

To:

Members of Scrutiny Committee

(Councillors P H Murphy (Chairman), R Lillis (Vice Chairman), M J Chilcott, M O A Dewdney, G S Dowding, J Freeman, B Heywood and D J Sanders)

Members of Cabinet

(Councillor T Taylor (Leader), K Kravis (Deputy Leader), C Morgan, K Mills, S J Pugsley, A H Trollope-Bellew, K H Turner, D J Westcott)

Our Ref CS

Contact Sam Rawle sjrawle@westsomerset.gov.uk

Date 04 February 2015

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
THIS DOCUMENT CAN BE MADE AVAILABLE IN LARGE PRINT, BRAILLE, TAPE FORMAT
OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

SCRUTINY COMMITTEE

Date: Thursday 12 February 2015

Time: 3.30 pm

Venue: Council Chamber, Council Offices, Williton

There will be a pre-meeting held in the Grabbist Room at 2.30pm to which all Scrutiny Members are invited.

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy.

Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Committee Services on 01643 703704.

Yours sincerely



BRUCE LANG

WEST SOMERSET COUNCIL

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RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

SCRUTINY COMMITTEE

Meeting to be held on Thursday 12 February 2015 at 3.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Scrutiny Committee held on 15 January 2015, 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. Notes of Key Cabinet Decisions/Action Points

To review the Key Cabinet Decisions/Action Points from the Cabinet Meeting held on 4 February, 2015 – **TO BE CIRCULATED AT MEETING**

6. Cabinet Forward Plan

To review the latest Cabinet Forward Plan for the months of March & April published on 27 January 2015 – **SEE ATTACHED.**

7. Creation of the Somerset Building Control Partnership

To consider Report No. WSC 24/15, to be presented by Cllr A Trollope-Bellew, Lead Member for Environment- **SEE ATTACHED.**

The purpose of the report is to provide Scrutiny Committee with the opportunity to consider the draft business case for the creation of a Somerset Building Control Partnership between Mendip and Sedgemoor District Councils, Taunton Deane Borough Council and West Somerset Council.

8. Scrutiny Committee Work Plan

To receive items and review the Scrutiny Committee WorkPlan for 2014/15 – **SEE ATTACHED.**

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

The Council's Vision:

To enable people to live, work and prosper in West Somerset

The Council's Corporate Priorities:

- Local Democracy:
Securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.
- New Nuclear Development at Hinkley Point
Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.

SCRUTINY COMMITTEE

Minutes of the Meeting held on 15 January 2015 at 3.30 pm

Present:

Councillor P H MurphyChairman
Councillor R LillisVice Chairman

Councillor M J Chilcott
Councillor J Freeman
Councillor D J Sanders

Councillor G S Dowding
Councillor B Heywood
Councillor K Ross

Members in Attendance:

Councillor K Kravis
Councillor T Taylor
Councillor A H Trollope-Bellew

Councillor K H Turner
Councillor D J Westcott

Officers in Attendance:

Assistant Chief Executive and Monitoring Officer (B Lang)
Assistant Director – Resources (P Fitzgerald)
Corporate Strategy and Performance Manager (P Harding)
Media and Communications Officer (D Rundle)
Scrutiny and Performance Officer (S Rawle)
Administrative Support (A Randell)

SC53 Apologies for Absence

Apologies were received from Councillors M Dewdney and K Mills.

SC54 Minutes

(Minutes of the Meeting of the Scrutiny Committee held on 1 December 2014 – circulated with the Agenda.)

Changes relating to SC49 and SC51 were agreed.

RESOLVED that the Minutes of the Scrutiny Committee held on 1 December be confirmed as a correct record following the inclusion of the agreed changes.

SC55 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.	Description of Interest	Personal or Prejudicial or Disclosable Pecuniary	Action Taken
Cllr K J Ross	All Items	Dulverton	Personal	Spoke and voted
Cllr P H Murphy	All Items	Watchet	Personal	Spoke and voted
Cllr K H Turner	All Items	Brompton Ralph	Personal	Spoke

SC56 Notes of Key Cabinet Decisions/Action Points

(Copy of Notes of Cabinet Decisions/Action Points, circulated with the agenda.)

