



Notice of Meeting of

EXECUTIVE

Wednesday, 4 October 2023 at 10.00 am

John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE

To: The members of the Executive

Chair: Councillor Bill Revans
Vice-chair: Councillor Liz Leyshon

Councillor Theo Butt Philip	Councillor Adam Dance
Councillor Dixie Darch	Councillor Tessa Munt
Councillor Mike Rigby	Councillor Dean Ruddle
Councillor Federica Smith-Roberts	Councillor Ros Wyke

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticserviceteam@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticserviceteam@somerset.gov.uk by **5pm on Thursday, 28 September 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by (the Proper Officer) on Tuesday, 26 September 2023

AGENDA

Executive - 10.00 am Wednesday, 4 October 2023

Public Guidance Notes contained in Agenda Annexe (Pages 7 - 8)

Click here to join the online meeting (Pages 9 - 10)

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes from the Previous Meeting (Pages 11 - 22)

To approve the minutes from the previous meeting.

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

5 Treasury Management Outturn Report (Pages 23 - 96)

To consider the report.

6 2023/24 Housing Revenue Account Report Q1 (Pages 97 - 114)

To consider the report.

7 Statement of Community Involvement (Pages 115 - 260)

To consider the report.

8 Local Development Scheme (Pages 261 - 288)

To consider the report.

9 Kitchen replacement programme 2023-27 (Pages 289 - 308)

To consider the report.

10 Octagon Project Update (Pages 309 - 328)

To consider the report.

Exclusion of Press and Public (Pages 329 - 330)

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

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

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

11 Cornwall and the Council of the Isles of Scilly Adoption Service to integrate with Adopt South West Regional Adoption Agency (Pages 331 - 374)

To consider the report.

12 Award of contracts for highways services (Pages 375 - 410)

To consider the report.

13 Contract Award - Appointment of Providers to deliver housing related support and accommodation for 16-25 year olds (Pages 411 - 500)

To consider the report.

14 Commercial Investment update (Pages 501 - 544)

To consider the report.

Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

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

democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

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: [Code of Conduct](#)

Minutes of the Meeting

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

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email

democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

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.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

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, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

Recording of meetings

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

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Minutes of a Meeting of the Executive held in the Luttrell Room - County Hall,
Taunton TA1 4DY, on Wednesday, 6 September 2023 at 10.00 am

Present:

Cllr Bill Revans (Chair)
Cllr Liz Leyshon (Vice-Chair)

Cllr Theo Butt Philip
Cllr Tessa Munt
Cllr Dean Ruddle
Cllr Ros Wyke

Cllr Adam Dance
Cllr Mike Rigby
Cllr Federica Smith-Roberts

In attendance:

Cllr Mandy Chilcott
Cllr Ross Henley
Cllr Faye Purbrick
Cllr Heather Shearer
Cllr Sarah Wakefield

Cllr Tom Deakin
Cllr Frances Nicholson
Cllr Leigh Redman
Cllr Fran Smith
Cllr Richard Wilkins

Other Members present remotely:

Cllr Tony Lock
Cllr Nicola Clark
Cllr Bob Filmer
Cllr Dawn Johnson
Cllr Martin Lovell
Cllr Oliver Patrick
Cllr Peter Seib
Cllr Lucy Trimnell
Cllr David Woan

Cllr Norman Cavill
Cllr Andy Dingwall
Cllr Andrew Govier
Cllr Helen Kay
Cllr Sue Osborne
Cllr Jo Roundell Greene
Cllr Gill Slocombe
Cllr Martin Wale

32 Apologies for Absence - Agenda Item 1

Apologies were received from Cllr Dixie Darch.

33 Minutes from the Previous Meeting - Agenda Item 2

The minutes of the Executive meeting held on 2 August 2023 were agreed upon and signed by the Chair.

34 Declarations of Interest - Agenda Item 3

COUNCILLORS WHO ARE ALSO CITY, TOWN AND/OR PARISH COUNCILLORS
SOMERSET COUNCILLOR CITY, TOWN AND/OR PARISH COUNCIL

Theo Butt Philip -Wells City Council

Adam Dance - South Petherton Parish Council

Mike Rigby - Bishop's Lydeard and Cothelstone Parish Council

Dean Ruddle - Somerton Town Council

Federica Smith-Roberts - Taunton Town Council

Ros Wyke - Westbury-sub-Mendip Parish Council

35 Public Question Time - Agenda Item 4

Public Questions were received from:

Mr Alan Debenham – Local Authority finance, budget and funding position
(considered as part of the relevant Agenda item - 2023/24 Budget Monitoring
Report – Month 3 – End of June 2023 & Month 4 update - Agenda Item 7.

Cllr Leigh Redman – Reinforced Autoclaved Aerated Concrete (RAAC).

The questions and responses provided are attached to the minutes in Appendix A.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, thanked Council Officers, Academy Trust staff members, teachers, parents, and students for their patience and understanding while the issues are resolved. The Leader further recognised the emotional impact on all involved and acknowledged the urgent action required regarding Haygrove School, advising of the current Member engagement and support for all affected at Haygrove School.

The Lead Member for Children, Families and Education, Cllr Tessa Munt, further advised of the planned continued communication of the dynamic and evolving situation.

36 Annual Approval as Sole Shareholder of Homes in Sedgemoor - Agenda Item 5

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited the Lead Member for Communities, Housing and Culture, Cllr Federica Smith-Roberts, to introduce the report.

The Lead Member for Communities, Housing and Culture, Cllr Federica Smith-Roberts, introduced the report, highlighting: that the Council is the sole member (equivalent to the shareholder in a company limited by shares) of Homes in Sedgemoor (HIS); and that as a corporate body the Council is required to approve the Annual Accounts of HIS and endorse the appointment of external auditors.

The Service Director – Housing, Community Services, Chris Brown, further added to the above points advising of: the number of properties and the duties as a shareholder, including the appointment of representatives to the Board; approval of the accounts and auditors; and that the Executive decision would be taken to the HIS Annual General Meeting September 2023.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited comments from other Members present, there were no questions or points raised.

The Executive proceeded to vote on the recommendations, which were agreed unanimously.

The Executive agreed:

- a. The approval of the Homes in Sedgemoor annual company accounts as set out in the report.
- b. That the appointment of external auditors – Bishop Fleming – is endorsed further to the procurement exercise undertaken by Homes in Sedgemoor.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

37 Somerset Council - Consolidated 2022/23 Outturn Report - Agenda Item 6

The Leader of the Council and Lead Member for Governance and Communications,

Cllr Bill Revans, invited the Deputy Leader and Lead Member for Resources and Performance, Cllr Liz Leyshon, to introduce the report.

The Deputy Leader and Lead Member for Resources and Performance, Cllr Liz Leyshon, introduced the report, highlighting: that the five legacy Councils and the Pension Fund Statement of Accounts had been published; that the report outlines the overall impact of the outturn position for each legacy Council, including the opening reserves position, capital programme and the Housing Revenue Account (HRA - former South Somerset District Council and Somerset West and Taunton Council); that the position of each legacy Council was outlined in the large number of appendices, noting and apologising that Appendix One – Somerset County Council Outturn Report 2022/23 had been published as a late supplementary report, and that the report had been available to view via the Scrutiny Committee – Corporate and Resources agenda for 7 September meeting; the observation of the different styles of reporting and presentation across the legacy Councils and the opportunity to review and agree a reporting and presentation style for Somerset Council; the revenue budget overspend and the significant draw on reserves for 2022/23; the transfer of funds and the opening position for Somerset Council general fund reserve; that an amalgamated earmarked reserves position report to be received at the 4 October 2023 Executive meeting; the challenges and the need to rationalise the capital programme, including increased inflation, interest rates, project funding; the useable capital receipts of legacy Councils and current commitments; and the thanks and appreciation to Officers for their work to deliver through the many challenges presented.

The Executive Director - Resources and Corporate Services, Jason Vaughan, further added to the above points, highlighting: that the report is a key document bringing together vital information of the five legacy Councils; clarified the audit position including: the published and outstanding audits and the national audit delays; the reserves position, including general fund reserves, remaining earmarked reserves and reserves held for other bodies.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited comments from other Members present, questions and points raised included: the progression following the reported positions of the five legacy Councils; the Capital programme and potential cost increase; the work to improve the budget reporting and achieve a better understanding of risks, funding and clear context; and the transfer of useable and non-useable reserves and the effect on the resilience of the Council and the inclusion of clarity of the useable and non-useable reserves to be included in the amalgamated earmarked reserves report scheduled to be considered at the October Executive meeting.

In response, the Executive Director – Resources and Corporate Services, Jason Vaughan, advised of the review of the capital receipts and commitments of the capital programme to identify and recommend the most effective use within the Medium Term Financial Programme.

The Executive proceeded to vote on the recommendations, which were agreed unanimously.

The Executive:

- a. Agreed to note the final overall overspend for Somerset of £18.7m funded from reserves.
- b. Agreed the requested carry forwards of £0.5m.
- c. Noted the opening position of £26.8m General Fund Reserves as at the 1 April 2023.
- d. Approved that £23m of Earmarked reserves are transferred in General Fund Reserves to ensure they are maintained at the appropriate level and to receive a report detailing the amalgamated earmarked reserves position at the October Executive meeting.
- e. Noted the opening position of £156.8m of Somerset Council earmarked reserves as set out in Table 4 of the report and the current commitments against those reserves.
- f. Agreed the additions and amendments to the Capital Programme in the last quarter.
- g. Noted the completed capital projects.
- h. Noted the position on capital receipts and commitments.
- i. Noted the outturn positions of Sedgemoor District Councils Housing Revenue Account (an underspend of £0.446m) and Somerset West and Taunton (an overspend of £0.227m).
- j. Approved the capital carry forwards of £4.6m relating to Sedgemoor District Councils HRA.
- k. Approved the reduction of £8.8m for capital schemes no longer required within the previous Somerset West and Taunton HRA

The Executive recommended to Council:

- l. To note the year end position of the legacy Councils' General Fund Capital Programmes and approve the carry forward requests of £99.5m and revised Capital Programme.
- m. To note the year end position of the legacy Councils' HRA Capital Programmes and approve the carry forward requests of £90.4m and revised Capital Programme.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

38 2023/24 Budget Monitoring Report – Month 3 – End of June 2023 & Month 4 update - Agenda Item 7

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited Mr Alan Debenham to address the Executive.

Mr Alan Debenham addressed the Executive with questions regarding the Somerset Council's financial position, responses from the Executive Lead Members are provided in Appendix A to the minutes.

The Lead Member for Economic Development, Assets and Planning, Cllr Ros Wyke, added an update on the nutrient neutrality scheme and that once clarity on this scheme is received, the information will be communicated.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited the Deputy Leader and Lead Member for Resources and Performance, Cllr Liz Leyshon, to introduce the report.

The Deputy Leader and Lead Member for Resources and Performance, Cllr Liz Leyshon, introduced the report, highlighting: that the report sets out the very stark and challenging situation that is faced both locally and nationally, including recent Government announcements; the forecast overspend and draw and use of reserves, the budget monitoring position and the addition of month four budget monitoring report; the opportunity as one Council to identify risks, improvements and opportunities; and the Directorate Management Team work on actions to mitigate the position and financial recovery plans, including the five Scrutiny Committees to review the budget monitoring position of their area, risk reporting, monthly all Member Budget Monitoring Briefings and a monthly update on the financial position and actions being taken to address it.

The Executive Director - Resources and Corporate Services, Jason Vaughan, further added to the above points, highlighting: the upcoming use of the solver budget monitoring tool; Section 114 notices; the recommendations presented to inform Council of the financial pressures; the increase in expenditure and income, with the Government National funding received by Councils not matching responsibility and expenditure; the transformation, savings and income generation proposals; treasury management activities.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited Executive Lead Members to provide an update on projected overspends, mitigations and opportunities within their area of responsibility. In reference to Strategy & Performance and Governance, the Leader advised of an overspend due to the continued need to place legal cases, principally in respect of childcare, with legal experts with actions including reviewing practice and developing the capacity of the legal team and reducing the need to externalise this work.

The Lead Member for Adult Social Care, Cllr Dean Ruddle, highlighted: the increased pressure on services and costs resulting in a projected £3.8m overspend; and the work to achieve £10m savings over two years, including monitoring and reviewing the budget to achieve efficiencies and the five key areas of planned mitigation to deliver efficient savings.

The Lead Member for Children, Families and Education, Cllr Tessa Munt, highlighted: the work on rationalisation of cost centres and the work to clearly present information and figures; the external placements budget overspend; and the use of Microsoft Dynamics and solver budget planning tool and the work with the finance team to provide information and delivery of savings timescales.

The Executive Director – Children, Families and Education, Claire Winter, further added to the above points, highlighting: the increasing complexity of need post pandemic; the key areas of overspend in relation to external placements for children in care, the sharp rise in providers costs and the national market; the mitigations to manage escalating costs including Homes & Horizons, 16+ market development, reducing unregistered placements; the work with Impower consultancy to increase the number of internal foster cares and step across options for children and young people and the work with local providers to develop the local market for value for money and quality, the work to manage the private equity market to benefit children and manage costs; and the work to effectively manage SEND school transport routes effectively.

The Lead Member for Public Health, Equalities and Diversity, Cllr Adam Dance, highlighted the budget monitoring challenges faced due to significant inflationary increases and the limited Public Health funding.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, added to the above points highlighting: that the shortage of funding is a risk and that prevention through public health is important to the sustainability of the Council; and the important joint work with the NHS for the sustainability of the Council.

The Lead Member of Communities, Housing and Culture, Cllr Federica Smith-Roberts, highlighted: that there is no projected variance within Communities; the risks in projecting while not knowing the complete expenditure and the work with the finance team; the volatility in housing and homelessness, including the increase in numbers presenting due to the cost of living crisis; and the extended use of temporary accommodation due the economic climate and local demand pressures, with the received grants not covering costs.

The Lead Member for Transport and Digital Cllr Mike Rigby, highlighted: the £1.1m overspend in the highways area due greater amount of safety defect work across the network, following a harsh winter; the maintenance of the asset and repair report; the predicted IPG overspend; the actions in MTFS and the work with the finance team to ensure budget pressures highlighted and managed; that additional costs have been incurred in the ICT area in respect of the Office 365 backup costs and that the work in respect of consolidating into a single electronic payments system will be more than anticipated; and that work on the data centre consolidation is not achievable in this financial year, meaning the budget will be exceeded.

In the absence of the Lead Member for Environment and Climate Change, the Executive Director – Climate and Place, Mickey Green, provided an update, highlighting: the £800k overspend for the end of month 4, due to waste services, including an increase in residual waste: the additional bank holiday for the King's Coronation impact on waste collections; and the negotiation of an improved pay award shared with Suez and the anticipated change of legislation due in January 2024.

The Lead Member for Economic Development, Planning and Assets, Cllr Ros Wyke, highlighted: the one-off pressure in economy, employment and planning, of £0.4m, due to a change in how funding from DWP can be applied; the exploration of other funding streams to mitigate this action; the property services budget and strategic assets budget, including the unbudgeted expenses, including the structural services, particularly the RAAC issue and shortfall in the Saltlands solar park; the vacant property running costs due to the ongoing phosphates issues delaying planning; additional pressures in year due to the additional security costs of the old Bridgwater hospital sites; anticipated savings from staff budgets due to vacancies; pressure of utility costs and consolidated Unitary accurate forecasts; the Commercial investments budget and the current vacancies, with the overall portfolio holding up in terms of income; and high streets transition and associated impacts.

The Lead Member for Transformations and Human Resources, Cllr Theo Butt-Philip,

highlighted: that Partnership & Localities and Workforce & Transformation predict no overspends for this financial year; ongoing work including, a review of third sector grants, workforce and transformation work; how LCNs would be key to networking and developing partnerships; and that the transformation and change programme was ongoing with a review of the transition programme, focusing on developing, consulting and implementing management staff structures and securing management staff capacity for the Council.

The Deputy Leader and Lead Member for Resources and Performance, Cllr Liz Leyshon, highlighted: the overspend in finance and procurement areas due to human resources pressure; the cross directorate transformational work and improved reporting; the favourable variance of £0.5m for special grants due to receiving confirmation that the Rural Services Delivery Grant and the 2023/24 Services Grant will be higher than budgeted; and that the national bargaining non-service pay award has not yet been agreed upon, with the corporate contingency showing as being fully committed to cover the additional cost of the national pay award over and above the 5% budgeted for.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited comments from other Members present, questions and points raised included: the budget gap; budget monitoring and work to mitigate the financial pressure, demonstrate fiscal responsibility and the opportunities available to avoid issuing a Section 114 notice; that doing nothing to address the financial pressures was not an option; thanks to the Officers for their work through transformation, delivering business as usual and working through changes in employment; the cut in Government National funding; demonstrating, communicating and educating the complex Council budgets to the general public; that Council Tax increases cover a large proportion of spend but do not cover the increase in costs and demand in services; the welcome monthly budget update and the responsibility of all Councillors to understand budget monitoring in preparation for budget setting; the tracking and monitoring of the 17 key areas; budget setting for Adult Social and Children Social Care; the percentage of useable reserves used and the review of the complete reserves position; budget setting including new ways of supporting children placements outside of the private equity market; the risk to cutting services and repairs; the work of the MTFP Board including mitigations and actions being taken; the significant reduction in school maintenance and associated Government funding issues preventing work being actioned; the clarity of the expectation of the Scrutiny Committee to review budgets; the decline in Local Authority funding and the need for urgent action from the Government to address the wider system; the my life, my future programme, including the delayed and guaranteed savings and the challenges and risks faced; and the clear governance process to monitor the progress and achievements of the programme.

The Chief Executive, Duncan Sharkey, highlighted the Local Authority wider system funding issue, and that if the current situation continued more Councils, as a result of not being able to balance budgets, could be issuing section 114 notices; and further explained the importance of highlighting the actions needed now to lay quality plans to protect local services.

The Executive proceeded to vote on the recommendations, which were agreed unanimously.

The Executive:

- a. Noted the forecast overspend of £26.1m (as at month 4) for the year and the key risks, future issues and opportunities.
- b. Requested that each Scrutiny Committees urgently reviews the budget monitoring position for their areas of responsibility and that the relevant Executive members set out the reasons behind the current forecasts and the actions being taken to address the position.
- c. Approved that member briefings are set to ensure every councillor has the opportunity to fully understand the current financial situation and the challenges facing the council going forward.
- d. Received a monthly update on the financial position and actions being taken to address it.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

39 Quarter 1 - Performance report - Agenda Item 8

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, welcomed Sara Cretney as the new Service Director – Strategy and Performance, and invited the Deputy Leader and Lead Member for Resources and Performance, Cllr Liz Leyshon, to introduce the report.

The Deputy Leader and Lead Member for Resources and Performance, Cllr Liz Leyshon, introduced the report, highlighting: the diligent and creative work of the Strategy and Performance team.

The Service Director - Strategy and Performance, Sara Cretney, further added to the above points, highlighting: the importance of the information in the understanding of how key services are performing in order to understand the Councils impact, and enable the Council to prioritise investment, identify, learn and address areas of

concern and to celebrate success; the interim position and approach; and the work in progress to develop a comprehensive corporate performance framework aligned with the Business Plan.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited comments from other Members present, questions and points raised included: the local and national backlog of Care Act assessments and the rigorous process in place locally, to reduce backlog.

The Executive proceeded to vote on the recommendations, which were agreed unanimously.

The Executive considered and commented on the information contained within the report, and endorsed the first Quarter 1 2023/2024 Performance Management Report for Somerset Council.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

40 Executive Forward Plan - Agenda Item 9

The Executive noted the Forward Plan.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, advised that Executive meetings are to be held around the County at North, South, East and West area office venues, with the 4 October Executive meeting to be held in the John Meikle Room, Deane House, Taunton, TA1 1HE

(The meeting ended at 12.40pm)

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CHAIR

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Decision Report - Executive Decision

Forward Plan Reference: FP/23/06/11

Decision Date – 14/07/2023

Key Decision – yes



Annual Treasury Management Outturn Report 2022-23

Executive Member(s): Cllr Leyshon – Executive Lead for Resources

Local Member(s) and Division: All

Lead Officer: Jason Vaughan – Executive Director Resources and Corporate Services (Section 151 Officer)

Author: Anton Sweet – Funds & Investments Manager

Contact Details: anton.sweet@somerset.gov.uk or (01823) 359584

Summary / Background

1. This attached appendices summarise the treasury management activities during 2022/23 for each of the 5 legacy councils that now make up Somerset Council, as required, to ensure compliance with the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which requires the Authority to approve a treasury management annual report after the end of each financial year. This report:
 - Is prepared in accordance with the CIPFA Treasury Management Code and the Prudential Code.
 - Gives details of the outturn position on treasury management transactions in 2022-23.
 - Presents details of capital financing, borrowing, and investment activity.
 - Reports on the risk implications of treasury decisions and transactions.

Appended to this covering report are the individual outturn reports for each of the 5 legacy Councils as follows:

- Somerset County Council (appendix 1)
- Mendip District Council (appendix 2)
- Sedgemoor District Council (appendix 3)
- Somerset West and Taunton Council (appendix 4)
- South Somerset District Council (appendix 5)

The individual outturn reports have been prepared by the officers that undertook treasury for each of the legacy councils on the templates those councils used.

The CIPFA codes require as a minimum a mid-year and full year outturn. The mid-year report for Somerset Council will be produced before the end of fiscal Q3. The Treasury Strategy for Somerset Council for 2023-24 was approved by Full Council in February 2023.

Consolidated position as at 31 March 2023

Investments

£m	MDC	SDC	SWT	SSDC	SCC	Total
Money Market Funds	15.2	4.4	0.0	0.0	16.8	36.4
Notice Bank Accounts	5.0	1.6	0.0	0.0	0.0	6.6
Bank deposits	0.0	0.0	0.0	0.0	70.0	70.0
Intra unitary deposits	5.0	0.0	0.0	0.0	48.0	53.0
Time Deposits - LAs	0.0	0.0	1.3	0.0	65.0	66.3
Strategic Funds*	0.0	31.0	17.0	23.5	45.0	116.5
Total	25.2	37.0	18.3	23.5	244.8	348.8

*Strategic funds are shown at cost

Borrowing

£m	MDC	SDC	SWT	SSDC	SCC	Total
Intra unitary	0.0	34.0	6.0	13.0	0.0	53.0
Local Authority	0.0	10.0	78.0	118.5	0.0	206.5
PWLB	62.8	71.1	87.5	0.0	159.1	380.5
Fixed rate bank	0.0	0.0	3.0	0.0	57.5	60.5
LOBO bank	0.0	0.0	0.0	0.0	108.0	108.0
Total	62.8	115.1	174.5	131.5	324.6	808.5

Recommendations

2. That the Executive approves the report as being in compliance with the CIPFA Code of Practice for Treasury Management and recommends it to Full Council at the next available meeting.

Reasons for recommendations

3. The Local Government Act 2003 requires the Council to operate the overall treasury function with regard to the CIPFA Code of Practice for Treasury Management in the Public Services.
4. The Code requires Full Council to receive as a minimum, an annual strategy and plan in advance of the year, a mid-year review, and an annual report after its close. This is the full-year review for the 2022-23 financial year.

Other options considered

5. None. The adoption of the Treasury Management full year review for 2022-23 is a regulatory requirement.

Links to Council Plan and Medium-Term Financial Plan

6. Effective Treasury Management provides support to the range of business and service level objectives that together help to deliver the Somerset County Plan.

Financial and Risk Implications

7. There are no specific financial or risk implications associated with this outturn report. The risks associated with Treasury Management are dealt with in the Annual Treasury Management Strategy, Annual Investment Strategy, and Treasury Management Practice (TMPs) documents.

Legal Implications

8. Treasury Management must operate within specified legal and regulatory parameters as set out in the summary, and in more detail in the TMPs.

HR Implications

9. There are no HR implications.

Other Implications:

Equalities Implications

10. There are no equalities implications.

Community Safety Implications

11. There are no community safety implications.

Climate Change and Sustainability Implications

12. There are no climate change or sustainability implications.

Health and Safety Implications

13. There are no health and safety implications.

Health and Wellbeing Implications

14. There are no health and wellbeing implications.

Social Value

15. Not applicable

Scrutiny comments / recommendations:

16. The Audit Committee is the body responsible for ensuring effective scrutiny of the treasury management strategy and policies. They approved the Treasury Management strategy for the year and have recently approved updated Treasury Management Practices.

Background papers

17. Treasury Management Strategy Statement 2022-23 and appendices. These were approved by each Full Council prior to the start of the 2022-23 financial year.

Note: For sight of individual background papers please contact the report author.

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	19/09/2023
Communications	Peter Elliot	25/09/2023
Finance & Procurement	Jason Vaughan	19/09/2023
Workforce	Alyn Jones	19/09/2023
Asset Management	Oliver Woodhams	22/9/2023
Executive Director / Senior Manager	Jason Vaughan	22/9/2023
Strategy & Performance	Alyn Jones	19/09/2023
Executive Lead Member	Liz Leyshon	24/09/2023
Consulted:	Councillor Name	
Local Division Members	N/A	
Opposition Spokesperson	Mandy Chilcott	25/09/2023
Scrutiny Chair	Bob Filmer	Sent 22/09/23

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Decision Report - Executive Decision

Forward Plan Reference: FP/23/06/11

Decision Date – 14/07/2023

Key Decision – no



Appendix 1

Somerset County Council Annual Treasury Management Outturn Report 2022-23

Executive Member(s): Cllr Leyshon – Executive Lead for Resources

Local Member(s) and Division: All

Lead Officer: Jason Vaughan – Executive Director Resources and Corporate Services (Section 151 Officer)

Author: Alan Sanford – Principal Investment Officer

Contact Details: alan.sanford@somerset.gov.uk or (01823) 359585

1. Compliance, Governance & Risk Management

During the year, all Council treasury management policies, practices, and activities remained compliant with all relevant statutes and guidance, namely DLUHC investment guidance issued under the Local Government Act 2003, the CIPFA Code of Practice for Treasury Management, and the CIPFA Prudential Code. The DLUHC's Guidance on Investments reiterates security and liquidity as the primary objectives of a prudent investment policy. All investments were compliant with guidance issued by the DLUHC, with the investment strategy agreed, and activities conducted within the procedures contained in the Treasury Management Practices.

The Treasury Management Strategy Statement and Prudential Indicators were considered by Audit and approved by Full Council in February 2022 and the CIPFA TM Code and the mid-year review was presented to Full Council in November 2022.

Arlingclose have been retained independent Treasury Advisors throughout the period. Officers from the Treasury Management team reported debt and investment positions and performance via comprehensive reports at regular meetings with the Section 151 Officer and/or the Strategic Manager (Pensions Management). During the year Treasury staff have continued to attend (virtual) courses and seminars provided through the CIPFA Treasury Management Network (TMN), Arlingclose and other ad hoc events.

MiFID II is an EU regulatory framework designed to regulate financial markets and improve protections for investors. MiFID II aims to standardise practices throughout the EU and brings a larger number of firms under the supervision of an EU financial regulator. The Council continues to meet the conditions to opt up to professional status under MiFID II and as a result, will continue to have access to products including money market funds, pooled funds, treasury bills, bonds, shares and to financial advice.

2. Prudential indicators

The Council can confirm that it has complied with its Prudential Indicators for 2022-23. Those indicators agreed by Full Council and actual figures as at 31st March are included below:

Debt Limits

Borrowing	Limit for 2022-23	As at 31-03-23
Authorised Limit	£452m	£333m
Operational Boundary	£407m	£333m

Investment Limits

Maturity Structure of Borrowing	Upper	Lower	Actual
Under 12 months	50%	15%	29.0%
>12 months and within 24 months	25%	0%	1.5%
>24 months and within 5 years	25%	0%	15.3%
>5 years and within 10 years	20%	0%	4.8%
>10 years and within 20 years	20%	5%	6.0%
>20 years and within 30 years	20%	0%	6.0%
>30 years and within 40 years	45%	15%	37.4%
>40 years and within 50 years	15%	0%	0.0%
>50 years and above	5%	0%	0.0%

Limit for Principal sums invested > 365 days £75m Actual £50m

Credit Risk Indicator

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating / credit score of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk (in conjunction with Arlingclose) and will be calculated quarterly.

Credit risk indicator (to be below target)	Target	Actual
Portfolio average credit rating (score)	A (6)	A+(4.70)

3. Non-Financial assets, regulatory changes, and risk management

Some Local Authorities have continued to invest in non-financial assets, with the primary aim of generating profit. Others have entered into very long-term investments or providing loans to local enterprises or third sector entities as part of regeneration or economic growth projects.

In response, CIPFA published its revised Prudential Code for Capital Finance and Treasury Management Code on 20th December 2021. The key changes in the two codes are around permitted reasons to borrow, knowledge and skills, and the management of non-treasury investments.

To comply with the Prudential Code, authorities must not borrow to invest primarily for financial return. This Code also states that it is not prudent for local authorities to make investment or spending decision that will increase the Capital Financing Requirement (CFR) unless directly and primarily related to the functions of the authority. Existing commercial investments are not required to be sold; however, authorities with existing commercial investments who expect to need to borrow should review the options for exiting these investments.

Borrowing is permitted for cashflow management, interest rate risk management, to refinance current borrowing and to adjust levels of internal borrowing. Borrowing to refinance capital expenditure primarily related to the delivery of a local authority's function but where a financial return is also expected is allowed, provided that financial return is not the primary reason for the expenditure. The changes align the CIPFA Prudential Code with the PWLB lending rules governed by HM Treasury.

HM Treasury proposed on changes to the PWLB, which it said would attempt to "focus PWLB loans on service delivery, housing, and regeneration, and ensure that this money is not diverted into financial investments that serve no direct policy purpose".

In August 2021 HM Treasury significantly revised guidance for the PWLB lending facility with more detail and 12 examples of permitted and prohibited use of PWLB loans. Authorities that are purchasing or intending to purchase investment assets primarily for yield will not be able to access the PWLB except to refinance existing loans or externalise internal borrowing. Acceptable use of PWLB borrowing includes service delivery, housing, regeneration, preventative action, refinancing and treasury management.

Revised HM Treasury guidance specifically stated "Any investment asset bought primarily for yield which was acquired after 26th November 2020 would result in the Authority not being able to access the PWLB in that financial year, or being able to use the PWLB to refinance this transaction at any point in the future"

Some of the Somerset District Councils had been purchasing assets primarily for yield, and some after the cut-off date of November 2020 imposed by HM Treasury. This would have meant that a sizeable portion of debt would not be able to be funded via the PWLB. However, due to the exceptional circumstance of becoming a unitary, HM Treasury have confirmed that the limiting of access to PWLB will not apply to the new Somerset Council for assets held at the inception of the new Council. The Secretary of State will allow Somerset Council unfettered access to PWLB loans.

Treasury outturn and performance

4. Economic background

Financial markets are constantly changing, both proactively in anticipation of upcoming scenarios and events, and reactively, in response to news and outcomes. Whilst it is important to review and report on performance, it must be borne in mind that Treasury decisions are made in dynamic conditions. It is important therefore to give some background and context to Treasury performance.

The war in Ukraine continued to keep global inflation above central bank targets and the UK economic outlook remained relatively weak with the chance of a mild recession. The economic backdrop during the January to March period continued to be characterised by high energy and commodity prices, high inflation, and the associated impact on household budgets and spending. Central Bank rhetoric and actions remained consistent with combatting inflation. The Bank of England, US Federal Reserve, and European Central Bank all increased interest rates over the period, even in the face of potential economic slowdowns in those regions.

Starting the financial year at 5.5%, the annual Consumer Price Index (CPI) measure of UK inflation rose strongly to hit 10.1% in July and then 11.1% in October. Inflation remained high in subsequent months but appeared to be past the peak, before unexpectedly rising again in February. Annual headline CPI registered 10.4% in February, up from 10.1% in January, with the largest upward contributions coming from food and housing.

The unemployment rate eased from 3.8% April-June to 3.6% in the following quarter, before picking up again to 3.7% between October-December. The most recent information for the period December-February showed an unemployment rate of 3.7%.

Nominal earnings were robust throughout the year, with earnings growth in December-February at as 5.7% for both total pay (including bonuses) and 6.5% for regular pay. Once adjusted for inflation, however, both measures were negative for that period and have been so throughout most of the year.

Quarterly Gross Domestic Product (GDP) was soft through the year, registering a 0.1% gain in the April-June period, before contracting by (an upwardly revised) - 0.1% in the subsequent quarter. The October-December period was revised upwards to 0.1% (from 0.0%), illustrating a resilient but weak economic picture. The annual growth rate in Q4 was 0.6%.

The Bank of England increased the official Bank Rate to 4.25% during the financial year. From 0.75% in March 2022, the Monetary Policy Committee (MPC) pushed through rises at every subsequent meeting over the period, with recent hikes of 50bps in December and February and then 25bps in March, taking Bank Rate to 4.25%. March's rise was voted by a majority of 7-2, with two MPC members preferring to maintain Bank Rate at 4.0%. The Committee noted that inflationary pressures remain elevated with growth stronger than was expected in the February Monetary Policy Report.

After reaching 9.1% in June, annual US inflation slowed for eight consecutive months to 6% in February. The Federal Reserve continued raising interest rates over the period with consecutive increases at each Federal Open Market Committee meetings, taking policy rates to a range of 4.75%- 5.00% at the March meeting.

From the record-high of 10.6% in October, Eurozone CPI inflation fell steadily to 6.9% in March 2023. Energy prices fell, but upward pressure came from food, alcohol, and tobacco. The European Central Bank continued increasing interest rates over the period, pushing rates up by 0.50% in March, taking the deposit facility rate to 3.0% and the main refinancing rate to 3.5%.

Financial markets: Uncertainty continued to be a key driver of financial market sentiment and bond yields remained relatively volatile due to concerns over elevated inflation and higher interest rates, as well as the likelihood of the UK entering a recession, and for how long the Bank of England would continue to tighten monetary policy. Towards the end of the period, fears around the health of the banking system following the collapse of Silicon Valley Bank in the US, and the purchase of Credit Suisse by UBS caused further volatility.

Over the period the 5-year UK benchmark gilt yield rose from 1.41% to peak at 4.70% in September before ending the financial year at 3.36%. Over the same timeframe the 10-year gilt yield rose from 1.61% to peak at 4.51% before falling back to 3.49%, while the 20-year yield rose from 1.82% to 4.96% and then declined to 3.82%. The Sterling Overnight Rate (SONIA) averaged 2.24% over the period.

5. The Treasury Position as at 31st March 2023

The Treasury position as at 31st March 2023 and a comparison with the previous year is shown in the table below.

Table 1 – Debt Portfolio

	Balance on 31-03-2022	Debt Matured / Repaid	New Borrowing	Balance on 31-03-2023	Increase/ Decrease in Borrowing
	£m	£m	£m	£m	£m
Short Term Borrowing	0.00	0.00	0.00	0.00	0.00
PWLB	159.05	0.00	0.00	159.05	0.00
LOBOs	108.00	0.00	0.00	108.00	0.00
Fixed Rate Loans	57.50	0.00	0.00	57.50	0.00
Total Borrowing	324.55	0.00	0.00	324.55	0.00

Table 2 – Debt interest

	31-03-2022 Rate %	31-03-2023 Rate %	Increase/ Decrease Rate %
Short Term Borrowing	N/A	N/A	0.00
PWLB	4.59	4.59	0.00
LOBOs	4.74	4.74	0.00
Fixed Rate Loans	4.73	4.73	0.00
Total Borrowing	4.66	4.66	0.00

The Council's need to borrow for capital purposes is determined by the Capital Programme and Capital Strategy. Council Members were aware of the major projects identified for 2022 to 2025 where the capital strategy forecast £109m of expenditure during 2022-23. £46m was identified for highways maintenance, major engineering, and traffic management; £31m for the delivery of schools' basic need and schools' condition; £9m for Economic Development projects and £23m for other programmes. Much of this was to be funded by a combination of grant, contributions, and capital receipts, with capital spend to be funded by borrowing in 2022-23 predicted to be £41.2m.

In the first half of the year, due to slippage and a positive cash flow, there had been no need for additional external borrowing to fund the SCC Capital Programme, and with the imminent coalescence of the 5 Council's debt and investment portfolios, it seemed appropriate to collate and analyse that information before deciding if and for what period any new debt would be taken. With a review of both commercial and strategic fund investments to take place, and with a healthy level of investment balances, it was decided that longer-term borrowing would not be taken in 2022-23.

The level of internal borrowing stood at £63.9m as at 31 March 2022. With the additional funding requirement and the fact that no new borrowing was taken, the estimated balance of internal borrowing by March 2023, may be around £96.2m.

During 2022-23, there were no scheduled debt maturities. The Public Works Loans Board (PWLb) portfolio remained the same.

Table 3 – Investments as at 31st March 2023

	Balance as at 31-03- 2022 £m	Rate of Return at 31-03-2022 %	Balance as at 31-03- 2023 £m	Rate of Return at 31-03-2023 %
Short-Term Balances (Variable)	49.00	0.59	79.75	4.15
Comfund (Fixed)	245.00	0.60	120.00	3.37
Pooled Funds	45.00	2.70	45.00	3.51
Total Investments	339.00	0.87	244.75	3.65

Table 4 - Investment balances by type

	31 March 2022 £m	31 March 2023 £m	Change
Money Market Funds	24.00	16.75	-7.25
Notice Bank Accounts	80.00	00.00	-80.00
Time Deposits/CD's - Banks	85.00	70.00	-15.00
Time Deposits - LAs	105.00	65.00	-40.00
Time Deposits – Somerset Districts	0.00	48.00	+48.00
Pooled Funds	45.00	45.00	+0.00
Total Investments	339.00	244.75	-94.25

Table 5 - Breakdown of investment balances by source

	31 March 2022 £m	31 March 2023 £m	Change
ENPA / SWC / SCT / PACCTS	1.83	8.15	+6.32
Organisations in the Comfund	10.05	0.00	-10.05
LEP – Growth Deal Grant	31.70	15.36	-16.34
CCG s256 money	80.40	97.74	+17.34
Earmarked funds held on behalf of other decision-making bodies	11.82	10.89	-0.93
Total Externals	135.80	132.14	-3.66
SCC	203.20	112.61	-90.59
Total Investments	339.00	244.75	-94.25

Total investments as at 31st March 2023, including unspent LEP money, and NHS Clinical Commissioning Group (CCG) s256 money, stood at £244.75m, a decrease of over £94m from 2022.

The investments balance has decreased significantly during the year, mostly being expenditure by SCC. The reduction in LEP money has been replaced by further s256 money from the CCG.

Although the Comfund was ended in March, there were £120m of legacy loans from that portfolio that will mature during 2023-24.

Revenue balances held on behalf of others at year-end decreased due to closing of the Comfund. LEP payments throughout the year meant a decrease of £16.34m of that money. In total £34.4m was managed on behalf of others at year-end 2023, a decrease of £21.0m, plus s256 money of £97.74m that has been made by the CCG.

The cash managed on behalf of others includes that of Exmoor National Park Authority (ENPA) and South-West Councils (SWC). Somerset Council (SC) continues to manage revenue balances on their behalf, and under contractual arrangements sweeps their cash into the SC account daily, from where it is lent into the market in the name of SC. There are arrangements in place for the allocation of interest received on these amalgamated balances, and SC retains a small amount for the management of the monies.

6. Summary of performance

During the year, Council treasury management policies, practices, and activities remained compliant with relevant statutes and guidance, namely the Department of Levelling Up, Housing and Communities (DLUHC) investment guidance issued under the Local Government Act 2003, and the CIPFA Treasury Management and Prudential Codes. The Council can confirm that it has complied with its Prudential Indicators for 2022-23.

At year-end, with no new debt taken, total debt stood at £324.55m, with an average rate paid on total borrowings of 4.66%.

Security of capital remained the Council's main investment objective. This was achieved by following the counterparty policy as set out in the Annual Treasury Management Strategy, and by the approval method set out in the TMPs. SCC has continuously monitored counterparties, and all ratings of proposed counterparties have been subject to verification on the day, immediately prior to investment.

In July Fitch revised the outlook on Standard Chartered and Bank of Nova Scotia from negative to stable. In September Fitch revised the outlook on HSBC to stable from negative.

In October following the Government 'fiscal event' both Fitch and Moody's revised the outlook on the UK sovereign to negative from stable. Moody's made a similar move for a number of local authorities and UK banks including Barclays Bank, National Westminster Bank, and Santander.

During the last few months of the reporting period there were only a handful of credit changes by the rating agencies, then in March the collapse of Silicon Valley Bank in the US quickly spilled over into worries of a wider banking crisis as Credit Suisse encountered further problems and was bought by UBS.

Credit Default Swap (CDS) Prices had been rising since the start of the period on the back of the invasion of Ukraine, and in the UK rose further in September/October at the time of the then-government's mini budget. After this, CDS prices had been falling, but the fallout from SVB caused a spike on the back of the heightened uncertainty. However, they had moderated somewhat by the end of the period as fears of contagion subsided, but many are still above their pre-March levels reflecting that some uncertainty remains.

On the back of this, Arlingclose reduced its recommended maximum duration limit for unsecured deposits for all UK and Non-UK banks and institutions on its counterparty list to 35 days as a precautionary measure. No changes were made to the names on the list.

As market volatility is expected to remain a feature, at least in the near term and, as ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remains under constant review.

The average Credit Rating of the SCC investment portfolio (excluding pooled funds) as at 31st March 2022 was A+. To give this some perspective, the United Kingdom Government is rated AA- by two of the three main ratings agencies, the other being one notch higher at AA.

An account of issues and any restrictions implemented throughout the year can be found in appendix D.

Liquidity. In keeping with the DLUHC guidance, the Council maintained a sufficient level of liquidity through the use of call accounts, Money Market Funds, and short-term deposits. SCC did not need to borrow short-term money during the year.

Yield (excluding Pooled Funds). Interest of over £5.06m was earned on cash investments during 2022-23. This was due to the 8 base rate rises in the year, taking base rate from 0.75% to 4.25%.

When compared with average cash rates for the year, the ex-Pooled Funds yield of 1.90% was 0.40% below the average base rate, which is expected in a rapidly rising rate environment.

Pooled Funds. During 2022-23, Pooled Fund investments remained at £45m and delivered an average net income yield of 3.30%.

Yield (including Pooled Funds). Interest of nearly £6.55m was earned on total investments during 2022-23.

Security and liquidity have been achieved with the income return of 2.10% achieved for the year, being 0.20% below average base rate.

7. Temporary borrowing

Temporary borrowing has not been necessary at all during 2022-23.

8. Long term borrowing

The borrowing strategy for 2022-23 recognised that borrowing of up to £105.1m (including externalising current internal borrowing) may have been necessary.

Due to slippage and a positive cash flow, there had been no need for additional external borrowing to fund the SCC Capital Programme to date, and with the imminent coalescence of the 5 Council's debt and investment portfolios, it seemed appropriate to collate and analyse that information before deciding whether any new debt would be taken.

During 2022-23, there were no scheduled debt maturities. The debt portfolio therefore remained at £324.55m during the year. All details of long-term borrowing rates and any activity during the year can be found in appendix C.

9. Cash managed on behalf of others

During 2022-23 SCC provided treasury management services to the Police and Crime Commissioner for Avon and Somerset. As from 1st April 2020, a new contract had been signed, for Treasury Management services to be supplied to the Police, by SCC, for a 3-year period, with an option to extend. Funds continue to be lent on a segregated basis, with PCC funds lent in its own name.

The Comfund was closed in March and funds returned to most participants. SC continues to manage cash on behalf of others, namely Exmoor National Park Authority (ENPA), South-West Councils (SWC), the Society of County Treasurers (SCT)), and the Police & Crime Commissioners Treasurers Society (PACCTS) via service level agreements. These balances were just over £8.1m at year-end.

In addition, during 2022-23, SCC was retained to manage the Local Enterprise Partnership (LEP) Growth Deal Grant on behalf of the other Enterprise Partners. An average balance in excess of £22m was managed, with a year-end balance of £15.36m.

All treasury management activities, including a fee for the management of the LEP money, brought in income just over £108k during the year.

10. Investments

The Council holds significant investment balances, details shown by balance, type, source, and return achieved, is shown in tables 3-5 above. During the year, investment balances ranged between £243.6m and £370.6m, averaging £311.5m. The minimum and lowest balance were lower than last year's by £17m, and £6m, with the highest figure being £7.4m higher than the previous year.

Net asset value money market funds (LVNAV MMFs) were relatively quick to respond to rate rises. Their rates usually crept up to within 10 or so basis points of base rate, at just the time another base rate rise was announced.

Investment activity, especially during the second half of the year, was driven by the rapidly rising interest rate environment. Deposits were generally kept short to be able to reinvest at the ever-increasing rates. A couple of longer-term deposits with Local Authorities were taken when it was judged that the market had been overly high, to provide a hedge in case the market did not rise as high as expected.

Investing for shorter periods complimented the fact that by now it was known that the new Council would have a lot of short-term debt that would need to be repaid or refinanced early in the 2023-24 year. Also, cash flow was not going to be totally predictable, so more cash had to be held short-term to cover any unknown expenditure.

When measuring the cash investment performance of its treasury management activities in terms of its security, the credit risk target of A(6) has been bettered, being AA- throughout most of the year, and being A+(4.70) at year-end. The yield achieved has been under in relationship to benchmark interest rates, but with 8 rate rises in the year, that is to be expected.

The Guidance on Local Government Investments in England gives priority to security and liquidity and the Council's aim is to achieve a yield commensurate with these principles.

Security: Security of capital remained the Council's main investment objective. This was maintained by following the counterparty policy as set out in the Annual Investment Strategy, and by the approval method set out in the Treasury Management Practices.

SCC has continuously monitored counterparties, and all ratings of proposed counterparties have been subject to verification on the day, immediately prior to investment. Other indicators considered have been:

- Credit Default Swaps and Government Bond Spreads.
- GDP and Net Debt as a Percentage of GDP for sovereign countries.
- Likelihood and strength of Parental Support.
- Banking resolution mechanisms for the restructure of failing financial institutions i.e. bail-in.
- Share Price.
- Market information on corporate developments and market sentiment towards the counterparties and sovereigns.

In July Fitch revised the outlook on Standard Chartered and Bank of Nova Scotia from negative to stable. In September Fitch revised the outlook on HSBC to stable from negative.

In October following the Government 'fiscal event' both Fitch and Moody's revised the outlook on the UK sovereign to negative from stable. Moody's made a similar move for a number of local authorities and UK banks including Barclays Bank, National Westminster Bank, and Santander.

During the last few months of the reporting period there were only a handful of credit changes by the rating agencies, then in March the collapse of Silicon Valley Bank in the US quickly spilled over into worries of a wider banking crisis as Credit Suisse encountered further problems and was bought by UBS.

CDS Prices had been rising since the start of the period on the back of the invasion of Ukraine, and in the UK rose further in September/October at the time of the then-government's mini budget. After this, CDS prices had been falling, but the fallout from SVB caused a spike on the back of the heightened uncertainty. However, they had moderated somewhat by the end of the period as fears of contagion subsided, but many are still above their pre-March levels reflecting that some uncertainty remains.

On the back of this, Arlingclose reduced its recommended maximum duration limit for unsecured deposits for all UK and Non-UK banks and institutions on its counterparty list to 35 days as a precautionary measure. No changes were made to the names on the list.

As market volatility is expected to remain a feature, at least in the near term and, as ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remains under constant review.

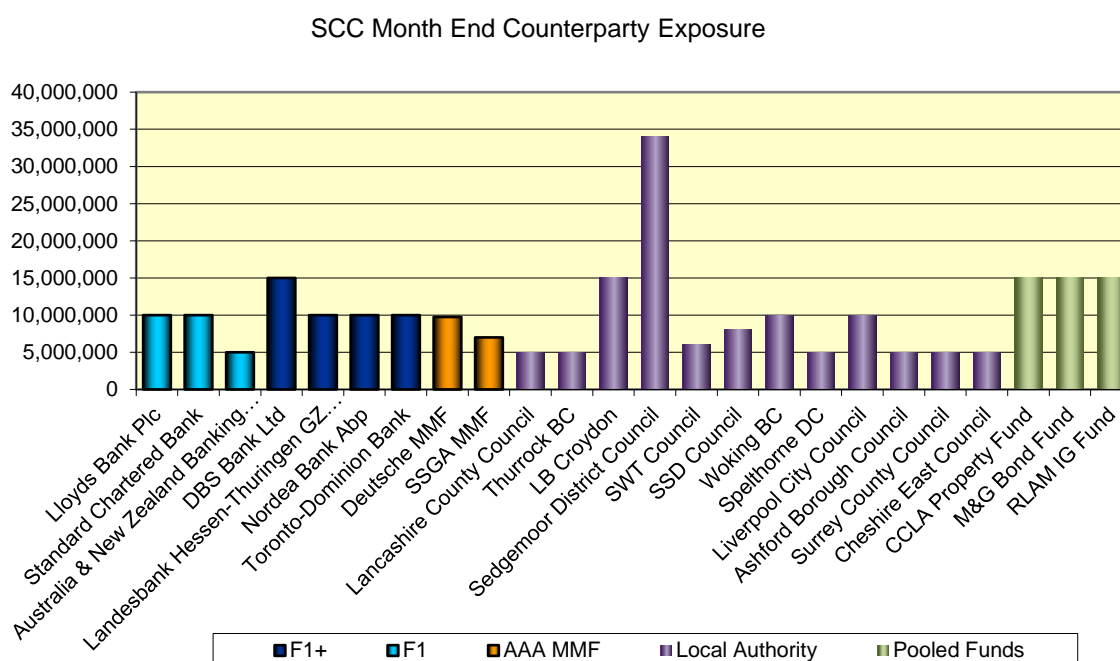
Local authorities remain under financial pressure, but Arlingclose continues to take a positive view of the sector, considering its credit strength to be high. Section 114 notices have been issued by only a handful of authorities with specific issues. While Arlingclose's advice for local authorities on its counterparty list remains unchanged, a degree of caution is merited with certain authorities.

Another means of assessing inherent risk in an investment portfolio is to monitor the duration, the average weighted time to maturity of the portfolio. As change to a unitary council became closer, the lending of SCC became increasingly shorter. This was because it was known that there would be a lot of short-term debt in the new council, and because cash flow was inevitably uncertain.

This, coupled with Arlingclose advice meant that there were no bank deposits maturing beyond early July 2023. Some longer dated deposits had been placed with local authorities to take advantage of elevated rates at year-end, and £48m was lent to Somerset District Councils, to mature on 1st April.

Thirty-Eight loans were with Local Authorities during the year (49 in 2021-22). This allowed for longer-dated maturities with excellent creditworthiness and an appropriate yield.

The chart below shows the names of approved counterparties with deposit exposures as at 31st March 2023.



Liquidity: In keeping with the DLUHC guidance, the Council maintained enough liquidity through the use of call accounts, money market funds (MMFs), and short-term deposits. This was beneficial not just for liquidity and yield, but in mitigating counterparty and interest rate risk. During the year, identified core balances and reserves have been lent for longer periods when deemed appropriate, via the Comfund. The Comfund's aim was to create a portfolio of deposits with a rolling maturity providing sufficient liquidity, whilst enabling advantage to be taken of the extra yield offered in longer periods. With the coming of Somerset Council, and the knowledge that short-term borrowing would be taken on, longer term loans had been reduced over the year, and Comfund was wound up in March.

Yield: The Council sought to optimise returns commensurate with its objectives of security and liquidity. After 3 successive rises in Base Rate during the 2021-22 financial year, the MPC delivered rises at each of its' 8 meetings in 2022-23, raising rates from 0.75% to end the financial year at 4.25%.

Last year rates were as low as 0.15% for a 1-year deposit with a bank. Local Authority rates were less than this, with 1-year money trading as low as 0.06%. Whilst current rates are higher, it can take time for previous deposits to drop out of the portfolio.

1-month, 3-month, 6-month and 12-month Money Market rates averaged 2.43%, 2.83%, 3.20% and 3.67% respectively for 2022-23, and as at 31st March 2023 were 4.11%, 4.43%, 4.59% and 4.89% respectively. A table of rates is shown below.

Money Market Rates 2022-2023, Source = Arlingclose

	Base Rate	7-Day	1-Month	3-Month	6-Month	12-Month	2-Yr SWAP
01/04/2022	0.75	0.67	0.60	1.10	1.33	1.57	2.02
30/04/2022	0.75	0.85	0.94	1.25	1.40	1.80	2.22
31/05/2022	1.00	0.92	1.02	1.42	1.71	1.95	2.34
30/06/2022	1.25	1.23	1.24	1.60	2.20	2.70	2.63
31/07/2022	1.25	1.22	1.49	1.90	2.40	2.88	2.49
31/08/2022	1.75	1.70	1.89	2.30	2.95	3.60	3.89
30/09/2022	2.25	2.22	2.32	3.89	4.10	4.95	5.39
31/10/2022	2.25	2.82	2.98	3.43	3.83	4.55	4.53
30/11/2022	3.00	2.95	3.19	3.46	3.98	4.55	4.35
31/12/2022	3.50	3.45	3.57	3.91	4.18	4.60	4.46
31/01/2023	3.50	3.90	3.86	4.03	4.25	4.65	4.04
28/02/2023	4.00	3.95	4.09	4.29	4.51	4.88	4.57
31/03/2023	4.25	4.20	4.11	4.43	4.59	4.89	4.27
Average 2022-23	2.30	2.30	2.43	2.83	3.20	3.67	3.63
Minimum	0.75	0.67	0.60	0.96	1.17	1.57	1.99
Maximum	4.25	4.20	4.28	4.45	4.76	5.32	5.86
Spread	3.50	3.53	3.68	3.49	3.59	3.75	3.87
Average 2021-22	0.19	0.15	0.12	0.23	0.37	0.50	0.76
Difference in average	+2.11	+2.15	+2.31	+2.60	+2.83	+3.17	+2.87

Comfund: The Comfund's aim was to create a portfolio of deposits with a rolling maturity providing sufficient liquidity, whilst enabling advantage to be taken of the extra yield offered in longer periods. With the coming of Somerset Council, and the knowledge that short-term borrowing would be taken on, longer term loans had been reduced over the year, and Comfund was wound up in March.

The average balance of the Comfund throughout 2022-23 was £211.9m. The Comfund vehicle, with an average return of 1.84% to March underperformed the benchmark for base rate of 2.30% for the year, by 0.46%. It can be difficult to maintain a positive performance when the comparator rate is moving up, particularly with quick successive rises.

A total of approximately £3.9m of income was earned an increase of nearly £3.34m on the figure for 2021-22 of £562,000.

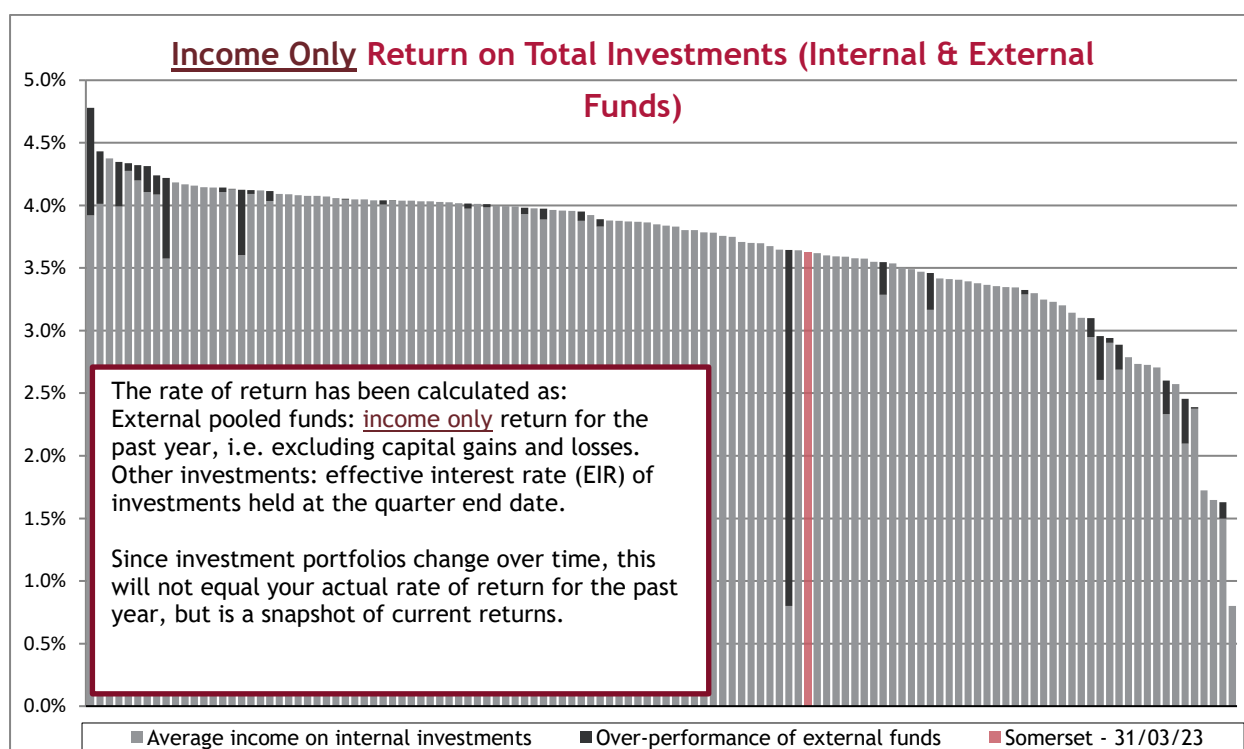
Revenue: Revenue balances averaged £54.6m during the year, with an average yield of 2.13%. This is closer to the average base rate as cash is reinvested at the higher rates more quickly. This income stream earned interest of over £1.16m.

Pooled Funds: £45m was invested in Pooled Funds during 2022-23 and delivered an average net income yield of 3.30%, and nearly £1.486m of income.

Combined: The combined average daily balance of the Council's investments during 2022-23 was £311.5 against £317.9m for 2021-22. The overall weighted investment return of combined investments was 2.10% against a return of 0.58% for 2021-22. Excluding the Pooled Funds, cash returns were 1.90% compared to 0.24% for 2021-22. Total income generated was in excess of £6.5m.

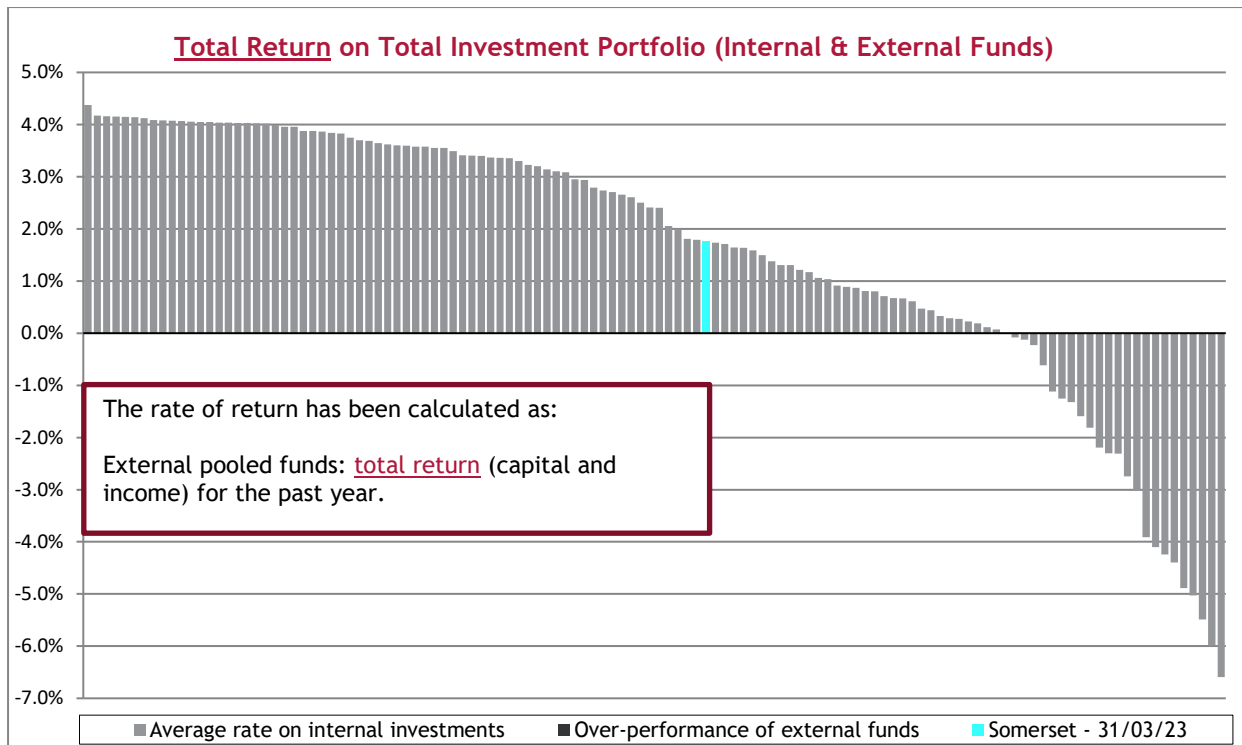
Comparison against other Local Authorities clients of Arlingclose

2022-23 was the thirteenth complete year that SCC had the services of retained Treasury advisors, Arlingclose. It would therefore seem appropriate to look at SCC performance compared with other Authorities that use Arlingclose, i.e. that share much of the same investment advice, particularly regarding counterparties.



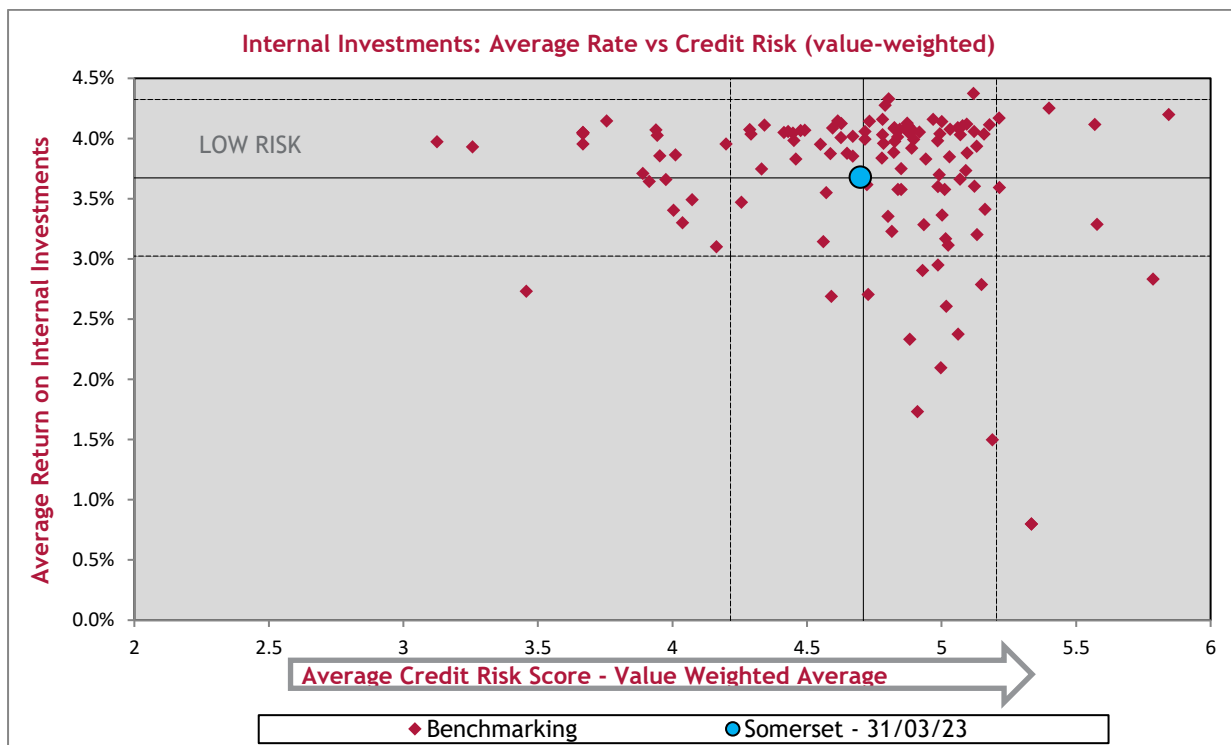
Returns as at 31st March 2023 can be seen in the graph above (if in black & white, SCC is the bar above the 'E' in the word external in 'Over-performance of external funds' in the graph legend).

A total return graph is shown below, with Somerset being directly above the right-hand side of the narrative box.



A comparison of internally managed investments only is included below, showing performance on a returns v credit risk basis. Note: The Arlingclose report compares quarter-end figures only.

This graph shows that SCC has a return and average credit risk score that is right on the average lines for both.



Security and liquidity have been achieved while returning an overall rate just 0.20% below average base rate in a market where base rate has increased 8 times during the year.

The overall return has produced a total income of £6.5m, up by £4.7m from 2021-22 on higher average rates but slightly reduced average balances.

All treasury management activities have mitigated risk to SCC to permit the achievement of objectives and including a fee for the management of the LEP money, have brought in income and benefits of approximately £140k.

11. Background papers

Treasury Management Strategy Statement 2022-23 and appendices. These were approved by SCC Full Council at the meeting on 23rd February 2022

Note: For sight of individual background papers please contact the report author.

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Appendix 2

Mendip District Council Annual Treasury Management Outturn Report 2022-23

Executive Member(s): Cllr Leyshon – Executive Lead for Resources

Local Member(s) and Division: All

Lead Officer: Jason Vaughan – Executive Director Resources and Corporate Services (Section 151 Officer)

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Introduction

The Authority adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Authority to approve treasury management semi-annual and annual reports.

The Authority's treasury management strategy for 2022/23 was approved at a meeting on 21 February 2022. The Authority has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Authority's treasury management strategy.

The 2021 Prudential Code includes a requirement for local authorities to provide a Capital Strategy, a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The Authority's Capital Strategy, complying with CIPFA's requirement, was approved by full Council on 21 February 2022.

External Context

Economic background: The war in Ukraine continued to keep global inflation above central bank targets and the UK economic outlook remained relatively weak with the chance of a mild recession. The economic backdrop during the January to March period continued to be characterised by high energy and commodity prices, high inflation, and the associated impact on household budgets and spending.

Central Bank rhetoric and actions remained consistent with combatting inflation. The Bank of England, US Federal Reserve, and European Central Bank all increased interest rates over the period, even in the face of potential economic slowdowns in those regions.

Starting the financial year at 5.5%, the annual CPI measure of UK inflation rose strongly to hit 10.1% in July and then 11.1% in October. Inflation remained high in subsequent months but appeared to be past the peak, before unexpectedly rising again in February. Annual headline CPI registered 10.4% in February, up from 10.1% in January, with the largest upward contributions coming from food and housing. RPI followed a similar pattern during the year, hitting 14.2% in October. In February RPI measured 13.8%, up from 13.4% in the previous month.

Following the decision by the UK government under Rishi Sunak and Jeremy Hunt to reverse some of the support to household energy bills announced under Liz Truss, further support in the form of a cap on what energy suppliers could charge household was announced in the March Budget to run from April until end June 2023. Before the announcement, typical household bills had been due to rise to £3,000 a year from April.

The labour market remained tight albeit with some ongoing evidence of potential loosening at the end of the period. The unemployment rate 3mth/year eased from 3.8% April-June to 3.6% in the following quarter, before picking up again to 3.7% between October-December. The most recent information for the period December-February showed an unemployment rate of 3.7%.

The inactivity rate was 21.3% in the December-February quarter, slightly down from the 21.4% in the first quarter of the financial year. Nominal earnings were robust throughout the year, with earnings growth in December-February at as 5.7% for both total pay (including bonuses) and 6.5% for regular pay. Once adjusted for inflation, however, both measures were negative for that period and have been so throughout most of the year.

Despite household budgets remaining under pressure, consumer confidence rose to -36 in March, following readings of -38 and -45 in the previous two months, and much improved compared to the record-low of -49 in September. Quarterly GDP was soft through the year, registering a 0.1% gain in the April-June period, before contracting by (an upwardly revised) -0.1% in the subsequent quarter. For the October-December period was revised upwards to 0.1% (from 0.0%), illustrating a resilient but weak economic picture. The annual growth rate in Q4 was 0.6%.

The Bank of England increased the official Bank Rate to 4.25% during the financial year. From 0.75% in March 2022, the Monetary Policy Committee (MPC) pushed through rises at every subsequent meeting over the period, with recent hikes of 50bps in December and February and then 25bps in March, taking Bank Rate to 4.25%. March's rise was voted by a majority of 7-2, with two MPC members preferring to maintain Bank Rate at 4.0%. The Committee noted that inflationary pressures remain elevated with growth stronger than was expected in the February Monetary Policy Report. The February vote was also 7-2 in favour of a hike, and again with two members preferring to keep Bank Rate on hold.

After reaching 9.1% in June, annual US inflation slowed for eight consecutive months to 6% in February. The Federal Reserve continued raising interest rates over the period with consecutive increases at each Federal Open Market Committee meetings, taking policy rates to a range of 4.75%- 5.00% at the March meeting.

From the record-high of 10.6% in October, Eurozone CPI inflation fell steadily to 6.9% in March 2023. Energy prices fell, but upward pressure came from food, alcohol, and tobacco. The European Central Bank continued increasing interest rates over the period, pushing rates up by 0.50% in March, taking the deposit facility rate to 3.0% and the main refinancing rate to 3.5%.

Financial markets: Uncertainty continued to be a key driver of financial market sentiment and bond yields remained relatively volatile due to concerns over elevated inflation and higher interest rates, as well as the likelihood of the UK entering a recession and for how long the Bank of England would continue to tighten monetary policy. Towards the end of the period, fears around the health of the banking system following the collapse of Silicon Valley Bank in the US and purchase of Credit Suisse by UBS caused further volatility.

Over the period the 5-year UK benchmark gilt yield rose from 1.41% to peak at 4.70% in September before ending the financial year at 3.36%. Over the same timeframe the 10-year gilt yield rose from 1.61% to peak at 4.51% before falling back to 3.49%, while the 20-year yield rose from 1.82% to 4.96% and then declined to 3.82%. The Sterling Overnight Rate (SONIA) averaged 2.24% over the period.

Credit review: Early in the period, Moody's affirmed the long-term rating of Guildford BC but revised the outlook to negative. The agency also downgraded Warrington BC and Transport for London.

In July Fitch revised the outlook on Standard Chartered and Bank of Nova Scotia from negative to stable and in the same month Moody's revised the outlook on Bayerische Landesbank to positive. In September S&P revised the outlook on the Greater London Authority to stable from negative and Fitch revised the outlook on HSBC to stable from negative.

The following month Fitch revised the outlook on the UK sovereign to negative from stable. Moody's made the same revision to the UK sovereign, following swiftly after with a similar move for a number of local authorities and UK banks including Barclays Bank, National Westminster Bank (and related entities) and Santander.

During the last few months of the reporting period there were only a handful of credit changes by the rating agencies, then in March the collapse of Silicon Valley Bank (SVB) in the US quickly spilled over into worries of a wider banking crisis as Credit Suisse encountered further problems and was bought by UBS.

Credit Default Prices had been rising since the start of the period on the back of the invasion of Ukraine, and in the UK rose further in September/October at the time of the then-government's mini budget. After this, CDS prices had been falling, but the fallout from SVB caused a spike on the back of the heightened uncertainty. However, they had moderated somewhat by the end of the period as fears of contagion subsided, but many are still above their pre-March levels reflecting that some uncertainty remains.

On the back of this, Arlingclose reduced its recommended maximum duration limit for unsecured deposits for all UK and Non-UK banks/institutions on its counterparty list to 35 days as a precautionary measure. No changes were made to the names on the list.

As market volatility is expected to remain a feature, at least in the near term and, as ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remains under constant review.

Local authorities remain under financial pressure, but Arlingclose continues to take a positive view of the sector, considering its credit strength to be high. Section 114 notices have been issued by only a handful of authorities with specific issues. While Arlingclose's advice for local authorities on its counterparty list remains unchanged, a degree caution is merited with certain authorities.

Local Context

On 31st March 2023, the Authority had net borrowing of £36m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.23 Actual £m
General Fund CFR	58.625
External borrowing	62.873
(Under)/over funding of CFR	4.248

The Authority pursued its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk and keep interest costs low.

The treasury management position at 31st March 2023 and the change during the year is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.22 Balance £m	Movement £m	31.3.23 Balance £m
Long-term borrowing	62.839	-0.017	62.822
Short-term borrowing*	0.051	0.000	0.051
Total borrowing	62.890	-0.017	62.873
Long-term investments	0.000	0.000	0.000
Short-term investments	-19.990	19.990	0.000
Cash and cash equivalents	-13.790	-12.974	-26.764
Total investments	-33.780	7.016	-26.764
Net borrowing	29.110	6.999	36.109

*The above includes £34k interest owed on PWLB Loans that has been moved to borrowing at year end

Borrowing Update

CIPFA's 2021 Prudential Code is clear that local authorities must not borrow to invest primarily for financial return and that it is not prudent for local authorities to make any investment or spending decision that will increase the capital financing requirement, and so may lead to new borrowing, unless directly and primarily related to the functions of the Authority. PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield unless these loans are for refinancing purposes.

The Authority is currently reviewing its capital programme in light of changes to the CIPFA Prudential Code and PWLB lending arrangements to ensure that borrowing to invest primarily for commercial return is no longer undertaken.

The Authority currently holds £55.445m in commercial investments that were purchased prior to the change in the CIPFA Prudential Code. Before undertaking further additional borrowing the Authority will review the options for exiting these investments.

Borrowing Strategy and Activity

As outlined in the treasury strategy, the Authority's chief objective when borrowing has been to strike an appropriately low risk balance between securing lower interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective. The Authority's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio and, where practicable, to maintain borrowing and investments below their underlying levels, sometimes known as internal borrowing.

The cost of both long and short-term borrowing rose dramatically over the year, with rates at the end of March around 2% - 4% higher than those at the beginning of April. Rate rises have been driven primarily by inflation and the need for central banks to control this by raising interest rates. Particularly dramatic rises were seen in September after Liz Truss' 'mini-budget' included unfunded tax cuts and additional borrowing to fund consumer energy price subsidies: over a twenty-four-hour period some PWLB rates increased to 6%. Rates have now fallen from September peaks but remain volatile and well above recent historical norms. The PWLB 10 year maturity certainty rate stood at 4.33% at 31st March 2023, 20 years at 4.70% and 30 years at 4.66%.

At 31st March 2023 the Authority held £62.873m of loans, (a decrease of £17k). Outstanding loans on 31st March are summarised in Table 3 below.

Table 3A: Borrowing Position

	31.3.22 Balance £m	Net Movement £m	31.3.23 Balance £m
Public Works Loan Board	62.827	0.000	62.827
Other financial intermediaries	0.015	-0.003	0.012
Local authorities SCC	0.048	-0.014	0.034
Total borrowing	62.890	-0.017	62.873

Table 3B: Long-dated Loans borrowed

	31.3.23 Balance £m	Type	Interest Rate	Maturity	Years remaining
PWLB - 506506	8.710	Fixed Rate	2.66	36	30.61
PWLB - 506507	7.483	Fixed Rate	2.53	46	40.61
PWLB - 508117	7.000	Fixed Rate	2.83	21	16.19
PWLB - 508247	5.000	Fixed Rate	2.04	11	6.21
PWLB - 116646	0.900	Fixed Rate	1.55	14	10.51
PWLB - 116648	5.000	Fixed Rate	1.55	14	10.51
PWLB - 116650	4.000	Fixed Rate	1.68	17	13.51
PWLB - 116652	4.000	Fixed Rate	1.80	25	21.52
PWLB - 116654	2.600	Fixed Rate	1.66	48	44.53
PWLB - 116656	3.800	Fixed Rate	1.78	30	26.52
PWLB - 116658	2.000	Fixed Rate	1.78	31	27.52
PWLB - 116660	2.000	Fixed Rate	1.71	37	33.53
PWLB - 116662	2.000	Fixed Rate	1.69	40	36.53
PWLB - 116664	2.000	Fixed Rate	1.66	45	41.53
PWLB - 116666	5.300	Fixed Rate	1.66	50	46.45
PWLB - 116668	1.000	Fixed Rate	1.66	50	46.45
M&G	0.012	Fixed Rate	8.00	30	3.000
SCC	0.034	Fixed Rate	6.43	30	3.000

The accrued interest that formed part of borrowing in the trial balance at year end is below:

	31.3.23 Balance £k
PWLB - 508247	25.220
PWLB - 116666	7.251
PWLB - 116668	1.368

The Authority's borrowing decisions are not predicated on any one outcome for interest rates and a balanced portfolio of short- and long-term borrowing was maintained.

Treasury Investment Activity

CIPFA published a revised Treasury Management in the Public Services Code of Practice and Cross-Sectoral Guidance Notes on 20th December 2021. These define treasury management investments as investments that arise from the organisation's cash flows or treasury risk management activity that ultimately represents balances that need to be invested until the cash is required for use in the course of business.

The Authority holds invested funds, representing income received in advance of expenditure plus balances and reserves held. The investment position at 31 March 2023 is shown in table 4 below.

Table 4: Treasury Investment Position

	Principal £m	Duration	Interest Rate %	Annual Interest £k
Standard Chartered - Sustainable	5.000	123 days	3.75	187.5
South Somerset District Council	5.000	59 days	4.00	200.0
Bank of New York Mellon - Federated	10.000	Call	3.90	390.0
Standard Life - Aberdeen	5.200	Call	3.94	204.9
Total Treasury Investments	25.200			

Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

Bank Rate has increased from 0.75% at the beginning of the year to 4.25% at the end of March 2023. Short-dated cash rates, which had ranged between 0.7% - 1.5% at the beginning of April, rose by around 3.5% for overnight/7-day maturities and 3.3% for 6-12 month maturities.

By end March 2023, the return on the Council's sterling Low Volatility Net Asset Value (LVNAV) Money Market Funds ranged between [0.5% - 0.7% p.a.] in early April and between [3.9% and 4.0%] at the end of March.

Towards the end of the financial year rates increased in line with base rate, however Mendip decided to keep all cash short term due to unitary approaching on 1st April 2023 and not know what cash position the council would be in.

The progression of risk and return metrics are shown in the extracts from Arlingclose's quarterly investment benchmarking in Table 5 below.

Table 5: Investment Benchmarking – Treasury investments managed in-house.

	31.3.22 Balance £m	31.3.23 Balance £m
AA rated counterparties	8.000	15.200
AA- rated counterparties	0.000	5.000
A+ rated counterparties	25.780	5.000
A rated counterparties	0.000	1.564
	33.780	26.764

The change in the Authority's funds' capital values and income earned over the 12-month period is shown in Table 4.

Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority's medium- to long-term investment objectives are regularly reviewed. Strategic fund investments are made in the knowledge that capital values will move both up and down on months, quarters and even years; but with the confidence that over a three- to five-year period total returns should exceed cash interest rates.

The Authority had budgeted £180,000 income from these investments in 2022/23. Income received was £917,707. The reason for the considerable increase in investment income was due to investment purchases being put on hold due to the unitary authority so having surplus cash and an increase in base rate.

Non-Treasury Investments

The definition of investments in CIPFA's revised 2021 Treasury Management Code covers all the financial assets of the Authority as well as other non-financial assets which the Authority holds primarily for financial return. Investments that do not meet the definition of treasury management investments (i.e. management of surplus cash) are categorised as either for service purposes (made explicitly to further service objectives) and or for commercial purposes (made primarily for financial return).

Investment Guidance issued by the Department for Levelling Up Housing and Communities (DLUHC) and Welsh Government also broadens the definition of investments to include all such assets held partially or wholly for financial return.

The Authority also held £59.135m of such investments in

- directly owned investment property £55.445m
- loans to local businesses (Somerset Waste Partnership) £3.69m

These investments generated £3.123m of income for the Authority with direct costs of £1.511, representing a rate of return of 2.7%.

Compliance

The Chief Finance Officer reports that all treasury management activities undertaken during the year complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy. Compliance with specific investment limits is demonstrated in table 7 below.

Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 7 below.

Table 7: Debt Limits

	31.3.23 Original £m	31.3.23 Revised £m
Authorised limit for external debt	80.000	80.000
Operational boundary for external debt	80.000	80.000
Capital Financing Requirement	60.464	58.625

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

Treasury Management Indicators

This Council applies the creditworthiness service provided by the Link Group. This service employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies - Fitch, Moody's and Standard & Poor's. The credit ratings of counterparties are supplemented with the following overlays:

- "watches" and "outlooks" from credit rating agencies;
- CDS spreads that may give early warning of changes in credit ratings;
- sovereign ratings to select counterparties from only the most creditworthy countries.

This modelling approach combines credit ratings, and any assigned Watches and Outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads. The end product of this is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the suggested duration for investments. The Council will, therefore, use counterparties within the following durational bands.

- Yellow 5 years *
- Dark pink 5 years for Ultra-Short Dated Bond Funds with a credit score of 1.25
- Light pink 5 years for Ultra-Short Dated Bond Funds with a credit score of 1.5
- Purple 2 years
- Blue 1 year (only applies to nationalised or semi nationalised UK Banks)
- Orange 1 year
- Red 6 months
- Green 100 days
- No colour not to be used

* Please note: the yellow colour category is for UK Government debt, or its equivalent, money market funds and collateralised deposits where the collateral is UK Government debt

The Link creditworthiness service uses a wider array of information other than just primary ratings. Furthermore, by using a risk weighted scoring system, it does not give undue preponderance to just one agency's ratings.

