

## **Appendix 15 - Somerset Council**

### **Summary of Cumulative Impacts and Risks of the 2024/25 Medium Term Financial Plan**

All budgetary proposals carry associated impacts – whether it is an impact on service delivery, equalities, sustainability, crime and disorder, health and wellbeing, staff, or a combination of any or all of these. The level of savings required for 2024/25 and coming years of the MTFP are significant and require robust due regard during their creation, decision making and implementation to their potential impacts.

Somerset Council continues to find it challenging to balance its budget within available resources whilst still meeting its core statutory duties such as protecting children and supporting elderly and vulnerable people. The outlook for the next few years remains highly challenging.

Creating an understanding of how our communities and staff are being affected by the Council's budget reductions is difficult and complex. People are different in terms of their needs and expectations; people's interaction with public services and dependence upon public services vary. Life changing events such as the birth of a child, death of a partner or deterioration in health can alter, sometimes very quickly, a person's dependence on services. Living in rural communities may be a dream for some but for some it can also present challenges.

Consideration of the continuing need to reduce inequalities as far as possible must be integral to the budget reduction process. There must be an appropriate balance struck between, on the one hand being aware of the impact and risks, seeking to avoid or mitigate adverse impacts and, on the other, the benefit and necessity to making the saving to achieve a balanced budget. It is therefore inevitable that it may not be possible to mitigate all impacts.

In order for the Council to fulfil its legal requirements under the following pieces of legislation Members are asked to have due regards to this cumulative impact report as part of their decision-making process:

<b>Equality</b>	<p>Within the Equality Act 2010 the Public Sector Equality Duty requires all Public Bodies to have due regard to the following in everything we do. A public authority must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"><li>a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li><li>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li><li>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li></ul>
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<b>Health and Safety</b>	<p>The Health and Safety at Work etc Act 1974 (HASAWA) is the primary piece of legislation covering occupational health and safety in Great Britain.</p> <p>Under Section 2 of The Health and Safety at Work etc Act 1974 (HASAWA), employers, including local authorities have specific duties toward their employees to provide so far as is 'reasonably practicable':</p> <p>2(2)(a) Safe plant and systems of work.  2(2)(b) Safe use, handling, transport and storage of articles and substances.  2(2)(c) Information, instruction, training, and supervision.  2(2)(d) A safe workplace and safe access to it and egress from it.  2(2)(e) A safe working environment with adequate welfare facilities.</p> <p>Section 3 of HASAWA places a duty on employers to ensure, so far as is reasonably practicable, that non-employees are not exposed to risks to their health and safety:</p> <ul style="list-style-type: none"> <li>• The duty holder is the employer.</li> <li>• The employer owes a duty to everyone else who is not an employee (service users, visitors, contractors, the public, etc).</li> </ul> <p>Section 4 of HASAWA imposes duties on those who have some degree of control over non-domestic premises that they are making available for others (non-employees) to use as workplaces or for work activities. In this scenario, Somerset Council would be described as a controller of premises. As a controller of premises, the council must ensure, so far as is reasonably practicable, that:</p> <ul style="list-style-type: none"> <li>• The premises are safe.</li> <li>• The means of access and egress are safe.</li> <li>• Any plant or substances provided by them for use in that premises are safe.</li> </ul> <p>Section 37 of HASAWA concerns itself with personal liability of directors and senior managers. Section 37 states that directors and senior managers of an organisation, as well as the organisation itself, may be personally liable for breaches of the law. Directors and senior managers can be prosecuted for offences committed by the organisation if it can be shown that they consented, connived, or were negligent in their duties in allowing the offence to be committed.</p> <p>HASAWA is an "Enabling Act", as it enables the Secretary of State to make delegated legislation and therefore much of the health and safety legislation in Great Britain comes in the form of</p>
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	<p>regulations made under HASAWA. There are many Regulations under HASAWA which apply to the council, the council has a comprehensive suite of health and safety policies outlining responsibilities and arrangements for managing health and safety in the Council.</p>
<b>Community Safety</b>	<p>Section 17 of the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006, requires responsible authorities to consider crime and disorder, including anti-social behaviour and other behaviour adversely affecting the local environment; and the misuse of drugs, alcohol and other substances in the exercise of all their duties, activities and decision-making. This means consideration must be given to the likely impact on crime and disorder in the development of any policies, strategies and service delivery. This responsibility affects all employees of the council.</p> <p>Section 26 of the Counter Terrorism and Security Act 2015 requires Somerset County Council as well as a range of other public agencies to give “due regard to the need to prevent people from being drawn into terrorism” by embedding the Prevent Duty. This means that the Council should place an appropriate amount of weight on the need to prevent people being drawn into terrorism.</p>
<b>Health and Wellbeing</b>	<p>Local authorities have a duty of wellbeing and more detailed statutory responsibilities under the Health and Social Care Act 2013 to protect and improve the health and wellbeing of the population and to tackle health and social inequalities. The Act requires Local Authorities to give due regard to the needs to the population in line with the Joint Strategic Needs Assessment and Health and Wellbeing Strategy.</p>
<b>Sustainability</b>	<p>Local Authorities have no overarching statutory responsibilities or targets regarding climate change, carbon reduction (net zero) or sustainability, however, it is recognised that all Local Authorities will play a key part in delivering on the commitments, as set out in the Climate Change Act (2008), to reduce net greenhouse gas emissions to zero by 2050 and to protect and enhance nature locally.</p> <p>Local authorities play an important role in delivering net zero and protecting and enhancing the environment in a number of policy areas, including:</p> <ul style="list-style-type: none"> <li>• Implementing enforcing minimum energy efficiency standards for new builds</li> <li>• Delivering funding to retrofit existing homes and improve their energy efficiency</li> </ul>