RESOLVED that the Key Cabinet Decisions/Action Points from the meeting held on 3 December 2014, be noted.

SC57 Cabinet Forward Plan

(Copy of the Cabinet Forward Plan published 6 January 2015, circulated with the agenda.)

RESOLVED that the Cabinet Forward Plan published on 6 January 2015, be noted.

SC58 Financial Standing and Medium Term Financial Plan 2015/2016

(Report No WSC 11//15, circulated with the agenda.)

The purpose of the report was to inform members of the Scrutiny Committee of the latest status of the Councils financial planning, including the latest Medium Term Financial Plan forecasts and the processes involved in its drafting.

Achieving financial sustainability was a fundamental priority of the Council. The report set out to demonstrate the effective approach to the development of, and progress in the delivery of, a robust financial strategy that would achieve this priority.

During the course of discussion the following points were made:-

- What evidence was there for the estimated increase in the net Retained Business Rates funding detailed in Table 2 of the report. Did this take into account the addition of a number of new businesses moving into the area?. A number of assumptions had been given in relation to the figures provided in Table 2 which included an increase in new businesses along with successful Business Rate appeals. Assurance was given that this was a realistic estimate.
- Outstanding Business Rate appeals were deemed to be one of the main financial risks to forecasting.
- Discussion took place in relation to renewing the Microsoft license. It was requested that alternatives be considered such as Open Office which many authorities had been using.

- It was requested that the Microsoft Licensing issue be clarified and a written response circulated to Members prior to the next meeting of the Committee.
- The impact of the Council Tax freeze grant was £15,153. Members were advised that freezing the Council Tax for the next financial year would create a continuing reduction in revenue and a greater financial risk.
- It was confirmed that it would be for Cabinet to make a recommendation for Council to approve if it wanted to accept the Council Tax freeze grant.
- It would be for Members of the authority to make the decision on Council Tax and for officers to then implement this decision.
- If the freeze grant was taken then this would be absorbed into the Revenue Support Grant. Members were of the view that it made sense to raise the Council tax by 1.99% to guarantee that the Council Tax Base increased for future years instead of disappearing in the future reduction of the Revenues Support Grant.
- It was suggested that any savings or surplus generated be allocated to the unfunded Capital Programme.
- Comment was made as to the importance of maintaining the Council's assets so they were safe for community use.
- The £48,082 New Homes Bonus Reserve would be used on invest to save projects, which would overall reduce the budget gap.
- It was argued that aspects of the Capital Programme could be funded by other methods such as borrowing to take advantage of low borrowing costs that could increase the number of projects that could be undertaken.
- Discussion took place relating to the figure for minimum reserves and whether some of this could be utilised for supporting the discretionary grant programme for community groups. It was confirmed that it would be prudent to increase the level of reserves above the minimum to allow for 'elbow room' in order to increase the Council's resilience going forward in the financially challenging times.

RESOLVED that:- (1) the financial standing of the Council through the current Medium Term Financial Plan forecasts and the draft budget estimates and proposals for 2015/2016 be noted and; (2) the comments made by the Scrutiny Committee be referred to the Cabinet for consideration.

SC59 Service Plans 2015

(Report No WSC 12/14, circulated with the agenda.)

The report provided the Scrutiny Committee with the opportunity of scrutinising and influencing the draft Service Plans for 2015/2016 prior to their finalisation and approval.

Paul Harding, the Corporate Strategy and Performance Manager, presented the report which provided a brief summary and introduction on the Corporate Performance Update and the Service Plans for 2015/2016.

During the course of the discussion the following points were raised:-

- New photographs of West Somerset were requested to be used on the front sheet of the Service Plans.

