

You are requested to attend a meeting of the Scrutiny Committee to be held in Meeting Room C, Flook House, The Deane House, Belvedere Road, Taunton on 24 July 2018 at 18:15.

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### Agenda

- 1 Appointment of Chairman.
- 2 Appointment of Vice-Chairman.
- 3 Apologies.
- 4 Minutes of the meeting of the Community Scrutiny Committee held on 1 May 2018 and the Corporate Scrutiny Committee on 21 June (to follow).
- 5 Public Question Time.
- 6 Declaration of Interests  
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors or Town or Parish Councillors will automatically be recorded in the minutes.
- 7 Shape Legal Service – Contract Update. Report of the Assistant Director - Resources and Support. (attached).  
Reporting Officer: Paul Carter
- 8 Review of Social Value for 2017/18. Report of Assistant Director – Resources, Procurement Manager and Strategy and Partnerships Lead (attached).  
Reporting Officers: Mark Leeman  
Paul Carter
- 9 Complaints Handling Report. Report of the Corporate Strategy and Performance Officer. Please forward all questions to the Scrutiny officer because the report officer will not be in attendance. (attached).  
Reporting Officer: Richard Doyle

Assistant Chief Executive

16 July 2018

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under "Public Question Time" is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council's Planning Committee and details of the "rules" which apply at these meetings can be found in the leaflet "Having Your Say on Planning Applications". A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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The meeting rooms at both the Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



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**For further information about the meeting, please contact Democratic Services on 01823 219736 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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**Scrutiny Committee Members:-**

# TAUNTON DEANE BOROUGH COUNCIL

## SCRUTINY COMMITTEE 24 JULY 2018

### SHAPE LEGAL SERVICE – CONTRACT UPDATE

**This matter is the responsibility of Executive Councillor Andrew Sully,  
Portfolio Holder for Corporate Services**

**Report Author: Paul Carter, Assistant Director - Resources and Support**

#### **1 Executive Summary**

1.1 This report summarises and reviews the current contract with SHAPE for the provision of Legal Services to TDBC.

#### **2 Recommendations**

2.1 The Committee are asked to note the contents of this report and comment as necessary.

#### **3 Risk Matrix**

3.1 No applicable – information update only

#### **4 Background Information**

4.1 Up until 31 March 2015 the Council's legal services were provided in-house by directly employed staff. Since 2015/16 the Council has received its legal advice and support through SHAPE who provide legal services to:

- Taunton Deane BC
- West Somerset Council
- Mendip DC
- Somerset CC (limited to legal work on S106 agreements only)

4.2 The Council entered into an inter-authority agreement with Mendip and West Somerset for SHAPE to provide services to the Council for the period 2015/16 to 2019/20. Legal services staff who were previously employed by TDBC were TUPE transferred to Mendip DC at the beginning of the SHAPE contract.

4.3 The SHAPE contract covers the following areas of legal advice:

Corporate/Governance	Planning	Training
Commercial	Highways	Health
Property	Information	Procurement
Enforcement/Prosecutions	Electoral Law	Complaints
Employment	Housing	
Litigation	Licensing	

Contract exclusions include:

- Monitoring officer functions (but can be included by agreement)
- Complex commercial cases
- Any matter where it would give rise to a conflict of interest

- Legal work on matters already outsourced

4.4 The Council invariably requires legal support for most of the new projects and initiatives that it is involved in, for example SHAPE are currently providing support to the Council on a number of key projects:

- Creation of the new Council
- Support for Growth projects ie Firepool
- Commercial projects ie Hotel project

SHAPE have both directly employed and locum solicitors working for them and are organised into particular specialisms including:

- Corporate Law
- Litigation
- Housing
- Planning
- Property

However, where necessary SHAPE will externalise work where there is insufficient in-house expertise or capacity. TDBC have the option to also use external solicitors where SHAPE are unable to provide support but this is at the direct expense of TDBC. SHAPE ensures that there are staff available, throughout the week, at Deane House, and the SHAPE Business Services Manager routinely works at Deane House and attends Full Council meetings.

#### 4.5 **Financial Arrangements**

When TDBC entered into the contract with SHAPE in 2015/16 it was agreed that each authority would contribute based on the caseload at that time. In addition a 15% cost reduction (compared to the cost of TDBC's existing In-house legal team) was negotiated. TDBC's original contribution to the partnership was estimated at approximately 36% of total caseload across the 3 Councils, this equated to a contribution of £201k per annum. However it should be noted that there was little management information to verify the 36% contribution, and this was viewed at the time as an approximation only.

