

WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Wednesday 19 September 2012 at 4.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of Council held on 8 August 2012 to be approved and signed as a correct record – **SEE ATTACHED.**

3. Declarations of Interest

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

4. Public Participation

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

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. Chairman's Announcements

6. Future Provision of Services Currently Delivered under a Contract with Veolia

To consider Report No. WSC 120/12, to be presented by Councillor C Morgan, Lead Member for Environment – **SEE ATTACHED.**

The purpose of the report is provide the necessary information for members to decide upon the future provision of the Council's cleansing services following the conclusion, on 30th September 2012, of the existing contract with Veolia. Please note Appendix C referred to in paragraph 4.9 of the report is **to follow.**

7. Health and Wellbeing Strategy for Somerset

To consider Report No. WSC 119/12, to be presented by Councillor T Taylor, Leader of Council – **SEE ATTACHED.**

The purpose of the report is to advise members of the changes in Health and Wellbeing structures within Somerset, and to ensure members are aware of the Health and Wellbeing Strategy and it's role in future delivery of priorities relating to this area of work.

8. Treasury Management Update – 31 March 2012

To consider Report No. WSC 125/12, to be presented by Councillor K V Kravis Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to update the Council on the Treasury Management position as at 31 March 2012.

9. Localism Act 2011 – Implementation of the New Ethical Standards Regime

To consider Report No. WSC 123/12, to be presented by Councillor S Pugsley, Lead Member for Executive Support and Democracy – **SEE ATTACHED.**

The purpose of the report is to enable the Council to appoint an independent person as required by the Localism Act and to note the appointment of an additional independent member and parish/town council member to complete the full complement of the West Somerset Standards Advisory Committee.

10. Independent Local Government Debate

To consider Report No. WSC 122/12, to be presented by Councillor S J Pugsley, Lead Member for Executive Support and Democracy – **SEE ATTACHED.**

The purpose of the report is to advise Council of the current consultation process being undertaken by the Political and Constitutional Reform Committee regarding independent local government and provide the Council with the opportunity of making a response.

11. New Regulations Regarding Meetings of the Executive and Access to Information

To consider Report No. WSC 124/12, to be presented by Bruce Lang, Monitoring Officer – **SEE ATTACHED.**

The purpose of the report is to brief the Council of the key issues emerging from the introduction of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

12. Minutes and Notes for Information

Notes and minutes relating to this item can be found on the Council's website using the following link: <http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Full-Council/Full-Council---21-March-2012>

- Draft notes of the Dunster Panel held on 23 July 2012
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Dunster-Area-Panel/Dunster-Area-Panel---23-July-2012.aspx>

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

WEST SOMERSET COUNCIL

Minutes of the Meeting held on 8 August 2012 at 4.30 pm

in the Council Chamber, Williton

Present:

Councillor D D Ross Chairman
Councillor G S Dowding Vice-Chairman

Councillor M J Chilcott	Councillor H J W Davies
Councillor J Freeman	Councillor S Y Goss
Councillor P N Grierson	Councillor A P Hadley
Councillor B Heywood	Councillor A F Knight
Councillor K V Kravis	Councillor R P Lillis
Councillor E May	Councillor I R Melhuish
Councillor K M Mills	Councillor C Morgan
Councillor P H Murphy	Councillor S J Pugsley
Councillor K J Ross	Councillor D J Sanders
Councillor L W Smith	Councillor M A Smith
Councillor T Taylor	Councillor K H Turner
Councillor D J Westcott	

Officers in Attendance:

Chief Executive (A Dyer)
Corporate Director (B Lang)
Group Manager Resources (G Carne)
Group Manager Housing and Economy (I Timms)
Economic Regeneration & Tourism Manager (C Matthews)
Climate Change & Community Liaison Manager (A Lamplough)
Meeting Administrator (H Dobson)

C29 Apologies for Absence

Apologies for absence were received from Councillors M O A Dewdney and A Trollope-Bellew.

C30 Minutes

(Minutes of the Meeting of Council held on 27 June 2012, circulated with the Agenda.)

RESOLVED that the Minutes of the Meeting of Council held on 27 June 2012 be confirmed as a correct record.

C31 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Member of	Action Taken
Cllr S Y Goss	All	Stogursey	Spoke and voted
Cllr P N Grierson	All	Minehead	Spoke and voted
Cllr C Morgan	All	Stogursey	Spoke and voted
Cllr P H Murphy	All	Watchet	Spoke and voted
Cllr K J Ross	All	Dulverton	Spoke and voted
Cllr L W Smith	All	Minehead	Spoke and voted
Cllr K H Turner	All	Brendon Hills	Spoke and voted
Cllr D J Westcott	All	Watchet	Spoke and voted

In addition, the following interests were declared:

Name	Minute No.	Description of Interest	Personal or Prejudicial	Action Taken
Cllr H Davies	C34	Member of Minehead Barbarians	Personal	Spoke and voted
Cllr I Melhuish	C34	Vice-President of Minehead Cricket Club	Personal	Spoke and voted
Cllr A Hadley	C37	Licence holder	Prejudicial	Left the Chamber
Cllr K Kravis	C37	Licence holder	Prejudicial	Left the Chamber

C32 Public Participation

Members of the public spoke regarding the item 'Request for Allocation of Planning Obligations Monies' as follows:

David Lethaby, Chairman of Minehead Cricket Club spoke to the effect that due to the development of the new hospital and teaching buildings, the pitches had rearranged on a smaller games field resulting in the Club not being able to use its pitch. This coincided with the 28 year lease expiring on the current pavilion. A new field and wicket had been provided by the college but without a pavilion the Club was at risk of closing. The Club provided the highest level of club cricket in the south west and with support had obtained a grant for a new pavilion, which would meet the new England and Wales Cricket Board Standards, and a 25 year licence for the pavilion and use of the pitch. Without the full allocation of £50,000 the target sum would not be achieved by the deadline at the end of August. The Club had already received requests from societies and other clubs to use the facilities, which were welcomed.

The Council was then addressed by two young people:

Graham Taylor spoke to the effect that he had been involved with the Cricket Club for several years and had a lots of friends who shared their

love of cricket from all over West Somerset. Every weekend and most evenings he attended, with friends, either the coaching seasons at the Club or helped out in whatever way he is able.

Angus Marsh spoke to the effect that the college had been lucky enough to have coaches from the club helping to organise training sessions during lessons and lunch-time. To have a new pavilion would provide more changing facilities for boys and girls and more games could be played. He played hockey in the winter and the pavilion could provide facilities and a base, which they didn't have at the moment. If this chance to get funding was lost it would be really sad.

C33 **Chairman's Announcements**

4 July 2012	Attended the AGM of CLOWNS at Minehead Eye. Cllrs K Ross, E May & D Westcott also attended.
8 July 2012	Attended the Sea Service at Minehead Lifeboat Station
11 July 2012	Attended the AGM of Homestart. Cllrs E May and D Westcott also attended. He invited members to view the Homestart presentation on DVD which would be shown immediately after the close of the Council meeting.
12 July 2012	Attended 50 th Anniversary of the Lyn & Exmoor Museum.

The Vice Chair announced that he had visited HMS Somerset in dry dock in Devonport, Plymouth on 12 July 2012, and learnt about how Operation Kipion had dealt with piracy off Somalia. Also that he had attended a presentation by The Rifles in Taunton on their tour in Afghanistan on 25 July 2012.

The Chairman advised of a Special Meeting of Full Council to be held on Wednesday 12th December at 4.30 pm, to discuss the implications of the new Council Tax Benefits regime.

The Chairman announced that this meeting was the final full council meeting to be attended by the Group Manager - Resources, Graham Carne. He praised the Group Manager for the huge improvements he had helped to implement in the three years that he had served with the Council. He would be missed greatly and was wished the very best in his new post at West Somerset Community College.

The Leader of Council wished to echo the words of the Chairman and commended the Group Manager for his progress with the Council. He believed that it would be difficult to replace him and wished him well for the future.

C34 **Request for Allocation of Planning Obligations Monies**

(Report No. WSC 100/12, circulated with the Agenda.)

The purpose of the report was to make a proposal for the allocation of capital monies secured through planning obligations to provide a cricket pavilion in Minehead.

The Lead Member for Resources and Central Support presented the report. She highlighted the issues that had been resolved and recognised that the proposed allocation was a large sum. However, the monies were there for the area to make use of, and this proposal would benefit many groups other than the Cricket Club. Further, she recognised the concerns regarding consultation and that the process could be improved, notwithstanding this she did not want to see the proposal at risk and therefore proposed the recommendations which were seconded by Councillor C Morgan.

Members noted an error in the recommendation of the report and that it should read: "Council approve the recommendation of Cabinet..."

Support was expressed regarding the proposed development and it was noted that the proposal satisfied the criteria for releasing the monies and was needed to secure further funds from the England and Wales Cricket Board. Other groups such as CLOWNS, the Rotary Club and Minehead Running Club etc had all expressed an interest to use the premises.

Concerns were raised with regard to the need for further consultation and as to whether there would be sufficient funds for the remaining nine priorities indicated by Minehead Town Council.

Councillor P Grierson proposed an amendment "that the Council approve, in principle, a sum up to £50,000 of Section 106 monies". It was seconded by Councillor L Smith.

The amendment was debated and the main points included:

- Concern that a sum 'up' to £50,000 would not secure further funds from the Cricket Board and that they were time limited.
- The Minehead Cricket Club may not have time to raise extra money by the end of August.
- It was confirmed that some Section 106 monies relating to Bircham Road, and Silvermead and Seaward Way had been received with the potential for further monies at a future date. Thereby considerably increasing the monies available for other projects to help mitigate the developments.
- The consultation process needed to be more effective.

The Corporate Director advised that answers to the questions put forward on behalf of Minehead Town Council could be provided following the meeting.

On being put to the vote the amendment was LOST.

The original motion was then voted on and it was:

RESOLVED that the allocation of £50,000 for the provision of a cricket pavilion in Minehead for inclusion in the current year's capital programme, be approved.

Note: With the agreement of the Chairman this item was brought forward on the Agenda.

C35 **Purchase and Sale of Properties at Clanville Grange, Minehead**

(Report No WSC 72/12, circulated with the Agenda.)

The purpose of the report was to advise Council of the Cabinet decision to request approval of a supplementary capital estimate for the purchase of a property at Clanville Grange, Minehead

The Lead Member for Resources and Central Support presented the report and advised that it would be necessary when setting the budget to consider ensuring that there was a capital allocation within the 2013/14 budget for future purchases to occur. The Lead Member proposed the recommendations, which were duly seconded by Councillor K Turner.

The Lead Member confirmed that the Council would be directed by its' Affordable Housing Ownership Policy with regard to the sale of the property and hence, it would be resold as Affordable Housing at 80% of the market value.

RESOLVED that a supplementary capital estimate for the sum of £92,500 to purchase a property at Clanville Grange, be approved.

C36 **Street Trading/Temporary Markets Policy**

(Report No. WSC 101/12, circulated with the Agenda.)

The purpose of the report was present the amended Street Trading/Temporary Market Policy to Council for adoption.

The Lead Member for Housing, Environmental Health and Licensing outlined the details in the report and proposed the recommendations, which were seconded by Councillor D Westcott.

RESOLVED (1) that the West Somerset Street Trading Policy, attached as Appendix A to the minutes, be approved to take effect from 9 August 2012.

RESOLVED (2) that the policy be reviewed after an initial 18 month period to ascertain its suitability for purpose. If no revisions are required after the review, the policy to remain in force and reviewed as necessary and at least every five years.

C37 **Delegation of Function for Licensing Authority as Responsible Authority**

(Report No. WSC 102/12, circulated with the Agenda.)

The purpose of the report was to seek delegated authority for the Manager of the Environment and Community Group to act as the Responsible Authority on behalf of the Licensing Authority.

The Lead Member for Housing, Environmental Health and Licensing advised that as a small authority it was necessary to delegate the function as it would not be possible for the Licensing Officer to review licences as well as deal with licensing applications and issues. The Lead Member proposed the recommendations which were seconded by Councillor S Pugsley.

RESOLVED that under the terms of the Licensing Act 2003, authority be delegated to the Manager of the Environment and Community Group to act as the Responsible Authority on behalf of the Licensing Authority where it is deemed necessary to promote the licensing objectives.

Note: Councillors K Kravis and A Hadley left the Chamber for this item.

C38 **Request for Allocation of Seaside Strategy Funding for Minehead Vision Manager and Apprenticeship Posts**

(Report No. WSC 1107/12, circulated with the Agenda.)

The purpose of the report was to consider proposals for the allocation and use of an element of the seaside strategy earmarked reserve funding, for the creation of an 18-month Minehead Vision Manager post and a 12-month Apprenticeship role. Cabinet considered this proposal at its meeting on 1 August, and the Portfolio Holder would provide verbal feedback in relation to their deliberations.

The Lead Member for Economic Regeneration and Growth presented the report in detail and highlighted the fact that the targets in the action plan were specific, measurable, achievable, relevant and timely (SMART) and summarised the answers to questions raised at Cabinet held on 1 August.

The Lead Member proposed the recommendations, which were seconded by Councillor A Hadley.

During the course of the debate the following main points included:

- Concern regarding whether the outcomes could be delivered.
- It was confirmed that the availability of the Seaside Strategy Fund resulted from a previous government report that had concluded that Minehead was amongst 25 of the most deprived seaside towns and was allocated £200,000 to address the issues.
- Minehead Visioning Group had formulated an action plan on how it's vision could be achieved. The employment of a manager and

apprentice would be essential in delivering the SMART targets in the action plan.

- The apprenticeship post, to be advertised locally, would be part of a standard government scheme employed by the Minehead Development Trust (MDT).
- The MDT were a body of volunteers who operated similar to a charitable trust.
- The Manager and Apprenticeship posts would provide a viable route to improve tourism and regeneration in Minehead.

RESOLVED that a supplementary estimate in the sum of £70,000 to Minehead Development Trust from the unallocated Seaside Strategy Funds to employ an 18-month Minehead Vision Manager post and 12-month Apprenticeship role as described in section 4 of the report, attached to the agenda, be approved.

C39 **Minutes and Notes for Information**

(Notes and minutes relating to this item, circulated via the Council's website.)

RESOLVED that the draft notes and minutes of the following meetings be noted:

- Standards Committee held on 19 June 2012
- Exmoor Panel held on 21 June 2012
- Minehead Area Panel held on 20 June 2012
- Watchet, Williton and Quantocks held on 12 June 2012

The meeting closed at 6.30 pm.

REPORT NUMBER WSC 120/12

PRESENTED BY CLLR. CHRIS MORGAN – LEAD MEMBER FOR ENVIRONMENT

DATE 19TH SEPTEMBER 2012

FUTURE PROVISION OF SERVICES CURRENTLY DELIVERED UNDER A CONTRACT WITH VEOLIA

1. PURPOSE OF REPORT

- 1.1. The purpose of the report is to provide the necessary information for members to decide upon the future provision of the Council's cleansing services following the conclusion, on 30th September 2012, of the existing contract with Veolia.