	<ul style="list-style-type: none"> <li>• Shaping housing, infrastructure and renewable energy development in their area in their role as local planning authorities</li> <li>• Developing and delivering heat network connections</li> <li>• Encouraging active travel, decarbonising public transport and installing public charge points for electric vehicles</li> <li>• Delivering bio-diversity net gain (BNG) through new developments</li> <li>• Protecting and enhancing the environment through Local Nature Recovery Strategies</li> </ul>
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## 1.1 Key Impacts from the MTFP 2024/25 proposals

### Equality and Diversity

An individual Equality Impact Assessments has been completed for each of the relevant proposals that form the Medium-Term Financial Plan 2024/25. An Equality Impact Assessment is a way of examining and analysing our services, policies and strategies and identifies potential impacts on certain groups of people allowing us to make informed decisions that can be evidenced and published.

This summary of key impacts and the Equality Impact Assessments supporting the relevant proposals have been developed to help councillors:

- debate the issues and robustly consider proposed decisions,
- consider the viability of alternatives,
- note potential mitigating measures and note impacts which may not be able to be mitigated,
- make informed and fair decisions.

The impact assessment process that the Council follows and its duties under the Equality Act 2010 are set out in Annex 1.

When all the proposals are considered together there are a number of protected Characteristics that are more effected than others. These are outlined below:

- **Older people**  
Some older people are still more reliant on accessing information and service in a nondigital way where we are talking about delivering online more this could put them at a disadvantage.
- **Disabled people**  
Through the reduction in proactive support and employment support, reduction in ways to access information other than online and the ability to access services to support getting out in the community such as toilets
- **Low Income**  
A number of the services proposed to be stopped or reduced are provided at a subsidised, reduced or below market price. With prices increasing, the

potential for an increased in council tax and a reduction in services this is likely to impact on those on a low income most profoundly.

- **Carers**

With a number of support and prevention services for disabled adults proposed to be stopped and community facilities such as toilets proposed to be closed this could place an increased burden on those that provide unpaid care for disabled people.

Broader implications that are likely to impact those most vulnerable in society and within that Protected Characteristics:

- **Funding to the Voluntary, Community and Faith and Social Enterprise Sector (VCSFE) in Somerset**

A number of the proposals remove or reduce funding to VCSFE organisation in Somerset. Some of these proposals are funding for specific provision while others are general funding that has been available for a number of years and which supports the organisation's core costs. The VCSFE has a long history of supporting the most vulnerable. Support for Spark Somerset and Citizens Advice will be continued, albeit at a reduced level than in recent years.

