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# South Somerset District Council

## Thursday 16th June 2022

### 6.30 pm

**Council Chamber, Council Offices  
Brympton Way  
Yeovil, BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



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All members of Council are requested to attend this meeting

If you would like any further information on the items to be discussed, please contact the Democratic Services Specialist on 01935 462148 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

Any members of the public wishing to address the meeting at Public Question Time are asked to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Wednesday 15 June 2022 so we can ensure safe social distancing at the meeting.

If you would like to view the meeting on-line without participating, please see:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

This Agenda was issued on Wednesday 8 June 2022 and republished 15 June 2022.

**Jane Portman**, *Chief Executive Officer*

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the Modern.Gov app



# South Somerset District Council Membership

**Chairman:** Paul Maxwell

**Vice-chairman:** Wes Read

Jason Baker  
Robin Bastable  
Mike Best  
Neil Bloomfield  
Ray Buckler  
Dave Bulmer  
Hayward Burt  
Tony Capozzoli  
Martin Carnell  
Malcolm Cavill  
John Clark  
Nicola Clark  
Louise Clarke  
Nick Colbert  
Adam Dance  
Sarah Dyke  
Karl Gill  
David Gubbins  
Peter Gubbins

Brian Hamilton  
Mike Hewitson  
Henry Hobhouse  
Ben Hodgson  
Charlie Hull  
Kaysar Hussain  
Val Keitch  
Andy Kendall  
Jenny Kenton  
Tim Kerley  
Mike Lewis  
Mike Lock  
Pauline Lock  
Tony Lock  
Kevin Messenger  
Graham Oakes  
Tricia O'Brien  
Sue Osborne  
Tiffany Osborne

Robin Pailthorpe  
Oliver Patrick  
Clare Paul  
Crispin Raikes  
David Recardo  
Paul Rowsell  
Dean Ruddie  
Gina Seaton  
Peter Seib  
Garry Shortland  
Jeny Snell  
Andy Soughton  
Mike Stanton  
Rob Stickland  
Lucy Trimnell  
Gerard Tucker  
Martin Wale  
William Wallace  
Colin Winder

## Information for the Public

The meetings of the full Council, comprising all 60 members of South Somerset District Council, are held at least 6 times a year. The full Council approves the Council's budget and the major policies which comprise the Council's policy framework. Other decisions which the full Council has to take include appointing the Leader of the Council, members of the District Executive, other Council Committees and approving the Council's Constitution (which details how the Council works including the scheme allocating decisions and Council functions to committees and officers).

Meetings of the Council are scheduled to be held monthly at 6.30 p.m. on the third Thursday of the month in the Council Offices, Brympton Way although some dates are only reserve dates and may not be needed.

The agenda, minutes and the timetable for council meetings are published on the Council's website – [www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

Agendas and minutes can also be viewed via the modern.gov app (free) available for iPads and Android devices. Search for 'modern.gov' in the app store for your device and select 'South Somerset' from the list of publishers and then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

## **Public participation at meetings (held in person and via Zoom) and Public question time**

We recognise that these are challenging times but we still value the public's contribution to our meetings. If you would like to participate and contribute in the meeting, we would encourage you to please join on-line through Zoom at: <https://zoom.us/join>  
You will need an internet connection to do this.

Please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) for the details to join the meeting.  
If you would like to view the meeting on-line without participating, please see:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

The period allowed for participation in Public Question Time shall not exceed 15 minutes except with the consent of the Chairman and members of the Committee. Each individual speaker shall be restricted to a total of three minutes.

If you would like to attend the meeting in person and speak at Public Question Time, please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Wednesday 15 June 2022. We need to know how many public are attending to ensure safe social distancing at the meeting. When you have registered, the Chairman will invite you to speak at the appropriate time during the meeting.

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# **South Somerset District Council**

## **Thursday 16 June 2022**

### **Agenda**

#### **1. Apologies for Absence**

#### **2. Minutes**

To approve and sign the minutes of the previous meeting held on Thursday, 19<sup>th</sup> May 2022.

#### **3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

#### **4. Public Question Time**

#### **5. Chairman's Announcements**

##### ***Items for Discussion***

#### **6. Chairman's Engagements (Page 6)**

#### **7. Millers Garage Car Park, Crewkerne**

This item has been withdrawn from the Agenda.

#### **8. Establishment of a Joint Scrutiny Committee in Somerset for the implementation of local government reorganisation (Pages 7 - 24)**

#### **9. Extension of Remote Meetings Provisions to 21st July 2022 (Pages 25 - 27)**

#### **10. Adoption of Somerset Anti-Racism Statement (Pages 28 - 33)**

#### **11. Appointment of Members to vacancies on various Council Committees (Pages 34 - 37)**

#### **12. Leisure Facility Decarbonisation Programme - Request for Approval of Revision to Funding Arrangements (Urgent Item) (Pages 38 - 44)**

**13. Report of Executive Decisions** (Page 45)

**14. Audit Committee** (Page 46)

**15. Scrutiny Committee** (Page 47)

**16. Motions**

There were no Motions submitted by Members.

**17. Questions Under Procedure Rule 10**

There were no questions submitted under Procedure Rule 10.

**18. Date of Next Meeting** (Page 48)

Members are asked to note that the next meeting of the Full Council will be **Thursday, 21<sup>st</sup> July 2022 at the Council Offices, Brympton Way, Yeovil** and as a virtual meeting using Zoom meeting software commencing **at 6.30 p.m.**



## **Chairman's Engagements**

The Vice Chairman, Councillor Wes Read will be attending the Yeovil College Shining Stars Awards Ceremony on the 17<sup>th</sup> June 2022.

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## Establishment of a Joint Scrutiny Committee in Somerset for the implementation of local government reorganisation

Executive Portfolio Holder:	Val Keitch – Leader of the Council
Strategic Director:	Jane Portman – Chief Executive Officer
Lead Officer:	Jill Byron – Monitoring Officer
Contact Details:	Jill.Byron@southsomerset.gov.uk

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### Purpose of the Report

1. To inform members of the demise of the Joint Scrutiny Committee approved by the Somerset Councils in December 2021 to scrutinise the work of the Local Government Reorganisation Joint Committee and the proposed new joint arrangements for scrutiny and collaborative democratic oversight of the implementation plans for the new Unitary Council following the elections in May 2022.
2. This report outlines the proposals for a new Joint Scrutiny Committee and the proposed Terms of Reference for members' consideration.

### Recommendations

3. That Council approves the establishment of a Joint Scrutiny Committee together with the County Council and three other District Councils in Somerset constituted in accordance with and having the roles and responsibilities set out in the Terms of Reference attached at Appendix 1.

### Background

4. In December 2021 Council approved the establishment of a Joint Scrutiny Committee (JSC) with the County Council and the three other District Councils in Somerset to scrutinise the work of the Local Government Review (LGR) Joint Committee. Council nominated two members of Scrutiny Committee to the Joint Scrutiny Committee. Now that the elections to the County Council/new Somerset Council have taken place, scrutiny is a function of the County Council and the Joint Scrutiny Committee no longer exists.

At its Annual Meeting on 25 May 2022, Somerset County Council resolved to set up a new **Scrutiny Committee – Joint Scrutiny for Local Government Reorganisation Committee** (JSC) comprising 16 members, 8 from the county council and 2 from each of the district councils. The 8 county council seats have been allocated as follows:

Conservative	2 (including the Chair)
Green	1
Labour	1
Liberal Democrat	5 (including the Vice-Chair)

Note: the Liberal Democrats and the Conservatives each gave up one place to enable the Green and Labour appointments.

The draft terms of reference of the JSC are set out in Appendix 1.

5. Appendix 2 shows the draft terms of reference with the changes from the Joint Scrutiny Committee approved by this Council in December 2021 tracked for ease of reference. As can be seen from this Appendix, the differences are mainly to reflect administrative change.
6. Allocation of seats should be politically proportionate and based upon the political makeup of each individual council. This ensures the political make up of each constituent council is represented and is reflective of the fact that the Constituent Councils are currently individual sovereign councils.
7. The re-establishment of a Joint Scrutiny Committee for LGR will continue to promote the timely and effective overview and scrutiny of the implementation process and ensure that all Councils play an important role in helping shape the direction of the implementation process without leading to duplication and delay.
8. Each of the district councils will be considering this proposal at their full council meetings in June/July 2022.