2. RECOMMENDATIONS

- 2.1. That like Cabinet Council also extend their gratitude and thanks to the Scrutiny Task & Finish Group for their invaluable contribution in identifying a preferred way forward for procuring the future delivery of the street cleansing service, which forms an integral part of the existing contract with Veolia.
- 2.2. That Council approve the principle of entering into a three-year SLA with Veolia, commencing on 1st October 2012 to provide the services referred to in paragraph 4.2.
- 2.3. That the Chief Executive, in consultation with the Lead Member for Environment, be granted delegated powers to agree the final draft terms and conditions of the SLA prior to its signing.
- 2.4. That following the winter closure on 1st November 2012 of Public Conveniences those located in Blenheim Gardens Minehead (gents and ladies), Carousel, Minehead (excl. disabled), Church Street Dunster, Porlock Central and one yet to be identified in Watchet Council approve the principle of them remaining closed permanently.
- 2.5. That consultation is undertaken with the relevant Parish & Town Councils and other likely interested bodies to determine whether they wish to take over ownership and maintenance of the public conveniences scheduled for permanent closure. That more widespread public consultation is undertaken in order to fully understand the impact of the proposed permanent closures on our communities. Finally that a report is presented to Cabinet and Council regarding a final decision concerning the permanent closure or transfer of the public toilet facilities referred to in recommendation 2.4 above.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
1. The key risk is that the services listed in paragraph 4.2 below are not provided when the current contract period expires on 30 th September 2012	Possible (3)	Major (4)	Medium (12)
<i>Negotiations are on going with VEOLIA to agree a reduced service provision and the terms and conditions of a draft SLA.</i>	Unlikely (2)	Major (4)	Medium (8)

2. There is a risk that by not undertaking an open tendering exercise that 'best value' is not being achieved. <i>It is accepted that there is no definitive mitigation for this risk apart from the fact that the contract was initially the subject of a tendering exercise and that the proposed extension is only for a period of three years and requires only six months notice to terminate.</i>	Possible (3)	Moderate (3)	Medium (9)
	Possible (3)	Moderate (3)	Medium (9)
3. There is a risk that levels of service delivery in some areas have been reduced to an extent that generate complaints and thus damages the reputation of the Council <i>Extensive consultation with Parish & Town Councils has taken place in order to identify acceptable levels of service delivery. The work undertaken by the Scrutiny Task & Finish Group has proved invaluable in determining acceptable levels of service delivery in the street cleansing service.</i>	Possible (3)	Moderate (3)	Medium (9)
	Unlikely (2)	Moderate (3)	Low (6)
4. That the levels of service delivery and costs are reduced more than is proved necessary when the actual amount of government funding is known in December '12 <i>The mitigation of this risk is inclusion in the SLA terms and conditions of a clause that allows service levels to be varied (increased or reduced)</i>	Possible (3)	Moderate (3)	Medium (9)
	Unlikely (2)	Moderate (3)	Low (6)

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

4. **BACKGROUND INFORMATION**

4.1. **Historical Information**

West Somerset Council is a principal litter authority with a statutory duty under the provisions of the Environmental Protection Act 1990 to ensure that land in its area is as far as is practicable, kept clear of litter and refuse. This includes responsibilities for adopted highways, but not private land.

In response to this statutory duty the Council operates its street cleansing and litter collection services through a contract with Veolia Environmental Services Ltd. These contractual arrangements were ratified at a meeting of Cabinet held on 7th November 2007 (min. CAB 97 refers) when it was resolved that the previous contract period be extended from 15th October 2007 to 30th September 2012.

4.2. **Services included in the existing 'cleansing' contract**

Details of the key services provided under the contract are listed below

- Street sweeping and other cleaning operations such as the washing of pavements and the removal of leaves.
- Cleaning of Public Conveniences (including minor maintenance up to a value of £250 on each occasion).
- Litter bin servicing (including dog bins).
- Litter picking from roadside verges and hedgerows on the main routes across West Somerset.
- Sand Clearance.
- Cleaning of Minehead seafront shelters (including minor repairs).
- Fly tipping.
- The removal of graffiti and fly posting.

In addition to those listed above the contractor also undertakes other tasks, which for example include: -

- The nightly locking of - Blenheim Gardens, public toilets and the barrier to Warren Road car park in Minehead
- Collection, transportation and disposal of dead animals from beach, roads or verges
- Clearance of sand, pebbles and debris following high tides etc.
- Collection, transportation and disposal of leaf and blossom fall
- Emergency out of hours work as directed
- Work such as snow clearance and flood prevention in response to inclement weather

4.3. Current method and level of service delivery

The Council's contractor Veolia currently operates from the depot at Brunel Way in Minehead where it shares the facilities with the Council's ground maintenance and car parking teams. A total of eleven full and part time operatives using the vehicles and plant listed below undertake service delivery.

- 3 mechanical sweepers. (WSC owned)
- 1 applied pedestrian sweeper. (Veolia owned)
- 3 locally based hand barrows (Veolia owned)
- 2 caged vans for litter picking operations and bin emptying. (WSC owned)
- 3 panel vans for public convenience cleaning schedules. (Veolia owned)
- 2 four-wheel drive pick-ups. (Veolia owned)

As members will see a number of the vehicles used by Veolia are actually owned by the Council. The reason for this being that the use of capital funds to purchase the vehicles meant that the annual cost of the contract could be reduced to reflect the reduced amount of capital investment required by Veolia.

The standard or level of service delivery varies considerably and is influenced by a combination of rurality and / or location factors and seasonal demands but in broad terms the level of service provision in respect of the three highest profile services can be summarised as being; -

Street Sweeping

Both mechanical and manual sweeping is undertaken. Generally rural roads are swept every eight weeks whilst some in Minehead, Williton, Watchet, Porlock, Dunster, Dulverton and Blue Anchor Seafront are swept weekly or twice weekly during the summer season. In addition there are streets in Minehead that are cleaned daily. .

Litter Collection

There are 321 litterbins that are generally emptied weekly although there are a number in Minehead that are emptied daily.

There are 127 dog bins that are generally emptied twice a week but there are some in Minehead that are emptied three times a week or daily

Public Conveniences

There are public toilets in eighteen locations throughout the district that are either owned or leased by the Council that with the exception of those in Wheddon Cross are maintained under the Veolia contract. In addition the contract covers five public toilets owned by the Exmoor National Park and three by the National Trust. All are checked and cleaned on a daily basis, a second daily check of the ones that are known to be the busiest is undertaken but only those that warrant it are cleaned for a second time.

4.4. External influences on changes to levels of future service delivery

The critical driver for change has been the Councils current weak financial standing as a result of cuts in levels of government funding with the prospect of further cuts being almost certain. The present Medium Term Financial Plan (MTFP) shows a predicted budget gap over the next three years totalling £1.245m. It should be stressed that this figure is very much an estimate that will only become more certain when the government announces its Local Government funding arrangements for 2013/14 in December this year.

The issue being debated internally at the moment is what the ratio between raising additional income from Council Tax and reducing levels of net revenue expenditure should be. Whatever the outcome of this debate it is expected that the savings required will be in excess of £600k.

The budgeted value of the Veolia contract at £560k (net budget £518 due to contributions from Exmoor National Park & National Trust) represents 11.3% of the net revenue budget this year of £4.963m. However, if the cost of the existing waste management contract (£1.016m) is ignored on the basis that it cannot be immediately reduced then the value of the Veolia contract in relation to the remainder (£3.947m) is increased to 14.2%. It is because the contract forms such a high proportion of the overall budget from which reductions can be achieved that make it a crucial part of any overall 'savings' plans.

4.5. Scrutiny Committee Task & Finish Group

In response to some concerns raised by members of the public in relation to the adequacy of the Street Cleansing Service Scrutiny Committee recently constituted a Task and Finish Group to undertake a review of the service.

The objective of the review was "to inform and influence the future delivery of the street cleansing service, in particular the level of service and the means by which it is to be delivered. The terms of Reference under which the Group carried out the review are listed below and as can be seen a number have particular reference to issues covered in this report. The findings of this review, which were reported to Scrutiny Committee on 16th April 2012, have proved invaluable in helping to inform negotiations with Veolia and redefine the specification for future service delivery. A summary of the findings and recommendations in relation to each term of reference is listed below

The terms of reference of the scrutiny review and associated recommendations:

1. To assess the current effectiveness of the Veolia contract.

The overall impression was positive in that the service is well managed and the overall standard of street cleaning is high.

Recommendation: - *To work with partners and stakeholders to facilitate a sustainable solution for the future provision of a weed spraying service.*

2. To assess the level of the provision of street cleansing in West Somerset (time, frequency, standards, monitoring arrangements).

The service is delivered to a schedule of planned routes plus ad hoc work, which is in response on demand requests from the public. Performance indicators show a consistently high performance although the service has not been the subject of a value for money exercise. Recognised that in-depth monitoring of compliance with the contract is limited. One area where monitoring was found to have improved concerned the fitting of tracking devices to some of the vehicles which was in response to concerns raised by Parish and Town Councils that their streets were not regularly swept.

3. To assess the effectiveness of the interface between the waste collection and street sweeping services.

There was a belief that following the implementation of Sort it+ there had been an increase in the amount of materials left on the ground during recycling collections. Veolia had on a number of occasions had to commit resources to rectify the situation.

Recommendation: - *To continue to monitor the relevant data and provide regular updates to Environment PAG and Scrutiny Committee*

4. Investigate what constitutes a minimum standard of cleansing and recommend benchmarks.

The frequency with which a street is swept depends on the amount of litter expected and the cleanliness standards as set out in the Code of Practice on Litter and Refuse (Environment Protection Act 1990). Streets and footpaths are cleansed to a scheduled frequency and on demand between scheduled visits if the cleanliness standard falls below acceptable levels.

In determining a minimum level of cleanliness, the Council is required to categorise its area into zones based on the type of area and level of public usage i.e. town centre, residential, rural. Cleansing operations are based on a schedule of frequencies ranging from daily in Minehead town centre to eight weekly frequencies in rural areas. This is supplemented by a 'leafing schedule', where additional routes are cleaned during/after the leaf fall. Paragraph 11 of this report refers in more detail to how the zoning and grading works.

The standard of cleansing is therefore set down within a legislative framework. However, the frequencies of the current cleaning schedules have been a topic of discussion within the devolution meetings with parish and town councils as a consequence of the Council's financial position.

Recommendation: - *Publicise the street cleansing service standards, zoning information and cleansing frequencies on the Council website.*

5. Involve parishes and the community in defining a minimum standard of cleanliness for WSC.

The report makes reference to the consultation that took place as part of implementing the Delegation and Devolution Strategy (see paragraph 4.7). The review concluded that feedback received from parish and town councils on their views on priority areas for cleansing and remodelling of frequencies for rounds showed that they were, by and large, in agreement with less frequent sweeping. However, the review established that this would not in fact be cost effective, as the additional weight and volume of the arisings would require more frequent return trips to off-load at the Minehead depot.

Recommendation: - *That where practicable the requests from parish and town councils are aligned to the current schedules.*

6. Assess customer satisfaction with the street cleansing service.

The review concluded that there was an inconsistent approach to measuring levels of customer satisfaction although the corporate survey issued with the 2012/13 council tax bills should, through its design, provide an improvement. Service performance across a number of service standards is consistently above target. With regard to complaints 30 were received in 2010/11 and 28 in 2011/12.

Recommendation: - *Assess customer satisfaction with the service from analysis of feedback from the 2012 customer satisfaction form.*

7. Consider the benefits of future delivery options for street cleaning.

The review identified five options for the future delivery of the service: -

- (a) Operate the service using an in-house team
- (b) Tender a new contract
- (c) Enter into a shared service delivery partnership with another local authority
- (d) Return the service to be delivered as part of the waste management contract
- (e) An extension of the current contract

Recommendation: - *That the five options listed be taken into account when considering the arrangements to be put in place for the future delivery of the service.*

8. Make recommendations for future delivery of the service

The review concluded that there is a clear balance of evidence in favour of extending the current contract for a temporary period under a SLA.

Recommendation: - *That the Council extend the existing arrangements with Veolia for a further three years with effect from 1st October 2012 under a SLA.*

The overall key conclusions reached by the Task & Finish Group were: -

- That Veolia is accountable, is aware of their obligations, is willing to work with the Council and communities and delivers good value for money.
- In view of the uncertainty surrounding the Councils long-term financial viability it would not make sense to embark on a long and expensive new procurement exercise at the current time.
- In operational, commercial and practical terms the proposal to enter into a three year SLA has numerous advantages for the Council
- Advice should be sought to confirm that a full tendering / procurement exercise is not a legal requirement

Of the above recommendations numbers 5, 7 and 8 are practically relevant to those contained within this report.

In accordance with the fifth recommendation members can be assured that due consideration was given to the feedback received from Parish & Town Councils when negotiating and agreeing levels of service delivery.

With regard to the seventh recommendation there has not been sufficient time to fully explore and evaluate the options for future service delivery as was recommended. However, the importance and significance of undertaking this exercise prior to the end of the proposed SLA is fully recognised and should be reflected in the appropriate service plan at the relevant time.

One of the conclusions in this report precisely reflects the proposed action contained in the eighth recommendation put forward by the Scrutiny Task & Finish Group. It should also be noted that legal advice was sought, as suggested in the final bullet point above, and is reflected in paragraph 12 of this report.

4.6. Asset Management Group

Following recommendations from the Asset Management Group a number of public conveniences have, in recent years, been temporarily closed during the winter period. Amongst those scheduled to be closed this winter (November to mid March) are those toilets listed below. Following consultation all, with the exception of Harbour Road, have been

identified for possible permanent closure. The location of the toilet to be recommended for permanent closure in Watchet is the subject of further consultation.

- Blenheim Gardens, Minehead (ladies and gents)
- Carousel, Minehead
- Central, Porlock
- Church Street, Dunster
- Harbour Road, Watchet

In the period between now and March next year the intention is to initially consult with the relevant Parish and Town Councils to see if they would like the asset transferred to them so that they could continue to provide the service themselves. Subsequent to this there will be a period of public consultation to gauge the impact of the facilities not being provided. This information will be used to inform an Equality Impact Assessment that will eventually form part of a future report to Cabinet that seeks approval for a permanent withdrawal of the selected facilities.

4.7. Consultation with Parish & Town Councils

Since Council approval of the Delegation & Devolution Strategy at a meeting on 28th July 2010 there has been extensive consultation with Parish and Town Councils concerning future service provision in a number of areas, including public conveniences, street cleansing and litter collection, all of which are connected to the Veolia contract. Progress reports were subsequently presented to Cabinet in April 2011, Council in September 2011 and Council in November 2011.