Reductions to provision and delivery elsewhere in the Somerset system are likely to increase expectation and demand on VCSFE services and support so the potential for this double impact should be recognised.

Having identified the above, it is prudent to also mention proposed mitigations, where they have been identified. A number of services are currently engaging with Parish and Town councils to see if they could take on services that are relevant for their communities such as Public Toilets. Where a move to digital service has been proposed an alternative route such as telephone support is also been identified.

The consideration of due regard covers both those we deliver service too and our staff who deliver these services. Again, when considering proposals together there are a number of Characteristics that could be affected. Having reviewed the available data we cannot identify any disproportionate impacts on any of the Protected Characteristics. As with any redundancy situation the appropriate HR consultation process will take place and relevant support provided.

## **Health and Safety**

In reducing the provision of mobile phones to essential users only, there will be operational staff who have been risk assessed as requiring access to a mobile, this could be due to lone working which may also involve the use of a lone working app being installed on the phone or may also involve the need to engage with the council's H&S management system. For some operational staff communications delivered via their mobile phone may be their primary mechanism for obtaining instruction and organisational messaging. Therefore, while it may be reasonable to reduce provision, there is clearly a need to set criteria in the application of that decision, risk assessing the impact on affected employees, and defining the term essential users.

Any proposals which have an impact on service budgets will need to consider financial commitments required to achieve compliance with our statutory duties. For instance, the provision of personal protective equipment, servicing, and maintenance of equipment to ensure equipment remains fit for purpose, purchasing of equipment of the correct specification to meet H&S needs, etc.

Reduced funding leading to a reduction in Highway maintenance may carry the risk of increased risk to the public safety of road users. Therefore, risk associated with this proposal should clearly articulate the safety implications and subsequent mitigations planned to control the risk. Having said this the service have considered this and identified mitigations around reporting and specific responses.

## **Health and Wellbeing and Community Safety**

The proposed savings have the potential to negatively impact the health and wellbeing of the Somerset population including those with protected characteristics. Recognition of these negative impacts is important within the decision-making process of the council. Assessing the impacts of the proposed savings against the four priorities of the Somerset Improving Lives Strategy 2018-2028 provides a framework to define and understand the cumulative impacts. With a focus on moving to statutory minimum as the means to balance the council's budget, discretionary provision is largely being put forward for savings within the medium-term financial process. Many of these discretionary areas of spend are preventative aiming to improve and maintain the health and wellbeing of the population thereby reducing and delaying demand for Council services which meet higher levels of need, in particular social care services.

Health inequalities are avoidable differences in health and life expectancy. Most health inequalities are driven by unequal access to the 'building blocks' of health, such as good housing, parks, transport, education, employment and training opportunities. If cuts are made uniformly across the county, it is likely that more deprived communities will be more severely impacted than less deprived communities. There is evidence of this in the last decade with austerity linked to a drop in life expectancy in the most deprived areas of England but not in less deprived areas. It is recommended in two national reviews of health inequalities, the Marmot Reviews, in 2010 and 2020, that public services should be provided proportionate to need. Whilst many services will be cut or reduced, the council could consider the relative need in different communities and seek to protect as many services as possible in areas of greater deprivation and worse health outcomes.

### **Somerset Improving Lives Strategy priorities:**

#### **Priority One: A county infrastructure that drives productivity, supports economic prosperity and sustainable public services.**

Most of the proposals being considered under this heading are not going to have negative equality impacts as the focus is on efficiencies to be made following the local government reorganisation and maximising appropriate capitalisation. However, the proposals relating to reducing spend on tourism

has the potential to negatively impact on areas of the county who are less economically resilient; those areas of the county who rely on tourism for seasonal jobs and productivity. Often these are some of the most deprived areas of the county, with low-income employment making up the majority of employment opportunities in those areas. A reduction in seasonal employment would negatively impact younger people for example. Having access to good employment opportunities is a key determinant on health and wellbeing.

