group staff continued to work to keep our buildings safe and secure before rising to the huge challenge of implementing new 'COVID secure' standards across the estate to support services to re-open safely. Over 70 COVID secure risk assessments have been carried out and are being constantly updated, and hundreds of plastic screens and sanitiser points were installed during May and June last year. The FM team also played a key role in supporting staff to work from home through the distribution of chairs and other office equipment. Keeping up with changing COVID secure guidance and social distancing rules continues to be a huge challenge for our Facilities staff as we support the re-opening of our frontline services.

3.2 Completion of the Corporate Landlord programme

The final tranche of properties transferred to the full control of the Corporate Property team in April 2020, and the Corporate Landlord model is now firmly established across the Council. The approach is delivering significant benefits already; premises management is being carried out in a more efficient and effective way, compliance has improved and the net cost of operating the estate has reduced. Projects like the forthcoming refurbishment of Minehead Library are benefitting from a centrally co-ordinated approach to property development and the new approach is being well-received by services (the appointment of a new Programme Manager role during 2020 has been key to this improvement). The corporate property function has responded to the changing accommodation requirements of the council, working with services to provide accommodation for the Family Safeguarding and the Family Drugs and Alcohol Courts teams, for example. The significant support provided to enable services to safely re-open following the first lockdown period is a good example of how the corporate landlord approach can be highly effective.

3.3 Sustainability and the Climate Emergency Strategy

The Property team has made a significant contribution to the development of the Climate Emergency Strategy, in particular through a lead role in the energy workstream. Going forward the service will play a key role in implementing the strategy by leading on work to de-carbonise the council's

property estate over the next decade. To achieve this objective the team are currently leading projects for low carbon buildings for Minehead library and a new primary school at Comeytrove, Taunton, as well as taking forward potential de-carbonisation schemes at a further 11 sites. Over £4m of Public Sector Decarbonisation funding has provisionally been secured by the team following a very competitive bidding process. The service is also leading on projects and strategies to utilise the Council’s land and buildings to generate clean energy.

3.4 County Hall campus and new ways of working

- 3.4.1 2020 saw the completion of the A Block refurbishment project - on time and on budget in spite of the challenges presented by coronavirus. The project is delivering benefits ahead of business case assumptions, in particular by creating surplus space which is now licenced to the Somerset NHS Foundation Trust, generating a significant income stream. Over 80% of teams based in the County Hall campus were re-located during the summer of 2020 as part of the occupation of A Block and to free up surplus space in B Block - a huge challenge for the County Hall project team with the vast majority of staff working from home.
- 3.4.2 The pandemic has accelerated a trend towards ‘hybrid’ ways of working with virtual meetings and working from home now standard working practice for office-based staff. These new ways of working will drive further changes to the County Hall campus and other office accommodation as we emerge from the pandemic, and the Property function is working alongside colleagues in HR and service areas to ensure our office accommodation supports new working arrangements in a safe and COVID secure way.

3.5 Major Projects

- 3.5.1 Maintaining the delivery of major projects through the Covid-19 pandemic was a huge challenge for the Major Projects team. Difficulties in materials supplies from March to August 2020 resulted in a number of programme challenges, as did the number of Covid positive tests within contractor workforces during the winter of 2020-21. During the period covered by this report 10 major projects were completed with a further 9 due for completion in 2021/22.

Projects completed during 2020 & Q1	Completion date
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2021:	
Wiveliscombe Enterprise Centre	20/03/2020
Taunton County Hall - A Block Refurb	25/06/2020
Ilchester Little Marsh Replacement Nursery	31/07/2020
Wells Enterprise Centre	03/08/2020
Willowdown Expansion	11/09/2020
Taunton, Bishop Fox's Expansion	12/11/2020
Highbridge Children's Centre	07/12/2020
iAero Augusta Westland project, Yeovil	11/02/2021
SEIC 3 Innovation Centre, Bridgwater	25/02/2021
Somerton New Primary School	23/02/2021

Projects currently underway:	Est. completion date
Polden Bower Special School, Bridgwater	13/05/2021
Bruton Enterprise Centre	14/06/2021
Yeovil Fiveways School Expansion	30/07/2021
Holway Centre PRU Refurbishment, Taunton	30/07/2021
Holway Primary Extension, Taunton	27/10/2021
Fairmead School Expansion, Yeovil	30/08/2021
Sky College Expansion, Taunton	10/12/2021
Minehead Library Refurbishment	01/12/2021
Chard Enterprise Centre	14/03/2022
Somerset Digital Innovation Centre, Taunton	TBC
Comeytrowe Primary School, Taunton	TBC
Wells Blue School	05/10/2022

3.5.2 Over and above the core business of project delivery, the Major Projects team have also worked with contractors on a range of social value and environmental objectives. A number of projects - including the delivery of a 6th form centre at Hazelbrook Special School, and the transformation of a care home garden in Bridgwater, were delivered by contractors at no cost, and contractors also worked with local community partners on other social value initiatives. Both the 3rd Somerset Energy Innovation Centre building in Bridgwater and the iAero project in Yeovil were awarded the BREEAM excellent certificate for sustainability.

3.6 Property Maintenance & Facilities Management

- 3.6.1 As with Major Projects, keeping the County Council's maintenance programmes on track was a significant challenge during 2020. Nonetheless, the most comprehensive condition survey programme in recent years was completed during the year - a total of over 270 buildings surveyed across the schools and non-schools estate. Nearly 50 school maintenance projects were completed, with further major works to replace the roof of Highbridge Family Centre and a range of other investments in the maintenance of non-school property. The Property Maintenance Group continued to maintain over 4,600 components across the non-schools estate, carrying out or overseeing nearly 2,500 planned and reactive maintenance jobs, servicing and inspection activities and minor projects. The in-sourcing of the Property Maintenance team continues to deliver good value, in particular for smaller maintenance and refurbishment projects which are being delivered in a far more cost-effective way.
- 3.6.2 Whilst the work of the Facilities Management team has been dominated by their response to the COVID-19 pandemic, some progress has been made in consolidating the benefits of the corporate landlord model during the year. Compliance with statutory premises management responsibilities continues to improve, and progress has been made with a number of corporate contracts during the year. The team have led the County Council's contribution to an initiative to collaborate on waste and recycling across all local authority sites in Somerset.

3.7 Finance, policies and systems

- 3.7.1 The Estates team have generated over £6m of capital receipts during the 2020/21 financial year through a range of strategic asset disposals. Significant lease and licence transactions were successfully negotiated in 2020; with EDF for the Somerset Energy Innovation Centre campus, and with the Somerset NHS Foundation Trust for space at County Hall. A total of seven S106 agreements to secure education contributions have been concluded in the year to date, with a further fourteen at various stages of discussion or drafting, with a total potential value of over £15m. In addition, the agreement of Community Infrastructure Levy contributions to planned new schools in Taunton (securing a further £15m) was a major achievement in the year. Improvements to the database used to manage developer contributions for education will continue with a major upgrade during 2021.
- 3.7.2 Work to develop property policies and to procure a replacement Asset Management System was delayed during 2020 because of the COVID-19 response. The Corporate Property Asset Management Plan will now be

brought forward for agreement in 2021, followed by a programme of policy revisions. A procurement process is underway for a new Asset Management System to replace the Council's Atrium database, but the timescales for this project have been delayed by the redeployment of key staff to support ongoing challenges posed by the pandemic.

3.8 Group structure and workforce

The Corporate Property Group has seen some significant changes to workforce during the course of 2020, with a number of key appointments to posts, some of which have been vacant for some time. Two staff restructures have been completed as part of agreed financial savings plans, with the required reduction in staff achieved with no compulsory redundancies. Between November 2019 and January 2021, the average age of the Corporate Property Workforce has fallen by over 2 years, and the percentage of women employed in the group has increased. With excellent support from the council's Human Resources function, the team have been raising the profile of professional property roles and career paths, through website and social media channels as well as engagement in recruitment events. These include a graduate Property & Construction 'Bootcamp' event hosted by the University of the West of England in the autumn of 2020, and a number of successful social media campaigns. Looking ahead, we will be investing in training and development for a number of key staff over the next year, including a recent Graduate Trainee Estates Surveyor appointment. The vacancy rate has reduced significantly, and at the time of writing all professional and technical vacancies are filled or undergoing the first round of recruitment.

4. Procurement

The past year has been an unusual year in many respects, and this extended to the activities supported by the Commercial and Procurement team. In 2019 the total value of goods and services procured through the team was c£240m, and for 2021 the pipeline shows a value of c£390m of goods and services to be procured. These are the levels of activity we would usually expect, however during 2020 this reduced to c£35m. This was not directly due to the impact of COVID-19, more that few large value contracts expired in year, the one large value contract awarded in 2020 was for the Highways Major Structures framework.

This does not mean the team was quiet, the value of a contract does not necessarily reflect the work involved, and the volume of contracts remained high.

Efforts were also focused on Service Planning, improving our documents and processes, including updating the Contract Procedure Rules and Standing Orders and producing detailed guidance for commissioners and procurement officers in achieving social value from procurements. The commercial team remained busy, not least supporting the COVID-19 supplier relief activities and rolling out contract management training across the Council.

Outside of the 'day job' the team played a vital role in securing PPE, particularly in the early weeks and months of the pandemic. Essentially establishing a new logistics chain, they worked to ensure the provision of PPE to a diverse range of recipients across Somerset including Domiciliary Care providers, micro providers, Residential Homes, Children's Services and the provision of PPE packs for all Schools and Early Years in the autumn, with the support of colleagues in other departments. The team's efforts meant that at no time did the County ever run short of PPE despite an initially volatile and fluid market. The team harnessed the innovation of local suppliers, such as working closely with gin makers to turn their operations over to producing hand sanitiser (including making sure the right licensing was in place), with carrier bag makers to produce aprons and also worked with smaller businesses to contribute to the PPE effort. At the commencement of the pandemic 1% of PPE was produced in the UK, this is now 70% so the market is more stable and reliable, as such these activities have now been stepped down.

More recently members of the team have been redeployed to work in the community to project manage vaccination hubs, lateral flow testing sites and also providing contact tracing.

5. Human Resources and Organisational Development

The work of the HR & Organisational has been dominated by the Covid-19 pandemic, through 2020-21. From the first call for staff to work at home, through to the redeployment of staff, health & wellbeing, policy & guidance, support for individuals & teams and staff communications, the HR-OD team has been at the heart of Somerset County Council's response. This work was recognised by the Public Sector People Management Association, when it asked Chris Squire, Director of HR-OD, to present Somerset's work at its annual conference in September.