The consultation resulted in feedback from a number of Parish and Town Councils over what in their opinion would be acceptable levels of future service delivery, including those procured under the Veolia contract. A summary of this feedback, including a comparison between existing levels of service delivery and those that would be acceptable is included at **Appendix 'A'**. Where possible this feedback has been acted upon in drawing up the revised works specification.

If members approve recommendation 2.4 then the intention will be to hold further talks with Parish and Town Councils to inform them of the revised service delivery specifications in their area including any proposed permanent closure of public toilets.

4.8. Options for the method of future service delivery

Because of the financial pressures facing the Council it is inevitable that capacity to deliver services will have to shrink even further over the next few years. If this is to be minimised it is vital that the overriding objective is to ensure that services are being delivered in the most cost effective manner whilst at the same time maintaining an acceptable level of service delivery.

Due to the already limited capacity it is important from a resilience perspective that existing capacity is flexible and able, from time to time, to be used in various service areas. With this in mind further consideration will need to be given to forming a generic team, be it in house, through a private contractor or in partnership with a neighbouring local authority, to provide such services as street cleansing, ground maintenance, litter collection, public convenience maintenance, car parking (administration/enforcement/cash collection), street nameplates, hobbling and farmers markets. In the event that this was identified as the way forward then a formal tendering exercise in accordance with EU legislation would be required.

In the meantime the options for future service delivery post the end of the existing contract have been identified by the Scrutiny Committee Task & Finish Group and have been summarised in paragraph 4.5 (7) above. In line with the recommendation in their report it is further recommended that for the reasons identified in the report that an extension of the current contract is the preferred option. A copy of the relevant section from the Scrutiny

report, which fully articulates the pros, and cons of each option is attached at **Appendix 'B'**. The Scrutiny report also identifies two important conditions that should be included within the terms and conditions of the contract (SLA). Firstly, that there should be flexibility for an annual renegotiation of the contract price and secondly that there should be an early exit option.

4.9. Terms, conditions & specification of proposed service delivery

SLA – Terms & Conditions

The terms and conditions in the SLA have been drafted after taking into account the comments and recommendations from Scrutiny Committee, the results of negotiations with representatives from Veolia, the feedback from Parish & Town Councils, the financial pressures and the legal advice received. Unfortunately, a small number of terms and conditions within the SLA and in particular the legal references are still being finalised. However, a copy of the latest draft has been attached at **Appendix 'C'**.

The key points for consideration are as follows: -

- The period of the SLA is three-years starting on 1st October 2012
- The Council may notify Veolia of circumstances in which additional or varied works within the ambit of the services provided are required – immediately, within 24 hours or within 5 days.
- The Council owned vehicles referred to in paragraph 4.3 will continue to be used by Veolia
- The annual budget set by the Council in respect of services provided during the term of the SLA shall be: -
 - 1st October 2012 to 30th September 2013 £452,000
 - 1st October 2013 to 30th September 2014 and 1st October 2014 to 30th September 2015 the sum as paid in the previous year index linked, based on consumer price index (CPI)¹.
- Clear clauses regarding the issue of default notices and subsequent penalties
- Either party may terminate the Agreement by the giving of six months' written notice of termination to the other party.

SLA – Service Delivery Specification

Following a meeting on 26th July 2012 with representatives from Veolia changes to the existing service delivery specification were provisionally mutually agreed that could be reflected in the proposed SLA. The associated Service Specification will be included as a schedule to the final document..

The changes being proposed include:

- Stopping of the emptying of rural litter bins i.e. those not in Minehead, Watchet, Williton and Blue Anchor Seafront. Initially an identical service to that currently been provided will be delivered through utilising existing capacity within the grounds maintenance team created as a result of not maintaining land in the ownership of the County Council and a vehicle already owned by the Council but used by Veolia. This will produce a saving against the cost under the current contact of £23,000; set against this will be estimated annual operating costs (vehicle maintenance and fuel etc) of £4,000 producing a net saving of **£19,000**. It is intended that once a pattern of bin usage has been established a review of whether the number currently provided can be rationalised will be carried out.
- The permanent closure of public toilets located at Blenheim Gardens Minehead (gents and ladies), Carousel, Minehead (excl. disabled), Church Street Dunster,

¹ CPI does not include the cost of housing and is calculated differently to Retail Price Index (RPI). CPI is generally 1% less than RPI

Porlock Central and one facility yet to be identified in Watchet. This will produce a saving against the cost under the current contract of **£22,000**.

- The provision of all other services provided under the proposed SLA will remain unaltered from that provided under the current contract.

5. FINANCIAL/RESOURCE IMPLICATIONS

- 5.1. Although the precarious state of the Council's finances and the subsequent strain on service delivery has already been referred to in paragraph 4.2 it should be emphasised that delivering savings sufficient to close even the current estimated minimum budget gap makes it inevitable that levels of service delivery will have to be reduced or in some cases maybe ceased altogether. Financial pressures also make it vital that different methods of service delivery are explored.
- 5.2. Proposed changes to the service delivery specification (see paragraph 4.9) have resulted in savings against this year's budget totalling an estimated **£41,000**. Other savings agreed in relation to the new SLA include **£10,000** regarding the cost of clearing fly tipping and emptying additional dog bins which Veolia have agreed to fund themselves and a **£15,000** discount on the current contract sum. The total saving in the SLA compared to the current contract is therefore **£66,000**.
- 5.3. In addition the closing of five public toilets will produce operational (utilities etc.) savings estimated at **£14,000** resulting in an overall savings figure of **£80,000**. With regard to Business Rates there will be three months exemption on those toilets located at the Carousel and Church Street, the other three are either assessed with the associated car park or are already exempt.
- 5.4. On the subject of resources the emptying of rural litterbins will be undertaken by staff in the grounds maintenance team, which has been made possible as a result of a previous decision to cease the maintenance of land in the ownership of the County Council. The impact on the grounds maintenance service will therefore be minimal.
- 5.5. Should the proposed referendum vote over a substantial increase in council tax be lost then there is the very real prospect that further cuts in service provision will be required, either directly from services delivered via the SLA or in other areas to create capacity from within in order that delivery can be maintained albeit in a different way. .

6. SECTION 151 OFFICER COMMENTS

- 6.1. In terms of value for money the Council recently received the initial results of a cost benchmarking exercise commissioned SPARSE (Sparsity Partnership for Authorities Delivering Rural Services). This report compared the cost of delivering a number of services using a unit of 'per head of population' Of relevance to this report is that it included a comparison of the cost of providing the street cleansing service in West Somerset with nine other similar district councils: -

- Christchurch
- Craven
- Eden
- Melton
- Purbeck
- Ribble Valley
- Ryedale
- Torridge
- West Devon

The results showed that the cost per head of providing the service varied between £5.56 and £9.91, the average being £7.60. The average for the other district councils in Somerset is £8.75. This compares with a cost in West Somerset of £12.40 per head of population.

As with all cost benchmarking the results always carry a severe 'health warning' in that further investigation is vital to ensure that apples are being compared with apples and not pears. In other words to ensure that there is a clear understanding and commonality of what base figures are being used in the calculation and how they were calculated. It is also important to understand the characteristics of each authority. As an example an exercise will need to be carried out that identifies, for each Authority, the amount of internal recharges included in the overall cost as the method of allocation will vary. It is intended that a Value for Money report covering a number of services and including the results of further analysis will be presented to Cabinet in due course.

- 6.3 In terms of the Medium Term Financial Plan, the savings identified in this report that have not already been taken into account in any budget set for 2012/13 or MTFP forecasts are therefore £80,000 and this will contribute significantly to the budget gap for 2013/14 that is currently estimated at approximately £930,000.
- 6.4 The Council owns a number of vehicles that are key to the delivery of the service. There is currently a very small or no Minimum Revenue Provision being set-aside to ensure that sufficient funds exist to be able to replace them when they have reached the end of their useful life. Instead the council policy is to ultimately fund any Capital Financing Requirement (CFR - currently £7.7m) through asset sales and therefore the future expenditure on replacement vehicles must be accounted for within future expected asset sale income, which will ultimately reduce the need to borrow.
- 6.5 Council should note that, on the basis of legal advice received (paragraph 12) Cabinet at its meeting on 5th September 2012 approved the waiving of relevant standing orders in relation to the tendering requirements for the work undertaken as part of the proposed Service Level Agreement (SLA).

7. EQUALITY & DIVERSITY IMPLICATIONS

As functions or policies are reviewed, or new ones developed, an equality impact assessment (EIA) should be conducted. The Equality Act 2010 introduced the Equality Duty, which requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

Consideration of the three aims of the Equality Duty must form an integral part of decision-making processes.

An EIA is a process to determine whether a policy or function has any “*differential impacts*” that could have an adverse (negative) implication on the basis of a person’s ethnicity, sex, gender reassignment, pregnancy or maternity, disability, sexual orientation, religion or belief or age. It is a method to ensure that a function or policy will not create any barriers, which could prevent access to services or employment opportunities.

A vital part of the EIA process is public consultation concerning the review of service provision. To-date this consultation exercise is incomplete which is why members are being requested to approve the closure of five public toilets in principle only. Site-specific

consultation will be undertaken by placing notices in each of the five locations, inviting views on the future of the particular facility. It is felt that site-specific consultation will be the best way of ensuring that service users are made aware of the review of public toilet provision. The notices include the reasons why a review of public toilet provision is necessary, and make it clear that in reviewing this service, the Council could decide to cease the provision of public toilets. Additional consultation will take place with appropriate local organisations, bodies and groups of potential users.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1. There are no direct implications associated with the recommendations in this report.

9. CONSULTATION IMPLICATIONS

- 9.1. Extensive consultation with Parish and Town Councils has already taken place over the past twelve months and has been referred to in detail in paragraph 4.7. Moving forward there will be further consultation with those Parish and Town Councils and other likely interested bodies where there is a plan to permanently close a public convenience. The basis of this consultation will be to ascertain whether they wish to take over ownership and maintenance of the asset in order to continue providing the service.
- 9.2. As has been referred to in paragraph 7 public consultation will also be carried out to inform the Equality Impact Assessment regarding the proposed permanent closure of a number of public convenience facilities.

10. ASSET MANAGEMENT IMPLICATIONS

- 10.1. The key implication for assets owned by the Council concerns the future of five public conveniences that are recommended in principle for closure. Final recommendations, including an Equality Impact Assessment will be the subject of a future report to Cabinet.
- 10.2. The appropriate Parish & Town Council's will be given the opportunity to take over ownership of the buildings in order to continue to provide a public convenience. If this option is not taken up then recommendations for the future use of the building, including possible demolition will be included in the report referred to above.

11. ENVIRONMENTAL IMPACT IMPLICATIONS

- 11.1. With regard to street cleansing and litter collection there is obviously the potential risk that any reduced levels of service will impact upon the environment. The mitigation of this risk will be through regular monitoring by Council Officers at ground level and through complaints received by members of the public.

Added environmental protection is also provided through the fact that the standard of street cleanliness is governed by a legislative framework set out in the 'Code of Practice on Litter and Refuse (Environment Protection Act 1990)'. There are four Grades of Cleanliness:

Grade A – No litter or refuse

Grade B – Predominately free from litter apart from small items.

Grade C – Widespread distribution of litter with minor accumulation

Grade D – Heavily littered with significant accumulations

Grade A is the standard, which a programmed or responsive/sweeping/litter picking should achieve. The zones reflect the volume of public usage and the response to maintain the proposed cleanliness standards. The zones do not reflect the **frequency** that an area will be cleaned.

The Code requires authorities to divide their areas into zones.

The table below shows how quickly authorities should aim to restore a zone to a Grade A standard from a B, C or D grade. The time given is the time within which the area has to be returned to the acceptable standard. For example, if the town centre is a zone 1 and has fallen to a Grade C the Council has 3 hours to restore it to a Grade A.

Zones	Grade B	Grade C	Grade D
Z1 – Main shopping centres	6 working hours	3 working hours	1 working hour
Z2 – High density residential	12 working hours	6 working hours	3 working hours
Z3 – Low density residential	12 working hours	6 working hours	6 working hours
Z4 – All other areas	1 week	60 working hours	60 working hours
Amenity Beaches	MAY - SEPTEMBER		
Main Roads	4 weeks	1 week	1 week
District and Local Roads	2 weeks	5 days	5 days

The zones that are applicable to West Somerset are:

Zone 1 – Minehead Town Centre and seafront

Zone 2 - Central areas of Watchet; Williton; Porlock; Dunster; Dulverton; Blue Anchor seafront.

Zone 3 – Residential areas of Dunster, Dulverton, Williton, Watchet, Minehead

Zone 4 – Villages and rural areas

12. **LEGAL IMPLICATIONS**

12.1 The Solicitor acting on behalf of the Council in this issue has provided the following advice: -

12.2 *“The Council's approach in this matter is dictated by a number of factors. In addition to the specific legal issues, there are also operational, commercial and practical issues, which will necessarily inform the Council's approach. In operational, commercial and practical terms, the proposal to enter into a 3 year SLA has numerous advantages for WSDC, as set out in detail in this report.*

In the legal context, WSDC - as in any such situation - always has to be mindful of the issue of whether there is a need to conduct a full tendering/procurement exercise, which (if such an exercise were needed) would militate against the proposal to award a 3 year SLA to the current contractor. Practice as followed at neighbouring authorities (SDC and TDBC) in relation to similar services supports the view that no full tendering exercise is necessary.

It is possible - although unlikely - that another contractor in the field might wish to challenge WSC's approach. In assessing this prospect, WSDC needs to take account of two factors, namely (a) the likelihood of such a challenge and (b) if such a challenge were made, the likelihood of it succeeding. In terms of (a), as in any such case, clearly it is not possible to rule out a challenge. In terms of (b), taking into account the approach being taken at SDC and TDBC, together with the other commercial considerations which support the approach as advocated in this report, your officers are confident that such a challenge could be resisted, and that a strong justification could be argued for the continued provision of services by Veolia for a further three years.”