- An update was requested on the Community Asset Transfer Policy and it was questioned how empty homes were being monitored. Work was being done to bring empty homes back into use with the recruitment of an Empty Homes Officer.
- The authority was confident that the empty homes data was accurate due to the Council Tax Reduction incentive for owners to inform the Council when properties were no longer in residential use. An Empty Homes Officer was being put in place to monitor and address empty homes across both authorities to encourage quicker turnaround times for them to be put back into residential use.
- All Service Plans were valued and welcomed by the Committee. Concern was raised over vacant job positions. These were dependent on additional funding and would therefore need to be approved by members.
- Councillors were informed that the first performance review would be held around June or July 2015.

RESOLVED that:- the Scrutiny Committee note Corporate performance update and draft service plans for 2015/16.

SC60 Scrutiny Committee Work Plan

(The Scrutiny Committee Work Plan, circulated with the agenda was considered.)

The report provided the Scrutiny Committee with the opportunity to consider the meeting timetable for 2015/2016.

Councillors were requested to consider and comment on the proposed Work Plan submitted.

During the course of the discussion the following points were raised:-

- The GP 'Out of Hours' written update was discussed. Members were informed that an update would be brought to the Committee in the next month.
- It was requested that a report on Empty Homes be scheduled for a future meeting after discussions with officers to agree the most appropriate time.
- An update and response from Cabinet relating to the item on the Rhynes was also requested to be provided as soon as possible.

RESOLVED that the Work Plan be adopted

The meeting closed at 5.25 pm.

Weekly version of Cabinet Forward Plan published on 27 January 2015

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/15/3/01 22/04/2014	4 March 2015 By Councillor T Taylor – Leader of Council	Title: Corporate Performance Report 2014-15 – Quarter 3 Decision: to provide Members with an update on progress in delivering corporate priorities and performance of council services		No exempt / confidential information anticipated	Paul Harding, Corporate Strategy and Performance Manager 01823 356309
FP/15/3/05 22/04/2014	4 March 2015 Councillor K V Kravis – Lead Member Resources & Central Support	Title: Budget Monitoring Report Quarter 3 Decision: to provide Members with details of the Council's expected financial outturn position in 2014/15 for both revenue and capital budgets, together with information relating to predicted end of year reserve balances		No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680
FP/15/3/02 22/04/2014	4 March 2015 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve community listing		No exempt / confidential information anticipated	Simon Lewis, Assistant Director Housing and Community Development 01823 356397
FP/15/3/03 22/04/2014	4 March 2015 By Councillor C Morgan – Lead Member for	Title: Hinkley Point Decision: to consider key issues relating to Hinkley Point		No exempt / confidential information anticipated	Andrew Goodchild, New Nuclear Programme Manager 01984 635245

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
	Environment – Hinkley Point				
FP/15/3/04 6/02/2014	4 March 2015 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Review of Financial Regulations [FR2] Decision: to offer comment on the Financial Regulations		No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680
FP/15/3/05 18/12/2014	4 March 2015 By Councillor D Westcott – Lead Member for Community and Customer	Title: Discretionary Housing Payment and Discretionary Council Tax Rebate Policy for 2015/16 Decision: to present the Discretionary Housing Payment and Discretionary Council Tax Rebate Policy for 2015/16 for recommendation to Council		No exempt / confidential information anticipated	Heather Tiso, Head of Revenues and Benefits 01823 356541
FP/15/3/06 09/01/2015	4 March 2015 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Business Rates Discretionary Rate Relief Policy Decision: to recommend to Council to seek approval of a Business Rates Discretionary Rate Relief Policy		No exempt / confidential information anticipated	Dean Emery, Principal Revenues and Debt Recovery Officer 01823 356433
FP/15/3/07 27/01/2015	4 March 2015 By Councillor A H Trollope-Bellew – Lead Member Environment General	Title: Building Control Shared Service Decision: to consider entering into a 4 authority partnership for building control services, for recommendation to Council		No exempt / confidential information anticipated	Chris Hall, Assistant Director Operational Delivery 01823 356361