The immediate focus of the team in March & April was to ensure that staff felt as secure as possible whilst working from home and that managers & teams adapted to their new working environments. This included guaranteeing contractual pay for parents when faced with home-schooling their children,

working with staff to ensure they had the kit they needed to work effectively from home, running home-working seminars, management training and providing advice on furlough. The team worked highly effectively with its partners, including trade-unions, headteachers and NHS colleagues throughout this period,

The redeployment of staff has been a key part of our pandemic response. In the first wave, the HR-OD team collected the details of over 1,000 staff who offered to step into different roles, leading to the redeployment of 211 employees into areas including care homes, distribution of office and personal protective equipment and registration services. Since December, the team has been working with partners on the redeployment of staff to support the Covid testing, tracing & vaccination programmes.

There has been a comprehensive and creative health & wellbeing programme, to support staff during the pandemic. A monthly calendar of events has included activity challenges (such as 'Walk this May', and the 'Tour de Somerset'), opportunities for staff to connect (including Virtual Kitchens and Take 10: Call a Colleague), webinars, mindfulness sessions, financial advice and help with mental wellbeing. A member of the team has also been running the SCC Quiz, bringing together hundreds of colleagues from across the council on a Thursday evening ("Best bit of lockdown has been Clive's quiz. Brings a great sense of camaraderie. Has enabled me to interact within my team socially more frequently")

The team ran a staff survey in June-July, to check on how staff were getting on. The response was fantastic, with quotes including:

- "I think the County Council's response has been outstanding, something we should be very proud of";
- "Everyone I have spoke to has commented positively about SCC";
- "Having come from an authority where none of this kind of stuff is available to staff, it's been very helpful, and I love that SCC do this for their staff";
- "I think SCC have been amazing, my partner's experience with work hasn't been as good, and it was nice to be able to say how good SCC have been as both providers to the community and to their staff. Very proud of SCC."

Of course, the work of the team hasn't just been about the pandemic; HR services including recruitment, HR advice and training were moved online and continue to operate and innovate. Achievements and highlights include:

- The continued success of our apprenticeship programme. In December, the number of staff studying for apprenticeship qualifications reached over 300, including those studying for social worker degree apprenticeships. We also started to use our ability to support small providers with our apprenticeship levy and have 'passported' c £160,000 to help over 30 of their staff study for apprenticeship qualifications;
- We have promoted the new Kickstart programme to managers, enabling over 50 opportunities for young people receiving universal credit to access work experience with us;
- Continued innovation in recruitment, with significant success seen in our social media campaigns. The team received a 'Highly Commended' award at a national conference, for its work recruiting into SCC's contact centre. The team reported a net increase of 30 children's social care social workers in the 12-months to November 2020;
- A new programme of 'Staff Appreciation', where staff can post messages of thanks and praise, together with the ability to download a thank-you card to send. This also included seasonal greetings cards during December (over 1,000 downloaded)
- The continued popularity of our Wellbeing programmes. During December, for example, the Working Well sharepoint site received nearly 13,000 visits and wellbeing articles were viewed over 6,000 times;
- Effective partnership work with NHS colleagues, including SCC chairing the Somerset system workforce board. This has realised tangible benefits, including agreement to start a nursing degree programme in Somerset and the recent allocation of over £500k to support occupational health & mental wellbeing for small health & care providers.

I thank the Human Resources & Organisational Development for the hugely positive role they play in the lives of staff at Somerset County Council and our residents.

5.1 Health, Safety & Wellbeing

The work of the Health & Safety team has also been dominated by the response to the pandemic. There have been constant changes and developments to government guidance and the team has worked extremely closely and effectively with colleagues in Property and maintained schools to

ensure that working environments are as Covid-secure as possible. Other highlights include;

- Approval to purchase lone-worker protection devices, to support colleagues who work on their own in potentially difficult & risky environments. This follows a project working in partnership with services areas and ICT;
- There has been no enforcement action taken by either the Health and Safety Executive (HSE) or the Devon & Somerset Fire and Rescue Service (DSFRS) against SCC or any of its Maintained Schools;
- Corporate & Maintained Schools' Audits have been postponed due to the pandemic and will be rescheduled for 2021-22
- The team are fully committed to supporting the COVID 19 vaccination programme by providing support to the SCC Project Managers at the various vaccination centres throughout Somerset. Similarly, the team is looking to how it supports Covid-19 testing in schools.

Thank you to the Health & Safety team for helping to keep our working environments as safe as they can be and for working so positively with staff across the organisation.

6. Legal Services

The Covid situation brought new challenges to Legal Services this year.

During the first lockdown, the Court Service were struggling with business continuity, so they asked for help with a number of usual Court functions, including organising and facilitating Court hearings and accommodating the attendance of parties in County Hall to enable them to participate in virtual hearings.

At the time, the number of interim hearings rose on almost all child care cases as the Court could not finalise cases fairly without the parties being present. The Courts have re-opened, but the backlog caused by the initial shutdown has had a significant impact on caseloads as new matters continue to arise whilst the Courts are now also pushing to list final hearings on the older matters. The new Family Drug and Alcohol Court has gone live and Legal Services have dedicated staff to support this initiative.

The Property and Conveyancing team have undertaken various property transactions emanating from the Covid response which have included the

leasing in of various premises for the housing and care of individuals in need of respite care upon discharge from hospital, letting of SCC premises for the purposes of a Nightingale court and the progression of disposal of land for potential burial space. This is in addition to the business as usual services such as carrying out the property matters to facilitate the academisation of various School sites, disposals of land for the provision of capital receipts and planning and highways matters.

The Commercial and Litigation team have been working hard to support the pandemic response in addition to their business as usual work including:

- A successful challenge of a decision of the department for education which would have caused significant disruption to the council's schools strategy in South Somerset
- Providing advice to a range of service areas and support functions re access to public places and workplaces during the coronavirus pandemic
- Supporting commercial negotiations with a number of key suppliers to provide contractual flexibility in response to the pandemic while ensuring value for money
- Providing advice and support to public health on the implementation of a procedure to allow the council to direct the closure of premises, events and outdoor places where necessary to control the virus
- Providing a new streamlined procedure for executing contracts electronically which allowed services to continue to operate effectively during home-working

The most experienced solicitor in the small Adult Social Care team has retired this past year, earlier than planned as she did not enjoy remote working. This has given a development opportunity to another member of staff to move to the team, but it has caused capacity issues until more experience can be developed.

Throughout the pandemic, some members of Legal Services staff have been in the office to assist with the preparation of documentation for Court hearings and to process documents in respect of land transactions. The Council's seal has continued to be applied to relevant documents throughout the past year.

Legal Services continues to 'grow our own' lawyers, currently 3 members of staff are training to qualify as Solicitors.

I would like to thank all Legal Services staff for their hard work this past year and for their endeavours in rising to every challenge that the pandemic has thrown at them.

7. Democratic Services

7.1 Supporting the Council's democratic arrangements

The Democratic Services team continues to deliver a range of good quality services direct to the public together with internal governance, member training and support to the Council, Members and officers. The team also supports strategic partnership activity and provides direct support to lead Members such as the Leader of the Council, the Chair of the Council, the Cabinet, Opposition Group Leader, Chairs of committees, the Council's committees, the Chief Executive, the Senior Leadership Team and key partnership arrangements.

The team administers and undertakes the annual review of the Members' Scheme of Allowances which includes providing host authority services for the Joint Independent Remuneration Panel (which advises the Council, Mendip District Council and Somerset West and Taunton Council. During 2020/21, the team has led on a significant review of the Members Scheme of Allowances, including improvements regarding parental and carer's allowances. As the host authority, the team has also supported reviews for Somerset West & Taunton and Mendip councils.

The team is managed by the Council's Monitoring Officer who is also responsible for the Council's governance framework and for promoting and ensuring compliance with the Council's standards of conduct for Members and Officers.

2020/21 has seen the team face and address a number of challenges as part of providing critical support towards the emergency democratic arrangements throughout the Covid 19 pandemic, governance support, establishing and supporting regular member briefings regarding the emergency response, elected member support on a one to one basis, establishing new ways of working including virtual school admissions appeals hearings and ongoing support for the civic office.

The team's work to supporting the Council's response to the Covid 19 pandemic has also included the creation and ongoing support towards the Somerset Covid 19 Engagement Board which brings together key partners.

7.2 Virtual meetings and Members ICT

In response to the impact of the Covid 19 pandemic on local democracy, in early April 2020 the Secretary of State for MHCLG agreed regulations which provided new powers for local authorities to hold public meetings virtually by

using video or telephone conferencing technology. These regulations are due to expire in May 2021, although local government continues to lobby for their extension.

The Council has embraced these new powers and the Democratic Services Team has been running all Committee meetings virtually since May 2020. The Democratic Services Team alongside ICT colleagues have provided members with appropriate training, support and equipment to ensure full member participation. Meetings have been run utilising existing hardware and software, building on previous work to reduce travel and contribute positively to the Climate Emergency Strategy and new ways of working.

High profile Full Council meetings have been live broadcast via YouTube and improvements delivered to enhance the participation experience for both elected members and members of the public. Work continues on the development of hybrid meeting solutions during 2021, pending improvements with the Covid 19 pandemic situation, together with appropriate legislation and technical solutions to support their implementation.

7.3 Scrutiny Review and improvement work

The Scrutiny review report, with the assistance of the Centre for Public Scrutiny, was agreed by Full Council in January 2020. The final report included 11 recommendations for implementation, and these are taken forward by the Council's Scrutiny Officer and Deputy Scrutiny Officer. An update on progress was reported to the 3 Scrutiny Committees and Full Council in November 2020. Whilst some progress has been made, unsurprisingly the full implementation has been impacted by the pandemic, however work continues to ensure all recommendations are implemented by the end of March 2021. This includes a further suite of bespoke Scrutiny training for all Members, especially targeting those with current Scrutiny responsibilities, over the coming months.

7.4 Civic Office

The team provides direct support for organising and hosting a number of high profile civic and ceremonial functions and events (including royal household visits) on behalf of the Lord Lieutenant of Somerset (covering the historic county of Somerset), the High Sheriff and the Chair of Council (including the Chair's Awards and Somerset Day celebrations). These have understandably been reduced during 2020 and into 2021, however the team supported the

successful visit of the Duke and Duchess of Cambridge to the county in December. Support has also been provided to the Chair of Council, who prior to Christmas 2020 made a socially distanced presentation to an elderly resident of Martock, who had done a considerable amount of work for the community during the pandemic.

7.5 School Admissions, Exclusion Reviews and Transport Appeal Hearings

The team manages the Council's legal requirements for convening and administering over 400 appeal hearings per annum involving parents, guardians and school / academy representatives. Since April 2020 all School Admission Appeals, Exclusion Reviews and Transport Appeal Hearings have been held virtually, in response to the Covid-19 pandemic and in order to meet revised legislative requirements. This has been a significant undertaking and the Democratic Services team has responded excellently to this. The regulations that enable these new ways of working are currently in place until September 2021, however there is the possibility that the option of a virtual / hybrid arrangement will be made available beyond this date.