REPORT TO A MEETING OF COUNCIL TO BE HELD ON 19TH SEPTEMBER 2012

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PARISH NAME	Street Cleansing				Litter/Dog Bins		Public Toilets	
	Mechanical Sweeping		Manual Sweeping					
as of 06/08/12	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council
Minehead	<p><u>Swept daily</u> The Avenue, North Rd, Glenmore Rd, Tregonwell Rd, Summerland Ave, The Parade, ,Blenheim Rd, Bank St, Friday St, The Parks, Selbourne Place, Quirke St, Parks Lane (part), Warren Rd, The Quay, Alcombe Rd, Metropole Lane, The Esplanade, Quay St, Bircham Rd</p> <p><u>All other areas swept weekly</u></p>	<p>Current 8 weekly sweeps to change to 12 weekly</p> <p>Swept daily in the summer & weekly in the winter for -The Avenue/The Parade/Warren Rd/The Quay/The Esplanade/Quay St</p> <p>Other Rds (detail available) to be swept weekly.</p>	<p><u>Swept daily:</u> The Avenue, North Rd, Glenmore Rd, Tregonwell Rd, Summerland Ave, The Parade, Blenheim Rd, Bank St, Friday St, The Parks, Selbourne Place, Quirke St, Parks Lane (part)</p> <p><u>All other roads swept weekly in summer and once every 3 weeks in winter</u></p>	<p>Manual Sweeping changed.</p> <p>Footpaths: -from weekly to fortnightly in the summer -from 3 weekly to monthly in the winter</p> <p>Roads: - from daily to alternate days in the summer - from daily to weekly in the winter</p>	<p>127 Litter Bins-<i>Emptied by Veolia</i></p> <p>23 Dog Bins</p>	<p>Minehead Town Council requesting that the 9 Litter bins & 9 Dog Bins currently maintained by them should be taken over by WSC</p>	<p>Blenheim Gardens Minehead Seafront Summerland Road Kay's Amusements Quay West</p>	<p>Joint Working Group (WSC/MTC) proposals: The seafront kiosk: negotiations are currently in progress regarding these toilets. Blenheim Gardens: toilets to be closed due to vandalism and tree roots in the drains. Summerland Road: stay open all the year and improve. Carousal: close but to leave the 2 disabled toilets open and perhaps make one a paying toilet. Quay West: stay open all year. It is strongly recommended that the Town Council do not take on the Public Toilets and that they are transferred to a Community Trust</p>
Dulverton	<p><u>Swept weekly</u> High Street, Lady Street, Hollam Lane, Rosemary Lane, Bridge Street, Fore Street, Kemps Lane, Banks Square, Vicarage Hill, Chapel Lane</p> <p><u>All other areas swept 8 weekly</u></p>	<p>Dulverton TC propose that Street Cleansing services are devolved to Dulverton Town Council</p>	<p><u>Swept daily:</u> High Street, Lady Street, Hollam Lane, Rosemary Lane, Bridge Street, Fore Street, Kemps Lane, Banks Square, Vicarage Hill, Chapel Lane</p>	<p>Dulverton TC propose that Street Cleansing services are devolved to Dulverton Town Council</p>	<p>19 Litter Bins-<i>Emptied by WSC</i></p> <p>10 Dog Bins</p>		<p>Lion Stables</p>	<p>Dulverton TC propose that Public Toilets services are devolved to Dulverton Town Council:</p>
Dunster	<p><u>Swept 8 weekly</u> The Ball *, Bremis Road, Bridges Mead, Church Street *, Conygar View & Riverside Gardens, Hangers Way, Haven Close, High Street, *Lower marsh, Marsh St & Sea Lane, Mill Gdns, Mill Lane, Park Street, Priory Green, St George's Street, The Steep, West Close, West Street *, A39 underpass & verges *Old Police Station to traffic lights (north & south sides), Footpath to Carhampton *</p> <p><u>*Areas mostly hand swept</u></p>		<p><i>See mechanical sweeping details</i></p>		<p>24 Litter Bins Emptied by WSC</p> <p>4 Dog Bins</p>	<p>Additional dog bin required at Riverside Gardens</p>	<p>Church Street Dunster Steep</p>	

PARISH NAME	Street Cleansing				Litter/Dog Bins		Public Toilets	
	Mechanical Sweeping		Manual Sweeping					
as of 06/08/12	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council
<u>Kilve</u>	All areas swept 8 weekly	Kilve PC would NOT consider taking on Mechanical Sweeping Mechanical sweeping could be reduced to quarterly.	No Manual sweeping undertaken		5 Litter Bins-Emptied by WSC 1 Dog Bin	Kilve PC would NOT consider taking on Litter/Dog bins	Kilve Beach	
<u>Old Cleeve</u>	All areas swept 8 weekly with the exception of: swept weekly-Blue Anchor Seafront (shared with Carhampton parish)	Parked cars in Belle Vue & Quarry Road currently an issue. Roads swept 4x/year and better planned to coordinate cuts with Hdge trimming/harvest etc. Add Linton Lane to other schedule - perhaps alternate with Dairylands (then needs less sweeping)	As and when needed (at least 8 weekly, usually weekly)- Blue Anchor Seafront (shared with Carhampton)		9 Litter Bins-Emptied by WSC 8 Dog Bins	See amendements required No reduction in dog bin numbers recommended	Blue Anchor	Retain - key tourism facility Options for volunteers to help with maintenance/local business to contribute to running costs suggested.
<u>Porlock</u>	All areas swept 8 weekly	Assumption from the PC letter (of 28/09/11) that Mechanical sweeping will remain with WSC	Swept daily: High St Doveray CP Parsons St Sparkhayes Lane The Drang Porlock Central CP Porlock Wier Rd (top end) High Bank Static sweeper daily: The Drang Swept 8 weekly: Pollard Court Footpath		18 Litter Bins-Emptied by WSC 11 Dog Bins		Central Doverhay	Transfer assets to Parish Council (see misc.) Considered a single entity with car parks
<u>Stogursey</u>	All areas swept 8 weekly	Abolish road sweeping in Knighton Lane and Shurton through to Burton Only sweep roads where there are payments and only those that can be sensibly swept (e.g where there are no cars) Roads that are swept, to be carried out on a 'statutory minimum' basis	No Manual sweeping undertaken		9 Litter Bins-Emptied by WSC 1 Dog Bin	Remove the Litter Bins at Lime Steet-Stogursey and Shurton bus stop	No Public Toilets	

PARISH NAME	Street Cleansing							
	Mechanical Sweeping		Manual Sweeping		Litter/Dog Bins		Public Toilets	
as of 06/08/12	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council
<u>Watchet</u>	<p><u>Areas swept twice weekly:</u> Market St, Market St CP, Swain St, Swain St CP, Liddymore Rd, The Esplanade, Esplanade Rd, Anchor St, Goviers Lane, Brendon Rd, South Rd, Doniford Rd, Liddymore Rd</p> <p><u>All other areas swept 8 weekly</u></p>	<p>Replace mechanical road sweeper with manual Sweeper (employed full time). See manual sweeping</p>	<p><u>Daily static hand sweep:</u> Market St, Market St CP, Swain St, Swain St CP, Liddymore Rd, The Esplanade, Esplanade Rd, Anchor St, Goviers Lane</p> <p>Footpaths & Rear lanes static hand swept</p> <p><u>Other areas hand swept 8 weekly</u></p>	<p>Replace mechanical road sweeper with manual Sweeper (employed full time). Suggest they are employed directly (not via Veolia) possibly by Watchet TC with a grant from WSC. High priority areas are: Esplanade, Esplanade Lane, Harbour Rd, Swain St, West St</p>	<p>26 Litter Bins-Emptied by Veolia</p> <p>23 Dog Bin</p>	<p><i>Need all bins and would like more!</i></p> <p><i>2 less litter bins on Esplanade than shown on maps</i></p> <p>Move litter bin outside Co-op in Swain St to bench at Washford River Bridge at Mill Street/Whitehall. Instigate 'stick & flick' regime along Mineral Line.</p>	<p>Harbour Road Market Street</p>	<p><i>WTC willing to discuss continuing provision of public toilets and rationalising provision - need more details on costs.</i></p>
<u>Cutcombe/Wheddon Cross</u>	<p><u>All areas swept 8 weekly</u></p>	<p><i>Veolia also sweeps car park (in addition to lengthsman)</i></p> <p>Recommended that the route be shortened on the Luckwell Bridge side of the village, stopping at Steadway Lane, and extended slightly on the Taunton side to avoid leaves etc being blown into the village. This will shorten the route overall.</p> <p>Would be happy for the sweeping to be every 10 weeks if consequent savings could go towards the Parish Lengthsman Scheme</p>	<p>No Manual sweeping undertaken</p>	<p><i>Parish lengthsman currently sweeps the car park</i></p>	<p>5 Litter Bins-Emptied by WSC</p> <p>No Dog Bins</p>	<p>The 2 litter bins in the Rest and Be Thankful Inn Car Park to go.</p> <p>Would like to keep the ones in the playground and one near the war memorial and one in the small car park, and thinks that 2 are needed by the bus shelter and 2 in the playground to remain.</p>	<p>Wheddon Cross</p>	
<u>Williton</u>	<p><u>Swept twice weekly:</u> Fore Street Killick Way High Street Bank Street Long Street North Street Killick Way Car Park Tower Hill (part) Priest Street</p> <p><u>All other areas swept 8 weekly</u></p>	<p>Williton Parish Council are in agreement with the suggestion of replacing the 8 weekly schedule with 10 weekly schedules and to take out the duplication of the mechanical sweeping - to be reviewed as discussed.</p> <p>Amalgamate 2 weekly mechanical sweeps & daily manual sweeps</p>	<p><u>Static hand swept daily:</u> Fore St Killick Way High St Bank St Long St North St Car park</p> <p><u>All other areas manually swept 8 weekly</u></p>	<p>Replace daily sweeps with alternate day sweeps</p>	<p>14 Litter Bins-Emptied by Veolia</p> <p>6 Dog Bins</p>	<p>As map supplied by Williton PC:</p> <ul style="list-style-type: none"> - Remove 6 Litter bins - Move 1 Dog bin - Monitor use of 1 litter bin 	<p>Killick Way</p>	<p>Williton Parish Council are in agreement with the District Council's proposals to reduce the facilities in order to reduce the costs as soon as WSC are able to do this. WPC will investigate other options next year. Consider utilising different facilities (Garage/Spar) Reduce the use of the building (less toilets needed)</p>

PARISH NAME	Street Cleansing				Litter/Dog Bins		Public Toilets	
	Mechanical Sweeping		Manual Sweeping					
as of 06/08/12	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council
<u>Carhampton</u>	All areas swept 8 weekly with the exception of: swept weekly-Blue Anchor Seafront (shared with Carhampton parish)	<i>Parked cars an issue-esp. High Street & The Crescent. Roads where no kerb just throw up mud/dirt</i> If done more effectively, roads could be done less frequently While reluctantly accepting the need to reduce frequency of cleaning on some roads, there was a strong concern that full cleaning continue as at present on the Blue Anchor seafront	No Manual sweeping undertaken		12 Litter Bins-Emptied by WSC 8 Dog Bins		No Public Toilets	
<u>Crowcombe</u>	<u>All areas swept 8 weekly</u>	The continuance of this service by WSC on an eight weekly cycle, to cover the full length of the village street between the two A358 junctions at each end of the village and to include both the 'Crowcombe Combe' and 'Hagleys Green' spurs; and the discontinuing of street cleaning at Lawford	No Manual sweeping undertaken		4 Litter Bins-Emptied by WSC 3 Dog Bins	The retention of existing litter and dog bins, and their regular emptying, together with the addition of a further dog bin to be sited close to the recreation ground <i>New/Move one to Crowcombe Heathfield</i>	No Public Toilets	
<u>Exford</u>	<u>All areas swept 8 weekly</u>		No Manual sweeping undertaken		9 Litter Bins-Emptied by WSC No Dog Bins	<i>Could vary the frequency of collections in/out of season</i>	Exford central	
<u>Selworthy & Minehead Without</u>	<u>All areas swept 8 weekly</u>	Reduce sweeping to twice a year - once in spring and once in autumn	No Manual sweeping undertaken		4 Litter Bins-Emptied by WSC 4 Dog Bins		Selworthy	Responsibility for PCs at Selworthy, Bossington & Horner still under discussion with National Trust
<u>Withycombe</u>	<u>All areas swept 8 weekly</u>		No Manual sweeping undertaken		4 Litter Bins-Emptied by WSC No Dog Bins		No Public Toilets	

PARISH NAME	Street Cleansing				Litter/Dog Bins		Public Toilets	
	Mechanical Sweeping		Manual Sweeping					
as of 06/08/12	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council
<u>Bicknoller</u>	All areas swept 8 weekly	Continue to sweep all roads but only 4x/year (2x in spring & 2x in Autumn)	No Manual sweeping undertaken		5 Litter Bins-Emptied by WSC No Dog Bins	The litter bin at the top of Halsway Hill (just off the A358) could be better located if moved to the new bus shelter at Woolston Moor (Taunton direction). Frequency of emptying could be 2 weekly depending on current information regarding their usage (full/not)	No Public Toilets	
<u>Brompton Regis</u>	All areas swept 8 weekly	Number of road sweeps made in the village by a road sweeper lorry to be cut to twice a year at a time after hedge cutting has been carried out. (maybe Parish Council to alert WSC when this has happened)	No Manual sweeping undertaken		2 Litter Bins-Emptied by WSC No Dog Bins	Remove all current litter bins (2 no.)	No Public Toilets	
<u>Brushford</u>	All areas swept 8 weekly	<i>Ellersdown Lane not swept-too narrow</i>	No Manual sweeping undertaken		4 Litter Bins-Emptied by WSC 4 Dog Bins		No Public Toilets	
<u>Holford</u>	All areas swept 8 weekly	For the village of Holford, Back Lane, Front Lane, Holford Combe, Hodders Combe, Portway, Green Close need to be clenod once (a month) in Oct, Nov, Dec & April	No Manual sweeping undertaken		3 Litter Bins-Emptied by WSC 1 Dog Bins	Both Types of Bins (Litter & Dog) required at the Bowling Green PC require additional dog bin/s ('red') Litter-lay-by issues (including fly-tipping)	No Public Toilets	
<u>Sampford Brett</u>	All areas swept 8 weekly	Areas should remain as is - believe it is currently done quarterly rather than 8 weekly	No Manual sweeping undertaken		1 Litter Bin-Emptied by WSC 2 Dog Bins	<i>Current dog bin overflowing-additional emptying costs provided to PC</i> Retain Litter & Dog bins as current	No Public Toilets	
<u>Timberscombe</u>	All areas swept 8 weekly	Leave the route and time schedule as is.	No Manual sweeping undertaken		3 Litter Bins-Emptied by WSC 2 Dog Bins	litter bins: leave as is, that is one by the church steps and the other by the phone box. Dog bin: leave as is.	No Public Toilets	

