

Public Agenda Pack



Minutes of a Meeting of the Executive held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Monday, 7 October 2024 at 10.00 am

Present:

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

Cllr Theo Butt Philip
Cllr Federica Smith-Roberts
Cllr Richard Wilkins

Cllr Heather Shearer
Cllr Sarah Wakefield

In attendance:

Cllr Mandy Chilcott
Cllr Leigh Redman
Cllr Fran Smith
Cllr David Woan

Cllr David Fothergill
Cllr Diogo Rodrigues
Cllr Lucy Trimnell
Cllr Jo Roundell Greene

Other Members present remotely:

Cllr Steve Ashton
Cllr Dixie Darch
Cllr Mark Healey
Cllr Andy Kendall
Cllr Frances Nicholson
Cllr Gill Slocombe
Cllr Gwil Wren

Cllr Suria Aujla
Cllr Andy Dingwall
Cllr Val Keitch
Cllr Marcus Kravis
Cllr Sue Osborne
Cllr Claire Sully

28 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Mike Rigby and Graham Oakes.

29 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Executive held on 2nd September 2024 be confirmed as a correct record.

30 Declarations of Interest - Agenda Item 3

The following declarations of interest were automatically recorded:

Cllr Theo Butt Philip – Wells City Council
Cllr Heather Shearer – Street Parish Council
Cllr Federica Smith-Roberts – Taunton Town Council

31 Public Question Time - Agenda Item 4

Public questions were received from:

- Daniel Mumby
- Brenda Orr

The questions and responses provided are attached in Annexe A.

32 Executive Forward Plan - Agenda Item 5

The Executive noted the forward plan.

33 2024/25 General Fund Revenue Budget Monitoring Report - Month 4 - Agenda Item 6

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

Cllr Leyshon highlighted that the Month 3 report gave the council room to breathe, but this month's report has shown deterioration and that there is no room for complacency.

Cllr Leyshon then handed over to Nicola Hix, Service Director for Finance and Procurement, who explained the forecast overspend as of 31st July 2024 and the work needed to mitigate, and then went through each service area in detail and highlighted the comments from Scrutiny.

Maria Christofi, Interim Chief Finance Officer (S151 Officer), also highlighted that the £35m of savings shown in green still need to be delivered.

The Leader of the Council, Cllr Bill Revans, invited comments from Committee Members and other Members present. Questions and points raised included: good commissioning work ongoing in Adults to keep cost of care down; the increasing number of children coming into care, particularly at age 10-15 and with additional difficulties such as exposure to serious violence and exploitation; the need for more foster carers to reduce spend on residential care; the Dedicated Schools Grant (DSG) deficit; the education for life strategy; the pressures in the Communities directorate including Open Spaced and the Coroners Service; that this is a national problem that requires a national solution; chronic and urgent funding issues; the things that are within and outside of the council's control; the 'Barnet graph of doom'; the possibility of savings relating to hospital discharge planning; the use of reserves and capitalisation in the budget; the need to mitigate overspends; that every council has different factors impacting their budget; overspends relating to

external placements in Children's Social Care; the Joint Targeted Area Inspection; the need to support groups that work with youth in Somerset and the potential for LCNs to be involved in this work; the need to work collectively and have a one council approach to the financial challenges.

The Leader of the Council concluded the discussion and highlighted the shortage of foster carers and the need for them in Somerset. The committee proceeded to vote on the recommendations, which were agreed unanimously.

Following consideration of the officer report, appendices and discussion, the Executive resolved:

- a) **To note the Service Directorate Revenue forecast overspend of £8.4m for the year.**
- b) **To note the total Council Revenue forecast overspend of £2.3m for the year.**

34 Medium Term Financial Plan and Strategy 2025/26 to 2029/30 update - Agenda Item 7

The Leader of the Council, Cllr Bill Revans, invited the Lead Member for Finance, Procurement and Performance, Cllr Liz Leyshon, to introduce the report.