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/15/4/01 22/04/2014	1 April 2015 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Allocation of Section 106 funds held – Quarter 4 Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Tim Burton, Assistant Director Planning and Environment 01823 358403
FP/15/4/02 22/04/2014	1 April 2015 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve community listing		No exempt / confidential information anticipated	Simon Lewis, Assistant Director Housing and Community Development 01823 356397
FP/15/4/03 22/04/2014	1 April 2015 By Councillor C Morgan – Lead Member for Environment – Hinkley Point	Title: Hinkley Point Decision: to consider key issues relating to Hinkley Point		No exempt / confidential information anticipated	Andrew Goodchild, New Nuclear Programme Manager 01984 635245
FP/15/4/04 09/01/2015	1 April 2015 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: West Somerset's New Corporate Debt Policy Decision: to recommend to Council to approve the new corporate debt policy		No exempt / confidential information anticipated	Dean Emery, Principal Revenues and Debt Recovery Officer 01823 356433

Note (1) – Items in bold type are regular cyclical items.

Note (2) – All Consultation Implications are referred to in individual reports.

The Cabinet comprises the following: Councillors T Taylor, K V Kravis, K M Mills, C Morgan S J Pugsley, A H Trollope-Bellew, K H Turner and D J Westcott.

The Scrutiny Committee comprises: Councillors P H Murphy, R Lillis, M J Chilcott, M O A Dewdney, G S Dowding, J Freeman, P N Grierson, B Heywood and K J Ross.

Report Number: WSC 24/15
Presented by: Cllr Trollope-Bellew
Author of the Report: Chris Hall – Assistant Director Operational Delivery
Contact Details:

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Email: c.hall@tauntondeane.gov.uk

Report to a Meeting of: Scrutiny
To be Held on: 12th February 2015

*Date Entered on Executive Forward Plan
Or Agreement for Urgency Granted:*

CREATION OF THE SOMERSET BUILDING CONTROL PARTNERSHIP

1. PURPOSE OF THE REPORT

- 1.1 To seek approval to create a Somerset Building Control Partnership as outlined in the appended Business Case, comprising Mendip and Sedgemoor District Councils, Taunton Deane Borough Council and West Somerset Council.
- 1.2 To seek approval to transfer employees to Sedgemoor District Council under TUPE - Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The formation of partnerships to deliver shared services and create efficiencies is in compliance with national priorities.
- 2.2 A resilient, cost-effective and local building control service is essential to support the local economy, developers and the building trade and helps to secure safe and high quality developments. The emergency call-out rota for dangerous structures is an important part of the Council's 'out of hours' service provision.

3. RECOMMENDATIONS

Members are recommended to:

1. Approve the creation of a Somerset Building Control Partnership as outlined in the appended Business Case, and subject to the approval of the other proposed partner Councils.
2. To approve the creation of a 'Joint Committee' to oversee the strategic direction, performance and budget of the partnership.
3. To nominate the Portfolio Holder and Assistant Director (Operational Delivery) to represent the Council on the Joint Committee.
4. To delegate responsibility to the Section 151 Officer, the Monitoring Officer and the Assistant Director (Operational Delivery) to finalise legal agreements, partnership budgets and cost/income sharing arrangements, shared redundancy payments and

detailed governance arrangements.

4. RISK ASSESSMENT

- 4.2 The partnership has been designed to deliver statutory and fee earning services on behalf all partners, the level of income from these services fluctuates but there is a history in West Somerset of failing to meet with the income expectations and therefore operating at a greater cost to the Council.
- 4.3 If West Somerset Council do not introduce a big change to the way they deliver the building control function there is a risk that further employee reductions will be needed and that the service will be placed in a position of unsustainability and unable to deliver its statutory responsibilities.
- 4.4 When building control employees have been reduced in West Somerset there is a history of them setting up as Approved Inspectors and competing for the same work as the Council's building control service, adding to this Council's income challenges.
- 4.5 A comprehensive risk log is included within part 7 of the appended Business Case, pages 28-30.
- 4.6 The prime area of risk for this Council would be if the fee income reduced dramatically. However, the inter-authority agreement and joint committee will mitigate this risk, because partner Council's would retain shared responsibilities for the financial viability and future success of the partnership. The management team would be tasked with reducing costs to match any reduced income position, together with marketing the service to gain new business. Support service costs/recharges for setting up the partnership and providing additional support to develop it, will ensure the new business unit pays for enhanced investment of officer time in the first 2- 3 years