PARISH NAME	Street Cleansing				Litter/Dog Bins		Public Toilets	
	Mechanical Sweeping		Manual Sweeping					
as of 06/08/12	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council
<u>Brompton Ralph</u>	All areas swept 8 weekly	Street cleansing could be reduced to perhaps twice a year in line with leaves falling etc.	No Manual sweeping undertaken		1 Litter Bin-Emptied by WSC No Dog Bins	Reduce from two to one	No Public Toilets	
<u>East Quantoxhead</u>	All areas swept 8 weekly		No Manual sweeping undertaken		No Litter Bins No Dog Bins		No Public Toilets	
<u>Exton</u>	All areas swept 8 weekly	the street cleansing to continue as is ie through the village and up Week Lane every 8 weeks	No Manual sweeping undertaken		2 Litter Bin-Emptied by WSC No Dog Bins	No change in service to the two bins currently in the lay-bys	No Public Toilets	
<u>Luccombe</u>	All areas swept 8 weekly	The parish council would like to be advised when street cleaning is being planned for the parish so that they could check over a period of time its effectiveness and assess what is needed in the future.	No Manual sweeping undertaken		1 Litter Bin-Emptied by WSC No Dog Bins	Reduce frequency of emptying during the winter months to fortnightly	No Public Toilets	
<u>Luxborough</u>	All areas swept 8 weekly	Street cleaning can be reduced to 2x/year. 1x afetr hedges cut & 1x after leaves fallen.	No Manual sweeping undertaken		1 Litter Bin-Emptied by WSC No Dog Bins	Currently 2 litter bins, could the one on the village hall be emptied by WSC (currently emptied by a villager)	No Public Toilets	
<u>Monksilver</u>	All areas swept 8 weekly	1 x/year Beech tree hill to Woodford 4 x /year the remainder Add 150m section Beech tree hill-bridleway	No Manual sweeping undertaken		1 Litter Bin-Emptied by WSC No Dog Bins	Remove litter bin (after intro of Sort-it+)	No Public Toilets	
<u>Stogumber</u>	All areas swept 8 weekly	Reduce street sweeping to areas/roads with kerbs.	No Manual sweeping undertaken		3 Litter Bins-Emptied by WSC No Dog Bins	Swap large litter bins from Slade Close to High Street & vice versa	No Public Toilets	
<u>Stringston</u>	All areas swept 8 weekly		No Manual sweeping undertaken		1 Litter Bin-Emptied by WSC No Dog Bins		No Public Toilets	

PARISH NAME	Street Cleansing				Litter/Dog Bins		Public Toilets	
	Mechanical Sweeping		Manual Sweeping					
as of 06/08/12	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council
<u>West Quantoxhead</u>	All areas swept 8 weekly	1 x/year-for roads with no kerbs (after flailing of hedges) A39 sections need regular sweeping	No Manual sweeping undertaken		4 Litter Bins-Emptied by WSC No Dog Bins	Remove litter bin opp. St Audries garage	No Public Toilets	
<u>Withypool & Hawkrigde</u>	All areas swept 8 weekly	Road sweeping to be cut to once a year in November after leaf drop. Same routes except Newland Lane (road behind shop) and the road beside the Royal Oak pub (do not believe these are currently done due to parked cars and not a public	No Manual sweeping undertaken		2 Litter Bins-Emptied by WSC No Dog Bins	&HPC - 11.10.11: I t was also felt that the rubbish collection from the 2 litter bins in Withypool needs to be done once a week during June, July, August and September and then it can be done fortnightly throughout the rest of the year.	No Public Toilets	
<u>Wootton Courtenay</u>	All areas swept 8 weekly		No Manual sweeping undertaken		2 Litter Bins-Emptied by WSC No Dog Bins	Litter bins as current (2) Would like a dog bin (incl. servicing) on the playing field	No Public Toilets	
<u>Clatworthy</u>	All areas swept 8 weekly		No Manual sweeping undertaken		No Litter or Dog Bins		No Public Toilets	
<u>Elworthy</u>	All areas swept 8 weekly	- Reduce mechanical sweeping as parish council proposals	No Manual sweeping undertaken		No Litter or Dog Bins		No Public Toilets	
<u>Exmoor</u>	All areas swept 8 weekly	Reduce mechanical sweeping swept in autumn after leaves fallen	No Manual sweeping undertaken		No Litter or Dog Bins		No Public Toilets	
<u>Huish Champflower</u>	All areas swept 8 weekly	2 x Autumn/winter (late cut) 1 x Spring + PC requests for additional dates as required	No Manual sweeping undertaken		No Litter or Dog Bins		No Public Toilets	
<u>Oare</u>	All areas swept 8 weekly		No Manual sweeping undertaken		No Litter or Dog Bins		No Public Toilets	
<u>Skilgate</u>	All areas swept 8 weekly	3 x/year (after hedge trimming & Autumn fall-early & late)	No Manual sweeping undertaken		No Litter or Dog Bins		No Public Toilets	
<u>Treborough</u>	All areas swept 8 weekly	1 x/year (after autumn fall & hedge trimming)	No Manual sweeping undertaken		No Litter or Dog Bins		No Public Toilets	

PARISH NAME	Street Cleansing				Litter/Dog Bins		Public Toilets	
	Mechanical Sweeping		Manual Sweeping		Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council
as of 06/08/12	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council	Existing service	Feedback from Parish/Town Council
<u>Upton</u>	All areas swept 8 weekly	4 x/year or every 10 weeks (in Nov/Dec-leaves rotting & mid winter-mud/hedge trimming) PC to be notified of due dates (to enable monitoring)	No Manual sweeping undertaken		No Litter or Dog Bins		No Public Toilets	
<u>Winsford</u>	All areas swept 8 weekly	3 x/year (late spring, Autumn-after leaves Mid winter-After snow/ice) PC to be notified of due dates	No Manual sweeping undertaken		2 Litter Bins 1 Dog Bin	Additional dog bin (red) recently purchased by the Parish Council	No Public Toilets	Public toilet required - in ENPA building; looking at grants etc
<u>Nettlecombe</u>	All areas swept 8 weekly		No Manual sweeping undertaken		No Litter or Dog Bins		No Public Toilets	

4.12 6) Consider the benefits of future delivery options for street cleaning.

There are five main options for future delivery of the service:

- 1) Operate the service 'in-house'
Given that where a client - in this case the Council- engages a contractor to carry out a service and then decides to bring the work back 'in-house', then this is regarded as a 'service provision change' and in such circumstances, as confirmed by Legal and Human Resources advice, Transfer of Undertakings (TUPE) would be assumed to apply and the Council would be liable for a range of potentially costly employment obligations in respect of current Veolia staff. There are also unpredictable cost implications in respect of vehicle servicing, fuel costs and changing employment legislation. Such an option could be part of a longer-term strategy for the provision of these and other related services but would need a longer lead-in period to have the opportunity to reconstruct how some of these services are delivered through more flexible working practices and the generation of spare capacity on related areas. One such example being though doing less grass highways maintenance work on behalf of the County Council. It will, however take some time to evolve and join up these opportunities and this will be part of the developmental work going forward.
- 2) A new contract
There are significant resources involved with the preparation of a successive contract that are not readily available at the present time. There are also concerns regarding the ability of the Council to fund a new contract in future years, given the current medium term uncertainty as to the Council's financial sustainability and this may involve additional expenditure in a transfer to alternative administrative arrangements. Once there is greater clarity in respect of the longer-term financial position of the Council, this could be the most advantageous option to adopt, but not at this precise time.
- 3) Shared service delivery with another local authority
Outline discussions have been held with Sedgemoor and Taunton Deane with regard to service sharing. However, Taunton Deane Borough Council are known to be reducing their DLO capacity by 40% in future years and there may be capacity issues and quality of service issues. Sedgemoor District Council are understood to be in discussion with Mendip District Council regarding sub-contracting their street cleaning activities from Quadron Ltd and there may be short term capacity issues. Whilst it is not feasible to see any possibility of introducing an agreed partnership arrangement in the current timescale, going forward discussions with nearby neighbours should form an important part of any exploratory investigations into a long-term strategy.
- 4) Return the service to the waste collection contract
This would provide a more joined up service as was previously the case but there are concerns over cost increases in future years and the ability to deal with urgent ad-hoc service requirements. Initial discussions were held with ECT at the contract break point but they declined to progress the matter due to the perceived low profit margin. Specific discussions have not, to date, been held with May Gurney. Given that there are already concerns at the affordability and potential inflexibility of the current Waste Partnership Contract then this option would not be favoured at this stage.
- 5) Extension of the current contract
An extension of the existing arrangement for a three year period under a Service Level Agreement provides certain advantages at the present time as it will ensure that the current service levels continue and it will enable more detailed discussions to be undertaken on the longer-term strategy without the disadvantages that accompany the other options outlined. This may involve a more joined up service with one or more neighbouring Authorities as and when the Council's long-term financial and political situation is clarified. Any Service Level Agreement will allow sufficient flexibility for an annual re-negotiation of the contract price and an early exit option.

REPORT NUMBER WSC 119/12
 PRESENTED BY CLLR TIM TAYLOR
 DATE COUNCIL 19TH SEPTEMBER 2012

HEALTH AND WELLBEING STRATEGY FOR SOMERSET

1. PURPOSE OF REPORT

- 1.1. To advise members of the changes in Health and Wellbeing structures within Somerset.
- 1.2. To ensure members are aware of the Health and Wellbeing strategy and it's role in future delivery of priorities relating to this area of work.

2. RECOMMENDATIONS

- 2.1. Members note the forthcoming changes to the way that Health and Wellbeing services will be delivered from 1st April 2013.
- 2.2. Members note the content of the Health and Wellbeing strategy, the proposed priorities and advise of any comments they wish to be included in the authorities response to the consultation.
- 2.3. Members agree the proposal that the council's representative on the Health and Wellbeing Board is Councillor Keith Turner replacing Councillor Tim Taylor.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Lack of a Health and Wellbeing Strategy will result in unfocused activity in this area of work	4	3	12
<i>Developing strategy to reflect the issues that require tackling in Somerset and it's component districts</i>	2	2	4

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

4. BACKGROUND INFORMATION

- 4.1. Health and Wellbeing services, which are largely preventative in nature, are currently delivered by the NHS. As an element of the NHS changes these services will be the responsibility of upper tier authorities from 1st April 2013.
- 4.2. A key element of this transfer will be the establishment of Health and Wellbeing boards to guide and direct the work that is transferring. These are composed of a mixture of statutory officers such as the Director of Public Health and Director of adult social care, key elected members, GP's and organisations associated with scrutiny of NHS functions. In a two-tier area such as Somerset this will include some district council representation. Whilst there

are some individuals who are required to be on the board it may also include representatives that reflect the local area characteristics.

- 4.3. At the current time in preparation for the transfer of the functions a shadow board has been in operation. The Council's representative on this board is Councillor Tim Taylor. An executive team composed of key officers from each organisation supports the board. This executive team advises and assists the board in delivering its functions.
- 4.4. One of the key functions of the board is to produce a Health and Wellbeing Strategy, which reflects the needs of the area and tackles the key issues. This Strategy is now subject of consultation and can be downloaded from the County Council website using the following link:<http://www.somerset.gov.uk/irj/go/km/docs/CouncilDocuments/SCC/Documents/Resources/HealthWellbeingStrategy060812.pdf>
- 4.5. In Somerset the aim has been to produce a strategy that is short and focused on a limited number of priorities. The thinking behind this is to ensure that actions to address the priorities can be deliverable and will have an impact on those to whom they apply. There are three priorities within the strategy:
- Priority One – People, families and communities take responsibility for their own health and wellbeing.
 - Priority Two – Families and communities are thriving and resilient
 - Priority Three –Somerset People are able to live independently for as long as possible.

In order to deliver these priorities specific actions will be identified, being informed by the consultation process, which is currently live. In developing those actions it has been recognised that the most effective way to get results is to tackle issues locally. There will therefore be a focus on district council areas and there is recognition of the need to work with the key agencies in each area.

- 4.6 There is a consultation event in West Somerset hosted by the authority on 25th September aimed at finalising the strategy and identifying some local actions that will make a difference on the priority areas. This event will be used as part of the feedback in preparation of the final strategy and actions for 2013/14.
- 4.7 As the work of the board has moved forward its membership has changed slightly moving from district council leaders towards a portfolio holder approach by the majority of councils. It is therefore proposed to nominate Councillor Keith Turner as representative for this authority to take on the role from Councillor Tim Taylor.

5. FINANCIAL/RESOURCE IMPLICATIONS

- 5.1. In the current financial year a small budget of £1000 is included within the revenue budget to cover any development costs that may fall to the authority for the overall strategy. This however was precautionary in nature. The main implication for the strategy has been in officer time, which has been committed to the development of the strategy, attendance at appropriate meetings and organising local consultation events.
- 5.2. In conjunction with this work, action 6 within priority 2 of the strategy provides a link to the Troubled Families Programme. Work in this area has had a significant effect on the group manager who represents West Somerset on the programme board. This is due to the need to set up the programme and the time needed to do that work. Financial resources will be secured via SCC for this programme, which will be delivered at a local level. This work will be the subject of future reports to council.

6. SECTION 151 OFFICER COMMENTS

- 6.1. This strategy is reliant on officer time and although development costs may initially be incurred, no additional monies are required over and above what is already included with the current revenue budget.

7. EQUALITY & DIVERSITY IMPLICATIONS

- 7.1. The Strategy is aimed at dealing with health and wellbeing inequalities, which will effect specified characteristics across the board. As the actions develop into clear plans any specific issues will need to be incorporated within those actions.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1. There are links within the strategy as crime and disorder impacts on all three priorities. An explicit link exists into Action 6 of priority two which relates to focusing on families that have low resilience.
- 8.2. The understanding of how the council can contribute to delivery will increase as the strategy develops clear action plans

9. CONSULTATION IMPLICATIONS

- 9.1. The Health and Wellbeing Strategy is currently in a consultation phase, which closes on 28th September 2012. A purpose of this report is to advise members of that consultation and progress in delivering the structures.
- 9.2. The planned event at West Somerset House on 25th September will contribute to the consultation, which will assist in finalising the Health and Wellbeing Strategy for Somerset.
- 9.3. There is an electronic link to the strategy questionnaire, which can be used to respond to the consultation.
<http://www.somersetconsults.org.uk/consult.ti/HWBStrat/answerQuestionnaire?qid=1719811>

10. ASSET MANAGEMENT IMPLICATIONS

- 10.1. There are no implications associated with this report

11. ENVIRONMENTAL IMPACT IMPLICATIONS

- 11.1. There are no implications associated with this report

12. LEGAL IMPLICATIONS

- 12.1. There are no implications that can be identified with regards to this report.

REPORT TO A MEETING OF COUNCIL TO BE HELD ON SEPTEMBER 19TH 2012

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REPORT NUMBER WSC 125/12

PRESENTED BY COUNCILLOR K V KRAVIS, LEAD MEMBER FOR RESOURCES
& CENTRAL SUPPORT

DATE 19 SEPTEMBER 2012

TREASURY MANAGEMENT UPDATE – 31 MARCH 2012

1. PURPOSE OF REPORT

- 1.1. The purpose of the report is to update the Council on the Treasury Management position as at 31 March 2012.

2. RECOMMENDATIONS

- 2.1. To note the Treasury Management position as at 31 March 2012.

3. RISK ASSESSMENT

Risk Matrix

Description	Likelihood	Impact	Overall
The Council fails to maintain an adequate system of internal control <i>The Council has in place suitable arrangements</i>	1	4	4

The scoring of the risks identified in the above table has been based on the scoring matrix below.