4.6 The contract with SHAPE also allowed for inflationary increases in cost to be passed on but in reality these have not been charged by SHAPE up until 2017/18. In order to protect against any overall financial deficit being borne solely by Mendip DC (the host authority) the contract also allows for any in-year financial deficit within SHAPE to be recharged to the partner Councils.

4.7 The contract with SHAPE allows for annual financial contributions to be reviewed from 2018/19 onwards (yr4 onwards). The most recent data from SHAPE indicates that the actual use of SHAPE by TDBC actually equates to circa 54% of total caseload. Members maybe interested to know that TDBC commissions circa 400 separate instructions to SHAPE each year. As a consequence the 2018/19 budget was revised to take into account an increase in fees of circa £100k. The Council's 2018/19 contribution now being circa £303k pa. The main increases in caseload relating to contracts, monitoring

officer guidance and property related matters. Conversely contributions by Mendip DC and WSDC have reduced accordingly.

4.8 The Council also pays for specialist legal services provided through a locum solicitor employed by SHAPE on specific complex commercial cases such as Firepool, the Hotel development, external loans etc, which are over and above the base contract. The cost of this additional support is approximately £6,000 per month.

4.9 Overall it is estimated that compared to the hourly rate charged by external solicitors that SHAPE is between 25% and 33% less expensive for the Council.

#### 4.10 **Contract Monitoring**

The Assistant Director – Resources and Support, is responsible for monitoring the SHAPE contract. Quarterly client meetings take place with the SHAPE Business Services Manager and the Mendip DC Group Manager – Law and Governance, to discuss the contract, these focus on particular issues such as:

- Staffing changes
- Organisational updates
- Expected new work instructions/ new projects
- Feedback from service users
- Contractual updates

4.11 Officers from SHAPE have also provided briefings to TDBC/WSC managers to ensure there is a wider understanding of the SHAPE contract and how best to commission legal support from SHAPE. The current contract does not include any performance indicators, however the Assistant Director – Resources routinely seeks feedback from service users on SHAPE.

#### 4.12 **Notice Periods**

TDBC had the option to withdraw from the SHAPE partnership on 30 September 2018 by giving notice by 30 March 2018. TDBC has not exercised this option. The standard exit provisions in the contract with the partner councils requires 1yrs notice and notice cannot be given before 1 April 2019. It is therefore expected that the contract will run its full course until the end of 2019/20. Clearly this will be partially impacted by the creation of the new Council, however at this stage officers expect SHAPE to be the provider of legal services to the new Council for at least the first year (ie 2019/20).

#### 4.13 **Contract Performance**

Whilst SHAPE is an external service which the Council procures via a contract it experiences many of the same issues as any other in-house Council service. The following is a list of the common issues experienced by both Council officers and SHAPE itself:

<b>Issue</b>	<b>Impact and Remedy</b>
Recruitment	SHAPE is still in effect a local authority employer and pay levels tend to be much lower than in the private sector – this makes recruiting into specialist roles difficult, compared to

	the private sector. Where necessary SHAPE will employ locum solicitors or agree with the Council that it can go direct to a particular external specialist.
Capacity	Given that largely SHAPE has a fixed amount of capacity available, increases in caseload mean that SHAPE is not always able to respond promptly to client requests. However where items are of an urgent nature SHAPE do their utmost to prioritise. An example being the recent upsurge in traveller illegal encampments.
Client Instructions	Officers commissioning advice from SHAPE need to be clear about what advice they require on an issue and too often submit requests for legal support without the appropriate level of authorisation, background information or with insufficient notice being given – this delays the relevant advice being provided and frustrates both SHAPE and service users.
Innovation	Local Government is changing fundamentally, for example a more commercial focus is being promoted within Local Authorities and sometimes SHAPE does not have the requisite expertise or experience in advising on these projects and schemes. This has been resolved by employing specialist solicitors and where necessary some work is externalised (ie legal advice on the impact of the North Taunton Housing development)
Communication	Inevitably there are, on occasion, complaints from both sides that there is insufficient communication on a case – SHAPE are looking at whether they can improve this by providing managers with a self-service portal so they can view the progress on their cases.