## Legal Implications

9. The JSC will act as a Joint Committee under sections 101 and 102 of the Local Government Act 1972 and as an overview and scrutiny committee under section 21 of the Local Government Act 2000 (as amended). This will be to the exclusion of the Constituent Councils' own overview and scrutiny arrangements as far as matters covered by the Terms of Reference are concerned.
10. The Monitoring Officers of all the councils were involved in the development of the Terms of Reference. The Terms of Reference set out the membership, role, duties and responsibilities of the JSC and the requirements upon the Constituent Councils in supporting it.
11. Sections 15 and 16 of the Local Government and Housing Act 1989 impose a duty to allocate seats on committees in accordance with political balance requirements. Section 17 allows an exception to be made to the political balance requirements but only where no member of the authority votes against such a proposal.

## Financial Implications



12. The financial implications of this decision are limited. Under the Terms of Reference Somerset County Council will act as the Administering Authority for the JSC. The District Council Scrutiny Officers will work closely with the County Scrutiny Officer in developing the work programme and supporting the JSC.

### **Risk**

13. The creation of the JSC will place a further formal governance structure around the preparations for the implementation of the new unitary council. This should enable a transparent, open, democratic and accountable culture around LGR and reduce risk.

### **Carbon Emissions and Climate Change Implications**

14. There are no carbon emissions or climate change implications in this report.

### **Equality and Diversity Implications**

15. This report and Terms of Reference have been reviewed by the County and District Monitoring Officers in consultation with the Chief Executives and no impacts have been identified. In any event, it should be noted that the bodies whose decisions will be scrutinised by the JSC are also required to take into account the equalities implications of any decision they take.

### **Privacy Impact Assessment**

16. There are no privacy impact implications

### **Background Papers**

Report to South Somerset District Council on Joint Scrutiny for Local Government Review (Agenda Item 11) – 16 December 2021

Report to Somerset County Council on Committee Appointments (Agenda Item 11) – 25 May 2022

## **Appendix 1**

### **Local Government Reorganisation Joint Scrutiny Committee - Draft Terms of Reference**

#### **1. Purpose**

- 1.1 Mendip District Council, Sedgemoor District Council, Somerset County Council, Somerset West and Taunton Council and South Somerset District Council (“the Constituent Councils”) are proposing to form a Joint Scrutiny Committee, known as the Local Government Reorganisation Joint Scrutiny Committee (“JSC”) to provide overview and scrutiny of the Local Government Reorganisation (“LGR”) Implementation Plan and LGR Implementation Budget in relation to the implementation of a single unitary council (Somerset Council) for Somerset on 1 April 2023.
- 1.2 The establishment of Somerset Council as the single unitary council is set out in the Somerset Structural Changes Order 2022 which further defines the functions and responsibilities of the County Council’s Executive and the Implementation Team.

#### **2. Governance**

- 2.1 The JSC will act as a Joint Committee under s 101 and s 102 Local Government Act 1972 and as an overview and scrutiny committee under s 21 Local Government Act 2000 (as amended).

#### **3. Scrutiny Function**

- 3.1 The JSC will provide the joint overview and scrutiny function for LGR and the Constituent Councils will be asked to delegate the overview of the LGR Implementation Plan and LGR Implementation Budget to the JSC. This will be to the exclusion of the Constituent Councils own overview and scrutiny arrangements.

#### **4. Roles, Duties and Responsibilities**

- 4.1 The role of the JSC will be to exercise the overview of the LGR Implementation Plan and LGR Implementation Budget on behalf of the Constituent Councils in accordance with the powers outlined in S21 Local Government Act 2000 to include:-
  - Developing a forward work programme of activities.
  - Reviewing or scrutinising decisions made, or other action taken by the County Council’s Executive and the proposed LGR Implementation Board.
  - Seeking reassurance and considering whether the County Council’s Executive and the proposed LGR Implementation Board is operating in



accordance with the implementation plan for LGR and is being managed effectively.

- Holding the County Council's Executive and the proposed LGR Implementation Board to account by providing critical challenge to ensure that it provides the high-level strategic direction for the implementation of the new unitary Council.
- Reviewing progress in relation to the implementation plan and identifying to the County Council's Executive and the proposed LGR Implementation Board barriers to progress, best practice and possible improvements.
- Scrutinising the level of requests to be made to each Constituent Council for allocation from their revenue and capital allocations to support delivery of the implementation plan.
- Scrutinising the form, function, and constitution of local community networks (LCNs).
- Scrutinising the plans to align existing LGR related change activities cross the Councils.
- Scrutinising the development of the Somerset Council's annual budget 2023/24 and the associated medium term financial plan.
- Scrutinising the development of policies and protocols for Somerset Council and across the Constituent Councils for use during the transition period.

## **5. Membership / Substitute Members**

5.1 The JSC will be made up of 16 members drawn from the overview and scrutiny members of the Constituent Councils as follows:

- Somerset County Council (8 members)
- Somerset West and Taunton Council (2 members)
- South Somerset District Council (2 members)
- Sedgemoor District Council (2 members)
- Mendip District Council (2 members)

It is proposed that the relevant overview and scrutiny committee of each Constituent Council nominates members from their membership to the JSC. Any subsequent appointments or nomination of substitutes is a matter for the Chair of the respective overview and scrutiny committee of each Constituent Council.

5.2 Political proportionality will apply to those appointments (and to that of any substitute) and the political representation should represent the political make up of each of the Constituent Councils.

5.3 Each member will have one vote.

5.4 Executive members of the Constituent Councils are precluded from sitting as members of the JSC.

5.5 The Chair of the relevant overview and scrutiny committee of each Constituent Council may appoint an overview and scrutiny member to act as a substitute

where one of their members is unable to attend a meeting of the JSC. Substitutions may only be made on a meeting by meeting basis and if the appointed member(s) is unable to attend a meeting of the JSC. Any substitutions must be notified to the Scrutiny Officer of the Administering Council (as defined in Paragraph 9.1. below) ("the Scrutiny Officer") by 9.00am on the day of the relevant meeting.

- 5.6 Reflecting the importance of engaging with stakeholders across Somerset, the JSC will be able to invite representatives to meetings where it considers that they will contribute to the delivery of an effective scrutiny function.

## **6. Term**

- 6.1 The Term of the JSC shall end on 31 March 2023 or earlier in the event of a decision of the five Constituent Councils to end the joint scrutiny arrangements.

## **7. Work Programme**

- 7.1 The JSC will maintain a work programme of activities. Constituent Council scrutiny committees may ask the JSC to consider matters for inclusion in the work programme. The final decision will be a matter for the JSC.

## **8. Reporting Arrangements**

- 8.1 The work and recommendations of the JSC will be reported to the proposed LGR Implementation Board and County Council's Executive as necessary. Members of the JSC may make reports to their own Constituent Councils in accordance with their own governance procedures.

## **9. Meetings, agendas, reports and minutes**

- 9.1 The administering Constituent Council shall be Somerset County Council ("the Administering Council").
- 9.2 The Administering Council shall appoint a statutory scrutiny officer ("the Statutory Scrutiny Officer") as defined in S9FB Local Government Act 2000. The scrutiny officers from the other Constituent Councils shall work with the Statutory Scrutiny Officer in supporting the JSC.
- 9.3 The overview and scrutiny process will be open and transparent in accordance with the Local Government Act 1972 and meetings will be held in public (unless the JSC agree to exclude the press and public for part of the meeting) and accessible online to ensure increased transparency.
- 9.4 The agenda and supporting papers will be published by the Administering Council and circulated at least five clear working days in advance of meetings.
- 9.4 The minutes of any meetings will be published on the Administering Council's website and circulated to the other Constituent Councils as soon as practicable.



## **South Somerset District Council**

The JSC will operate in accordance with the constitution of the Administering Council. The Constituent Councils (with the exception of the Administering Council) will each provide a link to the agendas and minutes of the JSC on its website.

### **10. Frequency of meetings**

- 10.1 The date, time and venue of meetings will be fixed in advance by the JSC, and a schedule of meetings agreed at its inaugural and/or subsequent meetings. The JSC will meet approximately every 8 weeks. Dates will be published on the website of the Administering Council. Additional meetings may be convened at the request of the Chair or Vice Chair.

### **11. Venue**

- 11.1 Meetings of the JSC will take place in a number of locations across the County of Somerset and will be rotated around the Constituent Councils.

### **12. Election of Chair and Vice Chair**

- 12.1 The Chair and Vice Chair will be appointed by the County Council. The Vice Chair will be elected at a meeting of the committee. In the absence of the Chair and Vice Chair, the meeting will elect a chair for that meeting.