Cllr Leyshon highlighted that: the MTFS has been extended to 2029/2030; the assumptions in that have been updated following budget setting; the ongoing work to create a viable and stable council; the list of actions taken so far.

Cllr Leyshon then handed over to Maria Christofi, Interim Chief Finance Officer (S151 Officer), who detailed: the Dedicated Schools Grant deficit; the MTFP/S would be returning to the committee twice a year including as part of budget setting in February; the budget gap was predicted to be £104m in 2025/26 and would rise in four years to £199m; the financial challenges facing the council and that the 2024/25 budget had been set using reserves that need to be replenished; the background information used to inform the financial strategy; the challenge of planning financially based on one year funding; that the forecast overspend, cost of living crisis, and demographic changes have been taken into account; the three scenarios presented in the report; the reprofiling of the capital programme.

The Leader of the Council, Cllr Bill Revans, invited comments from Committee Members and other Members present. Questions and points raised included: the potential impact of an increase in living wage; the impact of the sale of commercial investment properties; the inflation figures used for each scenario; the impact of the pay award and pay inflation; the status of reserves; the work ongoing to avoid a Section 114 notice; the need for proposals to be brought to Scrutiny Committees; the need for the council to work together to progress savings.

The Leader of the Council concluded the discussion and proceeded to a vote on the recommendations, which were agreed unanimously.

Following consideration of the officer report, appendices and discussion, the Executive resolved:

- **To approve the Medium Term Financial Strategy (MTFS) for 2025/26 to 2029/30.**
- **To agree that the Council continues with the aim of avoiding section 114 notice by taking all of the necessary actions and continuing to operate as if one had been issued.**

35 HRA Sewage Treatment Tank Replacements using MHCLG Local Nutrient Mitigation Fund Grant - Agenda Item 8

The Leader of the Council, Cllr Bill Revans, invited the Lead Member for Communities, Housing Revenue Account, Culture and Equalities and Diversity, Cllr Federica Smith-Roberts, to introduce the item.

Cllr Smith-Roberts highlighted that the HRA in North and West managed 20 sewage treatment plants and that £1m of funding would be taken from MHCLG and used to upgrade those plants to reduce the amount of phosphates.

The Leader of the Council, Cllr Bill Revans, invited comments from Committee Members and other Members present. Questions and points raised included: how the phosphate mitigation and credits created would be accounted for and who was responsible for using them; the timeframe for the credits to be passed on; the timescale for the commitment of the Local Nutrient Mitigation Fund (LNMF) grant; whether more funding could be bid for; the market for phosphate credits and transparency about how we use them; the level of responsibility for the sewage treatment plants and the number of the properties they support that are privately owned; whether it was possible to charge properties that benefit.

There was a drafting amendment to the recommendations due to the need for this item to be considered by Full Council for addition to the Capital Programme.

The Leader of the Council concluded the discussion and proceeded to a vote on the recommendations, which were agreed unanimously.

Following consideration of the officer report, appendices and discussion, the Executive resolved:

- **To agree to the program of Package Sewage Treatment Plants replacements where costs for the program are equal to or below the value of the Local Nutrient Mitigation Fund funding received.**
- **To recommend for approval by Full Council a supplementary budget of £1m to the HRA Capital Programme, that will be fully funded by the MHCLG Local Nutrient Mitigation Fund.**

36 Annual Approval as Sole Shareholder of Homes in Sedgemoor 2024/25 - Agenda Item 9

The Leader of the Council, Cllr Bill Revans, invited the Lead Member for Communities, Housing Revenue Account, Culture and, Equalities and Diversity, Cllr Federica Smith-Roberts, to introduce the item.

Cllr Smith-Roberts explained that the committee were asked to approve the accounts for the 23/24 period.

Cllr Smith-Roberts then handed over to Chris Hall, Executive Director – Community Services, who explained that the paper comes on an annual basis to the council as its sole shareholder, that the financial position is strong and creates stability and that there are no immediate risks identified.