Typically, the minimum credit ratings criteria the Council use will be a short-term rating (Fitch or equivalents) of F1 and a long-term rating of A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances, consideration will be given to the whole range of ratings available, or other topical market information, to support their use.

All credit ratings will be monitored weekly. The Council is alerted to changes to ratings of all three agencies through its use of the Link creditworthiness service.

- if a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
- in addition to the use of credit ratings the Council will be advised of information in movements in Credit Default Swap spreads against the iTraxx European Financials benchmark and other market data on a daily basis via its Passport website, provided exclusively to it by Link. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.

Sole reliance will not be placed on the use of this external service. In addition, this Council will also use market data and market information, as well as information on any external support for banks to help support its decision making process.

Y	Pi1	Pi2	P	B	O	R	G	N/C
1	1.25	1.5	2	3	4	5	6	7
Up to 5yrs	Up to 5yrs	Up to 5yrs	Up to 2yrs	Up to 1yr	Up to 1yr	Up to 6mths	Up to 100days	No Colour

	Colour (and long-term rating where applicable)	Money Limit £m	Time Limit
Banks	Yellow	5	5yrs
Banks	purple	5	2 yrs
Banks	orange	5	1 yr
Banks – part nationalised	blue	5	1 yr
Banks	red	5	6 months
Banks	green	5	100 days
Limit 3 category-Council's banker	No colour		1day
Other institutions limit	-	5	1yr
DMA DF	AAA	unlimited	6 months
Local authorities	n/a	5	1yr
Housing Associations	Colour bands	5	As per colour band

The Authority measures and manages its exposures to treasury management risks using the following indicators.

The Council's investment priorities will be security first, portfolio liquidity second and then yield, (return). The Council will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity and with the Council's risk appetite. In the current economic climate, it is considered appropriate to keep investments short term to cover cash flow needs. However, where appropriate (from an internal as well as external perspective), the Council will also consider the value available in periods up to 12 months with high credit rated financial institutions, as well as wider range fund options.

Guidance from the DLUHC and CIPFA places a high priority on the management of risk. This authority has adopted a prudent approach to managing risk and defines its risk appetite by the following means: -

1. Minimum acceptable **credit criteria** are applied in order to generate a list of highly creditworthy counterparties. This also enables diversification and thus avoidance of concentration risk. The key ratings used to monitor counterparties are the short term and long-term ratings.
2. **Other information:** ratings will not be the sole determinant of the quality of an institution; it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinion of the markets. To achieve this consideration the Council will engage with its advisors to maintain a monitor on market pricing such as “**credit default swaps**” and overlay that information on top of the credit ratings.
3. **Other information sources** used will include the financial press, share price and other such information pertaining to the financial sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.
4. This authority has defined the list of **types of investment instruments** the treasury management team are authorised to use, ‘specified’ and ‘non-specified’ investments.
 - **Specified investments** are those with a high level of credit quality and subject to a maturity limit of one year or have less than a year left to run to maturity if originally, they were classified as being non-specified investments solely due to the maturity period exceeding one year.
 - **Non-specified investments** are those with less high credit quality, may be for periods in excess of one year, and/or are more complex instruments which require greater consideration by members and officers before being authorised for use.
5. **Non-specified and loan investment limits.** The Council has determined it will set a limit to the maximum exposure of the total treasury management investment portfolio to non-specified treasury management investments of 50%.

6. **Transaction limits** are set for each type of investment
7. Investments will only be placed with counterparties from countries with a specified minimum **sovereign credit rating of AA- from Fitch**.
8. This authority has engaged **external consultants**, to provide expert advice on how to optimise an appropriate balance of security, liquidity and yield, given the risk appetite of this authority in the context of the expected level of cash balances and need for liquidity throughout the year.
9. All investments will be denominated in **sterling**.
10. As a result of the change in accounting standards for 2022/23 under IFRS 9, this authority will consider the implications of investment instruments which could result in an adverse movement in the value of the amount invested and resultant charges at the end of the year to the General Fund. (In November 2018, the MHCLG, concluded a consultation for a temporary override to allow English local authorities time to adjust their portfolio of all pooled investments by announcing a statutory override to delay implementation of IFRS 9 for five years ending 31.3.23.
11. Investments will not be made with counterparties based in countries with alleged poor human rights records.

However, this authority will also pursue **value for money** in treasury management and will monitor the yield from investment income against appropriate benchmarks for investment performance. Regular monitoring of investment performance will be carried out during the year.

Appendix 3

Sedgemoor District Council Annual Treasury Management Outturn Report 2022-23

Executive Member(s): Cllr Leyshon – Executive Lead for Resources

Local Member(s) and Division: All

Lead Officer: Jason Vaughan – Executive Director Resources and Corporate Services (Section 151 Officer)

Author: Sarah Williams

Contact Details: sarah.williams1@somerset.gov.uk

Background

The Council's Treasury Management Strategy for 2022/23 outlined the parameters within which treasury management is delegated to the S151 Officer. Council investments are exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates.

Treasury risk management is set within the framework of specific Codes of Practice issued by the Chartered Institute of Public Finance and Accountancy, CIPFA and referred to as the 'Treasury Management Code of Practice' and the 'Prudential Code'.

These requires the Council to approve a Treasury Management Strategy before the start of each financial year and to approve, as a minimum, a half-year and annual treasury outturn report. This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to the CIPFA Code.

The Prudential Code includes a requirement for local Councils to provide a Capital Strategy. This is a comprehensive and high-profile document approved by Full Council covering capital expenditure and financing, treasury management and non-treasury investments.

CIPFA defines Treasury Management as:

“The management of the local Council's cash flows, its borrowings and its investments, the management of the associated risks, and the pursuit of the optimum performance or return consistent with those risks”.

Overall responsibility for treasury management remains with the Council with operational responsibility delegated to the S151 Officer. No treasury management activity is without risk; the effective identification and management of risk are integral to the Council's treasury management objectives.

Report

The overall Treasury Management year end position for Sedgemoor District Council is shown below:

Treasury position as at 31st March 2023

		31st March 2023	31st March 2022 £
Investments			
<i>Variable Rate MMF</i>			
Aberdeen Asset Management	2.24%	4,401,960	470,000
CCLA	1.94%	-	1,412
Invesco AIM	3.14%	-	298,960
BNP Paribas	2.91%	-	1,000
<i>Variable Rate on Call</i>			
Santander	1.33%	1,648,224	4,995,551
<i>Variable Rate - Pooled Funds</i>			
Ninety One Diversified income Fund	3.8%	5,000,000	5,000,000
Schroder Income Maximiser	7.3%	8,000,000	8,000,000
CCLA property fund	4.0%	5,000,000	5,000,000
Aegon Diversified monthly income fund	5.5%	5,000,000	5,000,000
CCLA diversified income fund	2.6%	3,000,000	3,000,000
UBS Equity Global Income Fund	9.4%	5,000,000	5,000,000
		37,050,184	36,766,923

The budget and outturn position for investment income is shown in the table below:

Investment performance to end March 2023

Interest received:	Budget 2022/23 £	Actual 2022/23 £
Internally Managed Funds – On Call accounts	50,000	220,827
Externally Managed Funds	1,550,000	1,693,700

The following table outlines the performance of externally managed funds:

Pooled funds	Actual dividends 22/23 £	Average Rate
Ninety-One Diversified Income Fund	183,770	3.76%
Schroders Income Maximiser Fund	539,727	7.25%
CCLA Property Fund	193,437	3.96%
Aegon Diversified Monthly Income Fund	245,497	5.50%
CCLA Diversified Income Fund	78,656	2.62%
UBS Equity Global Income Fund	452,613	9.37%

In addition to investments Sedgemoor District Council's borrowing for both the General Fund and HRA is shown below:

Borrowing

Type	
Intra unitary	34,000,000
Local Authority	10,000,000
PWLB	71,100,000
Total	115,100,000

The interest paid on borrowing for the 2022/23 year was as follows:

Interest due:	FY Budget 2022/23 £	Profiled Budget 2022/23 £	Actual 2022/23 £
General fund - PWLB	1,133,010	850,000	240,500
General fund – Other Local Authorities			423,396
HRA – PWLB	1,587,010	1,190,258	1,490,146

Loan repayments due to other local authorities after vesting day are outlined in the table below. The Treasury Management workstream simplified loans due to other authorities through the District Councils borrowing from Somerset County Council close to vesting day wherever possible.

Loan repayments due	Amount	Repayment due
Somerset County Council	35,000,000	3-Apr-23
Gloucestershire CC	5,000,000	5-May-23

Appendix 4

Somerset West and Taunton Council Annual Treasury Management Outturn Report 2022-23

Executive Member(s): Cllr Leyshon – Executive Lead for Resources

Local Member(s) and Division: All

Lead Officer: Jason Vaughan – Executive Director Resources and Corporate Services
(Section 151 Officer)

Author: Steve Plenty

Contact Details: steve.plenty@somerset.gov.uk

Report Authors: Steve Plenty, Finance Specialist

1 Executive Summary / Purpose of the Report

- 1.1 To provide Members with an update on the Treasury Management activity of Somerset West and Taunton Council and performance against the Prudential Indicators for 2022/23.
- 1.2 Treasury management performance during the year has reflected the agreed strategy for the Council. Investment security remains with good credit ratings across the portfolio, whilst liquidity remains high and liquidity. As forecast, there was high borrowing activity during the year, with £74million advanced to the Council. Vigilant action during the early part of the financial year provided favourable interest rates ahead of substantial increases in the money market as the year progressed. A suitable spread of loan durations were obtained, enabling substantial flexibility to become available when the new Unitary Council takes on the mix of loan and investment portfolios from the combining councils, whilst building in some benefit from low interest rates for borrowing that is due to mature in the medium term.

2 Background and Full details of the Report

- 2.1 The Council's Treasury Management Strategy for 2022/23 was approved at Full Council on 29th March 2022. The Council invests substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Council's Treasury Management Strategy.
- 2.2 Treasury risk management at the Council is conducted within the framework of specific Codes of Practice issued by the Chartered Institute of Public Finance and Accountancy, CIPFA. In abbreviated format, they are referred to as the 'Treasury Management Code of Practice' and the 'Prudential Code'.

- 2.3 The first Code is the Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes. The version that is relevant to the start of the financial year 2022/23 requires the Council to approve a Treasury Management Strategy before the start of each financial year and to approve, as a minimum, a half-year and annual treasury outturn report. This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to the CIPFA Code.
- 2.4 Working alongside the Treasury Management Code, the 2017 CIPFA The Prudential Code includes a requirement for local Councils to provide a Capital Strategy. This is a comprehensive and high-profile document approved by Full Council covering capital expenditure and financing, treasury management and non-treasury investments.
- 2.5 Similarly to the Treasury Management Code of Practice, CIPFA published a new release of the Prudential Code in December 2021. The Council's latest Capital Strategy, complying with CIPFA's requirement, was approved by Somerset West and Taunton Full Council on 29th March 2022.
- 2.6 For continuity and clarity, CIPFA defines Treasury Management as:
- “The management of the local Council's cash flows, its borrowings and its investments, the management of the associated risks, and the pursuit of the optimum performance or return consistent with those risks”.
- 2.7 Overall responsibility for treasury management remains with the Council with operational responsibility delegated to the S151 Officer. No treasury management activity is without risk; the effective identification and management of risk are integral to the Council's treasury management objectives.

3 Local Context

- 3.1 On 31st March 2023, the Council had net cash investments of £74.368m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These components, which stem from the Council's Balance Sheet, are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.23 Actual £m
General Fund CFR	133.968
HRA CFR	117.752
Total CFR	251.720
Less: External borrowing	-174.500
Internal borrowing	77.220
Less: Usable reserves	-80.873
Less: Working capital	-70.715
Net Investments	-74.368

- 3.2 The Council pursued its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, to reduce risk and keep interest costs low.
- 3.3 The treasury management position as at 31st March 2023 and the change during the year is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.22 Balance £m	In-year Movement £m	31.3.23 Balance £m
Long-term borrowing	-105.500	17.000	-88.500
Short-term borrowing	-75.000	-11.000	-86.000
Total borrowing	-180.500	6.000	-174.500
Long-term investments	0.003	-0.003	0.000
Short-term investments	17.449	-1.764	15.685
Cash and cash equivalents	23.465	-21.774	1.691
Total investments	40.917	-23.541	17.376
Net Borrowing	-139.583	-17.541	-157.124

Borrowing Update

- 3.4 CIPFA's 2021 Prudential Code is clear that local authorities must not borrow to invest primarily for financial return and that it is not prudent for local authorities to make any investment or spending decision that will increase the capital financing requirement, and so may lead to new borrowing, unless directly and primarily related to the functions of the Authority. PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield unless these loans are for refinancing purposes.
- 3.5 The Council currently holds £95.223m in commercial investments that were purchased prior to the change in the CIPFA Prudential Code.

Borrowing Strategy and Activity

- 3.6 As outlined in the treasury strategy, the Council's main objectives when borrowing was to achieve a low but certain cost of finance while retaining flexibility should any of the plans changed, particularly with the transfer to a single Unitary Council on 1st April 2023. The Council's borrowing strategy continued to address the key issue of affordability without compromising the longer-term stability of the debt portfolio and, where practicable, to maintain borrowing and investments below their underlying levels, sometimes known as internal borrowing.
- 3.7 The cost of both long and short-term borrowing rose dramatically over the year, with rates at the end of March around 2% - 4% higher than those at the beginning of April. Rate rises have been driven primarily by inflation and the need for central banks to control this by raising interest rates. Particularly dramatic rises were seen in September after Liz Truss' 'mini-budget' included unfunded tax cuts and additional borrowing to fund consumer energy price subsidies: over a twenty-four-hour period some PWLB rates increased to 6%. Rates have now fallen from September peaks but remain volatile and well above recent historical norms. The PWLB 10 year maturity certainty rate stood at 4.33% at 31st March 2023, 20 years at 4.70% and 30 years at 4.66%.
- 3.8 A new HRA PWLB rate of gilt yield plus 0.4% (0.4% below the currently available certainty rate) was announced on 15th March 2023. This discounted rate is to support local authorities borrowing for Housing Revenue Accounts and the delivery of social housing and is expected to be available from June 2023, initially for a period of one year.

- 3.9 As at 31st March 2023 the Council held £174.5m of loans as part of its strategy for funding previous and current years' capital programmes. This represented a decrease of £6m compared to the previous financial year-end, 31st March 2022. Outstanding loans on 31st March are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.22 Balance £m	Net Movement £m	31.3.23 Balance £m
Public Works Loan Board (Long-term)	87.500	-7.000	80.500
Public Works Loan Board (Short-term)	5.000	2.000	7.000
Banks (Fixed term)	3.000	0.000	3.000
Local Councils (Long-term)	15.000	-10.000	5.000
Local Councils (Short-term)	70.000	9.000	79.000
Total borrowing	180.500	-6.000	174.500

- 3.10 For clarification, long-term loans are defined as any loan with a maturity date exceeding 365 days from the date of a reported balance. The Council's chief objective when taking new borrowing during 2022/23 has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Council's long-term plans change being a secondary objective.
- 3.11 The Council has an increasing CFR due to the capital programme and an estimated borrowing requirement as determined by the Liability Benchmark, which also takes into account usable reserves and working capital. Having considered the appropriate duration and structure of the borrowing need based on realistic projections, it was decided to take a mixture of short-term and long-term borrowing. The Council currently has £88.5m of longer-term borrowings in respect of the Housing Revenue Account and General Fund, details of which are shown below. These loans provide some longer-term certainty and stability to the debt portfolio. It is also worthy of note that loans shown in the table with a higher rate of interest reflect historically higher interest rates at the time when they were advanced to the Council.

Table 4: External Long-term Borrowing Position as at 31 March 2023

Long-dated Loans borrowed	Amount £m	Rate %	Maturity Date
Public Works Loan Board	6.0	2.82	28 Mar 2025
Waverley Borough Council	5.0	1.20	16 Feb 2026
Public Works Loan Board	7.0	2.92	28 Mar 2026
Public Works Loan Board	16.0	3.01	28 Mar 2027
Public Works Loan Board	7.0	3.08	28 Mar 2028
Public Works Loan Board	5.0	3.15	28 Mar 2029
Public Works Loan Board	5.5	3.21	28 Mar 2030
Public Works Loan Board	1.0	8.38	03 Aug 2056
Public Works Loan Board	1.0	7.38	06 May 2057
Public Works Loan Board	2.0	6.63	05 Sep 2057
Public Works Loan Board	10.0	1.64	12 Nov 2070
Public Works Loan Board	20.0	1.89	26 Mar 2071
Barclays	3.0	4.25	14 Jun 2077
Total borrowing	88.5		

- 3.12 The Council's borrowing decisions are not predicated on any one outcome for interest rates and a balanced portfolio of short- and long-term borrowing was maintained.

Treasury Investment Activity

- 3.13 The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held for a wide range of purposes. During the year, the Council's investment balances ranged between £17.025m and £62.000m due to timing differences between income and expenditure as well as cashflow movements. The investment position is shown in Table 5, below.

Table 5: Treasury Investment Position

	31.03.22 Balance £m	Net Movement £m	31.03.23 Balance £m
Banks and Building Societies (unsecured)	1.630	-0.319	1.311
Government (including local authorities)	2.898	-2.898	0.000
Money Market Funds	17.900	-17.900	0.000
Cash Plus Funds	0.983	-0.012	0.971
Strategic Bond Funds	1.985	-0.032	1.953
Equity Income Funds	1.980	-0.212	1.768
Property Funds	5.697	-0.821	4.876
Multi Asset Income Fund	6.688	-0.542	6.146
Total Investments	39.761	-22.736	17.025

Investments as at 31 March 2023

Borrower	Amount £	Rate of Interest %	Date of Investment	Date of Maturity
National Westminster Bank	1,311,644	Variable	N/A	On Demand
CCLA Local Authority Property Fund	4,875,987	Variable	N/A	On Demand
Ninety-One (Formerly Investec)	2,607,296	Variable	N/A	On Demand
Columbia Threadneedle	1,768,039	Variable	N/A	On Demand
Royal London Enhanced Cash Fund	970,718	Variable	N/A	On Demand
Payden Sterling Reserve Fund	1,953,067	Variable	N/A	On Demand
AEGON Diversified Income Fund (Formerly Kames)	1,661,901	Variable	N/A	On Demand
Schroder Income Maximiser Fund	1,876,815	Variable	N/A	On Demand
TOTAL	17,025,467			

- 3.14 Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.
- 3.15 Bank Rate has increased from 0.75% at the beginning of the year to 4.25% at the end of March 2023. Short-dated cash rates, which had ranged between 0.7% - 1.5% at the beginning of April, rose by around 3.5% for overnight/7-day maturities and 3.3% for 6–12-month maturities.
- 3.16 By end March 2023, the rates on DMADF deposits ranged between 4.05% and 4.15%.
- 3.17 The progression of risk and return metrics are shown in the extracts from Arlingclose quarterly investment benchmarking in Table 6, overleaf.

Table 6: Investment Benchmarking – Treasury investments managed in-house

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return %
31.03.2022	4.54	A+	87%	1	3.87%
31.03.2023	5.33	A+	100%	1	-5.03%
Similar Local Authorities	4.74	A+	63%	56	0.73%
All Local Authorities	4.71	A+	59%	12	1.59%

- 3.18 Arlingclose provided the Council with a report as at 31st March 2023 which shows the current value of the Council's investments are held in externally managed strategic pooled funds was £12.766m, where short-term security and liquidity are lesser considerations, and the objectives are, instead, regular revenue income and long-term price stability. These funds generated dividends of £0.622m in 2022/23, an income return of 4.33% which is used to support services in year, however had an unrealised capital loss of £1.613m (-11.22%).
- 3.19 While the CCLA Property Fund had the largest capital loss, there has also been significant downturn in the bond sector over the last year as rising interest rates have depressed bond capital values.
- 3.20 For fixed income bond investors, 2022 was a very difficult year - bonds had their worst year of performance in several decades; long-term government bonds had their worst year ever as central banks delivered larger interest rates hikes than initially expected and promised more to combat inflation. As policy rates rapidly rose from very low levels, bond investors suffered large crystallised or unrealised losses from rising sovereign and corporate bond yields (i.e. falling prices) as well as from widening credit spreads as concern grew over the risk of defaults in a recessionary environment. The return on the All-Gilts index was -16.3% over the 12 months to March 2023. Negative yielding bonds all but disappeared globally.
- 3.21 UK and global equities remained volatile against a backdrop of high and sticky inflation, rapid policy rates tightening and an increasing risk of recession. There was a large sell-off in global equities in April, and again in June and September for both UK and global equities. The total return on the FTSE All Share index for the 12 months ending March 2023 was 2.9% and 5.4% for the FTSE 100.
- 3.22 The negative correlation between bonds and equities, which had featured for some years, turned positive in 2022 as both bonds and equities sold off simultaneously against an outlook of sticky inflation and high interest rates. Simultaneously, tighter financial conditions, higher bond yields and challenges in some segments of commercial real estate (e.g. offices post-COVID, high street shops and shopping centres) saw commercial property values fall during 2022, with a large fall in the final calendar quarter.
- 3.23 Dividends continued to be received from the Council's bond, equity, multi-asset and property funds, the payout increasing slightly for most funds in the portfolio.
- 3.24 Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority's medium- to long-term investment objectives are regularly reviewed. Strategic fund investments are made in the knowledge that capital values will move both up and down on months, quarters and even years; but with the confidence that over a three- to five-year period total returns should exceed cash interest rates.

Non-Treasury Investments

- 3.25 The definition of investments in CIPFA's revised 2021 Treasury Management Code covers all the financial assets of the Council as well as other non-financial assets which the Council holds primarily for financial return. Investments that do not meet the definition of treasury management investments (i.e. management of surplus cash) are categorised as either for service purposes (made explicitly to further service objectives) and or for commercial purposes (made primarily for financial return).
- 3.26 Investment Guidance issued by the Department for Levelling Up Housing and Communities (DLUHC) also broadens the definition of investments to include all such assets held partially or wholly for financial return. This represented a significant feature of CIPFA's new Code of Practice published in December 2021.
- 3.27 The Council holds £95.223m of such commercial property investments held as directly owned property and £4.011m as loans to local businesses, charities, partnerships and sports clubs as at 31 March 2023.
- 3.28 Commercial property investments generated £6.871m of gross investment income representing an average rate of return of 6.90% and the loans to local businesses generated £162k of investment income representing an average rate of return of 3.42%.

Treasury Performance

- 3.29 The Council measures the financial performance of its treasury management activities in terms of its impact on the revenue budget as shown Table 7 below.

Table 7: Performance

	Budget 2022/23 £m	Actual 2022/23 £m	Variance 2022/23 £m
Interest Paid	3.831	3.257	-0.574
Interest Received	-1.297	-1.298	-0.001

- 3.30 The above excludes interest paid relating to commercial properties.

Compliance

- 3.31 The Section 151 Officer is pleased to report that all treasury management activities undertaken during the year fully complied with the CIPFA Code of Practice and with every one of the Council's approved Treasury Management Strategy parameters – see Table 8, below.

Table 8: Investment Limits

	2022/23 Maximum	31.3.23 Actual	2022/23 Limit	Complied
The UK Government	£10.7m	£nil	Unlimited	Yes
Local Authorities and Other Government Entities	£nil	£nil	£7.0m	Yes
Secured Investments	£nil	£nil	£7.0m	Yes
Banks (Unsecured)	£3.2m	£1.3m	£7.0m	Yes
Building Societies (Unsecured)	£nil	£nil	£7.0m	Yes
Registered Providers (Unsecured)	£nil	£nil	£7.0m	Yes
Money Market Funds	£7.0m	£nil	£7.0m	Yes
Strategic Pooled Funds	£5.0m	£5.0m	£7.0m	Yes
Real Estate Investment Trusts	£nil	£nil	£7.0m	Yes
Other Investments	£nil	£nil	£5.0m	Yes

- 3.32 Compliance with the authorised limit and the operational boundary for external debt is demonstrated in Table 9 below, relating to 2022/23:

Table 9: Debt Limits

	2022/23 Maximum	31.3.23 Actual	2022/23 Operational Boundary	2022/23 Authorised Limit	Complied
Borrowing	£188.5m	£174.5m	£310.0m	£370.0m	Yes
Total debt	£188.5m	£174.5m	£310.0m	£370.0m	Yes

Treasury Management Indicators

3.33 The Council measures and manages its exposures to treasury management risks using the following indicators.

3.34 **Security:** The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	31.3.23 Actual	2022/23 Target	Complied
Portfolio average credit rating	A+	A-	Yes

3.35 **Liquidity:** The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three-month period, without additional borrowing.

	31.3.23 Actual	2022/23 Target	Complied
Total cash available within 3 months	£12.62m	£20.00m	No

The reason for this target not being complied with was due to Somerset West and Taunton Council utilising its balances ahead of the creation of the Unitary Council with effect from 1st April 2023, rather than renewing short term borrowing.

3.36 The impact of a change in interest rates is calculated on the assumption that maturing loans and investments will be replaced at current rates, and that the business cases for commercial properties (costs and income) are stand alone.

3.37 Maturity **Structure of Borrowing:** This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

	31.3.23 Actual	Upper Limit	Lower Limit	Complied
Under 12 months	49.28%	100%	0%	Yes
12 months and within 24 months	3.44%	100%	0%	Yes
24 months and within 5 years	20.06%	100%	0%	Yes
5 years and within 10 years	6.02%	100%	0%	Yes
10 years and above	21.20%	100%	0%	Yes

3.38 Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

- 3.39 Principal **Sums Invested for Periods Longer than a year:** The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	2022/23	2023/24	2024/25
Actual principal invested beyond year end	£nil	£nil	£nil
Limit on principal invested beyond year end	£30m	£25m	£25m
Complied	Yes	Yes	Yes

Appendix 5

South Somerset District Council Annual Treasury Management Outturn Report 2022-23

Executive Member(s): Cllr Leyshon – Executive Lead for Resources

Local Member(s) and Division: All

Lead Officer: Jason Vaughan – Executive Director Resources and Corporate Services (Section 151 Officer)

Author: Paul Matravers

Contact Details: paul.matravers@somerset.gov.uk

1. The treasury management position at 31st March 2023 and the change during the year is shown in the table below.

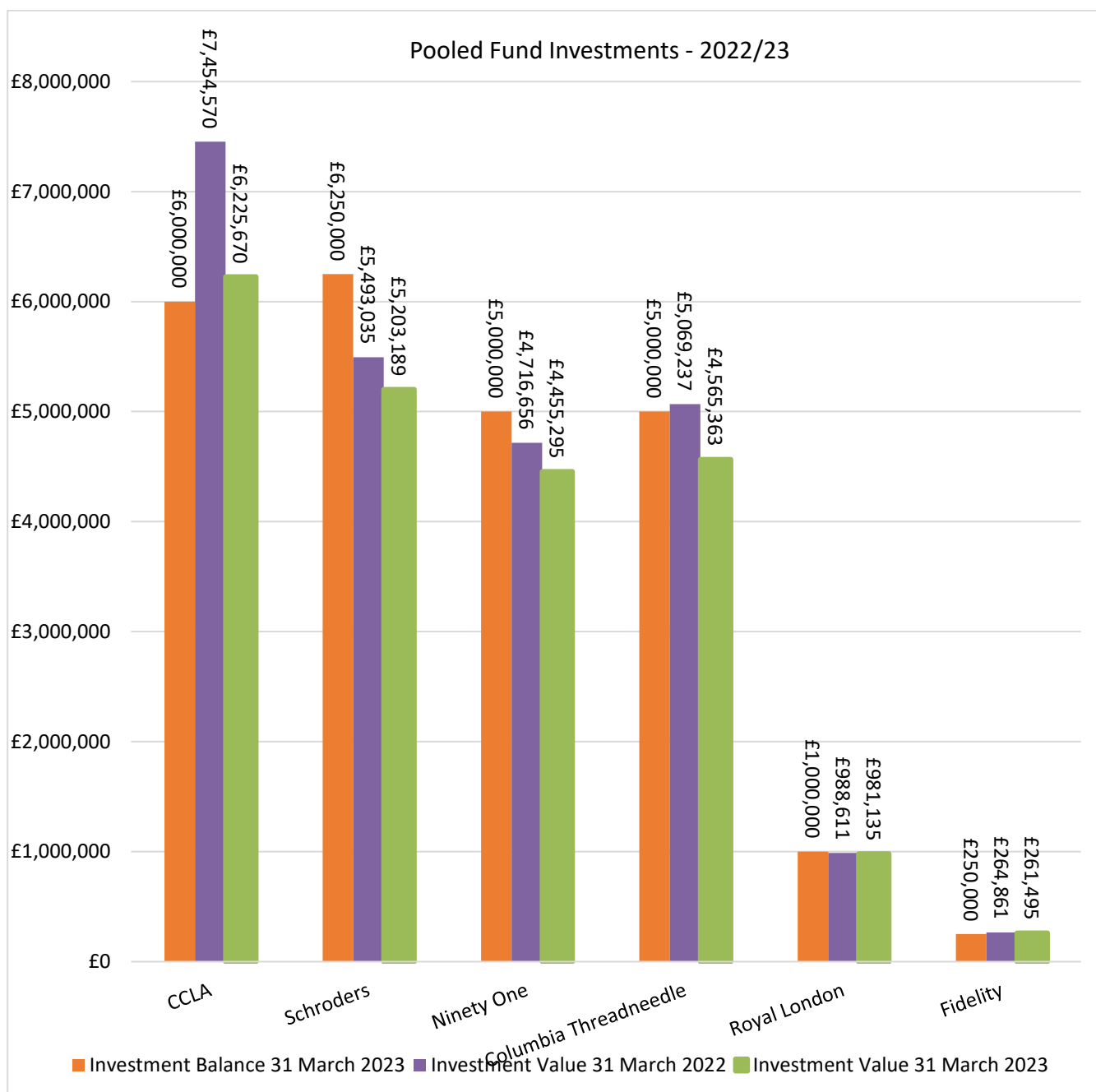
	31/03/2022 Balance £000's	Net Movement £000's	31/03/2023 Balance £000's
Long-term borrowing	-	-	-
Short-term borrowing	(128,500)	(3,000)	(131,500)
Total Borrowing	(128,500)	(3,000)	(131,500)
Long-term Investments	-	-	-
Short-term Investments	16,550	(16,550)	-
Cash and Cash Equivalents	23,500	-	23,500
Total Investment	40,050	(16,550)	23,500
Net Position	(88,450)	(19,550)	(108,000)

2. External borrowing has increased by £3m during the year, reflecting the financing of planned capital expenditure. The Treasury Management Mid-Year Performance and Strategy Update report projected the value of external borrowing as at 31 March 2023, this was reported to meeting of the South Somerset District Council Full Council in December 2022.
3. The report projected the year end borrowing figure to be £149m, the year end position is £17.5m less than projected. The amount of external borrowing is dependent on the level of capital expenditure incurred in the financial year along with other in and outgoing cash flow requirements.
4. The capital spend in the final quarter of 2022/23 was less than expected, an element of capital spend was anticipated to be funded by external borrowing. With the spend being lower than anticipated the borrowing will have reduced in line with the reduced spend.

Investment Activity

5. CIPFA published a revised Treasury Management in the Public Services Code of Practice and Cross-Sectoral Guidance Notes on 20th December 2021. These define treasury management investments as investments that arise from the organisation's cash flows or treasury risk management activity that ultimately represent balances that need to be invested until the cash is required for use in the course of business.
6. The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held.

7. The Council's best performing investments continue to be the investments in the Pooled Funds (Strategic Investments). Details of the investment balance as at 31 March 2023 and the value of each investment at the same date is detailed in the chart below.



Note: Pooled fund investments are revalued at the end of the financial year to reflect the fair value of the investment; the third bar in the graph signifies this value and details the investment value as at 31 March 2023. The first bar represents the investment balance in each fund at that date.

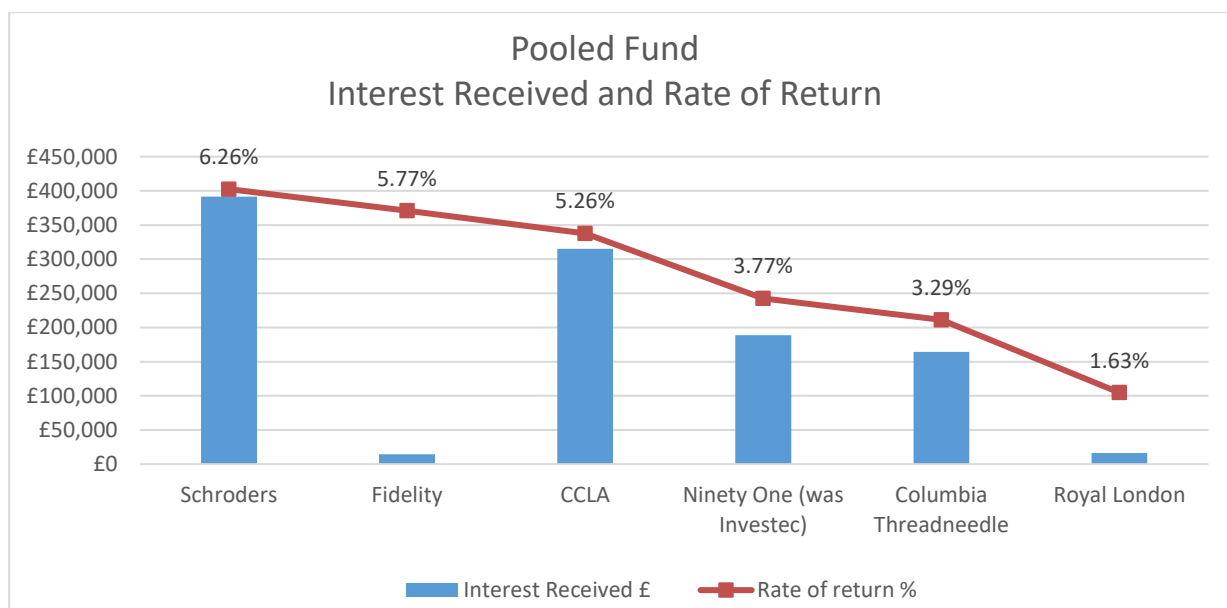
Pooled Fund Investments 2022/23

8. The table below includes the opening and closing investment balances for each pooled fund investment. The investment fair value signifies the individual value of the investments after the year end revaluation.

Investment Type	Investment Balance				Investment Value		
	01/04/2022 £000's	31/03/2023 £000's	Change £000's		01/04/2021 £000's	31/03/2022 £000's	Change £000's
CCLA	£6,000	£6,000	£0		£7,455	£6,226	(£1,229)
Schroders	£6,250	£6,250	£0		£5,493	£5,203	(£290)
Investec	£5,000	£5,000	£0		£4,716	£4,455	(£261)
Colombia Threadneedle	£5,000	£5,000	£0		£5,069	£4,566	(£503)
Royal London	£1,000	£1,000	£0		£989	£981	(£8)
Fidelity	£250	£250	£0		£265	£261	(£4)
Total	£23,500	£23,500	£0		£23,987	£21,692	(£2,295)

9. It should be noted that the £2.295m decrease in the capital value of the investments will not have an impact on the General Fund as the Council is using the alternative fair value through profit and loss (FVPL) accounting and defers the funds' fair value losses (and gains) to the Pooled Investment Fund Adjustment Account.

10. The income generated from these investments in 2022/23 and the rate of return is detailed in graph and table below.

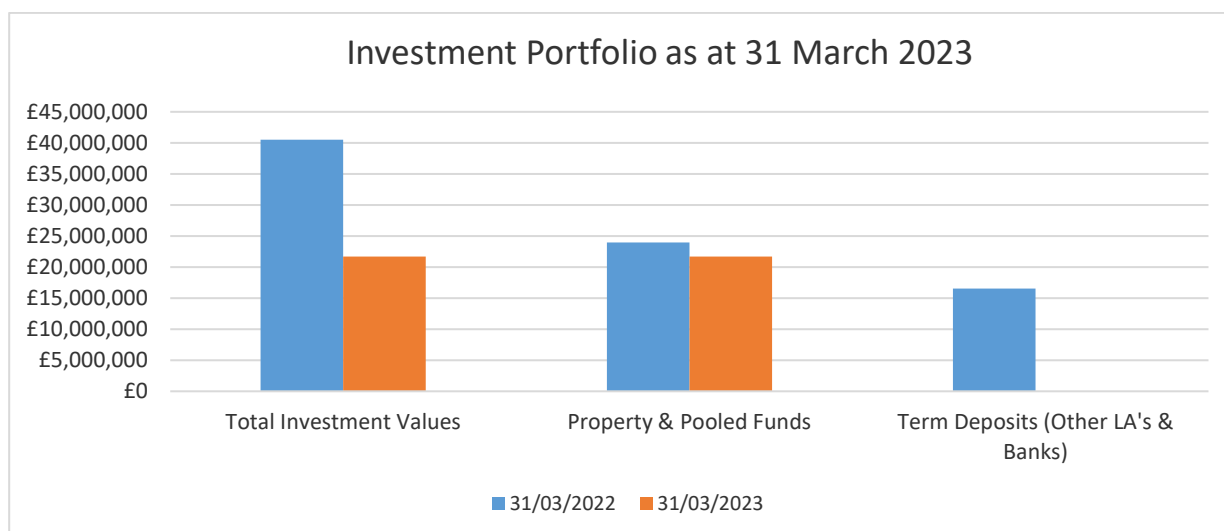


Fund	Interest Received £	Rate of return %
Schroders	£391,305	6.26%
Fidelity	£14,421	5.77%
CCLA	£315,337	5.26%
Ninety One (was Investec)	£188,539	3.77%
Columbia Threadneedle	£164,414	3.29%
Royal London	£16,272	1.63%
Total	£1,090,288	4.64%

11. Pooled funds have no defined maturity date but are available for withdrawal after a notice period. Their performance and continued suitability in meeting the Council's investment objectives is regularly reviewed. Strategic fund investments are made in the knowledge that capital values will move both up and down; but with the confidence that over a three to five-year period total returns will exceed cash interest rates.
12. The investment strategy approved in the 2022/23 Treasury Management Strategy Statement recommended that the Council maintains its investments in the secure and higher yielding asset classes given the increasing risk and very low returns from short-term unsecured bank investments.
13. The graph above and table detailing interest received, and the rate of return on investments demonstrates that the approved policy has met the objectives of the investment strategy. The diversification into strategic investments represents a continuation of the strategy adopted in 2017/18.

Investment Portfolio – Values and Returns

14. The graph below provides a snapshot of the Council's portfolio of investments at the end of the 2022/23 financial year, in comparison to the previous year end position.



15. The table below provides additional information on the actual value of investments at the start and end of the 2022/23 financial year:

Investment type	Investment Value as at 31/03/2022	Investment Value as at 31/03/2023	Actual Income	% Rate of return
Property & Pooled Funds	23,986,971	21,692,146	1,090,288	4.64%
Money Market Funds & Business Reserve Accounts	0	0	1,847	1.98%
Term Deposits (Other LAs & Banks)	16,550,000	0	2,714	1.73%
Corporate Bonds	0	0	2,529	2.10%
Total Investment Values	40,536,971	21,692,146	1,097,378	2.77%

16. The types of investment that the Council held at the 31 March 2022 and 31 March 2023 has changed. The continuation of the policy to invest in higher yielding, long term strategic investments has resulted in a large portion of the Council's investment being concentrated in the pooled and property fund investment type.

Treasury Investments

17. Security of capital has remained the Council's main investment objective. This has been maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2022/23. The table below lists the investments held on 31 March 2023.

Breakdown of investments as at 31 March 2023

Counterparty	Nominal Amount £'000	Rate %
Property& Pooled Funds		
Schroders Income Maximiser (UK Equity)	6,250	6.26
Fidelity Global enhanced income (Global Equity)	250	5.77
CCLA Property Fund	6,000	5.26
Ninety One Diversified Income (was Investec)	5,000	3.77
Columbia Threadneedle Strategic Bond	5,000	3.29
Royal London Enhanced Cash Plus Fund	1,000	1.63
Total	23,500	4.64

Non-Treasury Investments

18. In addition to its treasury investments, the Council also holds £42.55m in other investments in the form of loans to third parties. The loans values are detailed below:
- Loan to Community Organisation - £0.12m
 - Loan to Local Authority Partnership - £3.60m
 - Loan for Commercial Activities - £38.83m
19. The detail of the Council's total investment in commercial investment property is reported separately. As part of its Commercial Strategy, investment in property has increased significantly in the past three years. The value of investment properties held on the SSDC balance sheet (unaudited) as at 31 March 2023 (including some properties held for a substantial period) was £102.36m.

Borrowing

20. The Council's primary objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Council's long-term plans change being a secondary objective.
21. The table below summarises the external borrowing position for 2022/23. It details the opening position in respect of external loans, loans repaid, new loans, the average interest rate, and the year-end position.

	Amount £'000	Average Interest Rate %
External Loans as at 1 April 2022	128,500	0.09%
New Loans	293,000	1.58%
Loans Repaid	(290,000)	0.92%
Total External Loans as at 31 March 2023	131,500	1.22%

22. Details of the borrowing are included in the table below.

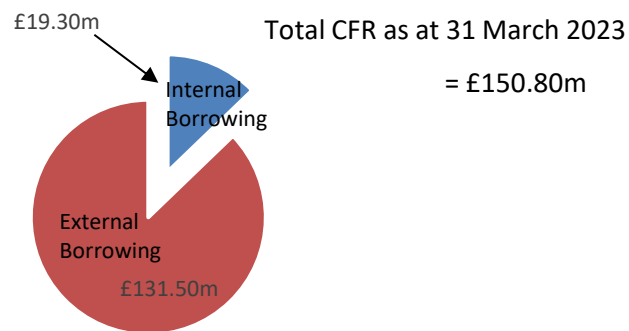
Lender	Date Borrowed	Repayment Date	No of Days	Interest Rate	Amount	2022/23 Interest	Total Interest
West of England Combined Authority	16/05/2022	15/05/2023	364	1.00%	3,000,000	26,301	29,918
West of England Combined Authority	19/05/2022	18/05/2023	364	1.00%	5,000,000	43,425	49,863
West Yorkshire Combined Authority	19/07/2022	19/04/2023	274	1.25%	2,000,000	17,534	18,767
West Yorkshire Combined Authority	20/07/2022	03/04/2023	257	1.25%	10,000,000	87,329	88,014
London Borough of Hackney	20/07/2022	20/04/2023	274	1.25%	5,000,000	43,664	46,918
The Nottinghamshire Office of the Police & Crime Commissioner	18/08/2022	18/04/2023	243	1.70%	8,000,000	84,208	90,542
Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral City Region Combined Authority	15/12/2022	17/04/2023	123	3.40%	3,000,000	29,901	34,373
Wokingham Borough Council	18/01/2023	18/04/2023	90	3.20%	10,000,000	64,000	78,904
Liverpool City Region Combined Authority	18/01/2023	18/05/2023	120	3.65%	3,000,000	21,900	36,000
Maldon District Council	19/01/2023	19/04/2023	90	1.33%	2,000,000	5,247	6,559
Northern Ireland Housing Executive	20/01/2023	04/04/2023	74	3.65%	2,000,000	14,200	14,800
Middlesbrough Borough Council (Pension)	16/02/2023	16/05/2023	89	3.65%	6,000,000	26,400	53,400
Tendring District Council	20/02/2023	21/08/2023	182	3.80%	3,000,000	12,493	56,844
Warwickshire County Council	20/02/2023	21/08/2023	182	4.00%	5,000,000	21,918	99,726
Mendip District Council	20/02/2023	20/04/2023	59	4.00%	5,000,000	21,918	32,329
Warwickshire County Council	21/02/2023	21/08/2023	181	4.00%	5,000,000	21,370	99,178
South Lanarkshire Council	21/02/2023	22/05/2023	90	4.10%	5,000,000	21,904	50,548
North Northamptonshire Council	24/02/2023	24/07/2023	150	4.25%	5,000,000	20,959	87,329
South Lanarkshire Council	28/02/2023	28/07/2023	150	4.25%	5,000,000	18,630	87,329
Newport City Council	03/03/2023	03/04/2023	31	3.95%	1,500,000	4,708	5,032
Cambridge City Council	06/03/2023	06/09/2023	184	4.02%	5,000,000	14,318	101,326
West Midlands Combined Authority	17/03/2023	15/09/2023	182	4.60%	5,000,000	9,452	114,685
Basildon Borough Council	20/03/2023	20/06/2023	92	4.50%	5,000,000	7,397	56,712
Amber Valley Borough Council	20/03/2023	20/06/2023	92	4.55%	5,000,000	7,479	57,342
South Lanarkshire Council	20/03/2023	20/09/2023	184	4.60%	10,000,000	15,123	231,890
Somerset County Council	31/03/2023	01/04/2023	1	4.25%	8,000,000	932	932
				Total	131,500,000	662,711	1,629,260

23. The Council's underlying need to borrow is defined as its 'Capital Financing Requirement (CFR)'. The CFR was £143.9m million at the beginning of 2022/23. Capital expenditure during 2022/23 was funded through a combination of capital receipts, revenue reserves, external contributions (e.g. S106 receipts) and borrowing. As a result, the borrowing requirement (CFR) has increased to £150.8 million.

24. However, we have followed a strategy of using our cash reserves to finance this borrowing requirement in the short term – known as “internal borrowing” – as short term investment returns foregone are currently lower than longer term borrowing rates.

Borrowing Type	£'000	%
Internal Borrowing	£19,305	12.80%
External Borrowing	£131,500	87.20%
Total Capital Financing Requirement as at 31 March 2023	£150,805	

Capital Financing Requirement as at 31 March 2023



Treasury Management Indicators

25. The Authority measures and manages its exposures to treasury management risks using the following indicators.

Security: The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	2022/23 Target	2022/23 Actual
Portfolio average credit rating	5.0	4.9

Liquidity: The Authority has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three-month period.

	2022/23 Target	2022/23 Actual
Total cash available within 3 months	£10m	£23.5m

Interest Rate Exposures: This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interests was:

	2022/23 Limit	2022/23 Actual
Upper limit on one-year revenue impact of a 1% change in interest rates	£200,000	£545,718

The impact of a change in interest rates is calculated on the assumption that maturing loans and investment will be replaced at current rates.

Maturity structure of borrowing: This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of borrowing will be:

Refinancing rate risk indicator	2022/23 Upper Limit %	2022/23 Lower Limit %	2022/23 Actual %
Under 12 months	100%	100%	100%
12 months and within 24 months	100%	100%	0%
24 months and within 5 years	100%	100%	0%
5 years and within 10 years	100%	100%	0%
10 years and above	100%	100%	0%

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment. Upper and lower limits are set at 100% providing full flexibility to optimise borrowing arrangements.

Principal sums invested for periods longer than a year: The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

Price risk indicator	2022/23
Actual principal invested beyond year end	£0m
Limit on principal invested beyond year end	£30m

The impact of a change in interest rates is calculated on the assumption that maturing loans and investment will be replaced at current rates.

Prudential Indicators – 2022/23

Capital Expenditure: The actual capital expenditure incurred for 2022/23 compared to the revised estimate was:

	2020/21 Outturn £'000	2022/23 Revised Estimate £'000	2022/23 Outturn £'000	2022/23 Variance £'000
Approved capital schemes	35,478	21,258	18,371	(2,887)
Total Expenditure	35,478	21,258	18,371	(2,887)

Ratio of Financing Costs to Net Revenue Stream: This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs, net of investment income.

	2021/22 Outturn £'000	2022/23 Revised Estimate £'000	2022/23 Outturn £'000	2022/23 Variance £'000
Financing Costs	(655)	1,142	425	(717)
Net Revenue Stream	17,483	19,781	19,212	(569)
%	(3.7%)	5.8%	2.2%	

*Figures in brackets denote income through receipts and reserves

The financing costs include interest payable and notional amounts set aside to repay debt less interest on investment income. The figure in brackets is due to investment income outweighing financing costs significantly for the Council but is relevant since it shows the extent to which the Council is dependent on investment income.

Estimates of Capital Financing Requirement: The Capital Financing Requirement (CFR) measures the Authority's underlying need to borrow for a capital purpose.

	2021/22 Outturn £'000	2022/23 Revised Estimate £'000	2022/23 Outturn £'000	2022/23 Variance £'000
Opening CFR	134,148	143,887	143,887	-
Capital Expenditure	35,616	21,258	18,371	(2,887)
Capital Receipts*	(17,853)	(4,300)	(4,815)	(515)
Grants/Contributions*	(7,017)	(7,141)	(4,729)	2,412
Minimum Revenue Provision (MRP)	(1,007)	(1,768)	(1,911)	(143)
Additional Leases taken during year	-	-	-	-
Closing CFR	143,887	151,936	150,805	1,133

*Figures in brackets denote income through receipts or use of revenue resources.

Gross Debt and the Capital Financing Requirement: In order to ensure that over the medium term debt will only be for a capital purpose. The Council should ensure that debt does not, except in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years. This is a key indicator of prudence.

	2021/22 Outturn £'000	2022/23 Revised Estimate £'000	2022/23 Outturn £'000	2022/23 Variance £'000
Borrowing	128,500	149,000	131,500	(17,500)
Finance Leases	5	20	0	(20)
Total Debt	128,505	149,020	131,500	(17,520)
Capital Financing Requirement	143,887	151,936	150,805	(1,133)

Credit Risk: The Council considers security, liquidity and yield, in that order, when making investment decisions.

Credit ratings remain an important element of assessing credit risk, but they are not a sole feature in the Council's assessment of counterparty credit risk. The Council also considers alternative assessments of credit strength, and information on corporate developments of and market sentiment towards counterparties. The following key tools are used to assess credit risk:

- Published credit ratings of the financial institution and its sovereign
- Sovereign support mechanisms
- Credit default swaps (where quoted)
- Share prices (where available)
- Economic Fundamentals, such as a country's net debt as a percentage of its GDP
- Corporate developments, news articles, markets sentiment and momentum
- Subjective overlay

The only indicators with prescriptive values remain to be credit ratings. Other indicators of creditworthiness are considered in relative rather than absolute terms.

Actual External Debt: This indicator is obtained directly from the Council's balance sheet. It is the closing balance for actual gross borrowing plus other long-term liabilities (this represents our finance leases). This indicator is measured in a manner consistent for comparison with the Operational Boundary and Authorised Limit.

Actual External Debt as at 31/03/2023	£'000
Borrowing	131,500
Other Long-term Liabilities (Finance Leases)	
-Vehicles	0
-Photocopiers	-
Total	131,500

Authorised Limit for External Debt: This limit represents the maximum amount that the Council may borrow at any point in time during the year. If this limit is exceeded the Council will have acted ultra vires. It also gives the Council the responsibility for limiting spend over and above the agreed capital programme. A borrowing requirement was identified in year to finance the capital programme and further borrowing may be undertaken to fund the agreed plans to acquire investment properties.

	2021/22 Actual £'000	2022/23 Original Estimate £'000	2022/23 Actual £'000
Borrowing	128,500	170,000	131,500
Other Long-term Liabilities	5	25,000	0
Total	128,505	195,000	131,500

Operational Boundary for External Debt: The operational boundary sets the limit for short term borrowing requirements for cash flow and must be lower than the previous indicator, the authorised limit for external debt.

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

The S151 Officer has delegated authority, within the total limit for any individual year, to effect movement between the separately agreed limits for borrowing and other long-term liabilities. Decisions will be based on the outcome of financial option appraisals and best value considerations. Any movement between these separate limits will be reported to the next Council meeting.

	2021/22 Actual £'000	2022/23 Original Estimate £'000	2022/23 Actual £'000
Borrowing	128,500	160,000	131,500
Other Long-term Liabilities	5	20,000	5
Total	128,505	180,000	128,505

Compliance

26. The Council operated within all the Prudential Indicators during 2022/23.

Decision Report - Executive Decision

Forward Plan Reference: FP/23/09/19

Decision Date – 4 October 2023

Key Decision – Yes



2023/24 Housing Revenue Account Budget Monitoring Report - Quarter 1

Executive Member(s): Deputy Leader of the Council and Lead Member for Resources and Performancer(s); Lead Member for Communities, Housing and Culture

Local Member(s) and Division: All

Lead Officer: Jason Vaughan, Executive Director for Resource & Corporate Services, S151 Officer

Author: Kerry Prisco, Management Accounting & Reporting Lead

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1 Executive Summary

1.1 This report provides an update on the projected outturn financial position of the Council's Housing Revenue Account (HRA) for the financial year 2023/24 (as at 30 June 2023).

1.2 The headline estimates for **revenue** costs are:

Revenue Budget	Forecast to budget	Green
General Reserves	£12.049m forecast balance = favourable compared to £3.722m minimum requirement	Green
Earmarked Reserves	£258k opening balance	Green

1.3 The HRA is a ring-fenced account which must abide by the relevant accounting regulations and ensure that cross subsidy between the Council's General Fund and the HRA does not occur. Whilst self-financing has provided some flexibilities, the HRA is heavily regulated which restricts income growth and increases cost pressures.

1.4 The HRA has set a balanced budget for 2023/24. However, areas of risk for the year will relate to the **economic operating environment** and the impact this may have on any

variation from the forecasts assumed when setting the budget. Examples of these risks include the cost of borrowing for the refinancing of debt, pay awards, cost of materials and utilities.

- 1.5 In addition, there are risks associated with **regulatory and compliance** requirements. For example, changes are expected during the year in relation to the Regulator of Social Housing's decent home standard where the cost impact is unknown, as well as a new bill passing through parliament which will require several changes to home safety, tenant satisfaction measures, complaints handling, and a new inspection regime for social landlords which will increase resource requirements.
- 1.6 From an **operational** perspective, the risk here relates to the levels of demand from our tenants for support and service, for example for debt and benefit advice, repairs and maintenance on their properties, and the number and condition of void properties. This is a very reactive service based on the needs of the tenants.
- 1.7 The headline estimates for **capital** costs are:
- 1.8 The Housing Revenue Account (HRA) Capital Programme for 2023/24 onwards is £122.606m (subject to approval). This consists of £32.208m of new schemes approved for 2022/23 plus £90.397m proposed budget carry forward.
- 1.9 The current forecast outturn is to budget for the Major & Improvement Works. The Social Housing Development schemes will be delivered over the next eight years.

2 Recommendations

- 2.1 The Executive:
- 2.2 To note the HRA's forecast financial performance and projected reserves position for 2023/24 financial year as at 30 June 2023, including key risks and future issues and opportunities detailed in the report which will be closely monitored and updated throughout the year.
- 2.3 To note the forecast outturn position of the Capital Programme.
- 2.4 To recommend to Full Council to approve a supplementary capital budget of £3,313,829 for the in-house service to spend on Fire Safety.

3 Financial and Risk Implications

- 3.1 Financial forecasts are based on known information and projections based on assumptions. As such any forecast carries an element of risk. The current forecasts included in this report are considered reasonable given the extra element of risk around the levels of inflation being experienced in the current economic operating environment. Based on experience it is feasible the year end position could change. It is common for overspends and/or underspends to emerge during the year, reflecting an optimism bias within previous forecasting. There may also be matters beyond the Council's control that affect the final outturn position.
- 3.2 Salient in year budget risks are summarised below. The Council manages financial risk in several ways including setting prudent budgets, carrying out appropriate monitoring and control of spend and operating robust financial procedures. The Council also holds both unearmarked and earmarked reserves which include contingencies to manage budget risk.
- 3.3 Budgets and forecasts are based on known information and the best estimates of the housing service's future spending and income. Income and expenditure over the 2023/24 financial year are estimated by budget holders and then reported through the budget monitoring process. During this process risks and uncertainties are identified which could impact on the financial projections, but for which the likelihood, and/or amount are uncertain. The Council carries protection against risk and uncertainty in several ways, such as insurances and maintaining reserves. This is a prudent approach and helps to mitigate unforeseen pressures.
- 3.4 The following general risks and uncertainties have been identified:

Regulatory and Compliance

- 3.5 Over the past few years, the regulatory and compliance requirements have increased. The landlord functions have increasingly stringent standards to ensure customers are kept safe. Recent and imminent legislation in Fire Safety and Damp & Mould has led to greater investment in a range of components and different working practices. The proportionate cost of works associated with compliance has increased significantly over the past three years. The landlords are investing significantly in electrical safety checks, compartmentalisation within blocks and fire doors and Homes in Sedgemoor with the Council has enhanced its practices to manage new Building Safety Act requirements.
- 3.6 **Landlord Compliance:** Both operating models have good and well-established approaches to ensure the Council keep tenants safe. The big six compliance areas (Gas,

Electric, Water, Asbestos, Fire Safety and Lifts) have now been joined by Damp & Mould. Housing is increasingly scrutinised and reputational damage, as well as harm, is significant if the Council fails to manage its compliance responsibilities. The Council is ultimately responsible. Performance management frameworks are in place to measure landlord compliance and new approaches have been developed to help the services respond to damp and mould cases. The Housing Regulator is currently supporting the in-house service's action plan to bring electrical testing to top quartile performance. This should be achieved by October. Regular audits take place and currently a Fire Safety Audit is being carried out involving both landlord services.

- 3.7 **Social Housing Regulation Bill:** This paper is passing through parliament with its core objectives being – to facilitate a new, proactive approach to customer regulation regime, refine the existing economic regime and strengthen the regulatory powers to enforce customer and economic regulation. The bill will include Awaab's Law, placing additional requirements in relation to resolving damp & mould on the landlord and requiring greater professionalisation of the service. The Council landlords are applying the new Tenant Satisfaction Measures and reporting these through Key Performance Indicators. The bill will require several changes to home safety, tenant satisfaction measures, complaints handling, a new inspection regime for social landlords and a strengthened role for the Regulator of Social Housing. The Bill provides additional impetus for the two operating models to share best practice and learn from one another. The in-house service is focusing this year on improving communication with tenants, within the service and on Core Service delivery (repairs, compliance, Capital programme, voids/lettings, tenancy management and income collection).
- 3.8 **Responding to increased stock quality standards:** Changes to the Regulator of Social Housing's decent home standard as well as higher thermal efficiency standards which may not be fully supported by additional external grant funding would place an additional burden on HRA resources available for elemental investment in homes. After a period of transition, the strategic Housing Revenue Account service will be in a good position to influence stock investment for all 10,000 homes and align strategy such as low carbon retrofit.
- 3.9 **Right To Buy (RTB) Receipts:** This is a government policy that enables tenants to purchase their homes at a discount, subject to meeting qualifying criteria. The receipts allowed to be retained by the Council can now fund up to 40% of new social housing costs and must be used within five years of receipt. To date, with the exception of one instance in Q1 2015/16 where receipt and interest was repaid, the Council has successfully fully spent all of their retained 1-4-1 receipts.

Economic Operating Environment

- 3.10 **Inflation:** The current economic operating environment is placing financial risk on the Council in terms of rising inflation increasing the cost of supplies such as utilities, labour and materials, above budgeted assumptions. Regardless of the difference in how the repairs are delivered (by a direct labour organisation or contracts) the shortage of labour and materials is increasing costs to the service and often additional supervision is required to ensure quality is maintained.
- 3.11 **Rising cost of borrowing:** The landlord service has a well development social housing and regeneration programme; however, these schemes can only obtain a maximum of 40% subsidy from the RTB Scheme (subject to criteria) leaving the Council to borrowing to finance the remaining 60% cost of the scheme. With the cost of borrowing rising this is having a significant impact on the MTFP and 30-Year Business when new borrowing is required to either refinance debt falling due or to finance new borrowing requirements.
- 3.12 The PWLB has recently announced a reduction in the margin applied to loans that will be used to fund capital expenditure within the Housing Revenue Account (HRA). Available from the 15 June 2023 qualifying loans (submitted within one year) will attract a margin of 0.40% above Gilts which is a discount of 0.60% below the published PWLB rates.
- 3.13 The Council is exploring further opportunities to subsidise schemes and reduce the HRAs borrowing requirements. For example, the service is currently working with Homes England to submit a bid in August to access funding for its regeneration programme as part of the North Taunton Woolaway Project.
- 3.14 **Capital Programme Forecasts:** Engaging with Contractors at all tiers continues to be incredibly challenging, therefore the risk to the capital programme and forecast costs should be considered. The labour and materials market are still in short supply, with Contractors unable to resource both tenders being issued on projects on site. As such, competition in the market is more limited than it has been for some time.
- 3.15 The cost pressure created by inflation, the liquidation of a number of contractors, logistics challenges and the general acceleration to get projects to site, is causing previous fixed price contracts to be re-appraised within a matter of months of a successful tender. This could move schemes to the limits of viability. The resulting impact of this cost pressure is resulting in Tier One (larger scale) Contractors often turning down tender opportunities unless an inflation clause (requiring the Client to take the risk of inflation), is included in Contracts, whilst smaller Contractors are withdrawing tenders after submission or operating on such a small margin as to put them at risk of failure.

- 3.16 There is no question that the cost of maintenance and construction has significantly increased over the past two years. The forecast tender price inflation market appears to be at a turning point as inflation and demand pressures fall. This may see new opportunities during the tendering of works however the baseline is significantly higher than 2021/2022. The material price index in January 2023 increased by 10.4% (All Words) which was slightly down on previous months. Tender price inflation appears to be dropping to around 3% in 2023 compared to 3.75% in 2022. Although the Housing Revenue Account is sufficiently robust the ability to deliver works will in part relate to the solvency of contractors and their ability to manage the economic environment.
- 3.17 **Recruitment:** There are a number of vacancies across the Council and assumptions have been made as to when these vacancies will be filled. The Council is experiencing recruitment issues (as seen country-wide) therefore assumptions and forecasts may change, in addition to higher agency costs to cover roles where permanent recruitment is not successful.
- 3.18 **Cost of living crisis, Welfare Reform and Universal Credit (UC):** The impacts of these are significant with the number and value of rent accounts in arrears expected to increase considerably. Several mitigations are already in place to help support tenants affected particularly by the rising cost of living such as debt advice, access to discretionary housing payments and an arrears management team with redesigned workflow processes. These issues may require the Council to revise future income projections.

Operational Delivery

- 3.19 **Repairs & Maintenance:** Overall this is a very demand led and reactive service based on the needs of the tenants. There are also a number of uncontrollable variables associated with this service such as the weather (e.g., cold winters causing burst pipes, roof leaks, etc), condition of properties when returned (e.g., void refurbishments), consumer demand on minor internal / external repairs (e.g., broken door or fence) and the type of repair work required. Market pricing of materials etc. can also be volatile with some unit costs increasing in recent years. As such the levels of demand do not always follow a recognisable trend. We therefore caveat the forecasts in these areas to account for fluctuations.
- 3.20 **Fluctuation in demand for services:** We operate many demand-led services and the levels of demand do not always follow a recognisable trend, which may lead to fluctuations in costs and income compared with current forecasts. Regulatory change is increasing the landlords need to improve access to the service and by its nature increase

demand. Increase in demand can often be a positive in terms of maintenance as early intervention can limit damage and save costs to the landlord.

- 3.21 **HRA Service Level Agreements with the new unitary council:** As the Housing Revenue Account comes together as one account there is an opportunity to review and formally agree the service level agreements which helps the landlord functions operate through the purchase of General Fund skills. For example, finance, human resources, business support, and governance. The in-house landlord is looking at all its services in order to secure appropriate resources from within its own structure or through other Council directorates. It is envisaging the new Service Level Agreements will allow the landlord and HRA strategic business team to better meet the challenges as a highly regulated social landlord.

Technical Accounting Risks

- 3.22 **Bad Debt Provision:** The budgeted bad debt provision of £147k provides financial capacity for any increase in arrears and/or aging debt from one year to the next as well as any in-year write offs. This is a year-end technical accounting adjustment. The key challenges facing the arrears position are the pressures to maximise rental income in an environment of reduced government support and greater need to utilise internal resources; the 'cost of living crisis' marked by reductions in real income accompanied by increases in utility, fuel costs and food prices; welfare reforms which have made extensive use of sanctions and reductions in eligibility; and the impact of the COVID pandemic. Homes in Sedgemoor have excelled at managing income and are currently in the top ten social housing landlord nationally. The in-house service does not compare as well and is narrowly outside the top quartile industry standard. Income generation and managing debt is being elevated in importance for the service and new software is being introduced to support this critical work.
- 3.23 The approaches incorporated at the Council to aid the HRA's enforcement of debt and support to tenants include providing direct welfare benefit advice and support; facilitating access to employment and training, support, and advice; facilitating access to debt prevention support; and opportunities for flexible rent payment.
- 3.24 **Unitary Council:** The landlord functions have transitioned well into the new authority. The challenges since April have been working with new financial systems, learning other corporate software such as risk management software and working to procedures such as those in relation to recruitment and governance. It is currently unknown what the potential HRA costs will be and whether revenue costs including costs associated with staff movements due to uncertainty/feeling of insecurity, additional reliance on agency

staff to fill vacancies in the short term, rebranding vehicle, offices, and PPE have been impacted. From a capital perspective the business plan does provide some headroom to allow non-right to buy receipts to be used as flexible capital receipts to fund transformation costs. Revenue costs of implementation are not currently budgeted and will place additional pressures on the HRA budget and reserves, thus we will need to review planned expenditure and reserves during the business planning process in 2023/24.

- 3.25 **Forecasting Assumptions:** It is conceivable that, whilst budget holders are optimistic that they will spend all their budget, experience shows that variances are more accurate in the last quarter of the financial year. The pace of spending may also reduce as capacity and delivery of priorities is affected by local government structural change.
- 3.26 **Year-end Adjustments:** There are certain items that are not determined or finalised until the financial year-end. For example, the final assessment of provisions required for bad debts and final allocations of support service recharges. These can result in potentially significant differences to current forecasts.

4 Partnership Implications

- 4.1 A range of HRA services are provided through partnership arrangements such as MIND, citizen's advice, Taunton East Development Trust, North Taunton, and Wiveliscombe Area Partnership. The cost of these services is reflected in the Council's financial outturn position for the year. The Housing Revenue Account is increasingly having to question the funding of services outside its core service.

5 Scrutiny Comments / Recommendations

- 5.1 This report was considered by Scrutiny Committee – Corporate and Resources on 8 August 2023.

6 Background and Full details of the Report

- 6.1 The Housing Revenue Account (HRA) is a ring-fenced, self-financing, account used to manage the Council's housing stock, with the Council acting as the Landlord. This has been the case since April 2012 where, under the Localism Act 2011, the government abolished the national subsidy system (which required an annual payment from the HRA to Central Government) and introduced 'self-financing'. This new system enabled Councils to retain all rental income to fund the costs of managing and maintaining the housing stock, as well as meeting the interest payments and repayment of debt. As part of the self-financing agreement, Councils had to buy themselves out of the subsidy

system by making a one-off payment to the Government. The debt taken in 2012 was a total of £133m; £85.198m for the Taunton Deane Borough Council legacy authority and £47.321m for the Sedgemoor District Council legacy authority.

- 6.2 Self-financing does bring financial benefits and more flexibility, especially since the borrowing cap was removed in October 2018, however the HRA is still heavily regulated. For example, rent increases are restricted by the Regulator of Social Housing's Rent Standard, there are specific regulations which govern eligible income and expenditure to prevent cross subsidy with the General Fund, as well as the decent homes standards that stipulate the conditions of properties.
- 6.3 The new unitary Somerset Council has inherited two landlord operating models which now sit under one Housing Revenue Account. The two landlord operating models are an in-house service in the West, formerly Somerset West and Taunton (SWT), and Homes in Sedgemoor which is an Arm's Length Management Organisation (ALMO) operating in the North, formerly Sedgemoor District Council (SDC). The combined total dwelling stock as at 1 April 2023 is 9,665 (5,653 from SWT and 4,012 from SDC). In addition to this we have 599 leasehold properties (489 from SWT and 110 from SDC).
- 6.4 The Council's two operating models which deliver the landlord functions will continue to operate as they did previously however there are various transitional projects taking place which will enable the Council to compare the two models like for like. These transitional projects will also allow the Council's in-house service and Homes in Sedgemoor to learn from one another. The transitional programme will also recognise the opportunity to enhance the Council's strategic Housing Revenue Account responsibilities. This will allow the council to be a better client to the arm's length service and its own in-house service. The transition will see appropriate resources at landlord function level and at the strategic level allowing the in-house and Homes in Sedgemoor landlord service to be ambitious in delivering great and improving services to customers and allow the Council to make strategic decisions in relation to stock investment, growth, rent setting, zero carbon homes and administering its statutory and regulatory responsibilities. Following a period of transition, the Council will be able to turn toward an option appraisal of its stock and operating models.
- 6.5 The regular monitoring of financial information is a key element in the Council's HRA Performance Management Framework. Crucially it enables remedial action to be taken in response to significant budget variances, some of which may be unavoidable. It also provides the opportunity to assess any consequent impact on reserves and the HRA's Medium Term Financial Plan and 30-Year Business Plan.
- 6.6 Members are to note that the position can change between 'in-year' projections and the

final outturn position, mainly due to demand-led service costs and income levels and where actual costs and income can vary from initial estimates and assumptions. The budget monitoring process involves a detailed review of the more volatile budgets and a proportionate review of low risk/low volatility budget areas. Budget holders, with support and advice from their finance business partner, update their forecasts monthly based on currently available information and knowledge of service requirements for the remainder of the year. As with any forecast there is always a risk that some unforeseen changes could influence the position at the year-end, and several risks and uncertainties are highlighted within this report. However, the following forecast is reasonable based on current information.

7 HRA Revenue Budget 2023/24 Forecast Outturn

- 7.1 This report provides the Housing Revenue Account (HRA) forecast end of year financial position for revenue and capital expenditure as at 30 June 2023.
- 7.2 The current year end forecast outturn position for the HRA for 2023/24 is to budget. The table below summarises the approved revenue budget for the combined HRA for 2023/24, with more detail found in Appendix A.

Table 1: HRA Revenue Outturn Summary

	Current Budget	Forecast Outturn	Forecast Variance	
	£000	£000	£000	%
Gross Income	-51,115	-51,115	0	0.0%
Service Expenditure	29,578	29,578	0	0.0%
Other Expenditure	21,537	21,537	0	0.0%
Total	0	0	0	0.0%

8 Capital Programme

- 8.1 The Housing Revenue Account (HRA) Capital Programme for 2023/24 onwards is £122.606m (subject to approval) as summarised in the table below. This consists of £32.208m of new schemes approved for 2022/23 by Full Council on 22 February 2023 plus £90.397m of previously approved schemes in prior years that have been proposed to be carried forward and are pending approval as part of the outturn report being presented to the Executive on 6 September 2023.

Table 2: Summary of HRA Capital Programme Approved Budget for 2023/24

	2022.23 Slippage Budget	2023.24 Approved Budget	2023.24 Total Budget
	£000	£000	£000
Majors & Improvements	5,507	22,206	27,712
Social Housing Development	84,891	10,003	94,893
Total	90,397	32,208	122,606

- 8.2 The Council plans to finance this investment through the Major Repairs Reserve, Capital Receipts, Capital Grants, Revenue Funding and Borrowing.
- 8.3 The HRA Capital Programme relates to in-year works and longer-term schemes that will be completed over the next eight years. Once the capital budget slippage has been approved the planned profiled spend will be updated and provided, in the quarter two report, to reflect the estimated timing of capital expenditure for the approved schemes.
- 8.4 The current forecast outturn is to budget for the Major & Improvement Works. Further work is underway to update the profiled capital expenditure for the Social Housing Development Schemes as this total approved budget will be spent over the next eight years.
- 8.5 The information on what the HRA capital programme plans to deliver during 2023/24 can be found below.

Major Works and Improvement:

- 8.6 The two operating models both aim to maintain homes to the decent home's standard enhance the thermal comfort of tenants by moving towards 2030 and 2050 standards.
- 8.7 The 2023/24 capital programme includes major programmes such as kitchens, bathrooms, heating improvements, insulation and ventilation, door entry systems, external doors, fasciae and soffits, roofing, and windows.
- 8.8 The two operating models have previously placed slightly different emphasis on different aspects of major works however under one Housing Revenue Account decent homes, low carbon living, stock sustainability and block investment can be approached more consistently. Both organisations have been successful at being awarded grant for low carbon works and combined bids and programmes will be encouraged.

- 8.9 Members are being asked to approve a supplementary capital budget of £3,313,829 (in addition to the current budget of £150,000 plus pending carry forward of £373,671) for the in-house HRA to spend on essential fire safety works following Fire Risk Assessments (FRAs) to general needs, sheltered and extra-care schemes. These works include fire doors (and fire door automation), compartmentalisation works, emergency lighting, fire safety flooring to communal areas, and consumer unit upgrades to communal areas. Procurement activities are underway and internal resources are being arranged to ensure the works can be delivered during the 2023/24 financial year. This will be funded from a combination of the Major Repairs Reserve and borrowing, subject to the final outturn position of the capital programme, and Officers will ensure that the most effective use of resources is made. In light of the budget returns proposed in the Outturn Report 2022/23, this supplementary budget request will stay within the assumptions of 30-Year Business Plan presented to members in February 2023.

Social Housing Development Programme:

- 8.10 The Homes in Sedgemoor and in-house functions both have a social housing development programme of works, which increases stock through a combination of acquisitions from the open market and / or building new homes.
- 8.11 The Right to Buy (RTB) scheme is a government scheme that enables tenants to purchase their homes at a discount, subject to meeting qualifying criteria. During 2022/23 the Council sold 50 properties (SWT 28 and SDC 22). The Council estimates that on average 55 properties will be sold each year through the Right to Buy Scheme. Therefore, growth in our housing stock is vital to replace stock and attempt to ensure Somerset has more affordable homes to meet the increasing demand.
- 8.12 The two landlords have diverse approaches and discussions are taking place within the setting of the review of the action plan a more consistent approach to growth. The in-house team has two major schemes delivering over the next six to seven years whilst Homes in Sedgemoor have generally more schemes over a shorter period, and these tend to be smaller schemes. The HRA has started aligning its growth ambitions with opportunities to deliver homes on behalf of the Council especially for vulnerable customers. The landlords are purchasing for displaced persons and building and purchasing properties to support the General Fund homelessness challenges. The HRA 30-Year Business Plan considers the cost of growth alongside the many other service needs. The annual business planning process reviews affordability annually.

9 HRA Earmarked Reserves

- 9.1 The Housing Revenue Account (HRA) Earmarked Reserves at the beginning of 2023/24 totalled £258k (see **Table 3** below). These have been carried forwards from Somerset West and Taunton. There were none held by Sedgemoor District Council.
- 9.2 Earmarked reserves are set aside for a specific purpose and are reviewed on a regular basis. These funds have been earmarked to be spent within the next two years.

Table 3: Earmarked Reserves Balances

Description	Opening Balance 01/04/2023 £000	Transfers £000	Projected Balance 31/03/2024 £000
Hinkley – Community Grants	130	0	130
Climate Change Grant - Electric Vehicles	77	0	77
Hinkley – Home Moves Plus Grant	34	0	34
Tenant Satisfaction Grant	17	0	17
Total	258	0	258

10 HRA Unearmarked Reserves

- 10.1 The Housing Revenue Account (HRA) Unearmarked Reserves opening balance of £13.699m stands above the recommended minimum balance of £3.722m and provides ongoing financial resilience and mitigation for unbudgeted financial risks.
- 10.2 The recommended minimum balance for the combined HRA is £3,722,400 and is equates to approximately 7.3% of gross income and £385 per property.
- 10.3 As part of the budget setting proposals to Full Council on 22 February 2023, £1.650m of current reserves will be used to support the base budget in 2023/24. Further approved (or proposed) allocations to / from Unearmarked Reserves are shown in the table below.

Table 4: HRA Unearmarked Reserves Balance

	Approval	£000
Balance Brought Forward 1 April 2023		
From Sedgemoor District Council		10,713
From Somerset West and Taunton		2,986
Total Balance Brought Forward 1 April 2023		13,699
Budgeted Contribution to support base budget 2023/24	FC – Feb23	-1,650

Current Balance		12,049
Forecast: 2023/24 Projected Overspend / Underspend		0
Projected Balance 31 March 2024		12,049
Recommended Minimum Balance		3,722
Projected Balance above Minimum Reserve Balance		8,327

Background Papers

HRA Budget Setting Report – Full Council 22 February 2023

List of Appendices

Appendix A	Housing Revenue Account (HRA) Approved Budget for 2023/24
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Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	28/07/2023
Communications	Chris Palmer	03/08/2023
Finance & Procurement	Nicola Hix	03/08/2023
Workforce	Chris Squire	03/08/2023
Asset Management	Oliver Woodhams	28/07/2023
Executive Director / Senior Manager	Chris Hall / Jason Vaughan	18/08/2023/ 27/07/2023
Strategy & Performance	Alyn Jones	21/08/2023
Executive Lead Member	Cllr Federica Smith / Cllr Liz Leyshon	18/08/2023
Consulted:	Councillor Name	
Local Division Members		
Opposition Spokesperson	Cllr Mandy Chilcott Deputy Leader of the Opposition and Opposition Spokesperson for Resources and Performance	Sent on 14/09/2023
Scrutiny Chair	Cllr Bob Filmer, Chair - Scrutiny Corporate & Resources Committee	Sent on 14/09/2023

Appendix A: Housing Revenue Account (HRA) Approved Budget for 2023/24

	In-House	ALMO	Combined					A/(F)
	Approved Budget	Approved Budget	Original Budget	Current Budget	Full Year Projection	Month 3 Variance		
	£m	£m	£m	£m	£m	£m	%	
Income								
Dwelling Rents	(27.1)	(18.0)	(45.2)	(45.2)	(45.2)	0.0	0.0%	-
Non Dwelling Rents	(0.7)	(0.6)	(1.3)	(1.3)	(1.3)	0.0	0.0%	-
Charges for Services / Facilities	(1.9)	(1.5)	(3.4)	(3.4)	(3.4)	0.0	0.0%	-
Contributions Towards Expenditure	(0.2)	(1.1)	(1.3)	(1.3)	(1.3)	0.0	0.0%	-
	(29.9)	(21.2)	(51.1)	(51.1)	(51.1)	0.0	0.0%	-
Expenditure								
Repairs and Maintenance	8.7	4.4	13.1	13.1	13.1	0.0	0.0%	-
Supervision and Management	4.1	5.2	9.2	9.2	9.2	0.0	0.0%	-
Special Services	1.6	1.3	2.9	2.9	2.9	0.0	0.0%	-
Rents, Rates, Taxes and Other Charges	0.2	0.7	0.8	0.8	0.8	0.0	0.0%	-
Central Recharges (to / from the General Fund)	3.2	0.2	3.4	3.4	3.4	0.0	0.0%	-
	17.8	11.8	29.6	29.6	29.6	0.0	0.0%	-
Other Operating Income and Expenditure								
Interest Payable	3.3	2.5	5.8	5.8	5.8	0.0	0.0%	-
Interest Receivable	0.0	(0.3)	(0.3)	(0.3)	(0.3)	0.0	0.0%	-
Change in Provision for Bad Debts	0.1	0.0	0.1	0.1	0.1	0.0	0.0%	-
Depreciation	9.1	7.3	16.3	16.3	16.3	0.0	0.0%	-
Capital Financing	0.0	1.2	1.2	1.2	1.2	0.0	0.0%	-
Movement in Reserves	(0.4)	(1.3)	(1.6)	(1.6)	(1.6)	0.0	0.0%	-
	12.1	9.4	21.5	21.5	21.5	0.0	0.0%	-
Net Surplus(-) / Deficit for the Year	0.0	0.0	0.0	0.0	0.0	0.0	0.0%	-

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – Regulation 11

In accordance with the Council's Access to Information Procedure, as set out in the Council's Constitution, notice is hereby given that the following Key Decisions, which has not been included in a published version of the Executive Forward Plan for the required 28 days, is to be considered by the Executive 4 October 2023:

1. 2023/24 Housing Revenue Account Budget Monitoring Report - Quarter 1

Author: Kerry Prisco, Management Accounting & Reporting Lead

Contact Details: kerry.prisco@somerset.gov.uk

2. Commercial Investment update

Authors: Robert Orrett, Rob Burgess – Corporate Property Services

Contact Details: robert.orrrett@somerset.gov.uk or 01935 462075.

Reasons

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

Circulation:

Leader of the Council

All Somerset Council Members

26 September 2023

David Clark

Monitoring Officer

For questions about this notice please contact the Democratic Services Team,
County Hall, Taunton, TA1 4DY. Email:
democraticservicesteam@somerset.gov.uk

Decision Report - Executive



Decision Date – 4 October 2023

Forward Plan Reference - FP/23/07/10

Key Decision – Yes

Statement of Community Involvement

Executive Member(s): Ros Wyke - Lead Member for Economic Development, Planning and Assets

Local Member(s) and Division: n/a

Lead Officer: Paul Hickson – Service Director Economy, Employment and Planning

Author: Alison Blom-Cooper - Assistant Director Strategic Place and Planning

Contact Details: alison.blomcooper@somerset.gov.uk

Summary

1. As a requirement of the Planning and Compulsory Purchase Act 2004, Somerset Council must prepare a Statement of Community Involvement (SCI). The SCI sets out how and when the Council will engage with local communities and other interested parties when carrying out its statutory planning functions. This includes consultation on both planning applications and the preparation of planning policy documents, such as the Local Plan. The preparation of a new single SCI for the whole unitary geography is important to ensure a consistent approach to engagement is taken across all our communities. The SCI will replace the existing separate SCIs of the former Districts and County Councils. It is important to highlight that the SCI is an overarching document for the planning service, it will be supplemented by more detailed strategies where required. For the Somerset Local Plan a detailed communications and engagement strategy is also being prepared which will be subject to Member approval at a later date.
2. Consultation on the draft SCI was undertaken during Spring 2023 prior to vesting day for a six-week period. Following this the content of the SCI has been reviewed and amended as appropriate to take into account comments received. A final version of the document has therefore now been prepared (Appendix 1) ready for a decision on formal adoption by Somerset Council.