4. BACKGROUND INFORMATION

- 4.1. On 23 March 2011 the Council approved the Treasury Management Strategy Statement, MRP Policy and Annual Investment Strategy for 2011-2012 in line with the revised CIPFA Treasury Management Code of Practice 2009.
- 4.2. The CIPFA (the Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management recommends that members be updated on treasury management activities at least twice a year, but preferably more frequently. This report therefore ensures this council is implementing best practice in accordance with the Code.

5. FINANCIAL/RESOURCE IMPLICATIONS

5.1. As set out in the report.

6. SECTION 151 OFFICER COMMENTS

6.1 Performance for the year was above the benchmark of 0.47% but was below the expected budget of £35,000 for the year. Assets sales were originally forecast for 2011/12 that would generate capital receipts and create an investment return, but these did not occur within the timeframes originally set.

7. EQUALITY & DIVERSITY IMPLICATIONS

7.1. None in respect of this report.

8. CRIME AND DISORDER IMPLICATIONS

8.1. None in respect of this report.

9. CONSULTATION IMPLICATIONS

9.1. None in respect of this report.

10. ASSET MANAGEMENT IMPLICATIONS

10.1. None in respect of this report.

11. ENVIRONMENTAL IMPACT IMPLICATIONS

11.1. None in respect of this report.

12. LEGAL IMPLICATIONS

12.1. None in respect of this report.

REPORT TO THE FULL COUNCIL MEETING TO BE HELD ON 19 SEPTEMBER 2012.

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Treasury Management Update

Quarter Ended 31st March 2012

The CIPFA (the Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management recommends that members be updated on treasury management activities at least twice a year, but preferably more frequently. This report therefore ensures this council is implementing best practice in accordance with the Code.

1. Economic background:

- The news on the economy generally improved;
- Demand on the high street increased, albeit driven in part by discounting;
- Employment rose, but not at a quick enough rate to stop unemployment from rising;
- The Chancellor presented a fiscally-neutral Budget;
- Inflation continued to drop;
- The Monetary Policy Committee (MPC) announced another tranche of quantitative easing (QE) but were cooler on the prospect of further asset purchases thereafter;
- Sentiment towards the Eurozone improved due to the ECB's generous liquidity provision and Eurozone agreement of a second bailout for Greece;

The pick-up in the business surveys at the start of the year suggest that the economy managed to avoid relapsing into a technical recession in the first quarter of the year (after output contracted by 0.3% in Q4). The weighted output balance of the CIPS/Markit surveys rose to a level consistent with a quarterly expansion of approximately 0.5%. The CIPS surveys, which exclude the retail sector and high street spending, which were also strong at the start of the year.

However, there were tentative signs later in the quarter that the recovery might have started to lose momentum. The business surveys fell in February, as did the official measure of consumer spending. The Bank of England's agents' scores were also painting a less upbeat picture of activity than the CIPS/Markit surveys.

Employment continued to increase. The Labour Force Survey measure of employment rose by 9,000 in the three months to January. The quarterly Workforce Jobs measure of employment rose by some 123,000 in Q4, helping to narrow the gap that had previously opened up with the LFS measure. Some of the more forward-looking employment surveys also improved.

However, employment failed to rise fast enough to keep pace with the growth of those losing their jobs. Accordingly, unemployment rose further. Admittedly, the rises in the claimant count measure of unemployment were modest – about 7,000 in both January and February.

Pay growth remained very weak. Lower bonuses pulled annual growth of overall average earnings down to 1.2% in January. Excluding bonuses, growth was 1.7%. Given the high rates of inflation, real pay continued to fall sharply.

House prices remained volatile. The Halifax measure rose and the Nationwide measure fell in January – and vice versa in February. Mortgage approvals fell in February, even though the approaching end of the stamp duty holiday for first-time buyers should have boosted demand.

Banks' funding costs eased a little at the start of the quarter although they remained elevated. Banks have begun to pass these costs onto borrowers by raising their borrowing rates on certain types of mortgages.

Meanwhile, the trade data continued to hold up surprisingly well given the crisis in the UK's main export market, the Eurozone. In January, the trade deficit shrank to its lowest level since 2003. Exports to peripheral Eurozone countries continued to fall, but held up to the bigger Eurozone economies.

Survey measures of export orders painted a mixed picture; the CBI measure picked up sharply in the quarter, whilst the BCC and the CIPS/Markit measures weakened.

The latest public finance figures suggested that, contrary to previous indications, public sector borrowing in 2011/12 was unlikely to undershoot the forecasts made by the Office for Budget Responsibility (OBR) in November. Indeed, in its new forecasts published alongside the Budget on 21st March, the OBR nudged down its borrowing forecast by just £1bn to £126bn.

Borrowing was lowered by a cumulative £11bn over the total forecast period. However, the Chancellor was still only expected to meet his fiscal mandate (to balance the cyclically-adjusted current budget) with little headroom.

The Chancellor delivered a broadly fiscally-neutral Budget. An extra 1% cut in corporation tax and a rise in the personal tax allowance was paid for by a freeze in tax allowances for the elderly, extra taxes on the very rich (other than a cut in the 50p tax rate to 45p) and lower spending on Afghanistan.

Elsewhere, inflation fell further in the first quarter. CPI inflation fell from 4.2% in December to 3.4% in February. Core inflation fell as January 2011's rise in the rate of VAT fell out of the annual comparison.

At 3.4% CPI remains above the 2% inflation target. The 2.5% rise in petrol prices suggests that inflation may hold steady or even rise in March.

Oil prices stabilised during the quarter at about \$125 per barrel. Medium-term indicators of inflation suggested that underlying price pressures are still weak. Admittedly, inflation expectations nudged up during the quarter. However, this was probably a temporary response to the rise in oil prices.

Sentiment towards the Eurozone improved following the ECB's second Long-Term Refinancing Operation in February and the conclusion of a second bailout package for Greece in the second half of the quarter. This followed an agreement by the Greek Government to another major austerity package and agreement by private holders of Greek debt to a substantial haircut in the value of their holdings. This bailout dissipated fears of an imminent Lehman's type meltdown in financial markets. However, the economic news suggested that the Eurozone economy was still heading towards recession and major concerns continued that this 'resolution' has done little more than to buy some time.

In the UK the MPC announced another £50bn of quantitative easing (QE) in February, having completed the previous £75bn of purchases. But the

consensus view was that the MPC is unlikely to undertake further purchases once the current ones are finished in May. February's Bank of England Inflation Report suggested that the inflation target would be met on the current policy stance.

Markets also brought forward their timing of the first interest rate rise, as a result of the improved economic news, subsiding concerns of the EU debt crisis, and a consequent partial reversal of safe haven flows into non-EU government bonds. Gilt yields rose during the quarter, with ten year yields reaching around 2.4%, before falling back at the end of the quarter to 2.2%.

The US economy strengthened outperforming most economies. Although all the evidence suggested that annualised GDP growth in the first quarter did not match the 3% of the fourth quarter of 2011, growth of between 1.5% and 2.0% seemed plausible. What's more, it won't be long before the increases in non-farm payroll employment by more than 200,000 in each of the three months to February translate into faster income and consumption growth.

2. Interest rate forecast

The Council's treasury advisor, Sector, provides the following forecast:

	Jun-12	Sep-12	Dec-12	Mar-13	Jun-13	Sep-13	Dec-13	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15
Bank rate	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.25%	1.50%	2.00%	2.25%	2.50%
5yr PWLB rate	2.30%	2.30%	2.40%	2.50%	2.60%	2.70%	2.80%	2.90%	3.10%	3.30%	3.50%	3.70%
10yr PWLB rate	3.30%	3.40%	3.40%	3.50%	3.60%	3.70%	3.80%	4.00%	4.20%	4.40%	4.60%	4.80%
25yr PWLB rate	4.20%	4.30%	4.30%	4.40%	4.50%	4.60%	4.70%	4.80%	4.90%	5.00%	5.10%	5.20%
50yr PWLB rate	4.30%	4.40%	4.40%	4.50%	4.60%	4.70%	4.80%	4.90%	5.00%	5.10%	5.20%	5.30%

The Sector central forecast is for the first increase in bank rate to be in September 2013. With low growth predictions for the U.K, and financial markets unconvinced that politicians have resolved the Eurozone sovereign debt crisis, we are likely to continue to experience high levels of volatility.

SUMMARY OUTLOOK

The outlook for the global economy remains clouded with uncertainty. The UK economy has struggled to generate a sustained recovery so this offers little hope for a strong recovery in 2012, and possibly even into 2013. Consumer and business confidence levels are generally low and it is not easy to see potential for a significant increase in the growth rate in the short term.

Eurozone

- Sovereign debt crisis has abated following agreement on a second bailout package of €130bn for Greece in mid February;
- ECB provided c. €1trn of 3yr funding to EU banks at 1%;

- Eurozone banks used this financing at 1% to buy new sovereign debt issues yielding significantly higher rates; this has pushed some Eurozone sovereign yields down below panic levels – notably Spain and Italy;
- One potential problem on the horizon is various national elections. Greece is likely to go to the polls in April / May 2012; Germany in 2013; French presidential election in April / May 2012 where Sarkozy is lagging behind the Socialist front runner;
- Major uncertainties surround future prospects for the bloc.

US

- Economic prospects encouraged by some positive news, but improvement is still limited;
- The likelihood of a weak rate of growth going forward will mean slow progress in reducing the high level of unemployment which is acting as such a dampener on the economy;
- Bernanke has hinted at the possibility of another round of QE aimed at encouraging a strong enough rate of growth to reduce the total level of unemployment significantly;
- US still has to address reducing the huge total of public debt and annual deficits by adopting austerity measures;
- Presidential elections are due in November 2012.

China

- Falling inflation has opened the way for relaxing credit restrictions to boost growth, which has been flagging;
- However, current expectations are that it will maintain a reasonable rate of growth, though less than in previous years.

UK

- Austerity measures, aimed at getting the public sector deficit into order over the next four years, have yet to fully impact on the economy;
- However, it looks likely that the private sector will not make up for the negative impact on employment in the public sector over the next year;
- Lack of significant progress in generating a rebalancing of the UK economy to manufacturing from services and an export led recovery - albeit some upbeat data in April has been received;
- The housing market, a gauge of consumer confidence, remains weak and the outlook is for house prices to be little changed for a prolonged period;
- Economic forecasts for 2012 and beyond have been revised lower on a near quarterly basis;
- Bank of England embarked on a £75bn second round of Quantitative Easing (QE) to stimulate economic activity in October 2011. Another £50bn was added to the programme in February 2012. The MPC is currently split on whether there needs to be another increase in QE in 2012, after some reasonably encouraging economic statistics, indicating that the fall in GDP in Q4 2011 looks like being a one off, rather than the start of a new trend towards recession;

- Inflation has eased from its peak of 5.2% (CPI) in September 2011, with strong expectation that CPI will hit 2% target rate within the MPC's two year time horizon;
- UK AAA rating put on negative outlook by Moody's in February 2012 and by Fitch in March. Concerns over growth outlook and potential shocks from the eurozone to also depress growth;
- However, "safe haven" status has underpinned demand for gilts and kept yields at historic lows. Unlikely to see material change in near term.

Sector's forward view

Economic forecasting remains difficult with so many external influences weighing on the UK. Key areas of uncertainty include:

- The potential for the unravelling or failure of implementation of the second Greek bailout package causing a worsening of the Eurozone debt crisis. Election likely in Greece in April / May 2012. Elections due in the US, Germany and France in 2012 or 2013;
- Inter-government agreement on how to deal with the Eurozone debt crisis could fragment, particularly as a result of upcoming national election results;
- The impact of the Eurozone crisis on financial markets and the banking sector;
- The impact of the UK Government's austerity plan on confidence and growth;
- Potential for failure of UK inflation to fall back to near the 2% target;
- Monetary policy action failing to stimulate growth in western economies;
- The potential for weak growth or recession in the UK's main trading partners - the EU and US;
- High oil prices depressing world growth and stoking inflation;
- The political situation in the Middle East, particularly over Iran's nuclear ambitions;
- Potential for protectionism i.e. an escalation of the currency war / trade dispute between the US and China;
- A hard landing for slowing growth in China.

The overall balance of risks remains weighted to the downside. Sector believes that the longer run trend is for gilt yields and PwLB rates to rise due to the high volume of gilt issuance in the UK, and the high volume of debt issuance in other major western countries.

Given the weak outlook for economic growth, Sector sees the prospects for any interest rate changes before late 2013 as very limited. There is potential for the start of Bank Rate increases to be even further delayed if growth disappoints.

3. Annual Investment Strategy

The Treasury Management Strategy Statement (TMSS) for 2011/12, which includes the Annual Investment Strategy, was approved by Full Council on 23 March 2011. It sets out the Council's investment priorities as being:

- Security of capital;
- Liquidity; and
- Yield

The Council will also aim to achieve the optimum return (yield) on investments commensurate with proper levels of security and liquidity. In the current economic climate and the heightened credit concerns it is considered appropriate to keep investments short term with a maximum duration of 3 months.

This limit will apply to all entities on the suggested Sector Credit List with the following exceptions:

1. UK Government and related entities such as Local Authorities. Their suggested duration limit will remain at 5yrs.
2. UK semi-nationalised institutions (Lloyds / RBS). We continue to view the current significant UK ownership of these entities as providing significant comfort to investors.
3. Money Market Funds.

Officers can confirm that the approved limits within the Annual Investment Strategy were not breached during the year ended 31st March 2012.

Investment rates available in the market have continued at historically low levels. The average level of funds available for investment purposes during the second half-year was £2.70m. These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the Capital Programme. The Council holds no core cash balances for investment purposes (i.e. funds available for more than one year).

Investment performance for quarter ended 31st March 2012

Benchmark	Benchmark Return	Council Performance	Investment Interest Earned
7 Day	0.47%	0.75%	£16,055.48

As illustrated, the Council outperformed the benchmark by 28bps. The Council's budgeted investment return for 2011/12 was £35,000, and performance for the year was £18,944.52 below budget. This is mainly due to delay in asset sales.

4. New borrowing:

The Authority undertook no new borrowing in the year-ended 31 March 2012.

As shown below, interest rates generally rose during February and then again towards the end of the quarter. The low points during the quarter were generally seen during January.

PWLB rates quarter ended 31 March 2012

	1 Year	5 Year	10 Year	25 Year	50 Year
Low	1.21%	1.93%	2.98%	3.91%	3.99%
Date	03/01/12	27/02/12	18/01/12	18/01/12	18/01/12
High	1.33%	2.25%	3.45%	4.44%	4.47%
Date	17/01/12	21/03/12	16/03/12	16/03/12	16/03/12
Average	1.30%	2.05%	3.19%	4.19%	4.24%

Borrowing in advance of need.