7.6 Governance

We continue to ensure that the Council's governance framework, Constitution and Schemes of Delegation remain fit for purpose and meet legal requirements. The Monitoring Officer and the Democratic Services team directly support the Governance Board and the Constitution & Standards Committee to ensure key governance policies and processes meet business needs and legislative requirements. The Monitoring Officer in conjunction with the Section 151 Officer complete the Annual Governance Statement and supports the assurance work of the Audit Committee.

To assist with governance awareness and compliance, a Members' Portal is in place whereby members can access all relevant information to their role online. There is also governance guidance on the Council's intranet and training available for officers relating to decision making, risk management, impact assessments and member development.

7.7 Strategic Partnerships

The Democratic Services Team provides a wide range of Administering Authority governance support to a number of key strategic partnerships.

Heart of the South West (HotSW) Joint Committee - the partnership of the 19 Devon and Somerset Councils, working alongside the Local Enterprise

Partnership (LEP) to take forward the work of the Heart of the South West Joint Committee. This work aims to maximise the ability of the partnership to lever in further investment and responsibilities from Government to improve productivity and growth across the HotSW area.

Peninsula sub-national transport body – a partnership of the five transport authorities covering the south west peninsula, working to develop a regional transport strategy for the area to access funding and improvements for strategic transport priorities e.g. road and rail.

Somerset Waste Board – the partnership of the County Council and all Somerset district councils to manage the contracts for the delivery of an integrated waste management and recycling service and support strategic waste policy development. Governance support also includes managing the forward programmes of work, as well as providing governance and administrative support to the Board and the joint waste scrutiny panel.

Somerset Rivers Authority – the partnership of the County Council, district councils and Internal Drainage Boards. Governance support also includes providing governance and administrative support to the SRA scrutiny panel.

Somerset Health & Well-Being Board – this partnership board brings together partners who plan and commission services for health and social care and develops the Health and Well-Being Strategy. Work during 2020 has included a review of the Board's Constitution and membership to ensure it remains fit for purpose.

Avon and Somerset Police and Crime Panel – The Panel is part of the national arrangements for Police governance. It scrutinises and keeps regular checks and balances on the performance and activities of the Police and Crime Commissioner and handles complaints affecting her conduct. There needs to be a constructive relationship between the Commissioner and the Panel and an appropriate level of challenge and support. This requires appropriate officer support and Democratic Services provides the principal support to the Panel on behalf of the Council (which is the Host Authority on behalf of all the councils in the police force area). A timely flow of information makes the Panel's Scrutiny function more effective and a good working relationship between Democratic Services and the Office of the Police and Crime Commissioner is key to this.

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Annual Report of the Cabinet Member for Customers & Communities

Cabinet Member(s): Cllr Christine Lawrence, Cabinet Member for Customers & Communities

Division and Local Member(s): All

Lead Officer: Simon Clifford – Director Corporate Affairs

Author: Jan Stafford – Strategic Manager Customers & Communities

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1. Summary

- 1.1** Customers & Communities [C&C] have much to be proud of despite the challenges brought on by a global pandemic. The various teams' contributions to the Somerset response and support for COVID has been impressive. The Coronavirus [CV] Helpline established during the crisis has taken over 13,600 calls for support, undertaken 7,783 welfare checks and made 50,000 calls to book vaccination slots. By the end of May 2021, the plan is to complete a further 25,000 bookings. The service has made a significant contribution to CV Communications, Contact Tracing; Triage Team to place re-deployed staff to the CV effort; a new CV website providing information and advice; as well as playing a key role in supporting the establishment and operation of the local Lateral Flow Testing Sites in Somerset.
- 1.2** The Contact Centre continues its award-winning streak securing SW Contact Centre of the Year 2020 and Contact Centre CV Response of the Year. These are notable achievements for this service this year, alongside the implementation of an innovative new telephony system. The Business Intelligence Team's performance is also to be celebrated with their continued work supporting 503 Troubled Families (now renamed as the Supporting Troubled Families Programme) and securing £1.1m payment-by-results funding from Ministry of Housing, Communities & Local Government ahead of schedule.

2. Key achievements and more detail

2.1 Contact Centre

For the third year in a row the Customer Contact Centre [CC] scooped the SW Medium Sized Contact Centre of the year award in 2020. An impressive achievement winning this accolade for two years but to retain it for a third is outstanding especially since the service was up against tough

competition including many other Local Authorities, Public Sector and Private Companies. We were also winners in the Contact Centre CV Response category and Sharon Passmore and Keith Owen were finalists in the CC Manager of the Year and Hero of the Year categories respectively.

Over the last twelve months the CC has played an integral and important part in the authority's response to CV. The CV Helpline has remained open during 2020/21 operating from 8am to 6pm seven days a week including bank holidays. To date the CV helpline, established to support Somerset residents and businesses with all things CV, has taken over 13,600 calls. The Advisors have also undertaken 7,783 welfare calls to check our most vulnerable individuals were ok as well as working in partnership with all the District Councils to complete 50,000 calls to book Somerset residents in for their vaccination. By the end of May 2021, the plan is to complete a further 25,000 bookings. The CC also booked in over 2,000 staff and front-line workers in for vaccinations at the Hospital Hubs.

Using CC Advisors for the council's support for Contact Tracing has been very successful, so much so Public Health has recently commissioned the CC to provide a key part of the service going forward. A recruitment and selection exercise is underway to build a more resilience and sustainable model.

We would like to take this opportunity in the annual report to thank all our partners who have contributed, from health to our magnificent volunteers - but notably our district council colleagues who have supported our efforts admirably and worked hard to ensure our response to CV has been joined up and supportive to Somerset's residents.

Alongside the CV response the CC has impressively continued to maintain business as usual, manning the SCC phone lines and first points of contact for the authority which totals over 300,000 contacts a year. The service has also implemented a new telephony system which offers staff and more importantly customers a better experience, more choice in the way they interact, for example through webchat, chatbots, Facebook messenger as well as offering different ways to feedback across all channels. It is also worth noting that during this time the performance of the CC has improved with 92% of customers rating the overall service as good or very good. The average wait times for safeguarding calls (our most vulnerable customers) impressively has remained under 20 seconds but our Adults Social Care (ASC) successful signposting to community options (avoiding cost to ASC) has seen a dip from 67% to 63% this year due to community offers not being available in the same way as previous years due to the pandemic.

The CC over the last year has offered an increased breadth of support, with death registrations, the recruitment for fostering, and Adult Social Care Mental Health referrals, all of which improves the first point of contact for the authority and ultimately a better service for Somerset customers. It is also worth noting that this year the queries coming through the Adults and Children lines have been more complex and emotional which has been more difficult for staff working from home.

We would put on record our thanks to these key staff who have worked tirelessly and offered enormous support to those vulnerable families when it was most needed.

2.2 Business Intelligence

Significant work has been undertaken by Business Intelligence [BI] to support the CV pandemic response. This included, leading a multi-agency countywide BI Team supporting the Community Resilience Cell with its data needs. As part of this activity a brand-new database was created at speed to identify and track the 27,000 health-shielded people in Somerset as well as the 80,000+ people identified locally as being 'at risk' because of CV. This work was the foundation of the Somerset Contact Strategy and was used to write letters, make phone calls, or arrange visits as appropriate for those who may have been in need. New reports were created to monitor the school attendance of the 6,000 most vulnerable children during lockdown and a new virtual school 'app' was created to track attendance of our Children in Care in real time. Additionally, the team worked with NHS colleagues modelling the rollout of the vaccination programme ensuring the most vulnerable groups could be vaccinated as effectively as possible.

The team's success in supporting the Council's Troubled Families Programme continued over the last year enabling Somerset to achieve its target of supporting an additional 503 families, the maximum possible [on top of the 3000 already supported in 2019/20] ahead of the deadline set by the Ministry of Housing Communities and Local Government. This generated payment-by-results funding of £1.1m [on top of the £2.4m already secured in 2019/20]. During this year 5,500 families have been checked. The team's performance is the best in the South West and in the top 10 performers nationally. Apart from financial benefits, families have been supported to make changes that will impact positively on both their own and their children's lives. The team is also leading a joint bid with Bristol City Council for the Data Accelerator Fund, to work with multiple councils across the Avon and Somerset Constabulary area, aiming to

improve data-sharing and analysis to better support and work with families.

The team continues with its exemplary record of completing all statutory returns and mandatory user surveys accurately and within timescales set by Government, in addition to a plethora of new reports required by Government to understand the impact of CV. BI has also continued to support Adult Social Care in the implementation of the new Adults case management system, Eclipse, which has involved the creation of a full range of new reports for the service.

2.3 Customer Experience & Information Governance

2020/21 for the Customer Experience and Information Governance Team has been both rewarding and challenging. Members of the team were redeployed to support the CV effort taking on roles in Contact Tracing, Vaccination Bookings, operations in the Lateral Flow Sites as well as delivery of food to many of the VCSE organisations for distribution to the most vulnerable. Whilst these team members were redeployed, remaining staff managed existing tasks and risks to ensure that key compliance activities with regards Information Governance/Data Protection, Subject Access Requests, Complaints and Freedom of Information Requests were maintained and, where needed, developed for example with a number of new CV data-sharing requirements.

During 2019/20 SCC received 1676 pieces of formal customer feedback. Most customer complaints continued to be resolved by the Council at stage 1 of the local process (94%). As a result of changes to the Education, Health and Care Plan process, the authority did see an increase in complaints regarding SEND services. The Customer Experience Team is working with the current SEND review team to ensure that the learning is captured and shared. During the year, nearly 400 compliments were also received from customers, praising a wide range of SCC services. As ever, a number of the compliments highlighted the huge difference staff have made to the lives of our customers at often challenging times. SCCs annual complaints report can be found here - [Complaints, comments, compliments somerset.gov.uk](https://www.somerset.gov.uk/complaints-comments-compliments)

The Records Management service has also contributed to the CV cause with staff on redeployment. However, the service has continued to support the authority with archiving, storage and retrieval services and has just completed a major refit of the underground space in A Block at County Hall to be able to move current records out of costly storage.

2.4 Communications

Communications

The team continued to play a vital role in 2020/21, issuing 419 press releases and managing hundreds of media enquiries, including 180 between January-March 2021. Some standout achievements for 2020/21 include:

Covid-19 response: The Communications Team has supported all areas of SCC's response to the Covid-19 pandemic and has led the multi-agency communications response in Somerset, working closely with district councils, NHS and partners in Somerset.

Public health: The team stepped up to provide round the clock support to our public health team, managing hundreds of media enquiries and interview requests. Wrote and actioned Somerset's Local Outbreak Management Plan Communication Strategy priorities, which focused targeted messaging on 'engage and inform' (encouraging responsible behaviour and promoting national guidance), promoted Coronavirus symptoms and the need to self-isolate, test and trace benefits, infection control (how to prevent further spread), webinars, stakeholder briefings, supporting businesses, schools and partners with outbreaks (drafting statements, letters, responding to social media etc) and setting up webpages. The team also ran associated campaigns on mental health support (ie Mindline and weekly mental health slots on BBC Somerset), flu vaccinations, childhood accident prevention, giving up smoking (to help reduce serious illness from CV), alcohol awareness, maternity toolkit support and domestic abuse.