Recommendations

3. The Executive agree;
 - i) To Formally adopt the Statement of Community Involvement (Appendix 1)

Reasons for recommendations

4. To meet the statutory requirement to prepare a SCI.
5. To ensure a consistent approach to how the Council engages with our local communities and other interested parties when considering planning applications and preparing planning policy documents.

Other options considered

6. There is no alternative option to meet the statutory requirement for the Council to prepare a SCI.

Background

Statement of Community Involvement - Preparation and Consultation

7. Preparation of the SCI commenced prior to vesting day as part of the Local Government Reorganisation sub-workstreams. This ensured representatives from each former authority were involved in the preparation of the draft SCI, with oversight from workstream leads.
8. The draft SCI was reported to Somerset County Council Executive on the 18/01/2023 where the decision was made to consult on the draft document. Public consultation was undertaken for a six-week period between the 1 February and 16 March 2023. Briefing events were held to raise awareness of the consultation with specific stakeholders and to answer any questions. This included presenting the consultation material at agent's forum events and parish Council clerk briefing and training events. Consultation on the SCI was also integrated with the wider communications plan for the planning service to ensure consistent information regarding the consultation. In addition to consultation with external stakeholders, consultation on the draft SCI was also undertaken internally with relevant team and committees. This included briefing and seeking feedback on the draft SCI from relevant planning and regulatory committees of

the former four districts and county. Full details of consultation undertaken is provided in the accompanying consultation statement (Appendix 2).

9. A total of 164 representations were received on the draft SCI. Comments were received from a range of different stakeholders, including members of the public, Parish/Town/City Councils, planning agents/developers, resident and civic groups and statutory consultees. All comments have been considered and a number of changes and additions have been made to the final draft of the SCI to further improve the document. A summary of key changes made are set out in the table below. The Consultation Statement (Appendix 1) includes full details of all comments received and our response to them.

SCI document section	Key Changes
Paragraph 1.7 (introduction)	Additional wording to refer to key importance of engaging with parish/town/city councils and other local groups in all aspects of the planning system. This was following feedback that wording in this regard should be strengthened in the document.
Paragraph 1.14 (equalities and diversity)	Amended text to be clear that information can be made available in different formats, such as large print, easy read, audio and braille. This text now better reflects the Council's wider equalities and accessibility policy.
Paragraph 2.7 (duty to cooperate bodies)	Text amended following feedback to be clear the duty relates to neighbouring planning authorities.
Paragraph 2.13 (Planning Policy)	Wording amended following comments received to be clear that any future review of the Local Development Scheme will include explanation regarding any changes in plan preparation timescales.
Paragraphs 2.24 to 2.26 (Planning Policy)	Amendments to be clear that the consultation portal will be established in due course prior to commencing new planning policy documents, and to be clear specific consultation bodies don't need to sign up to the portal to be consulted.
Paragraph 2.53 (Conservation Areas)	Changes to text regarding consulting to be clear that conservation area appraisals and boundary reviews

	will include appropriate local community consultation.
Paragraph 3.8 to 3.12 (Pre-Application Stage)	Section comprehensively amended following feedback to strengthen the expectation for pre-application engagement with local communities, including Parish, Town and City Councils. Section states this should be early enough to genuinely inform proposals. Pre-app fees details included. Examples of consultation methods also now included, and reference made to Quality Review Panel.
Paragraph 3.17 (Who is consulted)	Following feedback from South Somerset regulatory committee reference now made to consultation directions, including for aerodrome safeguarding.
Paragraph 3.19 (Who is consulted)	Following feedback from AONB units wording has been amended when non-statutory consultees are consulted to be clear consultation will be undertaken in line with existing agreements regarding development size/location/constraints.
Paragraph 3.21 (Who is consulted)	Additional paragraph added to be clear amended plans or proposals may trigger the need for re-consultation.
Paragraph 3.27 (How do we consult)	Further wording following feedback from parish Councils to be clear that where consultation periods do not align with parish meetings then case officers will be pragmatic in terms of agreeing extensions of time.
Paragraph 3.29 (How to comment on planning applications)	Wording amended to be consistent with the equalities section and be clear that comments can be made online, via email or post, with details included on site notices and notification letters.
Paragraph 3.32 (What do we do with comments received)	Additional wording added to be clear that all comments received will be reviewed and considered as part of the process of determining an application.
Paragraph 3.34 (What do we do with comments received)	'Landscape' added as an example of a material planning consideration following feedback from AONBs.

Paragraph 3.39 to 3.40 (Decisions)	Section comprehensively amended to refer to the Council's constitution and make reference to the procedures set out here in terms of planning committee arrangements, public speaking and the referral processes.
Paragraph 3.47 (Enforcement)	New enforcement section added following consultation feedback. This links to the Council's published enforcement policy and how people can report a breach.
Appendices	Appendices reviewed based on comments received to improve clarity and name additional specific and general consultation bodies where required.

Links to Council Plan and Medium-Term Financial Plan

10. Adoption of the SCI is an important step in helping to achieve the Council Plan 2023-27 vision and priorities in relation to its planning functions. Working with partners and existing and future residents is identified as part of the Council Plan priority for *A Greener, More Sustainable Somerset*. The SCI is also aligned to the priority for *A Fairer, Ambitious Somerset*, with the need to ensure people, whatever their background, can engage in the planning system and have their views heard.

Financial and Risk Implications

11. There are no direct financial implications to adoption and implementation of SCI. In relation to Development Management (determination of applications) the consultation processes set out are already part of the day-to-day activities that the planning teams undertake in relation to the determination of planning applications. The purpose of the SCI in this regard is therefore principally about ensuring consistency between the Council's four planning areas.
12. Regarding preparation of planning policy documents the financial implications of this (including consultation and engagement) are set out as part of the report to approve the Local Development Scheme, which will be before Executive Committee as a separate agenda item. Some consultation exercises can be resource intensive. Wording in the SCI has therefore been kept flexible with

regard to the use of different methods of engagement that could be used (e.g. workshops, forums, drop in events). This will ensure that the extent of different consultation methods used can be tailored to the specific circumstances and the officer resources that are available within the planning function.

13. Failure to adopt a new SCI has some risk implications. For example, failure to adopt a new SCI could cause some reputational harm, and potentially delay the preparation of key planning policy documents (e.g. the Local Plan). These risks are being managed by seeking to adopt the SCI at an early stage, prior to any Local Plan public consultation stages. The recommendation in this report will therefore mitigate this risk.

Likelihood	1	Impact	3	Risk Score	3
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Legal Implications

14. The legal requirement for the Council to produce a SCI is set out in Regulation 18(1) of the Planning and Compulsory Purchase Act 2004. The SCI includes how the Council will meet its legal duty to consult on the preparation of planning policy documents and relevant planning proposals. These specific consultation requirements are set out in several pieces of legislation which are referenced in the SCI:

- Town and Country Planning Act (1990) (as amended)
- Planning and Compulsory Purchase Act (2004) (as amended)
- Town and Country Planning (Development Management Procedure) (England) Order (2010) (as amended)
- Localism Act (2011) (as amended)
- Neighbourhood Planning (General) Regulations (2012) (as amended)
- Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Levelling Up and Regeneration Bill (emerging)

HR Implications

15. There are no immediate HR implications.

Other Implications:

Equalities Implications

16. The draft SCI has been prepared in line with equalities legislation and an Equalities Impact Assessment is appended to this report (Appendix 3). The draft SCI includes a number of measures for how the Council will work to ensure that protected groups are not disadvantaged in terms of their ability to respond to planning consultations or have their views heard. This includes ensuring the preparation of planning policy documents follow accessibility guidelines, making material available in a range of different formats, and ensuring that consultation comments can be made using a number of different methods. Following feedback from public consultation these measures have been made clearer and more consistent throughout the final document.

Community Safety Implications

17. There are no immediate Community Safety implications.

Climate Change and Sustainability Implications

18. No direct implications have been identified in relation to the recommendations in this report. However, the SCI will support the consultation activities of the Council as part of the planning system, which through economic, social and environmental objectives has the overarching aim of contributing to the achievement of sustainable development. The SCI document helps guide preparation of the Development Plan, which in turn will play a leading role in delivering on the Council's Climate Emergency Strategy.

Health and Safety Implications

19. There are no immediate Community Safety implications.

Health and Wellbeing Implications

20. There are no immediate Health and Wellbeing implications.

Social Value

21. There are no immediate Social Value implications. The decision does not include any commissioning or procurement of services.

Scrutiny comments / recommendations:

22. The SCI was presented to Climate & Place Scrutiny on 20th September 2023. In relation to the SCI Scrutiny resolved to recommend to Executive:
- (i) That under the pre-application stage, paragraph 3.10 of the SCI should be amended to encourage applicants to consult with their neighbours.
 - (ii) That the Council should continue to serve both site notices and adjacent neighbour notifications and that the wording of 3.24 of the SCI be amended to reflect this. The wording of the recommendation to the Executive to be delegated to the Executive Director – Climate & Place in consultation with the Chair and circulated to the Committee.
23. Regarding the above recommendations the SCI as drafted sets out in paragraph 3.10 that the pre-application stage should include consultation by applicants with the local community. Regarding site notices and neighbour notifications, the asterisk to the statutory publicity requirements (Appendix C) makes clear that both methods may be used to publicise an application.

Background Papers

24. None.

Appendices

- **Appendix 1:** Statement of Community Involvement – Final Draft for Adoption
- **Appendix 2:** Consultation Statement
- **Appendix 3:** Equalities Impact Assessment

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	31/08/2023
Communications	Peter Elliott	19/09/2023
Finance & Procurement	Nicola Hix	22/08/2023
Workforce	Alyn Jones	26/09/2023
Asset Management	Oliver Woodhams	25/08/2023
Executive Director / Senior Manager	Mickey Green	25/09/2023

Strategy & Performance	Alyn Jones	26/09/2023
Executive Lead Member	Cllr Ros Wyke	25/08/2023
Consulted:		
Local Division Members	n/a	
Opposition Spokesperson	Cllr Mark Healey MBE Opposition Lead member for Prosperity, Assets and Development	22/09/2023
Scrutiny Chair	Cllr Martin Dimery Chair of Scrutiny Committee – Climate and Place	22/09/2023

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Somerset
Council

Statement of Community Involvement

September 2023

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Appendices

Appendix A - Consultations bodies for Local Plans

Appendix B - Statutory consultees on applications

Appendix C - Statutory publicity requirements



1 Introduction

Overview

- 1.1 This Statement of Community Involvement (SCI) sets out how and when the new Somerset Council will engage the community and stakeholders on planning policy documents and planning proposals. It outlines how and at what stages consultation will be carried out.
- 1.2 Somerset Council is responsible for determining and consulting on planning matters within the authority area, including applications for new development, prior approvals, works to listed buildings and trees, mineral and waste development, and planning enforcement.
- 1.3 This is the first SCI for Somerset Council. It replaces the SCIs for the former districts of Mendip, Sedgemoor, Somerset West and Taunton and South Somerset, and for Somerset County Council. Part of Exmoor National Park lies within the Council's area but Exmoor National Park Authority is responsible for planning matters within their area and so they produce their own separate SCI.
- 1.4 There are two main areas of planning that you can be involved in:
 - Planning Policy (including Local Plan and Minerals and Waste Plan preparation and preparation of other planning policy documents) – these documents set out the policies or guidance that development proposals will be assessed against.
 - Planning Proposals (Development Management) – some types of development require a planning application to be submitted and approved. Planning applications can be commented on by the public. Some applications are 'permitted development' and are not required to be advertised.
- 1.5 Consultation will occur in the preparation of policy documents and when planning applications are validated (the process undertaken by the Council to check that new planning applications are complete and include all relevant supporting information). The Council aims to give consultees, stakeholders, and the general public the opportunity to respond to consultations and influence decisions within their area.
- 1.6 The intention of the guidelines set out in this document is to ensure that the process for responding to consultations or influencing decisions is understood and accessible so everyone will be able to give their views on proposals quickly and easily.
- 1.7 Local communities often have a good understanding and detailed knowledge of the issues in their area, therefore it is of key importance that Parish, Town and City councils, as well as local residents, businesses and other groups, are effectively engaged in all aspects of the planning system. The views of both local communities and stakeholders should be considered through plan-making and the planning application processes to ensure the best decisions for the community.



Legislative Requirements

- 1.8 Regulation 18(1) of the Planning and Compulsory Purchase Act 2004¹ requires authorities to produce a Statement of Community Involvement (SCI).
- 1.9 The Council has a legal duty to consult in the preparation of Local Plans and on relevant planning applications. These requirements are set out in several pieces of legislation set out below:
- Town and Country Planning Act (1990)² (as amended)
 - Planning and Compulsory Purchase Act (2004)³ (as amended)
 - Town and Country Planning (Development Management Procedure) (England) Order (2010)⁴ (as amended)
 - Localism Act (2011)⁵ (as amended)
 - Neighbourhood Planning (General) Regulations (2012)⁶ (as amended)
 - Town and Country Planning (Local Planning) (England) Regulations 2012⁷ (as amended)
 - Levelling Up and Regeneration Bill (emerging)⁸

Equalities and Diversity

- 1.10 This SCI has been prepared in line with equalities legislation and has been completed with an Equalities Impact Assessment.
- 1.11 The Equality Act (2010)⁹ defines nine “protected characteristics”: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 1.12 The Council will work to ensure that these characteristics do not affect people’s ability to respond to our consultation or have their views heard, and impact on these characteristics will be considered in the determination and adoption processes.
- 1.13 Some groups are harder to engage than others and traditional consultation methods may not be effective, and, in some cases, further support may be necessary. The Council will endeavour to take account of barriers faced by groups or individuals.
- 1.14 All plan making documents are proposed to be written clearly and concisely with any technical terms or language explained. We will also offer a clear and appropriate timescale for comments to be received to allow everyone the opportunity to participate. If information is needed in a different format, such as large print, easy read, audio recording or braille this can be requested via:
- Email: generalenquiries@somerset.gov.uk
 - Phone: 0300 123224

¹ <https://www.legislation.gov.uk/ukpga/2004/5/contents>

² <https://www.legislation.gov.uk/ukpga/1990/8/contents>

³ <https://www.legislation.gov.uk/ukpga/2004/5/contents>

⁴ <https://www.legislation.gov.uk/uksi/2010/2184/contents/made>

⁵ <https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

⁶ <https://www.legislation.gov.uk/uksi/2012/637/contents/made>

⁷ <https://www.legislation.gov.uk/uksi/2012/767/contents/made>

⁸ <https://bills.parliament.uk/bills/3155>

⁹ <https://www.gov.uk/guidance/equality-act-2010-guidance>

- 1.15 As part of the Public Sector Equality Duty¹⁰ the Council will consider all individuals when carrying out day-to-day work. We will have due regard to:
- Eliminating discrimination
 - Advancing equality of opportunity
- 1.16 For those who are unable to access information digitally, alternative arrangements can be made such as supported digital viewing, paper copies which could be made available on request or telephone support. Letters of comment can be received online, by email or by post and can be made on behalf of other individuals. They may also be signposted to suitable support such as Planning Aid.

¹⁰ <https://www.gov.uk/government/publications/public-sector-equality-duty>

2 Planning Policy

The Local Plan and Minerals and Waste Plans (“Local Plans”)

- 2.1 This section sets out how the Council will engage the public in any review of policies and future policy making. The minimum requirements for public engagement in planning policy making is set out in various legislation and regulations including the Town and Country Planning Act, the Planning and Compulsory Purchase Act, The Environmental Assessment of Plans and Programmes Regulations 2004, the Conservation of Habitats and Species Regulations, as well as relevant requirements set out under EU Directives. The Council will always meet these requirements and seek to go beyond them where appropriate.
- 2.2 Alongside the National Planning Policy Framework, Local Plans and any made Neighbourhood Plans form the statutory policy framework within which all decisions on planning applications are made. Development Consent Orders follow a different process as set out in Section 5 below.
- 2.3 Within Somerset, the former district level Local Plans will apply to their specific district geographical areas until superseded by a Somerset-wide Local Plan. Somerset Council are required to adopt a new Local Plan by 1 April 2028. Exmoor National Park Authority is the planning authority for the National Park area and has its own Local Plan.
- 2.4 The Local Plans set out the principal policies and proposals for land use and development, contains overall vision and objectives, the development strategy, allocate sites for development and present a suite of policies used in decisions on planning applications. Once a Local Plan is adopted, it must be reviewed every five years to establish whether it requires updating.
- 2.5 Supplementary Planning Documents (SPDs) that provide guidance based on the Local Plan policies may be produced from time to time. The arrangements for consultation on SPDs are set out later in this section.

Who we will notify, consult and involve in plan making

- 2.6 In respect of plan making, the Council is required to engage with some groups to meet the regulations. These are set out below:
- 2.7 Duty to Co-operate Bodies - The Localism Act 2011 places a ‘duty to co-operate’ on local planning authorities and neighbouring authorities and various public bodies for any strategic cross boundary issues. The duty requires local authorities to engage with other relevant authorities and bodies constructively, actively and on an ongoing basis. These bodies play a key role in delivering local aspirations, and cooperation between them and local planning authorities is vital in order to make Plans as effective as possible. These bodies include:



- Neighbouring Local Planning Authorities
- The Environment Agency
- Historic England
- Natural England
- Civil Aviation Authority
- Homes England
- NHS Somerset Integrated Care Board
- National Health Service
- Office of Rail Regulation
- National Highways
- Marine Management Organisation
- Local Enterprise Partnership
- Local Nature Partnership

2.8 Specific consultation bodies – are agencies that must be consulted if they are affected by the proposals because they have an interest in the matter. These include organisations such as the Environment Agency and Wessex Water. The full list is at **Appendix A**.

2.9 General consultation bodies – these include local community or amenity groups, residents' associations, businesses, developers, landowners, and other agencies. In particular, the Council will seek to engage with hard-to-reach groups and vulnerable groups. The types of groups are at **Appendix A**.

2.10 Residents and others with an interest – those who live in, or carry out business in, the area.

2.11 The Duty to Co-operate bodies, specific and general consultation bodies are contacted formally by letter or email. Members of the public and/or other interested parties who have registered to be on the online Consultation Portal are also notified of any consultation. Members of the public are informed through general publicity, including the local newspaper, social media, and the Council website.

When and how we will notify, consult, and involve people in plan making

2.12 Plan making is undertaken in stages with the opportunity for the community and relevant stakeholders to engage during the process. This includes the partial update of a plan following the required five yearly review. Whilst engagement is an ongoing process throughout plan making, there are specific periods of consultation that are held.

2.13 The Council maintains a Local Development Scheme, this sets out the timetable for the preparation of Local Plan documents, including the key consultation periods. The Local Development Scheme is published on the Council's website and is updated from time to time. Where there are significant revisions to plan preparation timescales, these will be explained as part of the published documents.

2.14 The key stages for the preparation of Local Plans are set out below:

Evidence gathering and identification of issues for the Local Plans:

- The Council researches and gathers evidence to guide the content of the Local Plan. In this early stage of plan production, informal engagement can continue throughout this period and using a variety of formats.
- The Council may use methods such as workshops or surveys to ensure that the Council receives the relevant specialist and local opinions at an early stage. Where appropriate, individuals and parties on the Council's consultee database will be notified.
- It may also involve activities such as the 'Call for Sites' in which interested landowners and their agents are invited to identify their land for future development.
- Dedicated briefings and workshops may be held for specific evidence base studies. Invitations to attend will depend upon the subject matter and targeted consultation may be undertaken with specific interest groups to check the findings or look at information in more detail.

- 2.15 The evidence gathering stage is informed by the findings of studies that can give rise to the need for further investigation. When a degree of understanding has been reached regarding the issues that the Plan should address, the work proceeds to the next stage.

Production of the Draft Local Plan (Regulation 18):

- The Council develops a draft Local Plan (or partial review of the plan) containing proposed policy approaches. The Draft Local Plan undergoes a formal consultation period under Regulation 18 of the Town and County Planning (Local Planning) (England) Regulations 2012. This will last for a minimum of 6 weeks.
- At this stage the Council will make people aware of the consultation primarily through the website, social media coverage, the consultation portal, and the press.
- Other methods that may be used to involve people in the consultation include videos, quick polls, workshops, presentations, surveys, newsletters, forums, or drop-in events.
- The Draft Local Plan will be made available in a range of formats including electronic and hard copies placed at inspection points which may include some libraries and Council offices.
- Due to the large number of responses that we receive, we do not provide individual responses to comments received.

- 2.16 The methods for making comments and the deadline for submission will be set out clearly as part of the consultation to ensure that people who want to comment can do so.

- 2.17 It is recognised that some methods may not suit everybody. However, a variety of methods will be used to enable a greater range of people to be involved in the consultation. The Council will make every reasonable effort to encourage under-represented groups to participate.
- 2.18 Planning policy often includes acronyms and technical language so the Council will do its best to simplify language where possible and may provide 'easy read' summaries. Council officers are always willing to offer advice and explanations if required and can provide documents in a variety of formats, such as Braille or in foreign languages, on request. Further information can be found in the Equalities section of this document.
- 2.19 Following the consultation on the draft Local Plan, the Council will process the comments received. A statement of consultation will be produced containing an overview of the consultation activities undertaken, summary of comments received and how or what the Council will do to take these into account as part of the Local Plan.
- 2.20 The Council will consider the issues raised, and may undertake further work on the Local Plan, which may include further evidence gathering, before it finalises the Local Plan for the 'publication' stage under Regulation 19.

Publication of the Submission Local Plan (Regulation 19):

- Having considered issues raised during the Regulation 18 stage, the Council publishes the Submission Local Plan (or partial review of the plan). This is the version of the Local Plan that it intends to submit to the Secretary of State for examination.
- The Council publicises the Submission Local Plan for formal representations (comments) under Regulation 19 of the Town and County Planning (Local Planning) (England) Regulations 2012. This will last for a minimum of 6 weeks.
- This allows respondents to make representations to explain in writing on a specific electronic form (available in a paper format if required) why they consider that the plan meets (or does not meet) the governments requirements for Local Plans and whether they seek to appear at an examination public hearing session. There will be a guidance note to help fill in the form.
- Any representations (comments) made at this stage cannot remain confidential as the examination is a public process.
- The Submission Local Plan will be made available in a range of formats including electronic and hard copies places at inspection points which may include some libraries and Council offices.

- 2.21 Following the Regulation 19 publication (consultation) period, the Council will process the representations received. Each response is logged and given a unique reference number.
- 2.22 Each response will be posted on the Council's website. Comments and the name of the respondent will be published but any further personal details redacted in line with

the General Data Protection Regulation (GDPR). This is to ensure an open and fair examination process, as required by the Planning Inspectorate¹¹. A Consultation Statement including a summary of the main issues raised in the responses, and who was informed, will be submitted to the examiner as part of the process.

Examination of the Local Plan:

- The Council is required to submit the Submission Local Plan and all of the evidence upon which it is based for examination. This also includes the representations made on the Regulation 19 Plan. All of these documents will be included and updated on the Council's website.
- The government requires that the Submission Local Plan (or partial review) will be examined to assess whether it has been prepared in accordance with legal and procedural requirements set down by Government and whether it is 'sound'. The tests of soundness are set out in the National Planning Policy Framework paragraph 35 (or as updated).
- The examination of the Local Plan involves an Inspector(s) considering all of the written material submitted and holding public hearing sessions.
- The Council will dedicate a section of the website to the Local Plan Examination where all the material and information about the examination will be posted.
- As soon as the Council knows when the public hearing sessions will be held it will publicise these on the website and via social media.
- Those who have indicated a wish to be heard at the public hearing sessions will be contacted by the independent Programme Officer responsible for the administration of the examination.

- 2.23 The Council will publicise the outcome of the examination on the website, social media and in the local press.

Registering online to ensure that you are consulted

- 2.24 Prior to commencing preparation of new planning policy documents the Council will setup an online consultation portal, enabling individuals and organisations to register to be notified about future planning policy consultations.
- 2.25 This online consultation portal will be the council's preferred method for consulting general consultation bodies and other interested parties as it enables people to manage their own involvement, keep their contact details up-to-date and withdraw consent if they no longer wish to be contacted. For the avoidance of doubt there will be no need for 'specific consultation bodies' (Appendix A) to register on the consultation portal, these groups will be automatically notified with regard to planning policy consultations, as required by the legislation.
- 2.26 Groups are often under-represented in the consultation process and will therefore be encouraged to sign up to the consultation portal so that views can be gathered through the consultation process to appropriately reflect people within our society.

¹¹ Paragraph 1.21 <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations>

- 2.27 The Council will maintain a database of postal addresses of individuals and organisations who are not able to use or access the online consultation portal to ensure that they can still be involved with the development of local plans and other policy documents. Anyone on a Local Plans postal database with one of the former District or County Councils in Somerset will need to re-provide us with postal details due to the General Data Protection Regulation (GDPR).
- 2.28 GDPR requirements will be followed to ensure that personal data is only required and retained where proportionate and necessary, is only gathered where explicit consent has been provided, is kept securely, and is not disclosed to others.

Evidence base documents

- 2.29 As part of the plan making process, the Council produces (or will commission external consultants on their behalf) an evidence base of documents that inform the Local Plans. Where appropriate, the Council will consult relevant “specific” or “general” consultation bodies on the contents (see Appendix A).

Strategic Environmental Assessment and Sustainability Appraisal

- 2.30 A Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) Scoping Report is produced when starting the process of Local Plan preparation. This provides a basis for assessing the economic, environmental, and social impact of policies and proposals. In accordance with government guidelines, the Council will ensure that any sustainability appraisal developed is compliant with the Strategic Environmental Assessment Regulations.
- 2.31 A SA/SEA is an iterative process undertaken when preparing each stage of the Local Plan. It informs decisions taken on policy options in relation to strategies, policies, and allocations. The report is consulted on at key points throughout the plan-making process, at the same time as the Local Plan.

Supplementary Planning Documents

- 2.32 Supplementary Planning Documents (SPD) are non-statutory planning policy documents. They provide additional information or detail on how particular policies in the Local Plan should be applied. The process for the preparation of SPDs is simpler than the more formal requirements of a Local Plan. There is no requirement to undergo independent examination prior to adoption.
- 2.33 Legislation¹² requires the following with respect of public participation when preparing an SPD.

- Depending upon the subject of the Supplementary Planning Document the Council may invite specific groups or organisations with specialist interest in the subject matter to engage in workshops or provide specific evidence to support production of the Supplementary Planning Document or Guidance.
- When the Council has produced its draft Supplementary Planning Document it will undertake press, Council website and social media coverage of the draft and

¹² <https://www.legislation.gov.uk/uksi/2012/767/contents/made>

contact those on its consultation portal inviting comments on the draft. There will be a minimum period of 4 weeks to make representations.

- The comments on the Supplementary Planning Document will all be published on the Council website (with personal contact details redacted).
- A summary of the issues raised and how they are addressed will also be posted on the website.
- The Council will publicise the adoption of the Supplementary Planning Document in the local press, social media and on the Council website. It will inform those who have requested notification of adoption.

- 2.34 From time-to-time other guidance may be produced that is agreed by the Council to be a material planning consideration in making decisions on planning proposals or documents. The arrangements for consultation will broadly follow that for Supplementary Planning Documents but may vary according to the guidance.

Neighbourhood Development Plans

- 2.35 Neighbourhood Planning was introduced by the Localism Act 2011. Legislation¹³ sets out the regulatory requirements for making a Neighbourhood Plan.
- 2.36 A Neighbourhood Plan is a community led and prepared document. It guides the future development, regeneration and conservation of the Parish or neighbourhood area it covers. The Plan may contain a vision, aims, planning policies, proposals for improving the area or new facilities and site allocations. It can deal with a range of social, economic, and environmental issues, for example housing, employment, heritage, transport.
- 2.37 The production of a Neighbourhood Development Plan is the responsibility of a Parish, Town, or City Council, or Neighbourhood Forum. However, the Council has some responsibilities with respect to the process.
- 2.38 The Council has a responsibility to advise and assist groups undertaking all forms of Neighbourhood Planning. The Council's policy in this respect is set out below:

In line with its statutory duties the Council will publish on its website:

- The designation of a neighbourhood area including a map showing the extent.
- Draft proposals and supporting documents produced by the Parish, Town, or City Council or Neighbourhood Forum provided they comply with the regulatory requirements and representations will be invited including details of how to respond (under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012). Comments and the name of the respondent will be published but any further personal details redacted in line with the General Data Protection Regulation (GDPR).
- Details of the examination of the Neighbourhood Plan.
- The results of the examination of the Neighbourhood Plan.
- Details of a referendum on a Neighbourhood Plan and the result.

¹³ <https://www.legislation.gov.uk/ukxi/2012/637/contents/made>

- The making of a Neighbourhood Plan which is the point at which it becomes part of the Development Plan for the Council.

- 2.39 Legislation requires the Parish, Town or City Council or Neighbourhood Forum preparing the Plan to consult with stakeholders during the Neighbourhood Planning process and outlines at which stage consultation should happen. Due to the individual nature of each Neighbourhood Plan, the scope and form of consultation necessary will vary. The Council expects the relevant qualifying body to undertake appropriate and effective consultation with the community and stakeholders. This will identify issues that will shape the form and content of the Neighbourhood Plan.
- 2.40 The Council expects the Neighbourhood Planning Group preparing the Plan to provide details of the engagement undertaken through their consultation statement. This should include a list of organisations, associations and bodies who were consulted, a summary of their input, how any relevant issues have been taken into account and how the draft Neighbourhood Plan has been shaped to take account of them.
- 2.41 The adoption of a Neighbourhood Plan requires a referendum which is organised by Somerset Council, the rules for which can be found in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended by the Neighbourhood Planning (Referendum) (Amendment) Regulations 2013 and 2014) and the Neighbourhood Planning (Prescribed Dates) Regulations 2012. In order to progress to this stage, the Plan must meet basic conditions concerning accordance with national planning policies, general conformity to the adopted Local Plan(s) for the area and contribution to the achievement of sustainable development.
- 2.42 Once the Plan is “made”, it becomes part of the development plan for the area, carrying statutory weight and policy consideration along with the Local Plan for the area when determining planning applications.

Advising and Assisting Neighbourhood Plan Groups

In line with its statutory duties to advise and assist in neighbourhood planning the Council will either undertake these duties itself, or use the services of another organisation, to:

- Maintain the neighbourhood planning pages of the Council website, providing updates on the progress of designated neighbourhood planning areas and the production of any subsequent draft plans or orders.
- Signpost to useful information and sources of funding provided by other organisations.
- Share information on planning issues including information and published evidence relating to the Council's Local Plan.
- Provide advice on key assessments such as the Strategic Environmental Assessment (SEA) and other supporting evidence.

- Advise on national and local plan policy which any Neighbourhood Development Plan or Order produced would need to have regard to.
- Advise Neighbourhood Planning groups on the process, providing advice on the drafting of a project plan in understanding the milestones and work involved.

Neighbourhood Development Orders and Community Right to Build (NDO and CRtBO)

- 2.43 NDOs and CRtBOs grant planning permission for specific types of development in a particular area.
- 2.44 Whilst NDO and CRtBO proposals are subject to formal consultation, it is really important to engage with communities and stakeholders from the beginning of the process. This helps to ensure that the community is aware of emerging proposals, well before the formal consultation stage.
- 2.45 Importantly, early engagement means that the knowledge and views of a wider range of people inform the content of the NDO or CRtBO. This means that people can influence the fundamentals of NDOs or CRtBO, rather than being limited to tweaking matters of detail. For CRtBOs, the outcomes of early engagement can inform the development brief.
- 2.46 As with Neighbourhood Plans, close liaison with the Council is important.
- 2.47 If you are submitting either of the above for consideration it will need to be subject to a six-week period of consultation (Regulation 14). This will include consulting national bodies, which are set out in Schedule 1 of the Neighbourhood Planning (General) Regulations 2012.
- 2.48 Following the consultation period, representations must be considered, and any amendments thought to be necessary must be made to the NDO or CRtBO.

The Council's role

- 2.49 The NDO or CRtBO proposal must be submitted to the Council. We will check that proper procedures and consultation has been carried out in the preparation of the order. The Council will then publicise the order to bring it to the attention of people in the area and consult certain national bodies.
- 2.50 The Council may decline to consider a CRtBO if it considers the development specified in the order is likely to have significant effects on the environment by virtue of its nature, size, or location.
- 2.51 Once the Council has confirmed that the order proposal has followed the required process and includes the necessary documents, it will arrange for it be assessed by an independent examiner. If successful at the examination stage, the Council will arrange for a referendum to take place.

- 2.52 The public will have the opportunity to vote in the referendum which will confirm if the order should be made (agreed). Once the order is made, development that is permitted under an NDO can take place without having to apply for planning permission. However, if the order is subject to conditions or limitations, then an 'approvals application' may have to be made to the Council to confirm that each development proposal satisfies the relevant conditions or limitations.

Conservation Area Appraisals

Conservation Area Appraisals and boundary reviews

- 2.53 It is a duty¹⁴ of the Council to, from time to time, review whether any parts or any further parts of their area should be designated as conservation areas and designate those parts accordingly. Whilst there is no legal requirement to consult on Conservation Area Appraisals or new Conservation Area boundaries or boundary reviews, the Council will engage as appropriate with local groups and Parish, Town and City Councils to undertake 'fact checking' and ensure the appraisal or boundary review is informed by local knowledge of the area.
- 2.54 Aligning with Historic England's advice, the Council will consider how to best inform local people about a new appraisal or boundary review to ensure that everybody is aware of the designation, its benefits, and implications.

Conservation Area Management Plans

- 2.55 The Council has a duty to, from time to time, formulate and publish proposals for the preservation and enhancement of any of our conservation areas, also known as a Conservation Area Management Plan. There is a legal requirement for the Council to arrange a public meeting in the area to which the management plan relates.

¹⁴ <https://www.legislation.gov.uk/ukpga/1990/9/contents>

3 Planning Proposals (Development Management)

Introduction

- 3.1 The Planning System enables Local Authorities to determine applications for development and change of use of land or buildings. National planning legislation, regulations and guidance set out what should be included in an application and the process of making decisions on their acceptability.
- 3.2 Development Management decisions shape the character of the area. A range of applications are determined by the Council, including householder development, extensions to domestic or commercial sites, fences, listed building and tree applications, changes of use, advertisements, major housing development, commercial development, mineral applications, waste applications, planning enforcement, major highway schemes and the Council's own development.
- 3.3 Nationally Significant Infrastructure Projects (NSIPs) follow a different process that are set out in The Planning Act 2008. Development Consent Orders (DCOs) are submitted to the Planning Inspectorate and a 6 stage process is followed involving pre-application, acceptance, pre-examination, examination, recommendation and decision, and post decision. The Planning Inspectorate must prepare a report on the application to the relevant Secretary of State, including a recommendation, within three months of the close of a six month Examination stage. The relevant Secretary of State then has a further three months to make the decision on whether to grant or refuse development consent.
- 3.4 The National Planning Policy Framework (NPPF)¹⁵ expects Councils to have a positive approach to decision-taking in order to deliver sustainable development. Councils are expected to proactively work with applicants to secure development aiming to improve the economic, environmental, and social conditions of an area.
- 3.5 There are three stages during the planning application process where the local community and stakeholders are consulted and/or notified about the proposals:
1. **Pre-application stage:** undertaken by the applicant once or a number of times. The scale and extent of consultation is dependent on scope and scale of proposal and whilst encouraged is not a requirement prior to submission of a planning application for the majority of applications.
 2. **Application stage:** formal consultation on the application undertaken by the Council.
 3. **Appeal consideration:** consultation is undertaken by the Council on behalf of the Planning Inspectorate (PINS); additional formal comments may be submitted to the Inspector prior to the determination of the appeal.

¹⁵ <https://www.gov.uk/guidance/national-planning-policy-framework>

- 3.6 Government legislation, including Planning Acts, Orders and Regulations, set out the approach to consultation, publicity, and community involvement that the Council and applicants are required to undertake in regard to planning applications.
- 3.7 This SCI will be utilised by the Council to set expectations for applicant led consultation and guide the approach taken to consultation in the planning application process.

Pre-Application stage

- 3.8 Pre-application consultation is the responsibility of the applicant. This section of the SCI focuses primarily on setting the standards the applicant is expected and encouraged to follow prior to making an application for planning permission.

Pre-Application engagement with the Council

- 3.9 Whilst we cannot require that a developer submits a pre-application proposal or engage with us before submitting a planning application, the take-up of our pre-application services is strongly encouraged. Pre-application advice is subject to payment of an appropriate fee based on the size and scale of the development. Details of fees for different development types are set out on the Council's website¹⁶. This includes exclusions from pre-application fees for certain parties, such as for Parish Councils, where the proposals are for community benefit. Through the pre-application process you can get advice about the likely acceptability of the proposal, identify any problems you may need to solve, and verify the information required to be submitted in support of any subsequent application. This can provide greater certainty, raise the quality of the development, and speed up the application process.

Pre-application engagement directly with the community and other stakeholders

- 3.10 The Council's pre-application advice service is provided directly to the inquirer and is not subject to public consultation. Prior to submitting an application applicants are therefore also strongly encouraged to undertake appropriate and effective pre-application consultation with the local community and relevant statutory and non-statutory consultees. A number of statutory and non-statutory consultees offer their own pre-application advice services for applicants. Local engagement should include relevant Parish, Town or City Councils. Local community engagement is particularly expected by applicants that are promoting rural exception sites to meet a specific community need. The applicant is encouraged to seek the views through early engagement to take into account local knowledge, understand key issues, and make appropriate amendments to address comments or concerns of the local community. Engagement should be early enough in the design process to be meaningful and ensure feedback can genuinely influence the layout and design proposals.
- 3.11 Consultation methods should be proportionate and tailored to the specific community, and could for example include:
- In person exhibitions and consultation events
 - Dedicated websites and online surveys
 - Leafleting to specific residents and business
 - Publicity through social media and local newsletters

¹⁶ <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/>

- Presenting at Parish Meetings

3.12 It is good practice for applicants to provide follow-up feedback to communities after local engagement has been undertaken, to explain how comments received have been taken into account.

Quality Review Panel

3.13 The Council is committed to ensuring development in Somerset is delivered to a high standard and that new proposals exhibit high quality design and the creation of quality placemaking. To help ensure this is fulfilled the Council has established an independent Quality Review Panel which offers critical friend advice and guidance to applicants and the local planning authority. For larger scale developments Council officers and applicants are encouraged to make use of the panel at a early stage in the design process to identify and test the designs key objectives and assumptions, and identify any opportunities for improvements. Full details are available on the Council's [website](#).¹⁷

Planning Performance Agreements

3.14 The Council also offers Planning Performance Agreements to applicants and developers, for an additional fee, for an enhanced service with respect to their proposal. A planning performance agreement is a project management tool which the Council and applicants can use to agree timescales, actions, and resources for handling particular applications.

Application stage

3.15 Once an application has been submitted to the Council it is checked to ensure it is valid and, if so, it is registered and allocated to a Case Officer. The application, and all accompanying documents are then published on the Council's website.

Who can comment?

3.16 Anyone is allowed to comment on planning applications whether or not they have been consulted. Consultees on applications include the following groups:

- Statutory consultees (those that we must consult to fulfil our statutory duty)
- Non-statutory consultees (those we consult to inform the application)
- Adjoining owners or occupiers (where required as set out below)

Who is consulted?

3.17 It is required under Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Council carries out consultation on applications.

3.18 For certain types of application, the Council is also obliged to consult with statutory consultees. Appendix B provides an extract of from Government guidance that confirms the up-to-date list of statutory requirements to consult particular bodies or persons on applications for planning permission in prescribed circumstances. This is

¹⁷ <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/somerset-quality-review-panel/>

not a definitive list. It does not necessarily include, for example, all the bodies which must be consulted as a consequence of a consultation direction. An example of this is consultation with airfield operators as part of aerodrome safeguarding.

- 3.19 Consultation will be proportionate to the application being considered.
- 3.20 Other, non-statutory consultees will be consulted as appropriate on an application if the Council considers that their professional advice is required. For many non-statutory consultees the Council has agreements in place to notify them on certain types/sizes of development, or when a development is in a certain location or affected by a certain planning constraint. The requirement for this type of consultation is determined on a case-by-case basis and could occur after validation if the case officer considers it necessary.
- 3.21 Adjoining owners or occupiers will also be notified where required as set out below.
- 3.22 Sometimes there are amended plans or documents to an application as a result of negotiations with the case officer or in response to comments received. Depending on the extent and nature of these amendments further re-consultation may be undertaken.

How do we consult?

Publicity

- 3.23 The Council has a duty¹⁸ to ensure applications and decisions are properly publicised to ensure that everyone can meaningfully engage with the process. The way in which a particular application is publicised will depend upon the nature, scale and location of the development proposed.
- 3.24 The Council is required to publicise an application either by serving a written notice to neighbours or by displaying a site notice, depending on the type of application. Where neighbours are to be notified, as a minimum the Council will notify any adjoining owner or occupier. If a site notice is required, it will be displayed in a prominent position on or near to the site. Appendix C provides an extract from Government Guidance summarising these requirements.
- 3.25 A Public Notice will also be placed in the local newspaper if required, for example for major developments¹⁹, applications contrary to the Local Plan and some statutory applications (e.g. those within Conservation Areas).
- 3.26 The letter, notice or advert will contain details of the planning application and a link to the Council's website where the plans and supporting documents can be viewed. Additionally, it will provide a link for comments to be made online.
- 3.27 Although most applications are subject to a 21 day consultation period, this can vary depending on the type of application and can range from 14 to 30 days. The consultation deadline for each specific application will be clearly stated in the letter, notice, advert and online. Information on statutory publicity requirements is available on the Government's website. The Council is mindful that in some instance consultation periods may not align with the timetable for Parish Council meetings,

¹⁸ Regulation 15 <https://www.legislation.gov.uk/uksi/2015/595/article/15/made>

¹⁹ As defined in <https://www.legislation.gov.uk/uksi/2015/595/article/2/made>

where applications are being discussed and considered. In such instances case officer will be pragmatic in terms of agreeing extensions of time to allow sufficient time for comments to be made. Other Consultation Methods

- 3.28 Other than the statutory consultation methods discussed above, the Council may decide to utilise some optional methods of consultation for planning applications depending on the size and scale of the proposal.

How to comment on planning applications

- 3.29 The simplest and easiest way to comment is online via the Council's website. This route is also encouraged as it enables officers to process and publish comments easily. If responding online is not available or suitable, comments can also be made by email or post. Full details are provided on notification letters and site notices of the different ways comments can be made.
- 3.30 All comments must be made in writing and should be submitted within the consultation period set out on the website or in the consultation letter, site notice, or advert you have seen. You can still comment after the consultation period has expired and until a decision is made, however, we recommend you do so as soon as possible because a decision can be made at any time after the expiry of the consultation period.
- 3.31 To track progress of an application, search the online application database. Using the application reference number is the easiest way to find the application.

What do we do with comments received?

- 3.32 Comments received will be published on the Council's website. Comments will not be viewable to the public until the content has been checked and we endeavour to upload comments within 5 working days of receipt. All comments received will be reviewed and considered by the case officer as part of the process of determining the application.
- 3.33 Personal information such as the name and address of the respondent will be published but phone numbers, email addresses and signatures will be removed/redacted. Anonymous representations will not be accepted. Please ensure that you only provide information belonging to you and that you are happy it will be published on the Council's website
- 3.34 The Council can only consider comments which relate to material planning issues and planning applications. Examples of these matters include, but are not limited to:
- Loss of light or overshadowing
 - Overlooking or loss of privacy
 - Transport problems
 - Noise and disturbance resulting from use
 - Hazardous materials
 - Smells
 - Loss of trees

- Landscape
- Effect on listed buildings and Conservation Areas
- Layout and density of buildings
- Design, appearance, and materials
- Planning policy
- Previous planning decisions
- Nature conservation
- Archaeology

- 3.35 Examples of what is not considered a material consideration include loss of value to a property, background of the applicant, or the loss of a person's private view. We would not publish photographs of certain protected species and habitats where this could give rise to their subsequent disturbance.
- 3.36 Some applications are limited in terms of what can be considered as part of the determination. Prior Approvals are a form of permitted development with considerations for any Prior Approval application set out in legislation. If comments raise issues outside of the considerations set out in legislation, they cannot be taken into account.
- 3.37 Comments will not be accepted that are offensive, obscene, racist, or malicious. Content will be redacted to remove any comments that are considered inappropriate and could be returned. We may pass such material on to the Police.
- 3.38 Please do not include hyperlinks in your representations as you will be asked to remove them because the Council is unable to control information on other websites. All comments will be taken into account but will not be acknowledged. Please note that the Council does not normally respond to individual representations given the volume received.

Decisions

- 3.39 Following the end of the consultation period, we will consider all comments received and make a decision on the application having regard to the development plan policies and other material planning considerations. Applications can be determined under either delegated authority by officers or may be referred to the relevant planning committee for determination by elected members. Full details of this are set out within the Council's Constitution²⁰, which includes the following:
- The procedures of the Council's Strategic and Area Planning Committees, including membership, meeting arrangements and other details (e.g. voting, site visits etc)
 - Details of public speaking arrangements
 - Voting and site visits arrangements
 - Officer Scheme of Delegation, and exceptions to delegated powers
 - The referral process to Planning Committee
- 3.40 After a decision has been made, a copy of the decision notice will be made available to view on the Council's website. Other documents relevant to the decision, such as the officer's delegated report or committee report, will also be published on the Council's

²⁰ <https://www.somerset.gov.uk/council-and-democracy/constitution/>

website. Decision documents and other planning applications documents will remain available to view by searching for the specific planning application.

Planning Appeals

- 3.41 An applicant has the right to appeal if they disagree with the Council's decision to refuse the application. They also have the right to appeal against non-determination if a decision is not made within the required time period. Applicants must lodge an appeal with the Planning Inspectorate (PINS) who will confirm it is valid before initiating proceedings and issuing a start date.
- 3.42 In most cases appeals must be made within 6 months of the date on the decision notice from the Council. The right of appeal is only available to the applicant and not to any third parties.
- 3.43 There are three types of appeal: Written Representations, Hearing, or Inquiry. There are also fast track householder appeals which are considered and determined based on the officer's report.
- 3.44 Most appeals are considered via written representations. More complex or controversial appeals are usually considered via a Hearing or Inquiry. Irrespective of the type of appeal, those who made comments at the application stage are notified by the Council on behalf of PINS. There is then an opportunity to forward any additional comments to the Planning Inspectorate, although this opportunity does not apply to fast track householder appeals. Comments originally submitted on the application that was refused planning permission are forwarded to PINS for consideration when the appeal is registered. Unless a new issue has emerged, there is no need for members of the public and interested parties to re-submit their original comments.
- 3.45 The Council will write to those who commented at the application stage informing them of the appeal and outlining the appeal process. For non-householder appeals a time limit of six weeks is allowed in which comments can be forward to the Inspector. Applicants, agents and third parties can register to attend and are given an opportunity to address the Inspector during an Informal Hearing and Public Inquiry to expand on or discuss their concerns on the application.
- 3.46 Further information can be found on the Planning Inspectorate website²¹.

Enforcement

- 3.47 The Council has discretionary power to take enforcement action where unauthorised development has taken place and have a team of planning enforcement officers who investigate alleged breaches of planning control. We investigate all complaints we receive about unauthorised development, including undertaking site visits where required, and will make a decision on whether to take enforcement action following with the processes set out in the Council's published Planning Enforcement Policy²². The Council has a number of actions that can be taken where harm is occurring, including the issuing of Enforcement Notices, Stop Notices and Temporary Stop

²¹ <https://www.gov.uk/topic/planning-development/planning-permission-appeals>

²² <https://www.somerset.gov.uk/planning-buildings-and-land/planning-enforcement-policy/>

Notices. The Council may invite retrospective planning applications where there is a reasonable chance that planning permission could be granted.

- 3.48 Members of the public can report a breach on planning control by completing the form on the website²³ or alternatively by telephoning 0300 123 2224. Whilst complaints cannot be made anonymously information received is dealt with in the strictest confidence.

5.5 What we will do if you feel unfairly treated

- 3.49 The level of service you can expect from the Council is set out in our Service Standards. If a person is not happy with the service they have received they should contact the service manager in the first instance. If they are dissatisfied with the response, they can make a formal complaint through the Council's complaints procedure.
- 3.50 If you have gone through the Council's complaints procedure and remain unsatisfied with the service you have received, the Local Government Ombudsman investigates complaints of injustice arising from misadministration by Local Government and certain other bodies. The Ombudsman can investigate complaints about process and whether the appropriate procedures were followed, they cannot overrule planning decisions on applications.

Monitoring and Review

- 3.51 Legislation requires the SCI to be updated every five years. It will be reviewed to ensure it meets any national regulations, the needs of the community and our corporate objectives.

²³ <https://www.somerset.gov.uk/planning-buildings-and-land/report-a-planning-breach/>

Appendix A - Consultation bodies for Local Plan

A.1 **“Specific Consultation Bodies”** to be consulted as the local planning authority consider may have an interest in the subject of the proposed local plan as set out in Regulation 2(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)²⁴.

National Agencies and organisations	Environment Agency National Highways Homes England Historic England Natural England Sport England The Coal Authority Network Rail Marine Management Organisation Civil Aviation Authority* Officer for Road and Rail*
Regional Agencies and Strategic Bodies	Heart of South West Local Enterprise Partnership Local Nature Partnership Avon and Somerset Constabulary NHS Somerset Integrated Care Board NHS England
Other planning authorities relevant to Somerset	Exmoor National Park Authority Bath and North East Somerset Council North Somerset Council Wiltshire Council Dorset Council

²⁴ <https://www.legislation.gov.uk/uksi/2012/767/regulation/2/made>

	Devon County Council East Devon District Council Mid Devon District Council North Devon District Council Mendip Hills AONB Cranborne Chase AONB Blackdown Hills AONB Quantock Hills AONB Dorset AONB
Town, City and Parish Councils	Town, City and Parish Councils in and adjacent to the Local Planning Authority area.
Infrastructure Providers	National Grid Western Power Distribution Wales and West Utilities RWE npower renewables EDF Energy Office for Nuclear Regulation (for matters relating to Hinkley A and B) South West Water Wessex Water Bristol Water Electronic communications code operators who own or control apparatus in the areas (e.g. mobile and broadband)

* Relates solely to Duty to Cooperate

“General Consultation Bodies” to be consulted as the local planning authority consider appropriate as set out in Regulation 2(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended):

- a. voluntary bodies some or all of whose activities benefit any part of the local planning authority's area,
- b. bodies which represent the interests of different racial, ethnic, or national groups in the local planning authority's area,
- c. bodies which represent the interests of different religious groups in the local planning authority's area,
- d. bodies which represent the interests of disabled persons in the local planning authority's area,
- e. bodies which represent the interests of persons carrying on business in the local planning authority's area.

These could include:

Community Support and Hard to Reach Community	<ul style="list-style-type: none"> • Older persons groups • Youth groups • Mental health and well-being Disability groups • Churches and Faith groups • Cultural Organisations • Individuals and Groups representing Gypsies, Travellers & Showpeople
Housing	<ul style="list-style-type: none"> • Housing Associations/Registered Providers • Tenants Groups & Housing Initiatives • Residents and Neighbourhood Groups • Community Land Trusts and Almshouse Trusts
Environmental Organisations & Groups	<ul style="list-style-type: none"> • Internal Drainage Boards • Environmental organisations • Local amenity societies and Trusts • Wildlife groups • Local food initiatives
Sport & Recreation	<ul style="list-style-type: none"> • National/local sports organisations • Sport clubs • Cultural organisations
Heritage & Culture	<ul style="list-style-type: none"> • Historical/Archaeological organisations • Town and village societies and associations • Arts organisations
Transport & Accessibility	<ul style="list-style-type: none"> • Active Travel England • Rail and bus groups • Groups supporting cycling and walking • Community sustainable transport initiatives • Groups representing horse riders
Education & Health	<ul style="list-style-type: none"> • Schools, colleges, and other education/training providers

	<ul style="list-style-type: none"> • Health organisations
Development Industry	<ul style="list-style-type: none"> • Housebuilders/developers • Professional interest (agents, promoters, architects, consultants) • Significant Landowners • Other landowners promoting sites for development
Other Local Organisations	<ul style="list-style-type: none"> • Civic Societies and Trusts • Preservations Societies • Devon & Somerset Fire and Rescue Service
Businesses	<ul style="list-style-type: none"> • Chambers of trade and commerce • Key Employers • Town centre strategy groups • Business groups • Farming organisations
Individuals & Others	<ul style="list-style-type: none"> • Individuals and organisations requesting to be on planning policy mailing list and those added to the list through making a response to a planning document (and have not opted out)

Appendix B - Statutory consultees on applications

The table below is based on that set out in the National Planning Practice Guidance²⁵ and contains a list of statutory requirements to consult particular bodies or persons on applications for planning permission in prescribed circumstances. The table also includes links to planning guidance that encourages consultation with those bodies in other circumstances. This is not a definitive list. It does not necessary include, for example, all the bodies which must be consulted as a consequence of a consultation direction.

Statutory Consultee	Legislation and Guidance setting out when to consult
Canal and River Trust	Schedule 4(za) Development Management Procedure Order
Coal Authority	Article 26 and Schedule 4(o) Development Management Procedure Order
Control of major-accident hazards competent authority (COMAH)	Schedule 4(zb) Development Management Procedure Order
County Planning Authorities	Paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990, Article 21 Development Management Procedure Order and Schedule 4(b)(c) Development Management Procedure Order
Crown Estates Commissioners	Article 26 Development Management Procedure Order
Department for Business, Energy and Industrial Strategy	Article 26 Development Management Procedure Order

²⁵ <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>

Designated Neighbourhood Forum	Paragraph 8A inserted into Schedule 1 of the Town and Country Planning Act 1990 and Article 25A and paragraph (d) of Schedule 4 of the Development Management Procedure Order 2015
Environment Agency	Schedule 4(p)(t)(u) (v)(zc)(zd) Development Management Procedure Order
Forestry Commission	Paragraph 4 of Schedule 5 of Town and Country Planning Act 1990
The Gardens Trust	Schedule 4(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment
Health and Safety Executive	Schedule 4(e) and (in relation to applications for planning permission made on or after 1 August 2020 (zg) Development Management Procedure Order, see also guidance on hazardous substances and advice for local planning authorities on consulting Health and Safety Executive on planning applications; and paragraph 113 of guidance on minerals
[Relevant]Highways Authority (including National Highways)	Schedule 4(g)(h)(i) Development Management Procedure Order
Historic England	Schedule 4(g)(r)(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment
Lead local flood authority	Schedule 4(ze) Development Management Procedure Order
Local Planning Authorities	Schedule 4(b)(c), Article 19 and Article 24 Development Management

	Procedure Order, Paragraph 4(2) Schedule 1 and Paragraph 7 of Schedule 1 of the Town and Country Planning Act 1990 and Paragraph 3(b) of Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Act 1990
National Parks Authorities	Schedule 4(a) Development Management Procedure Order
Natural England	Schedule 4(w)(y)(zb) Development Management Procedure Order and Paragraph 4 of Schedule 5 of the Town and Country Planning Act 1990
Office for Nuclear Regulation	Schedule 4(f) Development Management Procedure Order and see also deciding planning applications around hazardous installations guidance
Oil and Gas Authority	Article 26 Development Management Procedure Order
Parish, Town and City Councils	Article 25 Development Management Procedure Order and Schedule 4(d) Development Management Procedure Order
Rail Infrastructure Managers	Article 16 Development Management Procedure Order
Rail Network Operators	Schedule 4(j) Development Management Procedure Order and see also guidance on transport
Sport England	Schedule 4(z) Development Management Procedure Order and see also guidance on open space, sports and recreation facilities

Theatres Trust	<u>Schedule 4(x) Development Management Procedure Order</u>
Toll Road Concessionaries	<u>Schedule 4(m) Development Management Procedure Order</u>
Water and sewerage undertakers	<u>Schedule 4(zf) Development Management Procedure Order</u>
Active Travel England	<u>Schedule 4(zh) Development Management Procedure Order</u>



Appendix C - Statutory publicity requirements

The table below sets out statutory publicity requirements for different types of application, as set out in the National Planning Practice Guidance²⁶. If an application falls within the more than one development category then all relevant publicity requirements would apply. Please note that the Government's Environmental Impact Assessment guidance sets out further publicity and consultation requirements for applicants where this is relevant²⁷.

Type of development	Publicity requirements			
	Site notice	Neighbour notification letter(s)	Newspaper advertisement	Website
Applications for major development ²⁸	✓*	✓*	✓	✓
Applications subject to Environmental Impact Assessment	✓		✓	✓
Applications which do not accord with the development plan in force in the area	✓		✓	✓
Applications which would affect a public right of way	✓		✓	✓
Applications for non-major development	✓*	✓*		✓
Applications for listed building consent (exterior works)	✓		✓	✓

²⁶ <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#statutory-publicity-requirements>

²⁷ <https://www.gov.uk/guidance/environmental-impact-assessment>

²⁸ Major development is defined for residential as 10 or more dwellings or a site area of 0.5 hectares or more, and for non-residential development additional floorspace of 1,000m², or a site of 1 hectare or more.

Applications to vary or discharge conditions attached to a listed building consent	✓		✓	✓
Applications for development which would affect the setting or a listed building, or affect the character or appearance of a conservation area	✓		✓	✓

*In these circumstances the statutory requirement in relation to site notices and neighbour notifications is that either/or method is used. Both methods may however be used to publicise an application.

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Consultation Statement – August 2023

Somerset Council Statement of Community Involvement

1. Introduction

- 1.1 This document provides details of consultation undertaken to inform the Council's new Statement of Community Involvement (SCI). The purpose of the SCI is to set out how and when Somerset Council will consult with community and stakeholders on the preparation of planning policy document (e.g. the Local Plan) and planning application proposals.
- 1.2 Whilst the SCI is not a Development Plan Document in itself, it was considered important that prior to adoption the draft SCI was subject to consultation to ensure as far as possible the document meets the needs and expectations of our communities and those that use the planning service.

2. Details of Consultation Undertaken

- 2.1 Public consultation on the draft SCI was undertaken for a six week period between the 1st February and 16th March 2023. The consultation document was hosted on the Council's Commonplace Digital Engagement Platform, with comments invited in writing either via the web, email or post. Using the former district Councils and County Councils consultation databases a range of stakeholders were directly notified regarding the consultation and invited to comment, including:
 - Parish, Town and City Councils
 - Applicants, architects and agents
 - Statutory Consultees
 - Representative organisations of protected groups
 - Other local organisations identified on the Council's planning policy database (e.g. Chambers or Commerce, Civic Groups, local societies and trusts).
- 2.2 The start of the public consultation was accompanied by a press release. A youtube video explaining the purpose and content of the SCI was also released and publicised through the Council's website, with the aim of improving the accessibility of the consultation material. In addition to the public consultation exercise on the document, briefing events were also held to raise awareness of the consultation with specific stakeholders and answer any questions. This included presenting the consultation material at agent's forum events and parish Council clerk briefing and training events. Consultation on the SCI was also integrated with the wider communications plan for the planning service to ensure consistent information regarding the consultation.

- 2.3 In addition to consultation with external stakeholders consultation on the draft SCI was also undertaken internally with relevant team and committees. This included briefing and seeking feedback on the draft SCI from relevant planning and regulatory committees of the four districts and County that existed at the time.

3. Representations

- 3.1 A total of 164 representations were received on the draft SCI. Comments were received from a range of different stakeholders, including members of the public, Parish/Town/City Councils, planning agents/developers, resident and civic groups and statutory consultees. All comments have been considered and a number of changes have been made to final draft of the SCI as a result.
- 3.2 Alongside amendments proposed directly as a result of comments received a number of minor amendments have been made, for example to address typographical errors, provide further clarity and ensure the documents incorporates the new Somerset Council branding.

4. Summary of key changes made as a result of consultation

- 4.1 Appendix 1 of this consultation statement includes a table setting out full details of all comments received and our response to them. Any recommended changes to the SCI following consideration of comments are also set out in Appendix 1.
- 4.2 Below provides a summary of the key changes that have been made to the SCI as a result of comments received. Paragraph numbers refers the numbering as in the finalised SCI document.

SCI document section	Key change
Paragraph 1.7 (introduction)	Additional wording to refer to key importance of engaging with parish/town/city councils and other local groups in all aspects of the planning system. This was following feedback that wording in this regard should be strengthened in the document.
Paragraph 1.14 (equalities and diversity)	Amended text to be clear that information can be made available in different formats, such as large print, easy read, audio and braille. This text now better reflects the Council's wider equalities and accessibility policy.
Paragraph 2.7 (duty to cooperate bodies)	Text amended following feedback to be clear the duty relates to neighbouring planning authorities.
Paragraph 2.13 (Planning Policy)	Wording amended following comments received to be clear that any future review of the Local

	Development Scheme will include explanation regarding any changes in plan preparation timescales.
Paragraphs 2.24 to 2.26 (Planning Policy)	Amendments to be clear that consultation portal will be established in due course prior to commencing new planning policy documents, and to be clear specific consultation bodies don't need to sign up to the portal to be consulted.
Paragraph 2.53 (Conservation Areas)	Changes to text regarding consulting to be clear that conservation area appraisals and boundary reviews will include appropriate local community consultation.
Paragraph 3.8 to 3.12 (Pre-Application Stage)	Section comprehensively amended following feedback to strengthen the expectation for pre-application engagement with local communities, including Parish, Town and City Councils. Section states this should be early enough to genuinely inform proposals. Pre-app fees details included. Examples of consultation methods also now included, and reference made to Quality Review Panel.
Paragraph 3.17 (Who is consulted)	Following feedback from South Somerset regulatory committee reference now made to consultation directions, including for aerodrome safeguarding.
Paragraph 3.19 (Who is consulted)	Following feedback from AONB units wording has been amended when non-statutory consultees are consulted to be clear consultation will be undertaken in line with existing agreements regarding development size/location/constraints.
Paragraph 3.21 (Who is consulted)	Additional paragraph added to be clear amended plans or proposals may trigger the need for re-consultation.
Paragraph 3.27 (How do we consult)	Further wording following feedback from parish Councils to be clear that where consultation periods do not align with parish meetings then case officers will be pragmatic in terms of agreeing extensions of time.

Paragraph 3.29 (How to comment on planning applications)	Wording amended to be consistent with the equalities section and be clear that comments can be made online, via email or post, with details included on site notices and notification letters.
Paragraph 3.32 (What do we do with comments received)	Additional wording added to be clear that all comments received will be reviewed and considered as part of the process of determining an application.
Paragraph 3.34 (What do we do with comments received)	'Landscape' added as an example of a material planning consideration following feedback from AONBs.
Paragraph 3.39 to 3.40 (Decisions)	Section comprehensively amended to refer to the Council's constitution and make reference to the procedures set out here in terms of planning committee arrangements, public speaking and the referral processes.
Paragraph 3.47 (Enforcement)	New enforcement section added following consultation feedback. This links to the Council's published enforcement policy and how people can report a breach.
Appendices	Appendices reviewed based on comments received to improve clarity and name additional specific and general consultation bodies where required.

Appendix 1 – Schedule of Comments Received

Comment ID	Name / Organisation	Comments	SC Officer Response
1	Individual (Anonymous)	<p>Checking that a site notice has been erected needs to be more thoroughly checked. Often it's now sent to the application to erect so a photograph from them to be uploaded onto the portal would suffice.</p> <p>Communications between the applicant and the planning officer should mostly be published especially when an application is withdrawn as often the community/public/neighbours are unaware why the application has been withdrawn unless they make a FOI request which seems extreme.</p> <p>If an application is onhold because of phosphates, something should be posted on the portal, just to keep the community etc informed.</p> <p>If an extension of time request is agreed, again this should be uploaded along with the reason to keep everyone informed.</p> <p>The current planning enforcement process is flawed (especially in SWTC). The way you report potholes, flytipping etc should be the same process for enforcement. Also where planning officers are aware works have commenced and then proceed to refuse a planning application, it should be automatically referred to enforcement and something to that effect posted on the portal. Also the way of searching enforcement action should be either like the planning online register or the flytipping map, not like SWTC list which appear very dated.</p> <p>Generally there needs to be more transparency in the planning process.</p>	<p>The points regarding better transparency in relation to specific aspects of the Development Management process are noted (e.g. withdrawn applications, phosphates, extensions of time). We will pass this onto the development management team in terms of areas of service improvement to explore as part of the new Council.</p>
2	Boon Brown Ltd	<p>The SCI would benefit from a section explaining how the Council will advise interested parties of inevitable delays in the production of Development Plans and processing of Planning Applications.</p> <p>This would assist in understanding why delays from stated deadlines have occurred and how/when it is intended to get back on track.</p>	<p>Agree, amendment to refer to reasons for changes in plan preparation timescales to be included in the SCI for when Local Development Schemes are updated.</p>
3	Individual (Anonymous)	<p>Community Involvement when it comes to ACTUAL decision-making is, and always has been, the very last thing that the 'establishment' whether Government or Councils have ever wanted. They only ever pay 'lip service' to public concerns if they threaten to impact on establishment agendas.</p>	<p>Comments noted. The intention is that through the SCI arrangements communities can genuinely influence plan making and</p>

		It is surely time that all changed?	views are taken into account as part of planning application decisions.
4	Individual (Anonymous)	You must stop all new development on green field sites and instead focus on brown field land and in-filling within existing planning boundaries of established towns and larger villages. If any exceptions to this proposed policy are to be considered, they should only do so if there is strong evidence of demand by the majority of those living and working in the settlement. We cannot afford to lose any more green spaces, agricultural land or wildlife habit.	Decisions regarding future housing need and opportunities in relation to brownfield vs greenfield sites will be a key consideration as part of the new Somerset Local Plan.
5	Individual (Anonymous)	The statement appears broadly to have been lifted wholesale from that of the district councils. There do not appear to be any significant changes. That said it appears to completely omit the conduct of application hearings. This is perhaps the most controversial aspect of planning especially given the proposals put forward to limit public participation in planning meetings. That is surely fundamental to the overall picture of public participation.	Agree, a summary of the process for decision making will be added to the document and a cross reference made to the Council's constitution which has now been published.
	Individual (Anonymous)	I would like more details on how Parish Councils will be consulted and how they can respond. As a Clerk in a Sedgemoor Parish, the present system works well, and it would be good if this was continued	Whilst they may be opportunities for improvement in the future there are not any intentions through the SCI to fundamentally change how parish councils will be consulted and respond to consultations. Existing systems have been carried forward into the new Council.
7	OBK Land & Planning Ltd	It is vitally important that the Council progress a Somerset wide Local Plan as soon as possible to provide as much planning certainty as possible and to ensure the delivery of much needed housing across the Plan area. All relevant stakeholders should be consulted from an early stage, from local residents to developers/ housebuilders.	Noted, preparation of a new Development Plan for the Somerset area will be a critical task going forward.
8	Individual (Anonymous)	What is the point in filling in a form when the last form I filled in about dual councils. I voted for a West Somerset Council as did many other's and won the vote. Democracy was totally ignored. Now money is spent North of Taunton on roads while little is spent on rubbish roads between Taunton/ Bridgwater roads.	Comments noted. No specific changes to the draft SCI needed.
9	Individual (Anonymous)	Havnt read the Content yet !	Comments noted.

10	Individual (Anonymous)	<p>When a planning application goes to Planning Committee then why doesn't this document cover how many people can speak and for how long (without repetition)?</p> <p>The proposal this week for only 1 objector limited to 3 minutes for all issues regardless of the size and complexity of the planning application is undemocratic and unfair.</p> <p>Will the new Council also consult on the number of objectors and time allowed for every planning application at planning committee?</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee arrangements.</p> <p>Following debate at committee speaking procedures have been amended to allow 15 mins and up to a maximum of 5 public speakers in the finalised constitution. There is a commitment to keep the committee and delegation arrangements set out in the constitution under review and report back to the Council no later than June 2024.</p>
11	Individual (Anonymous)	<p>The idea that planning can be administered for a region as wide as Somerset with a 'Local Plan' covering such a large geographical area, while remaining consistent with existing Neighbourhood Plans is an absolute joke.</p>	<p>The Local Plan will be an important document in updating and providing the strategic policy framework for future development in Somerset. Policies will still need to reflect the varied geography, communities and priorities that make up the new Council area. It is considered Neighbourhood Plans will continue to play an important role in setting our non-strategic policies relating to specific communities.</p>
12	Individual (Anonymous)	<p>The existing "rules" as applied in SWT are workable and understood by not just Cllrs but also members of the public. The proposed rules governing Somerset's new planning committees are seen as an undemocratic and unworkable and importantly a unnecessary process.</p> <p>As it is currently proposed the public speaking against/for applications are limited to three minutes in total and this is unacceptable. The induction of such a timing clearly demonstrates just how much the new council is becoming detached for the public who put them there.</p> <p>SWT typically allow an individual objecting to a planning application to have three minutes to speak - although the number of speakers allowed for each item varies. Under the proposed new rules, objectors would have to share three minutes between them, rather than having three minutes each, Planning is a very emotive subject and key area of council work that residents directly engage with, the current proposal risks making the new council appear remote, undemocratic and indifferent to the views of its residents. A contentious application must be aired publicly, mishandled will directly effect the new unitary councils standing.</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee arrangements.</p> <p>Following debate at committee speaking procedures have been amended to allow 15 mins and up to a maximum of 5 public speakers in the finalised constitution. There is a commitment to keep the committee and delegation arrangements set out in the constitution under review and report back to the Council no later than June 2024.</p>

13	Individual (Anonymous)	There is nothing in this Consultation about how neighbour (private or business) disputes over boundaries are resolved. It is eccentric that 'Planning' can approve building applications which show boundaries, without later being able to resolve disputes that may arise about what they have approved.	The SCI relates to the planning system and the use and development of land. Planning permission is separate from boundary or land ownership disputes which are a civil matter between parties.
14	Individual (Anonymous)	3 minuet time for speakers is insufficient. overall plans are undemocratic	The document will be amended to cross-reference to the constitution which sets out planning committee arrangements. Following debate at committee speaking procedures have been amended to allow 15 mins and up to a maximum of 5 public speakers in the finalised constitution.
15	Individual (Anonymous)	Until the infrastructure of the whole area is improved first, new builds should be restricted to only essential social housing only.	Comment not related to the content of the SCI. There will be an opportunity to comment on these matters including the provision of infrastructure to support development as part of future Somerset Local Plan Consultations.
16	Individual (Anonymous)	Important to be informed.	Comment noted.
17	BOS Events	<p>It doesn't down load.</p> <p>The most important thing to learn is that planning is about people. When they are consulted you get better planning.</p> <p>When you don't respnd to the residents and ignore their concerns (especially when there are hundreds of them involved in the planning outcome) you don't then expect involvement when you want it. You have taught us our views don't count.</p> <p>The point being that planning conditions imposed when giving permission for changes with huge noise and security issues are a waste of time. They are never enforced so become pointless and only serve to discredit the Authority and show their lack of concern. Taking planning to County level will make it even more remote.</p>	Agree – Through the SCI arrangements it is the Council's intention that both the preparation of policy documents (e.g. Local Plan) and determination of planning applications is fully informed by local communities views on in relation to the relevant planning considerations.

		<p>At present Sedgemoor has a reputation for only caring about giving way to big companies and that money counts and the living conditions and housing values of residents don't matter a damn.</p> <p>That you need to address before you make even more of a mockery of planning by going ahead without the community behind you.</p> <p>The residents of Burnham are an active community and involved in what goes on but though the Town Council have listened they have been totally ignored and you will inherit the consequences. How do you convince the voters that you will listen? The Councillors who represent us are not planning experts. People don't get involved in planning until it actually involves them. They don't realise just how vital it is to be involved in framing the legislation!.</p> <p>I worked with Tesco and with The Environmental Law Foundation for nine years and was sent round the Country to support campaign groups trying to influence planning decisions. I was greeted each time by a crowd of angry residents whose first words were always 'They don't listen to us!' My response was how have you told them how you are impacted by this? The answer would be that no one knows how to get involved. My job was to teach them the right route and lead them through to being third party representatives at the eventual Inspectors Review. My planning knowledge came from attending courses with Friends of the Earth and eventually helping to lead them. Lord Denby got me involved with The Environmental Law Foundation. Planning could be so much more people responsive if only help was available from them for every campaign group. Just having a Duty Officer to listen and guide their first steps was always a must. It starts the relationship right and tells the residents how to find the information they need. Covid has killed all that! Time to re-instate it! It would save you time and aggravation in the long term and you might end up with some planning officers who knew about the area! Most I met were short term visitors from Australia or New Zealand who wouldn't even be here to see the consequences. Why should they care?</p>	
18	North Somerset Council	North Somerset Council are grateful for the opportunity to comment on the SCI but have no response to make.	Comment noted.
19	Individual (Anonymous)	An adjoining property has taken 5 years to extend so far and is still not finished. A time limit for completion of works needs to be in place to avoid 5 years of mostly weekend work.	Comments not related to SCI content but will be passed on to Development Management teams for information.
20	Individual (Anonymous)	List of areas to be considered does not include light pollution, specifically in AONBs and created by industry and more commonly now farmers...!	The SCI does not address specific planning considerations (e.g. light pollution). There will be opportunities to comment on these

			matters as part of future Somerset Local Plan consultation.
21	Parish Council (specific parish not specified)	<p>The proposal for a single shared three minute speaking period for objectors is totally undemocratic.</p> <p>Previously the West Somerset Planning Committee allowed up to 6 objectors to speak for 3 minutes. If there were more than 6 people wishing to speak, the Chair would ask them to decide between them which six people should speak, and they should ensure those designated to speak used their three minutes wisely, did not just repeated the same issues, but focused on different areas of concern. Often objectors would decide that only 1 or 2 speakers needed to speak.</p>	<p>Following debate at committee speaking procedures have been amended to allow 15 mins and up to a maximum of 5 public speakers in the finalised constitution. There is a commitment to keep the committee and delegation arrangements set out in the constitution under review and report back to the Council no later than June 2024.</p>
22	Individual (Anonymous)	Thorough	Comment noted.
23	Individual (Anonymous)	Please use your powers to simplify the process for the delivery of active travel infrastructure	Comments not related to SCI content but will be passed on to Development Management team for information.
24	Individual (Anonymous)	<p>I strongly believe that the Planning process and decisions should be in the hands of local councils, and not the centralised Unitary Authority. At the moment, local (Parish) councils are consulted, but the final decision is made at District Council level. I think that it will be impossible for a centralised UA to have sufficient knowledge and understanding of local environments to be able to make fully informed decisions regarding local planning applications. The new LCNs are, geographically speaking, a more appropriate size to know all of the important factors which will be necessary to inform any local planning decisions.</p> <p>A common framework and process amongst all LCN areas is of course necessary, unlike the differing processes which currently prevail at DC level, but all decisions should be made by representatives from the area which will be affected by new developments.</p>	<p>The arrangements of maintaining 4 separate area planning committee, with local membership, will ensure that decisions taken into account local knowledge and understanding.</p> <p>Regulatory functions such as planning and licensing are not part of the initial LCN development. We will however work towards making stronger links, particularly in relation to influencing place shaping, as we develop.</p>
25	Individual (Anonymous)	You just like to waste the tax payers money, you don't fix the properties, roads that are in place and make peoples life hell	Comment not addressing SCI or community involvement in planning. The use of relevant budgets for planning services and Local Plan development will go through relevant procurement processes to ensure value for money.