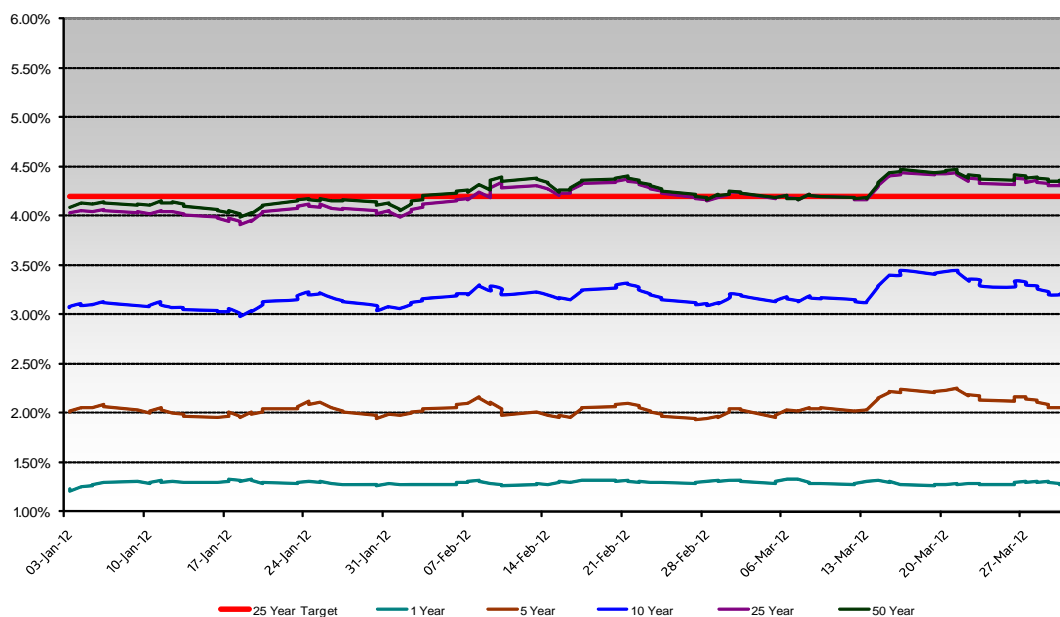
This Council has not borrowed in advance of need during the quarter ended 31st March 2012 and has no intention to borrow in advance in 2012/13.

5. Debt Rescheduling

The Authority undertook no debt rescheduling in the six-month period to 31 March 2012. The current early repayment rates are very low and are not providing any opportunities to reschedule the current loan. The Authority will keep this under review and run options to ensure the Authority is not exposed to re-financing risk if the £3.5m loan is still required when it matures in Feb 2014.

6. Compliance with Treasury and Prudential Limits

It is a statutory duty for the Council to determine and keep under review the



affordable borrowing limits. The Council's approved Treasury and Prudential Indicators (affordability limits) are included in the approved TMSS.

During the financial year the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement and in compliance with the Council's Treasury Management Practices. The prudential and treasury Indicators are shown in appendix 1.

7. Other

The Authority is currently negotiating a large planning obligation settlement, which will significantly increase the level of cash balances managed in-house. A further report will be brought to Members, which will set out a revised Investment Strategy to deal with this arrangement.

APPENDIX 1: Prudential and Treasury Indicators as at 31st March 2012

Prudential Indicator	2011/12 Actual £'000
Capital expenditure	1,123
In year borrowing requirement	Nil
Authorised limit for external debt	15,000
Operational boundary for external debt	10,500
Gross borrowing	3,500
Investments	718
Net borrowing	2,782
Capital Financing Requirement (CFR)	
Ratio of financing costs to net revenue stream	
Incremental impact of capital investment decisions:-	
a) Increase in council tax (band change) per annum.	
Limit of fixed interest rates based on net debt	100%
Limit of variable interest rates based on net debt	100%
Principal sums invested > 364 days	0
Maturity structure of borrowing limits	
Under 12 months	100%
12 months to 2 years	100%
2 years to 3 years	100%
3 years to 4 years	80%
4 years to 5 years	70%
5 years and above	50%

APPENDIX 2: Investment portfolio

Investments held by West Somerset as at 31 March 2012 amounted to £717,853.51. All of this was held within the Authority's Special Interest Bearing Account (SIBA) held with its main bankers, the National Westminster Bank.

REPORT NUMBER WSC 123/12

PRESENTED BY COUNCILLOR S J PUGSLEY, LEAD MEMBER FOR EXECUTIVE
SUPPORT AND DEMOCRACY

DATE 19 SEPTEMBER 2012

LOCALISM ACT 2011 – IMPLEMENTATION OF THE NEW ETHICAL STANDARDS REGIME

1. PURPOSE OF REPORT

- 1.1. The purpose of the report is to enable the Council to appoint an independent person as required by the Localism Act and to note the appointment of an additional independent member and parish/town council member to complete the full complement of the West Somerset Standards Advisory Committee.

2. RECOMMENDATIONS

- 2.1. That Louise Somerville Williams be appointed as the Council's independent person for an initial period until 30 September 2013 with an initial allowance of £552 per annum (based on the current annual allowance for an independent member and parish/town council member of the Standards Advisory Committee); this appointment to be reviewed as part of the initial annual review of the new Ethical Standards Regime.
- 2.2. That the Council note the appointment of John Gamlin as an independent member of the Standards Advisory Committee for an initial four year period and the appointment of Councillor John Fulwell of Withycombe Parish Council as a parish/town council representative on the Standards Advisory Committee for an initial period until the May 2015 parish council elections.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
That the Council does not put in place appropriate arrangements required by the Localism Act 2011 in respect of the new standards regime	Possible (3)	Major (4)	Medium (12)
<i>To appoint an independent person as required by the Localism Act 2011</i>	Low (1)	Low (4)	Low (1)

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

4. BACKGROUND INFORMATION

- 4.1. The Council considered reports on this issue at its meetings held on 16 May and 27 June 2012 when a series of resolutions were made to ensure there would be a smooth transition from the existing standards regime to the new arrangements that would be required to be established by virtue of the provisions of the Localism Act 2011.

- 4.2. The remaining outstanding statutory requirement was for the appointment of an independent person. In addition as the Council had agreed to establish a Standards Advisory Committee maintaining a composition of three independent members, three town/parish council members and three district council representatives, there were two vacancies to be filled, one for an independent member and one for a parish/town council member.
- 4.3. By way of reminder, the functions of an independent person are:
- (a) They must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides what action to be taken in respect of that member in instances where an investigation has been undertaken.
 - (b) They may be consulted by the Council in respect of a standards complaint at any other stage; and
 - (c) They may also be consulted by a member or co-opted member of the district council or of a parish/town council against whom a complaint has been made.
- 4.4. The independent person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the district council (not just of those present and voting). The rules determine what type of person would not be considered "independent", for example they are not or have been within the last five years an elected or co-opted member or an officer of the district council or of any of the parish/town councils within its areas. The rules do allow independent members of the previous Standards Committee to apply and be appointed.
- 4.5. Given the requirement to also appoint an independent member of the Standards Advisory Committee, it was agreed that the appointment process should combine both the independent person and independent member vacancies. An appropriate advertisement was duly published in the West Somerset Free Press on 13 July 2012. Two applications were received and both applicants were duly interviewed by the Chairman of the Standards Advisory Committee and the Monitoring Officer.
- 4.6. Following this process it was agreed to recommend that the Council formally appoints Louise Somerville Williams of Glastonbury to be the Council's independent person. Louise has served on the Mendip District Council's Standards Committee for ten years (being Vice-Chairman since 2010 and Chair of the Assessment Sub-Committee also since 2010). She therefore has undoubted detailed experience of the whole Ethical Standards Regime in local government and has already demonstrated her commitment to such a role. The fact that she lives a distance away is not such a practical issue with the independent person role and perhaps can be seen as an advantage in terms of being truly "independent" of West Somerset. As the independent person Louise will be invited to attend Standards Advisory Committee meetings but not co-opted onto the Committee. Given that it has already been agreed that the new Ethical Standards Regime should be reviewed after twelve months, it is recommended that this appointment be for an initial period until 30 September 2013 and any extension can be considered as part of that review. In terms of remuneration, it is suggested that the post receive an annual allowance of £552 which is the same allowance as currently received by independent members and town/parish council members of the Standards Advisory Committee.
- 4.7. The Act does give discretion for a Council to appoint more than one independent person and this could have its uses given the potential for conflict of interest given that independent persons may be consulted by a member or co-opted member against whom a complaint has been made which could then place them in an invidious position in terms of being consulted by the Council on the outcome of any investigation. As previously mentioned, the Monitoring Officers in Somerset are working together to enable Councils

(and members) to have access to the independent persons appointed by other Somerset Councils particularly for the purposes of consultation with individual members against whom a complaint has been made. In this respect other local authorities in Somerset have been advised that, if appointed, Louise Somerville Williams would be available for that purpose and it is hoped that this offer will be reciprocated from elsewhere in the County.

- 4.8. It was also agreed that John Gamlin of Porlock be appointed as the third independent member of the Standards Advisory Committee for an initial four year period. John's working life experience included senior posts in both local and central government, all outside of West Somerset and some time ago. Since his retirement John has continued a policy of lifelong learning and is currently nearing the final year of a BA (Honours) Humanities degree with the Open University. His clear independence, breadth of knowledge and local residency made him a very suitable candidate for the role of an independent member of the Standards Advisory Committee.
- 4.9. The Monitoring Officer also contacted parish council clerks via email on 29 June 2012 inviting expressions of interest for the vacancy for a town/parish representative on the Standards Advisory Committee.
- 4.10. Subsequently, one expression of interest was received from Councillor John Fulwell who is Chairman of the Withycombe Parish Council. John is a retired businessman and as well as a parish councillor is also a fellow of the Institute of Chartered Accountants and familiar with the concept of standards in professional and public life.
- 4.11. Both the Chairman of the Standards Advisory Committee and Peter Lacey of the Somerset Association of Local Councils were consulted on the process and its outcome and it was agreed that Councillor John Fulwell be appointed as a parish/town councillor member of the Standards Advisory Committee for an initial period expiring on the parish council elections to be held in May 2015.
- 4.12. The Council are fortunate to have such well qualified applicants putting themselves forward to fill these important positions.
- 4.13. The Council is therefore recommended to appoint Louise Somerville Williams as the independent person and note the respective appointments of John Gamlin and Councillor John Fulwell.

5. FINANCIAL/RESOURCE IMPLICATIONS

- 5.1. All three appointments attract an annual allowance of £552 per annum plus expenses and mileage. It is anticipated that these costs will be met from the existing member allowances budget.

6. SECTION 151 OFFICER COMMENTS

- 6.1. No additional costs will be incurred, as the proposed allowances will be met from within the existing approved budget for 2012/13.

7. EQUALITY & DIVERSITY IMPLICATIONS

- 7.1. The proper implementation of a new Ethical Standards Regime will be essential in meeting the Council's statutory duty to promote and maintain a high standard of conduct for its elected councillors and co-opted members as well as those for town/parish councillors in West Somerset and this should be welcomed in terms of fair and equitable governance.

8. CRIME AND DISORDER IMPLICATIONS

8.1. None in respect of this report.

9. CONSULTATION IMPLICATIONS

9.1. The three vacant posts were the subject of open advertisement.

10. ASSET MANAGEMENT IMPLICATIONS

10.1. None in respect of this report.

11. ENVIRONMENTAL IMPACT IMPLICATIONS

11.1. None in respect of this report.

12. LEGAL IMPLICATIONS

12.1. The appointment of an independent person is a statutory requirement prescribed by the Localism Act 2011 in relation to the new Ethical Standards Regime.

REPORT TO A MEETING OF FULL COUNCIL TO BE HELD ON 19 SEPTEMBER 2012.

CONTACT OFFICER:	BRUCE LANG
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REPORT NUMBER WSC 122/12
 PRESENTED BY COUNCILLOR S J PUGSLEY, LEAD MEMBER FOR EXECUTIVE
 SUPPORT AND DEMOCRACY
 DATE 19 SEPTEMBER 2012

INDEPENDENT LOCAL GOVERNMENT DEBATE

1. PURPOSE OF REPORT

- 1.1. The purpose of the report is to advise Council of the current consultation process being undertaken by the Political and Constitutional Reform Committee regarding independent local government and provide the Council with the opportunity of making a response.

2. RECOMMENDATIONS

- 2.1. That the Council welcomes the initiative and would wish to explore with other local authorities and central government the possibility of codifying the relationship between central and local government.
- 2.2. That the Council makes any detailed comments in regard to the illustrative draft code attached as Appendix B to this report.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
That the Council does not respond and therefore does not influence the independent local government debate.	Likely (4)	Moderate (3)	Medium (12)
<i>The Council in proactive in response to the consultation process</i>	Minor (2)	Moderate (3)	Low (6)

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

4. BACKGROUND INFORMATION

- 4.1. The Political and Constitutional Reform Committee is currently consulting on the democratic and practical issues around the desirability of codifying (or formally writing down) in statute the principles and mechanics of the relationship between central and local government. The consultation process is being supported by the Local Government Association and local authorities have been invited to respond to the consultation by 5 October 2012.
- 4.2. As a starting point the Political and Constitutional Reform Committee have set out nine principles to form the basis of drafting a code governing the relationships between central and local government – attached as Appendix A to this report. Taking these principles into account an illustrative draft code for central and local government has been produced containing ten articles – attached as Appendix B to this report.

- 4.3. The key elements of the draft code that may prove to be attractive to local government are:-
- Full retention by local government of uncapped and locally decided Council Tax and Business Rates subject to retaining mechanisms for fairness and redistribution.
 - Entrenching local accountability by removing many of central government's supervisory powers
 - Removing central government and parliament's power to decide council boundaries, structures and governance models, leaving those matters up to councils and local communities with the support of the Independent Boundary Commission.
 - Restating the general power of competence and extending it's principles in the spirit of community budgets and making it a default position that local government should have the power to provide any local public service no explicitly reserved to another body.
 - Entrenching those elements of local government's legal position in a way that makes it harder for future parliaments to re-regulate local government.
- 4.4 To make such a proposal secure any such code would need to be reflected in an act of parliament involving many consequential appeals and amendments of existing law. It can be seen that this issue touches on some very fundamental principles and could involve a very detailed and protracted debate.
- 4.5. At this stage Council may wish to at least express a view, in principle, as to whether it has the appetite for exploring with other local authorities and the central government the possibilities of such a formal arrangement being enacted, In addition, the Council may wish to submit detailed comments on the illustrative first draft of such a code set out in Appendix B.
- 4.6. This issue will be discussed at the meeting of the Corporate Policy and Advisory Group to be held on 11 September 2012 and the outcome will be reported verbally at the meeting.

5. FINANCIAL/RESOURCE IMPLICATIONS

- 5.1. None in respect of this report.

6. SECTION 151 OFFICER COMMENTS

- 6.1. There are no financial implications of this particular report, however the suggestion of full retention by local government of uncapped and locally decided Council Tax and Business Rates would change the implications. Progress of this consultation should therefore be closely monitored over the coming months.