#### 4.14 Future Developments

As mentioned above the SHAPE contract will continue to be used by both TDBC and the new Council, however it is important that the contract and the service provided adapts to meet the needs of its clients. In particular officers from SHAPE are looking at:

- Potential for bringing on new partners – such a move would potentially increase the client base of SHAPE across local authorities, town councils and the voluntary sector and generate a greater critical mass, with additional experience and expertise, as well as improve the ability of SHAPE to respond to national changes in local government.
- Review of the staffing establishment – to ensure that the current needs of clients is met with appropriate staff recruited who specialise in particular areas of law.
- Consideration of a more commercial approach when dealing with client requests and how work is managed within the SHAPE service – thereby ensuring that senior legal staff are focussed on the important, strategic cases.
- Review of customer satisfaction – with greater use of satisfaction surveys
- Continued support for New Council, Growth and Commercialism agenda.

- Development of Bespoke client instructions – to ensure that particular legal instructions from TDBC contain all of the relevant information required by SHAPE.
- Access to a self-service portal for client managers.

#### 4.15 Options for Future Service Provision

As mentioned above the Council is committed to the SHAPE contract at least until the end of 2019/20. The table below summarises options for the future along with officer comments on each:

Option	Comments
1 - Extend the current contract with SHAPE (or contract with another external provider)	New operating structure assumes that an officer, as part of their ongoing responsibilities, will “client” the SHAPE contract.
2 - Directly employ own legal staff	New operating structure does not include any Legal service staff. We could expect ongoing issues with ability to recruit and retain suitably experienced legal staff.
3 - Procure legal support externally	Less cost effective than options above but specialist external support on particular projects is likely to be required
4 - Mix of options 1 and 3	Most likely given that the authority benefits from a larger pool of legal staff via SHAPE but also recognises that some particular specialist areas require expert advice which will need to be procured separately.

#### 4.16 Conclusion

The view of Officers is that the SHAPE contract is working well and provides excellent value for money, it has been able to largely absorb the increase in caseload generated by the Council and the quality of advice provided is solid. The contract is sufficiently flexible to allow for “out of scope” work to be commissioned by the Council through SHAPE and the Council finds that it is invaluable to have legal support both on site at Deane House and at the end of the telephone. SHAPE routinely provide officers with advice on urgent matters within required timescales.

- 4.17 TDBC is actively involved in a huge number of projects and it is expected that, at some stage, SHAPE will be involved in each of these. Hence it is necessary to ensure that there remains sufficient capacity to service its clients and providing advice on increasingly complex and diverse council services. Officers from both TDBC and SHAPE are keen to promote a project team approach whereby lawyers are engaged as projects develop rather than simply at the legal compliance/sign off stage.

## **5 Links to Corporate Aims/Priorities**

5.1 None for the purposes of this report

## **6 Finance/Resource Implications**

6.1 The SHAPE contract is a significant contract for the Council. Changes to agreed subscription levels have been built into the 2018/19 budget, and the impact of the contract will be considered as part of the formation of the budget for the new council. Finance staff will work with the Assistant Director – Resources to ensure that any pertinent changes are reflected in budget monitoring updates to Members.

6.2 The bulk of the SHAPE contract is charged to individual service areas and where applicable specialist one off advice to specific capital projects.

## **7 Legal Implications**

7.1 None other than this report provides an update on the legal service provided by SHAPE.

## **8 Environmental Impact Implications**

8.1 None for the purposes of this report.

## **9 Safeguarding and/or Community Safety Implications**

9.1 None for the purposes of this report

## **10 Equality and Diversity Implications**

10.1 None for the purposes of this report

## **11 Social Value Implications**

11.1 None for the purposes of this report

## **12 Partnership Implications**

12.1 SHAPE is a key partnership for the Council and it is important that the partnership thrives and is able to develop and meet the needs of the partner councils.

## **13 Health and Wellbeing Implications**

13.1 None for the purposes of this report

## **14 Asset Management Implications**

14.1 None for the purposes of this report.

## **15 Consultation Implications**

15.1 SHAPE consults with its clients prior to any significant changes to its operations.

### **Democratic Path:**

- **Scrutiny 24 July 2018**
- **Executive – N/A**

- Full Council - N/A

**Reporting Frequency – one off**

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# TAUNTON DEANE BOROUGH COUNCIL

## SCRUTINY COMMITTEE 24 JULY 2018

### SOCIAL VALUE WITHIN PROCUREMENT – UPDATE

**This matter is the responsibility of Executive Councillor Andrew Sully, portfolio holder for Corporate Services**

**Report Authors, Paul Carter, Assistant Director – Resources, David Carpenter, Procurement Manager, Mark Leeman, Strategy and Partnerships Lead**

#### **1 Executive Summary**

1.1 This report provides the Committee with an update on how social value has been driven through some of the key contracts let by the Council recently. The Committee last considered a report on this back in June 2015. The report highlights some key social value achievements and also provides some background on how officers see social value through procurement being progressed in the future.