Vaccination programme: Ongoing work with the NHS to encourage take up, particularly targeting specific hard-to-reach groups. The team has supported the NHS with local Q&As, produced a 'Somerset Support' leaflet distributed to residents receiving their vaccination, encouraged Somerset Carers and health and care workers to step forward to receive their vaccination.

Vulnerable people and community resilience cell: Percussive promotion of CV Helpline across all channels resulting in 13,600+ calls for help, campaigns to encourage volunteers, repeated signposting to available support such as foodbanks, free school meals, activities to promote and thank community support groups/partners, including the Food Resilience Taskforce and Holiday Activities and Food Programme.

Schools: Supporting headteachers with media statements, parent letters, social media and creating a dedicated schools toolkit when positive cases were confirmed. Promoting national messages around wearing face masks, school testing (including creating graphics), 'back to school safety messages, food parcels for children and families and home learning support (ie laptop provision). Also designed and promoted the school symptom checker, which was promoted via schools and social media and worked with SSE to create a weekly school's newsletter.

Businesses and recovery: Targeted information for businesses, including tourism and hospitality sectors, directly through webinars, flyers and newsletters, also indirectly using PR and social media.

Launch of Coronavirus e-Newsletter: We've now issued 120 editions and have more than 2,400 subscribers.

Social media and digital: Our digital presence continues to grow and improve, with 3,553 new followers on Facebook (13,366 total), 681 on Twitter (13,305 total) and 429 on Instagram (2,644 total) in past six months. Increase in impressions and engagements across all platforms. Started using Next Door with considerable success (281,982 impressions to date). Somerset Shout Outs launched to celebrate community achievements: 120+ shout outs and 11,944 engagements to date. CV Catch-up films viewed more than 148,000 times.

Internal comms: Rose to challenge of staying connected to a newly remote workforce with a key focus on wellbeing. Issued 30 twice-weekly manager briefings and 26 CV related all-staff emails to keep staff informed during first lockdown. Launched hugely successful staff Q&A sessions using Teams Live, which regularly have 1,000+ staff attending and generating 100+ questions and answers. We have also seen an increase in the readership of Our Somerset – with 60-80 articles a month. The team devised a number of healthy lifestyle challenges (walking, cycling, running) and initiatives to encourage staff to take breaks and check on colleagues as well as updating the Working Well SharePoint site weekly which has seen an average of 16,265 visits per month. The team continued to use Yammer to connect staff with monthly Cheers sessions to thank staff and 290 members enrolled in the Working Well group. Our newly formed in-house design team have created 10 videos, more than 40 infographics, 20 leaflets, 30 posters and 10 trifolds for services across the council, and branding guidelines for One Somerset saving the Council thousands of pounds if the work had been outsourced.

Supporting other services: The Communications team over the last year has continued to support the organisation, including:

Adult social care - staff webinars, promotion of pop-up care homes, webinars for care providers, Proud to Care recruitment campaign, promotion of reablement to free up hospital beds

Children's services - including SEND improvement programme, Crewkerne and Ilminster schools' reorganisation, Step Up to Social Work, young people's mental health

Economy & Community Infrastructure - major highways improvement schemes (M5 Junction 25, Rowbarton traffic signals, Trenchard Way, Western Relief Road and Toneyway), launch of innovation centres, including international media coverage for the completion of the iAero aerospace innovation centre in Yeovil, launch of the Community Renewal Fund, Kickstart, Multi-agency Recovery plan, business surveys and visitor economy support plan, and the One Somerset programme.

Partnership working with the NHS on the Integrated Care System and joint health and care campaigns including Fit For My Future, winter planning, Think 111.

Campaigns: Key highlights include:

- **Fostering:** Despite the pandemic, fostering enquiries were up 48% year on year, with fostering approvals up 30% in the same period. Website traffic increased by 64%. The emergency foster care appeal, launched during the first lockdown, led to over 150 enquiries. Widespread media coverage of a 21-year-old emergency carer to promote the campaign. Our flagship campaign, Theo's Story, has been viewed more than 20,000 times across YouTube, Sky and Facebook.
- **Domestic Abuse:** #NoClosedDoors2020 led to increase in website hits to 30k (10K the year before)
- **County Lines:** 34 County Lines based releases appeared during the pandemic. Communications work is ongoing to help communities and targeted groups, for example transport providers spot the signs and know how to report it.
- **Proud to Care** Recruitment Campaign to fill care provider vacancies, including a successful paid social media campaign, creation of recruitment videos and regular events, working closely with partners like Visit Somerset and CCS. As a result, the vacancy rate has dropped during year to 6% which is lower than national (7.3%) and

regional (6.7%) rates.

- **Transformation of Intermediate Care:** Working with NHS partners, we developed a comprehensive communications strategy to support this programme, developing new leaflets, webpages, videos and presentations in plain English to emphasise benefits. Despite demand for intermediate care in Somerset increasing by 20% during the pandemic, Somerset remains one of the best performers nationally with a 42% increase in numbers supported to go home each month compared to the same time last year.
- **Healthy Teen relationships:** Campaign video has received more than 100K views on YouTube, reached more than 45K people through Facebook and via TikTok (13-17-year olds) and within a few days 90K young people had viewed.
- **Climate emergency:** Ongoing support to programme including promotion of Somerset Climate Emergency Community Fund.

Engaging and listening to our residents and communities has also been high on our agenda having completed 42 consultations in 2020/21, which received close to 5,500 responses. The key consultations carried out include:

- School admissions 2022/23, 2023/24
- One Somerset proposals – Prior to Business Case development/submission (separate from the national government consultation)
- Crewkerne and Ilminster Schools Transformation proposals
- Consultation on new primary school in Comeytrowe Taunton
- CV 19 testing and vaccination engagement

2.5 Digital & Digital Customer

The start of the year saw the release of a new CV website providing Somerset residents with the rapidly changing information, advice and guidance they needed during the pandemic. This site became the key publishing channel for the NHS CCG in Somerset and has seen pages viewed more than 460,000 times. The site was highly praised by the LGA who described it as one of the best examples in the country. Digital CV interactions were developed and launched by the Team including the Social Care Micro Provider Vaccination booking.

This year also saw the launch of the new One Somerset website providing residents, businesses, and key stakeholders with the latest on the authority's' approach and work with regards to Local Government

reorganisation in Somerset. The Digital Team has also spent the last twelve months working through an ongoing programme to improve our online services and decommission out-dated legacy systems. Despite the reduction in service take-up due to CV the website still served nearly 1M visitors who viewed more than 3.5M pages of information.

The Digital Team has spent 2020/21 when not in redeployed roles to support CV, driving forward the delivery of the Digital Customer Programme which was launched to offer our customers excellent online advice, guidance, and fully digital interactions as well as drive efficiency in the organisation. This ambition saw investment and technical implementation of a new digital platform for customers to interact with us 24/7 at the time and place of their choosing. Functionality enables customers to create personalised accounts, request and pay for services, report issues, track progress of requests and much more. The first two digital services using the new platform currently being launched include Report a Fault on the Highway and Financial eligibility calculator for adult social care costs. These new digital interactions have been designed, developed, and tested with our newly recruited Digital Volunteers and with customers to ensure they address their needs.

Through the year the team continued to work on and support a diverse range of Websites: building and launching a new site for SSE Outdoors, a redesign of the SCC recruitment website; and the Somerset Youth Parliament site. The team was particularly proud of the work to redesign the Somerset Survivors domestic violence website, a key service during lockdown periods that saw a 150% increase in use after redevelopment. Through the development of automation and a design pattern library the team has continued to reduce the overhead of delivering new websites and services. The service has established a user research function that is already ensuring that the digital services we are building consistently work well for customers.

3. Background Papers

- 3.1**
- www.somersetintelligence.org.uk
 - www.somersetintelligence.org.uk/sinepost.html
 - Customer Experience: <http://www.somerset.gov.uk/have-your-say/complaints-comments-and-compliments/complaints-comments-compliments/>

Note: For sight of individual background papers please contact the report author.

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Annual Report

Lead Officer: Louise Woolway

Governance Lead Officer – Julia Jones

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Summary:	<p>Health and Wellbeing Boards are an important feature of the reforms introduced by the Health and Social Care Act (2012). These Boards are constituted as formal committees of all upper tier local authorities and form part of the role that local authorities now have to improve the health of their population. The Health and Wellbeing Board has the following four statutory duties:</p> <ul style="list-style-type: none"> • The Board must have a Health and Wellbeing Strategy for its population in place • The Board must produce a Joint Strategic Needs Assessment (JSNA) to inform planning and commissioning • The Board must produce a Pharmaceutical Needs Assessment (PNA) for the area • The Board must oversee the Better Care Fund (BCF) and promote the integration of health, public health and social care where appropriate <p>In addition to fulfilling its statutory duties, the Somerset Health and Wellbeing Board undertakes to progress health improvement through a number of specific workstreams each year, as well as taking an oversight and influencing role across the whole health and wellbeing system</p> <p>The Board has 20 Members from SCC, CCG, District Councils, NHS England and Avon and Somerset Police.</p>
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1. Meetings 2020/2021 (since the last Full Council in July 2020)

1.1. 17 September 2020

Covid 19 Update

The latest Covid 19 dashboard was presented given a local picture of the

pandemic in Somerset. Adult Social Care delivery, activity and support was discussed in some detail at this board considering the implications of the pandemic. Partnerships across the health and care system have been working extremely well and that the infrastructure had been strengthened. A further presentation on Public Health Nursing then followed highlighting the continuation of face-to-face contacts for children, anti-natal care, and new births visits.

Local Outbreak Management Plan

The proposed plan was presented and discussed. The role the plan details the management of outbreaks locally and the importance of communication and engagement with our local communities to both prevent and manage outbreaks.

Homelessness

Rough Sleepers and Complex Homelessness was the topic of the next presentation. The proposals were discussed in some depth and recognised that an area of success was joint working across the system, understanding the complexity of housing & homelessness and the need to resolve the revolving door for those using services only to return at a later date. The Homeless Reduction Board was agreed as a means of bringing together all those services trying to support these very complex cases, and to maintain and build upon the excellent work to date.

NHS Trust Quality Accounts Response

It was agreed to give equal priority to physical and mental health with a focus on self-management and independence. This approach was in line with the Public Health move towards prevention.

16 July 2020

Covid 19 Update

The latest Covid 19 dashboard was presented given a local picture of the pandemic in Somerset. The current messaging in relation to testing, and isolation arrangements were discussed in some detail.

Homeless – Health, Care and Housing MOU / Homelessness Reduction Board

The Strategic Housing Group gave a presentation which proposed the establishment of a Homeless Reduction Board. It was agreed to adopt the proposed Memorandum of Understanding - Improving Health and Care Through the Home in Somerset. The establishment of a Somerset Homelessness Reduction Board (HRB) was approved to sit within the governance framework of the Somerset Health and Wellbeing Board. The HRB to be operational before or during February 2021.