### **13. Quorum**

- 13.1 The quorum of the JSC shall be 9, including members from at least four of the five Constituent Councils.

### **14. Declarations of interest**

- 14.1 JSC members are subject to the Code of Conduct for elected members adopted by the Constituent Council that nominated them including the requirement to declare relevant interests at formal meetings of the JSC.

### **15. Voting**

- 15.1 Recommendations will generally be reached by consensus, but if a vote is required it will be by a simple majority of all members physically present at the meeting. Where there are equal votes the Chair of the meeting will have a second or casting vote.

### **16. Duty to attend, cooperate and respond**

- 16.1 The JSC may require by invitation relevant members of the County Council's Executive, LGR Implementation Board and/or the Chief Executive Chair of the Implementation Team to appear before it to explain (in relation to all aspects of the JSC's work) any particular decision or series of decisions. The relevant



members and Chief Executive should attend if so required, unless they have a legitimate reason for not doing so.

- 16.2 Following each meeting of the JSC, the JSC's recommendations (if any) will be submitted to the LGR Implementation Board and/or County Council's Executive for consideration. The LGR Implementation Board will be required to consider those recommendations at its next meeting and respond to the JSC indicating what (if any) action the LGR Implementation Board proposes to take. The response should be made within 7 days of the LGR Implementation Board meeting and will be published on the website of the Administering Council.

## **17. Call-in**

- 17.1 Any 5 members of the Constituent Councils, to include members from at least 3 of the Constituent Councils, may request a call-in of a LGR related decision taken by the County Council's Executive. The call-in must be submitted in writing or by email to the Statutory Scrutiny Officer, indicating its support by all relevant parties along with the reasons for the call-in and proposed outcome(s). The Statutory Scrutiny Officer must notify the Monitoring Officer that administers the LGR Joint Committee of the call-in request.
- 17.2 "Call-in" is a facility which members can use to challenge Key Decisions where the JSC 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.

A key decision is defined 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, for the purposes of LGR key decisions 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.

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 delivery of the Structural Changes Order and / or the implementation plan for the Somerset council;



- (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 County Council and the Chair of the JSC and their approval shall be recorded in the relevant report;
- (iv) Call-in only applies to decisions. Recommendations (for example, made by the LGR Joint Committee to any of the Constituent Councils) 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 JSC 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 (following the process outlined in 17.1 above) within 5 working days of publication or the decision will be implemented automatically.
- (iii) The Chair and the Vice Chair of the JSC 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 in a report to the next available meeting of the JSC. In reaching their conclusion they will take advice from the Statutory Scrutiny Officer and the Monitoring Officer and a summary of that advice will be included in the report to the JSC;
- (iv) A call-in must specify the subject matter, the reason(s) for it, information required to enable full consideration and the preferred outcome;
- (v) Each call-in will be considered at the next meeting of the JSC unless an alternative is agreed with the decision-maker;
- (vi) The JSC having considered a call-in will report to the decision-maker;
- (vii) 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;
- (viii) 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.

## **18. Code of Conduct**

- 18.1 Members of the JSC are expected to observe the “Seven Principles of Public Life” (the ‘Nolan’ principles) and shall be bound by their Constituent Council’s Code of Conduct in their work on the JSC. Members are expected to act in the interests of the JSC, except where this would result in a breach of a statutory or other duty to their Constituent Authority or would be in breach of their Constituent Council’s Code of Conduct.

## **19. Access to information**

- 19.1 JSC meetings are regarded as a council committee for the purposes of the Local Government (Access to Information) Act 1985. Meetings will be open to the press and public unless it is necessary to exclude the public in accordance with Section 100A of the Local Government Act 1972. All agendas, reports, and minutes of the JSC will be made publicly available, unless deemed exempt or confidential in accordance with the above Act. The Freedom of Information Act 2000 provisions shall apply to all business of the JSC.

## **20. Rules of Procedure**

- 20.1 Save as outlined in this Terms of Reference the procedures followed at the JSC meetings shall be in accordance with the overview and scrutiny procedure rules of the Administering Council. In the event of any conflict between this Terms of Reference and the relevant overview and scrutiny procedure rules, the provisions of these Terms of Reference shall prevail.



## Appendix 2

### Local Government Reorganisation Joint Scrutiny Committee - Draft Terms of Reference with changes tracked (see paragraph 5 of the Report above)

#### 1. Purpose

- 1.1 Mendip District Council, Sedgemoor District Council, Somerset County Council, Somerset West and Taunton Council and South Somerset District Council ("the Constituent Councils") are proposing to form~~have formed~~ a Joint Scrutiny Committee, known as the Local Government Reorganisation Joint Scrutiny Committee ("JSC~~LGR Joint Committee~~") to provide overview and scrutiny of the Local Government Reorganisation ("LGR") Implementation Plan and LGR Implementation Budget in relation to the implementation of a single unitary council (Somerset Council) for Somerset on 1 April 2023~~in relation to the implementation of the Secretary of State's decision to implement a single tier of local government in Somerset ("LGR").~~
- 1.2 The establishment of Somerset Council as the single unitary council is set out in the Somerset Structural Changes Order 2022 which further defines the functions and responsibilities of the County Council's Executive and the Implementation Team~~Paragraph 18 of the LGR Joint Committee Terms of Reference state that "The Councils will separately constitute a joint scrutiny committee or panel, the purpose of which will be to scrutinise the work of the LGR Joint Committee". The Constituent Councils have therefore agreed to form the Local Government Reorganisation Joint Scrutiny Committee ("JSC") which will provide overview and scrutiny of the LGR Implementation Plan and the activities of the LGR Joint Committee.~~

#### 2. Governance

- 2.1 The JSC will act as a Joint Committee under s 101 and s 102 Local Government Act 1972 and as an overview and scrutiny committee under s 21 Local Government Act 2000 (as amended).

#### 3. Scrutiny Function

- 3.1 The JSC will provide the joint overview and scrutiny function for LGR and the Constituent Councils will be asked to delegate the overview of the LGR Implementation Plan and LGR Implementation Budget~~Joint Committee functions~~ to the JSC. This will be to the exclusion of the Constituent Councils own overview and scrutiny arrangements.

#### 4. Roles, Duties and Responsibilities

- 4.1 The role of the JSC will be to exercise the overview of the LGR Implementation Plan and LGR Implementation Budget~~Joint Committee functions~~ on behalf of



## South Somerset District Council

the Constituent Councils in accordance with the powers outlined in S21 Local Government Act 2000 to include:-

- Developing a forward work programme of activities.
- Reviewing or scrutinising decisions made, or other action taken by the County Council's Executive and the proposed LGR Implementation Board ~~LGR Joint Committee~~.
- Seeking reassurance and considering whether the County Council's Executive and the proposed LGR Implementation Board ~~LGR Joint Committee~~ is operating in accordance with the implementation plan for LGR and is being managed effectively.
- Holding the County Council's Executive and the proposed LGR Implementation Board ~~LGR Joint Committee~~ to account by providing critical challenge to ensure that it provides the high-level strategic direction for the implementation of the new unitary Council.
- Reviewing progress in relation to the implementation plan and identifying to the County Council's Executive and the proposed LGR Implementation Board ~~LGR Joint Committee~~ barriers to progress, best practice and possible improvements.
- Scrutinising the level of requests to be made to each Constituent Council for allocation from their revenue and capital allocations to support delivery of the implementation plan.
- Scrutinising the form, function, and constitution of local community networks (LCNs).
- ~~Scrutinising the development of the constitution and schemes of delegation for the new unitary Council~~
- Scrutinising the plans to align existing LGR related change activities cross the Councils.
- Scrutinising the development of the Somerset unitary ~~Council's~~ annual budget 2023/24 and the associated medium term financial plan.
- Scrutinising the development of policies and protocols for Somerset ~~the unitary~~ Council and across the Constituent Councils for use during the transition period.

### 5. Membership / Substitute Members

5.1 The JSC will be made up of 16 members drawn from the overview and scrutiny members of the Constituent Councils as follows:

- Somerset County Council (8 members)
- Somerset West and Taunton Council (2 members)
- South Somerset District Council (2 members)
- Sedgemoor District Council (2 members)
- Mendip District Council (2 members)

It is proposed that the relevant overview and scrutiny committee of each Constituent Council nominates members from their membership to the JSC. Any subsequent appointments or nomination of substitutes is a matter for the



## South Somerset District Council

Chair of the respective overview and scrutiny committee of each Constituent Council.