#### **2 Recommendations**

2.1 The Committee are requested to note the contents of this report and to comment on the future direction of how social value aspirations are achieved in the future, pending a future paper being submitted by Officers.

#### **3 Risk Assessment**

3.1 Not applicable – information update only

#### **4 Background Information**

4.1 In June 2015 the Chief Procurement Officer within Southwest One presented a report to the Committee on how social value objectives can be achieved through procurement processes. Social Value is defined as the “additional benefit to the community from a commissioning/procurement process over and above the direct purchasing of goods, services and outcomes”. This can therefore include initiatives such as:

- Activities to support vulnerable people
- Support to local charities
- Provision of apprenticeships through the contract being let
- Employment of offenders

4.2 This report also provided updates on how the achievement of social value objectives was being incorporated into procurement processes, for example through a requirement in tenders to include specific mention of social value and for bidders to clearly outline how social value will be achieved.

4.3 Since this topic was last debated social value is a standard consideration for major contracts that the Council lets or is involved in. The Council has an approved Social Value statement – this is shown in Appendix A. This report

provides an update on key social value objectives achieved and officer's thoughts on a future review to be undertaken during 2018.

- 4.4 The application/consideration of Social Value in the procurement context can apply at several different levels.

### **1. Strategic Level**

At this level SV should be inherent in the category planning/commissioning process and in the contract design. A recent example of application at this level is the procurement of the new Leisure Services contract. Here the project team have worked with members to ensure that both Councils SV aspirations are embedded in the resulting contract.

Of course at this level the consideration of SV is often the driver and purpose for the contract itself. The Wellington Warmer Homes project is an example of where the aim of the contract is SV itself – in this case to improve the lives of, and to have an economic benefit for Tenants. Added value was delivered through efficiencies in the contract delivery that led to more homes being included in the scheme

Another example is the Firepool Hotel project and its focus on delivering economic regeneration

The table in paragraph 5.1 does not include these broader, strategic contracts and we have focused on reporting specific known SV outcomes in the context of the narrower procurement process.

### **2. Standard application**

At an individual project level the project team will take into account the scope and value of the contract and its potential to deliver added SV benefits. Typically the tenderer is asked to provide a proposal as part of their tender submission against a set of criteria contained in the Invitation to Tender. This is best illustrated by the two recent asbestos related examples detailed in table 5.1. In each case tenderers were required to respond with commitments requirements commitments against criteria set out in property teams Community Benefit Statement.

### **3. Assessment of Corporate Policy only**

There is a level at which the tenderers overall approach to SV at a corporate level is assessed. Here it is likely that added SV delivery may not be appropriate to the contract being procured but it is still a requirement that the tenderer is required to demonstrate SV delivery at a corporate level as part of the selection criteria. An example here is the selection of the Hotel Brand (brand only not the operator) for the Firepool hotel project. This example is not listed on the table below but their corporate approach to SV matters as part of the selection criteria.

- 4.5 Procurement can influence SV in different contexts for example where the contract itself is designed to deliver SV. Much like the Wellington Warmer homes example outlined above in many cases the sole purpose of the contract is to deliver SV. For example the procurement of a supplier to deliver the Aspire to Achieve program and the Mental Health Support Contract with Mind. Given the delivery of SV is the key deliverable the procurement focus is to evaluate tenderers based on measuring their ability to maximise the SV delivery though the contract. Another example is the appointment of Master planners to the North Taunton Project, here the tenderers ability to engage with the community to inform the project design would have been assessed.
- 4.6 It is also important to consider the supply chain in its broadest context and to include consideration of SV targets in key partnerships e.g SWAP. Shape, Waster partnership etc.