Fit For My Future Update-Review of Acute Mental Health Inpatient Beds

A report was considered on the findings from the Mental Health services consultation. Some concerns were raised in relation to travel times to the nearest service should some facilities be closed. The Board welcomed the update setting out the progress of the consultation and the findings of the independent report compiled by Participate.

26 November 2020

Covid 19 – Dashboard

The latest Covid 19 dashboard was presented given a local picture of the pandemic in Somerset. At this meeting we were given an update on the proposed Tier arrangements for England and during the meeting the Board was informed that the Government had placed Somerset in Tier 2 once the existing restrictions were lifted on 2nd December.

Integrated Care System – Workforce

A presentation covering the Integrated Care System (ICS) workforce was given. This is led by the Local Workforce Action Board (LWAB) with a strategic role in the workforce vision and outcomes for the health and care system. The decisions around the local workforce strategic plan were informed by two key pieces of work, Breaking Barriers Innovations and Our Shared Endeavour programme. In September 2020 a revised People Plan was developed. The vision is to create “a vibrant & agile health and social care sector, working together to attract, develop and retain (young) talent”. The Board welcomed the report and requested a further report be built into the Board’s work Programme.

JSNA -Update

The annual theme for the Joint Strategic Needs Assessment (JSNA) is Climate Change -the impact on Health. Somerset is fortunate to have a safe range of temperatures and the risk is greater in the lower temperature ranges rather than the higher ones, however the impact of water is more significant. The combination of wetter winters and rising sea levels is likely to increase the frequency of flooding.

The JSNA considered how economic prosperity and environmental sustainability can be maintained without having adverse impacts on health. It was argued that vibrant communities are both a contributor to and a ‘co-beneficiary’ of the response to the climate emergency. The report identified areas of Somerset and population groups most at risk from the climate emergency. In particular, the report considered how environmental sustainability and healthier lives can be addressed together.

Somerset Safeguarding Adults Board Plan and Annual Report

A comprehensive report and verbal update was received summarising the

forward plan and annual report of the Somerset Safeguarding Adults Board (SSAB). Progress highlights during 2020/21 to date were detailed

21 January 2021

Annual Report of the Director of Public Health

The Director of Public Health presented her Annual Report. This report was an evaluation of the last year with a strong focus on the first phase of the Pandemic. The Director began by acknowledging the support she had from the following in tackling what had been and still is a very challenging time. This report contained six recommendations which were discussed in some detail and agreed.

Integrated Care System - Next Steps

A presentation and report were given that covered two main updates for Integrating Care in Somerset. The National Consultation and the designation of Somerset as an Integrated Care System site within the consultation process. The consultation ran from 26 November 2020 to 08 January 2021, it covered the move to an enhanced system working that will impact on CCG's and the legislative changes outlining how Integrated Care Systems are established. The changes will require new legislation and that will be part of a new NHS Act. (now enacted).

Safeguarding Children Report

A presentation on the first year of new children's safeguarding arrangements were presented as set out in Working Together to Safeguard Children (2018), which took effect on 29 September 2019. The Somerset Safeguarding Children Partnership (SSCP) is a wide partnership and includes an Independent Scrutineer. The Board endorsed the Children's Partnership annual report and the progress to date on the Somerset Plan for Children, Young People and Families.

Healthwatch - report

The Board received and discussed a presentation on the evolved service delivery of Healthwatch in light of the pandemic and the proposed Programme of work for 2021. The Board heard that the pandemic offered an opportunity for change and resulted in an increase in the volunteer base. The annual report was presented, and the focus of the meeting was feedback on the successes. The proposed priority areas for the 2021/22 workplan were approved.

18 March 2021

Better Care Fund

There would usually have been a refresh of the Better Care Fund and an update on the previous year's plan presented. The Board was informed that the Government has published a short statement setting out what local areas need to do to agree and finalise Better Care Fund (BCF) plans for this year. The statement builds on the advice given earlier this year to areas that they should prioritise continuity of provision, social care and system capacity and roll forward schemes from 2019-20 where appropriate, and where there is local agreement, in 2020-21. The Board supported this approach.

Hospital Resettlement Service

A presentation on the Hospital Resettlement Service. The service is responsible for people who are patients in a hospital setting and whose discharge is being or is likely to be severely compromised by difficulties with their housing need. Working alongside Somerset's Health Interface Service the aim is to reduce the overall length of stay and total number of occupied bed days on in-patient wards and to prevent hospital re-admissions by working with internal departments and external agencies. By linking health and social care, housing, and other appropriate agencies to develop a discharge plan.

Two case studies were presented that demonstrated the need for the service and how it worked for the individual in addressing a housing need which was preventing hospital discharge but did not need medical intervention.

The Board welcomed this practical example of the ICS and Better Care Fund in action.

Integrated Care Systems

The Government White Paper entitled "Integration and innovation: working together to improve health and social care for all, setting out plans for a Health and Care Bill" has the stated aims of making integrated care the default, reducing legal bureaucracy, and better supporting social care, public health and the NHS. A presentation was given on where the ICS is locally in its development and delivery.

Special Educational Needs and Disability

The Board had an update following the Inspection report published in May 2020 into the Special Educational Needs and Disability (SEND) Services in Somerset. The inspectors found that SEND Services across the Local Area required significant improvement across nine areas and determined that a Written Statement of Action (WSoA) for improvement was required. The Written Statement of Action was approved for publication by Inspectors on 30th November 2020 and was published on 1st December 2020.

The WSoA is monitored on a monthly basis through the SEND Improvement Board (SIB) containing members from across the Local Area. The WSoA

contains nine improvement priorities areas linked to the nine areas of weakness. The Board discussed the detailed report and welcomed progress made.

Health Protection Annual Report

The Somerset Health Protection Assurance Report was presented which documented the progress made during the last 12 months and the identified priorities for the next year. During 2020 the Somerset response to COVID-19 was prioritised as a matter of urgency and a full major incident response launched nationally and locally. This response impacted delivery of previously agreed health protection priorities that were not Covid related.

The Board noted the report, and endorsed the priorities proposed for 2021 covering: -

- Communicable Diseases,
- Environmental Hazards,
- Infection Prevention and Control,
- Resilience and
- Screening and Immunisations.

2. HWBB Work Programme

- 2.1.** A review was undertaken in relation to the current Work Programme and agreed that having linked matters under a general theme was productive and aided discussion at the Board. The Executive Group will continue to be used to make suggestions for areas to be covered in future Board meetings; in addition to our need to monitor those bodies that we have a constitutional responsibility for.

County Council

– 05 May 2021

Annual Report of the Scrutiny for Policies, Adults and Health Committee

Chair: Cllr Hazel Prior-Sankey

Division and Local Member: All

Lead Officer: Julia Jones, Governance Specialist – Democratic Services

Author: Jennie Murphy – Senior Democratic Services Officer

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1. Summary

- 1.1** The Scrutiny for Policies, Adults and Health Committee is required by the Constitution to provide full Council with a summary progress report and outcomes of scrutiny. This report covers meetings in from May 2020 to April 2021.
- 1.2** The Committee agreed their work programme would comprise of items considered directly at meetings plus other items considered or 'commissioned', using flexible arrangements outside of the formal committee structure.
- 1.3** Members of the Council are reminded that:
- all Members have been invited to attend meetings of the three Scrutiny Committees and to contribute freely on any agenda item;
 - any Member could propose a topic for inclusion on the Scrutiny Work Programmes;
 - any Member can be asked by the Committee to contribute information and evidence and to participate in specific scrutiny reviews.
- 1.4** The Committee has 8 elected Members.

2. Background

2.1 Scrutiny Work Programme

Each of our meetings had specific agenda items to consider the work programme and allow members and officers to suggest items we should scrutinise in more depth. We also frequently review how we monitor our suggested outcomes and/or recommended actions so we can understand the impact of our work so we can learn how to better focus our scrutiny work to ensure we have made a difference.

Scrutiny Members have endeavoured through the Committee meetings to make suggestions and express opinions to Directors and Cabinet Members

after discussion and debate. We have constructive relationships with our sister Scrutiny Committees, particularly the Scrutiny for Policies, Children and Families Committee.

06 May 2020

Virtual Meeting Guidance

As this was our first virtual meeting the agenda was restricted to guidance on how to conduct virtual meetings and an update on the current response to the Covid 19 Pandemic.

Covid - 19 Assurance

The Committee considered a detailed report on the key areas of activity that have been undertaken by Somerset County Council Adult Social Care (ASC), with its partners across health, care providers and the voluntary sector; relating to the care of vulnerable adults and their carers during the pandemic. The Committee heard that there have been several changed requirements and "easements" proposed to the way ASC is delivered by Councils across England.

03 June 2020

This meeting was a Mental Health trailblazer workshop. This was a cross party workshop with adult service from Somerset County Council, Somerset Commissioning Group, Somerset NHS Foundation Trust and the VCSE sector represented by Rethink.

The purpose of the workshop was to bring together a new alliance of charities and is formed to develop a bold new community-based mental health support service for Somerset residents. The shared ambition for the Somerset Mental Health Alliance is to ensure that people living with mental health problems get the right support at the right time. As well as reducing waiting times for clinical services, it aims to ensure that people can live a full life in their community, accessing housing, jobs or volunteering opportunities, community activities and physical exercise, to help support and improve their wellbeing and quality of life.

09 July 2020

At this meeting we discussed two very detailed reports on the impact of Covid 19; first on the GGC response and the second on people with Learning Disabilities.

The CCG set out the Phased response (Phase 1 Major Incident Response and Phase 2 Recover, Restore and Transform). We heard that many of the actions taken to deal with the Major Incident were transformations that were changes that had been planned before; such as greater use of technology for Consultations with Primary and Secondary Care. The response also introduced some temporary changes to admissions and elective surgery, and it was important to restore these as soon as possible. There was a commitment from the CCG to evaluate all the changes and report back to Scrutiny with the

findings for discussion.

We also had a detailed report on the work undertaken to continue to support people with Learning Difficulties who had relied on a face to face building-based support service prior to the Covid 10 pandemic. We heard that there had been some quick and creative collaboration between various organisations to deliver a range of support best suited to the needs of individual service users. The setting up of the Nightingale Unit (Henford Court) was an example of collaboration between SCC and the CCG and had proved to be a useful release valve for Yeovil Hospital. We concluded by paying tribute to all the staff and teams who had responded with such speed and compassion in such challenging times.

09 September 2020

Fit For My Future -Update on Mental Health in-patient beds for People of working age

We were updated on the current position of this engagement as it had been paused in March due to the pandemic. The public consultation resulted in 538 surveys had been returned, 732 people attended the 63 events organised to promote and discuss the consultation, and 3,538 people were reached through a Facebook Live event. The next steps will be as follows: -

- Consideration given to the feedback from the consultation and the impact this has on the proposal taken to the public during the consultation
- Considering the findings of a travel sub-group to explore and identifying option to mitigate the travel issues raised through the consultation
- Collecting feedback from scrutiny committees and the Health and Wellbeing Board
- Bringing a Decision-Making Business Case (DMBC) to the CCG Governing Body on 24th September.