- 5.2 Political proportionality will apply to those appointments (and to that of any substitute) and the political representation should represent the political make up of each of the Constituent Councils.
- 5.3 Each member will have one vote.
- 5.4 ~~Members of the LGR Joint Committee or e~~Executive members of the Constituent Councils are precluded from sitting as members of the JSC.
- 5.5 The Chair of the relevant overview and scrutiny committee of each Constituent Council may appoint an overview and scrutiny member to act as a substitute where one of their members is unable to attend a meeting of the JSC. Substitutions may only be made on a meeting by meeting basis and if the appointed member(s) is unable to attend a meeting of the JSC. Any substitutions must be notified to the Scrutiny Officer of the Administering Council (as defined in Paragraph 9.1. below) ("the Scrutiny Officer") by 9.00am on the day of the relevant meeting.
- 5.6 Reflecting the importance of engaging with stakeholders across Somerset, the JSC will be able to invite representatives to meetings where it considers that they will contribute to the delivery of an effective scrutiny function.

### 6. Term

- 6.1 The Term of the JSC shall end on 31 March 2023~~be co-terminus with the duration of the LGR Joint Committee~~ or earlier in the event of a decision of the five Constituent Councils to end the joint scrutiny arrangements.

### 7. Work Programme

- 7.1 The JSC will maintain a work programme of activities. Constituent Council scrutiny committees may ask the JSC to consider matters for inclusion in the work programme. The final decision will be a matter for the JSC.

### 8. Reporting Arrangements

- 8.1 The work and recommendations of the JSC will be ~~regularly~~ reported to the proposed LGR Implementation Board and County Council's Executive as necessary~~LGR Joint Committee~~. Members of the JSC may make reports to their own Constituent Councils in accordance with their own governance procedures.

### 9. Meetings, agendas, reports and minutes

- 9.1 The administering Constituent Council shall be Somerset County Council ("the Administering Council").



## South Somerset District Council

- 9.2 The Administering Council shall appoint a statutory scrutiny officer ("the Statutory Scrutiny Officer") as defined in S9FB Local Government Act 2000. The scrutiny officers from the other Constituent Councils shall work with the Statutory Scrutiny Officer in supporting the JSC.
- 9.3 The overview and scrutiny process will be open and transparent in accordance with the Local Government Act 1972 and meetings will be held in public (unless the JSC agree to exclude the press and public for part of the meeting) and accessible online to ensure increased transparency.
- 9.4 The agenda and supporting papers will be published by the Administering Council and circulated at least five clear working days in advance of meetings.
- 9.4 The minutes of any meetings will be published on the Administering Council's website and circulated to the other Constituent Councils as soon as practicable. The JSC will operate in accordance with the constitution of the Administering Council. The Constituent Councils (with the exception of the Administering Council) will each provide a link to the agendas and minutes of the JSC on its website.

### 10. Frequency of meetings

- 10.1 The date, time and venue of meetings will be fixed in advance by the JSC, and a schedule of meetings agreed at its inaugural and/or subsequent meetings. The JSC will meet approximately every 8 weeks. Dates will be published on the website of the Administering Council. Additional meetings may be convened at the request of the Chair or Vice Chair.

### 11. Venue

- 11.1 Meetings of the JSC will take place in a number of locations across the County of Somerset and will be rotated around the Constituent Councils.

### 12. Election of Chair and Vice Chair

- 12.1 The Chair and Vice Chair will be appointed ~~elected at the first meeting of the Committee~~ by the County Council ~~members of the JSC~~. The Vice Chair will be elected at a meeting of the committee ~~appointed from the District Council membership and the Vice Chair shall be a County Council member~~. In the absence of the Chair and Vice Chair, the meeting will elect a chair for that meeting.

### 13. Quorum

- 13.1 The quorum of the JSC shall be 9, including members from at least four of the five Constituent Councils.

### 14. Declarations of interest



## South Somerset District Council

- 14.1 JSC members are subject to the Code of Conduct for elected members adopted by the Constituent Council that nominated them including the requirement to declare relevant interests at formal meetings of the JSC.

### 15. Voting

- 15.1 Recommendations will generally be reached by consensus, but if a vote is required it will be by a simple majority of all members physically present at the meeting. Where there are equal votes the Chair of the meeting will have a second or casting vote.

### 16. Duty to attend, cooperate and respond

- 16.1 The JSC may require by invitation relevant members of the County Council's Executive, LGR Implementation Board ~~the Chair of the LGR Joint Committee~~ and/or the Chief Executive Chair of the Implementation Team to appear before it to explain (in relation to all aspects of the JSC's work) any particular decision or series of decisions. The Chair-relevant members and Chief Executive ~~have agreed to should~~ attend if so required, unless they have a legitimate reason for not doing so.

- 16.2 Following each meeting of the JSC, the JSC's recommendations (if any) will be submitted to the LGR Implementation Board and/or County Council's Executive ~~LGR Joint Committee~~ for consideration. The LGR Implementation Board ~~Joint Committee~~ will be required to consider those recommendations at its next meeting and respond to the JSC indicating what (if any) action the LGR Implementation Board ~~Joint Committee~~ proposes to take. The response should be made within 7 days of the LGR ~~Joint Committee~~ Implementation Board meeting and will be published on the website of the Administering Council.

### 17. Call-in

- 17.1 Any 5 members of the Constituent Councils, to include members from at least ~~4~~ 3 of the Constituent Councils, may request a call-in of a LGR related decision ~~taken by the County Council's Executive of the LGR Joint Committee~~. The call-in must be submitted in writing or by email to the Statutory Scrutiny Officer, indicating its support by all relevant parties along with the reasons for the call-in and proposed outcome(s). The Statutory Scrutiny Officer must notify the Monitoring Officer that administer's the LGR Joint Committee of the call-in request.
- 17.2 "Call-in" is a facility which members can use to challenge Key Decisions where the JSC 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.

A key decision is defined 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, for the purposes of LGR key decisions 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.

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 delivery of the Structural Changes Order and / or the implementation plan for the ~~unitary-Somerset~~ council;
- (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 County Council~~Chair of the LGR Joint Committee~~ and the Chair of the JSC and their approval shall be recorded in the relevant report;
- (iv) Call-in only applies to decisions. Recommendations (for example, made by the LGR Joint Committee to any of the Constituent Councils) 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 JSC 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 (following the process outlined in 17.1 above) within 5 working days of publication or the decision will be implemented automatically.





- (iii) The Chair and the Vice Chair of the JSC 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 in a report to the next available meeting of the JSC. In reaching their conclusion they will take advice from the Statutory Scrutiny Officer and the Monitoring Officer and a summary of that advice will be included in the report to the JSC;
- (iv) A call-in must specify the subject matter, the reason(s) for it, information required to enable full consideration and the preferred outcome;
- (v) Each call-in will be considered at the next meeting of the JSC unless an alternative is agreed with the decision-maker;
- (vi) The JSC having considered a call-in will report to the decision-maker;
- (vii) 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;
- (viii) 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.

**18. Code of Conduct**

- 18.1 Members of the JSC are expected to observe the “Seven Principles of Public Life” (the ‘Nolan’ principles) and shall be bound by their Constituent Council’s Code of Conduct in their work on the JSC. Members are expected to act in the interests of the JSC, except where this would result in a breach of a statutory or other duty to their Constituent Authority or would be in breach of their Constituent Council’s Code of Conduct.

**19. Access to information**

- 19.1 JSC meetings are regarded as a council committee for the purposes of the Local Government (Access to Information) Act 1985. Meetings will be open to the press and public unless it is necessary to exclude the public in accordance with Section 100A of the Local Government Act 1972. All agendas, reports, and minutes of the JSC will be made publicly available, unless deemed exempt or confidential in accordance with the above Act. The Freedom of Information Act 2000 provisions shall apply to all business of the JSC.

**20. Rules of Procedure**



- 20.1 Save as outlined in this Terms of Reference the procedures followed at the JSC meetings shall be in accordance with the overview and scrutiny procedure rules of the Administering Council. In the event of any conflict between this Terms of Reference and the relevant overview and scrutiny procedure rules, the provisions of these Terms of Reference shall prevail.