26	Individual (Anonymous)	<p>With reference to commenting on planning applications:</p> <p>The council will redact email address, phone number, signature. However, the council will publish a person's home address. It is much easier for a person to change their email address than move house if they are concerned about the possibility of being harassed by an applicant. Surely a person's home address can be redacted for public viewing but retained for the council.</p>	<p>The Council takes data protection requirements very seriously however a balance needs to be struck with ensuring the planning process is as transparent as possible and therefore anonymous comments cannot be accepted. Personal data will continue to be redacted from the public register in line with GDPR requirements.</p>
27	Network Rail	<p>Thank you for consulting us on the Somerset Statement of Community Involvement. This email forms for the basis of our response.</p> <p>Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure.</p> <p>In respect of plan making, the Council is required to engage with some groups to meet the regulations. Network Rail has been identified as a specific consultation body for Local Plans. Rail Network operators have also been identified for consultation on applications for planning permission.</p> <p>Network Rail wish to be consulted on the two main areas of planning both, planning policy, and planning proposals within 10m of railway land or on any development that may adversely affect/impact the safe operation of the railway.</p> <p>Network Rail require to be consulted on Neighbourhood plans where railway/ level crossings are included within the plan area.</p> <p>Level Crossings</p> <p>Any development of land which would result in a material increase or significant change in the character of traffic using rail crossings should be refused unless, in consultation with Network Rail, it can either be demonstrated that they safety will not be compromised, or where safety is compromised serious mitigation measures would be incorporated to prevent any increased safety risk as a requirement of any permission.</p>	<p>Comment noted. Network rail identified as specific consultation body and statutory consultee for plan making / decision taking.</p>

	<p>Network Rail has a strong policy to guide and improve its management of level crossings, which aims to; reduce risk at level crossings, reduce the number and types of level crossings, ensure level crossings are fit for purpose, ensure Network Rail works with users / stakeholders and supports enforcement initiatives. Without significant consultation with Network Rail and if proved as required, approved mitigation measures, Network Rail would be extremely concerned if any future development impacts on the safety and operation of any of the level crossings listed above. The safety of the operational railway and of those crossing it is of the highest importance to Network Rail.</p> <p>Level crossings can be impacted in a variety of ways by planning proposals:</p> <ul style="list-style-type: none"> * By a proposal being directly next to a level crossing * By the cumulative effect of development added over time * By the type of crossing involved * By the construction of large developments (commercial and residential) where road access to and from site includes a level crossing * By developments that might impede pedestrians ability to hear approaching trains * By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs * By any developments for schools, colleges or nurseries where minors in numbers may be using a level crossing * By any development or enhancement of the public rights of way <p>It is Network Rail's and indeed the Office of Rail Regulation's (ORR) policy to reduce risk at level crossings not to increase risk as could be the case with an increase in usage at the level crossings in question. The Office of Rail Regulators, in their policy, hold Network Rail accountable under the Management of Health and Safety at Work Regulations 1999, and that risk control should, where practicable, be achieved through the elimination of level crossings in favour of bridges or diversions.</p> <p>The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the rail volume or a material change in the character of traffic using a level crossing over a railway:-</p> <p>* (Schedule 4 (j) of the Town & Country Planning (Development Management Procedure) Order, 2015) requires that "...development which is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway" (public footpath, public or private road) the Planning Authority's Highway Engineer must</p>	
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		<p>submit details to both the Secretary of State for Transport and Network Rail for separate approval.</p> <p>As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.</p> <p>We trust these comments will be useful in the preparation of the forthcoming plan documents.</p>	
28	Individual (Anonymous)	<p>The new Unitary MUST involve and take account of grass root local opinion when Planning Applications are brought forward. Local people must have a fair and equal say in all development matters. The best way to achieve this is to retain the consultation system currently used by Parish Councils. Any Neighbourhood or Local Plan must also be retained and upheld. Local people have voluntarily spent hours of their own time and energy creating Neighbourhood Plans and it would be insulting to communities if these fell by the wayside. Local people know their own areas better than anyone else and their views must be heard.</p>	<p>Through the SCI arrangements it is the Council's intention that both the preparation of policy documents (e.g. Local Plan) and determination of planning applications is fully informed by local communities views in relation to the relevant planning considerations.</p> <p>Like Local Plans when adopted Neighbourhood Plans are part of the Development Plan for decision making going forward, with weight afforded to policies consistent with the NPPF. Moving forward they will continue to form part of the Development Plan for the Unitary Council.</p>
29	Individual (Anonymous)	<p>Community involvement is a mirage created to fool people into believing that they have any power at all in the face of corruption and development</p>	<p>Through the SCI arrangements it is the Council's intention that both the preparation of policy documents (e.g. Local Plan) and determination of planning applications is fully informed by local communities views in relation to the relevant planning considerations.</p>
30	Individual (Anonymous)	<p>The existing Planning dept. does not take into account residents concerns regarding new homes. Watchet is inundated with new housing developments taking over green field sites. They do not take into consideration that there is no local employment opportunities therefore all new residents are adding to the traffic on the A39 & A358. The planners think people will walk or cycle, not feasible. There is no suitable public transport - a lot of work is for</p>	<p>There will be opportunities to comment on these matters, including the provision of infrastructure to support new development, as part of future Somerset Local Plan consultation. Through the SCI</p>

		<p>shift workers so they have to go by car. It is impossible for existing residents to access doctors & dentists. The sewage infrastrure is already inadequate. Government quotas dictate that we have to build, build, build but with no regard to whether these sites are suitable. The local council does nothing to build social housing. Why will any reorganisation make any difference?</p>	<p>arrangements it is the Council's intention that both the preparation of policy documents (e.g. Local Plan) and determination of planning applications is fully informed by local communities views in relation to the relevant planning considerations.</p>
31	Individual (Anonymous)	<p>I presume that the new Unitary Authority will wish to process planning Applications to a common standard across its area, using agreed, standard protocols, which, themselves, are placed in the public domain. Ideally, that would mean designing and using the same Application Form for a given type of Application throughout the Unitary area; validating (or rejecting) the Forms using a standard procedure; and only then, permitting certain information to be redacted from the Forms (if requested by the Applicant), for specified, valid reasons, as stated in, for instance, a Planning Procedure Code of Practice.</p> <p>Such a Procedure would eliminate the all too common processing of Applications where material information is omitted from an Application Form, incorrect information is given, or redactions are permitted arbitrarily - all of which are incompatible with the need for consistency, integrity, and the requirement to minimise the possibility of the perception of bias.</p> <p>As regards the electronic audit-trail of planning documents, the public file for each Application should record the date on which the LPA received a given document, AND the date on which it is placed on the public file (which have been years apart, in my recent experience).</p>	<p>Yes, the intention as the reorganisation progresses is to move towards consistent processes between the former district area for the various planning process stages, including issues around validation.</p>
32		<p>I have concerns that the draft does not give enough weight to Parish and Town Councils comments in planning applications, as they have the local knowledge, which is in danger of being lost when committees have to cover larger areas...I believe not given LCNs a role in planning is a backward step, and will make them somewhat pointless talking shops. I had high hopes for a fairer planning system under the County Council, but so far there is very little sign of this. There is insufficient guidance in environmental issues, heritage conservation and if the system will tighten up on enforcement. Where I live several large developments have been in breach of their planning conditions but no attempt has been made to force them to comply, which sends a message to developers, that they can run free and to the public that the system 8s not fit for purpose. This draft gives very information on how this will be tackled and how the public will be heard....sadly lacking in detail and taking the worse practices from the worse districts, heaven help us</p>	<p>Agree, the importance of including parish and town councils and other local groups as part of the planning process will be emphasised in the SCI (last para of introduction section). We agree that local knowledge is critical when taking into account the various planning considerations relevant to a plan or proposal.</p> <p>Regulatory functions such as planning and licensing are not part of the initial LCN development. We will however work towards making stronger links, particularly</p>

			<p>in relation to influencing place shaping, as we develop.</p> <p>Agree to include more detail on the enforcement process in the SCI and link to the new Council enforcement policy and how the public can report a breach.</p>
33	Individual (Anonymous)	It is important that the local community are consulted in the locality of the development. Not just online. would also like to see more emphasis on developing brownfield sites and town centre regeneration and not letting development sites sit idle for years.	<p>Agree, the SCI refers to use of workshops and drop in events, which are likely to be focused on locations where development is proposed to be allocated.</p> <p>The balance between greenfield and brownfield will be an important consideration for future Local Plan consultation.</p>
	Individual (Anonymous)	Excellent idea.	Comment noted.
	Individual (Anonymous)	Greater impact should be given to community involvement in the decision of planning due to the varied nature of somerset	Agree. Through the SCI arrangements it is the Council's intention that both the preparation of policy documents (e.g. Local Plan) and determination of planning applications is fully informed by local communities views in relation to the relevant planning considerations.
36	Winsham Parish Council	Please consider making mandatory the referral to a higher planning authority (above officer level) when a rejection of a planning application by the Parish Council is made. The idea that local views count is dismissed if this requirement can be overridden by the planning officer.	<p>Planning officers through delegated approvals/refusals still need to take into account all relevant planning considerations, including those raised locally and through the parish council.</p> <p>The constitution sets out that where officer recommendation is not in agreement with Parish then major development are automatically referred to area based</p>

			committee. Non-major are referred to committee chair/vice chair who will decide whether to refer to committee.
37	Individual (Anonymous)	Really don't think that county council make all the decisions on planning .After all the vast majority won't live local to the area so shouldn't make decisions on local planning	The constitution sets out the arrangements for 4 area-based committees, reflecting the former districts geographies.
38	Individual (Anonymous)	More consultation time must be available for objections.	Consultation periods are set in legislation for both plan making an determination of planning applications.
39	Individual (Anonymous)	In Appendix 1 The list of organisations to be consulted on housing issues should be extended to include community led organisations (see NPPF consultation) such as Community Land Trusts and Almshouse Trusts.	Agree – amendment included in Appendix.
40	Individual (Anonymous)	Parish Councils should continue to be consultees and their comments should be taken into account. Building Control and Planning need to consult each other.	Comment noted. Parishes will continue to be statutory consultees.
41	Seavington Parish Council	As this appears to be similar to how South Somersets current practice we are happy with it	Comment noted.
42	Hinton St. George Parish Council	<p>The Parish Council wishes to make the following comments:</p> <p>Section 3 Diversity and Equality states "letters of comment can be received online, by email or by post and can be made on behalf of other individuals". The majority of people are unaware they can comment by post, so how will this be made clear on the County Council website and will a postal address be included on all planning notices and the website welcoming postal engagement ?</p> <p>Currently SSDC encourage public comments via public portal with a time limit and no opportunity to submit photographs or plans. This deters members of the public from commenting and should be reviewed.</p> <p>Section 4 The Local Plan - you state the former district level local plans will apply until they are superseded by the Somerset side local plan in 2028.</p>	<p>Agree. SCI will be updated to be clear that comments can be made via email and post and confirm that these details are included on relevant correspondence, including site notices.</p> <p>Noted – We will pass this onto the Somerset South development management team as an area for potential service improvement.</p>

	<p>Locally there are cases of developments being put forward on land identified as part of the emerging local plan which has never been adopted, using sites identified via HELAA reviews for 2020-2040 local plan. Some of these have been successful in gaining planning consent. Will the County Council stop this practice and stick to the AGREED local plans, so that only those sites adopted under the current local plans will be considered for development ?</p> <p>If Somerset Council undertakes a "call for sites" as part of the County wide Local Plan will any identified sites, or increase in capacity of existing sites be discounted until the adoption of the new 2028 Local Plan ?</p> <p>4.5 Conservation Area appraisals - many of the current SSDC Conservation areas were designated between 1970 and 1990, and have not been regularly reviewed. Will the appraisals cover all existing Conservation areas as part of the 2028 local plan with a view to increasing protection of the setting of a conservation area and taking into account the Local Heritage Listings over the last year as part of the SouthWest Heritage project ?</p> <p>The draft guidance says " you may engage with local groups, such as Parish Councils" we believe this should be amended to " WILL ENGAGE" as local knowledge has an important part to play in this process.</p> <p>For smaller Parishes, with no neighbourhood plan, what weight, if any, will be given to the Village Plans, or Design Statements, which have been agreed with local councils, when planning applications and the 2028 Local Plans are considered ?</p> <p>Your draft policy makes no mention of ARTICLE 4 DIRECTIONS, we believe they should be applied to conservation areas as part of the review.</p> <p>There is also no mention of a review of local wildlife sites, or Nature Reserves as part of the 2028 local plan, yet conservation and protection of the environment should be a major part of any local plan and planning policies as highlighted by Natural England in their recently released Green Infrastructure Strategy</p> <p>5.2 Pre application stage - we would like to see a stronger commitment to encouraging applicants to engage with the local community and the Parish Councils in any pre application discussions with the local planning authority. Local knowledge is again key at this stage and getting an application right at this early stage could speed up the planning process and lessen any future possible tensions between developers and the local community.</p>	<p>This is not possible based on the current national policy. The weight to be afforded to the adopted development plan depends on its status and other material considerations (e.g. land supply position).</p> <p>See comment above.</p> <p>Conservations Area Appraisals and Management Plan are likely to be progressed separate from Local Plan based on conservation officer resource. Local listing will be a material considerations for decisions.</p> <p>Section will be reviewed to be inline with legislative requirements.</p> <p>They will be a material consideration. Weight will be dependent on their age and consistency with NPPF and Local Plan.</p> <p>Whether article 4 directions would be justified would be need to be informed by any review and the recommendations management plans.</p> <p>The policy wording for the protection/enhancements of such sites will form part of the Local Plan review.</p> <p>Agree – wording in relation to pre-application engagement will local community will be reviewed and amended.</p>
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		<p>5.3 Planning consultation. - any reduction in advertising, either by public notices or letters to neighbouring properties seems to be detrimental to the process and likely to lessen public engagement with the planning process.</p> <p>Within this consultation section you say a link to comment online will be included, but under the Equality Section 3, you state " letters of comment can be received online, by email or by post" This should be clear on all planning notices, regardless of the size of the development and the proposals, to ensure all members of the community are able to engage.</p> <p>There is no mention of increasing the weight given to comments made by Parish Councils. As the County planning committees will cover a larger area, local knowledge will be vital and time within meetings will be limited, so the comments from the local Parish Council should be given full consideration and Parish Councils should have a designated telephone number and email address for planning enquiries.</p>	<p>There is no intention to reduce the publicity of planning applications as part of the new Unitary Authority.</p> <p>Agree – amend ‘how to comment on planning applications section’ to refer to comments also being accepted by email and post. It has been agreed that site notices will display all contact details to allow for different methods of commenting on planning applications.</p> <p>Agree. Area-based planning committees will be in place to ensure sufficient time for consideration of applications. All comments on planning considerations will be taken into account. The weight afforded in decision making will be dependent on Development Plan policies and national policy.</p>
43	Kilve Parish Council	<p>The first part of the document is worded in a fairly vague language suggesting things may be, could be, can be.</p> <p>The actual decision making arrangements are not included. Some things are currently agreed by the Planning Officer, others in Planning Committee and others in Full Council. What is the plan for the Unitary Council?</p> <p>The post decision process is not covered. Currently the Council has responsibility for enforcing the conditions set in the decision process but has no resources/capability to follow them up. What arrangements will the Unitary Authority have?</p> <p>Appendix 1 ONR also have responsibility for Hinkley Point C.</p> <p>Under transport, there is no mention of horse riders, British Horse Society etc. Across Somerset there are many rights of way that need consultation with all possible users.</p>	<p>The document purposely uses wording that's allows flexibility about the appropriate consultation methods for the circumstance which are not set in legislation.</p> <p>Agree -The document will be amended to cross-reference to the constitution which sets out decision making and planning committee arrangements.</p> <p>Agree to include more detail on the enforcement process in the SCI and link to the new Council enforcement policy and how the public can report a breach.</p> <p>In relation ONR, Hinkley Point C this is covered by the DCO process.</p>

			Agree – Amend list of general consultation bodies to also list these examples in relation to horse riders.
44	Yeovil Without Parish Council	We note the SCI and await the official report	Comment noted.
45	Badgworth Parish Council	Where contractors/developers are required to carry out public consultation for development, there should be clarity on what the consultation must include/achieve and how it should be carried out, to ensure robust local consultation takes place.	Whilst the Council can encourage pre-app consultation by the applicant, under gov policy we are not able to mandate that it is undertaken, or what it must specifically include/achieve.
46	Individual (Anonymous)	I am a District and Well City councillor I am really concerned what will happen in the first year of Somerset's combination Council. It feels like it is not at all ready to operate I would like to know who is my direct contact and where the services the people I represent can access and who I need to contact. I want a direct link to officers like I did at Mendip!! If I was asked a question I knew who to speak to in Somerset!! There has not been 1 Mendip offices employed in the first 3 tiers of Somerset!! Who will know what happens in our area!! I realise we have some very experienced Somerset Councillors who will represent us and we have a good relationship with them but I need contacts with the offices as I did before is it possible to have a list of all contacts and their officer duties	Comment is not a matter for the SCI. Councillors are given a direct contact details with case officers when consultation notifications are sent out.
47	Chedzoy Parish Council.	<p>"Development to be focussed in urban areas, brown field sites and in-fill within existing planning boundaries.</p> <p>Green spaces to be protected ensuring that no development is to be allowed on green field sites or agricultural land other than where no other exists within a 10 mile radius, and then only if suitable green field and wildlife enhancements are provided for by a levy.</p> <p>Development of green spaces to be considered only if there is evidence that the majority of existing residents are in favour of any proposed development.</p> <p>Parish Councils to be given a veto on any housing development over a given size (say 5 dwellings) and any application for commercial purposes."</p>	<p>Comments not a matter to be considered in the SCI. These different matters will be considered as part of preparation of the Somerset Local Plan.</p> <p>Planning legislation does not allow for any sort of 'veto' rights as described.</p>
48	Ditchat Parish Council	Ditchat Parish Council (DPC) does not believe that the draft Statement of Community Involvement significantly impacts the Parish Council at this time as the process described in	Comment noted.

		the document appears for the foreseeable future to be same as the current process. DPC would like the opportunity to comment in future if and when changes are made to the process.	
49	Chard Area Resilience Group (CARG)	<p>General support for the draft.</p> <p>CARG is a constituted association of residents and works on an evidence basis.</p> <p>This is an opportunity to have the development of towns and villages led by the community, rather than developer and profit/dividend led.</p> <p>We do not have a problem with residential or commercial development per se, but where the existing Local Plan is not fit for purpose now it is exacerbating flooding, traffic, crime and other matters.</p> <p>We welcome being consulted and would seek to be on any future list.</p>	Comments noted. There will be an opportunity for the group to put their views across in relation to these planning issues and how the next Local Plan should address them when we carry out consultation in the future.
	Individual (Anonymous)	<p>My additions = **</p> <p>and/or</p> <p>My Corrections = !!</p> <p>Infrastructure providers:</p> <p>National Grid Western Power Distribution Wales and West Utilities RWE npower renewables EDF Energy Office for Nuclear Regulation (for matters relating to Hinkley A and B) South West Water Wessex Water Parrett Internal Drainage Board British Telecom PLC Commpro Telecommunications Mobile Operators Association (MOA) Mono Consultants Ltd. T-Mobile (UK) Ltd O2 (UK) Ltd Orange Personal Communications Vodafone Ltd</p> <p>** Virgin media(broadband infrastructure)</p> <p>** Jurrassic Fibre (broadband infrastructure)</p> <p>** Truspeed (broadband infrastructure)</p>	Agree there are some omissions in the draft SCI. We will review the infrastructure providers listed in Appendix 1 to ensure it correct and includes Bristol Water and relevant broadband/mobile providers.

		<p>** Hutchinson LTD (three mobile, mobile/mobile broadband infrastructure)</p> <p>** Bristol Water (provides Burnham On Sea in collab with wessex water)</p> <p>**!! O2 (UK) LTD > Telefónica UK Limited/LTD</p> <p>** EE LTD</p>	
51	Individual (Anonymous)	I am pleased to see that the parish councils will be consulted on the local planning applications as this is a must as they have the local knowledge.	Agree and comment noted.
52	Individual (Anonymous)	<p>There seems to be no comment on a Dark Skies Policy.</p> <p>By reducing lighting on more rural roads will reduce electricity consumption and cost. I particularly have in mind using timers to switch off street lights on rural roads between 12 midnight until 6am. These timing can be varied.</p>	The SCI would not be the place to address specific policy topics. There will be opportunities to comment on these matters, including light pollution, as part of a future Somerset Local Plan consultation.
53	Individual (Anonymous)	At first sight it doesn't seem to be very different from present practice	Comment noted.
54	Individual (Anonymous)	<p>The Local Plan for areas of Somerset should be very carefully considered. There should not be a blanket 5-year plan to meet, as many areas of somerset which may seem on the face of it to be suitable for development, are vulnerable to flooding. Much more care needs to be taken in identifying sites which can be developed, so that once sites have been developed and the builders have gone, residents are not left with having to deal with properties which should not have been allowed. Town/parish councils should be a lot more approachable, so that members of the public can be more involved. In Crewkerne there is still no Neighbourhood Plan in place.</p> <p>With regards to being able to comment on planning applications, it should be possible for members of the public who do not have access to the internet to send their comments by post. Details on how they can do this should be made available. Pre-applications should always be available to the public to comment on. On major developments, the local council, developer and members of the public should be able to discuss plans prior to planning applications being submitted. That way a lot of the problems can be dealt with early on in the process which should mean that when a planning application is submitted, the documents are of a better quality and the process of consideration should be much quicker as there may be fewer objections from the public and consultees.</p>	<p>Comment regarding policy noted, not a matter for the SCI. There will be opportunities to comment on these matters, including the location of development, as part of a future Somerset Local Plan consultation.</p> <p>Comment regarding commenting without internet access noted and this will be updated in the 'how to comment section'.</p> <p>Pre-apps direct to the LPA are not consulted on. This would increase costs disproportionately, discouraging early engagement. The SCI does however encourage developers to also undertake pre-app with the local community.</p>

55	Crewkerne Town Council	Crewkerne Town Council would like to see more weight given to the views of the Town and Parish Council consultees in the planning process. As the most local level of representation, these authorities are best placed to comment on local needs and views and this should be taken into consideration by Somerset Council. The Town Council would also like to be consulted on applications for works to trees, and have access to professional reports supporting these applications where possible.	Agree. Through the SCI arrangements it is the Council's intention that both the preparation of policy documents (e.g. Local Plan) and determination of planning applications is fully informed by local communities views in relation to the relevant planning considerations. Parish and Town Councils will continue to be consulted/notified as appropriate in relation to works to trees.
56	Individual (Anonymous)	<p>Notification of Planning application to neighbours. Is it those to left and right, in front or behind ?</p> <p>Evidence that neighbours were notified.</p> <p>The responses from statutory bodies must indicate that have responded. Either with the response or No comment. That no response has been received MUST be clearly stated.</p> <p>Material considerations when including "Previous decisions" must take into account the views of the LOCAL residents who know far more than any Planner ever can aspire.</p> <p>Loss of productive agricultural land must only be allowed in very exceptional circumstances.</p> <p>PINs, in Appeal situations, must generally visit the site and consult. Desk top decisions must not be accepted.</p> <p>Third parties MUST have a say in PIN's decisions. There is evidence that PINs can be operating in an illegal manner.</p> <p>Whitehall never knows best and SCC must be prepared to challenge any perceived nonsense from the civil service</p> <p>Planning Committees are not enrolled to "rubber stamp" Government diktat otherwise why not abolish such committees.</p>	<p>As set out in the SCI it is any adjoining owner or occupier to the application site.</p> <p>Comments noted. Officer will indicate 'non-responses' as part of reporting.</p> <p>All local comments will be taken into account.</p> <p>NPPF is clear that where there is significant development on agricultural land areas of poorer quality should be preferred.</p> <p>These are matters for the Planning Inspectorate operations is not for the SCI.</p> <p>Planning Committees are under no obligation to follow the officer's recommendations.</p>
57	Individual (Anonymous)	The community needs to be confident that the Planning decision makers are familiar with the local context of the proposed plans. This requires members of the new One Somerset Planning Committee to make visits to villages etc with which they have not hitherto been familiar. Controversial plans should always involve a site visit by the Committee and Planning	The constitution sets out the arrangements for 4 area-based committees (reflecting the former districts geographies) to ensure

		Officers. This should be an opportunity for members of the relevant community to make their views known in person in an orderly way.	membership is relevant to the specific geographies. The Councils new constitution sets our arrangements for planning committee site visits. SCI will be amended to reference site visits and link to the new constitution.
58	Castle Cary Town Council	We generally accept this document but would like to point out that the Neighbourhood Plan which we in Castle Cary spent a HUGE amount of time writing is largely disregarded when planning decisions are made. We urge Somerset Council to listen and act on the local knowledge & expertise that has contributed to the neighbourhood plans.	Comment noted. Not a matter for the SCI. However, once adopted the weight given to non-strategic Neighbourhood Plan policies should be in accordance with NPPF para 30.
59	Dorset AONB Team	Dorset AONB Team advise that further consideration be given to the mechanisms to engage Dorset AONB Team for advice on pre-application enquiries and full planning applications that may significantly impact the designated area. Historically, there has been a planning protocol, which contains a number of thresholds (as per section 4.2 of https://www.dorsetaonb.org.uk/wp-content/uploads/2019/05/Dorset_AONB_Planning_Protocol.pdf). It is understood that consultation with AONB Teams on applications is stated to be at the discretion of the case officer. This decision could be informed by guidance as to the parameters/circumstances that might suggest that a consultation should be issued. It should also be noted that the extant protocol suggests that pre-application advice for the team would normally be provided to the LPA, not directly to the applicant. Consequently, Dorset AONB Team does not provide a pre-application advice service that operates in the manner suggested within the consultation document.	It is intended to ensure that AONB units continue to be effectively engaged throughout the planning process. For example consultation thresholds previously agreed with continue to apply and will only be amended in the future through mutual agreement with the AONB units. The SCI will be amended accordingly with regard to pre-application advice to ensure it is consistent with regard to this only applying for those stakeholder that offer their own pre-application advice service directly with applicants.
60	Individual (Anonymous)	1) I would like to see developers engage in green energy, solar panels, solar roof tiles, solar battery storage as well as heat source recovery and home car charging station all to be included in development plans. 2) Surface water recovery to be included in development, water recovery from roofs and other buildings to be directed into ponds for filtration into the water table, that will also involve wildlife protection and natural habitat around the water recovery pond. This is to maintain water levels due to climate change.	Comments are not matters for the SCI, however the importance of sustainability, energy efficiency, renewables and the other planning considerations listed will be important matters for the next Local Plan to consider. Given the NPPF presumption in favour of sustainable development, Local Plan overall housing numbers are unlikely to be

		<p>3) When a local plan is proposed make sure that infrastructure of waste system, road surface water, roads, doctors, schools and NHS dentist are addressed to keep up with population and traffic demands and developers are obliged to survey residents of proposed development area for that area's needs.</p> <p>4) Hedges, trees and green space to be saved and incorporated into development plans for natural habitat wildlife protection.</p> <p>5) all developers to be directed to use brown filed sites for priority use whether they are sited in large towns or old industrial sites in towns that have stood empty.</p> <p>6) when a local plan has been established and a set number of houses have been set to be built in that time period and that set number has been reached then no more development will be done until the next scheduled local plan has been set out, stick to what has been set and no bending of the rules.</p>	able to act as a 'cap' (once reached) under the current national planning regime.
Page 182	Ruishton & Thornfalcon Parish Council	The Council wish to object to the 3 minute time slot allowed in total for objections to planning applications despite their size or complexity. This is undemocratic and unfair for the public to have a say	<p>The document will be amended to cross-reference to the constitution which sets out planning committee arrangements.</p> <p>Following debate at committee speaking procedures have been amended to allow 15 mins and up to a maximum of 5 public speakers in the finalised constitution. There is a commitment to keep the committee and delegation arrangements set out in the constitution under review and report back to the Council no later than June 2024.</p>
62	Tintinhull Parish Council	The Council wish to object to the 3 minute time slot allowed in total for objections to planning applications despite their size or complexity. This is undemocratic and unfair for the public to have a say	<p>The document will be amended to cross-reference to the constitution which sets out planning committee arrangements.</p> <p>Following debate at committee speaking procedures have been amended to allow 15 mins and up to a maximum of 5 public speakers in the finalised constitution. There is a commitment to keep the committee and delegation arrangements set out in the</p>

			constitution under review and report back to the Council no later than June 2024.
63	Individual (Anonymous)	Whilst I commend this initiative for more community involvement I remain sceptical. Central government dictates housing to each County which remains powerless to override the dictate even if there is less local demand for it. A recent example being the so called 'consultation' over the Trull / Comeytrowe proposed development. The result was the developers as usual won the case and we now have 2,000 homes being built on prime agricultural land when food security is moving up the agenda. I had correspondence with the local helpful liberal councillor who conceded far too many homes have been proposed for 2020 - 2030 in Taunton alone. Your consultation is not dissimilar to a Soviet election / Putin consultation - we have the right to speak so long as the result is what Central Government wants. There is no power in local democracy any more than there is in a region of Russia I am afraid to say but welcome your further comments.	Comment noted.
64	trudoxhill parish council	The parish council believes that the role the council currently plays in planning is crucial and critical for planning policy to be connected to the people who live in the affected area. There is very rarely any other local representation within the group of statutory consultees and unless there is a concerted outreach effort, there is no mechanism by which the residents of the area are involved. The parish council therefore serves as an approachable sounding board, a conduit and a vital link to hyper-local knowledge that is regularly needed to put planning applications in context - a resource that there is no other way to guarantee is available to every officer.	Consultation is advertised as per the SCI allowing residents to comment if they so wish. The Council agree that local knowledge is important to the planning application process. All comments on relevant planning considerations will be taken into account. SCI to be updated to emphasise the importance of planning being informed by local knowledge through community engagement and consultation.
65	West Camel Parish Council	We understand the content of this draft document to be a continuation of the existing consultation and especially Statutory Consultee rights Parish Councils previously enjoyed under the former South Somerset District Council arrangements.	Comment noted.
66	Individual (Anonymous)	How will you actually engage with the community on all planning matters? Certain developments usually agricultural buildings suddenly spring up in the countryside seemingly without any notice being given and to the surprise of residents. How will you inform residents not just in the immediate area of the building but those who may be affected by this planning permission?	The process of notification is set out in the SCI. Important to be aware that some development (e.g. certain agricultural buildings) have permitted development rights through national legislation, meaning planning permission does not need to be applied for.

67	Individual (Anonymous)	Great idea	Comment noted.
68	Individual (Anonymous)	Where is the draft statement of community involvement?	The draft document was published on the consultation website.
69	Individual (Anonymous)	<p>Whilst neighbourhood plans are a good idea, most Parish Councils will be unable to effectively complete one even with assistance. Parish Councillors are unpaid volunteers juggling families and work commitments alongside Parish duties. Many are struggling to fill spaces on Parish Councils. This is not an effective way to go about a robust Neighbourhood Plan. It should be the role of the main council planning to produce the plan itself with consultation with the Parish Council. Without the time and requisite skills being put into a neighbourhood plan, it is worthless. All plans, local or neighbourhood should be the responsibility of the planning department only with an expectation of local PC involvement.</p> <p>Representations made- no identifying features of individual representations should be published. They should of course be provided to planning who would satisfy themselves it is a genuine representation. All personal identifying details should be redacted before placing on the website. I and others who have made representations have been 'doorstepped' by angry/irate applicants. A frightening and unsettling experience which leads to doubt as to the likelihood of making future representations against an application by the same applicant. If the council planning are satisfied the representation is correctly made, no personal details should be published.</p> <p>Where any representations are made regarding a site/address, any future applications regarding the same site/address should be notified directly to those who have made previous representation. In rural areas where neighbours are considerable distance away or the site of the application is not in plain view, then all neighbours affected should be notified of the plans, not just the nearest one. Where a notice is displayed in 'hidden' rural locations it is often missed which does not allow for effective representation by a community. Rural communities are more spread out, sharing limited services, small country lanes, diverse wildlife concerns. Local residents are often those who fully know the background of the area/buildings in great depth. Just because they are not right next door as in a town, they should not be overlooked by the planning department for notification of applications. A planning notice in a residential street is seen by many, a notice in a tucked away rural location is easily missed and it needs extra attention by the planning department to ensure all those locally are fully aware of applications.</p>	<p>Under current legislation it is a 'qualifying body' (e.g. parish council) that can produce a neighbourhood plan, not the LPA. The SCI does however set out how the LPA can support and assist. Please be aware there is grant funding available (e.g. via locality) to support parish councils.</p> <p>The Council takes data protection requirements very seriously however a balance needs to be struck with ensuring the planning process is as transparent as possible and therefore anonymous comments cannot be accepted. Personal data will continue to be redacted from the public register in line with GDPR requirements.</p> <p>In accordance with the publicity requirements all adjoining neighbours would be notified in writing of an application. Officers seek to ensure site notices are displayed in a prominent position at or near the site to raise awareness of an application within a community.</p>

70	St Cuthbert (Out) Parish Council	<p>SOMERSET STATEMENT OF COMMUNITY INVOLVEMENT IN PLANNING</p> <p>Response from St Cuthbert (Out) Parish Council</p> <p>There are many points to commend in the draft SCI, but St Cuthbert (Out) Parish Council would like to highlight some key concerns in relation to Sections 4 & 5 of the draft.</p> <p>* Decision-Making & Accountability: The Council wish to emphasise that there are no specific details about how the planning decision process itself works – its mechanics and chain of decision-making.</p> <p>It is realised that Somerset Council will have to concatenate the procedures of its predecessor County and 4 District Councils but until a system is proposed, no-one Statutory Consultees (eg Parish Councils) or members of the public could be said to have been properly consulted.</p> <p>The Parish Council are not yet aware of how localised planning decisions will be made: whether they will be centralised with the Unitary Authority or in a version of 'area boards', likely mirroring current LPAs. This uncertainty fuels the Council's concerns over the relationship between Planning Board, Ward Councillors Parish Council Planning Committee and Planning Officers. Parish Councillors need to carry equal weight to Unitary Councillors in the event of strong local feeling being challenged by non-elected Planning Officers and a decision moving to Planning Board. Where Officer decisions are detrimental to, and against a tide of, parish resident interests, intimate local knowledge and finely considered responses, Parish Councils should not be over-ruled.</p> <p>Under what conditions would a conflicting decision between Consultees and Planning Officers be referred upwards to what is currently a Planning Board? Planning Boards provide a check and balance to Planning Officers' autonomy currently – what would their composition be and what would be the process of referring a planning decision to the Planning Board?</p> <p>At present, for example, in Mendip District Council there is a reasonably well understood process whereby if the Parish Council Planning Committee and the Planning Officer have opposing recommendations, the Ward Councillor has the power to refer the decision to the MDC Planning board. This process was set up after the controversy that ensued after the successors to British Rail were given planning permission, under delegated authority, to fill in the underside of the railway bridge rather than strengthen the bridge which blocked any possibility of a multi-user path using the old railway going underneath the Old Frome Road near Masbury Castle.</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee and delegation arrangements. It clarifies the arrangements for area based committees, following the geography of the former districts. It also sets out the circumstances for where applications will be referred to committee where the officer recommendations is at odds with Parish Council comments.</p>
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	<p>Summary: this consultation makes no reference to the decision-making process. Further detail is essential.</p> <p>2.Timings: the contentious proposal that public speaking time is 3 minutes overall has been criticised more widely. The Parish Council would like to reiterate their concerns that prepared and researched defences of a PC recommendation would require more speaking time (albeit with some time limit). Further, as a Consultee with the most local knowledge and previous detailed discussion time, parish councils should be afforded more time where needed than members of the public. The Council expect there to be a statutory requirement to consider written submissions in advance, from councillors or residents.</p> <p>Summary: the proposed speaking time is inadequate.</p> <p>3.Consultees: it is positive that AONBs and National Parks are included in the 4 consultation categories, but further thought may be needed as to how the Council engage with harder-to-reach groups, who may not have or use digital technology or social media or access to printed media in rural areas. (The 'local newspaper' is increasingly digital). There should be a County-wide campaign early on to promote the registration to the Consultation Portal for residents.</p> <p>Because the decision-making route is unclear (see below), it is not clear how the needs of residents will be driven.</p> <p>Summary: acting on resident opinion would seem secondary to national legislative requirements, rather than a key priority.</p> <p>4.Decision Notices: It is also a further burden on Parish Council administration that Decision Notices will not be issued to Consultees but rather they have to seek them out. Whilst the LPA also currently follows this system and stopped issuing Decision Notices late in 2021, the responsibility for informing councillors of planning decisions made now falls to the Parish Council with far less resources to record, inform and challenge.</p> <p>Summary: Decision Notices as formal outcomes of applications should be issued by the highest planning authority.</p> <p>5.Neighbourhood Plans: it is not clear whether there will be more onus on Parish / Town Councils to produce Neighbourhood Plans, and within what timeframe. Resources, funds and possibly expertise should be available to support this, even moreso for very small parishes and parish meetings.</p> <p>Summary: there is not enough detail about how neighbourhood plans would be facilitated.</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee arrangements. Following debate at committee speaking procedures have been amended to allow 15 mins and up to a maximum of 5 public speakers in the finalised constitution. There is a commitment to keep the committee and delegation arrangements set out in the constitution under review and report back to the Council no later than June 2024.</p> <p>Agree – There is a commitment to engagement with hard-to-reach groups through the SCI.</p> <p>A number of the planning areas already have systems that allow parishes and others to sign up to alerts of planning decisions of interest in a particular area. A council wide system of alerts/notifications will be a priority for service improvement moving forward.</p> <p>It is a 'qualifying body' (e.g. parish council) that can produce a neighbourhood plan. The SCI sets out how we will specifically support and assist. There is grant funding available (e.g. via locality) to support parish councils.</p>
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71	Individual (Anonymous)	<p>The draft SCI mentions a consultation period of between 14 and 30 days, I think it should remain at a minimum of 21 day to allow everyone to be involved.</p> <p>There is no mention of 'enforcement' action in this document . At the moment in SWAT no enforcement action appears to be happening. No enforcement action allows people to build what they like, rather than what they have permission for, we have three incidents of this at the moment in our village.</p>	<p>The consultation periods in the SCI are set in legislation. For example applications for EIA development are subject to a longer 30 day period.</p> <p>Agree to include more detail on the enforcement process in the SCI and link to the new Council enforcement policy and how the public can report a breach.</p>
72	Individual (Anonymous)	Please ensure that local residents are sent letters of consultations for advertising billboards.	Comment noted.
73	Individual (Anonymous)	<p>As I Resident on the East Side, my Observations are apart from all the others to which I agree. That there is no planned access from East to west for Pedestrians, cyclist and mobility. The roads and paths etc are not fit for purpose now and adding more residents will compound access to the Town</p> <p>its not safe at the moment with crossing the very old metal bridge at Redgate with prams bikes and elderly as it's very Dangerous for cyclist etc over the very old Westonzoyland bridge full of cars and lorries and a narrow path pavement so I say Infrastructure first then look at more Residents here</p>	Not a matter for the SCI. Detailed planning matters, including areas/opportunities for sustainable transport improvements are subjects that can be commented upon in future Local Plan consultation. Walking and cycling improvements are also addressed in the Council's Local Cycling and Walking Improvement Plans (LCWIP's).
74	Shepton Mallet Town Council -	Overall this is a clear and useful document.	Comment noted. In terms of sharing information local Councils are identified as

	Town Development and Planning Committee	<p>In terms of consultation, there is a role for parish/ town councils to encourage engagement and publicise consultations via our websites and social media. It would therefore be useful to see sharing information about consultations with local councils made explicit in this statement.</p> <p>Under Conservation Area Appraisals - engagement with local groups, especially parish/ town councils should be routine and only by exception not consulted. We are aware of issues with conservation boundaries that have been defined inappropriately because of lack of local consultation. We appreciate there is no legal necessity for this.</p>	<p>a specific consultation body for plan making and a statutory consultee for applications.</p> <p>Agree – the SCI sets out the legal context in terms of consultation on conservation area appraisals, but wording could be more positively worded around engaging with local groups and town/parish councils as part of the process.</p>
75	Individual (Anonymous)	<i>blank comment field</i>	N/A
76	Individual (Anonymous)	<p>The use of the word 'may' is prevalent. This leaves too much room for interpretation so for the avoidance of doubt should be replaced with 'will'. If SCC isn't willing formally to commit to doing something every time, it shouldn't be mentioned in this document.</p> <p>The listing of consulted in the Appendix is overly reliant on site notices. Adjacent properties should always be consulted, as should those directly opposite the site of any application</p>	<p>Comment noted. Use of 'may' allows the council to chose when to use non-statutory consultation methods.</p> <p>The Appendix sets out the government's minimum publicity requirements. Whilst it will depend on the specific circumstances in many instances the council will use both site notices and neighbour notifications to appropriately publicise applications.</p>
77	Individual (Anonymous)	<p>My suggestions are:</p> <ol style="list-style-type: none"> 1. ALL planning applications must require a site notice and letter to neighbours. (This has been shown as vital with a recently passed application for a Massive Digital Billboard to be erected on Portway in Frome, this application fell under advertising but the impact on the community is massive and they needed to be ionformed.) 2. The current system of Delegation to Officers needs to be scrapped or totally changed. As it currently stands officers have the ability to unilaterally object or approve an application with no consideration of public opinion and no obligation to justify their unilateral decision which clearly is totally undemocratic. 3. There needs to be clear guidelines about when an application is to go to planning board. e.g. if there is public objection to the application. Simply leaving this decsion to a singular officer is undemocratic. The public then have the ability to voice their objections at the planning board meeting and proper discussion can be had with true democratic method. 	<p>The council will seek to ensure the applications are appropriately publicised based on the statutory requirements and site specific circumstances.</p> <p>The document will be amended to cross-reference to the constitution which sets out planning committee and delegation arrangements.</p>

78	Individual (Anonymous)	The community must be involved as much as possible. One of the main problems is normal people don't find out about a development until after the opportunity for objection has passed. Development plans should be made accessible to everyone. It seems the council often puts profit before other things, if this is not the case, the reasons why planning is approved for many developments is not always obvious.	Comment noted. Through the SCI arrangements it is the Council's intention that both the preparation of policy documents (e.g. Local Plan) and determination of planning applications is fully informed by local communities views in relation to the relevant planning considerations.
79	North Wootton Parish Council	Noted that that there will be no new Local Plan until 2028. The Council are happy that Parish Council are on the list as a mandatory consultee. The Council would like to see a period of consultation for planning applications to be longer than 21 days councils such as North Wootton who only meet once every two months.	The consultation period for planning applications is set out in national legislation.
80	Individual (Anonymous)	The policy reflects the problem with the current District policies but is made worse by the creation of the Unitary Council. The role of the community is so far down the agenda as to be meaningless and the idea that community voices can be heard in three minutes for all individuals and three minutes for Parish Councils treats the community voice with contempt. I appreciate that the new council Planning Committee will have a huge workload but planning consents are of primary local concern and unless the community voice is at the top of the agenda the system will fall into disrepute. It will be a developers' charter.	The document will be amended to cross-reference to the constitution which sets out planning committee arrangements. Following debate at committee speaking procedures have been amended to allow 15 mins and up to a maximum of 5 public speakers in the finalised constitution. There is a commitment to keep the committee and delegation arrangements set out in the constitution under review and report back to the Council no later than June 2024.
81	Barton St David Parish Council	The sequence in which Planning Applications are considered is not clear in the Consultation Document. It is recommended that the next version of the Document includes the "route" which Applications will follow after consideration by Parish and Town Councils: do Planning Applications go straight to the Unitary Council level or the appropriate Local Community Network; and which body makes the final decision? Thank you.	The document will be amended to cross-reference to the constitution which sets out planning committee arrangements. Application will be determined by the LPA. Regulatory functions such as planning and licensing are not part of the initial LCN development. We will however work towards making stronger links, particularly in relation to influencing place shaping, as we develop.

82	Cannington Parish Council	Currently if a parish council's observation coincides with those of the 'Planning Manager' at the District Council, (in accordance with the delegation scheme) the parish council accepts the application will not be reported to the Development Committee. Hence, if the district council's view differs from the parish council, then the application is reported at Development Committee and discussed as appropriate. Will this still be part of the process under the new proposals?. This parish council values the opportunity for further recourse with parish applications	The document will be amended to cross-reference to the constitution which sets out planning committee and delegation arrangements. It also sets out the process for how applications will be referred to committee where the officer recommendations differs to Parish Council comments.
83	Long Sutton Parish Council	<p>The Parish Council met and discussed this consultation.</p> <p>Currently Parish and Town Councils have access to fee free pre planning application advice, in South Somerset District. There is no mention of this status continuing, in the Statement of Community Involvement. This is an important benefit of the current system, which needs to continue and be included in the Statement of Community Involvement.</p> <p>The platform that is currently in place for Parish and Town Councils responding to planning applications during the consultation process, as a statutory consultee, needs to be separate to that of the general public. Parish and Town Councils need to raise their points separately from the general public. Parish and Town Councils need to continue to be able to have an input.</p> <p>The current Scheme of Delegation in place means that if there is a contentious application, or if the Parish or Town council objects or a Unitary Councillor, the planning application can be/is referred to Committee. There is no mention of this in the Statement of Community Involvement.</p>	<p>The Council now have a separate document setting out planning fees and charges. This includes exclusions for parish councils for community led projects. The SCI will be amended in include a cross-reference to this document in the pre-app section.</p> <p>Parish and Town Councils are welcome to make comments as outlined in the SCI.</p> <p>The document will be amended to cross-reference to the constitution which sets out planning committee and delegation arrangements.</p>
84	Bruton Town Council	Currently Town and Parish Councils benefit from being able to access pre-planning application advice without paying a fee. There is no mention of fee free pre-planning application advice being available, in the Statement of Community Involvement. It is important that this concession is available for Town and Parish Councils.	The Council now have a separate document setting out planning fees and charges. This includes exclusions for parish councils for community led projects. The SCI will be amended in include a cross-reference to this document in the pre-app section.
85	Individual (Anonymous)	Consultation about planning applications is vital to engage with communities to have a say and garner opinion about new planning applications that may have an impact on a local area, due to size or purpose. Being able to voice an opinion about a proposal is crucial, and it is important that the opportunity to do so is accessible and local enough to all. Having a meeting	In the circumstance that a public meeting is deemed necessary, this will be in a location appropriate for the application.

		with a public session, to discuss planning applications, which is likely to be held in an evening, and in a 'central' place such as Taunton or Yeovil, is not making the process accessible. Public transport is insufficient for people to travel from the far sides of Somerset - for example Wincanton, or Porlock, - to Taunton, there a few (if any) buses accessing rural communities later in the evening, and the chances are if you can get there, you won't be able to get home.	Given the scale of the new unitary, at the moment the intention is to continue with area-based committees, matching the former district geographies and their respective Local Plans.
86	Brompton Ralph Parish Council	It was agreed at a meeting of the Parish Council on 9th March that it wishes to continue to be consulted and informed of all planning applications by the new Somerset Council.	Comment noted.
87	Individual (Anonymous)	The massive decline in newspaper circulation has made the publicity of applications much less accessible than it once was and this, coupled with a dependence on web-based responses to applications has made it far more difficult for the public in general to be both aware of an application, but also to respond to it in a timely manner. It should therefore be made incumbent upon anyone making an application to contribute directly toward the printing and circulation of a frequently printed newsletter or similar that is freely distributed to all households within a pre-determined radius and which includes a non-web based form on which anyone concerned can respond. The scale of contribution to the newsletter could be graduated to reflect the scale of any development and consequently the number of households which could be directly affected. The frequency of publication could be controlled to reflect the timespan necessary for anyone to respond.	We encourage developers to engage and raise awareness in areas they are looking to apply for planning permission. There is not the legislation in place for us to be able to require additional developer contributions towards publicity of applications.
88	West Hatch Parish Council	West Hatch Parish Council is content with the proposals set out in the Statement Of Community Involvement	Comment noted.
89	Cranmore Parish Council	Cranmore Parish Council would expect to be consulted on all applications from within the Parish as is currently the case. This should include notifying us of non material amendments. Many thanks	Comment noted. Given they are considered non-material, non-material amendment applications will usually not be subject to consultation.
90	Individual (Anonymous)	No questions	Comment noted.
91	Holcombe Parish Council	Under section 5. Planning Proposals (Development Planning) there are four stages during the planning application process where the local community and stakeholders are consulted and/or notified about the proposals: 1: Pre-Application stage – no comment. 2: Application stage.	

		<p>Residents should be allowed to submit their comments by letter as well as online – there are some residents without access to the internet and they should not be denied the opportunity to comment.</p> <p>County Councillors for the area should be informed of all applications in their area. It is stated that “It is required under Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Council carries out consultation on applications.” At present (in Mendip) applications that are deemed a “non-material amendment” by the authority are not consulted upon and are decided without any reference to anyone. In the past this has included applications which residents did not consider “non-material” such as changing a condition on occupation for holiday purposes only in a development of more than 100 homes in a holiday retreat development.</p> <p>3: Planning Appeals – no comment</p> <p>4: Post-Decision (There is no detail on this stage in the consultation document)</p> <p>When a planning condition that requires subsequent approval by the Local Planning Authority has been complied with a note to that effect should be added to the online planning documentation. In most cases applicants ensure that they comply with all conditions – but some simply ignore them. It is important that stakeholders know that all conditions have been complied with. The Parish Council and other stakeholders can monitor many of the conditions (e.g. “ ... entrance should be properly surfaced and consolidated with tarmac ..”) and can report any breeches to the County Council. However, many conditions have wordings similar to “ has been first submitted to and approved in writing by the Local Planning Authority ... “ and, apart from the applicant and the LPA, no one knows whether or not these have complied with. If this note is added to the planning documentation stakeholders will have confidence that conditions are not being ignored.</p>	<p>Comment regarding commenting on applications via letter is noted and this will be updated in the SCI.</p> <p>We can confirm relevant Councillors are informed of applications in their area.</p> <p>By their nature such proposals are non-material and therefore the usual guidance on consultation and publicity do not apply.</p> <p>Post – decision – compliance with conditions is a matter for enforcement officers and any infringements noted by members of the community and parish councils should be reported to the Council so they can be checked. A cross reference to the Councils enforcement policy will be included in the SCI.</p>
92	Individual (Anonymous)	Where does the Somerset Environmental Records Centre SERC fit into this ? No really obvious consideration of net biodiversity effect and how this might be measured.	The Council have a service level agreement for support from SERC for the planning service. Environmental organisations are referred in the document and this would include SERC.
93	Individual (Anonymous)	The consultation periods set are woefully too short	It is unclear which specific area of the SCI this is referring to, however in the majority of instances consultation periods set out

			reflect the requirements set out in legislation.
94	Individual (Anonymous)	<p>Section 5.2 - Pre-application stage: with regard to transparency of the planning process please make pre-application advice publicly available.</p> <p>Section 5.2 - Pre-application stage: please add an amendment to confirm that the PPA will not curtail the consultation process.</p> <p>Section 5.3 - Application stage: please add an amendment to confirm that major developments likely to raise multiple objections will be allowed a 30 day consultation period.</p> <p>Section 5.3 - Material planning issues: please add 1) loss of amenity and 2) loss of wildlife habitat.</p> <p>Section 5.3 - Material planning issues: please remove the contradiction "The Council can only consider comments which relate tothese matters but not limited to" and lower down the page "If comments raise issues outside of the listed considerations, they cannot be taken into account"</p> <p>Section 5.4 - Planning appeals: 6 weeks are allowed for comments, but only up to 30 days for planning stage comments. Please address this unfair inconsistency.</p> <p>Appendix 1 - Consultation Bodies for Local Plans - Regional Agencies and Strategic Bodies: please add fire and rescue services</p>	<p>Section 5.2 – comments noted. Pre-apps direct to the LPA are not required to be made publicly available. The SCI also encourages developers to engage with the local community.</p> <p>PPA does not affect the consultation process.</p> <p>Section 5.3 – consultation periods set out reflect requirements in legislation. The SCI provides examples of material planning issues but it is not exhaustive.</p> <p>Section 5.3. – agree, contradiction will be removed</p> <p>Section 5.4. –the consultation periods are set out in legislation.</p> <p>Appendix – we will look to add fire and rescue services if appropriate.</p>
95	Quantock Hills AONB	<p>No mention of landscape, especially in the example list of material planning issues.</p> <p>Ensure that the AONB Management Plan is a material planning consideration.</p> <p>Although as yet AONBs are not Statutory Consultees, it would be very useful to be informed of all planning applications that fall within the AONB boundary or its setting. This could simply be achieved by providing the Council with a list of relevant parishes and would also help support the Council's Duty of Care for Protected Landscapes under section 85 of CROW Act 2000.</p> <p>Early involvement on matters such as Local Plans etc, would be more effective and allow the AONB to influence draft plans rather than simply comment on them.</p>	<p>Comment noted - whilst the SCI states the list is not exhaustive we agree that landscape can be listed as a material consideration.</p> <p>We can confirm that the same location/thresholds criteria for consultation with the AONB unit will continue to apply moving forward. These will only be amended in the future if mutually agreed with the AONB unit.</p>

96	Bawdrip Parish Council	The Parish Council considers that the document should specify that in cases where the view of the Case Officer on a planning application differs from that of the Town/Parish Council or Ward Members there will be an automatic referral to Committee to determine the application. In addition a representative from each statutory consultee should have the option to address the Committee, each speaker having their own time limit (say 3 minutes) as is the custom adopted by Sedgemoor District Council.	The document will be amended to cross-reference to the constitution which sets out planning committee and delegation arrangements.
97	Chilton Trinity Parish Council	Chilton Trinity Parish Council considers that the Statement should include the procedure in dealing with responses to planning applications. In particular this should state that instances where the view of a Town or Parish Council or the respective Ward Members are different to that of the case officer the proposal should automatically be referred to Committee for determination. All statutory consultees should also have the opportunity for a representative to attend and address the meeting, each representative being allocated a standard time eg 3 minutes to speak.	The document will be amended to cross-reference to the constitution which sets out planning committee and delegation arrangements.
98	Individual (Anonymous)	<p>I am concerned that no reference is made as to how one objects in person to a development proposal at a planning meeting. I am aware that there was a recommendation that a 3 minute time limit should be imposed on objections to a proposal in TOTAL. I am also aware this was subsequently amended to 15 minutes in TOTAL. I am not convinced this is sufficient where there are a variety of complex issues that need to be discussed. And why no reference made at all in the SCI?</p> <p>Many people are unable to attend a planning meeting for a variety of reasons - disability, infirmity, at work etc. The South Somerset approach of putting recordings on YouTube has worked well. Could this be adopted across the new unitary authority? Much better than audio only/recordings on the unitary authority website.</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee and delegation arrangements.</p> <p>Procedures have been amended to allow 15 minutes and up to a maximum of 5 public speakers in the finalised constitution for those speaking against an applications. Important to note this does not limit time for members to debate applications.</p> <p>There is a commitment to keep the committee and delegation arrangements set out in the constitution under review and report back to the Councillors no later than June 2024.</p> <p>We can confirm all committee meetings as 'hybrid' online/in person meetings to allow wider participation. We will seek to continue to make improvements in this regard as technology evolves.</p>

99	Stawley Parish Council	<p>Stawley Parish Council is concerned that there is no mention within the Statement that Parishes will be informed by e-mail of planning applications made in their area. We have had an unfortunate case recently of a contentious application being discovered through the local paper due to no notification being sent to the Council. Please can we be automatically informed about all applications. Decisions made would also be welcomed by e-mail.</p>	<p>Parish Councils are a statutory consultee which are referred to in the SCI in relation to consultation on planning applications. A number of the planning areas already have systems which allow parish councils and others to be automatically notified of decisions in their area of interest. Expanding this feature to the whole unitary area has been identified as a key area for service improvements.</p>
100	Individual (Anonymous)	<p>Although I am commenting in my individual capacity my comments are informed by many years experience commenting on behalf of Frome & District Chamber of Commerce.</p> <p>SCI</p> <p>I have over the past 15 years read and commented on many planning application, and attended planning board meetings, primarily as representative of Frome & District Chamber of Commerce. We have proposed and assisted in the development of supplementary planning documents. I am a lawyer. I have had an article published in the Journal of Town & Country Planning.</p> <p>Although I am more than usually interested in planning issues I only became aware of this consultation yesterday when it was publicised on Facebook, not by SC or MDC but by a local individual who had come across it.</p> <p>p.5 General consultation Bodies</p> <p>See Appendix 1 below.</p> <p>p.5 Residents and others</p> <p>“Members of the public and/or other interested parties who have registered to be on the online Consultation Portal are also notified of any consultation.”</p> <p>Does this mean register in respect of an application, a property or all applications in the planning sub-region? As a user of the MDC planning portal for many years I am not aware that it is possible to do more than register against a single application. In many cases I have only become aware of a development by walking past a site and photographing the sign. I walk a</p>	<p>This is referring to plan making, rather than planning applications. This will be clarified in the documents. The Council are yet to set up a consultation portal for people to register for future planning policy</p>

	<p>lot; this doesn't work for people in cars. It would be helpful for people who do not regularly walk past sites (i.e., 99% of people).</p> <p>p.6 You say:-</p> <p>"The Council updates its Local Development Scheme, which is the programme for Plan production and review, from time to time. It will be published on the Council's website."</p> <p>The Somerset website will now cover many more applications and a much larger area. The likelihood of interested parties logging on to and finding the specific page in time to respond is minimal. There must be a commitment to a wider communication strategy. Otherwise, this will only get response from professionals, who are often engaged by landowners and special interest groups seeking to reduce development control.</p> <p>p.9 You say:-</p> <p>"The Council has an online consultation portal enabling individuals and organisations to register an interest in Council consultations, including planning policy consultations."</p> <p>Where? No details are given.</p> <p>p.14 4.5 Conservation Areas are more likely than other elements to be informed by local knowledge and to engage local inhabitants, because they may affect them. It is inadequate to have no consultation. There should at least be commitment to:-</p> <ul style="list-style-type: none"> * Consult the local parish/town council/LCN. * Consult any civic society which is a recognised consultee for the area. * Consult any householders who properties may be added to or removed from the Conservation Area * Hold at least one consultation meeting in the Conservation Area <p>p.16 5.2 Pre-Application Stage</p> <p>The proposals are weak and vague. I have attended many such events. Too often they are PR exercise and the information provided is "aspirational" and bears little resemblance to the application finally submitted, especially the "benefits" or "commitments" in s.106 Agreements or planning conditions. There should be a more developed proposal of key features included in the consultation and that material should be included in any final application.</p>	<p>consultations but this will be a key early task for the Local Plan.</p> <p>The Local Development Scheme is essentially the timetable for plan production. It is not a document that is consulted on, instead being agreed between officer and members based on resources.</p> <p>Agree, this is yet to be setup. This will be clarified in the document.</p> <p>Agree, the SCI sets out legislative requirements but the Council would intend to do more in terms of consultation on conservation area changes and appraisals. This will be clarified in the document.</p> <p>The wording of this section of the SCI will be strengthened in terms of the Council's expectations, however under the NPPF the Council cannot require pre-application engagement by developers, or mandate a certain level of detail to be presented at the pre-application stage.</p>
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101	Wedmore Parish Council	No Comment	Comment noted.
102	Individual (Anonymous)	More weight given to parish councils who know their area best, and the needs of the community they serve.	Comment noted.
103	Individual (Anonymous)	I feel it is important all members of the community have their day and are listened to	Agree – SCI sets out how communities can engage in the planning process for both planning applications and planning policy.
104	Individual (Anonymous)	<p>I recently signed up on your website to be kept informed of this type of thing and I received no notification of this SCI consultation at all.</p> <p>I think you need to re consult and include parish councils at least and extend the deadline for responses.</p>	Parish Councils and other interest groups were sent direct notifications as part of the consultation process. A new consultation portal will be set up in due course for the new unitary for people to register their interest in planning policy consultations.
105	Kingston St Mary Parish Council	<p>At its March meeting, Kingston St Mary Parish Council resolved to make the following comments concerning Somerset County Council's' Draft Statement of Community Involvement in Planning' (SCI) as follows:</p> <p>* Page 5 of the SCI states that: 'In respect of plan making, the Council is required to engage with some groups to meet the regulations. Specific consultation bodies - are agencies that must be consulted...'</p> <p>Although specific consultation bodies include Town, City and Parish Councils, page 9 of the SCI states that: 'The Council has an online consultation portal enabling individuals and organisations to register an interest in Council consultations, including planning policy consultations. The online consultation portal is the Council's preferred method for consultations...'</p>	

	<p>From the above it's not clear if Town, City and Parish Councils, as specific consultation bodies, will be notified directly by the Council on planning policy consultations/matters, or will they have to register an interest on the consultation portal to be kept informed?</p> <p>As a specific consultation body Town, City and Parish Councils should be kept informed of all matters relating to plan making by the Council, without having to be users of the consultation portal. This includes but is not limited to:</p> <p>Call for Sites, Draft Local Plan, Submission Local Plan, Local Plan Public Hearing, Strategic Environmental Assessments and Sustainability Appraisals, Draft Supplementary Planning Documents, Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders.</p> <p>* Page 14 of the SCI concerning Conservation Area Appraisals and Boundary Reviews states that: 'However, the Council may engage with local groups such as the Parish/Town Council to undertake a 'fact checking' exercise prior to adopting the appraisal or boundary review.'</p> <p>To ensure Parish, Town and City Councils are kept informed and have a role to play in Conservation Area Appraisals and Boundary Reviews, this paragraph should read as follows:</p> <p>'However, the Council will engage with local groups such as the Parish, Town or City Council, prior to adopting the appraisal or boundary review.'</p> <p>* Page 16 section 5.2 of the SCI concerning the Pre-Application stage that: 'Applicants are also encouraged to undertake appropriate and effective pre-application consultation with local community and, where relevant, with statutory and non-statutory consultees prior to submitting an application.'</p> <p>To ensure that applicants are aware that they can approach their Parish, Town or City Council at the pre-application stage, this paragraph should read:</p> <p>'Applicants are also encouraged to undertake appropriate and effective pre-application consultation with the local community and, where relevant, with statutory (e.g. Parish, Town or City Councils) and non-statutory consultees prior to submitting an application.'</p> <p>* Page 17 section 5.3 paragraph 4 of the SCI states that Appendix 1 provides a list of statutory consultees. This should refer to Appendix 2.</p>	<p>As a specific consultation bodies towns, city and parish councils will always be consulted on relevant planning policy documents, they do not need to register via a consultation portal. This will be clarified in the document.</p> <p>The SCI sets out legislative requirements but the Council would intend to do more in terms of consultation on conservations area changes and appraisals. This will be clarified in the document.</p> <p>Parish and Town Councils are outlined as statutory consultees along with others in Appendix. However the wording will be amended to make specific reference to T & P Councils given the importance of developers engaging with the local community at the pre-application stage.</p> <p>We will update Page 17 section 5.3 paragraph 4 of the SCI. Currently states</p>
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106	Individual (Anonymous)	<p>Whilst all of the emphasis is placed on the planning process I feel that enforcement is lacking in any structured way. It would appear to only apply to listed buildings. When conditional approval is given to an application it comes with a warning which states "for the avoidance of doubt and in the interests of proper planning" with reference to the drawings. Whilst I understand the logistics of checking that applicants have indeed followed the conditions, planning mostly rely on the public to inform them that there may be a breach and even then it is not always followed up. I would like to see more effort put into enforcement perhaps incorporating a fee in the application process to facilitate an inspection as part of the normal process before the application is signed off. This would make sure applicants do indeed follow the plans that have been approved and there would be no need for any further intervention .</p>	<p>Agree to include more detail on the enforcement process in the SCI and link to the new Council enforcement policy and how the public can report a breach.</p>
107	Individual (Anonymous)	<p>Whilst all of the emphasis is placed on the planning process I feel that enforcement is lacking in any structured way. It would appear to only apply to listed buildings. When conditional approval is given to an application it comes with a warning which states "for the avoidance of doubt and in the interests of proper planning" with reference to the drawings. Whilst I understand the logistics of checking that applicants have indeed followed the conditions,</p>	<p>Agree to include more detail on the enforcement process in the SCI and link to the new Council enforcement policy and how the public can report a breach.</p>

		planning mostly rely on the public to inform them that there may be a breach and even then it is not always followed up. I would like to see more effort put into enforcement perhaps incorporating a fee in the application process to facilitate an inspection as part of the normal process before the application is signed off. This would make sure applicants do indeed follow the plans that have been approved and there would be no need for any further intervention .	
108	Individual (Anonymous)	<p>Notifications to all neighbors and site notice should be included for ALL applications.</p> <p>What is currently the process of delegation needs to be scrapped as it has been proven to disregard the clear objections</p>	<p>Publicising of different application types will be undertaken in accordance with regulations.</p> <p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements.</p>
109	Blackdown Hills Area of Outstanding Natural Beauty Partnership	<p>1. We welcome the inclusion of AONBs as Specific Consultation Bodies for local plans. I'm not convinced that it is necessary to include East Devon AONB in the list, as it is some distance from the Somerset boundary. If however there is a logic to its inclusion based on a buffer zone, I would suggest that Cotswold AONB should also be included.</p> <p>2. Noted that at the bottom of page 15 it states that there are four consultation/notification stages for planning applications, but then there are only 3 listed.</p> <p>3. Would like to see some further clarity, either in the SCI or through a separate agreement, regarding AONB involvement at pre-application stage. Sometimes comments have been sought by the councils, while at other times it seems that applicants have been advised to contact us. In this AONB, our preferred approach would be to engage through the Council rather than have direct approaches from developers/applicants. It is also worth considering an approach that is equitable, i.e. AONBs hosted by other authorities have the same access and expectations at the pre-application stage as the 'in-house' AONBs.</p> <p>4. Regarding 5.3 Application stage - who is consulted?;</p> <p>A) it is noted that the statement here, 'Other, non-statutory consultees may be consulted on an application if the Council considers that their professional advice is required. The requirement for this type of consultation is determined on a case-by-case basis and could occur after validation if the case officer considers it necessary.' leaves a lot to officer discretion and opens up the possibility of vastly different approaches across the Council. Previously AONB Partnership teams have to some extent had protocols/agreements with the local planning authorities setting out the nature and type of applications where consultation is</p>	<p>We will review which and where in the Appendix the AONB units should be identified.</p> <p>Comment noted, page 15 to be updated to reflect only 3 stages.</p> <p>We will continue to engage with AONB units through the new Council to ensure effective engagement, including the preferred model for engagement at the pre-app stage.</p> <p>Comments on section 5.3. These are agreed with. Wording will be amended to be clear that the Council has agreements with many non-statutory consultees to be consulted on different application types based on certain thresholds and location,</p>

		<p>desirable/helpful, and certainly from this AONB we would welcome the opportunity to work with the Council to agree an approach for consultation.</p> <p>B) The SCI states 'Adjoining owners or occupiers will also be notified where required'. From experience I don't believe that this is sufficiently robust in rural situations. I know of cases where 'neighbours' over the road or a short way along the lane have not been notified because they are not immediately adjoining, and further, a site notice may not be immediately apparent to them.</p> <p>5. Further to the point above, it would be helpful to publicise the Council's preferred approach to non-major publicity requirements, where the statutory requirement is for a site notice or neighbour notification letter.</p> <p>6. When it comes to commenting on applications, will statutory and non-statutory consultees continue to be able to reply to emails, or will online comments be the only method for all?</p>	<p>that then it being left to just officer discretion.</p> <p>There would be cost implications and also an issue in terms of introducing a discretionary element if such an approach was taken in terms of wider area notification. E.g., Where do you stop and who do you include/not include. The Council will ensure applications are appropriately publicised in accordance with the regulations, including site notices in prominent locations.</p> <p>Whether site notices and/or neighbour notifications are used will vary depending on the nature/location of the application and how an application would be best publicised. In many instance both neighbour notifications and site notices are used.</p> <p>Yes, the ability to still submit comments via email will be clarified in the document.</p>
110	Castle Cary and Ansford Traffic Working Group	What is the point of this when the Neighbourhood Plan and the concerns of residents are just totally ignored?	Concerns received by residents are taken into account as part of the planning process. Neighbourhood Plans are part of the Development Plan and are therefore afforded weight consistent with Government policy.
111	Individual (Anonymous)	<p>The concerns of residents and the wellbeing of Castle Cary has been totally ignored. Development has been allowed contrary to the Neighbourhood Plan, no money, resources, infrastructure, jobs, or upgrades provided for the town to cope with additional population or vehicle traffic.</p> <p>The Local Authority quite frankly has taken the XXX out of Castle Cary for years.</p>	Concerns received by residents are taking into account as part of the planning process. Neighbourhood Plans are part of the Development Plan and are therefore afforded weight consistent with Government policy.

112	Kilmersdon Parish Council	<p>Kilmersdon Parish Council met on the 15th March 2023 & discussed the new guidelines. We believe there should be a set of parameters for planning consultation & decision making.</p> <p># Consultation should be wider than simply 'next door neighbours'. It should include those households that are close, in that they will be affected by 'sight & sound' of any development.</p> <p># Consultation & opportunity for comment should be a minimum of 30 days. This is to allow Parish Councils, who often meet on a monthly basis, to be able to comment.</p> <p># Decisions & progress should be published within 5 days.</p> <p># It should be clear how decisions are made, where they are delegated to officers, where decisions are made in conjunction with the chair &/or vice-chair of planning boards, what the criteria are for decisions to go to planning boards. In particular where objections to planning applications are made (on planning grounds) by local unitary ward councillors or Parish Councils these should be taken to planning boards.</p> <p># While it is positive that there will be area planning boards, so there should be a degree of local knowledge & understanding, this principle should also apply to major &/or strategic planning applications as well.</p>	<p>There would be cost implications and also an issue in terms of introducing a discretionary element if such an approach was taken in terms of wider area notification. E.g. Where do you stop and who do you include/not include. The Council will ensure applications are appropriately publicised in accordance with the regulations, including notification of adjoining neighbours and site notices in prominent locations.</p> <p>The consultation period of 21 days is set in legislation. 30 days relates to EIA development. Extensions can however be agreed with Parish Councils given the challenges of timing with monthly meetings.</p> <p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements.</p> <p>Major development proposals for non 'County Matters' will go to the area based committees when referred.</p>
113	Individual – William Roberts	<p>1. The Statement of Community Involvement should explain how a planning application will be determined, by planning officers under delegated powers or one by the planning committees and the circumstances in which each will apply. It should also set out how members of the public, parish and town councils and others can address meetings of the planning committees under public participation.</p> <p>2. In the interests of openness, transparency and accountability, meetings of the planning committees should be live streamed via YouTube and recordings made available after the meetings. Given the larger distances involved in Somerset Council's area, this would also help reduce carbon emissions in the interests of meeting net zero targets. At present planning committee meetings in South Somerset District Council's area are live streamed and recorded on YouTube. Somerset West and Taunton Council also has a very comprehensive service. By</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking.</p> <p>All the area planning committees are hybrid meetings (i.e. streamed online), but it is appreciated there is a need to ensure consistency and improve the offer across the Unitary as IT systems and aligned.</p>

		comparison, Somerset County Council Regulation Committee's 's use of 'Teams' is relatively 'clunky' and it only makes voice recordings available after meetings. Somerset Council should employ best practice in line with that of SSDC and SW&T.	
114	Individual (Anonymous)	Does not bode well that a document detailing consultation is not more widely available. Just posting stuff on line and assuming everyone has access, or has read the online material is not good enough.	A communications plan was associated with the consultation, including press releases, direct notifications and a explanatory video.
115	Wabstrow Parish Council	This appears to be the absolute minimum specification. We would prefer much fuller arrangements as encouraged by the LGA, and at very minimum, the process at Mendip District Council.	Amendments have been made to the SCI to take into account feedback received where possible. There is however a need to balance the scale of engagement and ensure targeted engagement to make best use of available officer resource.
Page 204 ⁶	Stoke St Mary Parish Council	<p>This Consultation is headlined "Community Involvement", and on many occasions the introductory text refers to how you will engage with our communities on planning matters.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> * Planning is the area of greatest concern in all Parish Councils / Town Council (PC/TC) areas. * The creation of the unitary has created a democratic deficit that makes it more difficult to engage with the primary authority. * Almost all planning applications are within a PC/TC area, with very few being genuinely strategic. * LCNs are to have no executive role in planning. * Statutory consultees have no community engagement whatsoever. * The community only has access to any planning representation via PC/TC. * The role of PC/TCs therefore needs to be front and centre in the planning process, with greater involvement in the planning process. <p>As a Parish Council our key recommendations are:</p> <ul style="list-style-type: none"> * Any application which has a PC/TC objection should be decided only by the planning committee, not just by individual planning officers. * Any application which attracts more than 10% of objections from households in the PC/TC area should only be decided by the planning committee. 	The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking.

		* As a PC/TC we have no access to discuss applications with the planning officer, hence our insistence that in these two cases the applications automatically move to the planning committee.	
117	Ilton Parish Council	<p>Parish councils play an important part in representing their communities and are best placed to offer local knowledge, as such we would like to see that parish council comments are given sufficient consideration.</p> <p>With regards to the consultation period for applications, the 21 days given is often not sufficient for a council to meet. Many smaller parish councils meet bi-monthly and some less frequently. It can be difficult arranging additional council meetings due to availability and the councils also often incur additional costs through extra venue hire to hold the meetings. Flexibility in these deadlines is necessary to allow an opportunity for the councils to comment.</p>	<p>The Council agree that local knowledge is important to the planning application process. All comments on relevant planning considerations will be taken into account. SCI to be updated to emphasis the importance of planning being informed by local knowledge through community engagement and consultation.</p> <p>The 21 day consultation period is set in legislation. However areas are flexible in terms of agreeing extensions of time to align with parish meeting timescales.</p>
118	Donyatt Parish Council	<p>As a statutory consultee, councillors agreed that comments submitted in relation to applications should be considered with more weight. Parish councils represent their communities, and as a result, comments and recommendations are often put forward following feedback from the residents. In addition, parish councils have a wealth of in-depth knowledge of their area and local issues which could be affected by planning decisions. Councillors agreed that local knowledge was a key factor in the process and was necessary to facilitate appropriate decisions.</p> <p>Councillors additionally felt there was not sufficient attention to the environmental impact of development in the planning process and more consideration should be given to 'environmental' measures in applications, particularly when looking at new developments or property. Councillors recommend environmental criteria should include some or all of the following as a minimum prerequisite, especially for new-builds :- 'passive' housing, generation of electricity via photovoltaic panels (which would affect the on-site orientation of properties), air / ground source heat pumps, mechanical ventilation with heat recovery, underfloor heating, enhanced insulation, rainwater harvesting etc.</p> <p>A key item to note is that many of the residents in Somerset do not have the ability to access the online planning portal and as such there should be an easy way for those people to access the information in planning applications, allowing them to have their say as well, remembering that a number of these residents will also have limited mobility and could not attend local council offices to view plans.</p>	<p>The Council agree that local knowledge is important to the planning application process. All comments on relevant planning considerations will be taken into account. SCI to be updated to emphasis the importance of planning being informed by local knowledge through community engagement and consultation.</p> <p>Regarding environmental impact, the SCI is not the document to reflect this. The Local Plan will consult on matters of sustainable construction, energy efficiency and renewables.</p> <p>Comment noted regarding internet access and the SCI will be updated to reflect this.</p> <p>Officer will continue to be flexible in terms of agreeing extensions of time to align with parish meeting timescales.</p>

		Deadlines for comments from small councils are often difficult to meet due to the frequency of council meetings which are often every other month or less frequent. Currently planning officers are very accommodating with granting extensions for comments in these cases, and we hope that this will continue under the new policy and infrastructure.	
119	Isle Abbotts Parish Council	Councillors agreed that comments submitted in relation to applications should be considered with more weight. Parish councils are asked to represent their communities, and often make comments on the basis of feedback from the residents, some of whom may not have the means to utilise the online planning portal. In addition, parish councils have a wealth of in-depth knowledge of their area and local issues which could be affected by planning decisions and agreed that this knowledge was a key factor in the process and was necessary to facilitate appropriate decisions.	Agree the wealth of knowledge on local planning considerations and community concerns that parish councils have. For this reason the SCI identifies them as a key consultee for both policy development and decision making. SCI to be updated to emphasise the importance of planning being informed by local knowledge through community engagement and consultation.
120	Cary Moor Parish Council	<p>The Statement of Community Involvement should explain how a planning application will be determined, by planning officers under delegated powers or one by the planning committees and the circumstances in which each will apply. It should also set out how members of the public, parish and town councils and others can address meetings of the planning committees under public participation.</p> <p>In the interest of openness, transparency and accountability, meetings of planning committees should be live streamed via YouTube and recordings made available after the meetings. Given the larger distances involved in the Somerset Council's area, this would also help to reduce carbon emissions in the interest of meeting net zero targets. At present planning committee meetings in South Somerset District Council's area are live streamed and recorded on YouTube. Somerset West Taunton Council also has a very comprehensive service. By comparison, Somerset County Council Regulation Committee's use of 'Teams' is relatively clunky and it only makes voice recordings available after meetings. Somerset Council should employ best practice in line with that of SSDC and SW&T.</p> <p>Rebecca Carter Clerk to Cary Moor Parish Council</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking.</p> <p>All the area planning committees are hybrid meetings (i.e. streamed online), but it is appreciated there is a need to ensure consistency and improve the offer across the Unitary as IT systems and aligned.</p>
121	North Cadbury and Yarlington Parish Council	<p>North Cadbury and Yarlington Parish Council wish to stress the importance of parish and town councils being involved in all matters relating to the planning process.</p> <p>Rebecca Carter Parish Clerk, North Cadbury & Yarlington Parish Council</p>	Agree. The SCI identifies parish councils as a key consultee for both policy development and decision making.

122	Wells City Council Planning Committee	<p>Wells City Council Planning Committee request that parish and town councils are informed of differences in decisions taken by Somerset Council planning officers, to the recommendations of those planning committees, prior to such applications being referred to Somerset Planning Board.</p> <p>Wells City Council would like a better dialogue between planning officers and WCC Planning Committee.</p>	The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking.
123	Individual (Anonymous)	<i>blank comment field</i>	N/A
124	Individual (Anonymous)	<p>The SCI is a very well written and on the whole very clear document. It explains the processes and requirements well.</p> <p>Planning policy:</p> <p>I would like to see more detail on the additional requirements that Strategic Environmental Assessment/Sustainability Appraisal requires of plan-making, including the preparation of and consultation on a Scoping Report, and what is required to be taken into account.</p> <p>Development Management:</p> <p>Pre-application consultation – I would like to see the SCI in 5.2 set out in outline what expectations of good practice the Council has of applicants. This should include methods of consultation, such as leafleting residents in an area where the environment may be affected by a proposal, online or in-person exhibitions of proposals, presentations at parish/town council public meetings, media and social media publicity, local stakeholder identification, and the preparation of a report of consultation to set out the responses and how views have been addressed in the final proposals where possible, with reference to published good practice guidelines. Perhaps a guidance note could be added later.</p> <p>Section 5.3 Application Stage, under ‘How we consult’, on page 18,</p> <p>‘The Council is required to publicise an application either by serving a written notice to neighbours or by displaying a site notice, depending on the type of application. Where neighbours are to be notified, as a minimum the Council will notify any adjoining owner or occupier. If a site notice is required, it will be displayed in a prominent position on or near to the site. Appendix 3 provides an extract from Government Guidance summarising these requirements.’</p>	<p>Comment about Strategic Environmental Assessment/Sustainability Appraisal noted. The level of detail provided in the SCI on SA/SEA is considered appropriate in terms of explaining the principles.</p> <p>Comment about pre-application consultation and best practice noted. We will amend the SCI to set out some consultation methods applicants can use.</p> <p>It is quite difficult to be explicit regarding in what situations a site notice, neighbour notification or both will be used for publicising the application. It does depend on the circumstances of the application in terms of type/scale and the location and environs on the application site. In many instances officers will use both methods. Ensuring consistency of publicising applications is also part of ongoing service improvement for the unitary wide planning service.</p>

		<p>How the Council notifies neighbours to a proposed development is possibly the most important stage, as if people are not aware of a planning application they cannot respond to it, leading to their disengagement and damage to the Council's reputation. I have heard too many times where near neighbours to a development were not consulted because their property did not directly adjoin the application site, although they were close and their environment is affected and they would have had relevant comments. The SCI needs to be clear about the circumstances in which a site notice or neighbour notification letter will be required for major and non-major developments (as the legal requirement is for either but no further details are provided) and the process and criteria for deciding which it is.</p> <p>Also the SCI needs to be clear on the process and criteria for deciding which neighbours are notified, It only refers to the minimum of adjoining owner or occupier, so seems to imply that the minimum will be applied in most circumstances, to save money. The SCI should set out the circumstances in which it is appropriate to only notify the immediately adjoining neighbours (e.g. householder applications), and when a more extensive notification zone is more appropriate (e.g. for demolition, redevelopment or greenfield site development which could affect a wider area).</p> <p>I would welcome the opportunity to discuss these points, and clarity on when the revised SCI will come to a committee – perhaps Climate and Place Scrutiny, which I am down to Vice-Chair?</p> <p>I may also have further comments which I will email next week.</p> <p>Best wishes,</p> <p>Cllr Adam Boyden, Frome North division</p>	
125	Cllr LEE BAKER	Thanks as ever for your continued support which is much appreciated.	Comment noted.
126	South West Water	<p>Good morning,</p> <p>Thank you for informing South West Water. I would advise that we have no comment.</p>	Comment noted.
127	Clive Miller Planning	<p>Dear Planning Policy,</p> <p>Thanks for consulting us on this. We will look at it carefully and let you have any comments.</p>	The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking.