We raised a number of questions and challenges and all of these were addressed or incorporated as part of the consultation. We recognised that consultation had been difficult in the midst of the pandemic and welcomed the decision being made soon so as to share that and bring about some certainty and a better safer arrangement.

Integrated Quality, Safety and Performance

We had a report covering the May to June period comparing it to the same period last year. We heard the overall waiting list has been reduced but they are still too long. A recovery plan is still in development. Progress has been made by using independent providers such as The Nuffield in relation to cancer treatments. The increase use of digital solutions was having a positive impact.

Adult Social Care Performance Update

We had a report setting out the impact of Covid 19 on performance in Adult Social Care. Key achievements were noted as: -

- Managing Demand – There has been a significant spike in the number of people presenting (50% increase) to Somerset Direct, and the target for resolution of 60% has been met.
- Overdue Assessments and Reviews – The number of overdue assessments has been creeping back up due to workforce demands during Covid, but the number of overdue reviews has significantly decreased from last year.
- Permanent Placements in Nursing and Residential Homes – These numbers were very positive, with only three young adults (18-64) permanently placed in four months, while the over-65 placements are being made at a rate of 416 per 100,000 population, compared to 435 per 100,000 last year.
- Complaints – The average was 13 per month during the last year, but since March there has been a significant reduction.
- Practice Quality – Since the launch of the online auditing tool, 593 audits have been completed, with the results being analysed and fed back to teams to help improve performance.
-

We discussed the report, challenged some aspects of the service that had been reported to Councillors and acknowledged some of the local exemplary service being reported from all around the County.

07 October 2020

We held a joint Workshop with Scrutiny Policies for Children as well as Adults and Health. The purpose of this workshop was to understand and explore transitions focussing on aspirations and outcomes for young people aged 14 plus into Adult-life. We had three workshops covering the following areas: -

Employment-

Creating a clearer understanding of what the evidence is that supports young people into employment. There should be clear, evidence-based employment pathways with opportunities for volunteering, supported internships, traineeships and apprenticeships and good careers advice and guidance to help young people with their decision-making.

Independent Living –

A focus on housing options and provide young people and their families the tools and resources they need to fully understand what is available. Young people are encouraged to think about who they would like to live with and where.

Community Inclusion –

Supporting young people to have opportunities to spend time with their peers outside of school and college. They are supported to develop and

maintain friendships and relationships. They can access their community and feel safe and confident.

The workshops provided very useful and constructive feedback. This will be used to improve the experience and support for young people as they transition into adult life.

2.2 12 November 2020

Somerset Safeguarding Adults Board Plan and Annual Report

We heard a comprehensive presentation summarising the forward plan and annual report of the Somerset Safeguarding Adults Board (SSAB). The main objective of the Board is to seek assurance that local safeguarding arrangements and partner organisations act to help and protect people aged 18 and over who:

- have needs for care and support; and
- are experiencing, or at risk of, abuse, neglect or exploitation; and
- are unable to protect themselves from the risk of, or experience of, abuse or neglect as a result of their care and support needs.

We discussed the report. We expressed an interest in knowing how children services were included in the Board's model. They were assured that although there was no representative from Children's Services on the Board there were strong links with partners supporting children.

We were interested in any opportunities for reaching more vulnerable people as a result of the pandemic and the increased awareness of vulnerable groups. It was acknowledged that the pandemic had led to more groups becoming vulnerable. We considered the Annual Report and the proposed plans for 2020/21. We noted the progress highlights during 2020 and committed to continue to promote adult safeguarding across the County Council and in the services that are commissioned.

Winter Planning

We had a report covering the Adult Social Care Winter Plan. The Somerset Adult Social Care Winter Plan has been structured around the same themes as the DHSC plan. These are:

- Preventing and controlling the spread of infection in care settings
- Collaboration across health and care services
- Supporting people who receive social care, the workforce, and carers
- Supporting the system

We heard that the coming winter period was likely to be extremely challenging for the entire system. While Somerset had seen relatively low numbers of Coronavirus cases the numbers are rising. Coupled with normal

winter pressures it is expected the system will experience unprecedented levels of stress if current trends continue.

We considered the Adult Care Winter Plan for Somerset and supported the action contained therein. We noted the risks and the mitigations to address these contained in the Winter Plan.

Scrutiny Review

We were given a presentation setting out an update on the Scrutiny Review that started in 2018. We were reminded that a Peer Challenge identified that a review of scrutiny function was required in order to make it more effective, ensure all councillors are equipped to play an active role and contribute to policy making and key decisions and governance arrangements need to reflect this. There were eleven recommendations and the Committee were given the following update on the status of each recommendation.

We discussed the presentation and raised the question of public participation in scrutiny meetings. It was recognised that since the introduction of virtual meetings there has been a marked reduction in the number of public questions and attendance. We acknowledged that progress had been made in relation to clarity around the roles on Scrutiny Committees making it clearer for members of the public to be able to identify the members of Committees and officers supporting.

2.3 Devon Doctors - Out of Hours report

We had a report on the Integrated Urgent Care Service provided by Devon Doctors Limited. Devon Doctors Limited is a social enterprise group which is run by healthcare professionals and reportable to a board of directors. Meddcare Somerset, a trading name of Devon Doctors Limited, is the provider of Somerset's Integrated Urgent Care Service. The Integrated Urgent Care Clinical Assessment Service delivers a "consult and complete" model of urgent care access that streamlines and improves patient care across the urgent care system. Patients receive a complete episode of care concluding with either: advice, a prescription, or an appointment for further assessment or treatment.

In July 2020, the Care Quality Commission (CQC) carried out an announced focussed inspection of the service which resulted in the application of urgent conditions to the provider registration of Devon Doctors Limited. The Care Quality Commission Report was published on 14 September 2020 and noted some Requirement Notices relating to regulations that had not been met. The Care Quality Commission took account of the exceptional circumstances arising as a result of the Covid-19 pandemic when considering what type of inspection was necessary and proportionate.

The report has resulted in plans to improve the out of hours service, improve

governance and improve safety.

We discussed the report and asked why it took such a challenging report to introduce these changes as the service must have been aware of failings. It was recognised that the previous leadership arrangements were not open to learning but that has changed.

02 December 2020 -Meeting cancelled due to Coronavirus pandemic

27 January 2021 (limited agenda due to the ongoing Pandemic)

Medium Term Financial Planning

We had a presentation that summarised the key areas of specific interest within the Medium-Term Financial Plan. It outlined the key points that were included within the report made to Cabinet on the 20th January 2021. There was an overall narrative from the Directors of Adults Services and Public Health Services to provide assurances around the changes made to funding and spend. A review of this detail through Scrutiny will be presented as part of the overall challenge and assurance process to Cabinet on the 8th February and Council on the 17th February in setting the final budget for 2021/22.

The MTFP links pressures, growth, and savings to the delivery of the Council's key priorities within the Council's vision to create:

- A thriving and productive County that is ambitious, confident and focussed on improving people's lives;
- A county of resilient, well-connected and compassionate communities working to reduce inequalities;
- A county where all partners actively work together for the benefit of residents, communities and businesses and the environment, and;
- A county that provides the right information, advice and guidance to enable residents to help themselves and targets support to those who need it most.

We considered the proposed budget for 2021/22 and indicative budgets for 2022/23 and 2023/24 for Adults and Public Health Services budgets. We reviewed specific proposals for changes from previous years and commented on them. We welcomed the projected increase in spending, in particular the proposed Capital Expenditure.

Meetings Overview for 2020-21

We have considered a number of reports on a range of topics and these have included:

- Fit for My Future
- Deprivation of Liberty -revised guidance
- Care Homes and Nursing Home Support Service (LARCH/CCG)
- Regular clinical quality review reports from Somerset Clinical Commission Group (CCG)
- Dementia Report
- Reports regarding the performance and transformation at Weston Hospital
- Regular updates regarding Adult Social Care Performance
- Somerset Safeguarding Annual Report and strategic plan
- Somerset CCG finance and performance issues
- Community Hospitals
- Council performance reports
- Learning Disability Service Contract
- NHS waiting times for Somerset patients
- Somerset suicide prevention
- Mental health and wellbeing
- Medium Term Financial Plan
- Out of Hours service – detailed scrutiny

Suggestions for the Future

We look forward to an interesting and informative year ahead

Many of the reports we have considered have been information reports where our ability to make constructive input or provide feedback has therefore been limited.

We have always endeavoured to approach our task as a 'critical friend' by trying to be supportive to officers and encouraging them to highlight areas of concern to us, whilst hopefully providing a suitably robust challenge to question poor performance and seek reassurance that appropriate action is taken to achieve improvement. We feel the Council would benefit from Scrutiny being asked to undertake more pre-Cabinet decision work to help the transition from policy development to implementation.

Consultations Undertaken

The Committee invites all County Councillors to attend and contribute to its meetings.

Implications

The Committee considers carefully and often asks for further information about the implications as outlined in the reports considered at its meetings.

For further details of the reports considered by the Committee, please contact the author of this report.

2.4 **Background Papers**

Further information about the Committee including dates of meetings and agendas and reports from previous meetings, are available via the Council's website:

www.somerset.gov.uk/agendasandpapers

Note: For sight of individual background papers please contact the report author.

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Annual Report of the Scrutiny for Policies, Children and Families Committee

Chair: Cllr Leigh Redman

Division and Local Member: All

Lead Officer: Scott Wooldridge – Monitoring Officer

Author: Fiona Abbott – Senior Democratic Services Officer

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1. Summary

- 1.1** The Scrutiny for Policies, Children and Families Committee is required by the Constitution to provide Full Council with a summary progress report and outcomes of scrutiny. This annual report covers the work of the Scrutiny Committee for the 2020 – 2021 Municipal Year.
- 1.2** The Committee continues to focus on the outcomes arising from the Ofsted Inspection, including the Written Statement of Action, which priorities the areas work on Special Educational Needs and Disabilities (SEND) in the forthcoming 18 – 24 months and on ensuring the delivery of the Children and Young Peoples Plan (CYPP).
- 1.3** Members of the Council are reminded that:
 - all Members have been invited to attend meetings of the three Scrutiny Committees and to contribute freely on any agenda item.
 - any Member could propose a topic for inclusion on the Scrutiny Work Programmes.
 - any Member can be asked by the Committee to contribute information and evidence and to participate in specific scrutiny reviews.
- 1.4** The Committee has 8 elected Members and has up to seven co-opted members - two parent governor representatives (one vacancy), one representative from the Somerset Schools Forum, one representative from the Schools Compact and three church representatives (all still vacant unfortunately). Co-opted members have voting rights on education matters only.