## Extension of Remote Meetings Provisions to 21 July 2022

Executive Portfolio Holder:	Val Keitch, Leader of Council
Strategic Director:	Jane Portman, Chief Executive
Lead Officer:	Jill Byron, Monitoring Officer
Contact Details:	<a href="mailto:Jill.Byron@southsomerset.gov.uk">Jill.Byron@southsomerset.gov.uk</a>

## Purpose of the Report

1. To request a brief extension to Council's decision taken on 16 December 2021 to hold meetings other than Council remotely until 8 July 2022 to 21 July 2022.

## Public Interest

2. Part 3 of the Council's Constitution sets out who within the Council has the power to do what, sets out any associated limitations and, in particular, sets out which decisions can be taken by members and which can be taken by officers.
3. The District Executive and Full Council have previously agreed to allocate certain executive and non-executive matters to others, and it is important that these changes are made clear on the face of the Constitution.
4. This report is seeking a short extension to the Council's agreed position on remote consultative meetings and associated delegation pending a detailed report to Council on 21 July 2022.

## Recommendation

5. That the delegation in respect of remote meetings given by Council on 16 December 2021 is extended to 21 July 2022 for all meetings apart from Council.

## Background

6. On 15 April 2021, in view of the imminent lapse of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, Council decided to:
  - (a) continue to enable members to hold remote, virtual meetings using available technology; and
  - (b) amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, to the Chief Executive (or the relevant Director in the Chief Executive's absence) in



consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution.

7. The delegated authority given on 15 April was reviewed by Council at their meeting on 8 July 2021, when it was agreed to extend it for a further 6 months. A subsequent review by Council on 16 December 2021 extended the delegation for a further period of six months to 8 July 2022 for all meetings apart from Council itself.

## **Report**

8. Since Council met in December 2021, elections to Somerset County Council/Somerset (unitary) Council have taken place and a significant number of SSDC members have been elected to the new authority. The first meeting of the new Executive of that Council has not yet taken place, but given the short period remaining before vesting day it is likely that additional meetings will need to take place. To enable proper consideration of the impact of any additional County Council meetings to be taken into account when South Somerset District Council considers its position on remote meetings in the period to vesting day, it is suggested that the current delegation in respect of remote meetings is extended from 8 July to 21 July 2022 pending a report to that meeting on remote meetings in the period to 31 March 2023. It is proposed that the report will include the impact of County Council and associated Local Government Review meetings on South Somerset District Council together with an update on the remote meetings position of the other Somerset councils to that date.

## **Financial Implications**

9. Although there have been budget savings in travel allowances to attend meetings, there are no specific financial implications arising from the subject matter of this report.

## **Legal Implications**

10. There are no specific legal implications arising from the subject matter of this report.

## **Council Plan Implications**

11. There are no specific Council Plan implications arising from the subject matter of this report

## **Carbon Emissions and Climate Change Implications**

12. Although the use of Zoom and Teams software to hold virtual meetings has reduced the need to travel to attend Council meetings and therefore resulted in reduced carbon emissions from vehicles across the district, there are no specific carbon emissions and climate change implications arising from the subject matter of this report.



## **Equality and Diversity Implications**

13. There are no specific equality or diversity implications arising from the subject matter of this report.

## **Background Papers**

Council Constitution - Part 3

Agenda and minutes of Council meetings – 19 March 2020, August 2020, 15 April 2021, 08 July 2021, 16 December 2021.



## Adoption of Somerset Anti-Racism Statement

Executive Portfolio Holder:	Cllr Val Keitch, Strategy and Housing Portfolio Cllr Adam Dance, Equalities
Strategic Director:	Jan Gamon, Place and Recovery
Service Manager:	Peter Paddon, Acting Director, Place and Recovery
Lead Officer:	Dave Crisfield, Communities Specialist, Place and Recovery
Contact Details:	david.crisfield@southsomerset.gov.uk or 01935 462462

## Purpose of the Report

1. To seek adoption of the joint Somerset Public Sector anti-racism statement.

## Public Interest

2. The adoption of the Anti-Racism Statement further promotes the Council's commitment to equality and diversity and meeting its equality duties to the public, customers, contractors/suppliers and staff in accordance with the Equality Act 2010.

## Recommendations

3. That Full Council agree to the adoption of the joint Somerset Public Sector anti-racism statement as detailed at Appendix 1.

## Background

4. At its meeting on the 12<sup>th</sup> May 2022, District Executive Committee resolved to recommend to Full Council the adoption of the Somerset Council anti-racism statement.

### Legislative Background

Under the Equality Act 2010, public sector service providers are prohibited from discriminating against, harassing or victimising protected classes of people (the nine Protected Characteristics). In addition, the Act requires public sector service providers to make reasonable adjustments for disabled people.

The nine Protected Characteristics are as follows

- |                       |                                  |                      |
|-----------------------|----------------------------------|----------------------|
| • Age                 | • Marriage and Civil Partnership | • Race               |
| • Disability          | • Pregnancy and Maternity        | • Religion or Belief |
| • Gender Reassignment |                                  | • Sex                |
|                       |                                  | • Sexual Orientation |



## South Somerset District Council

In addition to the Equality Act, the Public Sector Equality Duty (PSED) is placed on all public bodies and others carrying out public functions to ensure they tackle discrimination and inequality, and contribute to making society fairer.

This equality duty is in addition to the statutory prohibitions against discrimination, harassment and victimisation, and also covers the same protected characteristics

When performing their functions, public bodies have a general duty to have 'due regard' to the need to:

- i. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- ii. advance equality of opportunity between people from different groups, and
- iii. foster good relations between people from different groups

Having 'due regard' requires us to consider the above three requirements when exercising our functions, for example, in the provision of services, including the need to:

- a) remove or minimise disadvantages suffered by people due to their protected characteristics
- b) meet the needs of people with protected characteristics, and
- c) encourage people with protected characteristics to participate in public life or in other activities where their participation is low

### Anti-Racism Statement

5. In preparation for the new Somerset Council, a simple anti-racism statement has been drafted to be adopted by the current councils in Somerset, and other public sector bodies. The statement for consideration can be found at Appendix 1.

To date the Statement has been adopted by Somerset County Council, Sedgemoor DC; Mendip DC; Yeovil Hospital Healthcare Trust, Somerset NHS Foundation Trust and Somerset Clinical Commissioning Group

Adoption of the statement will

- Demonstrate our ongoing commitment to work together with partners on a collective responsibility to equality.
- Signal a clear response to the issues raised by the Black Lives Matter movement and provide clear evidence of our support to both our staff and elected members who share
- The protected characteristic of Race and to the wider Black and Minority Ethnic communities of South Somerset.
- Demonstrate our ongoing commitment to the PSED.
- Furthermore, adoption at this stage communicates our collective preparedness for the new Somerset Council. It is the shared view of the Somerset Equality Officers Group that waiting for the arrival of the new authority before an Anti-Racism Statement is adopted could delay this process for anything up to 18 months

## Financial Implications

6. There are no financial implications for the adoption of the anti-racism statement

## Legal implications (if any) and details of Statutory Powers

7. The 2010 Equality Act and Public Sector Equality Duty cover the contents of this report.

## Council Plan Implications

8. Equalities considerations cut across all council business where the impacts of decisions may have a negative effect on residents, staff and members. The subject of this report is, therefore, aligned with and underpins all five priorities that comprise the 2022-23 Corporate Plan Action Plan.

## Carbon Emissions and Climate Change Implications

9. An Environmental Assessment Form has been completed There are no Carbon Emission or Climate Change Implications as a consequence of this report.

## Equality and Diversity Implications

<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	Yes / <del>No</del>
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	<del>Yes</del> / No
<i>If an EIA was <b>not</b> required please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.</i>	
<i>If an EIA <b>was</b> required please <del>attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.</del></i>	
<b>Additional Comments</b>	
The Equality Impact Relevance Check Form is attached to this report at Appendix 2	

## Privacy Impact Assessment

10. No Privacy Impacts arising from this report

## Background Papers

- District Executive Report 12<sup>th</sup> May 2022 – Equality Update

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**APPENDIX 1****Somerset Councils Anti-Racism Statement****Statement**

Somerset Councils are committed to the goal of freedom from racial discrimination, harassment and vilification in its commissioning activities, recruitment practices and as an employer, and to ensuring that individuals and groups are not disadvantaged because of their race (including colour, nationality, ethnicity or ethno-religious or national origin).