		<p>But on a quick scan through I couldn't see anything under development management on a county wide 'scheme of delegation' or arrangements for public participation at committees when applications are determined? Can you tell us if this is something else being worked on to be published for consultation or will it be the case that the new planning authority will continued to work with the different schemes of delegation which currently apply across the existing planning authorities.</p> <p>Nor could I see anything about pre-application processes in terms of any commitment timescales for a response other than a note to say that it will be quicker if we enter into planning performance agreements.</p>	<p>A link will be provided to the new pre-application guidance document. This sets out that a written response is to be provided in 20 working days.</p>
128	Individual – David Orr	<p>See:</p> <p>Somerset Live Website</p> <p>Re the above article, I have just been through the consultation on the planning process yet the planning committee arrangements to approval aren't included?</p> <p>Why doesn't the latest document (link below) cover the whole life cycle of planning through to the planning committee and approval processes (incl public time to speak, number of speakers etc)?</p> <p>SCI Consultation</p> <p>Will the County Council take the 14th February policy proposal for public objectors etc through a full consultation process before incorporating into the Somerset Council constitution?</p> <p>Regards,</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee arrangements.</p> <p>Following debate at committee speaking procedures have been amended to allow 15 mins and up to a maximum of 5 public speakers in the finalised constitution. There is a commitment to keep the committee and delegation arrangements set out in the constitution under review and report back to the Council no later than June 2024.</p>
129	Individual – Natalie Nock	<p>I would just like to suggest that when you unite as one council, you need to make communication your key target. I submitted a planning application to Mendip Council which was validated on the 4th September 2020. Planning ref: 2020/1787/FUL</p> <p>I have received ONE email from the case officer dealing with this application & this email was received on the 28th January 2021, asking for an extension. I've had nothing since. I have no idea what is going on with my application, I have no idea if my application is going to be passed or rejected, because I can't speak to anyone about it. I have tried calling Mendip council & I have emailed my case officer and I get nothing back. I have had to place my life on hold as this application was going to be my first own home, allowing me to get out of the rental</p>	<p>Comment noted. We are sorry that you have not had a good experience of the planning service in this instance. Achieving planning performance in terms of the both the speed and quality of decision making will be a key focus on the new service.</p>

		market. I have been stuck in limbo since 2020 & we are now in 2023. I am not a mass developer so finances are really stretched and it would just be nice to have an update from the council on why my application is taking so long to be reviewed. Just something from someone to reassure me that my application was still being reviewed. Instead of silence.	
130	Individual – Philippa Brett	<p>Please find below my response to the Somerset Statement of Community Involvement Consultation.</p> <ol style="list-style-type: none"> Many communities are not able to produce a Neighbourhood Plan but publish and maintain Community Plans. There is no statutory requirement for the Council to consider these plans, but our District Council (South Somerset) has supported these plans and given due consideration when making planning decisions. Could this be carried forward by Somerset Council? At present we have a system for signing up for email alerts for new applications or changes to applications. Could this facility be included on the new website? If there are material changes to an application, would it be possible to restart the consultation process, or in the least ensure it is publicised? The process for publicising planning applications is poor at present. In rural locations, where there are no immediate neighbours, it is common for no letters to be sent, and notices posted at the location are unlikely to be seen. Adverts in newspapers are seen by a very small minority as readership continues to decline. Some areas are not covered by Parish Councils either, so will receive no notification. Regular planning bulletins published on social media and circulated to Parish Councils would be very useful. At present neighbouring Parish/Town Councils are often unaware of developments in neighbouring Parishes. Could the Planning Officer's summary of submitted comments be publicised? These summaries are often incomplete, and comments can be misinterpreted, omitting significant material considerations. There is no mention of public hearings? It is rumoured the Council will be adopting a policy of limiting verbal submissions to 3 minutes in total for each category of speaker, i.e. supporters, objectors, applicants. This is a ridiculous notion and totally undemocratic. <p>The reliance on comments submitted online is insufficient, as explained in Para 4. Many applications evolve and material changes are made during the consultation process. Respondents should be given the opportunity to support/challenge these changes right up until the decision is made. On occasion, this can only be done at the public hearing.</p>	<p>As a published document community plans will still be a material consideration where they are relevant to the application and consistent with wider Local Plan policies and the NPPF.</p> <p>Where this email alert feature previously existed it has been carried forward into the new Council for that planning area. Having a consistent and effect email notification/alert system has been identified as a priority as we review planning IT systems moving forward.</p> <p>The Council does seek to ensure the appropriate publicising of application, including notification of adjoining neighbours, ensuring site notices are in a prominent position and notifying relevant statutory consultees (including parish Councils).</p> <p>The officers delegated report or committee report will summarise the key material considerations relevant to an application.</p> <p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking.</p>

		<p>If the Council adopts this policy, with the ability to extend the time allowed for speakers on a discretionary basis, this would be easily abused and raise questions over transparency and fairness.</p>	<p>SCI will be updated to be clear that comments can be submitted via letter/email. Where there are amendments to application there is an opportunity to comment through another round of consultation.</p> <p>Extension of allowed time is in consultation with legal to ensure whatever the arrangements they are equitable to all parties.</p>
131	Individual – Steve Scott	<p>It seems that officers have more control over the planning process...this may well be that our councillors are basically lazy and don't care about matters outside of their particular areas .. who knows, those of us not politically minded are ignored.</p>	<p>Comment noted, not a matter for the SCI. The document will however be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements.</p>
132	Avon & Somerset Constabulary	<p>Dear Sir/Madam,</p> <p>Thank you for consulting Avon & Somerset Police regarding the above.</p> <p>I am the Designing Out Crime Officer (DOCO) currently responsible for commenting on planning applications and other planning policy documents on behalf of the police in the Somerset County Council, Somerset West & Taunton District Council, Sedgemoor District Council and Exmoor National Park Authority areas.</p> <p>Working in partnership, the Police Service offers advice and guidance on how the built environment can influence crime and disorder to create safer communities addressing the potential of the fear of crime and anti-social behaviour.</p> <p>In this regard, Para's 92, 97 & 130 of the National Planning Policy Framework July 2021 refer to the importance of considering crime & disorder at the planning stage. Paragraph 130(f) states: -</p> <p><i>'Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.'</i></p>	<p>Comments noted.</p>

		<p>Guidance is given considering 'Crime Prevention through Environmental Design', '<i>Secured by Design</i>' principles and '<i>Safer Places 'Lite'</i>'.</p> <p>Following the establishment of the new Somerset Unitary Council, in respect of the above former Council areas, I would be pleased to continue to:-</p> <ul style="list-style-type: none"> • Provide written comments on planning applications/Pre-App's which have a significant crime and disorder implications, which in certain cases may include crime statistics for certain sites. • Advise on the use of planning conditions to minimise risk. • Provide an expert witness at planning enquiries where safety and security were a reason for refusal. • Advise on the Secured by Design scheme accreditation. • Provide input on planning policy documents and development briefs. <p>The categories of development I should be consulted on are as follows:-</p> <ul style="list-style-type: none"> • Housing developments comprising four or more units of accommodation. • Major commercial office, industrial, retail or leisure schemes. • New or enlarged schools. • Proposals that include areas of Public Open Space/landscaping as part of the development including parks, linkage footpaths/cycleways etc. • Development involving new neighbourhood or district community facilities e.g., new community hall, health centre etc. • Developments involving major sports stadiums or facilities e.g., Somerset County Cricket ground. • Developments involving communal off-street parking facilities, including Multi-Storey, Underground & Surface Car Parks. • Proposals involving transport interchanges or other highway infrastructure improvements such as Park & Rides, Bus/Train Stations etc. • Applications for new or refurbished licensed premises (Pubs/Clubs), Takeaways etc. • Public realm developments with a potential counter terrorism element. • Developments where the intended users/occupants are particularly vulnerable e.g., Hospital, Care Home, Sheltered Accommodation, Nursery etc. • ATM machines, particularly in 'out of town' sites. • Shopfront Improvement Schemes. • Change of Use to existing buildings e.g., Homes in Multiple Occupation (HMO), Betting Shops etc. 	
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		<ul style="list-style-type: none"> Any application (not included above) will be considered if deemed to be subject to a crime or anti-social behaviour risk issue. <p>Please advise me if you foresee any potential problems regarding the above following the establishment of the new unitary council.</p> <p>If I can be of any further assistance, please do not hesitate to contact me.</p>	
133	Wembdon Parish Council	<p>Wembdon Parish Council has no comments to make on the Planning Policy section.</p> <p>Within the Planning Proposals section, Wembdon Parish Council has identified a number of aspects which it considers should have been included, or where detail is missing. They are (in no particular order):</p> <ul style="list-style-type: none"> no definition of a 'major application' no provision for a weekly list of new applications, whether by email subscription, or as a list by Parish on the Council's website no provision for personal inspection of applications at the Council's offices [thereby excluding people who don't have internet access] no provision for comments on applications to be made by letter [thereby excluding people who don't have internet access] nothing about re-consultation because of amendments during consideration of an application no information on delegation of decisions; no requirements as to when an application must be considered by Committee no information on Public Speaking at Committee no requirement to publish an Officer's report [required for openness] nothing about the required resources no requirement for an annual review and report as part of the monitoring process no list of key contacts 	<p>Major development is defined in national policy.</p> <p>The weekly list function for the planning areas will remain similar to was the case with the district authorities.</p> <p>The equalities section is clear that arrangements can be made on request for those who cannot access or use the website.</p> <p>Agree - SCI will be updated to refer to amendments.</p> <p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking.</p> <p>Agree – officer reports will be published on the website. Clarify in the SCI</p> <p>A section on monitoring and review of the SCI is included at the end of the document.</p>

		<p>•no mention of Community Infrastructure Levy (CIL) [though this might not be the right place for it]</p> <p>•no provision for an application to be referred to Committee if the views of Planning Officer and Parish Council disagree. We have this currently in Sedgemoor, and consider it an important part of the process.</p> <p>Agreed at a meeting of Wembdon Parish Council on 13th February 2023</p>	<p>The Council has decided not specifically refer to CIL given the amends proposed in Government bill.</p> <p>As above, more details and a link to the constitution will be included in the SCI.</p>
134	Cotford St Luke Parish Council	<p>I am emailing in the anticipation that you will be able to direct me to the relevant information please</p> <p>The PC has been lead to believe that this consultation outlines the processes to be followed when planning applications are considered, eg what are the triggers to send an application to committee, the process for representations to be made in person to committee etc but I cannot find reference to these matters in the document , draft SCI, linked on your website page. Please could you direct me to the information regarding the matters outlined above?</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking.</p>
135	Individual – Laura Leaver	<p>I am writing to ask for it to be noted in writing that as a resident of Castle Cary, i object to any limitations on the ability for the community to comment or object to planning applications. I understand there is a plan to limit community response to 15 minutes?</p> <p>Multiple new developments have been given planning permission in our community, and continue to be applied for, despite weighty and sustained opposition and proof that the infrastructure of our town is unable to support new homes. Our community, transport, schools, doctors, dentists etc are unable to cope. Currently doctors and dentists are unable to take new patients and Cary Primary is severely oversubscribed and understaffed. Traffic (dangerous speeds and volumes, parking issues etc) continue to be left unchecked, and the current dangerous chaos at the station is ongoing with no one taking responsibility. Our town cannot cope with any new developments and we need to be able to present evidence to support this without limits, particularly given that currently the unlimited right to object appears to be roundly ignored.</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee arrangements.</p> <p>Following debate at committee speaking procedures have been amended to allow 15 mins and up to a maximum of 5 public speakers in the finalised constitution. There is a commitment to keep the committee and delegation arrangements set out in the constitution under review and report back to the Council no later than June 2024.</p>
136	Dulverton Town Council	<p>Having viewed the document above members have requested that I forward their comments made at their meeting held on Monday 13th February 2023, as minuted as below:</p> <p>6894 Somerset Council Statement of Community Involvement- Consultation Response:</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking.</p>

		<p>Members expressed considerable concern that under the proposed new rules, objectors/supporters of a planning application would have to share three minutes between them, rather than having three minutes each as per the existing rules.</p> <p>Members consider that proposed planning can be very emotive issues, directly effecting the wellbeing of residents who should be given adequate time to express views and concerns. Failure to do this will appear undemocratic and the Council indifferent to the views of its own residents. Planning is one areas of responsibility where the Council directly engages with its residents, the process should therefore be seen to be open and transparent. The opportunity should be given to all to air opinions in a public forum.</p>	
137	Individual – Martin Cooke	<p>Dear sirs</p> <p>I do hope the dialogue with parish councils, will improve</p> <p>As they will be the first democratic contact with the Unitary Authority</p>	Comment noted
138	Individual – John Solle	<p>Hi,</p> <p>Quite simply, in respect of current planning procedures, I find 2 issues very very concerning.</p> <p>1) Having been affected by a neighbouring application for a development up to our boundary, and enduring 2 1/2 yrs of ridiculous incompetence conveniently attributed to the 'sulphates issue', as recently as this week people are posting photos of water treatment companies pumping effluent run off onto the Somerset levels.</p> <p>As long as this issue continues, how the hell can you even consider asking developers to pay £5.5k per property for a 'phosphate credit'?</p> <p>Honestly, you must be joking, how the hell does this compensate for the damage caused industrially?</p> <p>This should not be a convenient excuse to extort finances out of the house building process, each application should be agreed or denied solely on its merits, otherwise you place yourselves open to accusation.</p> <p>2) Community levy.</p> <p>Read1)</p> <p>Merits or detriments should dictate decision.</p> <p>Not financial incentive.</p> <p>Find some integrity and return to proper and correct process.</p> <p>Before it's far too late.</p>	Decisions are made on the merits of an application in relation the Development Plan and other relevant material considerations. Financial contributions can be sought where it is necessary to make a proposal acceptable in planning terms.
139	Old Cleeve Parish Council	The Parish Council considered the Draft Statement of Community Involvement (SCI) at its meeting on 20 February 2023. It was resolved that individual Councillors with a particular	

	<p>interest in Planning matters should respond on a personal basis but that the Parish Council view should be summarised as follows:</p> <p>The Parish Council is a statutory consultee for all types of planning proposals and as that is set out in statute that should not change. We continue to expect to be consulted on any proposals that affect our Parish.</p> <p>Turning to specific points, with reference to your draft document:</p> <p>Page 2 – we strongly agree with the last sentence <i>“The views of both local communities and stakeholders should be considered through plan-making and the planning application processes to ensure the best decisions for the community”</i>. We would like to see more evidence that our comments are “considered”.</p> <p>Page 4 – in the first paragraph you state “We will also offer a clear and appropriate timescale for comments to be received to allow everyone the opportunity to participate.” We recognise statutory constraints but most Parish Councils like ours only meet only monthly, so a longer (than 14 or 21 days) period to respond would be welcomed.</p> <p>Page 4 – we strongly support the last paragraph where you confirm information will be made available in alternative formats for those unable or unwilling to use digital means. We wonder how this fits with <i>“How to comment on planning applications” on page 18 where it is stated “All comments should be submitted online...”</i>. The Equalities and Diversity pledge does not appear to be consistently applied throughout the draft document.</p> <p>Pages 7,8 – we often feel that our comments are not taken into account. Even when referred to in planning committee reports, these are not dealt with but are instead just repeated. Further explanation of what “process” means is needed when you say you will <i>“process the comments received”</i> or will <i>“process the representations received”</i>.</p> <p>Page 14 – we note your duty to produce Conservation Area Management Plans and would expect to contribute to this for the Conservation Area in our Parish. Additionally, we have one area within our Parish subject to an Article 4 direction and would like more recognition of this in any relevant plans so that the unique character of the area subject to the direction is maintained.</p> <p>Page 18 – <i>“What do we do with comments received”</i>. This section doesn’t actually say what you will do with comments received, it just refers to how you’ll publish them and what you will or will not accept. We would expect to see some confirmation that all comments received will be reviewed, responded to and where appropriate taken into account.</p>	<p>Whilst initially the Council has to set out the timescales in the legislation, officers will continue to agree extensions with Parish Councils where this is necessary to meet the Parish Council’s meeting cycles.</p> <p>Agree - We note the comment regarding commenting online and will update this section to make it clear letters and emailed comments are also accepted.</p> <p>Further clarification can be added. Processing comments is essentially referring to acknowledgement of comments and collating them into a single database for review. The SCI will be amended to be clear all comments received are considered.</p> <p>Agree – the SCI sets out the legal context in terms of consultation on conservation area appraisals, but wording could be more positively worded around engaging with local groups and town/parish councils as part of the process, even though it isn’t a legal requirement.</p>
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40	Canal & River Trust	<p>Thank you for your consultation on the Draft Somerset SCI.</p> <p>We are the charity who look after and bring to life 2000 miles of canal and rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.</p> <p>We note that the Canal and River Trust is correctly recognised as a Statutory Consultee for planning applications as set out in table 2, particularly as there have been occasions in the past where the trust has not been consulted.</p> <p>Whilst the trust is not a specific consultee on local plan documents we wish to be consulted as a general consultee due to the multifunctional nature of the reach of the Bridgwater and Taunton canal which provides an Active transport, ecological and heritage opportunities as well as being a free to use health and well-being asset. As a result we would welcome continued consultation on planning policy documents.</p>	<p>Agree – The Canal and River Trust would be one of the groups identified in the SCI that would be consulted as a general consultation body on the Local Plan.</p>

141	Yeovil Town Council	<p>Thank you for Consulting Yeovil Town Council on the new Statement of Community Involvement. I am an officer at Yeovil Town Council (YTC) and responsible for compiling the agenda for the Town Council's Planning Committee held on a monthly basis, and to which members of the public and the press frequently attend. I would therefore like to make a few comments on the Draft Statement from an operational point of view, and which relate to Section 5.2 under the headings 'How do we consult', 'How to comment on planning applications' and 'What do we do with comments received?'</p> <p>I recognise that the document deals with the issues in general terms, but I am concerned that there is no specific mention of retaining the service currently operated by South Somerset DC where all applications, including nearby applications, are notified to the Town and Parish Councils via email. I am unsure if this is a 'special' task just for YTC given the number of applications submitted within the town, but it is an essential service for YTC to ensure that all relevant applications are notified to the Council. There have been suggestions in the past that YTC should 'self-serve' this information from the SSDC website, but it was accepted by SSDC that this may well result in missed applications. On this basis, I would request that the Draft Statement include a sentence confirming that Somerset Council will notify town and parish councils of planning applications within and close to their boundaries?</p> <p>The notifications YTC receive state the deadlines for comments to be received which are based on the statutory consultation periods. I ask that the document states that these deadlines can be flexible under various circumstances. You will appreciate that it is not practical for YTC to hold more frequent Planning Committees (currently monthly), and yet many of the comments made on applications by YTC still miss the deadline stated on the notification email, not just because the committees are only held monthly, but also because of the lead time involved with legal requirements such as summoning Committee Members, publishing the agendas for public meetings, etc. Currently, YTC and SSDC work well together and case officers will normally wait to receive the resolutions from the YTC Committees where possible, so it would be a shame to lose this. This is a particularly important point as the meetings are attended by members of the public, sometimes in significant numbers, wanting to have their say and influence the planning process in a proactive way. Perhaps this issue can be addressed under the heading 'Other Consultation Methods'?</p> <p>I am concerned about the sentence saying that 'All comments should be submitted online'. Again, I hope you will appreciate that this is time consuming exercise when there are numerous comments and applications to respond to, and Town and Parish Councils do not have the resources for this. Currently, YTC inputs the resolutions into a table which is emailed to SSDC which works well and therefore, again, it would be a shame to change it.</p>	<p>The Council will continue to operate the same notification arrangements that previously existed under South Somerset for statutory consultees (including parish councils).</p> <p>Agree - extension of times for parish/town councils to comment will still be agreed where it is needed. This flexibility will be specified in SCI on page 18.</p> <p>Agree – SCI to be updated to allow letters/non-internet access methods and email.</p>
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142	Individual – Edward Bond	<p>I would like to register my opposition to the proposed limits on public participation at planning meetings. The proposal, as I understand it, is that those speaking for or against a planning application should be limited to 15 minutes in total with each individual limited to 3 minutes which would give little opportunity to present arguments effectively on complex applications and would give equal weighting to each side regardless of merits. It would obscure strength of argument and feeling by allowing each side the same number of participators regardless. I appreciate that planning meetings can be contentious and that certain participators can ramble etc, but this inconvenience is part and parcel of an open and fair process. I have faith in the chairperson of these meetings to manage them appropriately as they have done to date. I hope the council will re-consider and decide not to proceed with this proposal.</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking.</p>
143	Individual – Martin Rossiter	<p>As I Resident on the East Side, my Observations are apart from all the others to which I agree. That there is no planned access from East to west for Pedestrians, cyclist and mobility. The roads and paths etc are not fit for purpose now and adding more residents will compound access to the Town</p> <p>its not safe at the moment with crossing the very old metal bridge at Redgate with prams bikes and elderly as it's very Dangerous for cyclist etc over the very old Westonzoyland bridge full of cars and lorries and a narrow path pavement so I say Infrastructure first then look at more Residents here</p>	<p>Not a matter for the SCI. Detailed planning matters, including areas/opportunities for sustainable transport improvements are subjects that can be commented upon in future Local Plan consultation. Walking and cycling improvements are also addressed in the Council's Local Cycling and Walking Improvement Plans (LCWIP's).</p>
144	Individual – Anne Reed	<p>This document seems to be fine as far as it goes, but there seem to be some major omissions, which I will attempt to enumerate.</p> <p>You mention in the early paragraphs that consultation will be inclusive, and will enable written feedback as well as via email. However this provision is not mentioned on the planning section, which is a grave omission.</p>	<p>Agree - Planning application section will be updated to be clear that representations can be made by letter as well as email.</p>

		<p>There does not appear to be any mention of planning applications first being heard at Parish Council level, or what the procedure would be if the recommendation of the Parish Council is opposed to the decision of Somerset Councils planning officer.</p> <p>There is no definition of a “major development”.</p> <p>No arrangements for public speaking at committee (if there is to be one).</p> <p>There may be more detail to come, but this policy seems deficient in terms of the new planning arrangements,</p>	<p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking.</p> <p>Footnote to be added to refer to definition of major development as set out in NPPF.</p>
145	Individual – Catherine Roberts	<p>Please find below my comments on reading the above draft statement produced by Somerset Council.</p> <ol style="list-style-type: none"> 1. I would like to register an interest in Council consultations including planning policy consultations. Please would you inform me by email when any such consultations are open for public comment? Many thanks. 2. Please would you ensure that I get notified about consultations in the future about development of the new Local Plan for Somerset in a few years' time? 3. My other comment about the future County Local Plan would be to ensure that everyone who participated in the consultation process of the existing District Council Local Plans should be contacted to ask if they would like to participate in the development of the County Local Plan in future. If these participants took part by written comment and were contacted by the DC's via letter at that time, then they should be contacted by letter in future when applicable to see if they want to take part. I note your point on GDPR. Not everyone wishes to do things online and not everyone wants to set up an online account to submit comments. It would be a pity to lose these numbers of people who were motivated to contribute to the debate only a few years ago. 4. Important to notify local residents/neighbours when there is a new planning application near them. Also important to notify people who may not be nearest neighbours but who did make a comment on a previous occasion about a plan that has been resubmitted. I am glad that you state in your draft that the Council will still attach a written notice to the gateway or telegraph pole nearest to the site for planned development, in order to alert neighbours and interested people to the existence of a new application. Although 'old-fashioned,' this is often the only way people find out that plans have been submitted, and in the absence of such signage they may not find this out. When time lines for response are short, it is unfair not to let people know promptly. 	<p>The Council are yet to set up a consultation portal for people to register for future planning policy consultations, but this will be a key early task for the Local Plan. This will be clarified in the SCI.</p> <p>The Council will explore whether it can notify people on previous district policy databases to re-register for the new consultation portal if they wish to be notified about future Somerset Local Plan consultation. However the Council does need to be mindful of GDPR requirements in respect of personal data.</p> <p>The Council will continue to adequately publicise applications through neighbour notification and ensuring site notices are placed in prominent positions.</p>

		<p>5. Am pleased to see the list of Statutory Consultees is extensive, including the Parish Councils. Glad that the LCN's are not to be required to decide on planning decisions. Much better (and less open to dispute) that planning decisions are to be made by planning professionals with a duty to follow current guidelines, rather than by lay people influenced by what they like, who their friends are and what they think is best.</p> <p>6. I think your draft SCI Community Involvement in Planning is comprehensive, clear, well-written and easy to understand. Of course I am just a member of the public and do not possess any specialist, professional knowledge in planning.</p> <p>Thank you for giving us the opportunity to give feedback to you re this draft.</p>	Comments providing positive feedback noted. LCN's will be identified as a general consultation body.
146	Quantock View Southside Residents Group	<p>We would like to provide direct feedback regarding our experiences over a 3 year period of having to deal with the Bishops Lydeard Parish Council in relation to their proposals to build an 18 space car park on a green, open space in our unadopted road (Quantock View TA4 3AW) using CIL funds.</p> <p>We made a Village Green application to preserve our Green after we were informed by the Chair and Vic Chair of the PC in February 2022 that they would proceed with their development plans without the need for formal planning permission!</p> <p>This was eventually confirmed as wrong and that planning permission was needed. The PC received incorrect information from their road traffic consultants and SWaT Planning took 2 months to confirm the need for planning permission.</p> <p>Over a 3 year period we have directly witnessed the problems of poor communication and coordination between the 3 tiers of LG in Somerset.</p> <p>As a residents group we have been ignored by our district councillors when seeking their input in relation to our concerns about the Parish Council's planning proposals in our road.</p> <p>All a bit difficult when your district councillor (Rigby) is both your local Cllr and a member of the PC supporting the planning proposal !</p> <p>We have referenced the climate emergency, and SWaT policies re non disposal of council owned green spaces.</p>	Comment noted. We understand the concerns raised relate to specific PC proposals for traffic management schemes at Bishops Lydeard and a planning application 06/22/0027 for parking spaces (yet to be determined).

		<p>We have been subject to disrespectful and bullying behaviour by the Chair and Vice Chair of the Bishops Lydeard PC in relation to our push back on his parking development proposals. Now subject of a standards complaint to the WS&T Monitoring Officer.</p> <p>We want to highlight our concerns about residents can deal with and would like to speak to an officer involved with this consultation process to share our experience and views.</p> <p>We welcome the new unitary authority and see it as an opportunity to reset our relationship with local government. We want to share our concerns about the capacity and competence of our Parish Council in relation to the management of the £500K CIL budget they are trying to spend in our village. We are specifically concerned about the lack of accountability and systems of redress in relation to their decision making and accountability to the communities they serve.</p> <p>We look forward to your response and for an opportunity to give you our detailed feedback.</p>	
	Individual – P. A. Gannon	<p>I am making this response as an individual a resident of West Somerset and as a Parish Councillor. I do not have “on line” facility.</p> <p>Comments.</p> <p>Page 2.</p> <p>It is acknowledged that the Exmoor National Park Authority have their own SCI however, some Parishes within West Somerset have to consider both Planning statements (Local Plans) as “Planning Authority” boundaries do not follow Parish boundaries. As a result, inconsistency in interpretation can arise particularly for the lay resident. The current ENP document is considered to be superior in presentation to the current SWAT documentation.</p> <p>The local community often have good understanding and detailed knowledge of the issues in their area.</p> <p>This consultation statement suggests that “one size fits all” approach this cannot apply across Somerset as a whole as each area has specific variations and issues. The views of both communities and stakeholders should be considered through planmaking and the planning processes to ensure the best decision for the community. Sadly previous experience and evidence suggests that these “views” including professional reports are not always considered resulting in poor decisions.</p> <p>It is noted that certain Planning “exemptions” as permitted developments are indicated, likewise “exemptions” also exist under the Building Regulations however these are not the</p>	

Page 7. Production of Local Plan

Noted – It is intended to tailor consultation methods to be most effective for different geographical areas.

	<p>Workshops, presentations, forums, drop-in events must be local and accessible to all communities. The county is too large for only regional centre presentations, i.e. Bridgwater, Taunton, Yeovil, Wells.</p> <p>Page 14. Conservation Areas The Council has a duty from time to time, formulate and publicise proposals for the preservation and enhancement of our conservation areas.</p> <p>What is the frequency of these reviews? Is this the same time as reviewing the Local Plan, every five years?</p> <p>Historic structures deteriorate at differing rates and the erosion of a locality through lack of maintenance, unauthorised or inappropriate works can have an adverse effect if not monitored adequately.</p> <p>My local Parish, Old Cleeve, has both a conservation area and an Article 4 area (historic Gradel 1 Manor and surrounding parkland) for the last 10 years the Planning Authority have failed to control the deterioration and the understanding of the Article 4 designation and its purpose.</p> <p>Page 15. Planning Proposals Whilst it is stated what you can control by application, this is not what happens in reality in many cases. Many developments, usually minor schemes including fences are constructed without consent. Local Planning Authority failing to “observe” and request application in retrospect. Enforcement is poorly supported due to time and costs or carried out in a timely manner.</p> <p>Certain individuals / applicants aware of the Council shortcomings exploit the system regardless. Parish Councils or individuals often have to repeat reports of breaches that are ignored or at best approved by retrospective applications a legacy of poor management and decision making.</p> <p>Page 17, Application stage It is noted that other non-statutory bodies <u>may</u> be consulted.</p> <p>The failure to consult the Local Authority Building Control Partnership and the Approved Inspectorate has resulted in the deterioration of developments, poor developments or unauthorised works.</p>	<p>No timescales are set up the legislation.</p> <p>SCI will be amended to include a section on enforcement and link to the Councils latest enforcement policy.</p> <p>We would agree that the Building Control process is important as part of the overall development process. It is however not the role of the SCI to set out detailed information on Building Control processes.</p>
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	<p>From my personal L.A. experience when both Planning and Building Control functions were administered together it avoided, poor design problems, better cooperation with applicants and developers, earlier reporting of planning breaches or variations of approved plans and construction plans.</p> <p>Today certain applicants submit schemes to the Planning Authority to gain a “consent” but have no intention of following that scheme under the Building Regulation construction plans. As no formal consultation is required, each go their own way unless challenged.</p> <p>The situation is even worse with Approved Inspectors as their motivation is financial gain (paid by the applicant), any variations are not reported regardless of moral duty to do so. Any breaches that do occur that cannot be resolved amicably, should be referred back to the Council as under the legislation only a Local Authority can take enforcement action. Planning may be seen as the lead authority to development plans however compliance with Building Regulations is of equal importance. Perfect Planning does not ensure perfect developments, what is actually constructed is the true legacy, good or bad! Closer co-operation and consultation is required to all bodies that administer aspects of responsibility of developments if the repeat of Grenfell Tower disaster or similar is to be avoided.</p> <p>Page 19. Decisions As the majority of decisions are delegated to the Planning Officer it is most important that the qualification of the Officer is appropriate. Often minor approvals (and larger schemes) are given with numerous conditions, whilst conditions are inevitable too many indicate perhaps an inadequate application or the pressure to fast track as many applications as possible the end result can be a poor decision. The quality of a decision may be poor in either the case of approval or refusal. Equally those applications determined by committee may be subject to the same criteria, having witnessed poor presentations by Officers to committee and lack of understanding by committee members.</p> <p>Page 20. What we will do if you feel unfairly treated It is noted that it is intended to set service standards, let us hope this is a vast improvement upon those standards operated by Somerset West and Taunton Council. From personal experience, whilst “standards” were required they were not adhered to. I am still awaiting a full response from the current Council after nearly two years! A partial response only triggered after intervention by the Member of Parliament. Ombudsman cases only apply in personal loss or injustice and not the incompetence of individual Officers or elected members.</p>	<p>Any conditions on planning permissions should meet the relevant tests set out in the NPPG.</p> <p>Service standards for the service are published on the Council's website.</p>
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148	This is Gravity Ltd	<p>Stantec is instructed by This Is Gravity Ltd to submit comments in relation to the draft Somerset Statement of Community Involvement in the context of the Gravity Local Development Order (LDO) that was adopted by Sedgemoor District Council in February 2022.</p> <p>An LDO is an order that is made by a Local Planning Authority (LPA) under the Town and Country Planning Act 1990 that grants planning permission for a specific development proposal or classes of development. Once an LDO has been adopted and the Secretary of State have been notified, the LDO must be placed on the Planning Register.</p> <p>The Gravity LDO consents up to 1.1 million square metres of commercial floorspace as part of a Smart Campus focused on advanced manufacturing and targeted at Gigafactory scale development, capable of supporting somewhere in the region of 7,500 high-value, high-skilled jobs, up to 750 units of associated residential accommodation and reinstatement of a rail line on site.</p> <p>The Gravity LDO's intent is to restructure the economy through regenerating a former industrial site to sustain economic activity in Somerset, and stimulate wider economic transformation across the South West region and UK, without negative effect on environmental quality. The LDO unlocks one of the largest brownfield sites in the UK, remediation and decontamination is complete, all supplemented by significant investment in re-imagining the economic potential of the site, accelerating climate change adaptation, specifically targeting the urgent need to decarbonise the transport system in the UK.</p> <p>Enterprise Zone (EZ) status was granted in 2017 and provides for a simplified planning regime to enable fast track responses to meet business need. This in the form of the LDO, is a tool to attract international business aligned with the clean growth ambition. The Enterprise Zone could generate in excess of c.£500 million in retained business rates over its lifetime, to be reinvested back into the site and local area, supporting further economic adaptation and transition towards a lower carbon economic model. This process has been agreed by the Council with Government through a joint Memorandum, of Understanding.</p> <p>The LDO will deliver an integrated smart campus to establish a new hub for high value advanced manufacturing activity in the South West, to the significant, transformational benefit of the region, delivering a long-term pipeline of high-value, high-skilled jobs in Somerset. Gravity will provide a transitional opportunity beyond Hinkley Point C nuclear new build for both the workforce and the supply chain, and build on existing strengths in Somerset and the wider South West to catalyse new clean and sustainable economic growth through a proactive, market-led approach. It will attract international, large scale inward investment and support the growth of new sectors and businesses.</p>	
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	<p>LDO Stakeholder Engagement</p> <p>LDO Preparation Stage</p> <p>There is legislative context governing the LDO process. LDOs were introduced by the Planning and Compulsory Purchase Act 2004 and grant planning permission for the specific type of development detailed in the LDO. These primary powers were amended by the commencement of section 188 of the Planning Act 2008 in June 2009 and more detailed legislative provisions on LDOs are contained in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990 (as amended) and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended (DMPO).</p> <p>For the Gravity LDO a bespoke approach to stakeholder and community engagement was taken which followed best practice. Open and ongoing engagement with the local community, businesses and other stakeholders took place in advance of and during the LDO process. The engagement was multi-faceted using different tools, methods and channels to involve as many people as possible. A Gravity LDO Delivery Group was set up to facilitate the delivery of the Gravity LDO and organisations (including key planning statutory and non-statutory consultees) from across several sectors signed a Memorandum of Understanding and Project Charter which sets out the project aims and methods of working collaboratively. The role of the Delivery Group was valuable as the preparation of the LDO progressed, ensuring co-operation around meeting market needs (commercial), planning, technical input, and support and to assist in delivering specific activities as appropriate and within the agreed areas of work. Community engagement both locally near the site, face to face, and via digital means during the pandemic was facilitated and there was an overriding support with feedback to deliver jobs and quickly.</p> <p>When considering this context and whilst this consultation response is in relation to the Gravity LDO, there are also two other existing LDOs that have been adopted in the new Somerset Council administrative area, one in relation to Small Scale Employment Space and another in relation to Nexus 25 Employment Site. We therefore consider that the Statement of Community Involvement for Somerset should refer to LDOs, acknowledge existing LDOs within Somerset have undertaken comprehensive, bespoke stakeholder and community engagement through their preparation process, and set out a process for stakeholder and community engagement to ensure that is set within the context of a focus on delivery and a simplified planning regime through the LDO as an appropriate planning tool.</p> <p>We therefore recommend that a section should be added under part 4 Planning Policy and could read as follows:</p>	
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4.6 Local Development Orders

Local Development Orders (LDOs) are positive planning tools which provide the opportunity to incentivise development in a particular location by simplifying the planning process and making investment more attractive. They support the delivery of a site by effectively granting consent for particular types of development that the Local Planning Authority wish to see come forward by setting development parameters or zoning. They are proactive in reducing uncertainty and acting as a marketing and delivery tool by offering a quicker and more agile planning process.

LDOs can improve the speed of decision-making and improve certainty for landowners, communities and developers. They are flexible and can be used for different uses and types of development. LDOs are gaining increasing importance as the government encourages local authorities to streamline planning, increase certainty and reduce delays and costs in delivering sustainable development, such as encouraging reuse of brownfield land.

LDOs represent a fundamental shift from the traditional planning approach. LPAs can initiate development activity by granting permission for the kind of development that they want to come forward as opposed to waiting for the market to bring forward proposals. With an LDO in place the planning process should be simplified, less risky and faster. For developers there is no need to prepare a planning application, establish the principle of development, pay fees or wait for a decision (though a prior approval process may remain to sign off necessary conditions). They can therefore play an important role in incentivising development by simplifying the planning process and making investment more attractive. An LPA using this pro-active approach can enhance the reputation of an area as an attractive place to do business, enabling faster and more flexible delivery of development priorities.

It is a requirement that LDOs are the subject of statutory consultation by the LPA. LDO consultation procedures are set out in article 38 of the Town and Country Planning (Development Management Procedure) Order 2015 (DMP0 2015). However prior to the formal consultation process, an informal, non-statutory consultation is encouraged as LDOs should be prepared collaboratively and briefings should be provided to Members and the local community. Mechanisms such as a Delivery Group, a Memorandum of Understanding and Project Charter should be used to engage stakeholders and encourage collaborative working.

LDO Compliance Stage

It is also noted that Appendix 3 – Statutory publicity requirements, does not mention LDOs, this section should reference LDOs in relation to compliance submissions, noting that there is no statutory requirement to undertake further engagement or consultation at that stage.

	<p>However, each LDO will be bespoke and any engagement at that stage will be set out in the respective, adopted LDO.</p> <p>The bespoke approach that was taken in relation to the Gravity LDO through the preparation process followed best practice and achieved a positive outcome. A notification process is agreed at the compliance stage and through the governance and monitoring and evaluation processes associated with those, as set out in the Gravity LDO s.106 agreement. This builds on the community experience through the Hinkley development consent order implementation process. The Gravity LDO represents a robust example of an LDO successfully engaging with and involving key stakeholder and community. Lessons should be learnt from this success and applied to any future LDOs that may come forward within the administrative boundary of the new Somerset Council.</p> <p>Conclusion</p> <p>LDOs are an order that is made by a LPA under the Town and Country Planning Act 1990 that grants planning permission for a specific development proposal or classes of development. Once an LDO has been adopted and the Secretary of State have been notified, the LDO must be placed on the Planning Register.</p> <p>The Gravity LDO is on an Enterprise Zone which provides the simplified planning regime required to facilitate business rates retention locally. The LDO is a positive planning tool that will support the development of this large brownfield site as it consents up to 1.1 million square metres of commercial floorspace as part of a Smart Campus focused on advanced manufacturing and targeted at Gigafactory scale development, capable of supporting somewhere in the region of 7,500 high-value, high-skilled jobs, up to 750 units of associated residential accommodation and reinstatement of a rail line on site.</p> <p>For the Gravity LDO a bespoke approach to stakeholder and community engagement was taken which followed best practice. Open and ongoing engagement with the local community, businesses and other stakeholders took place in advance of and during the LDO process. The engagement was multi-faceted using different tools, methods and channels to involve as many people as possible. The bespoke and best practice form of community and stakeholder engagement should be referenced in the Somerset Statement of Community Involvement to support any future LDOs and to ensure that is set within the context of a focus on delivery and a simplified planning regime through the LDO as an appropriate planning tool.</p> <p>Reference should be made to LDO Compliance Applications within Appendix 3 as each LDO will be bespoke and any engagement required at this stage will be set out in the respective, adopted LDO.</p>	<p>Comments noted. Given the consultation requirement of compliance submissions will be bespoke for each LDO it is not considered appropriate to put details in the appendix of the SCI in this regard.</p>
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		We hope that these comments will be useful in finalising the Statement of Community Involvement to ensure that it recognises the positive contribution that LDOs make to the planning system, the economy, the environment and the community.	
149	Mendip Hills AONB	<p>Thank you for giving the Mendip Hills AONB Unit the opportunity to comment on the above consultation.</p> <p>The Countryside and Rights of Way (CROW) Act 2000 confirmed the significance of AONBs and Section 85 places a statutory duty on all relevant authorities to have regard to the purpose of conserving and enhancing natural beauty when discharging any function in relation to, or affecting land within an Area of Outstanding Natural Beauty. The Mendip Hills AONB Partnership produced the Mendip Hills AONB Management Plan 2019-2024 as required by the CROW Act on behalf of the joint local authorities (adopted by North Somerset Council, Bath & North East Somerset Council, Somerset County Council, Sedgemoor District Council and Mendip District Council) and is a material consideration. The Management Plan under paragraph 1.4 sets out a Statement of Significance on the special qualities of the Mendip Hills AONB that create the Mendip Hills sense of place and identity and these include retaining dark skies and a sense of tranquillity, views from the Mendip Hills AONB and a landscape enjoyed by people for a range of quieter activities due to the tranquillity of the area. Paragraph 3.8.13 within the Management Plan highlights that;</p> <p><i>‘Noise and activity arising from developments together with lighting can have an adverse impact on the areas tranquillity and dark sky and protected species including bats. Mapping of light pollution has shown that the area of dark skies in the Mendips is shrinking. The AONB Partnership Position Statement on Dark Skies seeks local authorities and others to minimise the impact of lighting.’</i></p> <p>As set out in Natural England’s National Character Area (NCA) profile for the Mendip Hills (141), the area is <i>‘renowned for its tranquillity and inspirational qualities ...’</i> The NCA further recognises that <i>‘Light pollution from development threatens the extent of the recognised dark skies and out-of-character development is a continuing risk to the essential nature of the area.’</i> Within the NCA Statement of Environmental Opportunity under SEO1 it sets out ‘Safeguard inward and outward views and to the distinctive hill line and conserve and enhance the special qualities, tranquillity, sense of remoteness and naturalness of the area’.</p> <p>The National Planning Policy Framework 2021 (NPPF) highlights under paragraph 176 that <i>‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues... The scale and extent of development within</i></p>	

	<p><i>these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid impacts on the designated areas'</i></p> <p>Furthermore paragraph 177 states; <i>'When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development 60 other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest...'</i></p> <p>Further considerations related to such applications are set out under paragraph 177 in full. Paragraph 185 of the NPPF further sets out that;</p> <p><i>'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:</i></p> <ul style="list-style-type: none"> <i>a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from the new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life 65;</i> <i>b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and</i> <i>c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.</i> <p>The recent DEFRA 25 Year Environment Plan sets out under paragraph 2.2.1 that <i>'Some of England's most beautiful landscapes and geodiversity are protected via a range of designations including National Parks and Areas of Outstanding Natural Beauty... Over the next 25 years we want to make sure they are not only conserved but enhanced.'</i></p> <p>Appendix 1 of the Statement of Community Involvement identifies the Mendip Hills AONB (National Landscape) Partnership as a 'Specific Consultation Bodies'. We wish it to be noted that from mid-2024 all National Landscapes will become statutory consultees, and therefore Mendip Hills AONB National Landscape should be listed under 'Duty to Cooperate Bodies'.</p> <p>SCI Chapter 5 Planning Proposals (Development Management), page 17, at present both Mendip and Sedgemoor LPAs notify the AONB Service concerning proposals in the relevant parishes/town council areas listed below, in line with the 'Duty of Regard';</p> <p>Mendip – St. Cuthbert Out, Rodney Stoke, Priddy, Westbury Sub Mendip, Wells Town Council</p>	<p>We note that the governments landscapes review and Defra proposal to strengthen the powers of AONB, including making them a statutory consultee for planning applications. The SCI can be updated if and when this is implemented. We are not aware of proposals to identify AONB as a duty to cooperate body for plan making.</p>
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150	The Coal Authority	<p>Thank you for your notification received on the 1st February 2023 in respect of the above consultation.</p> <p>The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that within the Somerset County area there are recorded coal mining features present at surface and shallow depth including; mine entries, shallow coal workings and reported surface hazards. These features pose a potential to surface stability and public safety.</p> <p>The Coal Authority's records indicate that surface coal resource is present in the area, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application process consideration should be given to such advice in respect of the indicated surface coal resource.</p> <p>It is noted however that this current consultation relates to a Statement of Community Involvement and I can confirm that the Planning team at the Coal Authority have no specific comments to make on this consultation.</p>	Comments noted.
151	Cranborne Chase AONB	<p>I have read your SCI document and see that Cranborne Chase [please spell the name correctly] AONB is only mentioned in Appendix 1 and that is in connection with consultations on Local Plan matters. That seems to be a significant reduction on the current consultation</p>	Comment noted, spelling of Cranborne Chase to be updated.

		<p>arrangements with Somerset County Council, South Somerset Council, and Mendip Council where the AONB Partnership is consulted on planning policy and development management matters as set out in the Planning Protocol incorporated in the AONB Management Plan 2019-24.</p> <p>Presumably Somerset Council will inherit all the commitments and roles in relation to all the AONBs within the Somerset County Council area, so this AONB Partnership would envisage at least a similar level of involvement. The current SC SCI does not seem to do that, so I trust the document will be modified to reflect that situation.</p>	<p>Yes, the AONB will continue to be consulted on applications affecting there interests as previously. They are not listed in the Appendix in terms of statutory consultees for planning applications as they are not currently identified in legislation as a statutory consultee.</p> <p>Yes – the same involvement in AONB units will continue going forward, including previously agreed consultation thresholds and triggers. These would only be amended in the future with agreement from the relevant AONB units.</p>
152	Environment Agency	<p>Thank you for referring the above Statement of Community, which was received on 1 February 2023.</p> <p>I note that we are identified as a statutory consultee and look forward to working with you on the progress of the Local Development Framework.</p> <p>Should you require anything further of me at this stage then please let me know.</p> <p>Please quote the Agency's reference on any future correspondence regarding this matter.</p>	Comments noted.
153	Norton St Philip PC	<p>Norton St Philip Parish Council (the PC) welcomes the opportunity to comment on this document, which it regards as critical to the democratic future of the new unitary authority. Involving local communities should be an essential part of the planning process.</p> <p><u>4.1 The Local Plan</u></p> <p>The PC has grave concerns about the mechanisms suggested for the involvement of PCs and the communities they represent during the Local Plan making process.</p> <p>The new Local Plan will have a huge affect on the new authority's Districts, Parish Councils and residents. It is critical that rural communities and their Parish Councils are fully consulted at each stage of the Plan making process. Parish Councils are the tier of Local Government closest to these communities and it is fundamentally important to involve them at the earliest opportunity.</p>	<p>Comments are noted, specifically the below:</p> <p>"The PC requests that a commitment is made to:</p> <ol style="list-style-type: none"> 1) Engage with Parish Councils during the research stage of the Local Plan Making process 2) Share information relevant to the PC and local community 3) Discuss local issues and potential options 4) Consider and evaluate feedback from PCs and their communities

	<p>It is of great concern to the PC that although Parish Councils are listed as one of the “Specific Consultation Bodies” there is no more consultation proposed with them than other statutory bodies. This is surprising as the Local Plan Policies will be, as the NPPF states, <i>“a platform for local people to shape their surroundings.”</i> The NPPF also makes it clear that Local Plans should <i>“be shaped by early, proportionate and effective engagement between plan- makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees”</i> (§16c)</p> <p>Of particular concern to the PC is the apparent absence of informal consultation at a local level at an early stage in the Plan Making process. The PC suggests this should include an “Issues and Options” consultation as carried out by MDC during the preparation of LPP2. Such a consultation exercise would be the ideal forum to explore options and raise local issues.</p> <p>Instead of this, the proposals seem unclear. The summary box on page 6 states: <i>“Evidence gathering and identification of issues for the Local Plans:</i> • <i>The Council researches and gathers evidence to guide the content of the Local Plan. In this early stage of plan production, informal engagement can continue throughout this period and using a variety of formats.</i> <i>The Council may use methods such as workshops or surveys to ensure that the Council receives the relevant specialist and local opinions at an early stage. Where appropriate, individuals and parties on the Council’s consultee database will be notified.”</i></p> <p>There should be an unequivocal commitment to engage with communities and their elected representatives at an early stage; to put forward options for community involvement and discussion and for the result of this consultation to be appropriately considered. The Draft SCI merely says that Council will <i>“research and gather evidence”</i>; and that it <i>“may use methods such as workshops or surveys”</i>.</p> <p>The evidence gathering summary goes on to state: <i>“Dedicated briefings and workshops may be held for specific evidence base studies. Invitations to attend will depend upon the subject matter and targeted consultation may be undertaken with specific interest groups to check the findings or look at information in more detail.”</i></p> <p>The PC considers that this statement gives no assurance whatsoever that communities will be involved at the evidence gathering stage. Again, there is no commitment to local engagement here; simply a woolly statement that the Council <i>“may”</i> choose to involve <i>“specific interest groups”</i>.</p>	<p>5) Ensure that the needs of the communities are addressed and wherever possible met”</p> <p>Regarding Neighbourhood Planning, the SCI sets out the LPA’s statutory duties but also sets out how the LPA will advise and assist qualifying bodies, including on advising on national and local policy, providing SEA reports, sharing related evidence base etc. There is also grant funding available (e.g. via locality) to support parish councils in the production of their Neighbourhood Plans.</p>
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		<p>The PC requests that a commitment is made to:</p> <ol style="list-style-type: none"> 1) Engage with Parish Councils during the research stage of the Local Plan Making process 2) Share information relevant to the PC and local community 3) Discuss local issues and potential options 4) Consider and evaluate feedback from PCs and their communities 5) Ensure that the needs of the communities are addressed and wherever possible met <p>The PC suggests that without these commitments the Local Plan process will not be a democratic one.</p> <p><u>4.3 Neighbourhood Development Plans</u></p> <p>The PC is concerned that there is no statement of support for the principle of Neighbourhood Plans; neither is there any commitment to:</p> <ol style="list-style-type: none"> 1) Nominate a Council Planning Policy Officer as the point of contact. 2) if considered appropriate and constructive, attend meetings where such attendance by the nominated Officer would assist the Neighbourhood Planning Group. 3) be actively and constructively engaged during the Neighbourhood Plan making process including the requirements for community engagement and the statutory periods of consultation (S14 & S16). 4) respond as quickly as possible to requests for assistance from the designated body. <p>The Draft SCI goes no further than committing the Council to the statutory requirements. Much more than the minimum is needed from the Council in assisting Neighbourhood Planning groups.</p> <p><u>Summary</u></p> <p>Adopting a SCI is likely to be a priority for the new Somerset authority. NSP PC recognises the urgent need to have a SCI in place. Nevertheless, the aim of achieving a high level of accessibility and community involvement is not addressed in the current Draft. The PC would like to see greater detail of how the authority will encourage and facilitate community involvement from the earliest stages of the making of Planning Policy. This involvement should be open, transparent and easily accessible.</p>	
154	Fivehead PC	<p>Fivehead Parish – suggestions for improved working</p> <p>Communication Provide a direct line of communication between the Parish Council and the Case Officer, this would assist in discussing technicalities and deadlines etc.</p>	<p>Response in relation to communication:</p> <p>The time period for planning applications consultations are set out in legislation.</p>

	<p>Parish Council meetings are usually held monthly; allowing at least 4 weeks for response would remove the need for extensions or special meetings, especially as it takes an average of 6 months to determine an application.</p> <p>Publish extensions to the determination deadlines.</p> <p>Provide a facility for the public to submit photos.</p> <p>Scrutiny</p> <p>Improve the scrutiny between the application forms and the supporting documents; the information quite often contradicts, particularly on measurements and environmental details. This scrutiny would be assisted if the 'planning constraints' section were completed on the website.</p> <p>Include the size of the development, numbers of parking spaces (based on SCC Parking Standards) and classification of development (major/minor etc) on the 'further details' page on the website.</p> <p>Ensure the design plans submitted include meaningful measurements, i.e., heights and distances from boundaries etc.</p> <p>Include key issues and reports in pre-determination assessment. Communities are excluded from expressing an opinion when areas such as design, drainage and access are finalised post determination.</p> <p>Arrange documents on the website under topic headings (Highways, Environment, Drainage etc) for ease of navigation.</p> <p>Publish documents separately that arrive attached to emails. When published as a single document, the attachments are not visible. (Reported many times).</p> <p>Officer's Report</p> <p>Explain the reasons for not following the SCC Parking standards and consultees recommendations in the Officer's Report.</p> <p>Post-determination</p> <p>Publish the Planning Conditions with a schedule of when they should be completed (pre-commencement, groundworks, construction, pre-occupation).</p> <p>Email all commenters and neighbours details of determination and planning conditions schedule.</p> <p>Publish pre-discharge reports with an opportunity for the Parish Council to respond</p> <p>Publish follow up work checking compliance with planning conditions.</p> <p>Enforcement</p> <p>Provide an effective reporting tool for breaches with the ability to submit further evidence after initial submission, rather than having to start a new form and ending up with multiple reference numbers for one issue.</p> <p>Provide updates on the investigations regarding breaches (updates not always received, apart from the initial acknowledgement email).</p> <p>IT</p>	<p>We can confirm notification letters include case officer contact details.</p> <p>Officers will continue to be flexible regarding agreeing extensions of time (beyond 21 days) so Parish councils can consider applications at parish meetings. This will be updated in the SCI (page 18).</p> <p>Where new timescales are agreed these are reflected on the planning portal.</p> <p>Whilst some of the planning areas have the ability to upload photos through planning online where this is not available respondents can email these in for consideration. This facility will be considered as part of service improvement.</p> <p>Response in relation to Scrutiny:</p> <p>Submitted material and plans are reviewed in detail against national and local validation requirements.</p> <p>Communities can comment on matters of design, drainage and access. Submitted documents including any supporting technical reports are made available on the website.</p> <p>Points regarding availability of documents and improvements sought on how information is displayed on the website noted. These will be shared with the somerset south area.</p> <p>Regarding Officer reports these should explain the reasons why there are</p>
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155	Individual – Richard Mawer	<p>In the New Planning Constitution and committee document, it says:</p> <p>3.1 All of the functions set out in Para 1.1 above, will be delegated to the relevant area based (these will be known as North, East, South and West) Planning Committees save for the following: • Waste and Minerals planning applications where the proposed decision is to overturn the Officer recommendation. Such applications will be automatically referred up to the Strategic Planning Committee who will determine the matter at resolution stage in place of the area-based Planning Committees.</p>	<p>Committee reports are published on the Councils website prior to the committee meeting. If it a delegated decision by an officer then the decision notice will be made available publically on planning online.</p>

		<p>One simple question... how can we know a proposed decision if it has not been to a planning committee, heard the objector views, had cttee members discuss the issues etc? Seems a strange change to current SCC policy?</p> <p>I look forward to hearing from you,</p>	
156	Frome Civic Society	<p>Frome Civic Society reviews and responds to all planning and listed building applications submitted within the Frome area: some 300 per annum. We are incorporated with the Frome Society for Local Study, a charity, and also a member of Civic Voice, the national charity for the civic movement.</p> <p>With a population of 28,559 (2021 census), Frome is the largest settlement in the present Mendip District (Somerset Planning East) and the fifth largest in the new Somerset Council area. It is situated at the extreme east of the region and arguably has a greater affinity with the East Wiltshire towns of Trowbridge, Warminster and Westbury, and indeed with Bath and towns in the BANES area, than with the rest of Somerset. The average journey time from Frome to Taunton is 1.5 hours by car and over two hours by rail. It is perhaps telling that none of the main community groups in Frome received direct notification of the present consultation.</p> <p>We find the draft SCI to be very much a standardized, 'follow for style' document and pinned to minimum requirements rather than seeking to identify and follow national best practice. It would be fair to say that we have, for various reasons, suffered a deficit of local democracy under Mendip District Council. We fear that this will be replicated if the proposed Area-based planning structure adheres to embedded practices and protocols. We cannot speak for other Districts joining the new authority but none are particularly large and all have probably suffered from shortages of resource which may have held back the adoption or implementation of best practice. The new unitary authority should be able to command the enhanced resources and efficiencies to develop first-rate communications with all its constituents.</p> <p>Our comments below will, hopefully, suggest ways in which local community involvement can be energised to overcome the prospective problems of such a dispersed (and, for us, remote) LPA. Somerset Council has one opportunity to set itself up as an exemplar in local democratic consultation - that should be embraced to the full.</p>	<p>The SCI sets out that a variety of consultation methods will be used. Preparation of the Local Plan will not be</p>

	<p>4.1 and Appendix 1. The Local Plan: who we will notify, consult and involve in plan making.</p> <p>The community of Frome has been severely impacted by the catastrophic failure of Mendip District Council to update or review its local plan, which has all but destroyed the town's ability to manage its growth, correct its housing/employment imbalance or maintain its sustainability. It has left us prey to high levels of inappropriate speculative development. We are therefore looking to Somerset Council to ensure that genuine local engagement in a new Local Plan is timely and thorough. It is entirely insufficient to publish information on the Council website and there should be a much more proactive stance in reaching constituents.</p> <p>Duty to Co-operate bodies. Given Frome's location on the boundary of two other Local Planning Authorities, it is important that Somerset Council sets out specific criteria as to which authorities are to be consulted at each stage in plan-making. Major developments in the former Mendip District clearly interact with those on the other side of county boundaries. For example, Frome has a chronic employment deficit resulting in unsustainable out-commuting across LPA boundaries. Cross-boundary cumulative impacts need to be a fundamental element in evidence gathering and identification of issues for the Local Plan.</p> <p>General consultation bodies. How will these be identified? When, how and by whom will this exercise be carried out? Who will maintain and update the list? As a Civic Society we are not included at all in the standardised list at Appendix 1. Why? Civic Societies, Civic Trusts, Improvement or Preservation Societies and so forth are the country's most numerous participants in the land use planning system. We are independent, voluntary guardians and promoters of good placemaking. We cover all aspects of planning - housing, employment, environment, heritage, transport, public services, residential amenity, design and the public realm. Please will Somerset Council be brave enough to step outside the standard anodyne guidelines from the start and allocate a specific category to civic and amenity organisations which represent whole communities and places, and not just 'special interest' groups.</p> <p>Residents and others with an interest: the commitment to inform at every stage of the planmaking process must be as robust as possible and should include individual communication with council tax and ratepayers and not just 'general publicity campaigns'. We would hope to see active promotion of online registration and postal address lists.</p> <p>4.2 Supplementary Planning Documents</p>	<p>limited to just publishing the documents on the website.</p> <p>Preparation of the next Local Plan will need to comply with relevant duty to cooperate requirements, including statements of common ground in relation to cross-boundary matters and preparation of a duty to cooperate statement for plan submission.</p> <p>Agree – civic societies, civic trusts and preservation societies will be included as examples of general consultation bodies in Appendix 1.</p> <p>As well as publicity online registration will be actively promoted. Individual postal notification of residents may be justified in certain instances for a specific geographic area.</p> <p>Whilst not a matter for the SCI SPD's inherited from the previous districts will continue to have the same weight as before in planning decision for their relevant geographic area. Going forward they may be examples where amalgamating SPD is beneficial to ensure a consistent approach on a particular topic across the Council.</p>
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	<p>Somerset Council will inherit a large number of existing SPDs from its four constituent parts. Will these all be automatically adopted and what will happen in the future? Just as examples, will guidance for shopfronts or green spaces be amalgamated into 'one-size-fits all' SPDs or will local identities be respected?</p> <p>4.5 Conservation Area Appraisals and boundary reviews</p> <p>Conservation Areas are designated heritage assets. Much of Somerset depends for its tourist and leisure economy on the quality and character of its built heritage, so the county cannot afford to neglect such a vital asset. Regardless of legal requirements, we are shocked by the wholly inadequate proposal to 'consider how best to inform local people' of appraisals and boundary reviews. There should be effective consultation procedures involving, as a minimum, the town or parish council, local civic, heritage and amenity societies, and directly or indirectly affected residents, all of whom can contribute vital local knowledge and understanding.</p> <p>Conservation Teams. The failure to protect Conservation Areas has been exacerbated in the Mendip area by the extreme shortage of conservation resource within MDC, which does not even have enough officers properly to review LBC applications, let alone planning applications involving Conservation Areas, the setting of listed buildings or buildings of local importance. Given that Frome, Wells and Shepton Mallett rank as the first, third and fourth settlements in the country for the number of listed buildings (all Taunton wards together only rank second), we call on Somerset Council to establish a strong, independent local Conservation team for the Planning (East) area without delay.</p> <p>Local Listing. We also need to see as a matter of urgency the establishment of a formal Local Listing process, informed by Somerset HER, local heritage interest groups and property owners.</p> <p>There is at present an almost complete disregard of the status of non-designated heritage assets which include buildings rated as Positive within the Conservation areas.</p> <p>5.2. Planning Proposals: pre-application stage</p> <p>Pre-application advice. Officers providing pre-application advice must be fully familiar with the relevant area. Even within Mendip District, we have seen officers steering applicants in directions that are inconsistent with local priorities on matters such as design, transport or sustainability. This only becomes apparent when the application is submitted and we are left in</p>	<p>With regard to conservation areas the SCI sets out the legal context in terms of consultation on conservation area appraisals, but wording could be more positively worded around engaging with local groups and town/parish councils as part of the process. This will be updated in the SCI.</p> <p>The Council is aware of the resource pressures in relation to conservation officer as well as the wider planning function. Adequate resourcing across the unitary area and the recruitment of staff will be being considered in detail as part of the ongoing restructure.</p> <p>There is ongoing dialogue between the conservation officers and Somerset HER regarding the local listing process. The NPPF is clear regarding the weight to give non-designated assets in the decision-making process based on their significance.</p> <p>Comment noted.</p> <p>SCI can set out some examples of methods that applicants can use to engage with the local community. The LPA can however only encourage pre-app engagement, not require it, or require that it must follow a set process.</p>
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	<p>the invidious position of trying to reverse inappropriate and potentially harmful advice.</p> <p>Pre-application consultation with the local community. We would welcome strong and specific guidance from the council to applicants on what form this should take. We all know that these 'consultations' are frequently peremptory or simplistic, poorly advertised or plain misleading. They often overstate the benefits and understate the harms. Commitments made in consultations should be specific and applicants held to account if promises made to secure 'community support' do not appear in the final application.</p> <p>5.3 Planning proposals - application stage</p> <p>Proportionality. What does 'consultation will be proportionate to the application being considered' mean? Will the case officer decide who to consult on the basis of their belief in what they consider 'proportionate'? in practice this would be extremely opaque and entirely rely on the understanding and judgement of an officer who may have limited or no awareness of the detailed physical context of an application, or the cumulative impact of a number of applications. A precautionary principle should be that all applications are notified to neighbours.</p> <p>Non-statutory consultees. This again is left for the officer to decide 'on a case-by-case basis'. Given the limited period of 21 days to be notified and respond to consultations, a clear direct method of alerting interested parties and bodies to a particular application within their geographical sphere of interest must be established. Merely having an 'online consultation portal' is inadequate. Weekly lists of validations (and decisions) should be available and also the facility for people to register for alerts within defined areas.</p> <p>Conservation Area applications. Interested bodies, and all neighbours, not just immediate neighbours, must be properly consulted on individual Conservation Area applications, as local knowledge and historic context are fundamental factors in their determination.</p> <p>Publicity. The 'Statutory Publicity Requirements' at Appendix 3 are the legal minimum and fall well short of best practice. The distinction between various applications and levels of consultation required is prejudicial to certain types of application. For example, applications that do not conform to the Local Plan or those that affect the setting of a listed building or Conservation Area appear exempt from the requirement to notify neighbours or other interested</p>	<p>Neighbours are notified in accordance with statutory publicity requirements (appendix 3 of SCI). With regard to consultation with non-statutory bodies as element of judgement will always be needed, taking into account the scale and nature of development.</p> <p>This will be amended in the SCI to flag that non-statutory consultees will be consulted in line with agreed thresholds and triggers. Planning online website have the ability to view weekly lists and sign up to alerts.</p> <p>The Council will ensure the appropriate publicity of applications. Often officers will go above the minimum requirements in terms of site notices and notifications to publicise applications.</p> <p>We note the comment regarding the time scale for comments to be uploaded. Where there are a large number of applications for teams to process comments for the SCI sets a realistic time period.</p>
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	<p>parties other than statutory consultees. These types of development are some of the most contentious and require public scrutiny. In our view ALL applications require a Site Notice, and all should have consultation letters sent to neighbours and those nearby an application site. There is no mention of Advertisement consent applications. These often have a disproportionate visual impact. These should also be accompanied by site notices and neighbour notifications.</p> <p>Planning Portal. Our expectation is that Somerset Council will introduce a planning portal that is fit for purpose, as the existing MDC portal is not. Applicants' documents are sometimes not put on the Portal at all, which is negligent on the part of the LPA. Comments are often uploaded very late or not at all. Some comments are misdirected to a different application. It is therefore not encouraging to read that Somerset Council 'will endeavour' to upload comments within 5 working days of receipt. All comments should be online as quickly as possible, given the very short consultation period of 21 days. This is important for both transparency and democracy.</p> <p>Submitting comments. The proposal to restrict comments to online submission discriminates against a significant minority who do not have online access. Other options must be available. On behalf of civic societies such as ourselves and other constituted groups we ask that the 'commenter type' should not follow the MDC model which forces us to register as a 'member of the public' but should adopt the model (e.g. as used in Bristol) which includes the category 'amenity-residents group'.</p> <p>Publication of comments. On the MDC portal, all comments appear on the documents list. This makes major applications, which may involve hundreds of responses and application documents, impossible to navigate. Comments should be in the comments section unless they are submitted as documents (usually because they include supporting images) and cannot be contained there. Ideally the Comments section itself should permit images to be uploaded.</p> <p>S106 agreements. In the interests of transparency and accountability, Section 106 agreements should be published on the planning portal with the other case documents. These have traditionally been opaque agreements between the District Council and applicant. The impact of works undertaken as a consequence of these agreements may have a significant impact on residents and the quality of the environment.</p> <p>Planning Committee terms of reference</p> <p>Although this is not included in the SCI consultation, we would like to take the opportunity to comment on the proposed arrangements for public involvement at Planning Committees, and</p>	<p>Agree – the SCI will be amended to be clear that comments can be submitted via email and post, as well as online.</p> <p>This will be fed back to the planning east team as an area of potential service improvement.</p> <p>S106 agreements are published as public documents on the planning online website when the decision is issued.</p> <p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking. There are agreement in place that the committee arrangements (including referral processes) will be kept under review.</p>
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		<p>refer to the present version of Part D of the constitution, Planning Committee Procedure Rules (Terms of Reference).</p> <p>(7.21). We welcome the proposal that a total of 15 minutes be allowed to members of the public to speak in objection or support. This is a great improvement on the brutal practice in MDC of permitting only 3 minutes on each side in total, which has not infrequently led to a significant democratic deficit, especially when a 'first come, first served' supporter or objector, often politically motivated, takes the only available slot.</p> <p>(8.6d, 8.7d, 8.8d.) We are very concerned about the proposal that the Chair and/or Vice chair of an Area-based Committee will decide whether a non-major development is allowed. This does not represent normal practice and indeed seems open to conflicts of interest. It plainly should not be the responsibility of any Member to determine whether an application is referred to their own committee. In a recent high-profile case in Frome, a decision was made by the Planning Board Chair and Vice-chair to agree with the Officer's recommendation rather than allow it to go to the Board. This was despite the fact that there were 27 objectors, none in favour, further objections from all ward councillors, Frome Town Council, and Frome Civic Society. This is extremely disempowering for local democracy. We are not suggesting that all call-in requests should be automatically granted but a system should be established whereby this will be the case if certain conditions are fulfilled - for example, if both the Town Council and the Ward Councillors wish to call in, or if there are a certain number of objectors.</p> <p>We hope that our comments above will be taken into account and will of course be happy to clarify any points.</p>	
157	Natural England	<p>Thank you for your consultation request on the above dated and received by Natural England on 1st February 2023.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications. We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to</p>	Comments noted.

		<p>consult us, can be found at: https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice</p> <p>We now ask that all planning consultations are sent electronically to the central hub for our planning and development advisory service at the following address: consultations@naturalengland.org.uk</p> <p>This system enables us to deliver the most efficient and effective service to our customers.</p>	
158	Individual – K. Viney	<p>It has been suggested that the new unitary authority is, in planning terms, going to spend its initial period of time reviewing and reaffirming the planning applications already resolved previously under the two-tier system.</p> <p>Given the huge impact of the Natural England / Phosphates situation right across southern England but especially in Somerset this seems odd.</p> <p>If it is true that 200,000 houses approved for planning and development (Source: Savills) are already in the system and presumably in the allocations and wider planning across the County and are now only being held up by the Phosphates fiasco it seems extraordinary and frankly self-indulgent for the new authority to revisit these decisions. One might, if one were of a cynical frame of mind, think this is politically driven rather than out of any planning need or necessity.</p> <p>I am sure that is not the case but I think such action does need some accountable and logical explanation given the ongoing impact on housing and other developmental provision this is likely to involve across the county in the coming months and years</p> <p>Surely a more sensible use of Unitary time would be discussing with the Water Companies the now clear and explicit need for them to upgrade their Water Treatment Works to remove the Phosphates from all residential sources and clear the way for new housing across Somerset and indeed now most of southern England?</p>	The Council will ensure all legal requirements and due process is followed with regard to applications where there has previously been resolution.
159	Individual – Cllr Helen Kay	<p>Thank you for the opportunity to comment on the SCI up to 31st March 2023. My apologies for this 11th hour submission but I am not officially 'at work' for a few weeks but am trying to keep up. Overall the document appears to take a no frills approach that does not go above and beyond the basics.</p> <p>Re page numbers:</p> <p>Re Page 6: "• The Council develops a draft Local Plan (or partial review of the plan) containing</p>	

	<p>proposed policy approaches. The Draft Local Plan undergoes a formal consultation period under Regulation 18 ...”</p> <p>I am concerned about HOW and WHO puts together these initial policy proposals? They should reflect our values but could pull us in opposite directions eg the ‘need’ for new roads in order to facilitate economic development versus the ‘need’ for green infrastructure and wildlife corridors. Will these be addressed in different sections or will the trade-offs be made explicit? Will there be ‘options’ as in old Structure Plans? Will this draft Local Plan be debated by cllrs before going out to the public and if so, will it in reality be fixed by then?</p> <p>Might the info on page 13 about NDO and CRtBO proposals apply here ie. “Whilst proposals are subject to formal consultation, it is really important to engage with <i>councillors</i> (<i>substitute for ‘communities and stakeholders’</i>) from the beginning of the process. This helps to ensure that <i>councillors</i> are aware of emerging proposals, well before the formal consultation stage. Importantly, early engagement means that the knowledge and views of a wider range of people inform the content (of the NDO or CRtBO). This means that <i>councillors</i> (<i>people</i>) can influence the fundamentals (of NDOs or CRtBO), rather than being limited to tweaking matters of detail.(For CRtBOs,) the outcomes of early engagement can inform the development brief.</p> <p>Re page 6: “Other methods that may be used to involve people in the consultation include videos, quick polls, workshops, presentations, surveys, newsletters, forums, or drop-in events.” I welcome the inclusion of presentations and workshops which should include Local Community Networks.</p> <p>I think there should be a cross party and cross Somerset representative group of cllrs working alongside officers to manage (or failing that to scrutinise) this process and the consultation materials going out, in order to facilitate a balanced approach, balanced questions and emphasis.</p> <p>Re page 9: Anyone on a Local Plans postal database with one of the former District or County Councils in Somerset will need to re-provide us with postal details due to the General Data Protection Regulation (GDPR).</p> <p>The onus should be on the new Unitary authority to write to the former district Local Plan consultees inviting them to re register</p> <p>Re page 16: Section 5.2:</p> <p>I am not sure if it should go here, but at Mendip we have a very good application check-list that developers are asked to fill in that covers Environmental Sustainability. Will that be carried over? If not, this sets rock bottom expectations of our developers.</p> <p>Page 21: Monitoring and Review Legislation requires the SCI to be updated every five years. It will be reviewed to ensure it meets any national regulations, the needs of the community and our <u>corporate objectives</u>.</p>	<p>The purpose of the SCI is set out how the Council will engage in plan making. The SCI simply sets out the stages of plan production in relation to this, including regulation 18. The various planning considerations and how these should be balanced in deciding on development and infrastructure requirements will be a key aspect of Local Plan consultation and debate between Councillors on the various committees and working groups right through the plan production process.</p> <p>Agree – there will be a need to establish a cross party and cross Somerset group of members to scrutinise the Local Plan process and make recommendations at key stages of consultation. Local Community Networks will be included in the SCI under general consultation bodies.</p> <p>The Council will seek to re-engage with those who have previously been involved in plan production, but the council must abide by GDPR requirements in relation to personal data and postal addresses.</p> <p>A number of the former planning areas had climate change and sustainability checklist requirements. Work is ongoing to ensure</p>
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	<p>I believe this SCI draft was written before the new Council Plan was agreed by Full Council. Assuming you will update this draft to take account of comments received could there be some way of integrating our new values as expressed in our new Corporate Objectives?</p> <p>Page 23. Infrastructure providers (consultees for Local Plan)</p> <p>I think that in the old Mendip area, Bristol Water are responsible for providing clean water and that Scottish and Southern Electric provide electricity to Frome. I know the latter (and probably the former also) have grid capacity issues which means we can't have too many Air Source Heat pumps in new estates even though on many occasions the Mendip Planning Board wanted them and the developers were willing</p> <p>Page 23. "General Consultation Bodies" to be consulted as the local planning authority consider appropriate as set out in Regulation 2(1).....</p> <p>This list appears to be optional. Maybe instead of saying "These could include" at bottom of page 23 before the list, it should say "These should include the following where appropriate" and someone with a brain should make the judgement as to whether to inform the organisations on the list.</p> <p>I think Civic Societies are a special case. In Mendip I believe the Frome Civic Soc is consulted as a matter of course. I would hope that this would continue as both myself and Frome Town council usually take note of their comments. Although we don't always agree, their input has helped improve a number of new estates in my ward.</p> <p>Also the Frome Chamber of Commerce often make sensible comments regarding major applications on mixed use sites. I would hope they would be automatically consulted on such applications.</p> <p>Page 26 re Statutory Consultees for Planning apps:</p> <p>I don't know why the Greater London Authority is on here. Maybe this section is copied and pasted, possibly from Gov.Uk website?</p> <p>Pages 29 and 30 re Publicity Requirements:</p> <p>I think it would be good practice to inform neighbours of major applications requiring an EIA, plus those not in accordance with Development plan, plus those which might effect footpaths running next door to them, plus those effecting setting of listed buildings next door etc. It may be necessary to tell more than just the immediate neighbours and there should be some judgment attached to this and a real person looking at a map, rather than just doing the minimum (from the electoral roll?). For example in Mendip currently the neighbours directly across the road from a minor application are not informed, which isn't good enough IMHO. For example, in my ward even if its demolition of a large building and 8 houses being proposed on that site instead. Also in my ward a garage conversion on the corner of a road only sent a neighbour notification to the main house, ie. The applicant!</p> <p>Again this appears to be copied and pasted from Gov.Uk website to do the absolute minimum only.</p>	<p>consistency on validation requirements as we move forward with the new unitary.</p> <p>Agree – the final draft of the SCI will be reviewed to ensure it aligns with the Council's agreed corporate objectives.</p> <p>Page 23 – noted, this list will be updated to list relevant infrastructure providers as appropriate.</p> <p>Page 23 General Consultation Bodies. Wording is used as the list is not exhaustive and new groups/organisations may be formed. Civic societies will be included in the list as an example of general consultation bodies. The SCI sets out that these will be consulted when considered appropriate, in line with the regulation on general consultation bodies.</p> <p>Chamber of commerce are listed as a general consultation body.</p> <p>Page 26 – noted, this has been extracted from national pages and therefore Greater London Authority will be removed in the final document.</p> <p>The Council will ensure applications are adequately publicised based on their type and location, including through neighbour notifications and site notices in prominent positions. In many instances officers go above the minimum requirements in terms</p>
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			of using both methods to publicise an application.
160	Frome Town Council	<p>Section 4 – Planning Policy</p> <p>Evidence gathering and Identification of issues for the Local Plans</p> <p>Parish Council must be contacted/invited to provide evidence and inform Policy. In the existing Mendip District Council Local Plan, Core Policy 6 includes a Vision for Frome, Frome Town Council had no input into this vision or the Frome Town Strategy, other than being consulted on it once it had been written. Parishes should also be asked to identify specific interest groups for the dedicated workshops. Consultation on draft plans must include drop-in events where questions can be asked, to help people understand what is in the plan, Frome Town Council would be happy to assist with this.</p> <p>We note that the document states that “Council Officers are always willing to offer advice and explanations”, this has not always been our experience in the past, it would be helpful if the relevant officers contact details are published.</p> <p>Any plans that accompany the Draft Local Plan should be interactive plans, previously we have only had A4 PDF plans to look at, this makes it hard to look at the detail or clearly see boundaries. You also have to scroll back up the plan to see the key and understand what the various annotations mean.</p> <p>Register online to ensure you are consulted</p> <p>How to register needs to be made much clearer, it was not obvious how to register.</p> <p>Supplementary Planning Documents</p> <p>Parish Councils should be invited to take part in any workshops, and should be directly consulted rather than relying on seeing it on the website/social media. Contacting only those registered on the consultation portal should not be relied on.</p> <p>Planning Proposals: pre-application stage</p> <p>We acknowledge that applicants are not required to carry out pre-application consultation. However when they do it would be helpful to issue some best practice guidance on how to do this. We have seen examples of good and bad practice; we would want to avoid an on-line only consultation with a survey attached that asks questions in such a way that anyone responding may inadvertently be giving neutral response or supporting. There is currently an example of such a consultation in Frome.</p> <p>We have also seen pre-application consultation summaries attached to a full application, setting out our support for applications where support was not given. It should not just be a tick-box exercise but genuine consultation where responses are accurately reported.</p> <p>Frome Town Council would be happy to advise/assist applicants with any pre-application consultations.</p> <p>Application stage</p> <p>Who is consulted?</p>	<p>The SCI outlines that there will be engagement with specific bodies and groups during the evidence gathering and identification of issues of plan making. This is likely to include parish councils for key evidence documents where local input is needed.</p> <p>Contact details of officers will not be shared in the SCI. This will ensure that the SCI does not have to be updated every time staffing changes. Specific officer details will however be shared as necessary when the Council is engaging with Town and Parish Councils.</p> <p>The Council are yet to set up a consultation portal for people to register for future planning policy consultations, but this will be a key early task for the Local Plan. This will be clarified in the SCI.</p> <p>SPDs – the SCI outlines that specific groups and organisations may be invited to participate which may include parish councils if these are deemed relevant. This will be dependent on the content/topic of the SPD being prepared.</p> <p>Regarding pre-app the SCI can set out some examples of methods that applicants can use to engage with the local community effectively. These changes will be made.</p>

		<p>We would like to see Local Civic Societies added to the list of consultees, while we appreciate they are not statutory consultees, but the Frome Civic Society does comment on all planning applications. They are particularly focused on safeguarding buildings and areas of historic interest, with a wealth of knowledge on the local area.</p> <p>One of the complaints we hear most often from neighbours is “why wasn’t I consulted”. The requirement to either or serve written notice or erect a site notice is not sufficient. May application have the potential to impact a wider area of people that just the neighbouring properties. By not consulting widely enough I the first instance, that can cause further delays on an application where additional consultation has to be sent out. We would want to see both written notices served and a site notice. The danger of site notice only is that site notices have a tendency to disappear, causing even more anger amongst local residents.</p> <p>The addresses consulted are based on the properties shown to be adjoining the development on the map base. It is not always possible to tell if those properties have been split into separate accommodation/flats, or to really understand those who could be affected by the development from a map. The Case Officer should take additional consultation letters with them when making their site visit, where they can more accurately assess who should be consulted and deliver those letters at the time of their visit.</p> <p>We appreciate that this would potentially extend the consultation period depending on when the additional letters are delivered, but to ensure that appropriate consultation is carried out we believe this is necessary.</p> <p>We would welcome the opportunity to discuss with you directly how Frome town Council can help with the planning process to ensure the is appropriate consultation and engagement with the planning team. We would also be happy to provide desk space or our facilities for any officer whilst in Frome.</p>	<p>Noted regarding civic societies. This will be added to a list of non-statutory consultees</p> <p>The Council will ensure applications are adequately publicised based on their type and location. Often officer will go above minimum requirements and utilise both notifications and site notices.</p> <p>The Council use address data so each individual address within a building is notified accordingly.</p>
161	Somerset West and Taunton DM – Julie Harcombe	<p>We assume the no consultations on Pre Appc is a change the new Council intends to make – at Officers discretion we do sometimes need to do consultations to inform the Pre Appc so we have always done so on occasion, normally to people like Highways for example – just wanted to make sure you are aware of that.</p> <p><u>Comments</u></p> <p>Just noticed a few things when reading this for the DM side –</p> <p><i>There are <u>four stages</u> during the planning application process where the local community and stakeholders are consulted and/or notified about the proposals:</i></p> <p><i>Pre-application stage: undertaken by the applicant once or a number of times. The scale and extent of consultation is dependent on scope and scale of proposal and whilst encouraged is not a requirement prior to submission of a planning application for the majority of applications.</i></p> <p><i>Application stage: formal consultation on the application undertaken by the Council.</i></p> <p><i>Appeal consideration: consultation is undertaken by the Council on behalf of the Planning Inspectorate (PINS); additional formal comments may be submitted to the Inspector prior to the determination of the appeal.</i></p>	<p>SCI will be amended to reflect this.</p>

		<p>Should this say three not four?</p> <p><i>The Council does not consult neighbours or parish councils on applications for Pre-application advice and advice given is not publicly available.</i></p> <p>We do sometimes consult with Parish Councils (and others too) on Pre Apps currently? Maybe we no longer will but just wanted to check that?</p> <p><i>There are three types of appeal: Written Representations, Hearing, or Inquiry. There are also fast track householder appeals which are considered and determined based on the officer's report.</i></p> <p><i>Most appeals are considered via written representations. More complex or controversial appeals are usually considered via a Hearing or Inquiry. Irrespective of the type of appeal, members of the public and other interested parties are notified by the Council on behalf of PINS and have the opportunity to forward any additional comments to the Planning Inspectorate. Comments originally submitted on the application that was refused planning permission are forwarded to PINS for consideration when the appeal is registered. Unless a new issue has emerged, there is no need for members of the public and interested parties to re-submit their original comments.</i></p> <p>This does not make clear there is no opportunity to make further comments on a fast-track householder.</p>	<p>Appeals – fast-track householder – we will make this clearer that further comments cannot be made.</p>
162	South Somerset DC Regulation Committee	<p>The South Somerset District Council Regulation Committee considered the Statement of Community Involvement report prepared for consideration by the Somerset councils at its meeting on 14th February 2023.</p> <p>The Chairman explained to members the purpose of the report and invited comments from members on the draft Statement of Community Involvement (SCI) for the new Somerset Council.</p> <p>Following a short discussion, members comments included:</p> <p>Did not consider the document to be well structured, as it does not contain all matters that should be included within a Statement of Community Involvement.</p> <p>Felt the document was not set out in a user-friendly way so confusing for the public.</p> <p>No mention of the weekly list and the ability to subscribe to the validation phase of planning applications. This is valued highly by town and parish councils and should be secured.</p>	<p>Comments noted. A number of additions and clarifications will be made to the SCI based on consultation feedback.</p>




		<p>Document should noticeably contain airfield safeguarding guidelines and that the military airfield list should be part of the safeguarding process.</p> <p>Felt the new authority should consider the way SSDC operates, as the new proposed constitution does not meet the needs of local community engagement.</p> <p>In conclusion the Chairman felt that members should look to provide individual comments direct to the new Somerset Council as he believed this would be a much better way to provide a more detailed response.</p> <p>The Lead Specialist, Planning noted the comments raised and would deliver this feedback to the Somerset Council.</p>	<p>The use of weekly lists and the ability to subscribe will continue as before.</p> <p>Reference to aerodrome safeguarding added.</p> <p>The document will be amended to cross-reference to the constitution which sets out planning committee referral and delegation arrangements, and public speaking. There is agreement in place that the committee arrangements (including referral processes) will be kept under review.</p>
163	Mendip Planning Board	<p>Mr Nick Hall had requested to speak on Agenda Item 9 – the Draft Somerset Statement of Community Involvement (included on the Board agenda)</p> <p>He said the document only provided minimum levels of community involvement compared to Mendip District Council's 2013 statement.</p> <p>He said that Somerset Council's draft statement could be greatly improved by including</p> <ol style="list-style-type: none"> 1. encouragement and incentives for developers to follow best practice rather than minimum standards laid out in NPPF; and 2. ensuring community involvement exercises are proportionate to the scale and importance of the issue/matter. <p>He concluded it was an important consultation and hoped his comments would help crystallise Councillor's thoughts</p>	<p>Point 1. Noted. The SCI will be amended to strengthen expectations on applicants in relation to pre-application engagement.</p> <p>Point 2. Agree. Comment to be included to ensure that engagement is proportionate in terms of the development/proposal.</p>
164	Cllr Bob Filmer	<p>A couple of issues.</p> <p>It would be helpful for section 5.2 relating to Rural Exception sites to be more robust as community engagement particularly with the Parish council should be meaningful and spelt out more explicitly. This has proved to be an issue in Sedgemoor and needs more teeth as some developers merely pay lip service to community engagement and consultation.</p> <p>Section 5.3 I am worried that we state, "All comments should be submitted online". We must cater for those who do not have internet access or prefer to correspond in hard copy.</p>	<p>Comment noted. Wording will be made more robust in relation to rural exception sites and pre-application engagement overall.</p> <p>Agree amendment will be made to be clear that comments will also be accepted via email and post.</p>

		Appendix 1 General Consultation Bodies. Can we ensure Internal Drainage Boards are included as these are extremely important bodies in the low-lying areas of the County.	Agree – Internal Drainage Boards to be added.
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Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)	 Somerset Council	x	 NHS Somerset		 NHS Somerset NHS Foundation Trust	
Version	1		Date Completed	18/08/2023		
Description of what is being impact assessed						
<p>The Statement of Community Involvement (SCI) is an important planning document which defines how and when local residents, community groups and stakeholders can be involved in the planning process, both in the consultation on planning applications for development and when we write new planning policy documents.</p> <p>The SCI has been prepared to consolidate the SCIs of the existing/former Somerset authorities to ensure that engagement in planning applications and new policy documents is consistent across the new Unitary Authority area.</p>						
Evidence						
<p>What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the Office of National Statistics, Somerset Intelligence Partnership, Somerset's Joint Strategic Needs Analysis (JSNA), Staff and/ or area profiles, should be detailed here</p>						
<p>The assessment of potential impact on protected groups from the SCI has been informed by demographic information and equalities analysis statistics for Somerset, available via Somerset Intelligence Partnership: http://www.somersetintelligence.org.uk</p>						

The SCI has also been informed by planning officer experiences in engaging and consulting on planning policy and planning applications previously, including best ways to ensure protected characteristics do not affect people's ability to engage in the planning system and have their view heard.