**Priority two: Safe, vibrant and well-balanced communities able to enjoy and benefit from the natural environment.**

There are proposals that negatively impact community safety which will be captured elsewhere in the report. Specifically in terms of health and wellbeing this could negatively impact older, vulnerable people, and women and young girls in terms of increasing isolation if they do not feel safe to leave their homes. Feeling lonely and isolated has a significant negative impact on emotional health and wellbeing.

There are potentially impacts on safety of younger people with the potential removal of school crossing patrols and safety on beaches with the removal of RNLI funding.

Reducing community assets which can bring people together e.g., leisure centres and sports facilities, libraries, and entertainment venues, and the infrastructure of support from investment in the voluntary sector and council staff will have a negative impact on some of the most vulnerable in the population including, young people, those with disabilities, older people, and LGBTQ+. Devolution of current council assets is part of the proposals to mitigate the impact of some of the savings being made. The extent to which asset devolution is achieved will determine the full impact of the decisions taken. If devolution is successful the impact on the Somerset population including those with a protected characteristic will be reduced, if not successful the impact will be significant.

**Priority Three: Fairer life chances and opportunity for all.**

There are proposals which could negatively impact on the following groups:

- Those not in education or employment (NEETS) often these are some of the most vulnerable young people.
- Those with disability including employment opportunities for those with learning disabilities.
- Carers
- Those with mental health conditions. The prevalence of mental health illness is higher for example in some of the protected characteristic groups e.g., LGBTQ+, those with a disability, veterans.
- Those leaving care
- Older people

Education and employment are key determinants impacting health and wellbeing. Reduction in services, and support effecting these areas will have a negative impact on short and long term physical and mental health and people's ability to contribute positively to society and the economy.

**Priority Four: Improved health and wellbeing and more people living healthy and independent lives for longer.**

There is good evidence of the importance of working with partners across the VCFSE sector to treat the 'causes of the causes' of ill health with services that can address the conditions that cause people to become ill, such as social isolation, financial or housing issues, or needing support to live with a long-term condition or disability. Without these services many more people would make demands on health and social care services and would likely need care and support for longer. There are small community and voluntary groups relying on council funding to work with some of our most isolated and vulnerable communities. These are generally communities that would not engage in Council led services for a number of different reasons. Consideration of a sustainable long-term model of funding to the VCFSE sector from the local authority would mitigate the impacts of proposed savings where signposting to community and voluntary sector services are currently stated as potential mitigations.

There is a cumulative impact across the decisions proposed of negatively effecting the VCFSE sector in Somerset which supports the more vulnerable people in the population who have one or more protected characteristic. Of particular note are older and younger people, those with a disability, veterans, carers and LBGTQ+.

The rural nature of the county must also be considered. Closing and reducing opening hours of council assets which directly influence health and wellbeing e.g. leisure centres and sport facilities, entertainment venues, libraries, and heritage can disproportionately impact those who are not able to travel to provision elsewhere in the county. Those with disabilities, older people and younger people could be particularly impacted if facilities were previously providing bespoke service provision. The same level of bespoke provision may not be available within local communities thereby requiring transport to access other provision. This would potentially increase costs for those on low incomes.

## **Sustainability**

Overall, doing less can have a positive impact on the Council's carbon emissions, primarily upon its Scope 1 emissions – direct emissions from e.g., transport and logistics, and also upon its Scope 2 emissions – indirect emissions from the energy that it buys to heat, light and power its service provision. However, that does not take into account the Scope 3 emissions from the alternative provision being delivered by others on the Council's behalf as a result of the diminution of direct delivery, which is notoriously difficult to model.



Savings from proposals such as the rationalisation and of Somerset Council Committees will have a small carbon saving due to the reduction in number and frequency of necessary journeys to attend and the energy used to run the meetings. The centralisation of Executive and informal Executive meetings to Taunton, a central hub with good public transport links, may result in a decrease in vehicular emissions if more attendees utilise public transport to attend.