### Social Value achievements

- 5.1 The table below summarises the social value outcomes from recent procurement exercises:

Contract	Contract Award	Approximate Contract Value	% Weighting	Social Value included within Contract	Actual SV Achievement
<b>New Procurement Exercises</b>					
Street Scene Cleaning	2016	£4,800,000	5%	1 x Apprentice 3 x work placements per year  Commitments to local sourcing of supplies & local recruitments	6 new employees taken on since contract start in Feb 2017. All living within TDBC. 1 of the 6 had been long term unemployed for 15 months  1 Apprentice employed at any one time. Current apprentice undertaking an Level 2 NVQ  Goods and services

					sourced within TDBC area – e.g vehicle servicing. Plant hire, consumables
Deane House Refurbishment	2017	£6,000,000	10%	<p>Employment, apprentice and work placement opportunities.</p> <p>Engagement and development of SME's. 3 x curriculum support activities</p> <p>SV targets are set under the SCF Framework contract</p>	<p>3x 16+ work placements.</p> <p>2 x curriculum support activities</p> <p>3 x Apprentice starts (Midas)</p> <p>2 x Continuing apprentice placements</p> <p>2 x Apprentice starts with Sub-Contractors</p> <p>2 x Jobs advertised though job centre</p> <p>2 x NVQ starts &amp; 3 completions</p> <p>5 x Sub-contractor training plans</p> <p>21 hours H &amp; S training to sub-contractors</p> <p>1 x Management training course to sub-contractors</p>

Firepool Hotel Operator	2018	Dependent on final solution	20%	<p>Commitments working with local schools.</p> <p>Charity partnerships.</p> <p>Engagement with local business to drive revenue opportunities</p>	Contract not yet live
Asbestos Removal	2018	£1,139,000	Pass/Fail	<p>2 School/College workshops</p> <p>16+ work placements x 2</p> <p>14-16 work placements x 2</p> <p>Apprentice opportunity x 1</p> <p>2 x starts - progression into employment under 6 months unemployed</p> <p>1 x starts – progression into employment over 6 months unemployed</p>	Contract Commenced May 2018
Asbestos professional Services	2018	£658,000	10%	<p>½ day p/a awareness training to residents</p> <p>1 x paid work placement 52 weeks p/a</p> <p>2 x 10 week unpaid placements p/a.</p>	Contract Commenced May 2018

				<p>Attendance at community events</p> <p>Training of TDBC surveyors</p>	
Leisure Re-Procurement*	2018	£90,000,000	15%	<p>SV has been integral to the contract design. The ITT requests responses to the following</p> <p>“The Authority requires a clear commitment to creating and measuring social value through community investment that is linked to the Services to be delivered. Without limitation the response should cover the following:</p> <ul style="list-style-type: none"> <li>a) How you will work with partners and customers to generate broad and inclusive involvement?</li> <li>b) How you will develop education, training and employment opportunities for the related communities?</li> <li>c) How you intend to deliver outreach services to the communities of West Somerset.</li> </ul>	Currently being re-procured

				How you will optimise your supply chain to develop the local economy.	
<b>Examples of recent delivery under Contracts awarded pre-2016</b>					
Wellington Warmer Homes				Low Carbon Exchange sponsored a local Wellington football team and bought £300 worth of kit	
Kitchen and Bathroom Refurb				MySpace took on a long term unemployed person who worked for 3 months with them on a work placement, to give him some work experience to help him obtain gainful employment going forward.	

5.2 As can be seen from the table above the Council has been able to leverage SV in many different ways ie employment, training and other community benefits, which is in line with our social value statement shown in Appendix A. It should be also noted that some other schemes deliver social value benefits, for example the recently approved loan to Somerset Coast YMCA for the redevelopment of the Great Western Hotel assists an organisation which supports people seeking employment, provides volunteering opportunities and of course in itself is a charity with social objectives.

## **6 Future Direction of Social Value**

6.1 The Centre for Public Scrutiny in May 2018 published the following comment:

*“Public services are facing a common challenge – how to spend public money in ways that meet society’s needs and deliver better outcomes for people and communities, not just for now but for future generations. Using scarce resources to deliver clear outcomes for people who use public services is at the heart of good decision-making – five years on from the Public Services (Social Value) Act, which set a legal requirement on public bodies to consider economic, environmental and social benefits when procuring services, the time*

*is right to re-emphasise that social value needs to be viewed as a tool to facilitate discussions with partners and with communities about how to build social benefits into services as well as delivering value for money”*

*Centre for Public Scrutiny*

6.2 As a local authority we are very much aware that Social Value is much more than just delivering value for money. Our initial ‘Social Value Statement (now dating back to early 2015) went some way to acknowledging and addressing this, but with the emphasis mainly focussed on our procurement processes. The time is now right to review this, and to take a much broader view of our role in addressing community needs and delivering outcomes that produce social value. We certainly have to take a much broader view of commissioning (a definition that sees commissioning as simply identifying the most appropriate means for addressing an identified need) and take stock of how we can co-produce interventions and outcomes alongside communities, and use that to deliver social value / a social return on investment etc.