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

The draft SCI was subject to a full public consultation between 1st February and 16th March 2023. This included consulting local communities via Parish/Town and City Councils. Representative organisations of protected groups, including those that represent disabled people, religious groups and different racial and ethnic groups were also notified in relation to the consultation. Organisations notified included Compass Disability, Somerset Community Care Matters, National Federation of Gypsy Liaison Groups, The Traveller Movement, Friends Family and Travellers, Somerset Multicultural Association, Somerset Churches Together. Age UK Somerset.

The draft SCI and accompanying Equalities Impact Assessment was also shared with the Somerset Council equalities team for review and comment prior to being finalised.

Analysis of impact on protected groups

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

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
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Age	<ul style="list-style-type: none"> Following public consultation feedback consideration has been given in barriers of engaging the elderly in planning, specifically regarding lack of computer literacy, movement issues, blindness (eyesight), deaf. The final SCI has been updated to be clear on the range of consultation methods that can be used and that responses to planning applications can be provided in a variety of formats (e.g. including hand written response). Barriers of engaging the youth include a lack of knowledge or interest, or a lack of understanding of plan marking and the impact this could have on the future. The SCI sets out the intention to utilise online consultation and engagement methods, likely to suit the younger population as they do not have to go out of their way to access them. The SCI commits that documents should be written clearly and concisely, with any technical terms or language explained – it will be important that different age audiences can understand the subject. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<ul style="list-style-type: none"> The SCI has an equalities section which sets out that planning documents can be made available in a variety of formats. Following consultation feedback this section has been further improved to be clear who people should contact to request information in different formats, consistent with the Council's wider equalities policy. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<ul style="list-style-type: none"> No specific impacts identified. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Marriage and civil partnership	<ul style="list-style-type: none"> No specific impacts identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<ul style="list-style-type: none"> No specific impacts identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race and ethnicity	<ul style="list-style-type: none"> Race and ethnicity may in some circumstances present barriers to consultation, including language, under representation in organisations, or access to consultation material due to their way of life. The SCI equalities section is clear that documents can be made available in a variety of formats. In relation to consultation on planning policy document the SCI sets out that a variety of methods will be used to enable a greater range of people to be involved in the consultation, and the Council will make every reasonable effort to encourage under-represented groups to participate in the planning process. This will be particularly important when Development Plan documents are trying to directly address the needs of a particular groups, such as the accommodation needs of the Gypsy and Traveller community. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<ul style="list-style-type: none"> No specific impacts identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<ul style="list-style-type: none"> No specific impacts identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sexual orientation	<ul style="list-style-type: none"> No specific impacts identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> No specific impacts identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other, e.g. carers, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> Rurality is a consideration in the methods included in the SCI. Barriers to engagement could include a lack or poor internet access and the location of events. This is mitigated by documents being available to view in person and a broad range of locations for events, and the use of local news to advertise consultations. Low income households may struggle to have access to the internet or travel to events. This is mitigated by the range of events indicated in the SCI – in person and online in a range of locations. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Negative outcomes action plan

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

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Legislation sets out that the SCI should be reviewed every five years. This should include the SCI being reviewed against any updated equalities legislation and guidance.	14/09/2023	Planning Policy Team	The needed to review the document in five years will be identified in	<input type="checkbox"/>

			the adopted document	
Planning policy team should engage with the Council's equalities team when establishing more detailed communication and engagement strategies for relevant planning policy documents to establish the best way to engage with specific groups.	14/09/2023	Planning Policy Team and Equalities Team	As part of the consultation exercise associated with the preparation of policy documents.	<input type="checkbox"/>
Consultation should include appropriate monitoring to determine whether there are any gaps in consultation with 'hard to reach' groups and how this could be addressed.	14/09/2023	Planning Policy Team and Equalities Team	As part of the consultation exercise associated with the preparation of policy documents.	<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				
No remaining negative impacts have been identified.				
Completed by:	Andrew Reading			
Date	18/08/2023			
Signed off by:	Alison Blom-Cooper			

Date	25/08/2023
Equality Lead/Manager sign off date:	Angela Farmer, 15th September 2023
To be reviewed by: (officer name)	TBC – Planning Policy Team
Review date:	5 yearly - 18/08/2028 at latest

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Decision Report - Executive



Decision Date – 4 October 2023

Forward Plan reference number: FP/23/07/01

Key Decision – Yes

Local Development Scheme and the establishment of a Planning and Transport Policy Sub-Committee of the Executive

Executive Member(s): Ros Wyke - Lead Member for Economic Development, Planning and Assets

Local Member(s) and Division: n/a

Lead Officer: Paul Hickson – Service Director Economy, Employment and Planning

Author: Alison Blom-Cooper - Assistant Director Strategic Place and Planning

Contact Details: alison.blomcooper@somerset.gov.uk

Summary

1. A Local Development Scheme (LDS) is required under section 15 of the Planning and Compulsory Purchase Act 2004 as amended. This must specify (among other matters) the development plan documents which, when prepared, will comprise part of the development plan for the area including the Local Plan, Minerals Plan, Waste Plan, and Neighbourhood Plans. These documents comprise the plans for land use across Somerset. The LDS may also reference the Local Transport Plan.
2. A Planning and Transport Policy Sub-Committee would oversee and monitor the review of the development plans and local transport plan and take delegated decisions on behalf of the Executive to ensure a more streamlined timetable for producing these documents. It will also facilitate the Council to 'make' Neighbourhood Plans within the statutory time period of 8 weeks from the date of the referendum.

Recommendations

3. The Executive:
 - i) Approves the Local Development Scheme (Appendix 1) as the Council's work programme for delivering the Development Plan; and

- ii) In consultation with the Lead Member for Economic Development, Planning and Assets, delegated authority is given to the Service Director for Economy, Employment and Planning to agree any necessary final amendments prior to its publication; and
- iii) Agrees to establish a Planning and Transport Policy Sub-Committee of the Executive with Terms of Reference as set out in Appendix 2

Reasons for recommendations

- 4. To meet the statutory requirement to maintain an up-to-date Local Development Scheme.
- 5. To ensure that formal decisions at key stages of development plan production and other planning policy and transport guidance can be made as soon as possible to maintain their production timetable as set out in the Local Development Scheme.

Other options considered

- 6. There is no alternative option to meet the statutory requirement.

Background

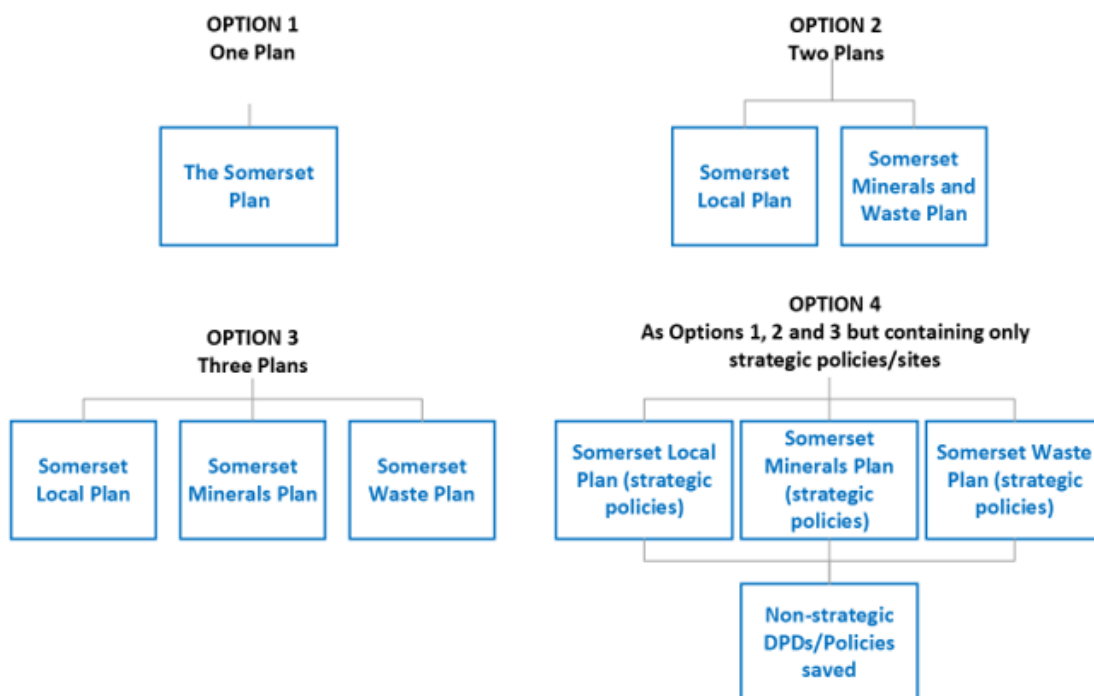
Local Development Scheme

- 7. The scope and timeline for the preparation of development plan documents is set out in the Local Development Scheme (Appendix 1). The Council has a statutory responsibility to produce the Local Plan, Minerals Plan and Waste Plan. The LDS forms the agreed work programme for the Local Planning Authority (the Council area excluding Exmoor National Park). The LDS must also include details and timescales of the Mendip Site Allocations Review as agreed at Executive on 10 July 2023.
- 8. Development plan documents set out the vision and framework for the future development of the area. Until such time as a new Local Plan for Somerset is adopted, existing Local Plans remain in place for the former district areas. The existing Minerals Plan and Waste Core Strategy remain in place until they are replaced, or they are retained if a review confirms the policies are up to date and effective.

9. Under the structural change order the Council has a requirement to adopt a development plan by 1 April 2028 covering the whole of the Local Planning Authority's area. There may be sanctions for Somerset Council if this deadline is not met which would most likely take one of two forms: potentially a reduced New Homes Bonus provided to Councils who do not have an up to date Development Plan in place; or intervention by the Secretary of State to take over Plan-making
10. Alongside officer's expertise, DAC Planning and Arup were commissioned to provide critical friend advice on the approach to producing a Development Plan for the Council. With the consultant's extensive experience in supporting Local Authorities in plan-making specifically their work for the Planning Advisory Service they advised on scoping and structuring the Development Plan, risks, associated evidence base and resourcing required, costing evidence base and providing a realistic timetable for the Local Development Scheme. During October 2022, officers and DAC/Arup held a workshop for key Members to discuss findings. Outcomes and observations from the workshop informed the consultants recommendations and the local development scheme now proposed.

The Structure of the Development Plan

11. Officers and the critical friend report considered options for the Development Plan structure in Somerset. Four main options were considered:



12. Officers and the critical friend recommendation is Option 3 where the Local Plan is produced independently of the Minerals and the Waste Plans as different strands of the wider land use plan for Somerset. The production of the plans will share a common evidence base and will integrate with the Local Transport Plan to ensure all land use matters are considered strategically and collectively. This recommendation is based upon the following factors:
- Plans combining the different elements would take an extended amount of time. Having separate plans ensures that across the new authority area there is an up-to-date policy position (reducing the risks of speculative housing development and 'planning by appeal') at the earliest achievable time and that a long term strategy to address the phosphates issues can be put in place. Given this pressing need, there is a risk that a single issue in one plan could derail or significantly delay the adoption of the development plan as a whole. Separate plans means that each can be updated independently of each other.
 - Representatives of the wider industry have expressed a clear preference for taking forward separate Minerals and Waste Plans to ensure that sufficient priority being given to each issue.
 - Such an approach better reflects the direction of Government reform which indicates that Minerals and Waste Plans should be kept separate from Local Plans.
 - Being a unitary authority ensures that the Local Plan, Minerals and Waste and Transport planning teams will work closely and collaboratively to ensure key strategic matters are fully considered across the documents.
13. Plans that cover strategic and non-strategic matters ensure that a full suite of up-to-date policies is in place at the earliest achievable date and avoids key development management policies being adopted at a much later date. The proposed planning reforms may introduce some standardised development management policies at a national level. However, at the current time the Council must operate under the current planning system and it will be some time until any national development management policies are published for consultation and then adopted.
14. The structure of the Development Plan will be kept under review in future years.

The Somerset Local Plan timetable

15. The deadline of 1 April 2028 for the Development Plan to be in place (as set out in the structural change order creating the new authority) is incredibly

challenging. Officers worked with the critical friend to establish how this timetable could be met. In December 2022, an ambitious indicative timetable was drafted that anticipated that an up-to-date Local Plan could be in place by April 2028. This timetable assumed that adequate budget and resources were in place and that a streamlined approach to plan production was followed.

16. Officers recommend that the Council adopts a streamlined plan making process where engagement with technical stakeholders and community groups occurs at an early stage to consider issues and potential policy approaches. This would then be followed by one single round of formal consultation (Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012). This consultation would be on the draft Local Plan rather than a less formulated 'options' style document.
17. This approach is the only realistic way to shorten the standard Local Plan process whilst still complying with the regulatory stages. The Local Plan timetable therefore proposes taking this approach to deliver the Local Plan as early as possible given other mitigating factors as set out below:

Table 1: The proposed Local Plan timetable

Milestones	Dates
Commence project planning and evidence gathering	Apr 2023
Early engagement with internal and external stakeholders and further evidence gathering	Apr 2024 – Feb 2025
Regulation 18 consultation on Draft Plan	Apr 2025 – Jun 2025
Regulation 19 publication	Oct 2026
Submission for Independent Examination	Mar 2027
Inspector's Report	Feb 2028
Adoption	March 2028

18. The Government has proposed reforms to plan-making emerging through the implementation of the Levelling Up and Regeneration Bill, including the proposed introduction of a 30-month timescale for plan production. The proposals for the implementation of these provisions are currently out to consultation. This closes on 18 October 2023 with proposals for the relevant regulations timetabled for Autumn 2024. At present the Council is expected to operate under the current plan making system.

Mendip Site Allocations Review

19. The LPA is required to undertake a partial update of the Mendip Local Plan Part II (sites and policies). This involves reconsideration of the provision of 505 homes as a result of five sites which were deleted from the Plan as a result of a Judicial Review and their submission for examination. The key milestones are set by a High Court Order made on 14 July 2023 and must be included in the LDS. The scope of this work is limited to identifying sites for the 505 dwellings which are deliverable within the Mendip area and in the Plan Period to 2029. Given the need to bring forward a Somerset-wide development plan, a wider exercise for the East area (e.g. more housing or review of strategic policies) is neither warranted or justified. The Council will notify stakeholders of the scope of the update following agreement of the LDS.
20. The milestones in the Court Order require consultation on the preferred options by 31 December 2023, Publication under Regulation 19 of proposals by 31 March 2024 and submission to the Planning Inspectorate by 1 July 2024.

Climate change policies

21. Addressing both the climate and ecological emergencies is at the heart of the Council's decision making. The Council Plan 2023-27 states *"As we develop our new Local Plan, we will consider introducing new policies and work with developers to create sustainable new places and communities to the best environmental standards possible."* The Local Plan is central to meeting the Council's climate targets as it cuts across all sectors in particular energy, transport and the built environment. This is reflected in the Climate Emergency Strategy with one outcome being *"All new developments (new homes and non-residential) will be highly energy efficient, at least zero carbon and climate resilient from as early a date as possible"*. It is only the Local Plan that can ensure this outcome is delivered.
22. Whilst the Local Plan wouldn't be adopted until March 2028, its emerging policies gain further weight as it progresses through its production stages. Paragraph 48 of the National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the [National Planning Policy Framework](#). The publication stage (Regulation 19) is anticipated for Oct 2026. Depending on the factors set out in the National Planning Policy

Framework, potentially some material weight could be given to the emerging policies in determining planning applications.

23. The Council is keen to adopt policies to ensure new developments are built to the best environmental standards as soon as practicable. One suggestion has been for the Council to produce a Climate Change Development Plan Document (CCDPD) in advance or alongside the production of the Local Plan.
24. However within the existing resource base of the Council's planning service, the production of a CCDPD would have serious implications for the delivery of the Local Plan. As explained under Financial and Risk Implications, the Local Plan is already significantly under resourced so by diverting resources away from the Local Plan to a CCDPD is likely to mean the Local Plan timetable extending by at least a further 3-5 years and thereby increasing the risk of intervention by the Government and leaving Somerset without an up-to-date Local Plan for a longer period of time. As an initial estimate the production of a CCDPD may cost the Council at least a further £1m (evidence base, examination and additional staff resources).
25. Somerset Council does not have an up-to-date Local Plan so has a statutory duty to produce a Local Plan. The Council may face intervention by the Government if the Local Plan is not adopted by 1 April 2028. In 2019, intervention by the Secretary of State took place at two Local Planning Authorities (Wirral Council and Thanet District Council) for failing to progress with their Local Plan under powers in Section 27(2)(b) of the Planning and Compulsory Purchase Act 2004. For this reason, to manage risk to the Council it is suggested that the Local Plan must necessarily take priority over a CCDPD. The Council does not have a statutory duty to produce a CCDPD.
26. Cornwall Council and Warwick District Council have been cited as delivering a separate climate DPD. However, Somerset Council is in a very different position with 5 adopted Local Plans covering the Local Planning Authority area containing different policy requirements from each other. The most complex issue for Somerset Council in the absence of a single Somerset Local Plan, would be robustly evidencing development viability in all five Local Plan areas based upon differing adopted Local Plan policies.
27. Some Local Plan areas are Community Infrastructure Levy charging areas with varying levies. Each area seeks different S106 financial contributions and have different levels of affordable housing contribution. The technical evidence required to navigate this information into a set of policy options for climate

change requirements would be a highly complicated and a lengthy process including a costly viability study from expert consultants. It may require decisions to be taken that result in different climate change policy requirements for each Local Plan area and may create pressure on different policy requirements/contributions in each of the 5 Local Plan areas. Given this complexity, it would be very challenging to deliver a robust DPD within 3 years.

28. It is important to recognise that a CCDPD would not necessarily mean policies being adopted any sooner than if they were delivered as part of the Local Plan. This is because the CCDPD would need to follow exactly the same production stages as set out in legislation with limited opportunity for streamlining the timetable.
29. For the reasons set out, Officers do not recommend progressing a Climate Change DPD. Climate change policies should be included within the Local Plan.
30. Rolling out the *Climate Positive Planning: Interim Guidance Statement on Planning for the Climate and Ecological Emergency* to the whole of Somerset (it only applies to the former Somerset West and Taunton area) was considered as an option. The Climate Positive Planning statement is not planning policy but is a technical explanatory document identifying how the requirements of adopted planning policies may be viewed in assessing development proposals. It cannot require more than is set out in adopted policies but seeks to ensure that the best outcomes are achieved from adopted policies.
31. The rollout of the statement would involve a detailed assessment of the relevance and justification of planning policies within the other adopted Local Plans (Sedgemoor Local Plan, Mendip Local Plans Part I and Part II and South Somerset Local Plan), further consideration of any changes in national policy, and commentary on specific issues emanating from the consideration of the Climate Emergency as a material consideration. Production would also involve one round of consultation.
32. If one officer was working on it full time, the rollout is estimated to take 1 year to produce and adopt. This officer would need to be taken off the Local Plan. Resources would also be required from Governance teams. For these reasons, Officers do not recommend rolling out Climate Positive Planning as the impact on the Local Plan would be significant given it is already under resourced.

Factors that could impact the Local Plan timetable

33. Plan making, particularly over such a large and varied geographical area, is inherently a complex and time consuming process, and there is potential for unforeseen events to delay progress. Issues that may increase the risk of not meeting the timetable to produce the Development Plan include:
- The Mendip Local Plan Part II Site Allocations Review must be progressed immediately and following a very challenging timetable otherwise the Council may be found in contempt of court.
 - Budget constraints leading to resource pressures and issues of retention and recruitment of staff given the national shortage of planning professionals and other built environment specialists.
 - The requirement for any Main Modifications of the Plan required by the Inspector following examination of the Plan and consultation and/or where the Inspector requires further work, evidence base and consultation.
 - Ensuring governance and consultation processes are effective.
 - The final detail of the reforms to plan-making emerging through the implementation of the Levelling Up and Regeneration Bill, including the proposed introduction of a 30-month timescale for plan production.
 - Potential for changes in government and government priorities over the course of plan production.
 - The timing of a Phosphates Mitigation Strategy to ensure integration with Local Plan production.

The Minerals Plan and Waste Local Plan timetables

34. Officers will undertake a review of both the Minerals Plan and Waste Core Strategy in the form of an assessment to understand which policies may be out of date for the purposes of decision making or where circumstances may have changed and whether or not the policies in the plan continue to be effective in addressing the specific local issues that are identified the plan. The Minerals Plan review has commenced and is anticipated to be completed in 2023 following which a formal decision will be required on whether, and to what extent, an update of the policies is required. The Waste Plan review will commence after the Minerals Plan review has been completed.

Local Transport Plan

35. Whilst recognising the Local Transport Plan (LTP) is not part of the Development Plan, the high-level timetable of the LTP production will be included within the Local Development Scheme for information as there is a close interrelationship between the documents.

Planning and Transport Policy Sub-Committee

36. Given the wide breadth of service delivery within the Council, the planning service will be a less significant part of the unitary council business compared to a district council. The Executive Committee of the Council will have a significant numbers of items to deal with and subsequently planning policy, including meeting the requirements for the timescale imposed by the High Court on the Mendip review of site allocations, Neighbourhood Plans and infrastructure matters may struggle to be accommodated on the Forward Plan in a timely manner. Approving Local Plan formal consultation documents (Regulation 18) and the publication version (Regulation 19) are a function of the Executive. Following the receipt of the Inspector's Report, the Executive would make a recommendation to Full Council for adoption (Regulation 26).
37. The significant number of items anticipated for the Executive could potentially lead to delays in decision making in the development plan process and infrastructure funding. The production of development plan documents must follow the stages and processes set out in legislation. This report has set out the already incredibly challenging Local Plan timetable so any delay in decision making may cause significant problems to the timetable. Furthermore, the Council must meet the statutory timetable for making Neighbourhood Plans. The Council has only 8 weeks starting the day after a 'Yes' vote at the referendum to decide whether or not to 'make' the Neighbourhood Plan.
38. Given the close interrelationship and shared evidence base of the Development Plan and Local Transport Plan, the Sub-Committee is proposed to also make formal decisions on the Local Transport Plan and other transport policy guidance.
39. Items that are anticipated to be brought to the Sub-Committee during the next 6 months include:
- Mendip Local Plan Part II Site Allocations Review - Approval of Reg 18 consultation on Preferred Site Options
 - Community and engagement strategy for the Somerset wide Local Plan

- Outcome of the review of the Minerals Plan
 - Local Transport Plan – draft for consultation
 - The making of Neighbourhood Plans including: Ilminster; Ruishton and Thornfalcon; Kingston St Mary; and Wells
 - Agree infrastructure priorities and approve Community Infrastructure Levy and s106 spending priorities
40. Appendix 2 sets out the Terms of Reference for the Planning and Transport Policy Sub-Committee.
41. Scrutiny would have an opportunity to engage with the development of the Local Plan through engagement on an ongoing basis and as part of the formal consultation process.
42. A Consultation and Engagement Plan is being developed which will consider how best to facilitate wider member engagement in the development of the Local Plan.

Links to Council Plan and Medium-Term Financial Plan

43. The recommendation of approving the work programme will align with the Council Plan 2023-27 vision and priorities, in particular the priority for *A Greener, More Sustainable Somerset*. Furthermore, this report and recommendations are consistent with the emerging Council Business Plan, in particular adopting and delivering a new Local Plan and reflecting the Council's Climate Emergency Strategy. The Local Plan is one of a suite of strategic documents the Council will need to produce that support and complement each other. Using the vision and priorities set out in the Council Plan provides a starting point for developing agreed goals and ambitions in partnership with the community, businesses and the environment at the centre.

Financial and Risk Implications

44. The work identified within the Local Development Scheme will be delivered within agreed budgets. If there are resource constraints moving forward, the Local Plan timetable may need to be extended, in which case the Planning and Transport Policy Executive Sub-Committee will be asked to approve a revised Local Development Scheme at a later date. A Local Development Scheme can be updated at any time.

45. Without approval of the Local Development Scheme work programme, officers have identified the following risks:
- i) It would suggest that the Council is not actively progressing the Development Plan to the timetable required in the Structural Change Order which may create a reputational risk and potential risk of sanctions from the Government.
 - ii) It is a statutory requirement for the Council to have an up-to-date Local Development Scheme and it is critical to demonstrate to the High Court that the Council is progressing the partial review of the Mendip LPP2 in accordance with the High Court Order. If the Council fails to approve the Local Development Scheme, the Council may be found in contempt of court.
 - iii) A lack of a work programme creates uncertainty for local communities, businesses and investors in relation to the spatial strategy for new development and infrastructure provision in Somerset.
46. The recommendations in this report will mitigate a high risk.

Likelihood	1	Impact	3	Risk Score	3
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Legal Implications

47. The Council's Constitution describes how the Council will discharge its responsibilities, including responsibilities for the preparation and adoption of the Local Plan, which must be considered and endorsed by Full Council, prior to adoption.

HR Implications

48. There are no immediate HR implications.

Other Implications:

Equalities Implications

49. The recommendation is to approve a work programme of a statutory document and as such there are no direct Equalities implications of this report. The individual Development Plan documents referred to in the work programme will undergo their own Equalities Impact Assessment as part of their development in due course.

Community Safety Implications

50. There are no immediate Community Safety implications.

Climate Change and Sustainability Implications

51. The approval of the Local Development Scheme provides for the delivery of the Development Plan which in turn will play a leading role in delivering on the Council's Climate Emergency Strategy.

Health and Safety Implications

52. There are no immediate Community Safety implications.

Health and Wellbeing Implications

53. There are no immediate Health and Wellbeing implications.

Social Value

54. There are no immediate Social Value implications.

Scrutiny comments / recommendations:

55. This item was presented to Scrutiny Committee (Climate and Place) on 20th September 2023. Members considered that climate change policies should be a priority and that rather than waiting for 5 years for completion of the Local Plan that there was a need for a separate Climate Change DPD that could be come into effect before this. Particularly as lessons could be learnt from work already done by other authorities such as Bath & North East Somerset, Cornwall and Warwick.

56. Scrutiny resolved:

- That a Climate Change Development Plan Document be created to advance the Council's climate emergency objectives, in particular zero carbon energy standards, new developments and renewable energy generation siting. To be separate from the Local Plan and to an earlier time scale to reflect the climate emergency declaration.

Background Papers

57. None.

Appendices

- **Appendix 1:** Local Development Scheme 2023
- **Appendix 2:** Terms of Reference of the Planning and Transport Policy Sub-Committee

Report Sign-Off (if appropriate)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	31/8/23
Communications	Chris Palmer	Sent 25/8/23
Finance & Procurement	Nicola Hix	7/9/23
Workforce	Alyn Jones	31/8/23
Asset Management	Oliver Woodhams	25/8/23
Executive Director / Senior Manager	Mickey Green	25/8/23
Strategy & Performance	Alyn Jones	31/8/23
Executive Lead Member for Economic Development, Planning and Assets	Cllr Ros Wyke	1/9/23
Executive Member for Transport and Digital	Cllr Mike Rigby	1/9/23
Consulted:		
Local Division Members	n/a	
Opposition Spokesperson	Cllr Mark Healey MBE Opposition Lead member for Prosperity, Assets and Development Cllr Diogo Rodrigues Opposition Lead member for Transport and Digital	12/9/23
Scrutiny Chair	Cllr Martin Dimery Chair of Scrutiny Committee – Climate and Place	12/9/23

Local Development Scheme 2023

October 2023

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1. Introduction

The Local Development Scheme (LDS) sets out the documents that make up the Development Plan for Somerset and the council's work programme for updating them.

The Development Plan sets out a vision for the local area in terms of housing, the economy, community facilities, infrastructure, minerals and waste, and for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places. The Council uses the policies within the Development Plan to assess proposals for new development.

2. Background

From 1 April 2023, Somerset Council is the Local Planning Authority (LPA) for the whole of the Somerset administrative area excluding the Exmoor National Park area.

As well as determining planning applications, Somerset Council is responsible for producing planning policy documents that guide new development. This includes statutory (required by law) documents and non-statutory documents.

The main legislation that sets out the requirement and processes for the preparation of the Development Plan and other documents can be found in Part 2 of the Planning and Compulsory Purchase Act 2004 as amended¹ (the "Act") and The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended². The Department for Levelling Up Housing and Communities has launched a 12 week consultation on reforms to the local plans and minerals and waste plans system around the implementation of proposed changes set out in the Levelling up and Regeneration Bill. The consultation closes on 18 October 2023. Should the proposed changes be implemented there will be a need to revise the Local Development Scheme.

This LDS replaces those of the former Local Planning Authorities:

- Mendip District Council LDS (2020)
- Sedgemoor District Council LDS (2020)
- Somerset West and Taunton Council LDS (2019)
- South Somerset District Council LDS (2017)
- Somerset County Council LDS (2017)

3. The Development Plan

The Development Plan is made up of:

- Development Plan documents (often called Local Plans, Minerals Plans and Waste Plans) that have been adopted; and

¹ <https://www.legislation.gov.uk/ukpga/2004/5/contents>

² <https://www.legislation.gov.uk/uksi/2012/767/contents/made>

- Neighbourhood Development Plans (Neighbourhood Plans) which have been made in relation to that area including Neighbourhood Plans approved by referendum but not yet made by the LPA.

3.1 Adopted Development Plans

As set out in Local Government (Structural Changes) (General) (Amendment) Regulations 2018, if a Local Authority is going through Local Government Reorganisation, as has happened in Somerset, existing Development Plans will remain in place for the areas set out in the plans.

This means that the existing Development Plans of the former council's will remain in place for their relevant geographical areas of Somerset Council until they are replaced by one or more Development Plan documents.

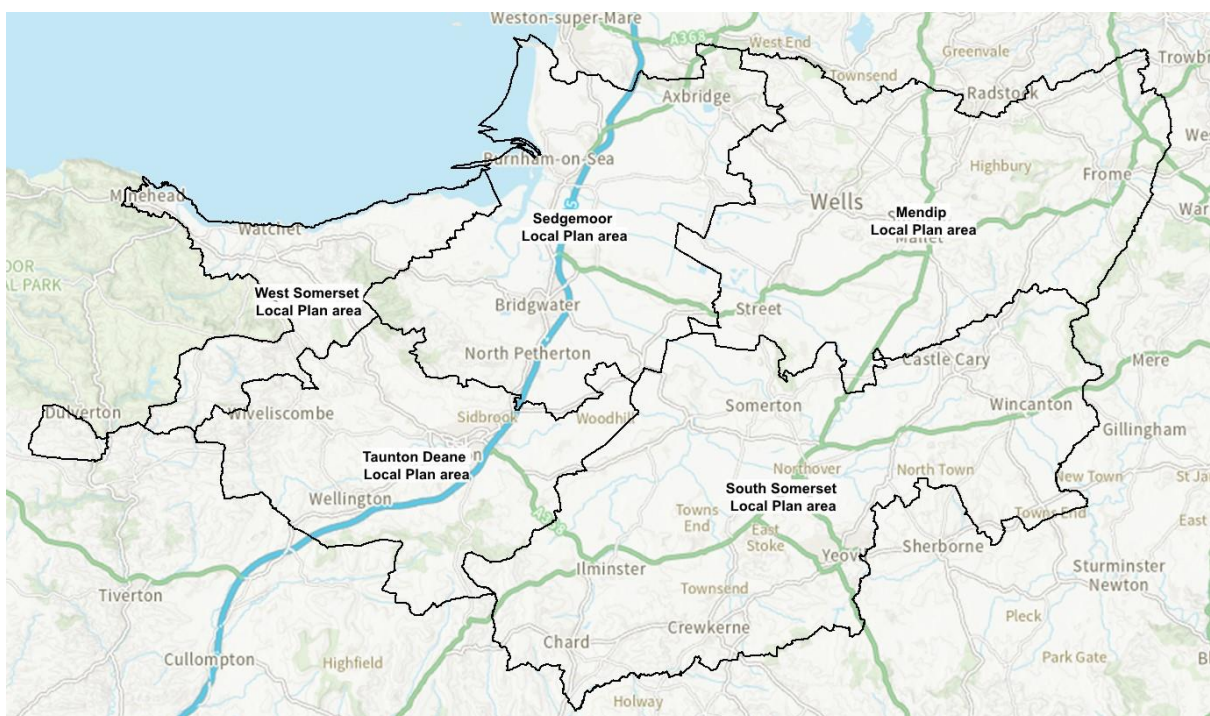


Table 1 lists the adopted Development Plan documents for Somerset Council. The documents can be viewed at <https://www.somerset.gov.uk/planning-buildings-and-land/adopted-local-plans/>

Table 1: Development Plan documents (Local Plans) within Somerset Council LPA

Document	Date of adoption
Former Mendip District Council (known as Area East)	
Mendip Local Plan Part I: 2006-2029	2014
Mendip Local Plan Part II: Sites and Policies with post-JR revisions	2021
Mendip Policies Map	2021
Former Sedgemoor District Council (known as Area North)	
Sedgemoor Local Plan 2011-2032	2019
Sedgemoor Policies Map	2019
Former Somerset West and Taunton Council: Taunton Deane area (part of Area West)	
Taunton Deane Core Strategy 2011-2028	2012
Taunton Town Centre Area Action Plan	2008
Taunton Deane Site Allocations and Development Management Plan 2028	2016
Saved policies from the Taunton Deane Local Plan to 2011	2004
Taunton Deane Policies Map	2016
Former Somerset West and Taunton Council: West Somerset area excluding Exmoor National Park (part of Area West)	
West Somerset Local Plan 2032	2016
Saved Policies from the West Somerset District Local Plan 2006	2006
West Somerset Policies Map	2016
Former South Somerset District Council (known as Area South)	
South Somerset Local Plan 2006-2028	2015
Saved policies from the South Somerset Local Plan 1991 – 2011	2006
South Somerset Policies Map	2015
Former Somerset County Council (excluding Exmoor National Park)	
Somerset Minerals Plan to 2030	2015
Somerset Minerals Policies Map	2015
Somerset Waste Core Strategy to 2028	2013

3.2 Neighbourhood Plans

Neighbourhood Plans set out the vision for an area and the planning policies for the use and development of land within a parish or Neighbourhood Area. A

Neighbourhood Plan has the same legal status as a Local Plan once it has been approved at a referendum and so becomes part of the Development Plan.

Table 2 lists made Neighbourhood Plans. During the next 6 months, it is anticipated that the following Neighbourhood Plans may reach the stage of being made by the Council: Ilminster; Ruishton and Thornfalcon; Kingston St Mary; and Wells. There are other Neighbourhood Plans at various stages of production. All details can be viewed at <https://www.somerset.gov.uk/planning-buildings-and-land/neighbourhood-planning/>. The website contains the most up to date information.

Table 2: Made Neighbourhood Plans within Somerset Council LPA

Neighbourhood Plan	Status
Former Mendip District Council	
Frome	Made Dec 2016
Rode	Made Aug 2017
Former Sedgemoor District Council	
Ashcott	Made Oct 2016
Axbridge	Made Jan 2022
Burnham and Highbridge	Made Oct 2018
Cheddar	Made Oct 2018
Nether Stowey	Made Jun 2021
Wedmore	Made May 2019
Wembdon	Made Jul 2019
Former Somerset West and Taunton Council	
Bishops Lydeard and Cothelstone	Made Jul 2016
Creech St Michael	Made Dec 2019
Stogumber	Made Nov 2017
Trull and Staplehay	Made Jul 2017
West Monkton and Cheddon Fitzpaine	Revised Oct 2022
Former South Somerset District Council	
Castle Cary and Ansford	Made Nov 2019
East Coker	Made Dec 2018
Martock	Made Jun 2021
North Cadbury and Yarlington	Made Oct 2022
Queen Camel	Made Jun 2021
South Petherton	Made Sep 2018
Wincanton	Made Mar 2018

4. Development Plan documents work programme

The future plan work programme will comprise of the following documents:

- Mendip District Local Plan Part II: Site Allocations Review
- Somerset Local Plan
- Somerset Minerals Plan review – assessment of effectiveness of policies
- Somerset Waste Plan review – assessment of effectiveness of policies

Mendip District Local Plan Part II: Site Allocations Review

Mendip Local Plan Part 1 (“LPP1”), which includes a spatial strategy and development allocations, was adopted in December 2014 and covers the period 2006 to 2029.

Mendip Local Plan Part 2 (“LPP2”), which identified additional housing and employment sites, was adopted in December 2021. Following a Judicial Review into LPP2, five site allocations were deleted from the plan on 16 December 2022. The remainder of adopted LPP2 is not affected.

Para 6 of the Court Order³ sets out specific ‘directions’ given by the judge to address the legal flaws upheld against the conduct and report of the examining Inspector. It requires reconsideration of the housing sites struck out of the Mendip Local Plan Part II. The scope of this work is limited to identifying sites for 505 dwellings needed in the former Mendip district area which are deliverable within the Mendip adopted Plan Period to 2029. Any other consideration of Policies CP1 and CP2 will be carried out as part of the wider Somerset Local Plan production.

The Court Order was updated on 14 July 2023 setting specific dates:

- Publication under regulation 19 by 31 March 2024
- Submission for examination by 1 July 2024

Mendip District Local Plan Part II: Site Allocations Review	
Scope	In accordance with Part 6 of the High Court Order of 14 July 2023 Local Plan Part 2 will be partially updated to allocate specific sites sufficient to accommodate 505 additional dwellings needed in the former Mendip District as a whole by 2029. The new allocations will be in accordance with Local Plan Part 1 policies CP1 and CP2.
Coverage	Somerset East area (the former Mendip district area)
Progress to date	Call for Sites (24 July – 4 September 2023)
Conformity	National Planning Policy Framework (and updates) and the Mendip Local Plan Part I policies CP1 and CP2
Delivery Risks	<ul style="list-style-type: none"> • General election • Recruitment and retention of staff and having the necessary resources to undertake the work
Milestones	
Dates	
Commencement	July 2023
Call for Sites	July-Sept 2023
Regulation 18 consultation on Preferred Sites	By 31 December 2023
Regulation 19 publication	By 31 March 2024
Submission of Plan for Independent Examination	By 1 July 2024
Inspector’s Report	Apr 2025
Adoption	Jun 2025

³ <https://www.somerset.gov.uk/planning-buildings-and-land/adopted-local-plans/?district=Mendip>

Somerset Local Plan

Somerset Local Plan		
Scope	Strategic planning policies, site allocations and development management policies	
Coverage	Somerset-wide (excluding Exmoor National Park area)	
Progress to date	Evidence gathering	
Conformity	National Planning Policy Framework (and updates)	
Delivery risks	<ul style="list-style-type: none">• The legal requirement to progress the Mendip Local Plan Part II Site Allocations Review will impact on the officer resources available and draw on the budget for bringing forward the Somerset Local Plan• Reforms to plan-making emerging through the implementation of the Levelling Up and Regeneration Bill has the potential to impact the scope of the Local Plan, policy approaches and to the evidence base which may impact upon timescales• Inability to find an acceptable approach to plan production alongside the development of the Phosphates Mitigation Strategy• Increasing requests for support to advise and assist the preparation of Neighbourhood Plans• Recruitment and retention of staff to progress the local plan and necessary resources to commission the evidence base• Other competing priorities from major projects such as Gravity, Hinkley and other regeneration projects which require planning resource• General election	
Milestones		Dates
Commence project planning and evidence gathering		Apr 2023
Early engagement with internal and external stakeholders and further evidence gathering		Apr 2024 - Feb 2025
Regulation 18 consultation on Draft Plan		Apr 2025 - Jun 2025
Regulation 19 publication		Oct 2026
Submission for Independent Examination		Mar 2027
Inspector’s Report		Feb 2028
Adoption		March 2028

Minerals and Waste Plans

The Somerset Minerals Plan 2030 and Waste Core Strategy 2028 are now over 5 years old since adoption so they need to be reviewed.

Somerset Council will undertake an initial assessment of both the adopted Minerals Plan and Waste Core Strategy to understand which policies may be out of date for the purposes of decision making or where circumstances may have changed and whether or not the policies in the plan continue to be effective in addressing the specific local issues that are identified the plan. This in turn will then help Somerset Council decide whether, and to what extent, an update of the policies is required.

Somerset Minerals Plan	
Scope	Assessment of the Somerset Minerals Plan 2030 in terms of whether the policies in the plan continue to be effective in addressing the specific local issues that are identified the plan
Coverage	Somerset-wide (excluding Exmoor National Park area)
Progress to date	Commenced assessment (July 2023)
Conformity	National Planning Policy Framework (and updates)
Milestones	
Commencement	Jul 2023
Complete initial assessment of Minerals Plan policies	Dec 2023
Somerset Council to decide whether the adopted Minerals Plan remains effective or whether to formally review the Plans. Subsequent timetable depends on this decision.	Early 2024

Somerset Waste Plan	
Scope	Assessment of the Somerset Waste Core Strategy 2028 in terms of whether the policies in the plan continue to be effective in addressing the specific local issues that are identified the plan
Coverage	Somerset-wide (excluding Exmoor National Park area)
Progress to date	None
Conformity	National Planning Policy Framework (and updates) and the National Planning Policy for Waste
Milestones	
Commencement	Nov 2023
Complete initial assessment of Waste Core Strategy policies	Feb 2024
Somerset Council to decide whether the adopted Waste Core Strategy remains effective or whether to formally review the Plans. Subsequent timetable depends on outcome of this decision.	April 2024

5. Local Transport Plan

Somerset Local Transport Plan (LTP)

The Local Transport Plan is a statutory document required by the Department for Transport for maintaining and improving all aspects of local transport.

It is not part of the Development Plan for Somerset but it will be strongly aligned with the Local Plan, Minerals and Waste Plans.

Milestones	Dates
Commencement	Summer 2023
Key stakeholder workshops and engagement Evidence gathering Visioning and objectives	Autumn 2023
Publication of Draft Local Transport Plan and consultation	Spring 2024
Adoption	Winter 2024/Spring 2025

Development Plan documents work programme

[illegible]

Appendix 2

Planning and Transport Policy Sub-Committee of the Executive – Terms of Reference

Membership and meeting arrangements

1. The Planning and Transport Policy sub-committee will oversee and monitor the review of Development Plan Documents, the Local Transport Plan and other planning policy and transport guidance and take delegated decisions on behalf of the Executive.
2. The sub-committee will be made up of 4 members: Lead Member for Economic Development, Planning and Assets; Lead Member for Transport and Digital; Lead Member for Environment and Climate Change; and Leader of the Council.
3. The quorum will be 3 members to include the Lead Member for Economic Development, Planning and Assets or Lead Member for Transport and Digital. Any substitute members must be from the Executive.
4. The Chair will be the Council's Lead Member for Economic Development, Planning and Assets. The Vice Chair will be elected by the sub-committee.
5. The sub-committee will determine its meeting arrangements and frequency of meetings and be governed by the Executive Procedure Rules.
6. The sub-committee will report annually to the Executive.

Functions

1. To oversee and monitor on behalf of the Council the review of the Development Plan as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 specifically:
 - (i) To approve the Regulation 18 (preparation) and Regulation 19 (publication) stages of a Local Plan for consultation.
 - (ii) To recommend the adoption of a Local Plan to Full Council with respect to Regulation 26.
2. To make a Neighbourhood Development Plan within 8 weeks of the referendum in accordance with Section 38(4) of planning and Compulsory Purchase Act 2004 and Section 18(A) of the Neighbourhood Planning (General) Regulations 2012 (as amended).
3. To approve the Local Development Scheme (Section 15 of the Planning and Compulsory Purchase Act 2004).
4. With respect to the Statement of Community Involvement (Section 18 of the Planning and Compulsory Purchase Act) and Supplementary Planning Documents (Regulations

11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012):

- (i) To approve drafts for consultation.
 - (ii) To adopt the final version.
5. To consider and comment on documents that relate to the Development Plan and Local Transport Plan that could include (but are not restricted to):
- (i) Policy options and draft policies having regard to available evidence.
 - (ii) Housing Delivery Action Plans.
6. To oversee matters on behalf of the Council arising from the Planning Act 2008 and subsequent legislation in connection with the Community Infrastructure Levy (CIL), including the approval of draft stages of the CIL Charging Schedule for consultation and to recommend the approval of the CIL Charging Schedule to Full Council.
7. To agree infrastructure priorities and approve Community Infrastructure Levy and s106 spending priorities to support the development of the area and infrastructure funding bids.
8. With respect to the Local Transport Plan (Section 9 of the Local Transport Act 2008):
- (i) To approve the draft for consultation.
 - (ii) To adopt the final version.

Decision Report - Executive Decision

Forward Plan Reference: FP/23/08/14

Decision Date – 4 October 2023

Key Decision – yes



Kitchen replacement programme 2023-27

Executive Member(s): Lead Member for Communities, Housing and Culture

Local Member(s) and Division: N/A

Lead Officer: Assistant Director Housing Property Housing Property, Ian Candlish

Author: Ian Candlish

Contact Details: ian.candlish@Somerset.gov.uk

Summary / Background

1. Somerset Council owns and manages approximately 6000 social rented homes in the Taunton area (prior to April 2023, Somerset West and Taunton District) and under the capital maintenance programme needs to ensure continued compliance with the Decent Homes Regulatory Standard. The Council has a need to implement a long-term programme to install replacement kitchens to its domestic properties. The Council has a specific need to replace approximately 300 additional kitchens in 2023/24. The annual demand thereafter is forecast to be at a similar level. There is a separate agreement between Somerset Council and Premiere for the supply of the kitchens and the cost of the kitchens is included within the pricing proposals submitted as part of the tender for each contractor. We have specified the use of Premiere kitchens through the EEM framework within the tender documents. The annual value of the contracts will be c£650,000 across each of the three contracts and the potential total spend over four years is expected to be approximately £8m.
2. The requirement was divided into three Lots based on geographic postcode and split to provide approximately equal volumes of work for each contractor on commencement of the contract. The contract will be a separate JCT Measured Term Contract for each contractor. Approval is sought for the award of three contracts to three different contractors following a procurement procedure carried out in accordance with the authority's Contract Procedure Rules and Standing Orders, and Public Contracts Regulations 2015.

Recommendations

3. The Executive agrees:
 - a. To approve the award of three contracts for an initial period of 12 months, with an option to extend by mutual agreement for up to a further 12 months, followed by a further extension option of 24 months by mutual agreement, providing for a potential four-year contract term in total.
 - b. To approve the delegation of authority to the Service Director for Housing to approve the further extensions of the contracts subject to mutual agreement.

Reasons for recommendations

4. The appointment of three contractors will provide the Council with a more resilient supply chain for the installation of kitchens and support the Council in meeting its obligations under the Decent Homes Regulatory Standard. It will also improve the Council's assets.
5. This programme is discrete and will only affect Somerset Council's social housing tenants. Improved delivery of the programme should help to support tenant satisfaction with their home.

Other options considered

6. These contracts support the Council in meeting its obligations under the Decent Homes Regulatory Standard, not to install new kitchens would result in a breach of the Regulatory Standard.
7. The provision of these works, following a competitive procedure via the Westworks Dynamic Purchasing System (DPS) that resulted in nine bids received from external contractors, means that the market has been well-engaged and value for money fully tested. To have run an open competition may have increased the number of contractors expressing an interest, but these may not necessarily have been competent contractors and this approach would have increased the procurement timeline.

Links to Council Plan and Medium-Term Financial Plan

8. The costs are accounted for fully within the Housing Revenue Account (HRA), with funding for work included in the approved HRA budget for 2023/24 and projected forward within the HRA Medium Term Financial Plan and 30-Year Business Plan.
9. The provision of good housing supports the Council Plan and is a particularly key element in delivering the 'A Healthy and Caring Somerset' and 'A Fairer, Ambitious Somerset' priorities.

Financial and Risk Implications

10. Refer to paragraph 8 with regard to financial implications.
11. These contracts are essential in supporting the management of the following corporate risks.

CMSH0030 HRA: Failure to maintain housing stock through robust repairs and capital works leading to deterioration of housing stock and customer dissatisfaction.					
Current					
Likelihood	4 Likely	Impact	4 Major	Risk Score	16 Very high
Projected					
Likelihood	2 Slight	Impact	2 Minor	Risk Score	4 Very low
CMS0065 HRA: Decent Homes Compliance – Failure to deliver decent homes capital programme and inability to report overall decency to RSH leading to breach of statutory reporting requirements and reputational damage.					
Current					
Likelihood	3 Feasible	Impact	3 Significant	Risk Score	9 Medium
Projected					
Likelihood	1 Very unlikely	Impact	2 Minor	Risk Score	2 Very low

Legal Implications

12. Detail any legal implications of the recommendations. Legal Services have also reviewed the JCT Form of Contract and the Somerset Schedule of Amendments. Proposed additions to the Schedule of Amendments will be incorporated into the final agreements.
13. The Head of Commercial and Procurement has reviewed the procurement evaluation report and is satisfied to proceed.

HR Implications

14. This work will be carried out by third party contractors and existing Somerset Council staff will be unaffected by the works. The contractors were required to provide a Resident Liaison Officer under the Specification of requirements and in accordance with the Equality Impact Assessment, and this is costed into their proposals - there is no impact on Somerset Council's HRA funded staff structure. Any TUPE implications arising from the transition from the existing contract to new contracts is a matter for the third-party contractors to have considered as part of the procurement process.

Other Implications:

Equalities Implications

15. The Council's Public Health Promotion Manager – Equalities was consulted before issuing the procurement documents and the Equality Impact Assessment includes their recommendations for mitigation. The Equalities Impact Assessment is attached as Appendix 1 Equality Impact Assessment.

Community Safety Implications

16. N/A

Climate Change and Sustainability Implications

17. All kitchens will be provided via Premiere kitchens via the EEM Framework. Sustainability is at the heart of Premiere's philosophy. From in-house biomass generating all their required heat from their manufacturing bi-product wood waste, to recycling all used packaging on site, as well as committing to electric vehicles within their fleet. Contractors have also made specific proposals on the Social Value Theme 'Environment: Decarbonising and safeguarding our world'.

Health and Safety Implications

18. Using the Westworks Dynamic Purchasing System means that all contractors have met Westwork's Health & Safety requirements in addition to Somerset's own evaluation of the contractor's approach to health and safety, particularly in resident's homes.

Health and Wellbeing Implications

19. All new installations will consider the specific needs of individual households and are designed and installed accordingly. This is likely to provide a positive impact on the health and wellbeing of households.

Social Value

20. Social Value offers have been required as part of the procurement exercise (weighted at 10%) using the Somerset Social Value Calculator and supporting guidance. This required all contractors to submit proposals on the following themes:

- Jobs: Promote Local Skills and Employment
- Growth: Supporting Growth of responsible regional business
- Social: Healthy, Safer and more resilient communities
- Environment: Decarbonising and safeguarding our world

The combined commitment from the three contractors over the potential full contract term of four years includes the following:

- £750k spent in local supply chain
- 10 Local direct employees for at least 1 year
- 180 weeks of apprenticeships on the contracts
- 42 hours of staff visits to local schools and colleges (careers talks)

- 30 hours dedicated to support young people into work (CV advice, mock interviews)
- 80 hours volunteering to support local community projects
- 5000 car miles driven using low or no emission staff vehicles
- £2500 donations to support local community projects.

The delivery of contractor commitments will be monitored as part of the contract management arrangements.

Scrutiny comments / recommendations:

21. By agreement with the governance team and the Chair and Vice-Chair of the Scrutiny Committee - Communities, the proposed decision has not been presented to a formal meeting of the Scrutiny Committee - Communities as there is not one being held before the Executive meeting on 4 October 2023. The Chair and Vice-Chair of the Scrutiny Committee - Communities are supportive of the proposed programme.

Background

22. The current kitchen contract ends in October 2023 and the Council's kitchen installation programme requires c300 additional kitchens for 2023/24. The annual demand thereafter is forecast to be at a similar level. The expectation is that appointed contractors will be able to install the required number of kitchens to meet this requirement from November 2023.
23. Contractors on the Westworks DPS were invited to bid for this opportunity based on the following weighted criteria:
 - Price 60%
 - Quality criteria (including mobilisation, customer liaison and health and safety) 30%
 - Social Value offer at 10%.
24. Nine contractors bid for this opportunity and the preferred contractor has been identified for each of the three Lots.

Background Papers

25. Appendix A Tender Evaluation Report Kitchen Replacement Programme 2023-

Appendices


- Appendix A Tender Evaluation Report Kitchen Replacement Programme 2023-27

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	19/09/2023
Communications	Peter Elliot	-
Finance & Procurement	Nicola Hix	10/09/2023
Workforce	Alyn Jones	19/09/2023
Asset Management	Oliver Woodhams	09/09/2023
Executive Director / Senior Manager	Chris Hall / Chris Brown	19/09/2023
Strategy & Performance	Alyn Jones	19/09/2023
Executive Lead Member	Federica Smith-Roberts	-
Consulted:	Councillor Name	
Local Division Members	N/A	On publication
Opposition Spokesperson	Councillor Andy Dingwall	-
Communities Scrutiny Chair / Vice Chair	Councillor Gwil Wren	15/09/2023
	Councillor Dawn Johnson	11/09/2023

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)	 Somerset Council					
Version	V2		Date Completed	29/06/2023		
Description of what is being impact assessed						
Somerset Council own and manage approximately 6000 social rented homes in the Taunton area (prior to April 2023, Somerset West and Taunton District) and under the capital maintenance programme (HRA Capital contract) needs to ensure continued compliance with the Decent Homes Regulatory Standard. The Council has a need to implement a long-term programme to install replacement kitchens and bathrooms to its domestic properties. The requirement extends to include the same works to void properties as instructed.						

The Council has a specific need to replace 438 kitchens and 226 bathrooms in 2023/24. The annual demand thereafter is forecast to be at a similar level for both kitchens and bathrooms.

Evidence

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

Our residents will have a diverse range of needs and some may be vulnerable.

Our expectations around resident liaison will be an important part of the tender evaluation and on-going contract management.

Close liaison with the housing team during the contract/s will also enable the property team to manage specific resident requirements under the programme.

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

The programming of properties has been developed by the Property Asset Team and reviewed by the Capital Programme Manager to prioritise properties appropriately within the programme.

Contracts will include the prioritisation of works required by vulnerable residents.

Contractors bidding for the work will need to confirm compliance with the Equalities Act 2010.

The number of contractors to be appointed aims to give the Council the capacity to deliver the programme as well as respond in a timely manner to specific and urgent resident needs that arise from time to time.

The Capital Programme Manager has also specified that a full time Resident Liaison Officer (RLO) must be provided by any successful contractor/s.

Contractors will be required to commit to the delivery of social value benefits as part of their proposals. The delivery for these will be monitored as part of the contracts management.

Analysis of impact on protected groups

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

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> Residents will benefit from a new kitchen or bathroom with the necessary adjustments to take account of their specific needs. This could be the requirement for a walk-in shower or high level oven due to limited mobility. The RLO role will be important in identifying and addressing these needs. 	☒	☐	☐

Disability	<ul style="list-style-type: none"> Residents with specific needs due to disability will have adjustments made to take account of their needs. This could be the sound and light timers for those with a visual impairments, counter levels at a lower height for wheelchair users, bathrooms with a shower/bath dependant on access requirements. The RLO role will be important in identifying and addressing these needs. We also recognise that the RLO role could be dealing with vulnerable people for a number of mental health or learning disabilities who are currently housed in our Social Housing offer. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<ul style="list-style-type: none"> Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. We also recognise that the RLO role and contractors could be engaging with individuals from this community. We know this community is currently more likely to experience discrimination and this could potentially come from these staff. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage and civil partnership	<ul style="list-style-type: none"> Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<ul style="list-style-type: none"> Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race and ethnicity	<ul style="list-style-type: none"> Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. We also recognise that the RLO role and contractors could be engaging with individuals from this community. We know this community is currently more likely to experience discrimination and this could potentially come from these staff. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<ul style="list-style-type: none"> • There may also be cultural considerations around men being alone with women in their home. In some cultures this would not be acceptable. • It may be that those living in our properties don't have a good comprehension of English. 			
Religion or belief	<ul style="list-style-type: none"> • Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. We also recognise that the RLO role and contractors could be engaging with individuals from this community. We know this community is currently more likely to experience discrimination and this could potentially come from these staff. • There may also be cultural considerations around men being alone with women in their home. In some cultures this would not be acceptable. 	☒	☐	☐
Sex	<ul style="list-style-type: none"> • Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. 	☒	☐	☐
Sexual orientation	<ul style="list-style-type: none"> • Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. We also recognise that the RLO role and contractors could be engaging with individuals from this community. We know this community is currently more likely to experience discrimination and this could potentially come from these staff. 	☒	☐	☐
Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> • Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. 	☐	☒	☐

Other, e.g. carers, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Negative outcomes action plan Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Reassurance that the RLO role will be skilled in engaging with people in different ways to meet their communication and cultural needs.	Contract start date	Appointed Contractor.	Contract management review meetings	<input type="checkbox"/>
A clearly defined feedback process identified should the RLO or contractors be discriminatory	Contract start date	Somerset Council Contract Manager	Via Customer Feedback process, Customer Satisfaction KPI monitoring and Contract management review meetings	<input type="checkbox"/>
Clear on who is providing translation and interpretation (if needed) and who is paying for it. Is this identified within the scope and costings asked for?	Contract start date	Somerset Council Contract Manager (to be confirmed) will co-ordinate and fund.	Contract management review meetings	<input type="checkbox"/>

	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				
Completed by:	Ian Candlish			
Date	30/06/2023			
Signed off by:	Chris Brown			
Date	30/06/2023			
Equality Lead sign off name:	Tom Rutland			
Equality Lead sign off date:	30/06/2023			
To be reviewed by: (officer name)	Nigel Loxton			
Review date:	01/11/2024			

APPENDIX A

Tender Evaluation Report

Kitchen replacement programme 2023-27

DN665404

Author: **Name: Michael O'Halloran**
 Title: Procurement Specialist
 Commercial & Procurement
 Date: 18 August 2023

1. Management Summary

Somerset Council owns and manages approximately 6000 social rented homes in the Taunton area (prior to April 2023, Somerset West and Taunton District) and under the capital maintenance programme needs to ensure continued compliance with the Decent Homes Regulatory Standard. The Council has a need to implement a long-term programme to install replacement kitchens to its domestic properties.

The Council has a specific need to replace approximately 300 additional kitchens in 2023/24. The annual demand thereafter is forecast to be at a similar level.

This procurement was carried out by Somerset Council who wished to select a number of Contractors to provide the Works under the kitchen programme. The procurement was conducted under the Westworks Dynamic Purchasing System (Westworks DPS) as a call for further competition under Categories 1a and 11.

The Council sought to appoint suitably accredited and experienced Contractors to undertake the design, supply and installation of kitchens in domestic properties owned by the Council.

The requirements were split into three Lots based on geography. Applicants could bid for all Lots but only be appointed to one Lot. Applicants were requested to rank Lots bid for in order of their preference. The reason for appointing three contractors is to support efficient delivery of the programme and provide resilience in our supply chain against contractor delivery failure.

The Council expects the three appointed kitchen Contractors to be able to install four kitchens per week from end of October 2023.

The annual value of the contracts will be c£650,000 across each of the three contracts and the potential total spend over four years is expected to be approximately £8m.

2. Procurement Process

This procurement was carried out in accordance with the authority's Contract Procedure Rules and Standing Orders, and Public Contracts Regulations 2015 principles.

Suppliers were invited to submit a response to the Invitation to Tender (ITT) through the Westworks In-Tend e-Tendering System. The Procurement Documents were published on 11 July 2023.

Bid responses were received by the closing date of 12 noon on 7 August 2023 as follows:

- Nine Bidders responded within the deadline. Eight Bidders bid for all three Lots and one Bidder bid for one Lot only.
- All nine Bidders submitted a compliant Bid.
- Bids were evaluated in accordance with the criteria set out in the Procurement Documents and set out in section 2.1 below.

The Commercial and Procurement Team conducted the compliance checks.

Several clarification questions were issued to all Bidders to confirm their Pricing and Social Value proposals.

2.1 Evaluation Methodology

Bids were evaluated in accordance with the evaluation criteria set out within the Procurement Documents and were applied as follows:

Evaluation criteria breakdown		Weighting
Quality		
Contract mobilisation and on-going delivery	15%	30%
Approach to Customer care and tenant liaison	10%	
Health and Safety and risk assessments	5%	
Price		60%
Social Value		10%

2.2 Quality

The quality questions were scored and evaluated in accordance with the published criteria.

The quality element of the Tenders was evaluated by a panel of officers and moderated in a moderation meeting following initial collation of scores and comments. The moderation process was facilitated by the Commercial and Procurement Team at Somerset Council (see Confidential Appendix B for the list of evaluators and moderators). Each evaluation panel member scored each Bid on an individual basis and prior to the moderation meeting.

Moderated scores are available in Confidential Appendix B, including the proposed award decision.

2.3 Pricing

Pricing was assessed based on the total tender price for the Services included by bidders within the Pricing Schedule. The tendered prices are available in Confidential Appendix B, including the proposed award decision.

3. Contractual Position

The Contracts will be a JCT Measured Term 2016 Edition with Employers Schedule of Amendments. The specification and pricing model is supported by the NHF Planned Maintenance and Property Reinvestment Works Schedule of Rates V7.2. The contract will not commit Somerset Council to instructing any volume of work and work will only be issued on a specific order basis under the terms of the contract.

If appointed Contractors fail to mobilise quickly and deliver the requested number of installations to the required standard during an initial pilot period in November, no further instructions will be made. For the avoidance of doubt, failure to perform to the required standards and volumes thereafter will result in no further instructions under the terms of the contract. In such circumstances, Somerset Council will reserve the right to move work to other appointed contractors or engage with the next ranked contractor under the competition in compliance with PCR2015 Regulations.

This is subject to approval of an Executive Key Decision to award supported by this evaluation report.

3.1 Proposed Term

The three contracts will be for an initial period of 12 months, with an option to extend by mutual agreement for up to a further 12 months, followed by a further extension option of 24 months by mutual agreement.

3.2 Service Levels and Contract Management

Service levels will be monitored as part of Contract Management and specific Key Performance Indicators. The contract will be managed to ensure that the service meets expectations and to identify further opportunities for cost and service improvement.

4. Risk and Mitigation

Risk: The risk associated with contractor delivery of the programme has been a key element in the planning of the procurement strategy.

Mitigation: This risk will be mitigated by the appointment of three contractors.

5. Next Steps

- Policies and Communities Scrutiny Committee approval to take to Executive meeting on 4 October.
- Executive Key Decision to award to be approved. (4 October)
- Suppliers to be informed of the decision by Commercial and Procurement Team. (Following approval)
- Voluntary Standstill period to elapse. (10 days)
- Contract award (23 October 2023)
- Contract Mobilisation/ Implementation to begin.

End of Report

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Octagon Project Update

Executive Member(s): Lead Member for Communities, Housing and Culture, Cllr

Federica Smith-Roberts

Local Member(s) and Division: All

Lead Officer: Executive Director – Communities, Chris Hall

Author: Chris Hall

Contact Details: chris.hall@somerset.gov.uk

1. Summary

- 1.1 This report is a position update following the approval by the previous South Somerset Council of the capital scheme and further work in preparation for contract award.
- 1.2 The report identifies a range of issues that have emerged since the original business case was approved. Given these issues further work needs to be brought forward to achieve and secure assurance of the full case and options.
- 1.3 The report sets out the financial pressures in both revenue and capital resources during the pre-construction, and construction phases.
- 1.4 The report sets out further financial pressures due to the increased borrowing costs and it is no longer possible to give assurance to Members that the future taxpayer funded revenue costs can be met. Based on current interest rates, these costs would increase significantly and present a new MTFP pressure in the region of £900k pa.
- 1.5 The report is not critical of the previous Business Case or the decision of South Somerset District Council; the conditions have changed beyond those that could reasonably have been foreseen at the time of approval.
- 1.6 The Octagon Board have been briefed on the issues.

2. Recommendations

2.1 The Executive:

- a) Confirms its commitment to the Octagon project as a flagship venue to deliver arts and culture services in Yeovil for Somerset

- b) Acknowledges that the current business case can no longer be met, and a revised business case would be necessary.
- c) Acknowledges the revenue financial pressure created by the works to date and instructs Officers to explore mitigations to these costs.
- d) Instructs officers continue to work with Department for Culture Media and Sports (DCMS) and Arts Council England (ACE) to find a viable Octagon business case to deliver cultural services in Yeovil for Somerset.
- e) Instructs work to be overseen by the Octagon Theatre Redevelopment Project Board in collaboration with all partners.

3. Reasons for recommendations

- 3.1 The approved business case can no longer be met, and assurances cannot be provided to Members that it could be met in the future.
- 3.2 Interest rates payable on the borrowing needed for the project have increased way beyond the approved business case. Alternative funding options have not been forthcoming and interest rates forecasts will remain in excess of the business case for the foreseeable future.
- 3.3 Whilst the current scheme is not affordable because of increased borrowing costs, there may be an opportunity to work with DCMS and Arts Council and other partners to find a viable Octagon business case to deliver cultural services in Yeovil for Somerset.

4 Actions taken

- 4.1 The following are actions that have been explored in the hope of provided some mitigation and enable delivery of the approved business case. Only 4.2, 4.3 and 4.8 are being taken forward.
- 4.2 Considerable effort has been put to challenging the costs and seeking measures to mitigate the cost growth. There may be options to reduce the capital build costs through value engineering. This needs to be undertaken sensitively, a reduction in the specification can lead to poorer build quality, higher operating costs, and potential challenge from DCMS with a reduction in their funding. Whilst it may be possible to design out the current predicted capital pressure of £1.7m the borrowing cost pressures remain. An entirely different scheme could be scoped to bring the theatre back into use. A cost estimate was provided for this which was in the region of £9m. Detailed modelling on this has not been progressed as this is a departure from the Member approved scheme and would require project resources and time to bring forward.

- 4.3 Request additional funding from DCMS and / or Arts Council England (ACE) – We have met with representatives from DCMS and ACE. We all have the desire to continue the delivery of the scheme but acknowledge the financial pressures. They have confirmed that there is no headroom in their capital programme and additional funding from them is not an option. They have also confirmed that the £10m of grant funding is specific for the approved business case. If we fail to meet all of the criteria, then the award is not guaranteed. This may prevent us from making changes to the scheme and retaining the full £10m grant.
- 4.4 Pausing / deferring the scheme – This would be in the hope of borrowing cost reductions. External advice has not given any indication of a return to rates that would fall within the approved business case. An indefinite pause would lead to the loss of the DCMS grant and places the council in a similar position to a decision to cease works.
- 4.5 Seek an alternative operator on a nil cost contract. – On completion of the scheme the new facility may have commercial interest from other operators, and it could be put to market with a stated expectation of no taxpayer contribution. However, to prevent any cost to the Council a future operator would need to meet the financing costs of Somerset Council, estimated at £1.435m (£380k MRP + £1055k interest) per annum which reflects the borrowing and Minimum Revenue Position (MRP). It seems unlikely that this could be achieved, and Somerset Council would continue to hold the financial risk. Timing is also a risk as a decision to proceed with the construction is needed before Christmas 2023, but it would take at least a year to run the procurement exercise for an operator. The time necessary and the retained financial risk have caused this option to be dismissed.
- 4.6 Proceed at risk – this would require Members to approve a revised business case with an increased operating cost pressures being placed into an already challenging MTFP horizon. There are no Somerset Council budgets that could contribute to the increased revenue costs without reducing or ceasing activity of a similar value, and for this reason proceeding at risk could not be recommended.
- 4.7 Divert the revenue contribution allocated to the Westlands Entertainment Venue – This would have a significant impact on the Westlands operation. Whilst we gave this some initial consideration it would require a separate Member approval. Whilst a diversion of this funding would provide some support, the Octagon budget pressure remains significant and therefore closure is not being proposed as a solution. We would also have a lost opportunity for the future use of the Westlands site.
- 4.8 Future options appraisal – proposed within the recommendations.

5. Links to Council Plan and Medium-Term Financial Plan

- 5.1 The Council is committed to the delivery of cultural services, these must be balanced with the approved business case, the immediate project deliverability, and long-term cost of operation at the taxpayer expense.
- 5.2 The development of a flagship theatre not only links to the delivery of cultural services but the economic regeneration of Yeovil and the whole of Somerset due to the added benefits the theatre added to the local economy.
- 5.2 The council's MTFP identifies a considerable budget gap. Changes to service delivery across the Council will likely be needed to meet this gap. Should Members reject the recommendations of this report there is no clear funding strategy for the project or the ongoing operation of the facility.
- 5.3 It will take time to fully understand the impact of revenue and capital money already spent. Some of this may be mitigated by a project specific capital reserve and other fundraising. Whilst the impact is not known in full it does not override the recommendations or justify continuing with a capital scheme where the evidence shows this to be unaffordable.

6. Financial and Risk Implications

- 6.1 Only one bid was received when the design and build contract was put to the market. Whilst we acknowledge there are a range of pressures in external contracting we should consider if the risks associated with this project and a constrained budget contributed to the lack of interest. Feedback from one of the anticipated bidders was that they did not believe the scheme was deliverable for the budget and so declined to participate.
- 6.2 Current capital cost estimates demonstrate that the budget will overspend by £1.7m. There are options being explored to reduce this cost through value engineering. Somerset Council will carry the risk if value engineering options cannot be made. There may be further risk if options selected increase operating costs through shorter component lifecycles, or do not meet with the approval of DCMS as a key funder of the project.
- 6.3 The modelling on revenue costs has been undertaken with a number of assumptions, as with any business case this creates an indication as to the likely financial performance of the operation. The updated business case reflects the known changes in the borrowing costs but does not revise any of the other previous assumptions. The headline changes are as follows:

Initial Business case	Modelled position
Total scheme costs £29,010,000	Capital costs estimates £30,710,000
Other funding available £2.25m	Reduced to £1.312m
Borrowing need £16,318,000	Revised borrowing £18,978,000 *
PWLB rate of 1.5%	PWLB (August '23) 5.56%
Annual interest repayments c£245k	Increased to c£1,055k *
MRP at 2% = £326k pa (reducing)	MRP at 2% of new borrowing total = £380k pa (reducing)
Net revenue cost removed by year 6 (2030/31)	Net revenue cost removed by Year 23 (2048/49) *
Assumed use of existing internal resources	Internal resources are not sufficient to deliver a project of this value or complexity (increase cost £100k pa)

*The borrowing costs are based on capital estimates, any increase identified in the second stage tender would increase these costs further.

- 6.4 Revised financial modelling with the above assumptions demonstrates that the on-going revenue cost to the Council would rise from £130k in the approved business case to as high as c£930k per annum plus a further £100k pa of additional resources during construction. The main impact on the business case will be the cost of borrowing which has increased from an estimated 1.5% at the point of approval of the business case to the current rate position of 5.56% (August 23) if fixed for 50 years. Council could consider taking short-term borrowing and seek to fix costs in future years in the hope of more favourable terms. However, the short-term borrowing would likely cost more in those initial years.
- 6.5 External Treasury Management opinion suggest that interest rates may reduce to 4.4% by the end of Q4 24/25. This is still nearly three times the rate approved and whilst it is a better position than current rates it would continue to be unaffordable within the business case.
- 6.6 At the point of the original approval the borrowing costs could not have been foreseen to rise in the way they have, similarly it is not possible to give any confidence on the future borrowing costs and so the modelling uses a fixed rate. For every 0.25% the PWLB rates increase the interest repayments increase by c£50k pa in the early years, this reduces with future MPR payments over the 50-year borrowing term.

- 6.7 In developing the design, undertaking the survey works and going through the procurement process there have been costs that are incorporated into the capital budget. Should the project not progress into a capital scheme these costs will change from capital to revenue as part of the necessary accounting practice. Expenditure to date on a range of preparatory works is £1.77m, and the surveys have advised that no RAAC has been identified.
- 6.8 The recommendations of this report are for officers to seek financial mitigations that limit impacts on the revenue budget.
- 6.9 Project specific risks are managed through the Octagon Project Board
- 6.10 Following discussions with DCMS and ACE there are no risks to the National Portfolio Status or funding provided.

7. Legal Implications

- 7.1 The Council is under no obligation to award the contract on receipt of the final tender price.
- 7.2 There are a number of external funding streams that have been allocated to the project. Officers will need to work with organisations that have offered those funds to confirm if they can be passed to an alternative scheme, this will only be known for certain once options have been identified and negotiations undertaken.
- 7.3 DCMS and ACE have clarified their position, and no funding can be drawn down from the grant without Council accepting the increase borrowing costs. No DCMS grant has been received to date, Somerset Council are liable for expenditure to date.

8. HR Implications

- 8.1 The planned closure of the Octagon as part of the pre-construction survey work led to a diversion of staffing resources to Westlands, and less reliance on our casual workforce. There were no redundancies identified as part of this work.
- 8.2 If the recommendations of the report are accepted this would continue to be the position whilst an options appraisal is undertaken.

9. Other Implications:

Equalities Implications

- 9.1. The recommendation of this report is to seek alternative ways to deliver arts and cultural services, there are no recommendations as to how this is done at this stage and so equalities impacts cannot yet be fully assessed. The Octagon theatre cannot be reopened and will remain closed whilst these options are being explored. Wherever possible services have been transferred to the Westland site. The original business case addressed long standing accessibility issues on the site.

Community Safety Implications

- 9.2. Intrusive survey works have been undertaken within the building and reopening is not an option without further money being spent. If the recommendations of the report are followed the building will remain closed to the public pending further options being worked up with DCMS and ACE. The site is currently secured but could become a future target for vandalism or urban explorers.

Climate Change and Sustainability Implications

- 9.3. Somerset Council have declared both a Climate and Ecological Emergency. Through that, the Council has committed to working towards making the whole county, including our own estate and operations, 'Carbon Neutral' by 2030 and to take positive action to reverse the damage on our natural habitats by human-caused activity. We have also pledged to ensure that Somerset is resilient to, and prepared for, the effects of Climate Change.
- 9.4. The capital improvement scheme would have delivered a fully decarbonised facility. If the recommendations of the report are accepted officers will need to consider this as part of the future options appraisal.

Health and Safety Implications

- 9.5. With more time now needed to consider options for future delivery the building being unused for an extended period.

Health and Wellbeing Implications

- 9.6 There are no immediate implications from this report. The original business case did however demonstrate that Culture supports the preventative agenda for increasing better health and wellbeing outcomes.

Social Value

- 9.7 Social value was considered as part of the procurement process.

10. Scrutiny comments / recommendations:

- 10.1 Given the urgency in bring this report to Executive it was not possible to have the item considered by Scrutiny Committee – Communities in advance. The report and presentation were discussed with the Chair and Vice Chair on 18 September 2023.

11. Next Steps

- 11.1 The following are a list of in-train and planned activities that result in new report for the Executive to consider. The date of that report will depend on the complexity of the options and the timeline of other funders:

- Octagon Board briefing 13th September
- Yeovil Town Council officer meeting, and ongoing support
- Media interview and roll out of communications strategy
- Executive 4th October
- Media and stakeholder visits to Octagon
- Build and financially assess options with DCMS
- Executive report with options appraisal

12. Background Papers

Appendices

- **South Somerset District Council approved Outline Business Case (OBC)**

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	14/09/23
Communications	Chris Palmer	14/09/23
Finance & Procurement	Nicola Hix	14/09/23
Workforce	Alyn Jones	14/09/23
Asset Management	Oliver Woodhams	14/09/23
Executive Director / Senior Manager	Chris Hall	14/09/23
Strategy & Performance	Alyn Jones	14/09/23
Executive Lead Member	Cllr Smith-Roberts	14/09/23
Consulted:		
Local Division Members	Various	18 th & 19 th Sep
Opposition Spokesperson	Cllr David Fothergill / Cllr Andy Dingwall	14/09/23
Scrutiny Chair	Cllr Wren	18/09/23

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Octagon update

Chris Hall



Somerset
Council

Approved SSDC Business Case (OBC)

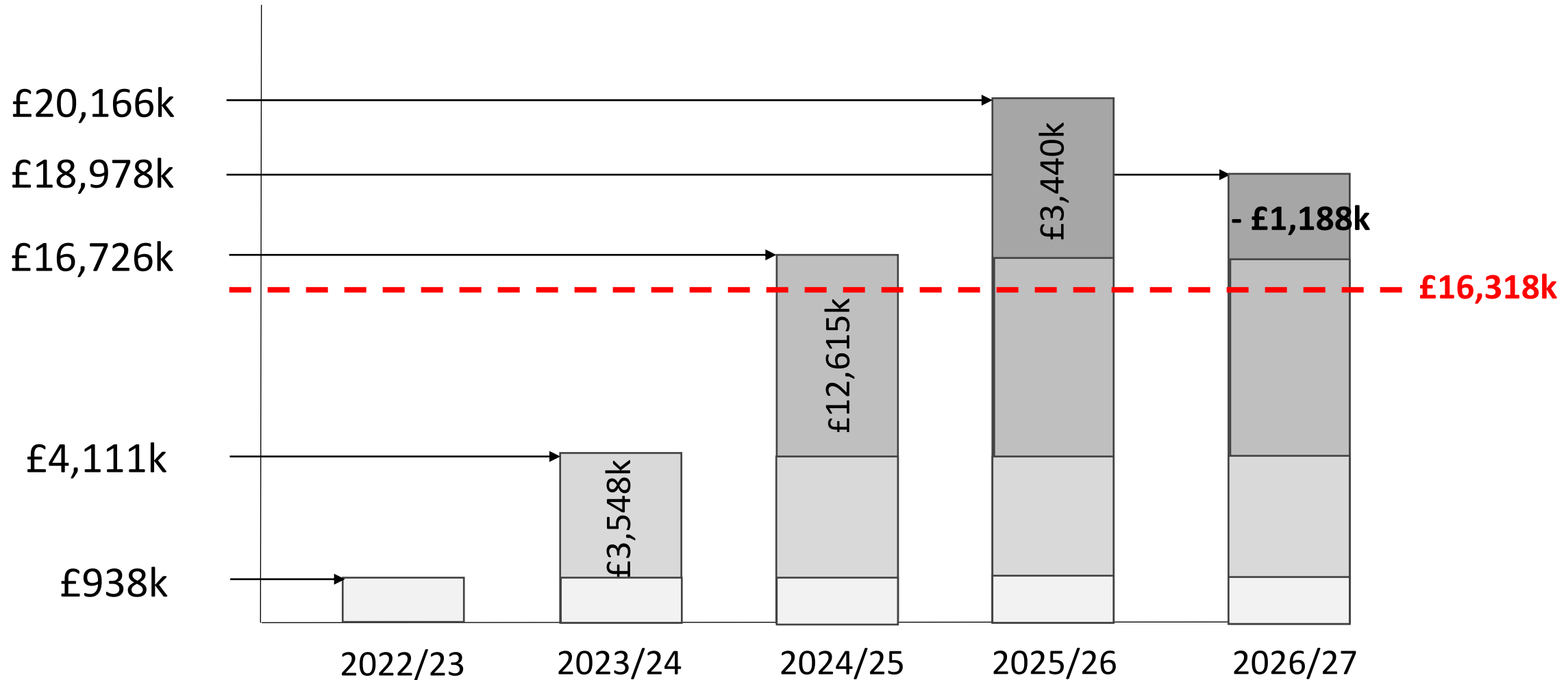
- Improvements / upgrades to building and offer to the public
- Usage growth supports operating costs = removal of Council subsidy from 2030/31
- Project cost of £29,010,000
- DCMS Grant of £10m
- Council borrowing of £16.318m
- Other funding / grants / capital receipts of £2.25m
- Assumed borrowing costs of 1.5%
- Minimum Revenue Provision of 2%
- No borrowing in advance of need

What's Changed?