Increasing parking charges in line with inflation and implementing charges where they haven't previously applied may result in a reduction in car travel due to alternative transport provision becoming more cost effective than using a car. However, it must be acknowledged that it is concerning that proposals have come forward to review the bus services subsidies within the county, which could result in a reduction in service. It is also proposed to review the funding model for the Taunton Park and Ride service. Whilst this is an attempt to put the Park and Ride service on a more sustainable, self-funding footing by reallocating parking charges, there are risks that the approach which may result in a reduction in public transport availability due to the model being untried and untested.

While these proposals seem to be strategically aligned from a carbon reduction point of view, there are risks regarding the ongoing viability.

Of further concern are the proposals to reduce the number of transport policy posts and to reduce the funding for Transport Assessment Review and Modelling Advice. These savings proposals may result in sub-optimal planning for new developments in delivering net-zero transport networks and in the development of policy to deliver a new-zero transport network in line with the developing Local Transport Plan.

A review of the corporate and Waste fleets is welcome as it is expected that a reduction in vehicle numbers, or a move away from Internal Combustion Engine (ICE) vehicles, will result in the number of ICE journeys made and therefore a reduction in vehicle emissions.

The proposals to make efficiencies to Home to school travel, with the promotion of Independent Travel may have an adverse impact on overall carbon emissions if this review results in more individual journeys being made. If the proposal to make savings from the core contract for Household Waste Recycling Centres results in the closure of facilities, it may have both negative carbon and environmental implications. Some service users will need to travel further to access alternative recycling facilities which will increase vehicular emissions, this may also have the unintended consequence of an increase in fly-tipping within the county.

A removal of support and hosting of duplicated or redundant applications, systems and associated services will have a small positive impact on the Councils emissions due to the reduction of power usage to host on servers.

The proposed closure of nurseries in Taunton and Yeovil may have a negative impact on the Council's longer-term environmental ambitions. The Council has a target of 150,000 trees a year being planted in Somerset; the closure of two nurseries, which could be used to propagate and grow a number of these, will mean that stocks will need to be sourced from elsewhere, potentially increasing costs and decreasing the availability and deliverability of this target.

The proposed closure or reduction in opening hours of libraries, the review of the mobile library service and the continued closure of the Octagon Theatre in Yeovil may, on the face of it, have a positive carbon impact due to the reduction in energy used to run the service, however, there is a risk that area-wide emissions may increase due to patrons travelling further to access alternative provision. These risks are yet to be modelled.

## Annex 1 - Impact Assessment Process

The Equality Act 2010 aims to further discrimination protection and proactive action to more equality groups. Under the legislation equality groups are now referred to as Protected Characteristics, they are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Whilst assessing the Protected Characteristics for Somerset it was established that there were additional characteristics that for Somerset had a real impact on the ability of people to access services and take part in the wider community. These additional local characteristics are rurality, low income, carers and military status.

A public authority must, in the exercise of its functions, have due regard to the need to:

- d) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- e) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- f) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Example:** Using one of the protected characteristics as an illustration, it means considering: whether disabled people will be unlawfully discriminated against (i.e. will they be denied access to a service to which they are entitled?); the extent to which disabled people's needs are met and the extent to which inequalities can be reduced and participation encouraged; whether the approach will increase or decrease disability related prejudice and harassment, including consideration of whether it would give rise to community tensions.

Baroness Thornton in March 2010 stated "I shall try to explain what "due regard" means and how the courts interpret it. The courts have made it clear that having due regard is **more than having a cursory glance** at a document before arriving at a preconceived conclusion. Due regard requires public authorities, in formulating a policy, to give equality considerations the weight which is **proportionate in the circumstances**, given the potential impact of the policy on equality. It is not a question of box-ticking; it requires the equality impact to be **considered rigorously and with an open mind**."

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and an open mind.
- Taken following due regard having been given to the effects on the protected characteristics with the need to ensure nothing results in unlawful discrimination in terms of access to, or standards of, services or employment as well as considering any opportunities to advance equality and foster good relations.
- Proportionate (that negative impacts, including those that cannot be mitigated, are proportionate to the aims of the policy decision).
- Fair
- Necessary
- Reasonable, and
- Only taken following appropriate consultation with those affected.