The Leader of the Council, Cllr Bill Revans, invited comments from Committee Members and other Members present. Questions and points raised included: whether this paper should have come to audit or scrutiny; that Homes in Sedgemoor has its own process as the council is the shareholder.

The Leader of the Council concluded the discussion and proceeded to a vote on the recommendations, which were agreed unanimously.

Following consideration of the officer report, appendices and discussion, the Executive resolved:

- a) To agree the approval of the Homes in Sedgemoor annual company accounts for 2023/24.**
- b) To agree that the auditors, Bishop Fleming LLP, are re-appointed, in accordance with section 485 of the Companies Act 2006, for the 2024/25 audit of Homes in Sedgemoor.**

(The meeting ended at 12.10 pm)

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CHAIR

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Executive Committee – 7th October 2024 – Public Questions

Annexe A – Public Questions	
Name of person submitting	Question
Daniel Mumby	<p>Following reports on ITV News regarding the future of the Willow Man sculpture near Junction 23 of the M5, can the executive please provide clarity on the following points:</p> <ol style="list-style-type: none"> 1. How was the £1m figure for its repair or replacement derived? 2. Is the council exploring whether S106 or CIL can be used from either the Gravity site or other developments in the wider Bridgwater area? 3. If the impending Dunball roundabout is completed under budget, is there any scope for siphoning that remaining funding off to go towards regenerating the Willow Man? 4. Has the £35,000 provided by National Highways to explore the sculpture's future been entirely spent, and if so what was it spent on? <p>Here's the ITV news link for reference: https://www.itv.com/news/westcountry/2024-09-26/future-of-m5s-willow-man-in-doubt-as-re-build-cost-could-hit-1m</p> <p>Response from Lead Member for Communities, Housing Revenue Account, Culture and Equalities and Diversity, Councillor Federica Smith-Roberts</p>
Full written response	<ol style="list-style-type: none"> 1. This is an indicative outline costing provided by the Artist and Fabricator for construction of a new 15m sculpture. It does not include wider costs which may be necessary such as land acquisition, planning and procurement costs etc which might need to be incurred depending on who were to take forward the delivery of a new sculpture. 2. We have explored funding options. S106 and CIL funding are generally for infrastructure that is necessary to enable new development to take place and to manage the impacts of new development. The council does not hold any s106 or CIL funding that can be used for this project. 3. Any underspend in the Dunball project would be used by the Council to deliver its current capital programme priorities. 4. Yes £10k was provided to the Artist and Fabricator for their work on re-imagining the sculpture in more resilient materials. £25k was spent on commissioning the Council's professional services consultant WSP to assess site options and undertake initial stakeholder engagement.