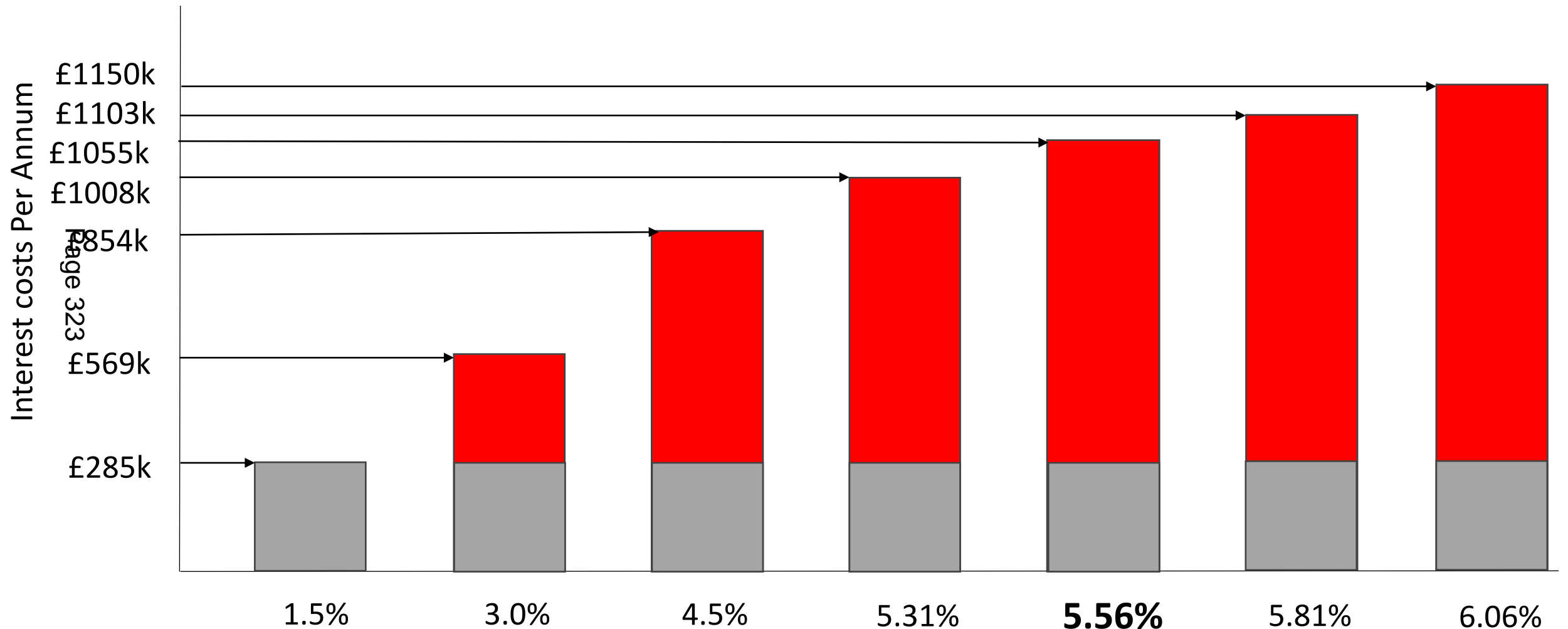
- Single bidder response for the two-stage procurement activity
- Predicted capital cost £1.7m higher
- Other funding has fallen from £2.25m to £1.312m
- Borrowing exc. construction pressure £17.257m up from £16.318m in BC
- Borrowing required inc. construction pressure £18.978m
- PWLB rates (August 23) 5.56% for 50yr fix
- Debt servicing costs increased from c£285k pa to c£1,055k pa
- Each BoE base rate increase of 0.25% adds c£50k pa
- Council net subsidy c £900k pa reducing to nil at year 2048/49
- Insufficient project resources, + £100k pa during construction

Drawdown of borrowing £18.978m

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PWLB rates (£18.978m over 50 yrs)



Income

Ticket sales

Ticket levy

Café / Bar sales

Event hire

Grants

Inflation over time



Expenditure

Insurance

MRP

Interest

Maintenance

Marketing

Consumables

Central recharges

Staffing

Utilities

Inflation over time

VAT

= Net Council Subsidy

Potential mitigations explored

- Increase ticket levy
- Value engineer down the design to match capital budget
- Take risk on future reduction on PWLB rates
- Fix rates later, rather than at the point of need
- Possible Cultural Exemption for vat
- Request more grant from DCMS / Arts Council
- Divert Westlands subsidy to support Octagon
- Construction costs would be fixed in contract for the known elements of the scheme

Risks

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- Deliverability within budget (issue)
- Costs to date c£1.8m
- Loss of DCMS grant
- Loss of facilities for Somerset / Yeovil
- Feasibility study Oct 2020 said £23m
- RIBA stage 2 in Jan 2022 said £29m
- 1st stage contractor response estimated £30.7m
- Second stage tender Dec/Jan 2023 will say...?

What next?

- It is now clear that assurance cannot be provided
- Communications plan and guided tours planned
- Recommendations

The Executive:

- a) Confirms its commitment to the Octagon project as a flagship venue to deliver arts and culture services in Yeovil for Somerset
- b) Acknowledges that the current business case can no longer be met, and a revised business case would be necessary.
- c) Acknowledges the revenue financial pressure created by the works to date and instructs Officers to explore mitigations to these costs.
- d) Instructs officers continue to work with Department for Culture Media and Sports (DCMS) and Arts Council England (ACE) to find a viable Octagon business case to deliver cultural services in Yeovil for Somerset.
- e) Instructs work to be overseen by the Octagon Theatre Redevelopment Project Board in collaboration with all partners.

Thank you

Any Questions



Somerset Council

Notice of private meeting



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

Following prior publication in the Forward Plan on 10 February 2023, in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – Regulation 5, notice is hereby given that the Executive is requested to consider agreeing a resolution at its Meeting on 27 February 2023 to exclude the press and public from any part of the meeting where exempt information relating to the items below is to be disclosed:

Contract award for the appointment of providers to deliver housing related support and accommodation for 16-25 year olds

Author: Julie Breeze, Strategic Commissioner for Children in Care, Children and Family Services

Contact Details: julie.breeze@somerset.gov.uk

Award of contract for highways services

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Integration of Cornwall into Adopt South West

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Commercial Investment update

Authors: Robert Orrett, Rob Burgess – Corporate Property Services

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

Local Government Act 1972 – Schedule 12A

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

Representations received to hold the item in open session

None.

Council's response to representations received
Not applicable.

Circulation:

All Somerset Council Members
Council's website

26 September 2023
David Clark – Monitoring Officer

For questions about this notice please contact Mike Bryant, Democratic Services, County Hall, Taunton, TA1 4DY. Tel: 01823 357628 Email:mike.bryant@somerset.gov.uk
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Decision Report - Executive Decision

Forward Plan Reference: FP/23/08/09

Decision Date – 4 October 2023

Key Decision – Yes



Integration of Cornwall into Adopt South West

Executive Member(s): Lead Member for Children, Families and Education

Local Member(s) and Division: n/a

Lead Officer: Claire Winter, Executive Director, Children, Families and Education

Author: Melanie Coleman (Devon County Council)

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Summary / Background

In June 2015, the Department of Education (DfE) required all local authority and voluntary adoption agencies in England to consider how they could work more closely together on a regional basis. This was formalised in the Education and Adoption Act 2016 which required local authorities to group together to deliver their adoption functions in a more cohesive manner.

On 11 April 2018, Devon Cabinet agreed that a Regional Adoption Agency named Adopt South West be established, hosted by Devon County Council and incorporating the adoption services of Somerset County Council, Torbay Council and Plymouth City Council.

Cornwall and the Isles of Scilly Adoption Service did not join a regional adoption agency at this time due to uncertainty about the model being proposed, and concerns at the time about whether consistent practice standards could be established. However, seven years have since passed since the Education and Adoption Act 2016 came into force and Regional Adoption Agencies across England have developed significantly over that period.

Cornwall is now one of only two Local Authorities nationally that are not yet part of a regional adoption agency and the DfE has given a clear message that Cornwall should join a regional adoption agency as soon as possible.

In partnership with Adopt South West, Cornwall has undertaken a review of options for Cornwall's future relationship with Adopt South West.

Cornwall Council is now requesting permission from all existing Adopt South West member Councils (Devon, Somerset, Torbay, Plymouth) to join the regional adoption agency as a full member.

Full membership will delegate all Cornwall and the Isles of Scilly adoption core functions to Adopt South West. The regional benefits will include a larger area of media coverage leading to more potential adopters, a streamlined service

over a large proportion of the south west area and continuity of service not only for staff working within adoption but also for children and adopters.

Cornwall Council, in common with all other local authorities in Adopt South West, will retain decision-making responsibility for children, from their authority area.

Cornwall and the Isles of Scilly Adoption Service propose to TUPE staff to Devon County Council (as the host authority for Adopt South West) and provide an agreed level of finance to support Adopt South West to continue to deliver high quality adoption practices across the region.

Recommendations

That the Executive agree the proposal for Cornwall and the Isles of Scilly Adoption Service to join Adopt South West as a full member.

(The Isles of Scilly will be included in the agreement on their existing arrangement terms with Cornwall and a new Service Level Agreement will be agreed between Devon County Council and the Isles of Scilly.)

Reasons for recommendations

Cornwall joining Adopt South West will provide several key benefits to existing Local Authorities:

- Cornwall has an outstanding adoption service and expertise across children's social care, evidenced in its outstanding Ofsted inspection report outcome (2019). This would indicate that Cornwall can contribute positively to the good quality of social work practice in Adopt South West. Although Adopt South West has not yet been inspected by Ofsted a peer review by Essex County Council in 2021, identified a good quality of practice.
- Cornwall joining will expand the number and range of potential adopters for children across the Adopt South West area.
- An increase in the number of partners to share overhead costs will see each of the existing partners benefit by over £203k overall in the first year of their membership (see financial implications below for full details).

Financial and Risk Implications

Work has taken place over recent months to ensure that Adopt South West will have sufficient additional budget to take on the functions for which it will now be responsible. In total additional budget of £916k will be required, but this will be covered from existing budget already in the service, and is not an additional request for funding. This comprises:

Budget Heading	Amount (Based on 23/24 prices) £	Comments
Direct Staffing costs	592,137	Based on 12.2 full time equivalent staff
Indirect staffing costs	20,630	Training, travel and other overheads
Step Parent Assessments	23,000	Contract with independent Social Worker
Subscriptions	20,150	Includes subscriptions that will transfer from Cornwall plus expected additional costs incurred by ASW due to increase in size of the RAA
Internal Support Services	33,538	ICT, HR, Insurance etc
Panel Costs	20,100	
Post Adoption Support functions	42,000	
Advertising	10,000	
Other operational budget items	4,000	Equipment, ICT hardware etc
Total Operational Budget Costs	765,555	
Inter-agency fees	150,000	Based on estimated annual spend
Total	915,555	

The figures above are based on 23/24 prices and will be refreshed as part of the 24/25 budget setting exercise, when details such as pay award assumptions are known.

In August 2023 the Adopt South West Strategic Board agreed a new funding formula for use for the period 2024/25 to 2026/27. This new methodology fundamentally changes the basis on which partners are recharged for the costs of Adopt South West and uses volumetric activity data to determine charges to each partner. Partners have informally indicated that they are happy with the new methodology and a 2-year phasing process, pending political approval in each Local Authority area.

In the event that any partner's political process fails to ratify the amended funding formula proposal the existing funding formula would continue to apply.

Cornwall have worked closely with the Adopt South West finance team to enable their contribution levels under both the existing and proposed funding formula to be calculated by providing operational volume data and historic spend information.

Under the existing funding formula, which is recommended to be discontinued for use prior to Cornwall joining the RAA they would be responsible for 19.48% of the total costs of Adopt South West. This equates to a total charge of circa £1.236m (based on 23/24 prices).

Under the proposed revised formula phased in over 2 years, the charge to Cornwall would reduce and be representative of the amount of work relevant for Cornwall Council. The charge would be as follows:

	2024/25	2025/26	2026/27
Overall percentage of total ASW costs	17.63%	15.78%	15.78%
Charge	£1,118,948	£1,001,166	£1,001,166

Cornwall's charges under this formula is in excess of the expected additional budget required for Cornwall activity (as shown in the first table above) and recognises the requirement for them to contribute to the overall cost of Adopt South West including the RAA's management and overhead costs.

There are other financial benefits to Cornwall joining Adopt South West – for example inter-agency fees which are currently charged for children placed by Cornwall with Adopt South West adopters, will no longer apply.

The implementation of the new funding formula and its phasing are subject to the democratic decision-making processes of each partner.

There are no individual risks for Somerset Council. A summary of an exercise completed to assess the possible risks as a result of the integration, is set out below:

Ref	Risk description	Mitigation
1	RESPONSIBILITIES: Devon, as Adopt South West host authority, will become accountable for another local authority's adoption services. This may potentially attract a financial cost, for example if there are legal costs related to a complaint	<ul style="list-style-type: none"> • Clear Governance and effective Inter Authority Agreement, e.g., delegation and financial arrangements • Responsibility for performance and inspection remains with the child's Local Authority, in the same way an authority retains responsibility for commissioned services
2	COST: Devon as the Host of the RAA will	<ul style="list-style-type: none"> • Funding Model will have appropriate mechanisms to

Ref	Risk description	Mitigation
	attract additional costs e.g., corporate service functions such as IT and HR	<p>ensure the Host does not wholly bear additional cost and there are appropriate mechanisms to manage financial risks agreed by all authorities</p> <ul style="list-style-type: none"> • Regular review of the funding model
3	<p>COST: Local authorities may see an increase in cost of service as Cornwall's contribution split doesn't cover the additional cost of incorporating Cornwall into ASW</p>	<ul style="list-style-type: none"> • Cornwall's contribution has been proportionately evaluated during the project using the current and proposed funding formula.
4	<p>COST: Limited budget currently available to do the work required to ensure a smooth transition, and provide the new IT equipment required</p>	<ul style="list-style-type: none"> • Ensure we have an early understanding of the full estimated costs so additional funding can be sought, if required
5	<p>FUNDING FORMULA: New funding formula currently under development that could impact on the contribution levels of both existing Partners and Cornwall</p>	<ul style="list-style-type: none"> • We have had sight of the proposed funding formula which is currently financially beneficial to Cornwall
6	<p>STAFFING: Cornwall may see staff leaving their adoption services ahead of the transfer due to the uncertainty of change</p>	<ul style="list-style-type: none"> • Early decision on posts in scope for TUPE so staff are aware of the position • Communication of the benefits of joining ASW, and what this means for staff, and ensuring they are engaged throughout the process • Transparent and timely consultation to inform working arrangement e.g., teams, locations, work base, and terms and conditions
7	<p>STAFFING: Lack of experienced staff with local knowledge transferring across in key roles</p>	<ul style="list-style-type: none"> • Communication of the benefits of joining ASW, and what this means for staff, and ensuring they are engaged throughout the process • Transparent and timely consultation to inform working arrangement e.g., teams,

Ref	Risk description	Mitigation
		locations, work base, and terms and conditions <ul style="list-style-type: none"> • Staff engagement between ASW and Cornwall colleagues has commenced and will be ongoing until Cornwall join, as proposed, by April 2024
8	RECRUITMENT: Devon as Host Local Authority may end up with a number of vacancies immediately after the transition, with recruitment slowed down by the extra steps required due to the recruitment freeze within Devon	<ul style="list-style-type: none"> • Early agreement on interim recruitment processes to allow Devon to recruit to known vacancies as soon as they are known, or gaps identified • Start the process of getting approval to recruit as soon as aware of a vacancy

Legal Implications

The Regional Adoption Agency is governed by an Inter Authority Agreement which formalises the following amongst the current participants:

- A shared service model with Devon County Council (DCC) as the host
- The transfer of specified adoption functions from the current participants to DCC to exercise on their behalf (please see Appendix 1)
- The delivery of the adoption service including ancillary services to support the adoption service and staffing
- The transfer of staff, assets, contracts, and records to DCC
- Financial arrangements including annual budget setting, funding contributions, and risk sharing
- The use of premises
- Information sharing protocols
- Governance and decision making

To admit Cornwall Council as a full member to the RAA, DCC will enter into a separate Inter Authority Agreement with Cornwall Council and, simultaneously enter into a deed of variation with the existing partners to amend the current Inter Authority Agreement. To meet the envisaged timeline, as set out in the next section, partners would need to agree to the principle that we would only be making amendments to the existing Inter Authority Agreement to the extent necessary to admit Cornwall Council as a full partner.

HR Implications

There will be no HR implications for Somerset Council.

Other Implications:

Equalities Implications

The equalities implications were considered as part of a full Equalities Impact Assessment conducted as part of the development of the original business case, see Appendix 1.

Community Safety Implications

There will be no community safety implications for Somerset.

Climate Change and Sustainability Implications

There will be no climate change or sustainability implications for Somerset.

Health and Safety Implications

There will be no health and safety implications for Somerset.

Health and Wellbeing Implications

There will be no health and wellbeing implications for Somerset.

Social Value

There will be no impact for Somerset in terms of social value.

Scrutiny comments / recommendations:

The Scrutiny Committee – Children and Families considered and scrutinised the request from Cornwall Council to join the regional adoption agency (Adopt South West) at its meeting on 13 September 2023 ([link to the report](#) considered at the meeting). The Committee was generally supportive of the proposal for Cornwall to join and asked that the position regarding the recent Ofsted judgement for the Isles of Scilly be included in the decision report.

The Committee also asked to be provided with further details on the percentage / figures detailed in the paper, for clarification.

Background

Background Papers

Full business case to support the proposal for Cornwall's integration into Adopt South West.

Appendices

- Equalities Impact Assessment developed for business case signed off by the Adopt South West Strategic Partnership Board

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	21.9.23
Communications	Peter Elliott	21.9.23
Finance & Procurement	Nicola Hix	26.09.23
Workforce	Alyn Jones	21.9.23
Asset Management	Oliver Woodhams	21.9.23
Executive Director / Senior Manager	Claire Winter	21.9.23
Strategy & Performance	Alyn Jones	21.9.23
Executive Lead Member	Tessa Munt	21.9.23
Consulted:	Councillor Name	
Local Division Members	n/a	
Opposition Spokesperson	Cllr Frances Nicholson Opposition Spokesperson for Children, Families and Education	22.9.23
Scrutiny Chair – Children and Families	Cllr Leigh Redman	21.9.23

Impact Assessment



Assessment of: Adopt South West Regional Adoption Agency – Kernow and Adopt South West Unite

Service: Children's Services

Director of Children's Services: Julian Wooster

Version / date of sign off by Head of Service: V1

Assessment carried out by (job title): Head of Adopt South West

1. Description of project

Cornwall's Adoption services wish to join Adopt South West Regional Adoption Agency as a full member. Regional adoption agencies were a response to the Education and Adoption Act 2016 which required authorities and voluntary adoption agencies to join together to form Regional Adoption Agencies (RAA). However, at that time Cornwall Council did not become members. Devon County Council took the lead and is the host council to Adopt South West. The regional grouping at this time for Adopt South West also includes Plymouth, Somerset and Torbay Councils.

2. Reason for change/review

Cornwall's Adoption services have been rated as an outstanding adoption agency for many years by Ofsted but recognise that within the fast-changing pace of social work and current adoption climate, joining and pooling resources, knowledge and expertise with four other Local Authorities, (Devon, Plymouth, Somerset and Torbay) would be beneficial for children whose permanence plan is one of adoption. Practice would also be standardised across five Local Authorities, which will provide consistency to the adopter experience.

3. Summary of aims/objectives, limitations and options going forwards

The clear benefit identified is to achieve the integration of Cornwall's Adoption services with Adopt South West, a Regional Adoption Agency that will deliver one best practice model to the South West peninsula. It will provide a larger pool of prospective adopters, swift matches for children who have a plan of adoption, better value for money in sharing costs between five Local Authorities and a service which delivers consistently good and innovative adoption practice that ensures improved life changes for children.

4. People affected, diversity profile and analysis of needs

Social/equality impacts:

The Adopt South West Regional Adoption Agency will continue to deliver improved outcomes for children and families:

- Creating a system where children are matched with the most suitable adopter as quickly as possible
- Improve the scale of Adopter recruitment to provide a broader pool of adopters, well prepared and well matched to the needs of children waiting
- Offers sufficient, high quality adoption support services

This will be achieved by employing best practice, improving processes and practice quality and by encouraging innovation. Better shared resources across the region will also improve cost effectiveness with the potential to invest further in service developments.

Environmental impacts:

There are no negative environmental impacts envisaged, staff will continue to travel to meet with children and potential adopters in the course of their work, they will now operate out of offices across the five Local Authorities, rather than four. The workforce will continue to work with technology that minimises the need to travel where possible.

Economic impacts:

Better shared resources across the region will improve cost effectiveness with the potential to invest further in development of services. There is a wish to increase the volume and type of services available to better support families post adoption, these may be secured from the market, and this would see a need for growth and development of new capabilities by the service providers and may offer opportunities for jobs in the area. It may also reduce the inter-agency costs by increasing the single pool of adopters approved by Adopt South West.

Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):

The introduction of the Adopt South West Regional Adoption Agency involved Plymouth City Council, Torbay Council, Somerset County Council, and at that time Voluntary Adoption agencies and other adoption service providers across the area. Cornwall's Adoption services will integrate into the practice already being undertaken by Adopt South West, continuing to develop shared practice and learning from each other, with themed participation groups across the region with Adopters and Parents.

The system is continually reviewed to ensure children can be placed with families more effectively and with minimal disruption. Support to adopters and their families will be improved as no matter where they live within the Adopt South West area local support will be available. Cornwall will join Adopt South West's "joint adoption panels" to bring more consistency to the preparation required of staff and Adopters for decisions and to align the terms such as payment for those acting on adoption panels across the area. There will be no Adopt South West specific impact on existing Devon County Council Policies, this does not preclude changes that may be required to meet National Policy relating to Regional Adoption Agencies.

How will impacts and actions be monitored?

Adopt South West already have a mechanism to collect the required information to regularly report on performance, which Cornwall will become part of, allowing data to be collated from all five Local Authorities. This will support the existing national statutory reporting required from all Adoption Services in England. Ofsted currently inspects Adoption Services through the lens of an ILACS inspection of the child's Local Authority.

5. Stakeholders, their interest and potential impacts

People affected:

- Birth families of a child/children who have been adopted
- Children with an adoption placement order in Devon, Somerset, Torbay, Plymouth and Cornwall and those people wishing to adopt a child from the area
- Local Authority Members and Chief Officers responsible for Children's Services and accountable to the Ofsted inspection regime and national achievement required by the Department for Education
- Staff in Local Authority children's teams and Adoption Services in the five Local Authorities, Adoption Panel Chairs and Members

Diversity profile and needs assessment of affected people:

- Adopters are considered regardless of age, gender, disabilities, race, culture, ethnicity, sexual orientation or religion/belief.
- Children considered for adoption are aged up to maximum age of 18 when the adoption order is made

Other stakeholders:

- Families of those people who have adopted a child/children
- Providers of support to adopters and Birth families
- Partner agencies e.g. Health, CAMH's, Education

6. Research and information used

Adopt South West is following the single Local Authority Hosting model for a Regional Adoption Agency. The required Inter Authority Agreement is informed by legal, financial, practice and commissioning representatives from each Local Authority.

The Regional Adoption Agency Service has been specifically based on the expertise and experience of all the Local Authority partners and was informed by the key involvement of the Voluntary Adoption Agencies practising at that time, Families for Children and Barnardo's.

The best practice available from across the area was adopted, and adapted through further innovations, to deliver a consistently high-quality adoption service. Cornwall will join in developing services further by adding their knowledge and expertise. There are already in place shared learning forums for all Regional Adoption Agency development teams to share and learn from one another.

Each Local Authority responds to the Children and Social Work Act, and this is carried through into the ethos, practice, and approach to improvement in development of the Regional Adoption Agency.

A further reference employed is the Children and Family Act 2014, which sets out regulations around Fostering for Adoption and the principle that every child should be considered for fostering for adoption if Adoption is a permanence option. The Act reinforces wider reforms to ensure that all children and young people can succeed, no matter what their background. It is central to the Regional Adoption Agency practice.

The family finder's role within Adopt South West is key in working in partnership with the five Local Authorities Child Care Social work staff for identification of children at the earliest point possible, and to provide guidance to the Local Authority around the potential of Foster for Adoption placements. All practice reviews are guided by the Adoption Minimum Standards and the Adoption Regulations 2005 ensuring the Adopt South West as an Regional Adoption Agency will continue to meet statutory guidelines.

Social Impacts:

The Regional Adoption Agency operates within clear standards laid down in law regarding [Adoption Children Act 1989](#), which sets out many of the duties, powers and responsibilities local authorities hold in respect of their looked after children and care leavers.

In 2015, new regulations relating to the Children Act came into force. Among other things, these regulations set out arrangements for Local Authorities considering ceasing to look after a child.

Other Acts that regulate how Adopt South West operates are:

- [Children \(Leaving Care\) 2000](#), which sets out duties local authorities have to support young people leaving care from 16 to 21 years of age
- [Adoption and Children Act 2002](#) updated the legal framework for domestic and inter-country adoption, and places a duty on local authorities to maintain an adoption service and provide adoption support services
- [Children and Adoption Act 2006](#) gives courts more flexible powers to facilitate child contact and enforce contact orders when separated parents are in dispute
- [Children and Young Persons Act 2008](#) legislates for the recommendations in the [Department for Education and Skill's 2007 Care Matters white paper](#) to provide high quality care and services for children in care
- [Children and Families Act 2014](#) encourages 'fostering for adoption', which allows approved adopters to foster children while they wait for court approval to adopt and introduces a 26-week time limit for the courts to decide whether a child should be taken into care. In some cases, this

limit may be extended by eight weeks. It also introduces 'staying put' arrangements that allow children in care to stay with their foster families until the age of 21 years. This is provided that both the young person and the foster family are happy to do so

➤ xxx

7. Equality analysis

Adopt South West operate within clear standards laid down in law regarding Adoption. An Adopter does not have to be a British citizen to adopt a child, but:

- An Adopter must have a fixed and permanent home in the UK, Channel Islands or the Isle of Man
- An Adopter must have lived in the UK for at least 1 year before you begin the application process
- An Adopter will not be allowed to adopt if you, or an adult member of your family, have a criminal caution or conviction for offences against children or certain sexual offences against adults but, with the exception of these specified offences, a criminal record will not necessarily rule you out

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Smoking will not necessarily rule you out from adopting. Consideration will be given to this and to all health- and lifestyle-related issues, and the agency will want to know of any specific health risks to you or to the children who may be placed in your care. There is no single national policy on smoking, but all agencies will apply some restrictions. According to national medical advice children under five and those with particular medical conditions should not be placed in smoking households. You will usually need to be smoke-free for at least six months before adoption from these groups can be considered

To adopt a stepchild an Adopter must tell their local council at least 3 months before applying to a court for an adoption order. Also, the child must also have lived with both of adults for at least 6 months.

If an adult disagrees with an adoption agency's decision, they can either:

- challenge their decision by writing to the agency decision maker
- apply to the Independent Review Mechanism, which will look into the case

Staffing - Cornwall Council Adoption Service employee's will be TUPE transfer to Devon County Council. Although the majority of the workforce is largely mobile, all require an office base. Cornwall Council offices will be open to all employees of Adopt South West.

Age:

Adopt South West will operate within clear standards laid down in law regarding Adoption. An Adopter may be able to adopt a child if they are aged 21 or over (there's no upper age limit).

Having children of their own (of any age) will not exclude a person from adopting, whether those children are living at the family home or have left home. Consideration will, however, be given to the age gap between a person's own children and the age of the child(ren) the person wishes to adopt, and the position of each child within the family in accordance with the child(ren)s' needs.

Staffing - there will be no change to existing HR workforce policy.

Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:

Adopt South West operate within clear standards laid down in law regarding Adoption. Being disabled should not automatically exclude anyone from becoming an adopter and it is widely recognised that disabled people can often provide a very loving home for a child.

Disability is only one of the many issues that will be considered by an adoption agency so adopters should not rule themselves out before they have had a conversation with their agency of choice. Even if an adopter believes that they might need some additional assistance to adopt a young person, social care may be able to provide this support.

It is recognised that the life experiences of disabled people can give them a unique insight into the lives of children in care, who often have a sense of themselves as 'different' or who may also have a disability. Living alongside disability in the context of positive relationships can teach children the importance of inclusivity and how to value difference.

The Medical Adviser will assess the information provided through a medical on a disabled applicant and an assessing social worker will also explore any potential impact this may have on parenting and how these would be managed.

Similarly, if a person has had treatment for a serious illness, Adopt South West will seek full information from the person's GP and will want to establish the impact of the illness and future prognosis. A Medical Adviser may want to contact a hospital consultant for further details before being able to make a recommendation. If there is a significant risk that a person may not be able to care for a child throughout their dependent years, the Medical Adviser will seek further information and advise the Adopt South West accordingly.

As well as existing health conditions, Adopt South West will want to discuss lifestyle issues such as weight, smoking and alcohol consumption. These issues are not barriers to adoption, but they could present health risks in the future. If a person has unresolved problems with such issues in their past, the agency may consider that you have shown strength and motivation to deal with problems which would enhance your application.

Staffing - there will be no change to existing HR workforce policy.

Culture and ethnicity: nationality/national origin, skin colour, religion and belief:

Adopt South West operate within clear standards laid down in law regarding Adoption. A prospective adopter can be matched with a child with whom they do not share the same ethnicity, provided they can meet the most important of the child's identified needs. All families should be able to get support to help their adopted child to understand and appreciate the important cultural, religious, or linguistic values of their birth community.

Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed):

Adopt South West will operate within clear standards laid down in law regarding Adoption. The Adoption and Children Act 2002 gave unmarried couples, including same sex couples, the right to adopt, and this became law in December 2005.

A same sex couple doesn't need to be in a Civil Partnership or married to adopt but does need to show they are living together in an enduring relationship.

Single adopters are also welcome whatever their sexual orientation. An adopter should not experience discrimination on grounds of sexual orientation.

All agencies are committed to equal treatment of all potential adopters and in fact may positively welcome applications from LGBT adopters.

Staffing - there will be no change to existing HR workforce policy.

Marital status:

Adopt South West will operate within clear standards laid down in law regarding Adoption. An adopter may be able to adopt whether they are:

- single
- married
- in a civil partnership
- an unmarried couple (same sex and opposite sex)
- the partner of the child's parent

Staffing- there will be no change to existing HR workforce policy.

Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation:

Adopt South West will operate within clear standards laid down in law regarding Adoption. An adopter may be able to adopt whether you are a homeowner or living in rented accommodation.

An adopter's financial circumstances and employment status will always be considered as part of an adoption assessment, but low income, being unemployed or employed do not automatically rule them out. An adopter can also be an adoptive parent while on benefits.

The agency will want to discuss how the responsibility of caring for a child would be managed. Some agencies want a child to have their own bedroom, but this is not a requirement, and in some circumstances, sharing can be considered.

The adopter's Local Authority may provide support, especially for adopters of sibling groups or of children with a disability or special need of some kind.

An adopter would also be encouraged to look into what benefits they may be entitled to. A number of other allowances are available for children with disabilities.

Adoption Agencies need to be sure that any pets that are owned do not pose a threat to children's health or safety. Also, some children may suffer from allergies which would prevent placement with some pets. A report from a vet may be requested.

Staffing- there will be no change to existing HR workforce policy.

8. Human rights considerations

9. Environmental impacts

Reduce waste, and send less waste to landfill: n/a

Conserve and enhance biodiversity: n/a

Safeguard the distinctive characteristics, features and special qualities of Devon's landscape: n/a

Conserve and enhance the quality and character of our built environment and public spaces: n/a

Conserve and enhance Devon's cultural and historic heritage: n/a

Minimise greenhouse gas emissions: n/a

Minimise pollution (including air, land, water, light and noise): n/a

Contribute to reducing water consumption: n/a

Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level): n/a

10. Economic impacts

Impact on knowledge and skills: Although bringing together five Local Authority Services to operate as a DCC hosted single Service the location of demand and distribution of staff will still be across the existing local authority boundaries. It is therefore unlikely there will be either a positive or negative impact on knowledge and skills within Devon.

Impact on employment levels: Although bringing together five Local Authority Services to operate as a DCC hosted single Service the location of demand and distribution of staff will still be across the existing local authority boundaries. It is therefore unlikely there will be either a positive or negative impact on employment levels within Devon.

Impact on local business: Although bringing together five Local Authority Services to operate as a DCC hosted single Service the location of demand and distribution of staff will still be across the existing local authority boundaries. It is therefore unlikely there will be either a positive or negative impact on local business within Devon.

'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?

Presently each Local Authority has contracts for services with the Adoption support services provider market but not necessarily for the same services. These contracts will be aligned so that all five Local Authorities procure the same services, this sees an opportunity for existing providers to review the scope and scale of their service offer and may see these businesses grow. There may also be new businesses created through interest in the opportunities these contracts afford.

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

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Decision Report - Executive Decision

Forward Plan Reference: FP/23/04/09

Decision Date – 4 October 2023

Key Decision – Yes



Award of contract for highways services

Executive Member(s): Cllr Mike Rigby. Executive Lead Member for Transport and Digital

Local Member(s) and Division: All

Lead Officer: David Carter. Service Director for Infrastructure and Transport

Author: Sarah Stanistreet, Principal Highways Transformation Officer.

Contact Details: sarah.stanistreet@somerset.gov.uk

Summary/Background

1. This is to request a decision to award a contract for the Highway Maintenance services to the proposed supplier as per the attached confidential Appendix A for a period of 8 years with the option to extend for a 4 year period. The anticipated contract spend for the full duration is £225m. This paper covers the award of the Term Service Contract for highway maintenance (which includes activities such as grass cutting, gully emptying, drainage works, safety defects repair, patching, signs & lines, winter service and emergency (out of hours) services. A further Executive Decision is currently timetabled for November 2023 to award further separate contracts for Surfacing, Surface Treatments, New Asset Delivery and Maintenance of Highway Lighting & Electrical Assets
2. Somerset Council's current Highways Term Maintenance Contract (TMC) runs for 7 years to the end of March 2024 with the opportunity of three separate further one-year extensions enabled by good performance in achieving contract key performance indicators. The performance requirements which would enable an extension of the contract have not been met. Therefore, under the terms of the contract the existing Highways TMC is due to finish on 31st March 2024 and a new contract or set of contracts will need to be in place on 1st April 2024 to ensure that the Council can continue to deliver essential statutory highway maintenance services (in its capacity as Highway Authority), and construct new small and medium sized new asset schemes (such as safety schemes and infrastructure funded by the Bus Service Improvement Plan, and Active Travel programmes).

Recommendations

3. The Executive

- a. Approves the award of an 8 year contract with the option of a four year extension to Supplier B as identified in the attached confidential Appendix A; for the provision of Highway Maintenance services from 1st April 2024.
- b. Delegates the future decision regarding the extension of the contract beyond its initial term of 8 years to the Executive Lead Member or equivalent responsible for Highways Services having due regard to the contract terms.
- c. Agrees that Appendix A be treated confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.
- d. Agrees to exclude the press and public from the meeting where there is any discussion at the meeting regarding exempt or confidential information (Appendix A).

Reasons for recommendations

4. The proposed supplier offers best value to the Council, in terms of quality and price in accordance with the published evaluation model.
5. Appendix A contains exempt information. "Exempt Information" is defined by Section 100 of the Local Government Act 1972 and by Schedule 12A to that Act. The information in Appendix A is exempt information because it is considered to fall within paragraph 3 of Schedule 12A; "information relating to the financial of business affairs of any particular person (including authority holding that information). The public interest test is then applied and in this instance it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. The contract will deliver Statutory Highway requirements including safety defect repairs, winter service, emergency service, drainage cleansing, vegetation management, and maintenance of road markings and signs.

Other options considered

7. Alternative delivery options were thoroughly considered in the earlier commissioning stages of the process, as set out in the 'Highway Service Delivery Options Review (Sept 2020)' which utilised a standardised Future Highways Research Group options toolkit to consider a range of in-house, outsourced and arms-length delivery models. The review concluded that we should continue to utilise highways contracts for elements of service delivery beyond March 2024 whilst strengthening our in-house asset management team.

Links to Council Plan and Medium-Term Financial Plan

8. The contract will help achieve the Council Plan 2023-27 vision and priorities, in particular the priority for a greener, more sustainable Somerset which notes the importance of reducing carbon emissions from transport; a fairer Somerset which requires a well-maintained highway network to enable access to basic services such as employment, education and healthcare; and a flourishing & resilient Somerset which requires a well-maintained highway network to enable economic activity such as movement of goods.
9. The Medium-Term Financial Planning (MTFP) process is currently considering the cost pressure of maintaining current levels of service under the new contract taking into account the newly tendered rates. The new contract does not have any minimum spend thresholds, so the amount of activity delivered through the contract can be tailored to available budgets at any point in time and can reflect the outcome of the MTFP process each year via the agreement of an annual plan with the contractor.

Financial and Risk Implications

10. There is a likelihood that the new contract will result in increased rates for capital and revenue highways activity from April 2024 onwards since the previous procurement process (2017) included a pricing mechanism which sought to keep rates for revenue funded services at a level that did not exceed that of the previous contract awarded in 2010. Whilst every effort has been taken through the procurement process to incentivise and achieve the best possible rates the market can offer; it would be unrealistic to assume that the rates awarded in 2010 can still be matched in 2024. A lessons learned review has also concluded that

seeking to achieve artificially low rates at the outset of a new contract can lead to a challenging commercial relationship and significant cost claims once in-contract. A contract that is commercially sustainable for the contractor is more likely to lead to a collaborative and innovative relationship that can add real value to delivery of highway services.

11. The key risk is that an increase in rates could lead to reductions in service levels and a failure to achieve published intervention levels (such as fixing safety defects within the period of time that is set out in our policies), which carries an associated risk of increased personal injury claims. The MTFP process will need to consider options to accommodate an increase in rates in the context of the available capital and revenue budgets including options such as reducing funding for activity elsewhere, reducing the annual programme of work delivered through the contracts, and if necessary, reducing published service levels on revenue funded routine maintenance activity.

The following financial pressures associated with the new contract scope and terms are being considered within the MTFP process: Loss of income for Highways Depot Rent £284,600; Rebate £128,000; 5% contract inflation on revenue works £216,000; 12% Contract Price List Fluctuation £544,000.

In the event that service levels and intervention criteria need to change to work within available budgets, then the risk of increased cost claims can be mitigated by updating the intervention criteria set out in the highway safety inspection manual. It is considered that the risk of not awarding this contract at this stage is greater given that the Council would then have no service delivery arrangements in place to continue to deliver statutory maintenance services beyond March 2024.

Likelihood	3	Impact	3	Risk Score	9 (Med)
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Legal Implications

12. This decision will enable the Council to continue to deliver its statutory highway services. Consultation with Legal Services and Commercial & Procurement Services started in 2021. These services have supported the development of this contract through to this recommendation report. Specialist external Legal Services were engaged when deemed necessary by the Council's Legal Team.
13. A compliant procurement process has been undertaken to enable a contract award to be made to the successful tenderer.

HR Implications

14. Any change in contractor will involve consideration of Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006. Advice has been sought and provided from the HR Team with ongoing engagement. The new contracting model will involve in-sourcing of some functions which are currently undertaken by the contractor, and there are TUPE processes to undertake as part of the demobilisation and mobilisation process. The highways service organisational structure and business processes will also need to adapt to reflect the changes in the model of service delivery.

Other Implications:

Equalities Implications

15. The Somerset Equality Impact Assessment is appended to this report. Highway maintenance contracts can have various equality implications, and it is essential for Somerset Council and its contractors to consider and address these implications to ensure fairness, non-discrimination, and inclusivity. These have been considered and addressed through the commissioning and procurement phase, the demobilisation of the current contract, and mobilisation of the new contracts. Some of the key equality implications considered include:
 - **Equal opportunity in contracting:** When awarding highway maintenance contracts, Somerset Council has ensured fair and equal opportunities for all potential contractors, regardless of their size, ownership, or previous contracting experience. This has served to avoid discriminatory practices that favour certain groups or companies which can lead to inequalities in the distribution of public contracts.
 - **Supplier diversity:** Encouraging supplier diversity in highway maintenance contracts can have positive equality implications. Somerset Council has provided no barriers for main contractors or suppliers owned by minorities, women, veterans, or other underrepresented groups as contractors or subcontractors. Whilst further work will be necessary after contract award, the Council is committed to promote economic inclusion and help reduce disparities in contracting opportunities.
 - **Fair employment practices:** Contractors are required to follow fair employment practices, including non-discrimination policies, equal pay for

equal work, social inclusion, and reasonable accommodation for individuals with disabilities. These policies, sponsored through social value initiatives, will promote equality among workers and ensure a diverse and inclusive workforce.

- **Accessibility and inclusivity:** Highway maintenance contracts should include provisions for accessibility and inclusivity, such as designing and maintaining roads and infrastructure to accommodate individuals with disabilities. The Council will be assuming the design function as part of the procurement process so a more integrated, and community-driven approach through Local Community Networks, will be advocated.
- **Environmental justice:** The Council will ensure that highway maintenance projects do not disproportionately impact communities as reasonably practicable. Scheme development will assess the potential environmental and health impacts of maintenance activities and mitigate any adverse effects on vulnerable communities.
- **Community engagement:** Somerset Council will involve the local community, especially underrepresented groups, in the decision-making process for highway maintenance projects. The Local Community Networks together with highway and traffic representatives will ensure that their concerns and needs are considered during planning and implementation.
- **Monitoring and reporting:** Through highway contract mobilisation, Somerset Council and its contractors will agree and establish mechanisms for monitoring and reporting on equality-related metrics throughout the duration of the contracts. This may include tracking the diversity of the workforce, adherence to fair employment practices, social value, and any environmental justice concerns.
- **Training and awareness:** The Council requires its contractors and subcontractors to provide training on diversity, equity, and inclusion to their employees working on the project. This helps foster a more inclusive work environment and reduces the potential for discrimination. This has been evaluated as part of the procurement process.
- **Dispute resolution mechanisms:** The Council, working in collaboration with its contractors, will establish clear dispute resolution mechanisms in case issues related to equality and discrimination arise during the contract's execution. This will allow for a fair and timely resolution of conflicts.

Community Safety Implications

16. The implications for community safety have been considered and as the decision is to award a replacement contract this represents no change. The responsibility for policy and direction of services remains with the Council.
17. The implications for the public's perception of crime and disorder and anti-social behaviour rates in their neighbourhood in Somerset. The implications have been considered and as the decision is to award a replacement contract this represents no change. The responsibility for policy and direction of services remains with the Council.
18. The implications have been considered and as the decision is to award a replacement contract this represents no change. The responsibility for policy and direction of services remains with the Council.

Climate Change and Sustainability Implications

19. It is hard-wired into the contract that there will be at least a 50% reduction in carbon emissions over 8 years. This contract will collaborate with other Highway contracts via the Highways Contracts Collaborative Board. The carbon emissions in this contract will be baselined in year 1 and monitored using the Future Highways Research Group (FHRG) Carbon Calculation & Accounting Standard & Carbon Analyser (CCAS).
20. Key areas where decarbonisation will be achieved are as follows:
 - All vehicles up to and including 3.5 tonnes GVW must be EV within 18 months of the start of the contract. By moving to electric vehicles for 3.5 tonnes and under (and indeed much of the larger vehicle stock), and possibly moving to other alternative fuels for larger vehicles, there will be a significant reduction in vehicle emission pollution.
 - There is an emphasis on recycling to reduce waste, reduce carbon emissions and lessen the use of virgin materials such as aggregates which will reduce the demand on quarry products.
 - The contract will focus on reducing climate change factors by considering commuting to work, travel at work, processes and materials as these all form part of the Scope 3 Emissions that are actively monitored in this contract.
21. Continuing to maintain the highway will have no effect on the council's ability to meet the Local Development Framework.

Health and Safety Implications

22. Health and safety implications have been considered. The new contract includes specific health and safety requirements for the contractor.
23. The highways construction and maintenance sector places considerable importance on the health and safety of the workforce and communities and customers.
24. The contractor's approach to health and safety was scored as part of the tender evaluation process and the successful tendered met the requirements set out.

Health and Wellbeing Implications

25. Health and wellbeing implications have been considered and the contract presents no adverse impacts on health and wellbeing. The High Maintenance services provided through the contract include maintaining routes used for active travel.

Social Value

26. The tender process required contractors to propose Social Value commitments in line with the Themes Outcomes Measures approach and the social value benefits associated with the proposed contractor are discussed in the confidential Appendix A

Scrutiny comments / recommendations:

27. Scrutiny considered the procurement strategy and are content that the award of the contract proceeds.

Background

28. A great deal of preparatory work has been undertaken through the stages of the commissioning cycle to date including:
 - Financial analysis of spend through the contract (June 2021).
 - Value for money review to establish a benchmarked value for money position compared to other authorities for current highway service/ contract delivery and improvement priorities. (issued June 2021)
 - Lessons-learned review in respect of procurement and delivery of the current highways contract. This covered overall approach and outcomes, commercial

and contract, service delivery, fleet maintenance and new asset delivery (April 2021).

- Highway service delivery options review utilising a standardised Future Highways Research Group options toolkit. (issued Sept 2020).
 - Internal scoping workshop to consider the preferred shape and scope of a replacement term maintenance contract. (July 2021).
 - Highway services market analysis undertaken by DMSqd independent highways services consultancy. (issued August 2021).
29. In October 2021 the Project Board approved a new procurement strategy, based on the above, for replacing the current arrangements by dividing the Term Maintenance Contract activity into 4 separate contracts, (Term Maintenance Service, Surfacing, Surface Treatments, and New Assets Delivery). A separate related contract for maintenance of highway lighting and electrical assets is also being progressed.
30. A Non-Key Decision was taken in November 2021 authorising commencement of a procurement process and market engagement activity, and to appoint Mills & Reeve as legal advisors to support the creation of contract Terms and Conditions under the Framework 'Wider Public Sector Legal Services RM3788'.
31. In January 2022 a Prior Information Notice (PIN) Market Engagement – Highways Maintenance Future Requirements was published. In February 2022 a virtual Market Engagement event was held. During March and April 2022, a total of 21 one-to-one sessions were held with the industry to test and refine the procurement strategy prior to preparing detailed contract documents.
32. In June 2022 Hampshire County Council (HCC) undertook a peer review of the draft contract documentation which informed the programming, production and content of the contract documents from then on.
33. The negotiation stage of the procurement process enabled further feedback from potential contractors on final changes to the contract documentation which enabled contractors to optimise their proposals and associated value for money.
34. No public consultation has taken place since the contract is simply a replacement mechanism to deliver existing highway maintenance activities which are set out in published service policy and standards.
35. The agreed procurement approach aims to:

- Take more control over the design and delivery of the highways maintenance programmes, taking a stronger client asset management approach and determining the most appropriate standards and locations for treatment.
 - Develop a more direct relationship with the supply chain, reducing outsourced management of sub-contractors and enabling direct discussion about potential innovation.
 - Provide a more bespoke arrangement for delivery of new asset schemes (such as small and medium sized improvement schemes) to give greater cost predictability.
 - Where possible incorporate specification of a wider range of Unitary Council public realm maintenance services rather than solely highway related services (e.g., by widening the highway lighting contract to incorporate all illuminated and electrical assets) and allow flexibility for a wider range of relevant Unitary Council public realm maintenance services to be delivered through these contracts over time.
 - Include explicit requirements for at least a 50% reduction in carbon emissions over the lifetime of the contracts through an agreed climate change plan.
36. Following the preparation and review of contract documents including the scope of works, contract terms and evaluation process; an Invitation to Submit Initial Tenders (ISIT) for a new Term Service Contract for highway maintenance was issued on 12th December 2022, with initial tenders received 20th April 2023. A competitive with negotiation procedure was used to enable negotiation on specific issues prior to submission of final tenders. An Invitation to Submit Final Tenders (ISFT) was issued on 24th July 2023; with final tenders received 18th August 2023.

Background Papers

Non-Key Decision to commence procurement of highways contracts Nov 2021

Appendices

- Appendix A – Confidential Tender Evaluation Report

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	21/09/23
Communications	Peter Elliot	22/09/23
Finance & Procurement	Jason Vaughan/ Nicola Hix	25/09/23
Workforce	Alyn Jones	21/09/23
Asset Management	Oliver Woodhams	25/09/23
Executive Director / Senior Manager	Mickey Green	19/09/23
Strategy & Performance	Alyn Jones	21/09/23
Executive Lead Member	Cllr Mike Rigby, Executive Lead Member for Transport and Digital	11/09/23
Consulted:		
Local Division Members	All	
Opposition Spokesperson	Cllr Diogo Rodrigues, opposition Spokesperson for Transport.	21/09/23
Scrutiny Chair	Cllr Martin Dimery, Chair of Scrutiny for Climate and Place	25/09/23

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

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Decision Report - Non-Key Decision

Decision Date - 12/11/21

NON-KEY DECISION TAKEN BY THE DIRECTOR FOR ECONOMIC AND COMMUNITY INFRASTRUCTURE COMMISSIONING

Author Contact Details: Mike O'Dowd-Jones / Strategic Commissioning Manager
Highways and Transport / 01823 356238

Details of the decision:

That the Director of Economic and Community Infrastructure Commissioning:

- Authorises commencement of a procurement process and market engagement activity to replace the current Highways Term Maintenance contract by April 2024.
- Appoint Mills & Reeve as legal advisors to support creation of contract Terms and Conditions under the Framework 'Wider Public Sector Legal Services RM3788' to a maximum value of £200k (noting that the cost incurred under this contract is likely to be of the order of £100k-£150k).

Reasons for the decision:

Somerset County Council's current Highways Term Maintenance Contract (TMC) runs for 7 years to the end of March 2024 with the opportunity of three separate one-year extensions enabled by good performance in achieving contract key performance indicators. The contractor (Milestone) has not met the performance requirements which would enable extension of the contract. Therefore, under the terms of the contract the existing Highways TMC is due to finish on the 31st March 2024 and a new contract or set of contracts will need to be in place on the 1st April 2024 to ensure that the Council can continue to deliver essential highway maintenance services and construct new small and medium sized new asset schemes (such as the small improvement schemes, and safety schemes programmes).

Background to the decision:

Background

Skanska was awarded current the Highway Term Maintenance contract which commenced in April 2017 following a competitive procurement process. The contract subsequently transferred to Milestone in 2021 who acquired the Skanska highways business. The approximate annual value is circa £30m although this varies according to the available budget, with government grants tending to fluctuate significantly on an annual basis. The scope of the contract covers a wide range of capital (construction) and revenue (service based) highway maintenance activity including winter and emergency service; and includes design services and construction of certain smaller new asset schemes.

Under the terms of the contract, it is due to finish on the 31st March 2024 and a new contract or set of contracts will need to be in place on the 1st April 2024.

A great deal of preparatory work has been undertaken through the stages of the commissioning cycle to date including:

- A financial analysis of spend through the contract to date (June 2021).
- A value for money review to establish a benchmarked value for money position compared to other authorities for current highway service/ contract delivery and improvement priorities. (issued June 2021)
- A lessons-learned review in respect of procurement and delivery of the current highways contract. This covered overall approach and outcomes, commercial and contract, service delivery, fleet maintenance and new asset delivery (April 2021).
- A highway service delivery options review utilising a standardised Future Highways Research Group options toolkit. (issued Sept 2020).
- An internal scoping workshop to consider the preferred shape and scope of a replacement term maintenance contract. (July 2021).
- A highway services market analysis undertaken by DMSqd independent highways services consultancy. (issued August 2021).

A detailed project programme has been developed to undertake the procurement process between now with invitation to tender programmed for August 2022 and contract award targeted for September 2023 in order to enable mobilisation by April 2024. Resources are currently being put in place to support this programme within commissioning, commercial & procurement and highways operations. Engagement and input will also be needed from finance and HR services with TUPE issues likely to need HR resource at the relevant point in the process.

The next stage is to undertake a Market Engagement process with contractors in the Highways Sector to validate our assumptions regarding the preferred scope and formulation of contracts for effective delivery of highway maintenance services and delivery of new highway assets beyond 2024. This decision will enable the Market Engagement stage to commence shortly.

External expert legal support is required to prepare the legal contract documentation and having reviewed options it is proposed to appoint the firm Mills and Reeve who have substantial experience on advising the Council on highways contract matters. A compliant route to market to appoint Mills and Reeve is through the framework 'Wider Public Sector Legal Services RM3788' which is available to the Council and enables a direct award for services up to £200k value. Additional top-up resource from technical consultancies may well also be needed via existing frameworks for discrete elements of subject matter expertise.

Financial, legal and business risk implications.

The Medium Term Financial Plan (MTFP) has allocated £100k in 21/22 and indicatively £200k in 22/23 (subject to approval by Members in February 2022) to undertake this activity and this along with current vacancy underspends in highways and transport

commissioning for 21/22 (circa £90k) is currently considered sufficient financial resource to undertake the procurement process.

There is a likelihood that the new contract from 2024 will result in increased rates for capital and revenue highways activity since the previous procurement process (2017) included a price hurdle which sought to keep revenue rates in particular at a level that did not exceed that of the previous contract awarded in 2010. Whilst every effort will be taken through the procurement process to incentivise and achieve the best possible rates the market can offer, it would be unrealistic to assume that the rates awarded in 2010 can still be matched in 2024. The lessons learned review has also concluded that seeking to achieve artificially low rates at the outset of a new contract can lead to a challenging commercial relationship and significant cost claims once in-contract. A Contract that allows an appropriate profit margin for the contractor is more likely to lead to a collaborative and innovative relationship that can add real value to delivery of highway services. The MTFP process in the lead-up to award of the new contract will need to take account of financial modelling for the new contract which will emerge from the tender process. The MTFP process will need to consider options to accommodate an increase in rates in the context of the available capital and revenue budgets at the time including options such as reducing funding for activity elsewhere, reducing the annual programme of work delivered through the contracts, and reducing service levels on revenue funded routine maintenance activity.

The new contract is likely to lead to a limited insourcing of some functions which are currently undertaken by the contractor and there will likely be TUPE processes to undertake as part of the demobilisation and mobilisation process. The highways service organisational structure is also likely to need to adapt to reflect the changes in the model of service delivery.

‘Due regard’ considerations.

Consideration has been given to people with protected characteristics. Whilst this work is at a very early stage with a decision to commence the procurement stage, an initial review has identified potentially positive outcomes as follows:

- Continued delivery of a well-maintained highway which if not maintained would present risks (such as trip hazards on footways) to older people and people with disabilities.
- Continued delivery of a well-maintained highway which is essential in providing rural areas with access to essential services.

Links to the County Vision, Business Plan.

The new highways contract or contracts will have strong links to the following business plan outcomes:

- A county infrastructure that drives recovery, supports economic prosperity, productivity and sustainable public services.
- Safe, vibrant and well-balanced communities, able to enjoy and benefit from the natural environment whilst addressing climate change.

Alternative options considered and rejected.

- Options around the timing of this procurement process have been considered and it has been concluded that, given the terms of the current contract, if we wish to use a contract for highway service delivery beyond March 2024 then we have a legal responsibility to undertake a compliant procurement process.
- Many options have been considered regarding delivery options for highway services as set out in the commissioning work referred to above. The work concludes that we should continue to utilise highways contracts for elements of service delivery beyond March 2024. The market engagement work triggered by this decision will enable us to complete the procurement strategy and finalise the shape and scope of contracts to be procured, and take a formal decision on these matters under the Councils scheme of delegation.

Background papers:

None.

Compliance section:

Members consulted; members informed :	Yes
Officer consultations completed:	Yes
Senior (including statutory) officer sign off completed	Yes
Public / other consultations undertaken	Not considered necessary
Do you have sufficient budget or additional funding available and approval to commit this budget or funding and has this been confirmed with the appropriate Finance Service or Strategic Manager?	Yes
Are there any legal considerations to be made?	Yes
Has Legal Services been consulted (specific requirement for changes in service delivery, procurement, contracts or property matters?	Yes
Are there any TUPE implications arising?	Yes
Has HR/OD been consulted?	Yes
Is the decision likely to lead to a procurement exercise or contract award / change ? Yes	
Has the Commercial and Procurement Team been consulted?	Yes
Strategic Commissioning Group consulted for commissioning ?	Yes
Are there any risks arising? (liaise with Pam Pursley regarding these below.	Yes – see
Have mitigating actions already been taken?	Yes
Have all Due Regard (equalities) implications been considered? (liaise with Tom Rutland regarding these)	Yes
If ticked 'No' or 'not considered necessary' for any of the above, please provide your justification below:	
Public consultation: Public consultation with respect to the contractual form of service delivery is not considered necessary or appropriate.	

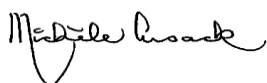
Risks: Risk in commencing the procurement process has been carefully considered and the key risk identified is the impact on other highways activity in directing staff capacity at this project. The project board to director level considers that as there is no choice but to undertake this activity, the risks should be monitored and managed appropriately. A specific risk in relation to the commercial management of the existing contract has been identified and will be monitored whilst there is reduced capacity in that area (for approximately 3 months).

Member consultation completed:	Name(s)	Date
Relevant local County Councillors consulted where decision directly affects their Division	Not Applicable.	
Relevant Cabinet Member(s) consulted (if applicable)	Cllr John Woodman – Cabinet Member for Highways and Transport	05/11/21
Opposition Spokesperson informed (if applicable)	Cllr Mike Rigby – Opposition Spokesperson.	11/11/21
Chairman of relevant Scrutiny informed (if applicable)	Cllr Anna Groskop for Scrutiny Place	11/11/21

Decision Maker

I am aware of the details of this decision, have considered the reasons, options, representations and consultation responses (where applicable) and give my approval / agreement to its implementation.

Signed by relevant SLT Director:



Name: Michele Cusack.

Post: Director Economic and Community Infrastructure Commissioning

Date: 15.11.21

Note – a copy of this signed decision should be sent to Scott Wooldridge, Monitoring Officer, Democratic Services

Somerset Equality Impact Assessment

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

Version

1

Date

05/11/21

Description of what is being impact assessed

Decision to commence procurement of a new highways contract or contracts.

Evidence

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

Professional judgement on typical impacts of highways service activity.

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

None. Initial decision to commence procurement activity so consultation with protected groups not appropriate at this stage.

Analysis of impact on protected groups

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

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> New contract will enable continued delivery of a well-maintained highway which if not maintained would present risks (such as trip hazards on footways) to older people. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<ul style="list-style-type: none"> New contract will enable continued delivery of a well-maintained highway which if not maintained would present risks (such as trip hazards on footways) to people with disabilities. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender reassignment	<ul style="list-style-type: none"> None identified. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and civil partnership	<ul style="list-style-type: none"> None identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<ul style="list-style-type: none"> None identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Race and ethnicity	<ul style="list-style-type: none"> None identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<ul style="list-style-type: none"> None identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<ul style="list-style-type: none"> None identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<ul style="list-style-type: none"> None identified 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> New contract will enable continued delivery of a well-maintained highway which is essential in providing rural areas with access to essential services. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Negative outcomes action plan

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

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
None	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>




If negative impacts remain, please provide an explanation below.

N/A

Completed by:	Mike O'Dowd-Jones
Date	05/11/21
Signed off by:	Mike O'Dowd-Jones
Date	05/11/21
Equality Lead/Manager sign off date:	
To be reviewed by: (officer name)	
Review date:	

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)	 Somerset Council	x	 NHS Somerset	 NHS Somerset NHS Foundation Trust
Version	1	Date Completed	08/09/2023	
Description of what is being impact assessed				
Decision to award a contract for the provision of Highway Maintenance services, which include but are not limited to the following: Grass cutting, Drainage, Footways/Cycleways, Bridges & Walls (minor works), Gully emptying, Winter Maintenance salt purchase, Patching, Ditches & Grips, Winter Maintenance, Signs & Lines, Safety Defects, Emergency (out of hours), Pre-design testing, Rights of Way emergency, Jetting.				
Evidence				
What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the Office of National Statistics , Somerset Intelligence Partnership , Somerset's Joint Strategic Needs Analysis (JSNA) , Staff and/ or area profiles ,, should be detailed here				
There is not intended to be a change in policy or public facing services, and the specifications of the contract are very similar to the existing contract. The responsibility for policy and direction of services remains with the Council. The contractor will deliver works in accordance with the Dignity at Work Code of Practice.				
Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not				

consulted other people, please explain why?

The Council's Public Health Promotions Manager – Equalities has been consulted.

Analysis of impact on protected groups

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

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> Having considered this characteristic, there are no disproportionate impacts either positive or negative. We have incorporated the Dignity at Work Code of Practice into the contract. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<ul style="list-style-type: none"> Having considered this characteristic, this contract will allow the Council to deliver its aspirations to improve access for those people with mobility issues (such as wheelchairs, walking frames etc), and those with visual impairments. This will apply to both permanent schemes and temporary works. We have incorporated the Dignity at Work Code of Practice into the contract. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender reassignment	<ul style="list-style-type: none"> Having considered this characteristic, there are no disproportionate impacts either positive or negative. We have incorporated the Dignity at Work Code of Practice into the contract. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Marriage and civil partnership	<ul style="list-style-type: none"> Having considered this characteristic, there are no disproportionate impacts either positive or negative. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<ul style="list-style-type: none"> Having considered this characteristic, this contract will allow the Council to deliver its aspirations to improve access for people using pushchairs and holding children by hand. This will apply to both permanent schemes and temporary works. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race and ethnicity	<ul style="list-style-type: none"> Having considered this characteristic, there are no disproportionate impacts either positive or negative. We have incorporated the Dignity at Work Code of Practice into the contract. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<ul style="list-style-type: none"> Having considered this characteristic, there are no disproportionate impacts either positive or negative. We have incorporated the Dignity at Work Code of Practice into the contract. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<ul style="list-style-type: none"> Having considered this characteristic, there are no disproportionate impacts either positive or negative. We have incorporated the Dignity at Work Code of Practice into the contract. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<ul style="list-style-type: none"> Having considered this characteristic, there are no disproportionate impacts either positive or negative. We have incorporated the Dignity at Work Code of Practice into the contract. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> Having considered this characteristic, this contract incorporates the Somerset Armed Forces Covenant in the Social Value Calculator. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other, e.g. carers, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> Having considered this characteristic, this contract will allow the Council to continue to provide accessibility for rural and isolated communities. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Negative outcomes action plan Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Not applicable.	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				

Not applicable.

Completed by:	Sarah Stanistreet – Principal Officer
Date	08/09/23
Signed off by:	Mike O’Dowd-Jones - Strategic Manager Highways and Transport
Date	11/09/23
Equality Lead sign off name:	
Equality Lead sign off date:	
To be reviewed by: (officer name)	
Review date:	N/A

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Decision Report - Executive Decision

Forward Plan Reference: FP/23/05/10

Decision Date – 4 October 2023

Key Decision – Yes



Contract award for the appointment of providers to deliver housing related support and accommodation for 16-25 year olds

Executive Member(s): Cllr Tessa Munt, Lead Member for Children, Families and Education, Cllr Federica Smith-Roberts, Lead Member for Communities, Housing and Culture

Local Member(s) and Division: All

Lead Officer: Claire Winter - Executive Director for Children, Families and Education Services, Chris Hall - Executive Director for Community Services

Author: Julie Breeze, Strategic Commissioner for Children in Care, Children and Family Services

Contact Details: julie.breeze@somerset.gov.uk

Summary / Background

1. Following a non-key decision taken in May 2023 to go out to tender, a 2-stage restricted procurement procedure (Selection and Award) has taken place in order to identify providers who demonstrated the most advantageous tender in terms of their ability to work with the Council to deliver housing related support and accommodation for 16 to 25 year olds. Alongside this a Dynamic Purchasing System (DPS) will be launched to provide additional beds if and when required. The DPS is a flexible contracting arrangement which will allow pre-approved providers to join an open arrangement.
2. Following 3 market engagement events held on 23rd March 2023, 30th March 2023 and 25th April 2023, the procurement process commenced with the release of the first stage (Selection) of the procedure being the selection questionnaire and a draft specification on the 12th May 2023. 17 individual consultation sessions were held with providers to answer any queries and informed the final specification.

The response from the market was extremely positive with 36 bidders submitting compliant responses to the selection questionnaire. Following evaluation of the selection questionnaires, 29 bidders passed the selection stage and were

therefore invited to submit a response to the 'Invitation to tender' (Stage 2 Award).

3. The 'Invitation to tender' (Award) and final specification were launched on the 19th June 2023 with a briefing for bidders held on the 22nd June 2023. 14 compliant bid responses were received by the closing date of 20th July 2023 and these submissions were evaluated against the following criteria in order to identify the most advantageous tender:
 - Capacity and capability to deliver
 - Approach to recruitment and retention
 - Innovation and service improvement as a result of listening to young people
 - Value for money and operational efficiencies
 - Supporting young people to gain learning independence skills
 - Safeguarding young people
 - Support for moving in (Young people set and scored this question)
 - Social value commitments
4. The duration of the block contracts will be an initial period of five years ending on the 31st March 2029. The contract will contain an extension period of up to two further two year periods until the 31st March 2033.
5. The Dynamic Purchasing System (DPS) will be in place for a period of 10 years ending on the 31st March 2034.

Recommendations

6. The Executive:
 - a. Approves the award of a 5-year contract for the appointment of suppliers to deliver housing related support and accommodation for 16 to 25 year olds, based on the most advantageous tender, to the proposed suppliers (as per the confidential evaluation report (Appendix B), commencing on 01/04/2024.

Lot Number	Support Level	Awarded Suppliers (see Appendix B for details)
Lot 1 - Supported Accommodation for 16-25 year old children in care and care leavers, including Emergency accommodation		

Lot 1A	High	Bidder O / Bidder D
Lot 1B	Medium/Low	Bidder O / Bidder D
Lot 2 – Supported Accommodation for 18-25 year olds who are homeless, eligible and reason to believe in priority need, including Emergency accommodation		
Lot 2A	High	Bidder O / Bidder D
Lot 2B	Medium	Bidder O / Bidder D
Lot 2C	Low	Bidder O / Bidder D
Lot 2D	Emergency	Bidder O / Bidder D

- b. Agrees to delegate authority to the Executive Director for Children and Family Services and the Executive Director for Community Services in consultation with the relevant Lead Members to evaluate and take a further decision on the two 2-year extension options at the appropriate time.
- c. Approves the set up and operation of a Dynamic Purchasing System (DPS) to provide further anticipated beds, as and when required. This will entail the set-up of the system itself, the approval of providers to join the DPS through a Selection process and the ongoing award of call-of contracts through the system. The maximum spend over the term of the DPS will be £100,000,000. The term will be 10 years commencing on 01/04/2024.
- d. Agrees the case for applying the exempt information provision as set out in the Local Government Act 1972, Schedule 12A and therefore to treat the confidential Appendix B in confidence, as it contains commercially sensitive information, and as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.
- e. Agrees to exclude the press and public from the meeting where there is any discussion at the meeting regarding exempt or confidential information (as set out in Appendix B).

Reasons for recommendations

7. A compliant tender exercise in accordance with the Council's Contract Procedure Rules and Standing Orders, the Public Contracts Regulations 2015 and the Treaty Principles has been conducted and following evaluation of the

bid submissions the preferred suppliers have been identified based on the criteria listed in 3. above.

8. The confidential Appendix B contains commercially sensitive information relating to the contract and the Council's financial and business affairs. Officers recommend that this is treated as exempt information. "Exempt information" is defined by Section 100 of the Local Government Act 1972, and by Schedule 12A to that Act:

“Information relating to the financial or business affairs of any particular person (including the authority holding that information)”

The public interest test is then applied and, in this instance, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Other options considered

9. Should the preferred suppliers not be appointed at this stage of the procurement process the only option would be to cease the process and re-start or not take forward the procurement. If the contract was not awarded, it would significantly affect the Council's ability to meet its statutory duties in relation to the prevention of youth homelessness. This would leave approximately 250 vulnerable single young people without access to support and accommodation. This would increase unsuitable options such as sofa surfing and street homelessness leading to longer term higher costs.

Links to Council Plan and Medium-Term Financial Plan

10. This contract award will contribute towards the following strategic objectives:

Council plan 2023 – 2027

- A greener, more sustainable Somerset
- A healthy and caring Somerset
- A fairer, ambitious Somerset
- A flourishing and resilient Somerset

Children and Young People's Plan (2019-2022):

- Healthy Lives: More children and young people will have good emotional health and wellbeing, are emotionally resilient and equipped to manage their lives.
- Great Education: Every child will achieve well above expectations and will not be held back by their social and personal backgrounds, special educational needs or disabilities.
- Positive Activities:
 - All children have a safe place to live in which they can grow, thrive and reach their potential.
 - Vulnerable young people and their families are directly involved in helping themselves and others.

Financial and Risk Implications

11. This contract award affects 2 budgets across the Council; namely Children's Services and housing. No additional funding is being requested as part of this report. The contract spend will be monitored closely as usual.

Lot Number	Description	No of beds	Responsible budget
1A, 1B	Supported Accommodation for 16-25 year old children in care and care leavers	100	Children's Services
2A, 2B, 2C, 2D	Supported Accommodation for 18-25 year olds who are homeless, eligible and reason to believe in priority need	90	Housing

12. Risk: Increased costs to the combined children's services and housing budgets.

Likelihood	3	Impact	3	Risk Score	9
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Mitigation: The new contract offers an opportunity to attain a more balanced and sustainable position. It will contribute to longer term financial planning bringing more predictability to a volatile and increasing area of spend. Significant cost avoidance is possible in the longer and medium term.

13. Risk: Recruitment of staff

Likelihood	3	Impact	4	Risk Score	12
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Mitigation: A range of mitigations would be helpful including: developing and promoting a career pathway across the whole sector, engagement with local further education colleges and training providers, linking with existing council recruitment campaigns and further understanding of the local labour market.

14. Risk: Lack of suitable and affordable move-on accommodation could result in the service becoming full leading to additional beds being required.

Likelihood	3	Impact	4	Risk Score	12
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Mitigation: Strategic development of a future housing strategy may help to offset future costs and support throughput through the service.

The DPS can be utilised to commission additional beds.

15. Risk: Over the lifetime of this service, the financial, legal and policy context for this set of services could alter. These could result in increased spend in this area or reduction in the resources available to support this cohort of young people. Budget changes and pressures could occur.

Likelihood	3	Impact	3	Risk Score	9
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Mitigation: Robust financial reporting will be in place throughout the lifetime of the contract and pricing mechanism will ensure costs are known throughout the contract.

Legal Implications

16. The Council has a statutory duty under section 22G of the Children Act 1989 to take steps that secure sufficient accommodation within its area. There are also responsibilities under the Homelessness Reduction Act 2017. The delivery of this service will help to ensure that the Council meets its statutory duties.
17. Any provider of this service for 16 and 17 year olds must be registered with Ofsted under the Supported Accommodation (England) Regulations 2023.

18. Procurement has been carried out in accordance with the Public Contracts Regulations 2015 and the Council's Contract Standing Orders. Legal services have been instructed in order to advise on the tender in general and also to provide expertise in the drafting of the Contract Terms and Conditions for both the Block and Dynamic Purchasing System (DPS) arrangements.

HR Implications

19. There are no HR implications for the Council in this decision since the effect of TUPE will be limited between the existing provider(s) and the new contractor(s) appointed following the proposed procurement. All relevant information has been shared between organisations and they have been briefed on seeking their own, independent legal advice on liabilities.

Other Implications:

Equalities Implications

20. The tender documentation has been developed in accordance with the statutory obligations as set out in Equality legislation and under the umbrella provisions of the Equality Act 2010.

The equalities impact assessment identifies that this service will impact positively upon the experiences and outcomes of 16 to 25 year olds who find themselves in need of support and accommodation. This is an inclusive approach to supporting young adults to remain within their local communities and within Somerset.

The Local Authority Equality Officer has been consulted and has provided advice for the Equalities Impact Assessment that is appended to this report.

Community Safety Implications

21. The tender documentation will set out community-based activities which successful bidders will positively promote to foster good community relationships and enable young people to become actively engaged within in their community, mitigating negative public perceptions.

The successful providers will be fully supported in developing the Council's approach to responding to, and safely managing, complex safeguarding and

child protection matters that might arise encompassing County Lines, Child exploitation and adolescent safeguarding matters.

There is no anticipated impact on local crime rates. Young adults will be positively supported to be actively engaged within their communities and supported provisions to achieve the best possible outcomes.

Climate Change and Sustainability Implications

- 22. The tender will request properties are located close to travel network links to enable young people to travel to employment and training. Also, that properties are aligned with the Council's Climate Emergency Strategy.
- 23. The tender will set out that this cohort of young adults are fully supported to engage with education, employment and training opportunities.

Health and Safety Implications

- 24. There are no specific health and safety implications arising from this decision but all documentation will include references to Health and Safety legislation and the Ofsted regulation of supported accommodation.

Health and Wellbeing Implications

- 25. This service, through the provision of appropriately skilled and qualified staff, will improve the health and wellbeing outcomes for young adults, some of which who experience complex mental health, emotional, social, and behavioural issues.

Social Value

- 26. The tender expects successful bidders to demonstrate their ability to add economic, social and environmental value above and beyond the tendered service. There is a clear expectation held by the Council that successful bidders will work with local supply chains and frameworks to commit to Social Value initiatives and work under the Council's Social Value Policy Statement.

Scrutiny comments / recommendations:

- 27. This decision has been reviewed by both the Scrutiny Committee - Communities and Scrutiny Committee - Children and Families, and are fully supportive.

Background

28. The award of this contract allows the Council to meet many of its obligations under the Homelessness Reduction Act 2017, the Children Act 1989 and the Care Act 2014 in a way that achieves best value and provides a basis from which individuals with vulnerabilities develop their tenancy and daily living skills and move on to live independently. This contract award supports the Council's response to the prevention of youth homelessness for 16 to 25 year olds.
29. Individuals within this group are either Looked After by the local authority and come under Children's Services or are young people "who are believed to be homeless, eligible for assistance and reason to believe in priority need" who come under the housing authority. Both groups face very similar challenges and have experienced similar levels of disruption to family life.
30. Young people over the age of 16 have the right to choose whether to become Looked After and may decide not to. Some will be over 18 and not care experienced, but this does not mean they do not need a similar level of support, especially with regard to safe accommodation, consistent relationships, access to educational, training and employment opportunities and information and guidance to improve their physical and emotional health and to build positive relationships.
31. In addition to the previous contractual arrangements a group of around 40 young people were living in supported accommodation which were spot purchased arrangements due to their level of complexity and who require specialist support. These new arrangements have been brought together into a block contract as part of this procurement exercise.
32. This service will also include supported accommodation for Unaccompanied Asylum Seeking Children (UASC). Children seeking asylum who have no responsible adult to care for them, are separated or 'unaccompanied' are automatically children looked after under Section 20 of the Children Act 1989.
33. The concept of the service is to prevent youth homelessness by providing targeted prevention measures. If prevention is not possible the service will allow young people with housing related support needs to progress along a pathway of outcome-focused, needs-led provision with support until they are

able to sustain independent living. Young people are also supported to enter into some form of education, employment or training.

34. The service will support young people with low, medium and high level needs and offer a range of good quality, flexible accommodation with strong transport links so young people are close to employment, education and training opportunities across Somerset. Properties will be staffed according to levels of need and expected to deliver some floating support to young people who move on from their services.
35. The service will expect providers to work together and adopt an alliance approach to share resources and training where appropriate. An outcomes framework will be co-designed with providers to ensure we are monitoring improved outcomes for young people.

Background Papers

36. None

Appendices:

- Appendix A – Tender evaluation report - Housing related support and accommodation for 16-25 year olds in Somerset
- Appendix B – CONFIDENTIAL Tender Evaluation Report
- Service specification for Housing related support and accommodation for 16-25 year olds




Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	21/09/2023
Communications	Peter Elliott	21/09/2023
Finance & Procurement	Nicola Hix	22/09/2023
Asset Management	Oliver Woodhams	12/09/2023
Executive Director / Senior Manager	Claire Winter	21/09/2023
	Chris Hall	21/09/2023
Strategy & Performance (inc workforce)	Alyn Jones	11/09/2023

Executive Lead Member	Councillor Tessa Munt Councillor Federica Smith-Roberts	21/09/2023 20/09/2023
Consulted:		
Local Division Members	n/a	
Opposition Spokesperson	Councillor Frances Nicholson Councillor Andy Dingwall	21/09/2023 Sent 11/09/23
Scrutiny Chair	Councillor Leigh Redman Councillor Gwil Wren	21/09/2023 15/09/2023

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)		X				
Version	1		Date Completed	12/04/2023		
Description of what is being impact assessed						
<p><u>Re-commissioning of housing related support and accommodation for 16–25 year olds</u></p> <p>The Council is re-commissioning the above service to be in place on 1st April 2024. The current 'Pathways to Independence' (P2i) contract is currently delivered by YMCA Brunel Group (in Mendip and South Somerset) and YMCA Dulverton Group (in Sedgemoor and Somerset West and Taunton) and provides a range of supported accommodation (179 beds) across the county for looked after children, care leavers and homeless young people with priority need aged 16-25.</p> <p>Individuals within this group are either Looked After by the local authority and fall under Children's Services or are young people who are believed to be homeless, eligible for assistance and in priority need under homelessness legislation who fall under the housing authority.</p> <p>This service enables the Council to meet many of its obligations under the Homelessness Act 2017, the Children Act 1989 and the Care Act 2014. The concept of the service is to prevent youth homelessness by providing targeted prevention measures. If prevention is not possible</p>						

the service will allow young people with housing related support needs to progress along a pathway of outcome-focused, needs-led provision with floating support until they are able to sustain independent living.

Accommodation is currently located in Minehead, Bridgwater, Taunton, Frome, Street and Yeovil. The new service will replicate this plus other locations such as Glastonbury and Chard.

Evidence

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

Current service data and trends:

Age breakdown and statutory responsibility for P2I residents – (as at February 2023)

	16		17		18		19		20		21		22		23		24		25		Total	Average Age
C=Children's Social Care	C	H	C	H	C	H	C	H	C	H	C	H	C	H	C	H	C	H	C	H		
H=Housing																						
YMCA Brunel	0	0	4	0	9	5	3	6	1	3	1	2	0	0	1	1	0	1	0	0		
Group:	0		4		14		9		4		3		0		2		1		0		37	18.9
Mendip	0	0	6	0	4	3	0	7	0	2	3	6	0	2	0	4	0	1	0	0		

YMCA Brunel Group: South Somerset	0		6		7		7		2		9		2		4		1		0		38		19.8	
YMCA Dulverton Group: Sedgemoor	2	0	9	0	3	2	2	8	4	3	1	1	1	0	0	1	0	0	0	0				
	2		9		5		10		7		2		1		1		0		0		37		19	
YMCA Dulverton Group: Somerset West & Taunton	0	0	5	0	6	0	7	6	2	4	1	1	2	0	0	1	0	3	0	2				
	0		5		6		13		6		2		2		1		3		2		40		19.9	
P2I Totals	2	0	24	0	22	10	12	27	7	12	6	10	3	2	1	7	0	5	0	2				
	2		24		32		39		19		16		5		8		5		2		152		19.4	
P2I Percentages	3%		13%		21%		23%		14%		12%		5%		6%		3%		1%		100%			

Total CSC beds	77 (50.6%)
Total housing beds	75 (49.4%)

Breakdown of the different types of P2I beds by age range (as at February 2023)

'Core' and 'Crash' beds are staffed 24/7 to offer more support

'Cluster' beds offer drop in support several times a week

[illegible]

There is also a cohort of young adults who, due to their high levels of complexity are living in bespoke supported accommodation arrangements outside of the P2I service.

Age breakdown of young people in separate spot-purchased supported accommodation arrangements outside of the P2I service

	16	17	18	19	Total
As at 12th February 2023	13	27	11	1	52
As at 22nd March 2023	10	21	8	1	40

Current Child Looked After (CLA) and Care Leaver (CL) population snapshot data as at 23/03/2023:

Breakdown of age and sex/gender

Age	Male (M)	Female (F)	Non- Binary	Transgender		
16	43	42	0*	0*	No of 16 & 17's	192
17	62	39	0*	0*	No of 18-21	350
18	52	38	0*	0*	No of 22-25	45
19	54	45	0*	0*	Total	587
20	62	48	0*	0*		
21	25	18	0*	0*	Male (M)	324
22	13	9	0*	0*	Female (F)	249

23	8	5	0*	0*	Non-Binary	7
24	5	4	0*	0*	Transgender	7
25	0	1	0*	0*		

*Redacted data to prevent individuals from being identified.

Breakdown of Asylum status as at 23rd March 2023.

	Male (M)	Female (F)
Unaccompanied Asylum Seeking Children (UASC)	37	2
Adult Asylum Seeker	5	0
Indefinite Leave to Remain	7	2
Refugee Status	24	1
Exhausted Asylum	1	0
Human Protection under the European Court of Human Rights applied for	1	0
Total	75	5

There is a strong male bias for young people seeking asylum and if these young people were not included in the CLA/CL data above the male to female ratio would be much closer to 50:50 (249:244).

Breakdown of Ethnicity:

White British	446
White Irish	2
White European	13
White Other	3
Black British	19
Asian British	13
Mixed White & Asian	12
Mixed White & Black African	3
Mixed White & Black Caribbean	7
Mixed Other	8
Traveller Irish Heritage	2
Gypsy Roma	7
Vietnamese	3
Any Other Ethnic Group	49
Total	587

The 2021 Census data indicates that 8.4% of Somerset households comprise of residents from different ethnic groups but this data indicates that 24% of the CLA/CL cohort are from different ethnic groups. However, if the 80 young people seeking asylum were not included in this data 12% would be from different ethnic groups, which is above the Somerset baseline figure.

Breakdown of religion

Atheist	19
Baptist	1
Christian	93
Church of England	46
Jehovah Witness	2
Muslim	73
None	244
Other	8
Other Christian	7
Refused	1
Roman Catholic	7
Unknown	78
Blank	8
Total	587

The 2021 Census data noted a large increase since 2011 in the number of Somerset residents identifying with no religion (total 40%) and a corresponding decrease in those identifying as Christian, which reflects a national trend. Within this cohort there is also 40% of young people identifying with no religion.

Breakdown of sexual orientation

Heterosexual	183
Other	26
Prefer not to say	56
Blank	322
Total	587

Breakdown of marital status

Married	3 (<1%)
Single	281
With partner	17
Unknown/blank	286
Total	587

Breakdown of disability

Yes	234
No	353

Active EHCP	170
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Category

Cognition & Learning 26

Communication & Interaction 16

Emotional, Behavioural, Social 22

Sensory, Physical, Medical	1
----------------------------	---

SEN Primary Need

Social, Emotional, Mental health	100
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Moderate Learning Disabilities 11

Profound, multiple Learning Disabilities	1
--	---

Severe Learning Disabilities 14

Autistic Spectrum Disorder 12

Speech, language, communication 26

Physical disability 1

Breakdown of housing data from April 2022 – February 2023

For the period this data refers to, there were 4 separate housing teams across the previous 4 district councils in Somerset; Mendip, Sedgemoor, Somerset West and Taunton and South Somerset. The data recorded varies between the 4 areas but in the future this will be consistent now that we are a unitary authority.