2. Background

2.1 Scrutiny Work Programme

Each of our meetings had specific agenda items to consider the work programme and allow members and officers to suggest items we should scrutinise in more depth. This has led to items being added to the work programme and help guide our future work.

At each meeting we review how we monitor our suggested outcomes and/or

recommended actions so we can understand the impact of our work so we can learn how to better focus our scrutiny work to ensure we have made a difference. We are grateful for the support of officers in this work, and in particular the support and direction provided by the Deputy Director of Children's Services.

Scrutiny Members have endeavoured through the Committee meetings to make suggestions and express opinions to Directors and Cabinet Members after discussion and debate. We have constructive relationships with our sister Scrutiny Committees, particularly the Scrutiny for Policies, Adults and Health Committee.

I am pleased that we have had some good involvement from members of the public at our meetings – in particular the meeting held on 3 March 2021 when the future schools provision in the Crewkerne and Ilminster area was considered, as well the discussion on elective home education.

2.2 Meeting on 6 May 2020

The main points from the meeting were: -

Virtual meeting Guidance – we considered a report outlining the procedures for conducting virtual meetings.

Covid 19 Assurance – we considered a detailed report from the Director of Children's Services on the response to the pandemic and the key issues the service was attempting to address with partners, families, and children in Somerset.

School Exclusions – Task and Finish Group Final Report – I introduced the report on behalf of the Group. As part of the review of School Exclusions, we visited Schools and a PRU and had held round table discussions with a number of people who had involvement in exclusions, to pick up different perspectives of those involved, including children. The Committee endorsed the report, with some minor amendments. Cabinet responded positively to our report at its meeting in September 2020 and we plan to have a progress update on the recommendations at our meeting in June 2021.

Meeting on 9 July 2020

The main points from the meeting were: -

Special Educational Needs & Disabilities (SEND) Area Inspection Update – we received a detailed presentation from the Director of Children's Services and Chief Executive Officer of Somerset CCG. We noted the progress and closer working with partners and relationship and involvement with the Regional Schools Commissioner.

Meeting on 9 September 2020

The main points from the meeting were: -

Children's Services MTFP Update – we received a report highlighting the impact of COVID-19 on the Children's Services 2020/21 budget, an outline of the significant additional expenditure and adverse impact upon income in both the current and future years and the robust processes put in place to ensure that it maintains its tight financial controls. The Committee will receive regular updates on the impact of COVID-19 and consider the potential decisions the service may need to make to mitigate against significant financial impact on the Medium-Term Financial Plan (MTFP) for 2021/22 to 2025/26.

SENDIAS (Special Educational Needs Disability Information Advice Service) update- we then received an interesting and informative further update on this new approach – an early help service providing information advice and support to parents, carers, children and young people (up to aged 25) about special educational needs and disability (SEND) within education. The team works with schools to support needs to be met locally. The Committee heard about what has been working well for example, increased levels of co-production. The Committee also heard about challenges experienced for example the increase in requests for EHC assessments and future plans for example hearing the voice of the SEND child and young person more clearly.

County Ticket update - we then received a briefing from the Strategic Manager, Access & Additional Learning Need Inclusion Somerset on the decision taken in June 2020 to suspend the county ticket scheme for the 2020/21 academic year, the rationale for the decision, which had not been taken lightly. He also outlined the impact and mitigating actions.

Unitary update – we discussed some of the issues around this in so far as it concerns Children's Services, recognising that no decision has been made by the Secretary of State at this stage. We also asked the Director of Children's Services to prepare an issues paper around preparing for transition.

Informal meeting on 7 October 2020 – Joint Workshop

We held a joint Workshop with Scrutiny Policies for Adults and Health. The purpose of this workshop is to understand and explore transitions focussing on aspirations and outcomes for young people aged 14 plus into Adult-life. any actions arising will be articulated and tracked and feedback to the relevant Scrutiny Committee. There will be a progress update in June 2021.

Meeting on 12 November 2020

The main points from the meeting were: -

Scrutiny Review update – we received an update from the Scrutiny Manager on the context to the scrutiny review at the Council following the peer challenge in 2018 and received a detailed update on the implementation of the

recommendations which had been approved by the Council in January 2020.

The Chairs of the 3 Scrutiny Committees have now met on 3 occasions and have discussed in particular the following recommendations – namely, approach to work planning / agenda setting (recommendation 5), work programming (recommendation 7) and training (recommendation 10). The aim is to ensure that all recommendations have been fully embedded, and we plan to have a progress update at our meeting in June 2021.

Update on the Written Statement of Action (WSOA)- we received a presentation and update from the Director of Children's Services on the WSoA. We were advised that the WSoA had been submitted to Ofsted / Care Quality Commission (CQC).

Youth Offending Service – we received a presentation from the Deputy Director of Children's Services together with the Team Leader about the work of the YOS and about the forthcoming HMIP Inspection which is due to take place in 2021. The last inspection by Her Majesty's Inspectorate of Prisons (HMIP) was in 2016 with GOOD result and the next inspection is anticipated to be in spring 2021.

How has COVID-19 impacted on the delivery of the CYPP – we received a report and presentation from the Partnership Business Manager on how has COVID-19 impacted on the delivery of the children and young people's plan 2019 to 2022. The presentation covered areas to help the Committee understand the implications from the point of view of children and young people, including - support to families, education, health, positive activities. We agreed to have an update / learning from the voice of children and young people and we plan to have this at our meeting in June 2021.

Meeting on 2 December 2020

The main points from the meeting were: -

Update on the Written Statement of Action (WSOA) – we received the WSoA which had been submitted to Ofsted / CQC and received an update from the Director of Children's Services on the SEND Improvement Board and the governance arrangements. A re-inspection against the actions outlined in the WSoA will take place within the next 24 months and the Inspectors will expect to see significant improvements against all 9 areas of the plan.

We agreed that, in view of the significant challenges in Somerset, the SEND Improvement Board be encouraged to closely monitor the work joint working improvements needed between partners to support children with Autism and other associated neuro-development conditions. The following areas within the WSoA will be explored in more detail by the Scrutiny Committee: -

- Leadership (Improvement Priority 2)
- ASD (Improvement Priority 5)

- Inclusive Schools (Improvement Priority 6)
- Performance Monitoring

We also agreed that there needed to be focussed work on School Exclusions (this will be picked up at our meeting in June 2021) and for there to be a report on the timeliness and quality of Education, Health and Care Plans (EHCP).

Update on the consultation on the future school provision in the Crewkerne and Ilminster area – we received a report and presentation from the Assistant Director, Education, Partnerships and Skills, updating on the consultation on the future school provision in the Crewkerne and Ilminster area. We were able to make a significant number of comments to Cabinet to help inform the next stage of the process.

Continuity of Children’s Services through local government reorganisation - we were advised that the terms of reference for this work were being developed, which will be taken forward via a Task and Finish Group.

Meeting on 27 January 2021

The main points from the meeting were: -

Children’s Services Data Review - we received a detailed presentation from the Deputy Director, Children Services, on Children’s Services data trends. The purpose of the presentation was for the Committee to consider children services data and partnership qualitative information to identify areas of possible concern and success in these strategic leadership of the Somerset Children's Partnership; to explore potential hypothesis from the information provided about the effectiveness of specific aspects of that leadership in improving children's lives; and to prioritise the hypothesis the Committee would like to test through work integrated into the Forward Plan.

The presentation was divided into 4 sections- Early help, Children in need of help and protection, Children looked after and Care leavers, with each section broken down into the following- background, data, what the data indicates and potential hypotheses, for further scrutiny by the Committee as part of its forward plan. We welcomed the presentation to help inform the future work of the Committee and agreed that further work is needed to consider what the data implies and to frame and articulate this further.

Impact of COVID-19 on children & young people’s mental health and wellbeing – members of the Adults and Health Scrutiny Cttee were also invited to attend the meeting for this agenda item. This was a multi-agency session and purpose of the presentation was for Committee to consider the issue of how big the problem is, what is being done about it and what would make the biggest difference. They provided an outline of national and local statistics come at universal and whole school approaches, Information on mental health support teams the community offer and well-being practitioners and support

for specific groups – CAMHS and Children looked after (CLA).

Medium Term Financial Plan for Children’s Services - we considered the report from the Director of Finance, which summarised the key areas of specific interest within the Medium-Term Financial Plan to the scrutiny committee for Children and Families. The Committee was asked to consider the proposed budget for 2021-2022 and the indicative budgets for 2022-2023 and 2023-2024 for the children and families services budgets. The Committee was also asked to review specific proposals for changes from previous years and identify any matters for consideration that they would like to highlight to the Cabinet. We asked questions about and for more detail behind the following capital bids – children’s residential placements, early years basic need and new school buildings.

Continuity of Children’s Services through local government reorganisation – we discussed arrangements for the Task & Finish Group looking at the continuity of Children’s Services through Local Government reorganisation, including membership, terms of reference and timetable.

Meeting on 3 March 2021

The main points from the meeting were: -

Elective Home Education – we received a report and presentation from the Strategic Manager Access and Additional Learning Needs which provided an update on the local authority’s work in relation to Elective Home Education (EHE). EHE became a topic of interest to the Committee around 3 years ago when the Local Authority’s approach to EHE was unclear, its policy was weak and numbers of EHE children within the county were disproportionately high when compared to similar authority areas. The Committee considered the current data relating to EHE in Somerset; an overview of EHE development work within the Education Safeguarding Service (ESS) and future developmental themes. We welcomed the work being undertaken.

Overview of prevention work – we received a presentation from the Strategic Commissioner, children & young people, who provided an overview of the approach to early help and prevention. We also heard from the Programme Director, Safe Families and a Health Visitor on their early help offer.

Future Schools provision in Crewkerne and Ilminster area – we discussed the initial findings from this statutory consultation and discussed the proposals in significant detail and agreed the comments we wanted Cabinet to take into account when it considered the issue at its meeting on 17 March 2021. This included - suggestion that clarity is provided on the status of a hard federation in Ilminster, proposed as an interim solution as part of implementation plans, should the governing bodies choose not to pursue this option; for there to be specific reference to SEND in implementation plans; for there to be further

investigation on the issue of whether a Multi Agency Trust solution is possible.

Continuity of Children's Services through local government reorganisation – at the meeting we confirmed the membership of the Task and Finish group.

Meeting on 16 March 2021

This was a joint meeting with the Adults and Health Committee to consider the work undertaken on the One Somerset programme, the Government consultation process and the initial 'Stronger Somerset' independent report findings. The focus of the discussion was on the reports on Adult Social Care and Children's Services.

We asked questions and commented on the Children's Services report findings, which were responded to at the meeting. These covered issues such as the Alternative Delivery Model outlined in the 'Stronger Somerset' proposal, which has not been fully outlined so as to provide clarity and detail as to how it may work. The views expressed at this Joint meeting were forwarded to Cabinet (considered at its meeting on 17 March 2021).