5. BACKGROUND

- 5.1 Analysis and research, including advice from Finance Officers, HR managers, Legal Teams and IT managers has now been completed, and a comprehensive business case/plan has been agreed by senior management in each of the four partner Councils:
- Mendip District Council
 - Sedgemoor District Council
 - Taunton Deane Borough Council and
 - West Somerset Council
- 5.2 North Dorset District Council withdrew from the project in 2014, and South Somerset District Council withdrew earlier in the process.
- 5.3 Authority will be sought from each of the four Council Executives/Cabinets during the February/March to form the Partnership. The Partnership will be the largest Building Control Partnership in the South of England. There would also be scope to increase membership in the future.
- 5.4 The Key business reasons for forming the partnership are:
- To secure a sustainable building control Service for the future.
 - To reduce costs to each partner Council.
 - To improve competitiveness with the private (and public) sector providers of building control services – to win more business and maximise income.

- To increase resilience and customer service levels – a bigger core service team rather than 4 small teams.
- To improve professional development opportunities, to make it easier to attract and retain good quality staff.

5.5 The building control service provided by districts councils is one of the council functions that is in direct competition with the private sector (Approved Inspectors).

5.6 In recent years services have found it more and more difficult to compete with the private sector providers of building control for the 'fee income' from Building Regulations applications. Local authorities also have to carry out other statutory building control responsibilities that the private sector is exempt from, and these do not bring in income to support them.

5.6 The reduction in income to building control services is leaving most individual local authority building control services with a choice between having a very small team with little resilience, or operating the service at a financial loss which must then be subsidised by the General Fund of the authority. This picture is seen across the country and the Government has confirmed that its view is that the most effective way forward to alleviate this is for single local authority building control teams to form partnerships.

5.7 With this in mind four local authorities in Somerset have been working collaboratively with a view to forming a single building control partnership that tackles the issues facing the service, improves delivery for customers and reduces the financial burden on the individual authorities.

5.8 In Devon a successful building control partnership has been running since 2005. Consisting initially of two local authorities (Teignbridge and West Devon), it was then joined by South Hams in 2006 and is currently in discussions with other Devon authorities. This partnership has managed to weather the financial pressures facing building control, kept its service highly effective and resilient, and maintained good market share. This model, along with a similar one in Norfolk where five local authorities operate under the banner of CNC Building Control Partnership, has shown that building control partnerships have long term benefits for councils and the customers they provide services too.

6. THE PROPOSED PARTNERSHIP

6.1 A comprehensive business case has been developed by the 4 partner organisations having considered:

- The prevailing economic and competition challenges facing building control.
- The requirement to maintain a resilient and competent service.
- The increasing move to form partnerships to deliver successful building control services.
- Options for governance of a partnership.
- Comparisons of workloads, application numbers, staffing numbers and income/budgets between the 4 partners.
- The ability to generate significant savings from forming a single business unit, by reducing management posts and staff numbers, and reducing office overheads and other support service charges.
- Creation of a new partnership staffing structure, based on workloads and introducing new and more efficient ways of working.