	Mendip (East)	Sedgemoor (North)	Somerset West and Taunton (West)	South Somerset (South)
Total enquiries	163	320	352	267
Male	75	152	154	86
Female	85	168	192	181
Unknown/other gender	3	0	6	0
White British	152	143	Not Known	132
Different Ethnic Group	8	18	Not Known	13
Ethnic group blank/not known	3	159	Not Known	122

Specific housing issues for young people:

- Young people aged 16 and 17 are unable to have a tenancy without a guarantor and so need to be able to access supported accommodation.
- It is harder for young people to access private rented accommodation due to lack of references; a deposit/rent-in-advance; a track record of successfully living independently and are also only entitled to the shared accommodation rate.¹ The private rented sector is also shrinking. This supports the need for young people's accommodation.

Accommodation needs to be high quality and furnished as residents may not have the skills and resources to do this themselves. Providers will be encouraged to make the accommodation as homely as possible with good communal spaces to encourage positive peer relationships.

¹ Care leavers are entitled to the one-bed rate until they are 25.

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

- Young people and current residents within the P2I service
- Two market engagement events have been held in March 2023 to understand the market response
- Members of the P2I board which include representatives from all 4 housing teams
- Children's Social Care teams

Analysis of impact on protected groups

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

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<u>Accommodation:</u> <ul style="list-style-type: none"> • Accommodation needs to be situated close to employment, education and training opportunities and other community services. • Accommodation needs to be geographically spread across the county to enable young people to maintain their support networks due to limited public transport access. • Accommodation needs to be affordable (local housing allowance rates) or be 'specified accommodation' as defined by housing benefit regulations because people under the age of 35 receive the shared accommodation 	☐	☐	☒

	<p>rate which is lower than the one-bed rate unless they are living in specified accommodation. Additionally, apprentices and young people under the age of 22 have lower National Minimum Wages than the National Living Wage.</p> <ul style="list-style-type: none"> • Young people will have a private bedroom to provide privacy and personal space in addition to shared areas. <p><u>Service Delivery:</u></p> <ul style="list-style-type: none"> • The new service will continue to offer provision to young people aged between 16 and 25 who are looked after children, care leavers or homeless and in priority need. • There is currently a specific, enhanced offer for children looked after aged 16 and 17 which will be expanded alongside the main service to reduce the need for expensive bespoke spot purchasing arrangements. • Ofsted are introducing new legislation around regulating supported accommodation for 16 and 17 year olds and providers will need to have registered by October 2023. • Young people will receive housing related support to develop the skills they need to live independently and sustain their own accommodation. 			
Disability	<p><u>Accommodation:</u></p> <ul style="list-style-type: none"> • Within the service there will be some accessible accommodation and providers will be encouraged to undertake an accessibility audit and carry out reasonable improvements. • The service will provide safe, supported accommodation for young people transferring into adults' services. <p><u>Service Delivery:</u></p> <ul style="list-style-type: none"> • Young people with additional learning needs or disabilities may be at a disadvantage if the service is not provided in a way that is tailored to their specific needs. 	□	⊗	□

	<ul style="list-style-type: none"> Providers will offer inclusive, person-centred support and ensure that deaf young people have access to British Sign Language interpreters to enable them to communicate effectively. 			
Gender reassignment	<p><u>Accommodation:</u></p> <ul style="list-style-type: none"> Accommodation will be gender neutral. <p><u>Service Delivery:</u></p> <ul style="list-style-type: none"> The service specification will require gender neutral accommodation which is inclusive to young people of binary, non-binary or fluid gender and avoids stereotypical approaches to ensure equality of services and experience. The service specification and contract will specify that staff will model appropriate language and preferred pronouns and appropriate challenge should be made where language or behaviour (by staff or other young people) is not inclusive. Occupancy agreements will require residents not to impact other residents' peaceful occupation of the accommodation. 	□	□	☒
Marriage and civil partnership	<p><u>Accommodation:</u></p> <ul style="list-style-type: none"> There will be some accommodation for married and 'established' couples within the service. On review of the data there is no impact on this group. <p><u>Service Delivery:</u></p> <ul style="list-style-type: none"> On review of the data there is no impact on this group. 16 and 17 year olds are not able to marry. Married couples will receive individual housing related support as well as support in relation to a joint application for housing. 	□	□	☒

Pregnancy and maternity	<p><u>Accommodation:</u></p> <ul style="list-style-type: none"> • Within the service there will be accommodation suitable for pregnant women and parents with their children, although not every bedspace will be suitable for children. <p><u>Service Delivery:</u></p> <ul style="list-style-type: none"> • A person automatically has priority need when homeless if they are pregnant, live with a pregnant woman or have dependent children living with them, who are reasonably expected to live with them. • Providers will be expected to support pregnant women to move on to appropriate alternative accommodation before the baby is born if they are living in supported accommodation that is unsuitable for a baby. This may include: their own accommodation, dispersed or specialist supported accommodation, Family and Assessment Support Team within fostering. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race and ethnicity	<p><u>Accommodation:</u></p> <ul style="list-style-type: none"> • On review of the data there is no impact on this group. <p><u>Service Delivery:</u></p> <ul style="list-style-type: none"> • Provision of supported accommodation should take account of cultural requirements and ensure that staff have access to translator services where necessary and have a good understanding of a range of cultural needs. • Appropriate and inclusive language should be used by Providers, residents and visitors. • Special consideration should be given to language used by staff where a young person's first language is not English. This is particularly important in regard to health and safety advice e.g. for physical activities or fire safety information. Providers will offer inclusive, person-centred support 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<p>and ensure that young people have access to translation services to enable them to communicate effectively.</p> <ul style="list-style-type: none"> • Appropriate challenge should be made where language or behaviour (by staff or other young people) is not inclusive. • Providers will be asked to demonstrate how services will be sensitive, respond to any disadvantage and provide positive affirmation of racial and ethnic origins. 			
Religion or belief	<p><u>Accommodation:</u></p> <ul style="list-style-type: none"> • Specialist accommodation for unaccompanied asylum-seeking children (UASC) should have a prayer space/space for reflection. <p><u>Service Delivery:</u></p> <ul style="list-style-type: none"> • Young people should be supported to access provision that meets their cultural needs and allows them to practice their faith without discrimination. • Providers should provide prayer mats and religious texts in resident's home language where required. • Welcome packs and location risk assessments should identify closest places of worship, halal retailers and other community services/resources and residents should be supported to access these. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	<p><u>Accommodation:</u></p> <ul style="list-style-type: none"> • Facilities (including toilets and bathrooms) will be unisex and non-gender specific. • On review of the data there is no impact on this group. <p><u>Service Delivery:</u></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<ul style="list-style-type: none"> Providers will be asked to demonstrate how services will ensure that equal opportunities for males and females are promoted, and that stereotypes are avoided in relation to activities interests and hobbies. Appropriate and inclusive language should be used by Providers, residents and visitors. 			
Sexual orientation	<p><u>Accommodation:</u></p> <ul style="list-style-type: none"> On review of the data there is no impact on this group. <p><u>Service Delivery:</u></p> <ul style="list-style-type: none"> Providers will be asked to demonstrate how services will promote equal opportunities for young people of all sexual orientation and that a child or young person's sexual identity (including when there is uncertainty) is respected and positively affirmed. Providers will consider matching residents as part of placement planning. Appropriate challenge should be made where language or behaviour (by staff or other young people) is not inclusive. 	□	□	☒
Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	<p><u>Accommodation:</u></p> <ul style="list-style-type: none"> Emergency accommodation will be part of the service to help young people who are 'homeless tonight.' The cost and availability of transport should be considered when developing accommodation. The location of accommodation should be considered to provide housing across Somerset that does not lead young people to become isolated. 	□	□	☒

Negative outcomes action plan Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Somerset Council and the successful providers will develop the service in response to all elements highlighted above as part of the launch of the service.	01/04/2024	Julie Breeze, Strategic Commissioner, providers	Through contract monitoring	<input type="checkbox"/>
The service specification requested accommodation is: <ul style="list-style-type: none"> • geographically spread across Somerset; • close to employment, education and training opportunities and services; • has transport links; • is affordable and gender neutral; • provides some accessible bedspaces and some bedspaces suitable for married couples and/or parents with children with them. It will also include service delivery that: <ul style="list-style-type: none"> • provides person-centred support; • sensitively responds to disadvantage; • uses inclusive language, preferred pronouns and appropriate challenge; • provides access to British Sign Language and translation services; • positively affirms protected characteristics; 	01/10/2023	Julie Breeze, Strategic Commissioner,	Through contract monitoring	<input type="checkbox"/>

<ul style="list-style-type: none"> carefully matches residents through placement planning; has welcome packs providing information about the support provided, access to wider support and expectations about behaviour. 				
If negative impacts remain, please provide an explanation below.				
None				
Completed by:	Suzie King, Children's Commissioning Officer			
Date	12/04/2023			
Signed off by:	Tom Rutland/Julie Breeze			
Date	28/04/2023			
Equality Lead sign off name:	Tom Rutland			
Equality Lead sign off date:	28/04/2023			
To be reviewed by: (officer name)	Julie Breeze			
Review date:	April 2024			

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Housing related support and accommodation for 16-25 year olds

Service Specification for Supported Accommodation Block Contracts

April 2024 – March 2033

**Supported Accommodation
Block Contracts**

Lot 1

Supported Accommodation for 16-25 year old children in care and care leavers - including Emergency accommodation (100 beds)

Lot 2

Supported Accommodation for 18-25 year olds who are homeless, eligible and reason to believe in priority need - including Emergency accommodation (90 beds)

16+ Service Specification

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SECTION 1

BACKGROUND AND NEEDS ANALYSIS

1.1 Introduction

The services required are aimed at young people aged 16 and above, with housing related support needs. They may be homeless or threatened with homelessness and have a wide range of support needs. This service will be referred to as 16+ throughout this specification. There are 2 separate lot requirements.

The duration of the block contract will be an initial period of five years ending on the 31st March 2029. The contract will contain an extension period of upto two further two year periods until the 31st March 2033

Start date: 1st April 2024
End date: 31st March 2033

Extensions will be conditional upon both parties agreeing to the terms of the extension and the satisfactory performance of the provider.

Lot 1	Supported Accommodation for 16-25 year old children in care and care leavers - including Emergency accommodation
Lot 2	Supported Accommodation for 18-25 year olds who are homeless, eligible and reason to believe in priority need - including Emergency accommodation

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1.2 Background

Somerset Council are commissioning this service as part of their work to prevent and alleviate youth homelessness in relation to young people aged 16-25 who live in, or have a local connection to, the Somerset area.

We are an ambitious Council, committed to improving the lives of children and young people living in Somerset. We have high aspirations for their futures and are determined to develop outstanding services to support them by forming a competent coalition around each young person. This service is a pathway to independence, not just a placement.

In Somerset, we want to enable all young people to thrive and achieve positive outcomes in relation to independent living, health, social wellbeing, education and employment. Access to safe and secure living arrangements with support to develop independence is a fundamental part of how young people will be enabled to achieve these outcomes. This is especially true for young people who are in care or leaving care and others who face vulnerabilities and homelessness.

Somerset are now a single unitary Council meaning the local services are now joined together under a brand new authority, Somerset Council. From housing to highways, education to environmental health, social care, planning, licensing, waste collection and climate change, all these services and others will be delivered through one Council. This will ensure service provision is more joined up and consistent, making it easier for external organisations to work with us.

This service is designed to prevent homelessness by providing targeted prevention measures. If prevention is not successful or possible the service allows young people with housing and related support needs, to progress along a pathway of outcome-focused needs-led provision, until they are able to return to the family home or sustain independent living without the need for support.

The previous service, Pathways to Independence (P2I), has achieved its objectives well and has provided a good service over the past six years. However, there are some key areas of service delivery which were not considered as part of the original specification and have resulted in gaps in provision for some of our most vulnerable young people due to the changing landscape we find ourselves in. In order to better understand these identified gaps a comprehensive needs analysis has been undertaken to inform the future service model as detailed within this specification.

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This new 16+ service aims to strengthen services for those young people in most need and place an even greater emphasis on homelessness prevention as well as accessing early help services to provide a continuum of support as and when its needed. The Council also aim to create an outcomes focused service to maximise economic wellbeing and sustainable independence for young people as absolute priorities.

1.3 Summary of Needs Analysis Findings

Work has been undertaken to understand the needs of 184 young people who were in all 16+ services, including P2i (as at August 2022) and the evidence highlighted the following vulnerabilities:

- 83/184 (45%) at risk of or have experienced Domestic abuse
- 91/184 (49%) at risk of or have experienced Exploitation (Criminal/Sexual)
- 164/184 (89%) currently at risk of offending behaviours
- 76/184 (41%) at risk of Substance misuse
- 120/184 (65%) suffering with mental health issues
- 41/184 (22%) have a learning difficulty
- 44/184 (23%) have Physical disability/ill health

The full needs analysis is available as part of the Data pack including in the tender documents in the Selection Questionnaire stage on the portal (www.supplyingthesouthwest.org.uk) and should be read in conjunction with this specification.

1.4 What young people are telling us

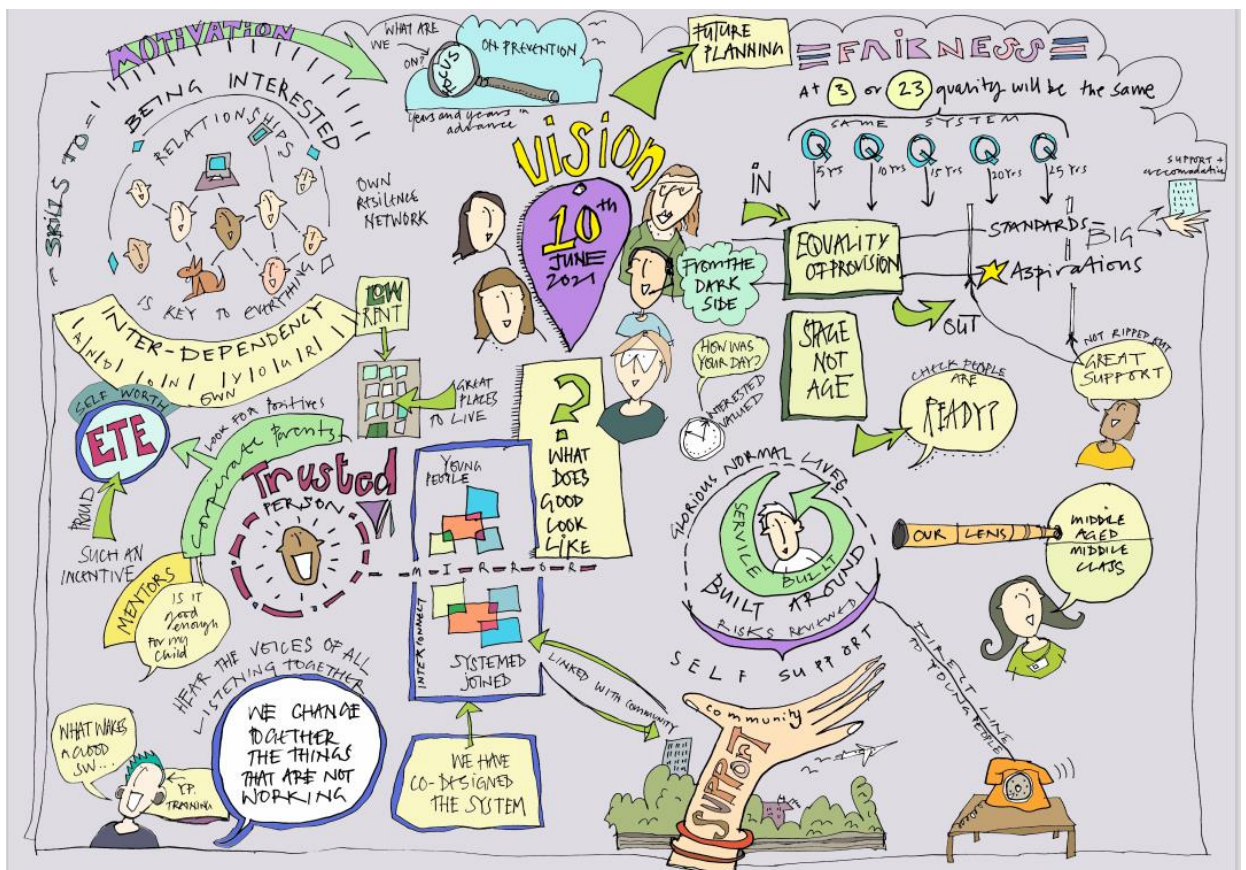
Young people are regularly consulted about services. This included a recent exercise where Commissioners undertook storyboarding activity to bring their views to life as pictures. All of these storyboards can be seen in the supporting data pack but are underpinned by the following key messages from young people:

- Consistency – there should be fairness and equality for all young people wherever we live in Somerset.
- Understanding my triggers and calming strategies for young people is key – “get to know me.”
- Stick with me – “sometimes I will make mistakes.”
- Sometimes just asking me “How my day has gone” helps – “be interested in me.”
- No restrictions on rooms in the home - young people should be able to access any room at any time.

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- Welcome packs – I may not know how to use the washing machine or who I need to speak to if something in the home doesn't work or I want to give some feedback, also, where is the nearest shop.
- Homes should be cosy and home like.
- Staff need to have good relationships and consistent trauma informed training.
- Activities and entertainment – pool table/games consoles.
- Fast Wifi and easy to get online – we all need to be able to use it at the same time.
- Help me make friends.
- Help me understand tenancy agreements – it's a minefield.
- 'Stage not age' – we are all different.
- Give me choice about where I want to live and can I see it before I move in.

Commissioners have listened to all of the above and produced the following vision storyboard for the service:



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1.5 National and Local Context

Based on current data, we are aware that more older young people are coming into care aged 16 and 17 resulting in the looked after and care leaver population increasing. Ofsted and the Department for Education (DfE) have also agreed that regulation of Supported Accommodation for 16 and 17 year olds is absolutely essential to improve standards. Their view is that too many young people are currently living without the right kind of everyday safeguards that they should expect from a system that is there to protect and care for them.

The health, social and economic impacts of the coronavirus pandemic has heightened the challenges young people are likely to face at a stage in their lives which can be difficult under normal circumstances. Ofsted's report into the impact of the pandemic found that older children have lost stamina in their reading and writing, some have lost physical fitness whilst others show signs of mental distress, including an increase in eating disorders and self-harm.

As a consequence of the pandemic, young people's future prospects and pathways to independence will be impacted with many facing immediate unemployment risks and longer-term damage to their careers and incomes with years of reduced pay and limited job prospects. One in three non-graduates typically get their first employment in sectors such as retail, hospitality, travel and leisure – the sectors hardest hit by the lockdowns.

Past research has shown that those who enter the labour market during a downturn carry the costs of doing so into middle age in the form of lower wages and a higher risk of unemployment.

A stronger emphasis on preventative ways of working needs to be in place to reinforce the benefits of partnership working across the whole system; including local authorities, NHS, voluntary and community sector organisations to build effective multi-agency relationships to support this vulnerable group of individuals to become inter-dependent and build life-long relationships.

A systemic approach to this will achieve sustained tenancies, reduce the 'revolving door' effect and ultimately reduce demand on Council, health and

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criminal justice services.

The following guidance and principles should be taken into account in the creation and delivery of all 16+ service provision:

- [The Supported Accommodation \(England\) Regulations 2023](#) – New legislation for 16 and 17 year olds
- [Guide to the Supported Accommodation Regulations including Quality Standards](#) – Supporting guide for new legislation
- [Provision of accommodation for 16 and 17 year olds who may be homeless and/or require accommodation](#) – Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation (Southwark judgement)
- [Homelessness Reduction Act 2017](#)
- [Homelessness code of guidance for local authorities](#)
- [House in multiple occupation licence](#)
- [Decent Homes Standard: review](#)
- [Supported housing: national statement of expectations](#)
- [Integrated health and social care for people experiencing homelessness Guidance](#) – NICE guidance
- [Housing health and safety rating system \(HHSRS\)](#)
- [Independent review of children's social care](#) – May 2023
- [Stable Homes, Built on Love: Implementation Strategy and Consultation](#)
- [Care Leaver Covenant \(mycovenant.org.uk\)](#) – National inclusion programme that supports care leavers
- [Working Together to Safeguard Children 2018](#) – A guide to multi-agency working to safeguard and promote the welfare of children
- [The Positive Pathway \(stbasils.org.uk\)](#) – A Nationwide framework to support a collaborative and integrated approach to prevent homelessness.
- [homefinder somerset](#) – Somerset's website for finding a home
- [Housing Strategies and Policies \(somerset.gov.uk\)](#) – includes Somerset's Homelessness and Rough Sleeper's strategy

SECTION 2

PURPOSE AND SCOPE

2.1 Overview

The 16+ service is an outcome-based homelessness prevention service which aims to provide a service for all vulnerable young people aged 16 to 25 (up to their 25th birthday) who have a relevant need (see Appendix 1) without discrimination.

These services enable the Council to meet many of its obligations under the Homelessness Reduction Act 2017, the Children Act 1989 and the Care Act 2014 in a way that achieves best value and provides a basis from which individuals with vulnerabilities develop their tenancy and daily living skills and move on to live independently.

This 16+ service aims to address a number of strategic issues with the delivery of youth housing and homelessness prevention services in Somerset. The following priorities have been taken from the Homelessness Reduction Board:

- 'By 2027 all elements of local government, in partnership with the voluntary sector, business and wider society, will be working together to ensure that everyone in Somerset has access to secure and suitable housing with appropriate support so that no-one should have to experience homelessness or rough sleeping again'.
- Prevent homelessness and rough sleeping and where it does arise, make homelessness and rough sleeping rare, brief, and non-recurring.
- Centralise all key strategic decisions associated with rough sleeping and homelessness prevention (health, care, housing, justice, employment)
- To work proactively to include the voice of those with lived experience in the re-design of services.
- Design out homelessness – creating services and pathways that make it close to impossible to be rendered homeless.
- Collaboration and co-production: we can do more together than on our own
- Creativity and flexibility: we are open to innovation and creative solutions
- Integrity: built on knowledge and listening to each other and those with lived experience
- What works: build on 'What Works' both locally and the learning from other areas
- Resolution: recognition that it's everyone's business to seek to end homelessness locally

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2.2 Key Aims and Objectives

A key outcome for this service is to develop and sustain young people's capacity to live independently within the community. An essential element of the service model is for young people to move through the service as swiftly and safely as possible. The following principles also apply:

- A commitment to providing young people with the right level of support, in the right place at the right time; with flexibility from this 16+ Service.
- Housing related support and accommodation being part of a suite of options, interventions and support that help young people to stabilise and make positive relationships with peers and community as well as professionals, to support their wellbeing and avoid isolation;
- A focus on supporting young people to make friends, build life-long networks and trusted relationships;
- Encouraging peer support models to draw on shared personal experience or characteristics to help one another that is mutually beneficial for all;
- Decisions about the service are taken as close to the young person who is being supported as possible;
- Young people are central to shaping and developing the service;
- A range of accommodation-based provision where Providers supply both 24/7 staffed services and lower-level supported accommodation options to move young people onto, or to support on a floating basis from the very start of their journey;
- A strong focus on sustainable move-on with support to secure independent tenancies and to stabilise young people to maintain their tenancies;
- A greater emphasis on Providers supporting young people to access education, training and employment;
- Robust multi-agency planning to reduce duplication and promote a more coordinated person centred, trauma informed approach to support; particularly in relation to those young people with the highest level of need and most challenging behaviour;
- Supporting young people to understand and learn from the consequences of decisions they make.
- Supporting young people to return home, if appropriate.

In short, providing good quality accommodation and housing related support in local communities which offer individualised creative support and an education/employment/training response which focuses on meaningful relationships and developing life-long networks.

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2.3 Eligibility

These services are being commissioned in response to a range of statutory requirements for young people aged between 16 and 25 which can include:

- Children Looked After or Children in Need
- Care leavers
- Young people who are homeless, eligible and reason to believe in priority need
- Unaccompanied Asylum Seeking Children (UASC)
- Young couples (where the relationship is well-established, both are within the age range of the service and at least one of the couple is eligible under another of these criteria)
- Pregnant young people
- Young people with children
- Young offenders who require remand or non-custody placements
- Prison leavers under Youth Justice Service, managed by Integrated Offender Management, or with Bail/Licence conditions
- Young people who require supported accommodation after the age of 16 in line with the "Staying Close" agenda
- Young people in crisis who are experiencing severe emotional distress or disruption and breakdowns of relationships.
- Young people with significant mental health needs who may have spent time in in-patient or residential children's homes.

These definitions are broad and not all young people in these groups will require the same level of support.

This will include young people who may have a combination of complex needs and display behaviours that challenge. Support needs may include emotional, communication, learning or physical difficulties, autism, mental health problems, substance misuse and/or offending behaviour, low self-esteem, poor social and practical skills, inappropriate sexualised behaviour, fleeing domestic abuse, anti-social behaviour, involvement in criminal exploitation and problematic relations with family and wider support networks.

Some young people may be difficult to engage in the support process, but services are expected to offer support appropriately, consistently and imaginatively. Providers will need to develop creative engagement techniques

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and/or use their multi-agency networks to ensure the right support is delivered to meet the assessed needs of the young person.

2.4 Measuring outcomes for young people

Young people should expect to progress swiftly along a pathway of targeted interventions, through the creation of a multi-agency person-centred plan, to ensure they are able to achieve agreed outcomes relevant to their needs and aspirations. Ultimately young people engaged with 16+ services will be able to sustain independent living, including economic independence, health and wellbeing and build and maintain positive supportive relationships with friends, family and colleagues.

In the true spirit of partnership working, Somerset Council would like to co-design an outcomes framework and reporting mechanisms with the successful providers. Once agreed, they will be regularly reviewed with individual providers as well as sharing across all providers through an annual review process which will develop into a continuous improvement approach across the whole partnership.

2.5 Geographical coverage

This is a Somerset county-wide service with allocation based on need (See supporting data pack for map of Somerset).

It is anticipated that, occasionally, supported accommodation will be required outside of Somerset. Where this need arises, it will be sourced through a separate Dynamic Purchasing System (DPS) commissioning arrangement.

2.6 Service Duration

Prevention and swift pathway progression are essential to the successful delivery of these 16+ services. Accommodation based services are solely provided for the purpose of allowing young people to move through the pathway towards independence. Young people should be made aware that provision is short term and is the first step towards a sustainable and permanent solution. It is not the end point.

Providers will need to be aspirational but, at the same time, manage the expectations of young people to ensure they are realistic from the start. Young people may present to this service with the belief that this will enable

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them to secure independent, self-contained accommodation. For reasons of availability, suitability and affordability, this is often not the case.

It is anticipated that:

- The service will provide short term accommodation in which young people will follow a pathway towards independence, working with their support workers and other professionals, as appropriate.
- In supported accommodation, it is anticipated that this pathway will take up to 9 months.
- The length of time in the pathway may vary for young people who are aged 16 and 17 due to the limited range of move-on options available for this age group.
- All young people who have been in the service for longer than 9 months will be discussed through the regular contract monitoring process.

2.7 Contract Transition Expectations

The period of the transition is expected to start during October 2023 and end on 31st March 2024. The transition plan will be jointly created between Children's Social Care, Housing teams, the incumbent P2I Providers and new providers. It will be realistic, achievable and young person centred. There may also be other partners engaged in individual plans for young people to ensure each transition is as smooth (and targeted to assessed need) as possible.

In addition to person centred plans for individual young people, the plan will ensure staff involvement at all levels and that any training needs are clearly identified and included in the planning timetable. Issues around safe transition of people, data and properties will be explored and any risks identified and mitigated.

Areas of responsibility and risks will be clearly identified and allocated within the transition plan and progress will be managed through regular communication between all parties involved.

SECTION 3

SERVICE DESCRIPTION

3.1 Service Model Overview

The 16+ service has been designed to provide greater flexibility and options to deal with changing needs, demand and costs as well as offering certainty to successful providers.

This specification includes 2 separate block contracts: one for children looked after and care leavers and another for young people who have no current involvement with Children's Social Care but are homeless, eligible and reason to believe in priority need under homelessness legislation.

There are separate arrangements for a Dynamic Purchasing System (DPS) which will offer a quick route to the market for further beds, with these beds being 'called off' as and when required. This is likely to happen when the block-funded beds available through the block contracts are full or when a young person's needs cannot be met. The DPS will be used to run mini-competitions for additional required beds based on need and location and to meet demand. Beds 'called off' in this way could be on a spot-purchase basis or could lead to further block contracts, depending on the circumstances.

Somerset Council would like to move to a position where there is a single 'Tenancy Accreditation Scheme' for the whole of Somerset to ensure we have consistency for young people as they move around the County. It is hoped that that this will be in place for 1st April 2024.

3.2 Types and quality of accommodation

The Council's desire is to offer a range of good quality, flexible accommodation across Somerset. Young people tell us that they are better suited to living in towns that have strong transport links so that they are close to employment, education and training opportunities and are within easy reach of community amenities including health services and shops. Towns such as Taunton, Minehead, Bridgwater, Yeovil, Street, Glastonbury, Chard and Frome are popular choices for young people.

The accommodation can be owned or leased. Providers are responsible for

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ensuring that any accommodation that they propose using meets standards listed within this specification.

Providers will ensure that the decoration and furnishing of homes is suitable for young people and is non-stigmatising, for example in the use of signs and notices. Accommodation should have washing, cooking and laundry facilities as well as good quality furniture, suitable bedding and sufficient kitchen equipment. Young people should be actively involved in choices around the appearance of the environment within which they live. All decorations and furnishings must be maintained to an acceptable standard and will be regularly checked as part of the monitoring process.

We welcome creative, flexible and innovative solutions to meet the needs of these young people, which may include the following types of provision (list not exhaustive):

- Shared housing that can offer different levels of support – low, medium and high
- Foyer type provision offering homely, relaxing communal spaces in which to socialise and take part in activities and learning experiences
- Emergency beds that provide young people in crisis a bedspace where they feel safe.
- Accommodation that can accept established couples. We are not seeking specific couples-only accommodation but would welcome the provision of 'standard' rooms that are of a size, and suitably furnished, so that they could be used for both single people and couples at different times
- Self-contained flats that can be multi-purpose providing, as needs demand and at different times, self-contained living for young people unable to share with others, accommodation for young people with children or as a short-term training experience for those who need to test out their independent living skills as part of their journey to independence
- Affordable accommodation for young people in employment
- Refurbishment projects that involve young people to help them learn a trade with a view to them moving in and taking on the tenancy.

All providers, whether delivering low, medium or high support will be expected to deliver some post-accommodation floating support to young people who move from their services into an independent living environment. It is expected that, where possible, this support will be delivered by the Support Worker with whom they worked most closely when in accommodation-based services (most likely, their keyworker). This 'floating support' will support the initial set up of

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their tenancy and accommodation and will be offered for approximately 3 to 6 months, tapering off in response to the young person's growing independence.

We also have a desire to build a positive pathway for all children in care who may have previously been in foster care or living in a residential home. Our culture is one of 'staying close' to ensure those trusted relationships are maintained.

All housing will be delivered to a high quality specification that is both safe, secure and homely and good enough for your own children. Alongside regular monitoring visits by Somerset Council, Young Inspectors will be used to understand quality from a young person's perspective.

Properties should offer young people with free and consistent access to Wi-Fi throughout the accommodation (in both communal areas and bedrooms) with a level of speed and bandwidth that enables all young people to make use of this concurrently to enable them to easily search for jobs, training opportunities or move on accommodation and to undertake online training and education. This will also help to prevent social isolation.

Providers will ensure every young person is welcomed to their new home with an information pack that includes: details of the accommodation, how to use equipment such as ovens and washing machines, health and safety information, their rights and responsibilities, mechanisms for feedback and making complaints, what to do (and who to contact) in the event of an emergency, details of the staff team and their keyworker, maps of the local area and details of local facilities such as colleges, supermarkets, cashpoints, post offices, GP surgeries etc.

On occasion, Providers may be asked to consider making small adaptations to accommodation to allow for certain practical needs of a young person to be met before they move in, such as the removal of fixtures that could be used as ligature points, wheelchair accessibility and other mobility and safety measures. The Council and the provider will manage this as part of Quality Assurance checks and, where such changes are being considered, practicalities, timescales and costs will be discussed on a case-by-case basis.

Providers offering Supported Accommodation for children in care and care leavers aged 16 and 17 will need to be registered with Ofsted. Accommodation

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for over 18s will still be classed as 'unregulated' but we would still expect a high level of quality.

All accommodation is expected to comply with the following regulations:

[The Supported Accommodation \(England\) Regulations 2023](#)

[Guide to the Supported Accommodation Regulations including Quality Standards](#)

[Fire Safety \(England\) Regulations 2022](#)

[Furniture and Furnishings \(Fire Safety\) Regulations 1988/1989, 1993 and 2010](#)

[Health and Safety at Work etc. Act 1974](#)

[Housing health and safety rating system \(HHSRS\) guidance](#)

3.3 Expectations of Providers

A key requirement of this Service is the expectation that providers will actively seek to raise the aspirations of young people within the pathway and focus on education, training and employment as an absolute priority. This will allow young people to meet the 'Youth Offer' requirement in the future if they are on Universal Credit. Studies within schools have shown that for young people to have high aspirations, the three Guiding Principles of Self-Worth, Engagement and Purpose must be present. The Guiding Principles, in turn, are achieved through the presence of eight conditions:

- Belonging
- Heroes / Role models
- Sense of Accomplishment
- Fun and Excitement
- Curiosity and Creativity
- Spirit of Adventure
- Leadership and Responsibility
- Confidence to Take Action

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Providers will demonstrate through contract monitoring and case studies how they are able to create and enable the conditions required for aspiration to take root.

Providers will also ensure that the following functions are embedded into service delivery across all aspects of the services provided:

Supporting young people

- The provider will make every effort to support the young person to forge links and build networks within the local community.
- Where appropriate, Providers are encouraged to use assistive technology to maximise the support available to young people. This can also help in assisting young people to feel safe in their accommodation.
- An outcomes focused 16+ Plan will be drawn up by Provider staff in consultation with the young person and any other professional working with them. The initial plan will be completed within a month of arrival into accommodation and will be reviewed (by Provider staff, the young person and other involved professionals) at least every three months. More regular reviews will take place if there is a significant change in the young person's circumstances, aspirations, behaviours or risk level.
- All children looked after and care leavers will have a Care Plan or Pathway Plan, created by their Social Worker or Leaving Care Worker in partnership with the young person. This plan will include details of both their strengths and the areas in which they need support as well as the steps that need to be taken by the young person and others to develop the skills and networks needed for successful transition towards independence.
- All young people regardless of their situation or history should be treated with the utmost respect and provided with a non-judgemental approach.

Risk management

- The Provider will receive a risk assessment in relation to every young person before they move into accommodation – such an assessment is a key part of decision-making and planning and Providers and others will be unable to make a decision in relation to a potential offer of accommodation without one.
- The Provider will ensure their own risk assessment and risk management plan is produced within 24 hours of a young person moving into accommodation and that it is reviewed monthly (low risk), fortnightly

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(medium risk), weekly (high risk) or daily (very high risk). Where an incident occurs, or information is received that indicates a potential change in risk levels, a risk assessment review will be carried out within 24 hours.

Tenancy sustainment

- Provider staff are expected to work with young people to help them work through, and complete, the approved Somerset Council life skills programme and subsequently through any additional Tenancy Accreditation Scheme which will form part of their Support Plan.
- The provider will issue each young person with an Occupancy Agreement, in the form of a Licence Agreement or Tenancy Agreement, that will comply with legislation and best practice and will set out the rights and responsibilities of the landlord, the young person and where relevant, any superior landlord or agent. It will include details of any rent and service charges payable for the accommodation. Some young people (for example, Children Looked After) will have those costs paid for on their behalf by Somerset Council whilst others will need to claim benefits in order to be able to meet those charges themselves.
- The Occupancy Agreement, and any accompanying document, should be written in such a way that it is clear and understandable to the young person. This may involve the provision of a supplementary document that explains key areas in a more straightforward manner. It is the responsibility of the provider to ensure that the young person understands what they are signing.
- Providers are asked to maximise other potential income streams, such as charitable funding and Housing Benefit. We are, however, also keen to develop low-rent supported housing (most likely to be low-support) so that young people can gain employment without having to use an unreasonable proportion of their income to pay their rental charges.
- Rents and service charges (particularly, the amount that a young person pays to the Provider direct from their own income, sometimes referred to as a Personal Service Charge or Ineligible Service Charge) must be of a reasonable level and reflect the actual costs of a young person's supported accommodation. Providers will review these charges annually and will be expected to agree any increases with Children's Social Care, Housing Options and, where appropriate, Housing Benefit Teams before consultation and notification to young people or implementation.

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- Providers will manage rent and service charge debts robustly but fairly and will ensure that the relevant Social Worker, Leaving Care Worker or Housing Options Officer is informed promptly if debts are accruing and when warnings are issued or rent arrears payment plans are agreed with a young person. Rent arrears payment plans will be set at a level that are satisfactory for the provider's recovery of debt but are affordable and achievable for the young person.
- The Provider will ensure that move-on is a priority from the start, identifying potential barriers such as rent arrears and mitigating against these hindering potential move on at a later date. A Homefinder application will be completed and expectations managed in regard to realistic move on options.
- Sometimes, despite the efforts of Providers and other involved professionals and despite interventions in place, the agreed plan will sometimes break down. There is an absolute commitment from the Provider and all agencies that when this happens the plan will be revisited to try to avoid the young person being asked to leave the accommodation.
- Where a young person's accommodation is at risk, the Provider will ensure that, at the very earliest opportunity, the relevant Social Worker, Leaving Care Worker, Housing Options Officer and any other involved professional is informed. This includes the issuing of any warnings to a young person by the provider (a copy of which must be provided to involved professionals) and will enable discussions to take place between professionals, and subsequently with the young person, with the aim of revising the plan, to try to maintain the young person in the accommodation. Providers are expected to be able to increase the one-to-one support that a young person is offered without the need for additional resources or a change of accommodation.
- Providers and all involved professionals will always seek to maintain a placement and avoid unplanned departures. However, there are occasions when emergency unplanned departures, with immediate effect, are unavoidable. These will generally relate to violent or extremely aggressive behaviour displayed by a young person or other behaviours that create unmanageable risks for Provider staff and other young people in the accommodation. Where such departures take place, the Provider will inform the relevant Social Worker, Leaving Care Worker and Housing Options Officer immediately, as well as notifying the 16+ Co-ordinator (or equivalent) so that the necessary action can be put in motion.

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- All unplanned departures will be monitored by the 16+ Co-ordinator (or equivalent). The Co-ordinator will trigger a process that assesses the reasons behind any unplanned departures, and any lessons that can be learnt by all involved, so that Providers who work with that young person in future can gain some insight into the reasons for previous accommodation breakdowns.
- If a young person is doing well in accommodation, there will be times when it is appropriate for the Provider and involved professionals to agree a reduction in the level of one-to-one support to enable the young person to move closer to independence.
- Providers will support young people to secure move-on accommodation by helping them to register on Homefinder and bid for properties, help them to move in and settle into their new home and continue supporting them with the initial set up of their tenancy for approximately 3 to 6 months, tapering off in response to the young person's growing independence.

Collaboration and Working together

- The successful Providers will be actively engaged with and attend the weekly 16+ Resources Panel (or equivalent)
- Provider staff, Social Workers, Leaving Care Workers, Housing Options Officers and other professionals are expected to work closely together to ensure their respective plans are complete and complementary rather than contradictory. This requires commitment by all involved to the general development of positive and supportive working relationships, attendance at review meetings, regular formal and informal contact and prompt multi-way exchange of information. It is vital that all the professionals involved in working with a particular young person are promptly advised of any incidents or development including when new information comes to light, incidents occur, concerns are identified, warnings are issued or circumstances change.
- Successful partnership working is key to the provision of a quality service to young people. Providers are expected to work in partnership with all relevant individuals and agencies and with other Providers across 16+ services. A healthy system produces healthy outcomes.
- The Provider will be able to evidence that, at all times, consideration is given to the needs of young people including access to education, training, employment, leisure facilities etc. Providers will seek to build

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income generating schemes linked to education, training and employment into the service provision to future proof the service.

- Service delivery will be as consistent as possible across the County and Providers will ensure close joint working is in place to allow for a smooth transition when a young person moves from one service to another or is engaged with more than one service.
- Providers will attend regular provider forums to share best practice, collaborate for mutual benefit, be honest and open with each other and discuss any challenges or issues to embed a continuous improvement approach to ultimately improve outcomes for young people by working together.

Workforce

- Providers will ensure staff and volunteers are supervised on a regular basis with at least one supervision meeting per month. Access to training will be proactively promoted and, where appropriate, time away from work to attend training and networking events will be supported.
- Where Providers use agency staff to cover staff vacancies for anything more than two weeks, or where an element of staffing is going to be sub-contracted to another organisation, approval must be first sought from Somerset Council's 16+ Co-ordinator (or equivalent). In order to maintain service quality, the same standards in relation to staff suitability, supervision, training and support apply to agency and sub-contracted staff.

3.4 A fair and sustainable price

We are looking to commission providers who are willing to engage with us openly and transparently about costs. We are looking to pay a fair and sustainable price for high-quality supported accommodation services you provide. We will look to balance your business needs as a provider partner with our statutory responsibilities to secure the best value for money we can for our residents and communities.

Block contract prices will be fixed for the first 12 months of the contract, and agreed on an annual basis in February each year ahead of the start of the next financial year.

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3.5 Categories of support

The support needs of young people will vary but the support menu must include money management, health and wellbeing, claiming and maintaining benefits, access to specialist services, employability skills, life-skills, personal development and working towards living independently.

In all accommodation, across all levels of support need, it is expected that a move-in pack is available to the young person immediately on arrival. It should contain items such as toothbrush, toothpaste, soap, shower gel, bath towel, clean bedding (with the bed made up) and a basic food parcel for 3 days. It is anticipated that such a pack will be available for all moves into emergency rooms and should still be available, for some moves into other accommodation, which will generally be planned.

The following categories of support apply to all lots. Weekly one-to-one support hours are expressed as an average as it is anticipated that young people may have times when they need more support (for example, on entry) and times when they require less (for example, as they develop their independence skills) (See Appendix 1).

- **'High' category of support**
 - Ideally no more than 8-10 beds within accommodation – if more, there would need to be evidence that, through good design, layout, decoration and facilities (including imaginative use of communal spaces) a welcoming and homely feel can still be created
 - Staffed by Support Workers on a 24-hour, 7 day a week basis with waking staff from at least 8am to 10pm and a sleeping-in staff member, at least, outside of those hours
 - It is expected that there will be a strong staff presence during evenings and weekends, which is when young people are most likely to be in need of support.
 - Can act as a staff base to reach out to lower level supported accommodation and for former residents receiving floating support
 - Named keyworker for young people who will be the main contact and will provide 8 hours face-to-face support a week
 - If a room is empty in high support accommodation, but is ready to be occupied, it must be made available as additional 'emergency accommodation' when needed

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- 'Medium' category of support
 - Ideally no more than 8-10 beds within accommodation – if more, there would need to be evidence that, through good design, layout, decoration and facilities (including imaginative use of communal spaces) a welcoming and homely feel can still be created
 - Staffed by Support Workers from at least 8am to 10pm with at least 2 property checks between 10pm and 8am
 - Can act as a staff base to reach out to lower level supported accommodation and for former residents receiving floating support
 - Access to 'out of hours' telephone support at night
 - Named keyworker for young people who will be the main contact and will provide 4 hours face-to-face support a week
 - If a room is empty in medium support accommodation, but is ready to be occupied, it must be made available as additional 'emergency accommodation' when needed
- 'Low' category of support
 - Ideally no more than 8-10 beds within accommodation – if more, there would need to be evidence that, through good design, layout, decoration and facilities (including imaginative use of communal spaces) a welcoming and homely feel can still be created
 - Unstaffed but with visits by Support Workers at least 2 times a day between 8am and 10pm and at least 2 property checks between 10pm and 8am. Dispersed self-contained accommodation will require fewer visits based on the young person's needs
 - Access to 'out of hours' telephone support 24 hours a day
 - Named keyworker for young people who will be the main contact and will provide 2 hours face-to-face support a week
 - Some self-contained accommodation which is flexible enough to manage a variety of circumstances including accommodation suitable for couples, single placements where people are unable to share, young people with children and training flats
 - If a room is empty in low support accommodation, but is ready to be occupied, it must be made available as additional 'emergency accommodation' when needed for low level needs.

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- 'Emergency' accommodation
 - Suitable accommodation for young people in crisis that can be accessed 24 hours a day
 - Emergency beds are expected to be for a night, for a few days or, at most, for a few weeks so the necessary assessments can take place to inform future accommodation needs and eligibility.
 - Young people can only be placed in emergency beds by Social Workers, Leaving Care Workers, Housing Options Officers or, out of hours, by Somerset Council's Emergency Duty Team (EDT).
 - The 16+ Co-ordinator (or equivalent) must be informed within 24 hours of a young person being placed in an emergency bed, so that they can be added to the agenda and discussed at the next weekly 16+ resources panel. They will be discussed at that panel every week until they no longer occupy an emergency bed
 - Young people placed within these beds will be able to stay in the accommodation during the day. Safe storage of their belongings will be available, and they will be given a key to their room
 - The provider will ensure that Support Workers meet with the young person every day to make sure that they are managing well and that they keep involved professionals informed. It is not expected, however, that any support planning takes place other than in exceptional circumstances. Although it is acknowledged this is a crucial time for young people who will need some support.

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3.6 Service Lots

3.6.1 Lot 1

Supported Accommodation for 16-25 year old children in care and care leavers - including Emergency accommodation (100 beds)

We require providers to work flexibly with us to ensure there is good and open communication about the use of block contracted beds and have regard for any new or emerging guidance/protocols that are established during the lifetime of this service.

The 100 beds can be delivered by one provider or by several providers. The table below shows the split of the 100 beds. The supporting data pack shows some pen profiles to demonstrate the 3 different categories of support.

Area	Category of support	Number of beds
Mendip (East)	High	12
	Low/Medium	13
	Total	25
Sedgemoor (North)	High	12
	Low/Medium	13
	Total	25
Somerset West and Taunton (West)	High	12
	Low/Medium	13
	Total	25
South Somerset (South)	High	12
	Low/Medium	13
	Total	25

At the time of writing it is anticipated that we will require 6 Low and 7 Medium beds in each area.

The Council projects that demand for the service may change in future years, and as such requires providers that are able to scale up provision, decrease the number of bed spaces or change the level of support within a particular property in line with future demand predictions. This will be part of a regular review with all successful providers as required. **We do not expect a mix of**

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low and medium beds in one property unless property layout enables a sufficient degree of separation.

3.6.2 Lot 2

Supported Accommodation for 18-25 year olds who are homeless, eligible and reason to believe in priority need - including Emergency accommodation (90 beds)

The beds can be delivered by several providers. The table below shows the split of the 90 beds.

Area	Category of support	Number of beds
Mendip (East)	High	3
	Medium	8
	Low	9
	Emergency	2
	Total	22
Sedgemoor (North)	High	3
	Medium	8
	Low	10
	Emergency	2
	Total	23
Somerset West and Taunton (West)	High	3
	Medium	8
	Low	9
	Emergency	2
	Total	22
South Somerset (South)	High	3
	Medium	9
	Low	9
	Emergency	2
	Total	23

The Council projects that demand for the service may change in future years, and as such require a provider that is able to scale up provision or decrease the number of bed spaces in line with future demand predictions. This will be part of an annual review with all successful providers.

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3.7 Out of scope

User groups:

- People aged under 16
- 16 year olds who have not yet officially left school
- People aged 25 and over (after their 25th birthday)
- Those with no involvement with Children's Social Care and who have been assessed as not being homeless, eligible for assistance under homelessness legislation and reason to believe in priority need
- Young people who self-refer direct to provider organisations
- Young people who are the responsibility of another local authority (with evidenced exceptions)
- Young people under a Deprivation of Liberty Order (DoLs)

Services:

- Specialist tier 4 step-down provision for people with severe mental health, learning disabilities and drug and alcohol issues.
- Council owned Leaving Care accommodation-based services and Stepping Stones carers.
- Family group conferencing and other prevention, mediation and conciliation services

3.8 Joint Working

Partnership working is fundamental in the successful delivery of 16+ services. There are essential inter-dependencies and key relationships which, if not managed, will result in duplication and confusion for young people and professionals involved.

It is therefore essential that 16+ Providers communicate and establish effective working relationships with all identified stakeholders. This will include the following key agencies (list not exhaustive):

- Housing teams
- Children's Social Care teams
- Other 16+ Providers
- Family Intervention Service

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- Youth Offending services
- Promise Mentor service
- Avon and Somerset Police
- Probation service
- Somerset Drug and Alcohol Services
- Domestic Abuse Services
- Adult Social Care
- Somerset NHS Foundation Trust
- Child and Adolescent Mental Health Service (CAMHS)
- Connect 18
- Somerset Works
- Virtual School
- Route 1 Advocacy
- Somerset-Wide Integrated Sexual Health Service (SWISH)
- Voluntary and community sector

3.9 Workforce Development

The Provider shall ensure that sufficient numbers of people of appropriate ability, skill, knowledge, training or experience are available so as to properly provide and to supervise provision of the service. Provider's support staff would be expected/good practice to be trained in the following :

Training	Registered Service Manager (required for Supported Accommodation for 16/17 yr olds)	Manager	Support Staff for 16-17 year olds	Support staff for 18-25 year olds
Safeguarding	✓ (designated lead level)	✓ (designated lead level)	✓	✓
Health & Safety	✓	✓	✓	✓
Fire safety	✓	✓	✓	✓
GDPR	✓	✓	✓	✓
Safer recruitment	✓	✓		
Emergency First Aid	✓	✓	✓	✓
Leadership & Management	✓	✓		
De-escalation techniques & conflictive resolution	✓	✓	✓	✓

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Training	Registered Service Manager (required for Supported Accommodation for 16/17 yr olds)	Manager	Support Staff for 16-17 year olds	Support staff for 18-25 year olds
Equality and diversity	✓	✓	✓	✓
Food hygiene			✓	✓
Prevent Duty	✓	✓	✓	✓
Self harm	✓	✓	✓	✓
Exploitation - Sexual and Criminal (County Lines)	✓	✓	✓	✓
Missing	✓	✓	✓	✓
Domestic Abuse awareness	✓	✓	✓	✓
Relevant Level 3 qualification (or working towards)			✓	✓

There is also a requirement that Providers staff will:

- Understand safeguarding processes in relation to the requirements of the Somerset Safeguarding Children Partnership and the Somerset Safeguarding Adults Board.
- Understand their Corporate Parenting role.
- Adopt safer recruitment processes and be compliant with the Nationality, Immigration and Asylum Acts.
- Have an up-to-date enhanced Disclosure and Barring Service (DBS) police check.
- Undertake training to understand the impact of attachment, trauma and other issues that affect the behaviour of complex young people.
- Undertake training to deliver public health interventions such as the Somerset Drug and Alcohol Screening Tool, the Child Sexual Exploitation Screening Tool and the ability to issue the Somerset CCard.
- Have an understanding of the Mental Capacity Act and the ability to undertake a basic assessment if necessary.

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- Support young people (for example, in their education, training or employment, in their independent living skills, promoting their social and emotional needs, including their mental health)
- Understand child development and psychologically informed practices (for example, Trauma Informed Approaches, Psychologically Informed Environments, Adverse Childhood Experiences, attachment theory, adolescent behaviours, emotional dysregulation, positive behaviour support and de-escalation)
- Have the ability to inspire trust and confidence and be empathetic and non-judgemental.
- Be pragmatic in managing risk as well as being approachable and accessible.

3.10 Social value

As a Council we have a statutory duty to consider the added value we create through how we spend public money, including thinking about our economic, social and environmental impact. This means we want to work with providers who share and demonstrate our commitment to enriching Somerset's Communities.

As part of the bidding process we will be asking providers to demonstrate the social value they will bring to Somerset as a result of securing block contracts for 16+ Services. Our Social value policy can be found here: [How to tender for business with us \(somerset.gov.uk\)](https://www.somerset.gov.uk/how-to-tender-for-business-with-us)

This Service encourages providers to support this cohort of individuals with opportunities to enter the world of work, such as supporting them to do work experience placements, work shadowing placements, volunteering, internships, traineeships and apprenticeships. Also, to consider how we build resilient, empowered communities that can continue to add value to people long into the future.

Section 4

ACCESS TO SERVICES

4.1 The Right Accommodation with the Right Support

In all circumstances, when seeking to find the right accommodation for a young person, the allocation will be made on the basis of support need, seeking to ensure that they are offered a room in accommodation where the support on offer is suitable for their needs. Where possible, the young person's geographical preference will be taken into account, particularly where their preference relates to a place of education, employment or a localised support network.

The placement assessment process, although requiring approval by the 16+ resources panel (or equivalent), will generally be carried out by a Social Worker, Leaving Care Worker or Housing Options Officer. They are expected to work alongside the provider, to establish a match and identify concerns that may cause issues in terms of other young people who are already in the accommodation.

4.2 Referral Routes and Allocation to Services

Young people are able to present to Children's Social Care or Housing teams at any office in person, by phone, through a website, by email or by referral from another agency.

Depending on the circumstances, the officer leading on the assessment will either be a Social Worker, a Leaving Care Worker or a Housing Options Officer.

If a young person needs emergency accommodation whilst assessments take place, the officer leading on the assessment will contact Providers to establish where there are empty beds that can be offered to the young person. The provider will be provided with a Risk Assessment before they agree to any placement.

It should be noted that, out of hours, Somerset Council's Emergency Duty Team (EDT) can also make emergency placements. For that reason, Providers

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are asked to provide an out of hours phone number that can be used in these circumstances.

The 16+ Co-ordinator (or equivalent) must be informed by a Provider within 24 hours of a young person being placed in an emergency bed, so that they can be added to the agenda and discussed at the next weekly 16+ resources panel. They will be discussed at that panel every week until they no longer occupy an emergency bed.

All planned requests for supported accommodation in the service are made by referral by a Social Worker, a Leaving Care Worker or a Housing Options Officer to the weekly 16+ resources panel or equivalent. It is expected that the necessary discussions between referrers, their colleagues, their line manager and the young person have all taken place before the referral is made so the Panel can focus on the appropriate allocation of resources rather than spending too much time problem-solving.

The panel may also provide direction in circumstances when alternative action needs to be taken to manage individual situations. This might include, for example, the use of mediation services, Family Group Conferencing, short-break type services or support from the Family Intervention Service.

Each provider is expected to ensure that they are represented at the 16+ resources panel, which is held virtually, either through their presence at the entire meeting or, where agreed with the 16+ Co-ordinator (or equivalent) in advance, by being available to be called in as necessary.

The 16+ Co-ordinator (or equivalent) will track every allocation, move, refusal and eviction to and within the Pathway. If a Provider wishes to raise concerns about a young person and their stability within accommodation, they should discuss that with involved professionals to explore the ways in which support might be increased, reduced or changed to stabilise the placement. The 16+ Co-ordinator is available for discussions about specific young people if required and can, if they feel it necessary, ask that the young person be discussed at a future 16+ resources panel to consider options. Providers are not able to add young people to the panel agenda without first communicating with the Co-ordinator.

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4.3 Refusals by Providers

It is an expectation that there will be no refusals by providers, as relevant assessments for suitability for services, and discussion with providers, would have been carried out by the relevant Social Worker, Leaving Care Worker or Housing Options Officer before referral to the 16+ resources panel.

In exceptional circumstances where providers feel a referral, although eligible is not appropriate for the service they have been referred to and they are unable to accept a referral they will provide an email explanation to the 16+ Co-ordinator (or equivalent) within one working day of the refusal. They will outline:

- The reason for refusal;
- Measures that could be taken, now or in future, by the Provider or others to reverse the refusal;
- Any other relevant information relating to the refusal.

If the 16+ Co-ordinator feels that the refusals should be challenged they will discuss this directly with the provider in the first instance. In those very rare cases where an agreement cannot be reached they will use the Resolving Professional Differences protocol.

4.4 Home Stability

Once a young person is placed with the Provider, they will make every effort to ensure the placement does not break down. The Provider may, where it is the right thing to do and with the agreement of the 16+ Co-ordinator, the Lead Professional and the young person, move the young person to alternative accommodation within their 16+ provision or with another 16+ Provider. They may also provide additional support for a short time to de-escalate a crisis situation. Such short term additional support will not incur additional cost to the Council.

Where it is proposed that a young person moves from accommodation with the same or a lower level of support (for example, moving from medium support accommodation to low support accommodation), the 16+ Co-ordinator (or equivalent) can approve the move without recourse to the 16+ resources panel. However, if the proposed move is to accommodation with a higher level of support, it must be considered and approved by the Panel before being actioned.

16+ Service Specification

The Courts: Where a young person is accommodated within the 16+ service and a Court or other competent authority makes an order or direction with the effect that the young person is prevented from returning to that accommodation for more than 72 hours, the Provider will notify the Social Worker, Leaving Care Worker or Housing Options Officer at the earliest opportunity in order that alternative accommodation can be sought, where necessary.

Allegation against an individual within the Provider's direct or indirect employment: If an allegation is made against an individual within the Provider's direct or indirect employment, the Provider will notify the Social Worker, Leaving Care Worker or Housing Options Officer, as well as the relevant Commissioner, at the earliest opportunity so that, if the assessed risk is high enough to warrant moving a young person from that provision, alternative accommodation can be sought. Safeguarding procedures must be followed:

Up to age 18 - [Allegations Management – SSCP \(safeguardingsomerset.org.uk\)](https://safeguardingsomerset.org.uk)

18+ [Guidance for Safeguarding Adults in Somerset – Somerset Safeguarding Adults Board \(safeguardingsomerset.org.uk\)](https://safeguardingsomerset.org.uk)

Hospital admissions: If a young person is admitted for more than 7 days the provider will advise the 16+ Co-ordinator (or equivalent) and hold the room open for the young person until the next steps can be determined. Wherever possible providers should work with partnership agencies to return a young person back to their placement following discharge.

4.5 Voids and Damages

The Council's desire is to keep voids to a minimum and that rooms are available for the next young person as quickly as possible to maximise occupancy.

A void turnaround of 2 working days will be expected for a routine void turnover. Where an empty room needs more remedial work, the Provider will email the 16+ Co-ordinator (or equivalent) as soon as the room becomes empty to advise the nature of the work that needs to be carried out as well as an expected timescale for completion. Weekly updates should be provided to the Co-ordinator.

16+ Service Specification

Providers are expected to regularly check young people's rooms to make sure that they are living in a healthy environment and that no repairs are necessary. An untidy room can sometimes mean nothing but, for some young people, it is an early sign that there should be concerns about their wellbeing.

Providers should make sure young people understand the standard they are expected to achieve in relation to the condition of their room and should carry out documented room checks at least weekly or more often if necessary.

Providers should make adequate financial provision in their budgets for maintenance, taking account of the need for accommodation to be kept at a good standard and for the need for planned, reactive and void maintenance work to be carried out as needed.

Where a void needs to be kept open for a planned placement a void tolerance of up to 1 month will be expected with a weekly review which will consider any financial implications. In such circumstance the void could be used as emergency accommodation during this time.

Providers will be required to share data with Somerset Council in relation to the level of vacancies in their block accommodation, in the format requested on a weekly basis or daily if automated. Somerset Council will work with providers to ensure this process is as streamlined and efficient as possible and will be kept under review during the term of the contract.

Providers will take a restorative approach with young people to rectify damage such as suitably trained staff who can support young people who may make in-the-moment decisions that they later regret and/or offering young people the opportunity to make financial reparations, even if these are token payments over time.

END OF SPECIFICATION

16+ Service Specification

Appendix 1

Categories of Support

All young people eligible for this service will need an individually tailored package of support / supervision based on their needs and behaviour. An assessment will need to be made about how their historical and current issues and behaviour will impact on their ability to live in supported accommodation. The following provides a guide to some of the types of need / behaviour which would influence the level of support / supervision required.

High Support

Young people who have complex needs requiring a high level of oversight and support (often a multi-agency approach) in a safe and supportive environment that has support staff on site 24 hours a day.

Young people in high support services are likely to be vulnerable to exploitation (and to risks created by others), may create risks for other vulnerable young people and may struggle to consistently engage with services

They may have significant emotional, behavioural and/or mental health issues and are likely to need considerable support in one or more of the following:

- Offending behaviour with a significant impact on them and wider community
- Drug/alcohol dependency or high use
- Life skills/tenancy skills development including challenges in keeping themselves and others safe
- Education, training or work, where they may face significant barriers to success

16+ Service Specification

Medium Support

Young people who have some support needs, and will benefit from being in a safe and supportive environment that has a regular support staff presence but not 24 hours a day.

They will need regular support, access to staff support in times of crisis (which will sometimes be outside core staffed hours) and some staff visits overnight.

Young people in medium support services will need some support around issues such as:

Emotional, behavioural and/or mental health issues

Offending behaviour (though not at a level that impacts significantly on the wider community)

Drug and alcohol use which presents a risk of increasing without input

Life skills/tenancy skills development

Working towards securing education, training or employment opportunities (likely to need some support in maintaining them)

Low Support

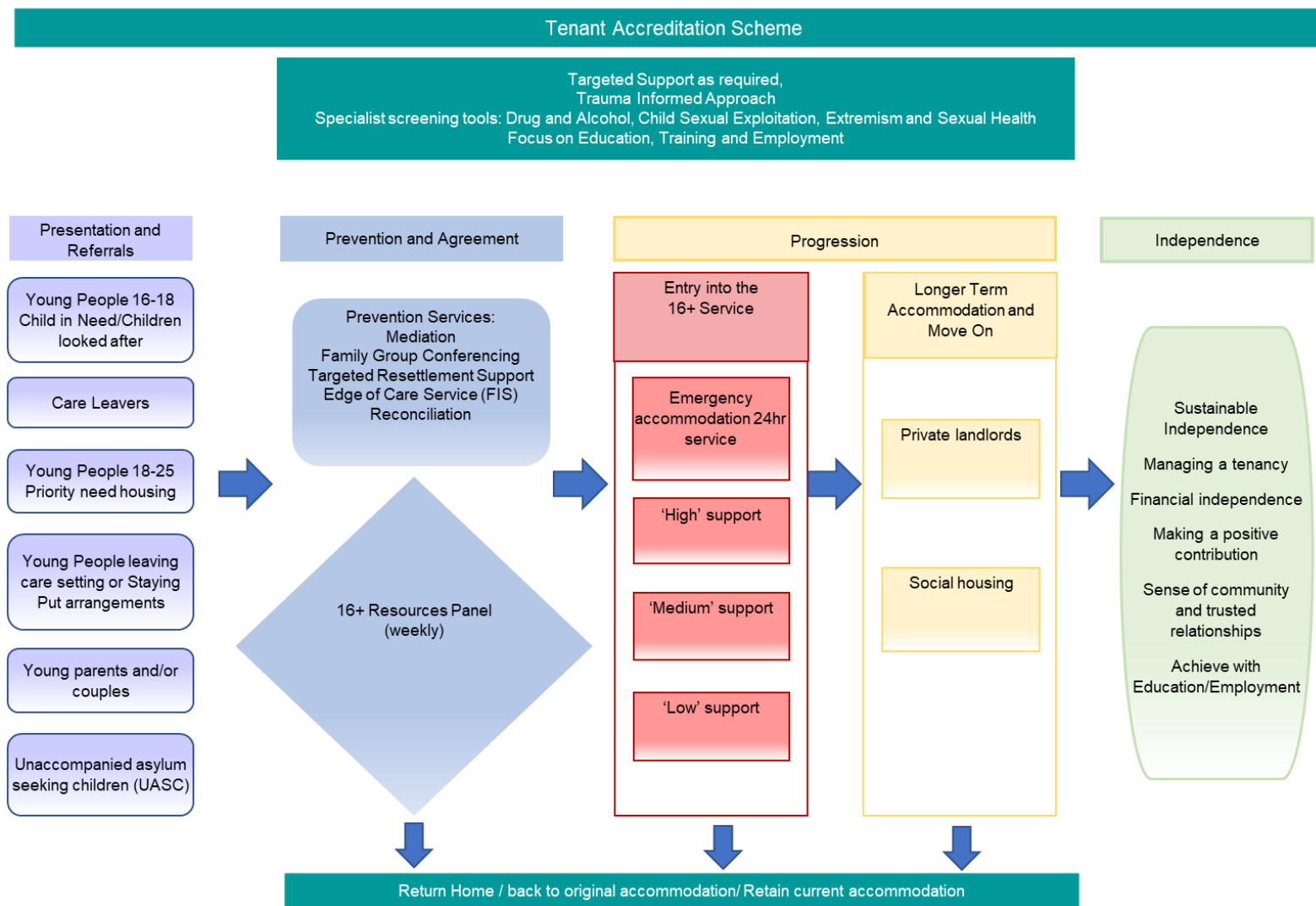
Young people who would benefit from a safe and supportive environment but have sufficient life skills and resilience for that accommodation to be unstaffed.

They may need access to staff support in times of crisis and will require some keyworker support as well as regular support staff visits to the accommodation and some staff visits overnight

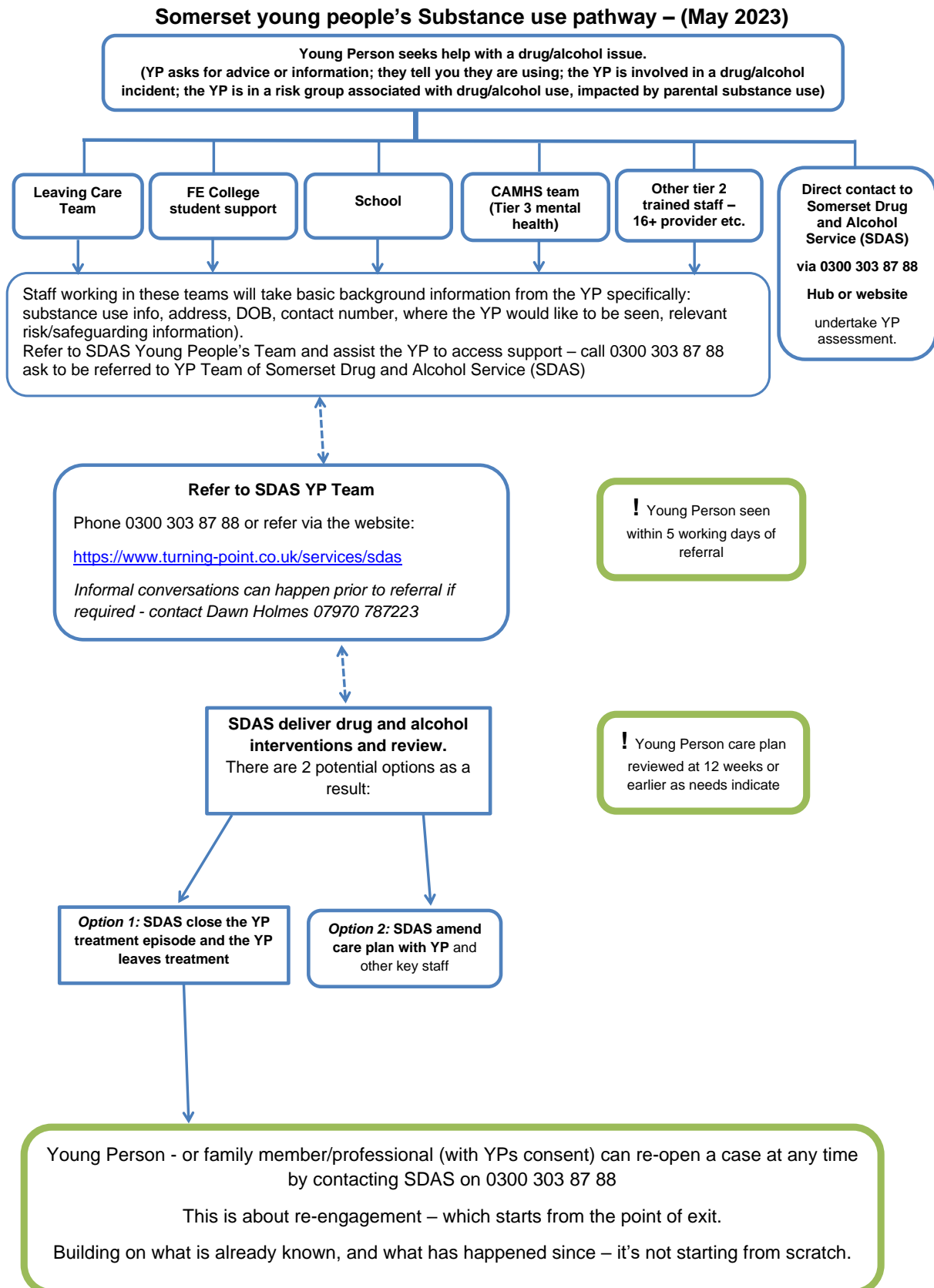
They will benefit from the opportunity to practice, and further develop, their life skills, tenancy skills, emotional resilience and confidence as they move closer to independence and will usually be able to:

- Pursue education, training or work
- Manage their mental health, physical health and drug or alcohol use (perhaps with help from community resources)
- Be able to manage relationships, conflict and their behaviour in accommodation and the wider community.

Appendix 2 - Service Model Diagram



Appendix 3 - Somerset Young People's Substance Use Pathway



Glossary of Terms

Term	Description
Care Leavers	For the purpose of this document, Care Leavers will refer to young people who are over the age of 18 years who have left Local Authority care.
CCard	Free service offering sexual health information
Child Looked After/ Young Person (CLA)	Any young person who are looked after by the Council
Children's Social Care (CSC)	Statutory service for children and their families.
DBS	Disclosure and Barring Service established under the Protection of Freedoms Act 2012.
EDT	Emergency Duty Team. The Council's emergency duty team.
GDPR	General data protection regulation
Homefinder Somerset	Somerset's Choice Based Lettings System. The system allows applicants to bid for Council and Registered Provider's properties based on their assessed banding (Bronze, Silver or Gold).
16+ Plan	The Provider led plan for the progression of the young person through the pathway. This will be informed by the Outcomes Framework.
16+ co-ordinator	Area based workers with responsibility for 16+ service allocation.
16+ Resources panel	Children's Services 16+ service allocation panel to manage all allocations, moves and exits from all 16+ services.
Pathway Plan	A plan that Children's Services complete with Care Leavers. It sets out the assessed needs of the young person as well as actions and services required to respond to the assessed needs and to provide support during the transition to adulthood and independence.
Provider(s)	The successful bidders.
Staying Close	A model which provides an enhanced support package for young people leaving care from children's homes, provides an offer of move-on accommodation, alongside a package of practical and emotional support, provided by a member of staff from their former children's home or from someone who they know and trust.
The Council	Somerset Council (SC)
Working Days	Any day other than a Saturday, Sunday or public holiday in England.
Young Inspectors	Young People trained to inspect and monitor Providers.

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APPENDIX A

Tender Evaluation Report

Housing Related Support and Accommodation for 16-25 year olds in Somerset

DN644505

Author: **Name: Stephen Barker**
 Title: Service Manager, People
 Procurement and Financial Governance
 Date: 29.08.2023

1. Management Summary

The tender is for Housing Related Support and Accommodation for 16-25 year olds in Somerset.

The services required are aimed at young people aged 16 and above, with housing related support needs. They may be homeless or threatened with homelessness and have a wide range of support needs.

The duration of the block contract will be an initial period of five years ending on the 31st March 2029. The contract will contain an extension period of up to two further two year periods until the 31st March 2033

The current contracts expire on 31.03.2024. There are two current incumbent providers, each covering one half of the county:

Bridgwater YMCA (Dulverton Group)
YMCA Brunel Group

Following a Non-Key Decision approval dated **11.05.2023**; the decision was taken to go out to tender using the Restricted Process (2 Stage – Selection and Award).

2. Procurement Process

This procurement was carried out in accordance with the authority's Contract Procedure Rules and Standing Orders, the Public Contracts Regulations 2015 and the Treaty Principles.

Suppliers were invited to submit a response to the Selection Questionnaire (Stage 1 of the 2 Stage process) through the e-tendering system. The Selection Questionnaire and accompanying documents were published on **12.05.2023**.

Responses to the Selection Questionnaire were received by the closing date of **12.06.2023** as follows:

- **38** Bidders responded.
- **36** Bidders submitted a compliant Selection Questionnaire.
- Selection Questions were evaluated as set out in Section 3.3 of Procurement Document A – Information and Instructions.
- **29** Bidders passed the Selection Stage

29 Suppliers were therefore invited to submit a response to the Invitation to Tender (ITT) (Stage 2 of the 2 Stage process) through the e-Tendering System. The Procurement Documents were published on **19.06.2023**.

Bid responses were received by the closing date of **20.07.2023** as follows:

- **17** Bidders responded.
- **14** Bidders submitted a compliant Bid.

- Bids were evaluated in accordance with the criteria set out in the Procurement Documents (see also, section 2.1 below).

The Commercial and Procurement Team conducted the compliance checks in conjunction with Somerset Council (SC) specialists in various areas where required.

2.1. Evaluation Methodology

Bids were evaluated in accordance with the evaluation criteria set out within the Procurement Documents and were applied as follows:

Evaluation criteria breakdown			Means of evaluation	
			Sub criteria	Main criteria
Quality	1.1 Capability and Capacity	9%	100%	45%
	1.2 Staffing	9%		
	1.3 Recruitment	10%		
	1.4 Innovation	9%		
	2.1 Cost vs Outcome	12%		
	2.2 Efficiencies	12%		
	3.1 Learning Independence Skills Part A	15%		
	3.2 Learning Independence Skills Part B	9%		
	3.3 Safeguarding	8%		
	3.4 Moving In	7%		
Price				45%
Social Value	4.1 Social Value Calculator	50%	100%	10%
	4.2 Social Value Commitments	50%		

2.2. Quality

The quality questions were scored and evaluated in accordance with the published criteria.

The quality element of the Tenders were evaluated by a panel of officers and moderated by staff from the Commercial and Procurement Team at Somerset Council

(see Confidential Appendix B for the list of evaluators and moderators). Each evaluation panel member scored each Bid on an individual basis and prior to the moderation meeting. Question 3.4 was evaluated by a group of Young People representatives.

Moderated scores are available in Confidential Appendix B, including the proposed award decision.

2.3. Pricing

Pricing was assessed based on the total tender price for the Services included by bidders within the Pricing Schedule. The tendered prices are available in Confidential Appendix B, including the proposed award decision.

2.4. Social Value

The qualitative score for social value was evaluated as per section 2.2 and moderated by Commercial and Procurement.

The value score for social value was calculated by the Commercial and Procurement team in accordance with the published criteria.

Moderated scores are available in Confidential Appendix B, including the proposed award decision.

3. Contractual Position

The Contract will be a Services contract (under the standard SC Service Terms and Conditions) with the option to extend the initial 5 year term by up to a further 4 years. For any extension to the Contract, discussions with the Supplier will be conducted sufficiently far in advance of the Contract expiry date to arrive at an agreed position.

There is a clause within the Contract which allows termination without cause by giving 6 months' notice in writing to the supplier.

As part of the bid response, Bidders were invited to offer specific measurable Social Value commitments in addition to the stated requirements of the specification. Delivery of these commitments will be monitored as part of contract management.

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

3.1. Proposed Term

The awarded Contract(s) will be for an initial term of **5** years. The contract will commence on **01.04.2024** and will continue up to the initial term which will expire on **31.03.2029**. An up to 48 month contract extension option is available which would take the contract to **31.03.2033**.



3.2. Service Levels and Contract Management

Service levels will be monitored as part of Contract Management and the contract will be managed to ensure that the service meets expectations and to identify further opportunities for cost and service improvement.

4. Risk and Mitigation

Risk: Legal challenge following the outcome of the tender process.

Mitigation: Adherence to the Public Contracts Regulations 2015, Somerset Council's own Contract Procedure Rules and Standing Orders and the Treaty Principles of Transparency, Non-discrimination and Equal Treatment.

5. Next Steps

- Suppliers to be informed of the decision by Commercial and Procurement Team **13.10.2023**
- Standstill period **13.10.2023** to **23.10.2023**
- Contract Mobilisation/ Implementation **01.11.2023** to **31.03.2024**
- Contract awarded **01.04.2024**

End of Report

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

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Decision Report - Executive Decision

Forward Plan Reference: FP/23/09/07

Decision Date – 4 October 2023

Key Decision – yes



Commercial Investment update

Executive Member(s): Lead Member for Economic Development, Planning & Assets

Local Member(s) and Division: All

Lead Officer: Oliver Woodhams, Service Director – Strategic Asset Management

Authors: Robert Orrett, Rob Burgess – Corporate Property Services

Contact Details: robert.orratt@somerset.gov.uk or 01935 462075.

Summary / Background

- 1.1 The Executive endorsed the Medium-Term Financial Strategy for 2024/25 to 2026/27 at its meeting on 10 July 2023. This Strategy includes an early review of 17 key areas that are the main building blocks of the budget and financial framework. One of these key areas is commercial investments where the commitment was a review of the current portfolio and identification of opportunities for disposals and reduction of risks.
- 1.2 The Council has a large value of assets held for commercial investment purposes in accordance with its Property and Commercial Investment Strategies. The Council's practices and procedures offer a system and process which reinforce and protect the income (yield) as best as possible from the commercial investment portfolio. These assets require continuous active management to deliver better financial outcomes. All entail commercial relationships with external third parties. Dealing with these frequently involves negotiations where maintaining confidentiality and being able to respond quickly to economic circumstances is a critical requirement for achieving a better outcome for the Council. This report covers an update in that category. For that reason, all of the detail, and the specific recommendations are contained in a confidential Appendix A.

Recommendations

2. That the Executive agrees:
 - a. To exclude the press and public from the meeting where there is any discussion at the meeting regarding exempt or confidential information (as set out in Appendix A);
 - b. That Appendix A be regarded as exempt information and be treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information;
 - c. To approve the recommendations set out in Appendix A.

Reasons for recommendations

3. The information in Appendix A is exempt information because it is considered to fall within paragraph 3 of Schedule 12A. "information relating to the financial of business affairs of any particular person (including authority holding that information). The public interest test is then applied and in this instance, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Other options considered.

4. The proposals set out in this report are in accordance with the agreed Medium Term Financial Strategy. Please see Appendix A for further details regarding all options and recommendations.

Links to Council Plan and Medium-Term Financial Plan

5. These proposals are in accordance with the early review of 17 key areas as part of the agreed Medium Term Financial Strategy. Further details are set out in Appendix A.

Financial and Risk Implications

6. Specific financial and risk considerations, implications and mitigations are detailed in Appendix A.

Legal Implications

7. Specific legal implications of the recommendations are detailed within Appendix A.

HR Implications

8. This matter will require input and resource from numerous Council services and the details of these implications and considerations are detailed within Appendix A.

Other Implications:

Equalities Implications

9. There are not considered to be any equalities impacts from this issue as it pertains to Commercial Investments and none of the assets involved are used operationally by the Council nor are they community facilities.

Community Safety Implications

10. There are no community safety implications.

Climate Change and Sustainability Implications

11. Details of climate and sustainability implications are within the appendices.

Health and Safety Implications

12. There are no Health and Safety implications.

Health and Wellbeing Implications

13. There are no Health and Wellbeing Implications.

Social Value

14. Not applicable.

Scrutiny comments / recommendations:

15. These proposals were considered at the Scrutiny Committee for Corporate and Resources on 29th September 2023.

Background

16. Our commercial investment portfolio is managed in accordance with the Council's Financial Regulations and the Council's established internal procedures, including (as appropriate) decision-making delegations, project and programme management frameworks, risk management processes and established arrangements for asset management.

17. As outlined above, specific details regarding the proposals are set out in Appendix A.

Background Papers

18. There have been various reports on commercial investments to the former district councils . Appendices are noted below.

Appendices

19. Appendix A - Confidential Appendix: Briefing Report

Report Sign-Off (if appropriate)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark / Jill Byron	22.09.23
Communications	Chris Palmer	N/A
Finance & Procurement	Nicola Hix	12.09.23
Workforce	Chris Squire	N/A
Asset Management	Oliver Woodhams	12.09.23
Executive Director / Senior Manager	Jason Vaughan	12.09.23
Strategy & Performance	Alyn Jones	Sent: no comments received
Executive Lead Member	Cllr Ros Wyke	12.09.23
Consulted:	Councillor Name	
Local Division Members	Cllr Caroline Ellis Cllr John Hunt	Sent (12.09.23): no comments received
Opposition Spokesperson	Cllr Mark Healey	20.09.23

	Cllr Mandy Chilcott Cllr David Fothergill	
Scrutiny Chair	Cllr Bob Filmer	Briefing: 27.09.23

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The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – Regulation 11

In accordance with the Council's Access to Information Procedure, as set out in the Council's Constitution, notice is hereby given that the following Key Decisions, which has not been included in a published version of the Executive Forward Plan for the required 28 days, is to be considered by the Executive 4 October 2023:

1. 2023/24 Housing Revenue Account Budget Monitoring Report - Quarter 1

Author: Kerry Prisco, Management Accounting & Reporting Lead

Contact Details: kerry.prisco@somerset.gov.uk

2. Commercial Investment update

Authors: Robert Orrett, Rob Burgess – Corporate Property Services

Contact Details: robert.orratt@somerset.gov.uk or 01935 462075.

Reasons

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

Circulation:

Leader of the Council

All Somerset Council Members

26 September 2023

David Clark

Monitoring Officer

For questions about this notice please contact the Democratic Services Team,
County Hall, Taunton, TA1 4DY. Email:
democraticserviceteam@somerset.gov.uk