Somerset Councils are required to ensure the absence of racial discrimination under the Equality Act 2010 and other associated legislation. Racial Discrimination, harassment or vilification of customers, staff or members of the general public will not be tolerated on Somerset Councils' premises or where we are delivering services at any time. Somerset Councils have a responsibility to ensure that employees, including those working in other settings, are made aware of what constitutes acceptable standards of behaviour. It also has a responsibility to deal with complaints sensitively and quickly, and to inform staff of their options for seeking redress.

Racial discrimination is often compounded by other forms of discrimination, for example, based on sex or disability and this policy acknowledges the importance of taking other forms of discrimination into account in programs aimed at eliminating racial discrimination, harassment and/or vilification in employment.

## Definitions

We define **Racial Discrimination** as behaviour which disadvantages people on the basis of their real (or assumed) race, colour, nationality, ethnicity or, ethno-religious or national origin.

We define **Racial Vilification** as a public act that encourages or incites others to hate, have serious contempt for, or severely ridicule a person, or group of people, because of race, colour, nationality, descent or ethnic or ethno-religious or national origin.

## Monitoring and Feedback

- Reviewed every year with the relevant staff network to maintain progress and identify further development.
- The Equality Impact Assessment process reviews the impacts of council proposals and decision making across all the Protected Characteristics including from a Race perspective. This is with the aim of making sure that opportunities are being taken, negative impacts are being identified and mitigating actions are being taken where appropriate.
- Each council will have a complaints process for staff and customers if people feel they have been discriminated against or treated unfavourably because of their race.
- All managers are responsible for implementation of this statement and making sure their staff are aware of it and how it impacts on their work.

Organisations signed up to this statement:





03/02/2022

## Equality Impact Relevance Check Form



The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required.

What is the proposal?	
Name of the proposal	Anti-Racism Statement
Type of proposal (new or changed Strategy, policy, project, service or budget):	Adoption of Anti-Racism Statement
Brief description of the proposal:	Recommendation to adopt anti-racism statement
Name of lead officer:	Dave Crisfield

You should consider whether the proposal has the potential to negatively impact on citizens or staff in the following ways:

- Access to or participation in a service,
- Levels of representation in our workforce, or
- Reducing quality of life (i.e. health, education, standard of living)

A negative impact is any change that could be considered detrimental. If a negative impact is imposed on any citizens or staff with protected characteristics, the Council has a legal duty to undertake a full Equality Impact Assessment.

Could your proposal negatively impact citizens with protected characteristics? (This includes service users and the wider community)	<b>NO</b>
Could your proposal negatively impact staff with protected characteristics? (i.e. reduction in posts, changes to working hours or locations, changes in pay)	<b>NO</b>

<b>Is a full Equality Impact Assessment required?</b>	<b>NO</b>
<b>If Yes,</b> Please provide a brief description of where there may be negative impacts, and for whom. Then complete a full Equality Impact assessment Form	
<b>If No,</b> Please set out your justification for why not.	
The recommendation to consider adoption of a county-wide anti Racism Statement will contribute positively to the Equalities agenda as it reinforces the council's commitment to tackle discrimination in relation to the Protected Characteristic of Race.	
Service Director / Manager sign-off and date	Peter Paddon 26/05/2022
Equalities Officer sign-off and date	Dave Crisfield 26 <sup>th</sup> May 2022

## **Appointment of Members to vacancies on various Council Committees**

Executive Portfolio Holder:	Val Keitch, Strategy and Housing
Strategic Director:	Jill Byron, Monitoring Officer
Lead Officer:	Angela Cox, Democratic Services Specialist
Contact Details:	Angela.cox@southsomerset.gov.uk or 01935 462148

## **Purpose of the Report**

This report confirms the appointment of a new Portfolio Holder to the District Executive Committee and seeks to confirm the unfilled positions on the Licensing Committee, Scrutiny Committee, Standards Committee and Appeals Panel following the appointment of Councillors to various committees and working groups at Council on 19<sup>th</sup> May 2022.

## **Public Interest**

Each year, the Council reviews the membership of its Committees, Boards and representation by Councillors on outside organisations. This report seeks to confirm the un-filled positions on some Committees.

## **Recommendations**

It is recommended that:

- (1) The Council note that the Leader has appointed Councillor Sarah Dyke as Chairman of Area East Committee (in addition to the Environment portfolio) for the municipal year 2022-23.
- (2) The Council note that the Leader has appointed Councillor Paul Rowsell as Vice-Chairman of Area East Committee for the municipal year 2022-23.
- (3) The Council note that the Leader has appointed Councillor Nicola Clark as Portfolio Holder for Housing for the municipal year 2022-23.
- (4) The Council appoint two Councillors to the vacancies on the Licensing Committee for the municipal year 2022-23 (not required to be in political balance).
- (5) The Council note that the Leader will appoint a Liberal Democrat Councillor to the vacancy on the Standards Committee for the municipal year 2022-23.



## **South Somerset District Council**

- (6) The Council note that the Leader will appoint a Liberal Democrat Councillor to the vacancy on the Scrutiny Committee for the municipal year 2022-23.
- (7) The Council note that the Leader will appoint a Liberal Democrat Councillor to the vacancy on the Appeals Panel for the municipal year 2022-23.
- (8) The Council appoint an SSDC representative to the Somerset Rivers Authority.
- (9) The Council note that the Leader will appoint a Councillor to the vacancy on the Wincanton Regeneration Programme Board for the municipal year 2022-23.

### **Background**

The Council's Constitution (Part 2, Article 7) states:

#### **7.04 Other District Executive members**

The Leader will appoint between one and eight further District Executive members.

Other Executive members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors 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 councillors; or
- (d) they are removed from office, either individually or collectively, by the Leader.

### **Report Detail**

The membership of committees and working groups for 2022/23 was approved at the Annual Council meeting on 19 May. Since that meeting, Councillor Hobhouse has resigned his Executive Portfolio and his representation on the Wincanton Regeneration Board. Councillor Mike Stanton has resigned as the SSDC representative to the Somerset Rivers Authority (as he is now the SCC representative) and Councillor Charlie Hull has resigned his appointment to the Scrutiny Committee (work commitments). There were also unfilled positions on the Licensing Committee, Standards Committee and Appeals Panel. This report seeks to confirm the appointments by the Leader of Council.

### **Financial Implications**

There are no direct financial implications in agreeing the appointments in this report. There is a budget provision to cover the basic and special responsibility allowances of all Councillors.



## South Somerset District Council

The majority of Council meetings have been held on-line since April 2020 and there have been budget savings in travel allowances to attend meetings. The amount varies from month to month but is in the region of £1,000 to £1,400 per month.

### Legal implications (if any) and details of Statutory Powers

The Local Government and Housing Act 1989 requires the Council to review the representation on committees and to allocate seats to political groups on the basis of the overall political composition of the Council.

### Council Plan Implications

Council Plan 2020 – 2024 – Council Values:

**Getting things done** - Empowering dedicated and flexible employees and elected members focussed on delivery

**Working collaboratively** - Working with partners to enhance outcomes for our communities

### Carbon Emissions and Climate Change Implications

Since April 2020, the use of Zoom software to hold virtual meetings has reduced the need to travel to attend Council meetings and therefore resulted in reduced carbon emissions from vehicles across the district.

### Equality and Diversity Implications

There are no specific equality or diversity implications arising from the subject matter of this report.

<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	Yes
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	No
<i>If an EIA was <b>not</b> required please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.</i>	
<i>If an EIA <b>was</b> required please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.</i>	
<b>Additional Comments</b>	

No personal data is involved or processed as a result of this report.

### **Background Papers**

The Council's Constitution – Parts 2 and 3  
Annual reports to Council - Appointment of Member Level Bodies  
Local Government and Housing Act 1989

## **Leisure Facility Decarbonisation Programme – Request for Approval of Revision to Funding Arrangements (Urgent Item)**

Executive Portfolio Holders:	Cllr Sarah Dyke, Environment, Cllr Mike Best, Health and Wellbeing, Cllr Peter Seib, Finance, Legal and Democratic Services
Strategic Directors:	Kirsty Larkins, Director, Service Delivery, Nicola Hix, Director Strategy and Support Services
Service Manager:	Sharon Jones, Assistant Director, Service Delivery Brendan Downes, Lead Specialist, Procurement, Performance and Change
Lead Officers:	Lynda Pincombe, Procurement Specialist, Strategy and Commissioning Karen Watling, Chief Finance Officer
Contact Details:	Lynda.pincombe@southsomerset.gov.uk or 01935 462614

### **Purpose of the Report**

1. To update members on Public Sector Decarbonisation Scheme (PSDS) programme and the new financial implications arising.
2. To seek approval to vire up to £1,276,245 from the Decarbonisation Programme Phase 2 capital project (approved by Council 28/2/22) in order to fund the leisure Public Sector Decarbonisation works that will now complete after June 2022 and therefore not be eligible to be funded by the Department for Business, Energy and Industrial Strategy Public Sector Decarbonisation grant for works.
3. This report is brought forward under Part 4 of the Council's Constitution: Access to Information Procedure Rules, Point 15: General Exception, and Point 16: Special Urgency. A request for inclusion of an urgent item was submitted and agreed by the Chair of Council and also the Scrutiny Committee Chair.