- 6.2 The Key business reasons for forming the partnership are:
- a) To secure a sustainable building control service.
 - b) To reduce costs to each partner Council.
 - c) To improve competitiveness with the private (and public) sector providers of building control services – to win more business and maximise income.
 - d) To increase resilience and customer service levels – a bigger core service team rather than 4 small teams.
 - e) To improve professional development opportunities, to make it easier to attract and retain good quality staff.
- 6.3 The appended business cases projects a salary saving of £238K between the 4 partners in the first full year of the partnership, but redundancy costs will be incurred as part of the set-up. This scale of saving presents a sound financial business reason for pursuing the project, but significant further savings can be expected from:
- Creation of a single IT system, rather than 4 separate systems.
 - Rationalising support service charges from 4 organisations into 1.
 - Reducing the need for office space across 4 organisations.
 - The reduced head count creates additional savings in terms of computer licences, equipment, travel and other overheads etc.
 - Improved systems.
 - Improved efficiency and deployment of staff from managing building control as a single team across 4 Districts.
 - Expansion of the partnership to include other Councils and other ancillary services in the future to increase income.
- 6.4 West Somerset Council are in the process of joining together the building control service with Taunton Deane Borough Council as part of the JMASS project, this has the potential to deliver some saving early (1st April '15) but should be seen as removing the equivalent saving potential from this business plan, the same saving cannot be made twice.
- 6.5 The proposed governance is through a 'joint committee' model as used for the Somerset Waste Partnership and the South West Audit Partnership. This involves pooling budgets and resources into a single service managed by a joint management team with a joint steering committee established under Section 101 of the Local Government Act 1972. The joint committee will oversee the performance, budgetary control and strategic direction of the partnership with a portfolio holder and senior manager from each partner organisation forming the committee. A detailed inter authority agreement will be agreed between the Councils.
- 6.6 Sedgemoor District Council are proposed to act as the host/administering authority for the Partnership. This means that the staff from the other Councils will transfer to Sedgemoor District Council who will be employing the staff, and progressively, will provide the majority of the support services such as HR, payroll, office space, IT, financial management as part of the SDC accounts, audit, and potentially legal and democratic services.
- 6.7 The total building control fee income across the 4 Councils was £850K in 2013/14, with approximately £200K in charges for statutory work.
- 6.8 There will be an agreed brand for the new partnership, with details to be finalised after consultation with staff.
- 6.9 The proposed launch date for the partnership is 1 July 2015.

7. HR IMPLICATIONS

- 7.1 The HR Implications are set out in more detail in Appendix I of the Business Case, page 54-59.
- 7.2 The report seeks approval for Sedgemoor District Council to act as the host/administering authority for the Building Control Partnership, should approval be given for the Partnership to proceed. The Transfer of Undertakings (Protection of Employment) Regulations 2006 and amendments via the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 will apply to the transfer of staff from their existing authority to the host authority. TUPE Regulations protect the contractual terms and conditions of transferring employees. Each authority has their own Job Evaluation scheme and pay scales, albeit those scales are based on the National Joint Council pay structures. The host authority will inherit staff from across the partners on varying terms and conditions and it is not possible to change employees' terms and conditions as a result of the transfer itself. It is possible to offer transferring employees the option of taking up a Sedgemoor contract of employment and this will be offered to all transferring staff.
- 7.3 The report identifies that at some point in the future, and unrelated to the transfer itself, this authority would seek to harmonise terms and conditions. There is no plan to do this in the near future and indeed it is not permitted to do so within one year of the transfer under the Collective Redundancies and TUPE (Amendment) 2014 Amendment Regulations.
- 7.4 The proposed structure of the Partnership is based on an establishment of 16 full-time equivalent staff, which will lead to potential redundancies as the new structure is populated. The aggressive market conditions and declining market share support the argument that there are economic, technical and organisational (ETO) grounds for a reduced establishment. Under the TUPE Regulations 2006 the only grounds for making posts redundant as opposed to transferring under TUPE are those where an ETO reason can be justified. The partners have made temporary arrangements for some time now to cover vacancies as they arise so as to mitigate the extent to which redundancies are necessary.

8. FINANCE COMMENTS

- 8.1 The Building Control Partnership business plan is presented in this report and details the financial implications of forming the partnership. At this stage the detailed figures and methodology for allocating the costs has not been finalised, however with the annual salary saving of £240,000 and the longer term reductions in support services the partnership should provide ongoing savings for all partners. Initially there will be redundancy costs and IT investment which will need to be funded, although these are one off costs so will not impact on the financial viability of the partnership in the future. The detailed financial work will continue in liaison with the Section 151 Officers from all authorities, to ensure all partners sign up to the cost sharing model.