6.3 Our procurement processes are very important to this, but the role of delivering SV is not one that is exclusive to procurement. We can often intervene, and deliver social value, without spending money. This then raises the difficult question of how do we measure such social value? These questions needs to be reviewed. It is proposed that the as part of the new operating structure the Strategy Functional Area produces a discussion paper on this topic with a view to ultimately updating and reviewing our SV policies. The timing of this is uncertain at the moment (pending Transformation, and the standing up of the Strategy Functional Area) but officers would expect to be able to bring something forward before the end of 2018.

## **7 Links to Corporate Aims/Priorities**

7.1 Social Value impact on the corporate aims of People, Place and a modern and efficient Council. Procurement is an activity which impacts on all aspects of the Council’s business and hence social value must be seen as impacting all our corporate aims.

## **8 Finance/Resource Implications**

8.1 None for the purposes of this report

## **9 Legal Implications**

9.1 Through the Public Services (Social Value) Act it is a legal requirement for social value to be considered in the letting of contracts in the public sector, this has been achieved by the Council through established processes carried out in all major procurement exercises. All Council reports include a note regarding any social value implications of the item being considered.

## **10 Environmental Impact Implications**

10.1 None for the purposes of this report.

## **11 Safeguarding and/or Community Safety Implications**

11.1 None for the purposes of this report

## **12 Equality and Diversity Implications**

12.1 None for the purposes of this report, however equality remains a key social value objective, as per Appendix A

## **13 Social Value Implications**

13.1 This report outlines the social value achieved in recent procurement exercises and notifies members that a new strategy regarding this will be brought forward once the new operating structure has been established

## **14 Partnership Implications**

14.1 The Council is keen to work with our contractors in a partnership approach, therefore the delivery of social value aims needs to be considered jointly by the all parties.

## **15 Health and Wellbeing Implications**

15.1 None for the purposes of this report, however Health and Wellbeing remains a key social value objective, as per Appendix A

## **16 Asset Management Implications**

16.1 None for the purposes of this report.

## **17 Consultation Implications**

17.1 None for the purposes of this report, however improved consultation remains a key social value objective, as per Appendix A

### **Democratic Path:**

- **Scrutiny 24<sup>th</sup> July 2018**
- **Executive – N/A**
- **Full Council - N/A**

### **Reporting Frequency – one off**

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### Taunton Deane Borough and West Somerset Councils' Social Value Statement

#### 1 Introduction

- 1.1 Taunton Deane Borough Council and West Somerset Council embrace the spirit of the Public Services (Social Value) Act 2012 that seeks to improve social, environmental and economic wellbeing. This will help support local needs that inform our Corporate Priorities to enable growth, develop community capacity and resilience and to improve the health and wellbeing of the local population. Therefore, both councils will apply, as appropriate, the broad principles of social value to all procurement arrangements, no matter whether the value of the goods or services exceeds or falls below the EU procurement monetary thresholds.
- 1.2 This Social Value Statement outlines how both councils will embed social value and demonstrates our joint commitment to delivering social value benefits through our procurement arrangements. The policy builds on existing procurement practices and underlying principles of:
- Sustainable Procurement
  - Taking a value for money approach, rather than lowest cost, when assessing contracts
  - Implementing an appropriate form of consultation (prior to entering the formal procurement process) to develop robust and intelligent specifications. This to be informed by (1) the requirements of people and organisations (including the potential suppliers where appropriate) to be consulted, (2) the size nature and impact of a procurement

#### 2 A definition of social value

- 2.1 Taunton Deane and West Somerset Councils recognise that social value is about maximising the impact of public expenditure. Social value is defined as 'the additional benefit to the community from a commissioning / procurement process over and above the direct purchasing of goods, services and outcomes.'<sup>1</sup>
- 2.2 Through thinking about how everything we procure can generate wider benefit for the community, we can ensure we fully consider how procurements might add value and include this in the evaluation criteria used to select bids from our spending through third parties and enable a more joined up approach.