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<p>Page 8</p>	<p>Brenda Orr My name is Brenda Orr. I am a retired secondary teacher with 40 years of experience. I bring my values and educational ethos as a teacher here today.</p> <p>I am asking for a Governance review in your forward plan to address deficiencies in the “Unreasonable Customer” policy: a review of when and how “vexatious” allegations can be made; a review of when and how individual service users can be named across the organisation.</p> <p>You are the elected members. You are in charge of policies, values and behaviours in this new council. I do not believe in a “commissioning council” with key services being outsourced or privatised. I voted for a change to the old policies and values of the former County Council. I am disappointed that we aren’t seeing much change to date in this new council. Is this due to inheriting from the County Council an Officer Corps that is inculcated in the “commissioning council” culture?</p> <p>The “Unreasonable Customer” policy is applied by officers, without any of you approving it or exercising proper oversight. That cannot be good governance and wouldn’t happen in any school in which I worked. Should the Executive Councillor(s) for the related portfolios approve any unreasonable customer designations, before they are applied?</p> <p>To protect a Council policy position, is it acceptable for officers to have the power to potentially silence citizens with genuine concerns, through the possible misapplication of the “Unreasonable Customer” policy, without your elected oversight?</p> <p>Does the Unreasonable Customer policy require an Executive Councillor’s approval, before the individual is named and identified to All Councillors and/or to staff via Managers briefing them? Does the individual alleged to be an unreasonable customer, have the right to see what has been written about them to All Councillors and/or managers and their staff, or is it acceptable for that to be hidden from them?</p> <p>There is no vexatious policy in this council. Why not? When vexatious allegations are made, but kept hidden from the alleged unreasonable customer, what redress do they have by policy, to restore their good name and character? If the claims of “vexatious behaviours” were erroneously made, would the redress correction go to everyone previously informed?</p> <p>The Local Government Ombudsman describes the huge imbalance of power when a large council alleges “vexatious behaviours” against a single individual. As a teacher, I would caution this Council to be very careful about the application of “vexatious behaviours”, as it could be seen as bullying and intimidation, especially when controversial public policies are involved.</p>
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	<p>I ask for your assurances today that the issues I have raised will be fully addressed.</p> <p>Response from the Leader of Council, Councillor Bill Revans</p>
<p>Full Written Response</p> <p>Page 9</p>	<p>Thank you for your statement. This Council, its administration and officers are committed to transparency and openness. The policy is not used to make a judgment about the character of our customers – it is used to assess the impacts of customer behaviour on staff and their ability to deliver services.</p> <p>We always welcome feedback on all aspects of what we do as a Council. I can confirm that the Managing Unreasonable Customer Behaviour Policy is currently under review and that it is anticipated to come before Executive for approval in the early part of next year. I will ensure that your view and feedback are taken account of in this review. It is the role of members to agree the policy and it is then for officers to ensure that it is applied on a day-to-day basis.</p> <p>When measures are put in place, it does not follow that the Council views the individual concerned as unreasonable or vexatious, rather just that the behaviour being displayed at that time is unreasonable and/or unmanageable. On occasions this might be in the form of abusive, offensive and/or threatening behaviour but the policy also covers behaviour such as unreasonable persistence and/or demands.</p> <p>You question the governance around the 'Unreasonable Customer' policy and whether officers should be making decisions. For clarity, the policy refers to 'Managing Unreasonable Customer Behaviour' policy. Officers aren't labelling customers as unreasonable; they're deciding how to handle customer behaviour that affects staff or their ability to do their jobs.</p> <p>The policy doesn't silence citizens but manages certain behaviours. Measures depend on the behaviour, but communication routes remain open for all customers. The council may stop responding to issues once a stalemate is reached or if nothing more can be added. Customers can take concerns to the Local Government and Social Care Ombudsman, who assesses matters impartially, and the council cooperates fully with any inquiries.</p> <p>It should also be noted that any measures put in place do not affect the customer's democratic or legal rights. Decisions made under the Managing Unreasonable Customer Behaviour Policy are taken by a senior officer (Head of Service for example) and there is a right of appeal which is considered at Director level.</p>

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As you correctly state, there is no ‘vexatious’ policy in the council. This is because, as stated above, we are not concerned with making judgement on the character of individuals but simply with managing behaviour which is presenting a challenge for staff and/or members. You ask what redress customers have in terms of restoring their good name and character. As stated previously, implementation of measures under this policy is not in any way intended to sully an individual’s name or reputation. No judgement is made on an individual, only on the behaviour displayed and how we can best manage that with the resources we have.

Customers have the right to see information held about them under the provisions of Article 15 of the UK GDPR. Internal communications regarding any arrangements made under the policy are not routinely shared with the customer (as the customer is informed separately of any decisions made) but they are not hidden either (given the subject access rights of the GDPR). Decisions made under the policy are shared only with those directly affected or likely to be affected, this will include officers and elected members as appropriate to ensure the Council is applying any measures in a proper and consistent manner.

We note your comments regarding the Ombudsman’s caution around ‘vexatious behaviours’. Measures are often put in place simply to help the Council manage the volume of correspondence and ensure it is routed through the right staff, members and processes. In these circumstances the Council would not prevent communication with the Council but ask that it be directed through a specific inbox.