### **Public Interest**

4. The contract for the operation of the Council's indoor leisure facilities in Yeovil and Wincanton and Chard was awarded to Wealden Leisure Limited (Trading as Freedom Leisure) for 15 years from 1<sup>st</sup> April 2021 until 31<sup>st</sup> March 2036.
5. As part of the contract award, the Council approved the use of capital and grant funding to enable Freedom Leisure to manage facility improvements at the Yeovil and Wincanton sites. Improvements including the reduction of carbon emissions are in line with the Council's Environment Strategy and Council Plan objectives.
6. This report seeks approval to amend the approved funding arrangements, due to Public Sector Decarbonisation Scheme programme slippage.

## Recommendations

### 7. That Council:-

- a) Agrees a virement of £1,276,245 from the approved Decarbonisation Programme Phase 2 Capital budget to the Public Sector Decarbonisation Scheme (PSDS) project budget to cover the risk of the council having to use more of its own funding resources instead of Public Sector Decarbonisation grant.
- b) Agrees an increase of £1,276,245 to the PSDS budget bring the new budget total to £9,217,713 (this includes the leisure capital sum of £4,160,495 as detailed in the report to District Executive on 12/5/22).
- c) Agrees a decrease of £1,276,245 to the Decarbonisation phase 2 budget to bring the new budget total to £1,483,755.
- d) Notes that any of the £1,276,245 amount not needed be returned to the decarbonisation phase 2 capital budget.
- e) Notes that these proposals are neutral to the council's overall budget totals i.e. does not increase the overall capital budget total nor incur any increase in the revenue budget (from resulting financing charges).

## Background

### Public Sector Decarbonisation Scheme

8. District Executive Committee considered and approved additional funding for the delivery of capital and Public Sector Decarbonisation improvement works at the Council's leisure sites on 12<sup>th</sup> May 2022.
9. The overall Public sector grant paid and available to the Council is £3,993,000. To date, costs of £1,665,000 excluding VAT have been incurred and committed costs stand at approximately £2.1m excluding VAT. At District Executive in May, it was projected that £3,430,997 of public sector decarbonisation works would be spent by 30<sup>th</sup> June 2022 and therefore covered by the grant.
10. The Public Sector Decarbonisation Scheme grant paid to the Council has an expenditure deadline of 30<sup>th</sup> June 2022. Officers have previously been advised by Salix Finance (who administer the scheme on behalf of the Government) that this deadline is unlikely to be extended. Salix Finance do not have the authority to grant an extension.
11. Every effort is being made by the project team to persuade the Department for Business, Energy and Industrial Strategy to allow a small additional extension until the end of September 2022 (or vary the terms and conditions to allow payments in advance); although to date, a direct response is yet to be received. An extension would allow the Authority to utilise most of the grant funding already awarded without having to consider



## South Somerset District Council

setting aside more of its own-capital resources (which would affect the Council's ability to deliver other local priorities).

12. It should therefore be assumed that works completed after 30<sup>th</sup> June will have to be self-funded and unused grant Public Sector Decarbonisation grant returned.
13. If fully delivered, the Public Sector Decarbonisation works at the leisure sites are expected to reduce carbon emissions by 435 tonnes per annum. This equates to taking 229 cars off the road.
14. An enormous effort has been made by officers and the external project management team to complete the project within the grant funding deadlines. However, the prevailing market conditions and constrained timescale for delivery means the deadline will be missed by a few weeks although all works and commissioning is expected to be complete by end September 2022.
15. An urgent decision is now required to determine whether work on this element should continue, and if so, how the increased funding risk to the authority should be addressed.

### Report Detail

16. There are two key elements to the Public Sector Decarbonisation works, the installation of solar panels and the installation of air source heat pumps (ASHP). The delivery of ASHP's has the biggest impact on carbon emission reduction.
17. Work is well underway to deliver the solar element of the scheme. Delivery is expected by the June grant deadline resulting in a carbon reduction of 21 tonnes per annum. This is equivalent of taking 11 cars off the road.
18. The contractors due to install the air source heat pumps started on site this week (week commencing 13th June 2022); they are currently proceeding at risk of abandonment.
19. The costs of this element of the scheme have slipped by around 2 weeks due to design delays and confirmation that the Distribution Network Operator <sup>1</sup>costs relating to supply upgrades at Wincanton Sports Centres and Goldenstones will not be known until mid-July. Attempts have been made to expedite a response prior to the end of June, but this is looking increasingly unlikely. The programme slip has a number of knock on impacts, resulting in more works being completed beyond the grant funding deadline than previously forecast.
20. If the Council proceeds with the Air Source Heat Pump Installation, members will need to agree in principle to use more of its own capital resources to cover costs previously expected to be met by the Public Sector Decarbonisation Scheme grant held by the authority.

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<sup>1</sup> Distribution Network Operator (DNO) is the company that owns and operates the power lines and infrastructure that connects the national grid to properties. The DNO for the South Somerset area is Scottish and Southern Electricity Networks.





## South Somerset District Council

21. While it is clear that Salix Finance wants to support the Council to maximise use of grant to decarbonise, they cannot approve an extension to the grant deadline or alter terms and conditions without Government approval.
22. At present, the risk of SSDC needing to use more of its own funds to finance costs incurred beyond the end of June 2022 is estimated to be between £275,000 (best case) and £1,276,245 (worst case): these are above the figures presented to District Executive in May.
23. In order to avoid further reports to members, our costs consultants have provided a best case and worst case scenario in terms of impact on SSDC funding. The main areas of financial risk are as follows:
  - a. Distribution Network Operator (DNO) costs for Wincanton and Goldenstones electrical connections - £200k –quotes expected by mid July.
  - b. Contingency – to cover higher than expected DNO costs - £100k
  - c. Contingency – for civils works at Wincanton Sports Centre - currently a provisional sum included - £100k
  - d. Mechanical and electrical equipment purchases if a pro-forma invoice is not accepted by the grant administrator as being compliant with terms and conditions - £400k
  - e. Labour costs incurred beyond June to complete public sector decarbonisation works.

### Options Considered

24. **Option 1** – Abandon the Air Source Heat Pump (ASHP) installation at Wincanton Sports Centre, Goldenstones and Westlands Sport and Fitness Centres and sell the ASHP's already purchased.
25. In abandoning the scheme at this point, we expect to incur abandonment costs in the region of £450k and would still need to consider further decarbonisation measures at these sites in the future to meet Environmental Strategy objectives. Abandonment costs would incorporate anything that had not been invoiced for at the point at decision to abandon was taken. The abandonment costs would be a cost to the revenue budget as accounting rules do not allow for us to capitalise these types of cost if the scheme is not to proceed.
26. There may be future funding rounds to support decarbonisation schemes, but there is no guarantee that delivery will be any easier or cheaper given the current market conditions. Design work already completed and paid for would need to be repeated.
27. Importantly, the remaining capital works designed at the leisure sites are also now based on the public sector decarbonisation works going ahead as the mechanical and electrical works are intrinsically linked. Therefore, there would be additional redesign costs and the delay to the leisure capital works potentially seeing the price increase, as well as possible reductions in the management fee income paid to the council from Freedom Leisure (the Council's Leisure Operator). It is not possible to quantify these costs and the lost fee income at the time of writing this report, but the costs are likely to be significant