#### 3 How Taunton Deane Borough and West Somerset Councils will embed social value

- 3.1 When sourcing or commissioning goods or services for the Council those involved in externally sourcing contracts will consider, as part of the pre-

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<sup>1</sup> Social Enterprise UK: The Social Value Guide 2012  
[https://www.cips.org/Documents/Knowledge/social\\_value\\_guide.pdf](https://www.cips.org/Documents/Knowledge/social_value_guide.pdf)

procurement stage:

- a. how and to what extent the item or service to be procured may improve the social, environmental and economic well-being of a relevant area;
  - b. how they might secure any such improvement; and
  - c. whether there is a need to undertake consultation on these matters.
- 3.2 It is recognised that there can be no 'one size fits all' model. Under the requirements of the Act consideration needs only be given to 'matters that are relevant to what is proposed to be procured' and, in doing so, procurement officers must consider the extent to which it is proportionate' and so tailored to reflect the service or goods to be procured.
- 3.3 It is the role of commissioners and procurement officers to consider, on a contract by contract basis, the potential social value outcomes that could be delivered through the procurement process and the most appropriate procurement strategy to achieve this.
- 3.4 Consideration of social value will be integrated as part of the procurement process and procurers will be expected to evidence that social value has been considered as part of the procurement planning process and any associated impact assessments.
- 3.5 Social value priorities for the service area should be identified and embedded throughout procurement activity and be clear in adverts and tender specifications. Commissioners and procurement officers will be responsible for agreeing social value criteria, as well as being open and transparent in terms of defining how social value elements will be weighted in the evaluation and decision-making processes.
- 3.6 As appropriate, local communities should be engaged in shaping / deciding what is important to them, as well as engaging with the market to understand their ideas for how they can contribute to social value.
- 3.7 The manner in which evidence of social value outcomes are to be provided is not prescribed by the Act or this policy. Dependent on the requirements of each procurement exercise, the Council may choose to specify requirements explicitly within a tender or ask potential providers to come up with their own innovative ideas.
- 3.8 Applications to provide services from organisations should demonstrate their ability to add economic, social and environmental value above and beyond simply providing the tendered service and provide evidence demonstrating this. This to include (where appropriate) the organisations supply chain.
- 3.9 Measures should be put in place to ensure that agreed social value activity is monitored and tracked as part of any contracting arrangements.
- 3.10 To improve transparency, wherever possible and practicable, steps should be taken to enable the Council to report centrally on added social value achieved across the Local Authority through commissioning and procurement

arrangements.

- 3.11 Examples of best practice from both within the Local Authority and other local authorities should be developed to inform future procurement activity.
- 3.12 Responsibility for monitoring and embedding social value across the Councils' commissioning and procurement arrangements will form part of the Councils' Procurement Strategy.

#### **4 Social Value aims and objectives**

- 4.1 Our social value aims and objectives reflect local need and are based on key themes drawn from our corporate priorities and the health and wellbeing strategy, together with various other key strategies that relate to these including the economic development strategies, the priority areas strategy, and joint management and shared services arrangements.
- 4.2 Our social value aims relate to three main themes:
  - Aim 1: Support the local economy
  - Aim 2: Promote health and wellbeing
  - Aim 3: Reduce demand for services
- 4.3 Our Social Value objectives are as follows

##### **Social Value Objectives for Taunton Deane and West Somerset:**

1. Develop employment, skills and training opportunities, particularly for hard to reach/target groups, for example NEETS, apprenticeships, care leavers and long term unemployed.
2. Create opportunities for micro-providers / small and medium enterprises to be part of supply chains which support Council priorities and service delivery.
3. Improve health and wellbeing, maintain independence and reduce inequalities of local residents and employees
4. Help build community capacity and play an active role in the local community, especially in those areas and communities with the greatest need

Our approach to social value will encompass the full procurement and commissioning cycles, service planning and review, decision making and policy development; and (as an example) will seek to deliver the following:

- Increasing the proportion of services and goods provided locally
- Supporting the creation of jobs, skills and training opportunities particularly for hard to reach target groups e.g. NEETS, care leavers and long term unemployed
- Promotion of opportunities for small and medium-sized enterprises (SMEs), social enterprises and voluntary and community organisations
- More social innovation across the procurement / commissioning landscape

- Value for money – through capturing longer term savings for the council as a whole
- Better connections across services, with a greater understanding of how services interact to support outcomes and impact on the wider community
- Growing the social sector to increase its overall size and capacity
- Savings through reductions in demand across a range of services areas
- Increased community-led activity, resilience, local problems solving and decision making
- Promoting equality and diversity
- Carbon reduction and energy efficiency
- Promoting and enabling healthy lifestyles
- Supporting excluded and/or vulnerable groups including the elderly and families with low resilience

A comprehensive list of Actions and (measureable) Outcomes now needs to be developed, and this will form the next stage of the development of the Social Value Policy/Statement.