9. EQUALITY & DIVERSITY IMPLICATIONS

Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

9.1 These implications have been considered as part of the wider business case and HR have been engaged to ensure that equality of opportunity has been provided for our employees.

10. CRIME AND DISORDER IMPLICATIONS

10.1 There are no implications as a result of this report.

11. CONSULTATION IMPLICATIONS

11.1 The TUPE Regulations (see 5.1. below) require proper and ongoing information sharing and consultation with unions and staff from the point there are proposals on which to consult through to the TUPE transfer to the host authority. Both incoming and outgoing employers are obliged to consult with affected employees about the transfer and any measures that they intend taking, in accordance with the Regulations and to seek agreement on those measures. UNISON is being consulted formally on the proposals and a first meeting has already been held with UNISON Branch and Regional Representatives. A successful consultation meeting with all affected employees in the 4 authorities was held on 20th January 2015 to present the draft business case and proposals to transfer employees to a host authority under TUPE.

12. ASSET MANAGEMENT IMPLICATIONS

12.1 There are no current asset management implications for decision, there is an expectation that the new partnership will work more remotely from each individual Council office freeing up of accommodation can be expected as a result of this partnership.

13. ENVIRONMENTAL IMPACT IMPLICATIONS

13.1 There are no adverse community safety or environmental implications arising from the proposals.

14. LEGAL IMPLICATIONS

14.1 The attached business case sets out the various legal options for the setting up of a shared building control service. The preferred option is to set up a Joint Committee pursuant to Section 102 of the Local Government Act 1972. The legal section are in the process of drafting the legal agreement with the various Councils. This agreement will include provisions to ensure that this Council's legal interests are adequately protected and that risks are shared amongst the partners.

SCRUTINY COMMITTEE – WORKPLAN 2014/15

2015 15 January	12 February	12 March	16 April	May (provisional, date not yet set)	June	July	August	September	October	November
Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points
Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan
	Building Control Shared Services Business Case	GP Out of Hours – Attendance by Somerset Clinical Commissioning Group Reps			Corporate Performance 2014/15 – Annual Report	Discretionary Grant SLAs			Empty Homes Update	Corporate Performance (6 month review) April-Sept 15/16
Service Plans – 2016-2017		JMASS Update – Post Tier 6			Financial Outturn 2014/15					Financial Monitoring (6 month review) April-Sept 15/16
Financial Standing and MTFP 2015/16-2017/18		Secondary Education in West Somerset – Report of the Task & Finish Group								
		Rhynes Recommendation – Response from Cabinet								
Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review

Note: Members of the Scrutiny Committee and all other Members of West Somerset Council are invited to contribute items for inclusion in the work programme. Please contact Sam Rawle, Scrutiny Officer, who will assist you in submitting your item.

Work Programme – Selection of Items – Progress and Update

Suggested Topic & Issue	Suggested way forward
<p>Secondary Education in West Somerset –</p> <p>Review of the recent process undertaken by SCC to change the secondary education framework in WS.</p>	<p>Discussed at agenda setting meeting 28th July, 2014.</p> <p>Scrutiny Officer to investigate possible invitation to SCC officer to attend a future scrutiny meeting to explain educational framework in WS and review of the recent exercise to change the secondary education age ranges.</p> <p>Update Scrutiny Meeting 7th August 2014</p> <ul style="list-style-type: none"> • Suggested that local academies should be scrutinised along with exam results benchmarked against national tables and judge whether West Somerset pupils are getting good value in the education sector. • Members requested that the WSCC be invited to scrutiny for discussions as to how they aim to address their funding gap in future years. It was proposed that this item be included on the agenda for the December meeting with College and SCC representatives invited to attend. <p>Update Scrutiny agenda setting meeting – 1st September</p> <p>It was considered that to fully understand the issues surrounding this topic that the best approach would be to set up a scrutiny task and finish review group so that a focused enquiry could be carried out and to ensure that the appropriate witnesses would have the opportunity to contribute to the review.</p> <p>Nominations from interested Scrutiny Members to be part of the review shall be considered at the scrutiny meeting on the 11th September as part of the work plan item.</p> <p><u>Update 11th September</u> <i>At the Scrutiny Committee meeting of 11th September Members agreed to set up a task and finish group to take the topic forward.</i></p> <p><u>Update 16th October</u> <i>The Task & Finish Group have requested information from WSCC & SCC as part of their investigations. A meeting with representatives from SCC provisionally scheduled for the 10th December.</i></p> <p><u>Update 15th January 2015</u> <i>Informative meetings have been held with SCC and WSCC. The task and finish group will meet on the 15th January to review the evidence gathered and discuss the content of a final report and recommendations.</i></p> <p><u>Update 12th February 2015</u></p>