2.3 Meetings Overview - 2020-21

We have again considered a broad number of issues at our meetings, and these have included: -

- Children's Services response to COVID-19; impact on delivery of the CYPP; impact on children and young people's mental health and wellbeing
- Medium Term Financial Plan
- The SEND Inspection and then the Written Statement of Action
- Future school provision in Crewkerne and Ilminster area
- Proposed task and finish group – continuity of Children's Services through LG reorganisation
- Children's Services data overview
- Overview of prevention work / early help
- Elective Home Education

2.4 Suggestions for the Future

We look forward to an interesting and informative year ahead.

The unitary debate could have impacts on service delivery, I am pleased that members supported our Task and Finish group, by seeking to learn from Councils that have been through the process, or from our own staff or partners who might be able to identify pitfalls, the report we present to Cabinet as stage one, before the Secretary of State makes his decision, might help give us a head start, so that we can look to mitigate any possible impact a transition from 2 tier to Unitary might have - after all our job as a Committee is also to make children

and family life in Somerset better.

We have always endeavoured to approach our task as a 'critical friend' by trying to be supportive to officers and encouraging them to highlight areas of concern to us, whilst hopefully providing a suitably robust challenge to question poor performance and seek reassurance that appropriate action is taken to achieve improvement.

We still feel the Council would benefit from Scrutiny being asked to undertake more pre-Cabinet decision work to help the transition from policy development to implementation.

In our future work we are seeking to focus on the areas we have highlighted in the WSoA and the preventative agenda.

3. Consultations Undertaken

The Committee invites all County Councillors to attend and contribute to its meetings. The Committee Chair and Vice Chair invite prospective report authors to attend their pre-meetings and Lead Officers are engaged in this process. It is still a challenge receiving reports and presentations through in a timely manner.

4. Implications

The Committee considers carefully and often asks for further information about the implications as outlined in the reports considered at its meetings.

For further details about the reports considered by the Committee, please contact the author of this report.

5. Background Papers

Further information about the Committee including dates of meetings and agendas and reports from previous meetings, are available via the Council's website:

www.somerset.gov.uk/agendasandpapers

Note: For sight of individual background papers please contact the report author.

Somerset County Council
County Council
- 5 May 2021

Report of the Scrutiny Committee for Policies and Place

Cabinet Member: N/A

Division and Local Member: All

Lead Officer: Scott Wooldridge – Monitoring Officer, Democratic Services

Author: Andrew Randell – Senior Democratic Services Officer / Mike Bryant –
Governance Specialist Democratic Services

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1. Summary

- 1.1.** The Scrutiny Committee for Policies and Place is required by the Constitution to make an annual report to the Council and also to provide each other meeting of the Council with a summary progress report and outcomes of scrutiny. This regular report covers the work of the meetings held on 10 March 2021 and 14 April 2021.
- 1.2.** The Committee agreed their work programme would comprise items considered directly at meetings plus other items considered or “commissioned” using flexible arrangements outside of the formal committee structure.
- 1.3.** Members of the Council are reminded that:
 - All Members have been invited to attend meetings of the Scrutiny Committee and to contribute freely on any agenda item.
 - Any Member could propose a topic for inclusion on the Committee’s Work Programme.
 - Any Member could be asked by the Committee to contribute information and evidence, and to participate in specific scrutiny reviews.
- 1.4.** The Committee has 8 elected Members and we have meetings scheduled approximately for every month. Our next meeting will be held at 10.00am on 6 July 2021.

2. Background

2.1. Scrutiny Work Programme

At each meeting the Committee considers and updates its work programme, having regard to the Cabinet’s forward plan of proposed key decisions. The Committee also agreed to hold themed meetings and Members are looking forward to this approach, in particular the attendance of representatives and/or stakeholders from partner agencies.

3. 10 March 2021

3.1 Registration Services Update

The first item considered was a Registration Services Update.

The Registration Services Manager, Sue Crawley presented the report using a PowerPoint presentation, including a summary of the background to the registration service of births, deaths and marriages and explained the impacts on relevant services following national restrictions related to the Covid-19 pandemic.

During the discussion of the report including birth and death registrations and marriages and Civil Partnerships were considered alongside the impact of the Covid-19 pandemic. Changes to the service were noted including hybrid appointments and telephone death registrations to enable the service to continue operations during the pandemic.

The Scrutiny for Policies and Place Committee noted the report.

3.2 Capital Monitoring Report Q3 and Revenue Budget Monitoring Month 10

The second report considered was the Capital Monitoring Report Q3 and Revenue Budget Monitoring Report Month 10.

Revenue Budget Monitoring Report – Month 10

The Cabinet Member for Resources, Cllr Mandy Chilcott introduced the report noting: an underspend of £3.161m; the predicted adult services budget overspend due to pandemic related pressures; the significant carry forward requests as workstreams have been delayed across the Council due to Covid-19; and that Covid-19 funding received currently totals £31.9m, with £27.5m currently allocated. The Cabinet Member further noted that at present £4.4m of Covid funding is unallocated but will be utilised to cover related costs for the remainder of the financial year, and that any unspent amount at year end will be carried forward and added to the Covid-19 budget in 2021/22.

Capital Monitoring Report Q3

The Cabinet Member for Resources, Cllr Mandy Chilcott introduced the report noting: the projected underspend of £0.652m against the approvals within the current capital programme; and that the overall five-year programme is currently forecasting a favourable variance of £13.476m.

The Scrutiny for Policies and Place Committee discussed the report and the following points were raised: the unique overspend within the Adult Social Care budget and the ongoing budgetary pressure in this area; and reporting of precepts including: the Somerset Rivers Authority as an accountable body; and the Somerset Waste Service Partnership.

The Cabinet Member for Resources responded by acknowledging the future pressures within the Adult Social Care budget and advised that this had been reflected in the 2021/22 budget.

The Chair thanked the Finance team for the report.

The Scrutiny Committee for Policies and Place noted the projected capital outturn for 2020/21 and the forecasted position of the future programme.

3.3 One Somerset Business Case Update

The third item considered was the One Somerset Business Case Update.

The One Somerset Programme Director introduced the item and provided further information making reference to the six questions asked of all consultees by the Ministry of Housing Communities and Local Government (MHCLG) and the criteria by which the Secretary of State is to assess the unitary proposals. The Programme Director further informed the Committee that there is a duty to publicise the consultation, with this being actioned by promotions, engagement and communications, and signposting to the consultation, all of which fall within the boundaries of recommended practice. The Programme Director explained that to provide an open, transparent and informed report to the Secretary of State regarding the consultation, an evidence-based approach had been taken by Somerset County Council, with independent reports by nationally recognised experts forming part of the evidence.

The options appraisal, financial analysis, geography, partnership arrangements were set out as part of the presentation.

As part of the debate the following points were considered:

- Clarity of the independence of the analysis and the report, and similar studies elsewhere.
- Concerns were expressed regarding inequalities between the east and west of the County if a two-unitary model were adopted: a more affluent east but more demand in the west.
- Whether there was any impact of the Covid-19 pandemic on the findings of the report regarding an imbalance between potential income and demands on services for those authorities as an east and west divide.
- Stronger Somerset representation and individual authority representation at the meeting.

The Scrutiny Committee for Policies and Place Committee noted:

- The work that had been undertaken on the programme between December 2020 and March 2021.
- Experts had acted independently in their analysis and report.

- The concerns expressed over inequalities between east and west in a two-unitary model: a more affluent east but more demand in the west.
- Difficulties in fully scrutinising the Stronger Somerset proposals regarding place and place-based services owing to lack of detail, e.g. highways.
- Challenges on how a two-unitary structure could be implemented and operate, a complex system.

4. 14 April 2021

4.1 2020/21 Revenue Budget Monitoring Report – Month 11

The first item considered was the 2020/21 Revenue Budget Monitoring report – Month 11.

The Finance Director, Jason Vaughan, presented the report which set out the report to Cabinet, detailed the background to the 2021/22 budget and highlighted the unique difficulty with producing the budget estimates against the backdrop of the Covid-19 pandemic and the significant uncertainty.

The report set out the forecast year-end position against the 2020/21 budget as at the end of February (month 11). It was highlighted that predicting the year-end position is very difficult given the significant financial impacts of the Covid-19 pandemic on Council services. It was noted that many of the budget variations were to be expected given the current unprecedented times, and that additional spending has been necessary to support the Council's work in responding to the Covid-19 pandemic.

The summary of the forecast outturn was highlighted as a favourable variance of £6.642m, but to date services have identified £4.315m of proposed carry forward requests, and that if these were approved the favourable variance will reduce to £2.327m.

It was noted that overall there had been a favourable movement of £3.311m since month 10 and it was further highlighted that the Council had received various grants relating to Covid-19 totally £31.881m, with £4.368m currently unallocated. It was further noted that any unspent amount at year end will be carried forward and added to the £10.8m Covid-19 Emergency Fund in 2021/22.

During the debate, comments and questions were considered, points raised included: the carry forward figures from previous years; funding spent in relation to enforcement; and ongoing enforcement funding for this was welcomed.

The Scrutiny for Policies and Place Committee noted the projected revenue outturn for 2020/21.

4.2 Joint Strategic Needs Assessment (JSNA) Health Impacts of the Climate

Emergency

The item was introduced by Cllr Claire Paul, Cabinet Member for Public Health & Wellbeing and Climate Change. The Cabinet Member noted work to explore impacts on Public Health in the County; the role of the Health and Wellbeing Board; and work to explore the impact of transport emissions in the County.

The Strategic Manager – Climate and Flood Management, Jon Doyle introduced the report highlighting progress against the Climate Emergency Strategy actions, noting the wish for the County to become Carbon Neutral by 2030 and to reduce the impacts of climate change. The committee were provided with updates regarding: renewable energy potential within the County; the Local Authority Treescapes Fund; work to decarbonise the Council's estate; and the public sector decarbonation grant. The Public Health Specialist, Stuart Brock added further points, highlighting: the Public Health implications of Climate Change; the role of particulate pollution; housing standards; and multi modal travel.

The Committee were updated regarding the Council's Active Travel Strategy and work to update this document.

The Committee discussed the points raised, including: nuclear fusion; alternative fuels, transport methods and increased cycle provision through the active travel scheme; infrastructure including charging points; housing concerns and the potential to 'retrofit'; the cost of housing improvements; the £1m Climate Emergency fund recently approved by the Leader of the Council; highway design standards; and ensuring paths and cycleways are not overgrown.

The Scrutiny for Policies and Place Committee noted the evidence presented in considering the broad range of council activities upon which it bears.

5. Implications

- 5.1.** The Committee considers carefully, and often asks for further information about the implications as outlined in, the reports considered at its meetings.
- 5.2.** For further details of the reports considered by the Committee please contact the author of this report.

6. Background papers

- 6.1.** Further information about the Committee including dates of future meetings, and agendas & reports from previous meetings are available via the Council's website www.somerset.gov.uk/agendasandpapers

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