**Persons to contact:**

Mark Leeman (Strategy & Partnership Lead Officer)

# Taunton Deane Borough Council

## Corporate Scrutiny – 24<sup>th</sup> July 2018

### Complaints Handling Update

This matter is the responsibility of Cllr Andy Sully, Lead Member for Corporate Resources

Report Author: Richard Doyle, Corporate Strategy & Performance Officer

#### 1 Purpose of the Report

- 1.1 This report provides Members with an update of complaints handling performance as at 31/3/18.

#### 2 Recommendations

- 2.1 It is recommended that:-

The Corporate Scrutiny Committee review the Council's performance regarding complaints and highlight any areas of particular concern;

#### 3 Background and full details of the report

- 3.1 Complaints handling performance is a key performance indicator on the corporate scorecard, reported to members twice a year.
- 3.2 This report is written in response to a request made by the Chair of Corporate Scrutiny for report to be provided to members of Scrutiny detailing performance to date in relation to complaints handling across the One Team.
- 3.3 We have a corporate performance indicator to fully respond to at least 90% of complaints within 20 working days.
- 3.4 A performance update which included complaints was reported to Scrutiny on **21/6/18**. This covered the whole of the 2017/18 financial year. Complaints responded to over the year showed an average of 75% which is below the target of 90%.
- 3.5 The majority of complaints not answered in time in 2017/18 were in the Planning area.

### 3.6 Performance information

#### **TDBC Complaints**

Quarter 1 (April/May/June)	76 % responded to within 20 working days
Quarter 2 (July/August/Sept)	68 % responded to within 20 working days
Quarter 3 (Oct/Nov/Dec)	79% responded to within 20 working days
Quarter 4 (Jan/Feb/Mar)	77% responded to within 20 working days

A total of 203 Complaints were received in 2017/18. Of these 157 were answered within 20 working days = 77%. (*This compares with 258 complaints received in 2016/17 of which 175 were answered within 20 days = 67%*).

Of the 46 complaints not answered in time the majority were in the following service areas:

Planning = 17

Estates = 8

Open spaces = 4

Housing Options = 3

Council Tax = 3

Asset Management = 2

Planning received 28 complaints in 2017/18. 11 of these were answered within 20 working days = 39%.

Housing (not repairs) received 69 complaints. 55 of these were answered within 20 working days = 79%

#### The most common cause of complaint in 2017/18:

Standard of Service = 89

Attitude/behaviour of staff = 23

Disagreeing with a decision made = 18

Delay in response = 10

#### Complaints Upheld/Not Upheld

Of the 203 complaints received, 52 of these were **not** upheld.

## Ombudsman Complaints

In 2017/18 the council received 6 complaints from the Ombudsman. 2 of these required financial remedy (1 for Housing and 1 for Planning).

### Good responses to complaints:

The Revenues and Benefits Service received 45 complaints in 2017/18 and 42 of these were responded to within 20 working days = 93%. The 3 complaints that were not answered in time only missed the deadline by 1 or 2 days.

### Complaints Quarter 1 2018/19:

54 complaints received in Q1 of 2018/19. Currently 40 complaints have been answered within 20 working days = 74%.

#### **4. Reasons for not achieving Complaints Target**

- 4.1 The organisation is going through a significant amount of change at the present time and it was anticipated that this would have some impact on business as usual service delivery. The ability to respond to complaints in the Planning Service has been one of the areas affected.

#### **5 Links to Corporate Aims / Priorities**

- 5.1 Complaint handling is one of our key performance indicators and is included on our Performance Scorecard.

#### **6 Finance / Resource Implications**

- 6.1 There are no financial/resource implications.

#### **7.1 Legal Implications**

- 7.1 There are no legal implications associated with this report.

#### **8 Environmental Impact Implications**

- 8.1 There are no direct environmental impact implications.

#### **9. Safeguarding and/or Community Safety Implications**

- 9.1 There are no safeguarding and /or community safety implications.

#### **10 Equality and Diversity Implications**

- 10.1 There are no equality and diversity implications.

## **11 Social Value Implications**

11.1 There are no Social Value implications.

## **12 Partnership Implications**

12.1 There are no partnership implications.

## **13. Health and Wellbeing Implications**

13.1 There are no direct health and wellbeing implications.

## **14. Asset Management Implications**

14.1 There are no direct asset management implications associated with this report.

## **15 Consultation Implications**

15.1 This report will now be published on the Council's website for public scrutiny and information.

### **Democratic Path:**

- **Corporate Scrutiny - Yes**
- **Executive – No**
- **Full Council – No**

**Reporting Frequency: 6 monthly as part of the Corporate Performance Scorecard.**

### **Contact Officers**

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