## South Somerset District Council

28. Abandoning at this stage would result in new capital and revenue implications, which cannot be quantified at this stage, and the Council's corporate objective of achieving significant carbon reductions would not be realised.
29. **Option 2** – Continue with ASHP delivery and agree to fund all works not complete by the end of June from the Council's Capital Contingency fund.
30. Council agreed a corporate capital budget at its February 2022 meeting of £4m. District Executive has already allocated £1,015,495 to this PSDS programme at its May meeting. If District Executive were to allocate a further £1,276,245 to this programme, this would mean that 57% (or £2,291,740) of the contingency amount will be allocated to this one programme. This potentially affects the Council's ability to fully implement other priority projects already in the Capital Programme.
31. **Option 3** – Continue with ASHP delivery and fund the increased capital risk from the capital budget already approved for the Decarbonisation Programme Phase 2 - assuming there is no further flexibility available in respect of the grant funding held.
32. SSDC approved a £2,760,000 capital budget in February 2022 for energy and decarbonisation initiatives at Brympton Way, Westlands Entertainment Complex and the Jon O'Donnell Pavilion along with a LED lighting replacement programme at a number of SSDC sites. There are some essential lifecycle replacement projects likely to account for approximately £1million of the approved budget, although firm prices for these works are yet to be received, as the tender process has not commenced. Therefore, there is potential to use some of this funding already approved to complete the PSDS works at the leisure sites. There is however a risk that the full scope of this programme may not be achieved as there would be insufficient budget left.
33. The decarbonisation impacts of these phase 2 works have yet to be calculated as the scheme is still at design stage. However, the decarbonisation impacts are likely to be considerably lower than the leisure decarbonisation scheme.
34. Option 3 is considered the most prudent way to proceed at present in order to avoid having to use more than half of the corporate capital contingency budget at this stage of the financial year- As stated above, efforts will continue to secure permission to use grant funding, already held, to cover decarbonisation scheme costs slipping beyond 30<sup>th</sup> June 2022 given that delivery is so close to being achieved.
35. The Chief Finance Officer will bring a capital programme update report to District Executive at its July meeting to show likely/possible future calls on the corporate capital contingency budget, so that some Members can express their views on the prioritisation of using the contingency budget that may be needed.

## Financial Implications

### Capital Budget

36. The current approved capital budget for the PSDS programme is £7,941,468. Agreement of the recommendations would mean that this budget is increased by £1,276,245 to a new total of £9,217,713.



37. The budget increase proposed reflects the worst case risk as assessed by our cost consultants and the assumption that the grant deadline will not be extended. In the event that these two assumptions are ameliorated, then any unused budget would be returned to the decarbonisation phase 2 programme.
38. Agreement of these proposals would mean that the decarbonisation phase 2 approved budget would reduce by £1,276,245 from £2,760,000 to £1,483,755.

### **Funding of the Capital Budget**

39. The approved decarbonisation phase 2 capital budget is funded by prudential borrowing and is already included in the Council's overall capital funding plan approved by Council in February 2022.
40. The virement of capital budget of £1,276,245 from decarbonisation phase 2 to the PSDS budget will therefore not incur any increased costs both in terms of the overall capital budget total nor the revenue budget, in terms of financing charges. Given this, the proposal complies with the section 24 direction.

### **Legal implications and details of Statutory Powers**

41. No new legal implications.

### **Council Plan Implications**

42. The effective management of the Council's leisure centres contributes to Council Plan aim to "improve health and reduce health inequalities" and to help the Council "to build healthy, self-reliant, active communities" by "Helping people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities".
43. The current Council Plan demonstrates the council's commitment to keep South Somerset green, clean and attractive and respond to the climate and ecological emergency. The first area of focus under this theme is to continue the delivery of the Environment Strategy action plan reducing our carbon emissions by 10% every year, to reach carbon neutrality by 2030.

### **Carbon Emissions and Climate Change Implications**

44. The investment proposals put forward by Freedom Leisure as part of their contract tender expected to reduce emissions by 269 tonnes per annum. The increased scope of decarbonisation works utilising PSDS funding, is expected to reduce carbon emissions by 435 tonnes per annum in total across the Council's three leisure sites.

### **Equality and Diversity Implications**

An Equality Impact Relevance Check Form has been completed in respect of the Proposal?	Yes
The Impact Relevance Check indicated that a full EIA was required?	Yes
If an EIA was <b>not</b> required please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.	
If an EIA <b>was</b> required please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.	
<b>Additional Comments</b>	
The EIA was appended to the District Executive Report on 12 May 2022 – Leisure Facility Capital and Decarbonisation Programmes – Consideration of Additional Funding	

## Privacy Impact Assessment

45. No new implications.

## Background Papers

- District Executive – 12 May 2022 - *Leisure Facility Capital and Decarbonisation Programmes – Consideration of Additional Funding*  
<https://modgov.southsomerset.gov.uk/documents/s41014/8%20PSDS%20and%20Leisure%20Capital%20update%20May%202022%20v0.12.pdf>
- South Somerset District Council – 28<sup>th</sup> February 2022 – Decarbonisation Phase 2 Proposals  
<https://modgov.southsomerset.gov.uk/documents/s39494/9%20Decarbonisation%20buildings%20FC%20report%20Feb22.pdf>
- South Somerset District Council – 25<sup>th</sup> February 2021 – 2021/22 Revenue & Capital Budgets and Medium Term Financial Plan
- South Somerset District Council – 15<sup>th</sup> April 2021 – Appointed Leisure Facilities Provider
- SSDC Environmental Strategy
- South Somerset District Council – 28<sup>th</sup> February 2022, Decarbonisation Programme Phase 2

## Report of Executive Decisions

Executive Portfolio Holder: Val Keitch, Leader of Council, Strategy and Housing  
Director: Jill Byron, Monitoring Officer  
Lead Officer: Angela Cox, Democratic Services Specialist  
Contact Details: angela.cox@southsomerset.gov.uk or (01935) 462148

## Purpose of the Report

This report is submitted for information and summarises decisions taken by the Chief Executive, Portfolio Holders and District Executive Committee since the last meeting of Council in May 2022.

## Report

There were two reports scheduled for discussion at the District Executive Committee on 9<sup>th</sup> June 2022 and one was withdrawn from the Agenda. The remaining decision was:

Portfolio	Subject	Decision	Taken By	Date
Area South and Yeovil Refresh	Yeovil Refresh Public Realm Change of Scope Request (Urgent Item)	The Chief Executive agreed to reallocate the £769,000 funding currently earmarked for Wyndham Street to the completion of Westminster Street North (Phase 2), Middle Street (and adjoining streets), High Street and The Borough, Yeovil within the Yeovil Refresh public realm budget.	Chief Executive	09/06/22

## Background Papers

All Published

## Audit Committee

Committee Chairman: Cllr Martin Carnell  
Lead Officer: Karen Watling, Section 151 Officer  
Contact Details: [Karen.watling@southsomerset.gov.uk](mailto:Karen.watling@southsomerset.gov.uk)

This report summarises the items considered by the Audit Committee since the last report to Council in May 2022.

The Audit committee met informally on the 26<sup>th</sup> May 2022.

Below are the items that have been considered.

- Progress Report on audit of 2020/21 Statement of Accounts
- 2020/21 Audit Findings: Interim Management Response
- SSDC's approach to Regeneration Programme and Project Management
- Risk Management Update Q4 2021/22
- Annual Health & Safety Update 2021
- Annual Civil Contingencies Update 2021/22
- Internal Audit Outturn Report 2021-22
- Improving Environmental Services and Corporate Governance - achievements to date and planned further action
- Audit Committee Forward Plan

The next meeting is scheduled to take place on Thursday 30th June 10.00am

Mike Hewitson  
Vice-Chairman of Audit Committee

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## Scrutiny Committee

The Scrutiny Committee met informally on 7<sup>th</sup> June 2022 and considered the Millers Garage car park, Crewkerne report, which was subsequently withdrawn from the Agenda. Comments on the Yeovil Refresh Public Realm Change of Scope Request (Urgent Item) were submitted by email as the report was published after the Scrutiny Committee had met.

Minutes of all Scrutiny Committee meetings are viewable on the website at:  
<https://modgov.southsomerset.gov.uk/ieListMeetings.aspx?CId=141&Year=0>

The Scrutiny and Member Development Specialist invites all members and officers to feed matters of interest into the scrutiny work programme. Anyone who wishes to submit an item/issue for scrutiny review can email  
[stephanie.gold@southsomerset.gov.uk](mailto:stephanie.gold@southsomerset.gov.uk)

Gerard Tucker  
Scrutiny Committee Chairman

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## **Date of Next Meeting**

Members are asked to note that the next meeting of the Full Council will be **Thursday, 21<sup>st</sup> July 2022 at the Council Offices, Brympton Way, Yeovil** and as a virtual meeting using Zoom meeting software commencing **at 6.30 p.m.**

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