7. EQUALITY & DIVERSITY IMPLICATIONS

- 7.1. None in respect of this report.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1. None in respect of this report.

9. CONSULTATION IMPLICATIONS

- 9.1. This report has been generated in response to a consultation process initiated by the Political and Constitutional Reform Committee in partnership with the Local Government Association.

10. ASSET MANAGEMENT IMPLICATIONS

10.1. None in respect of this report.

11. ENVIRONMENTAL IMPACT IMPLICATIONS

11.1. None in respect of this report.

12. LEGAL IMPLICATIONS

12.1. None in respect of this report.

REPORT TO A MEETING OF FULL COUNCIL TO BE HELD ON 19 SEPTEMBER 2012.

CONTACT OFFICER:	BRUCE LANG
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Political and Constitutional Reform Committee

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Principles for a draft code governing relations between central government and local authorities in England

1. Central government shall consult with local authorities on all new legislative and policy proposals in which local authorities have an interest in a forum specifically created for the purpose. The forum shall also consider how the provisions of this code can best be entrenched to make it difficult for central government to repeal them unilaterally.
2. Central government may not change local authority boundaries without first having consulted with the local communities concerned.
3. Each local authority may agree on the system by which its members are to be elected, subject to the agreement of local voters through a referendum.
4. The financial systems, including taxes, on which resources available to local authorities are based shall be of a sufficiently diversified and buoyant nature to enable them to keep pace as far as practically possible with the real evolution of the cost of carrying out their tasks.
5. Central government and local authorities working together shall design financial equalisation procedures to correct the effects of the unequal distribution between local authorities of potential sources of finance and of the financial burden they must support. Such procedures shall not diminish the discretion local authorities may exercise within their own sphere of responsibility.
6. Local authorities shall have the right to determine levels of tax appropriate for their communities, and to be answerable for these levels to their communities, not to central government.
7. The responsibilities of central government and local authorities shall be clearly defined in statute.
8. Central government has the right to require local government to implement national standards for certain policies, while local government has the right to determine how these national standards are achieved.
9. All of the above provisions are subject to the law.

Appendix B Illustrative draft code for central and local government

Preamble

Through this code Parliament recognises free and independent local councils in England accountable to local citizens. These include unitary, county, district, metropolitan district, and London borough councils. They shall enjoy independence in both powers and finance and be entitled to do all that is required at local level, within the law, to secure and improve the well-being of their citizens and communities. Parliament makes plain that within their spheres of competence, local councils have co-equal not subordinate-status to central government and that their rights and duties shall enjoy equal protection in law.

Article One

1. The fundamental rights and duties of local councils herein are defined protected and entrenched. They may only be changed by the consent of Parliament as authorised firstly by an elected joint committee of both Houses, and then by the approval of both Houses of Parliament as prescribed in the amendment to the 1911 Parliament Act [enabling the second chamber to reject changes to the fundamental freedoms of local governance].

2. The code represents a consensual agreement between central government and local councils. Councils, local government representative bodies, all ministers, government departments, MPs, civil servants, courts of law and all public

agencies interacting with local government are bound by the articles within this agreement and will act in accordance with these articles.

3. All of the provisions of the code are subject to the law. The individual rights of citizens are not affected by this code and citizens may seek judicial review against any injustice or infringement of rights as now. Councils and government can seek legal adjudication should it be felt that a council, councils or central government are not acting in accordance with the code.

Article Two: Local autonomy and local self-government

1. Councils' accountability is to local citizens.

2. Councils shall operate within the rule of law and with regard and respect to human rights legislation.

3. Councils are autonomous, democratically elected bodies which independently decide upon, administer and regulate the public affairs of and deal with all matters of concern within their boundaries which are not dealt with or attended to by other governmental bodies.

4. Councils operate within a framework of an irrevocable general power of competence with a full legal personality. Powers rest with councils, acting in accordance with the national legal framework, to pass local legislation on matters affecting the affairs and interests of their area.

Article Three: Scope of local government

1. The powers and responsibilities of councils shall after due consultation be prescribed by statute subject to safeguards in Article 1.1.
2. Councils have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence or assigned to any other authority or body.
3. Councils are to be consulted, early within the policy and decision-making processes, by the Government if it is proposing reform, which will affect any council and its communities.

Article Four: Inter-governmental activities

1. Central and local government acting jointly shall be allowed to create inspection regimes to set and maintain service standards.

Article Five: Territorial autonomy

1. The boundaries of local authorities are an issue for councils and their citizens. Any proposal for boundary changes must be conducted with the involvement of the Local Government Boundary Commission for England and within the law and subject to a local referendum in the area concerned.

Article Six: Council governmental systems

1. Local citizens through their councils have autonomy to choose their internal political decision-making systems (including, whether to adopt a directly elected mayor and cabinet, cabinet and leader, committee system, or some other political decisionmaking arrangement). Changes to political decision-making systems must first be subject to a binding local referendum.

2. Councils must review their political decision-making system every eight years and produce a publicly available 'Political Governance' report setting out the effectiveness of the system and if appropriate considering alternative approaches.
3. Councils or local citizens can adopt any electoral system for use in council elections, after consultation and a binding referendum.

Article Seven: Local government financial integrity

1. Local councils shall to the greatest possible extent be financially independent of central government. Equalisation will be conducted by an independent Equalisation Board on an annual basis.
2. Local citizens through their councils may raise additional sources of income in their localities in any way they wish [subject to the rule of law and human rights legislation] if they gain the consent of their electorates through a binding referendum or local propositions.
3. Local government shall be given a guaranteed annual share of the yield of income tax. This share shall be increased as and when service provision responsibilities are transferred from central to local government so that councils are always able to benefit from the growth in buoyant tax resources available to the state as a whole.
4. The process of equalisation, ensuring fairness as between local councils, shall be undertaken by a body independent of central government.

5. Councils shall be able to raise any loans which their credit rating allows and will be exclusively responsible for repayment. For the purpose of borrowing for capital investment, councils shall have access to the national capital market at their own discretion. All councils shall operate an annual balanced budget so that all outgoings, including interest repayments on borrowings, shall not exceed income.

6. Central government will not cap, or in any way limit, councils' taxation powers. Central government must consult with councils on how it will distribute and allocate government funding when using local government as an agent to pursue its own policy objectives. Government funding to councils, in pursuit of central government policy objectives is to be based on a rolling three year budget cycle to coincide with the comprehensive spending review process. Once the three year medium term budget planning process has been agreed and announced no significant changes in funding levels will be made by central government.

7. The same financial transparency standards will apply to local and central government, alike.

Article Eight: Councils' right and duty to co-operate and associate

1. Councils as independent legal entities are entitled, in any undertaking, to co-operate in any way with other councils, public and private bodies, any voluntary, charity or third-sector organisation, or with any financial, commercial or private enterprise.

2. Where more than one Council is responsible for services in a geographic area, these Councils shall co-operate to maximise the well-being of those within that area.

3. Councils are able to belong to any association for the protection and promotion of their common interests and to belong to an international association of any sort. Councils are entitled to co-operate with councils in other countries for any matter.

Article Nine: Local referendum

1. The administration of any local referendum process shall follow standards set by the Electoral Commission, and those responsible for the conduct of any such referendum shall be accountable to the Electoral Commission for their performance against those standards.

Article Ten: Legal protection of local government

1. Councils have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for the power of general competence and any other principles of local self-government or individual rights enshrined in law or contained within the code or evident in Human Rights legislation.

The draft code is available online at tinyurl.com/draftcode (PDF)

For more information on independent local government please contact:

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Useful websites

www.local.gov.uk/parliamentary-watch

www.parliament.uk



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We consider requests on an individual basis.

REPORT NUMBER WSC 124/12
 PRESENTED BY MONITORING OFFICER, BRUCE LANG
 DATE 19TH SEPTEMBER, 2012

NEW REGULATIONS REGARDING MEETINGS OF THE EXECUTIVE AND ACCESS TO INFORMATION

1. PURPOSE OF REPORT

- 1.1. To brief the Council of the key issues emerging from the introduction of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

2. RECOMMENDATIONS

- 2.1. That Council note the main issues arising from the new regulations as set out in the briefing note appended as Appendix A to the report and request updates on the way forward as matters are clarified.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Some key decisions may be taken without all the requirements of the new regulations being met and leave the Council open to challenge	Likely (4)	Moderate (3)	Medium (4)
<i>Be transparent about new process and introduce new requirements as soon as matters are clarified</i>	Possible (9)	Moderate (3)	Medium (9)

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

4. BACKGROUND INFORMATION

- 4.1. The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 were made on 10th August, 2012 and came into force on 10th September, 2012.
- 4.2. A briefing note setting out some of the main implications of the new regulations is appended as Appendix A to this report.
- 4.3. The Council is requested to note the briefing note at this stage and further information on the appropriate way forward, including any necessary changes to the constitution will be provided in due course.

5. FINANCIAL/RESOURCE IMPLICATIONS

- 5.1. No financial implications at this stage are anticipated; there will be some potential capacity issues in respect of the Corporate Services Group depending on the detailed procedures and processes that will be considered necessary to be implemented to meet the requirements of the new regulations.

6. SECTION 151 OFFICER COMMENTS

- 6.1. The Council should always endeavour to meet its statutory requirements as a principle of sound governance.

7. EQUALITY & DIVERSITY IMPLICATIONS

- 7.1. The regulations do not explicitly require information in relation to equality and diversity to be included in the notification of a key decision. Nevertheless, the Council's own report writing template will continue to require report authors to include such issues for consideration at the decision making stage.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1. None in respect of this report.

9. CONSULTATION IMPLICATIONS

- 9.1. According to the explanatory memorandum to the Regulations the Government chose not to consult directly with Local Authorities on the contents of these regulations Although the Government did undertake an informal sounding exercise with partners including the Local Government Association.

10. ASSET MANAGEMENT IMPLICATIONS

- 10.1. None in respect of this report.

11. ENVIRONMENTAL IMPACT IMPLICATIONS

- 11.1. None in respect of this report.

12. LEGAL IMPLICATIONS

- 12.1. These new regulations do revoke certain existing regulations and will necessitate certain amendments to the Council's Constitution.

REPORT TO A MEETING OF COUNCIL TO BE HELD ON 19TH SEPTEMBER, 2012

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Briefing Note

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

The above regulations were made on 10 August 2012 and came into force on Monday 10 September 2012. These regulations revoke the current regulations which govern meetings of the executive (Cabinet) and how executive decisions are recorded. The government chose not to consult on the contents of these regulations although a short focussed informal sounding exercise was undertaken with partners including the Local Government Association whose view were that no amendments to existing regulations were necessary. The government did not share that view and local authorities were not informed of the regulations until they were published.

Main issues

Meetings of the Cabinet

The previous regulations required that any meeting of the Cabinet where a key decision was to be made must to be held in public. The new regulations establish the presumption that all Cabinet meetings will be held in public unless certain circumstances apply. Whilst the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report. However, as before, this does not mean that the Council must permit photographs video or audio recordings of the meeting or an oral report of proceedings as they take place.

Exempt Items

In future if the Cabinet wishes to consider an item in private (on pink paper) then it is required to give at least 28 clear working days notice before the meeting, detailing the item to be considered in private, the reason why and how members of the public might make representations in relation to the intention to hold the item in private. In addition, five clear days before the meeting a further notice must be published including any details received in response to the earlier notice of intent and a statement of the Council's response to such representation. Under the new law, if the above timetable is impracticable, special urgency provisions are available to consider a matter in private then this is permissible if Cabinet has had agreement from the Chairman of the Scrutiny Committee. Notice must be given setting out a reason why a meeting is urgent and cannot reasonably be deferred.

Key Decisions and Forward Plan

An executive decision is a decision which falls within the terms of reference of the Cabinet and can be made by the Cabinet, an individual Cabinet member or an officer. All executive decisions must be taken within Council policy.

A key decision is a special type of executive decision. For a decision to be classified as key it will meet one of the following criteria:

- The decision will affect two or more wards within the area covered by the Council
- The decision will have a significant impact on at least one ward
- Revenue spending or saving would be £25,000 or more as a result of the decision
- Capital spending or saving would be £50,000 or more as a result of the decision.

Under the new regulations the Council is no longer required to produce and publish a forward plan detailing the key decisions to be taken during a four-month period. Instead the new regulations state that where a decision maker intends to make a key decision that decision must not be made until a document has been published at least 28 clear days beforehand on the Council's website. The document must also be made available for inspection by the public at the council offices. The following information must be made available in such a notice:-

- The key decision to be made
- The matter that it is in respect of
- Name or title of decision making body or person
- Date of decision or period which it will be made
- List of documents submitted to decision maker for consideration
- Address where copies of documents can be obtained
- That other documents may be submitted to the decision maker and the procedure for requesting copies of them.

If a key decision needs to be made urgently and it is not practicable to give 28 days notice, such a decision can only be made where the proper officer has informed the Chairman of the Scrutiny Committee in writing and has placed a copy of the notice on deposit and website for five clear days.

Recording of Executive Decisions

As soon as is reasonably practical after a meeting of the Cabinet the proper officer must ensure a written statement is produced for every decision which includes:-

- Record of decision including date and name
- Reason for decision
- Details of any alternative options considered and rejected by decision maker
- Record of conflicts of interest declared by members of decision making body and dispensations granted

The same arrangements are required in respect of recording executive decisions made by individual Councillors. This should not have a significant impact for West Somerset Council as currently this practise is generally not followed.

The regulations do, however, also make reference to requiring executive decisions made by an officer to also be publicly recorded. Such a public decision notice should include:-

- Record of the decision including date made
- Reasons for decision
- Details of any alternative options considered and rejected by decision maker
- Record of conflicts of interest declared by an executive member who was consulted

Taken literally, the regulations could imply that every decision taken by an officer under the Scheme of Delegations would need to be treated in this way which could relate to all decisions including buying a pen, paying electricity bill etc and this would essentially bring local authorities to a standstill. It is assumed that this would not be the intention and therefore clarification is being sought. One interpretation is that this provision would only apply in instances where the Cabinet have at a meeting delegated a decision to officers. Nevertheless this has still to be confirmed.

Miscellaneous

There are also other detailed matters relating to availability of background papers, the granting of dispensations to members regarding conflicts of interest, members rights to access to information, inspection of documents by members of the public and the requirement for the Leader of the Council to submit an annual report containing details of each executive decision taken where such a decision was agreed to be urgent.

Conclusion and Next Steps

This briefing paper should therefore be read purely for raising general awareness of members of the key issues emerging and not be taken as a definitive explanation in regard to the matters that are covered in these regulations.

It is clear that further clarification is required before all implications can be fully taken into account. Inevitably it will be necessary to update various procedures and documentation including the Constitution to ensure full compliance and members will be kept informed accordingly.