	<p>The final report is progressing. To allow sufficient time for SCC and WSCC to view the report before publication the report to Scrutiny Committee will now be at the March Committee meeting.</p>
<p>Update reports from WSC representatives on outside bodies</p>	<p>Suggestion that Scrutiny Committee could ask for an update report where an annual update has not been previously received by any Committee or PAG.</p> <p>The topic was discussed at the agenda setting meeting on 6 October. It was suggested that the Scrutiny & Performance Officer would bring together a report for the December meeting detailing the current process to enable Members to consider whether this is adequate and whether any improvements could be recommended.</p> <p><u>Update 16th October</u> Scrutiny Officer to identify outside body organisations where an annual report has not been received and report to Scrutiny Committee.</p>
<p>GP Out of Hours Provision – Consideration of new service provision for West Somerset</p>	<p>Discussed at agenda setting meeting 28th July, 2014.</p> <p>Scrutiny Officer to write to Somerset CCG with an invitation to future meeting to provide clarification of new arrangements.</p> <p>Somerset CCG have confirmed that the preferred bidder decision will be made at the December Governing Board meeting. Start date of the new service will be June 2015.</p> <p>Ann Anderson, Director of Clinical Commissioning confirmed attendance at the March Scrutiny meeting to update members of new arrangements.</p> <p><u>Scrutiny Committee 1st December 2014</u> SC52 – An interim written update was requested on out of hours care in West Somerset</p> <p><u>Update 12th February, 2015</u> Somerset CCG have been unable to provide a briefing paper to the Scrutiny Committee. At the current time there is a delay in awarding the contract to the preferred bidder and Somerset CCG are working on this to resolve the matter. They are still hoping to attend the March meeting of the Committee with representatives from the new provider.</p>
<p>JMASS update (post Tier 6 implementation)</p>	<p>Suggestion submitted by Shirlene Adam, Director of Operations</p> <p>Discussed at agenda setting meeting 3rd November – proposal that this item to be scheduled for February meeting subject to Committee approval.</p> <p><u>Update 12th February, 2015</u></p>

	<p>Due to a matter of timing and the need for this paper to be presented at JPAG, this item will now be scheduled for the March meeting date.</p>
Empty Homes	<p><u>15th January 2015 SC60</u> It was requested that a report on Empty Homes be scheduled for a future meeting after discussions with officers to agree the most appropriate timing.</p> <p><u>Update 12th February 2015</u> Response from Assistant Director for Housing & Community Report went to Cabinet in November entitled 'Invest to Save NHB Empty Property Co-ordinator' The recruitment of the Empty Properties Co-ordinator is progressing and likely to be in post by March. Once this officer is established and doing the job and really seeing what influence he/she can have, the best time for a report to Scrutiny would be November after the key deadline of the October NHB submission.</p>
Microsoft License Fee	<p>IT Manager asked to provide an explanation.</p>
Maintenance of Rhynes	<p>Report presented to 1st December Committee. Recommendations from paper have been referred to Informal Cabinet for consideration.</p>