

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 05 November 2014

**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 13 November 2014

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

Proper Officer

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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 13 November 2014 at 3.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Scrutiny Committee held on 16 October 2014, 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 5 November, 2014 – **CIRCULATED AT MEETING**

6. Cabinet Forward Plan

To review the latest Cabinet Forward Plan for the months of January, February & March published on 29 October 2014 – **SEE ATTACHED.**

7. Proposed Business Case for Shared Legal Service

To consider Report No. WSC 152/14, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support - **SEE ATTACHED.**

The purpose of this report is to provide the Scrutiny Committee with the opportunity to consider the draft business case for establishing a shared legal service between Mendip District Council, Taunton Deane Borough Council and West Somerset Council.

8. Financial Monitoring – Quarter 2 (1 Apr-30 Sept)

To consider Report No. WSC 154/14, to be presented by Councillor K V Kravis, Lead Member for Resources & Central Support – **TO FOLLOW**

The purpose of this report is to provide Members with updated in year financial information on a range of issues, including budgetary monitoring and business rate retention.

9. Corporate Performance Report – Quarter 2 (1 Apr – 30 Sept)

To consider Report No. WSC 153/14, to be presented by Councillor T Taylor, Leader of Council - **SEE ATTACHED.**

The purpose of this report is to provide Members with an update on progress in delivering the corporate priorities and performance of council services covering the period from 1st April 2014 to 30th September 2014.

10. Scrutiny Committee Work Plan

To receive items and review the Scrutiny Committee Work Plan 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 16 October 2014 at 3.30 pm

Present:

Councillor P H MurphyChairman
Councillor R LillisVice Chairman

Councillor M J Chilcott
Councillor G S Dowding
Councillor K J Ross
Councillor B Heywood

Councillor M O A Dewdney
Councillor J Freeman
Councillor D J Sanders

Members in Attendance:

Councillor H Davies
Councillor E May
Councillor D Ross

Councillor M Smith

Officers in Attendance:

Assistant Chief Executive and Monitoring Officer (B Lang)
Assistant Director – Property and Development (K Ibeze)
Housing and Communities Project Lead (A Summers)
Scrutiny and Performance Officer (S Rawle)
Administrative Support (A Randell)

Also Present:

Engage West Somerset Manager (K Midgeley)

SC26 Apologies for Absence

Apologies were received from Councillors K Mills, K Kravis, K H Turner and T Taylor.

SC27 Minutes

(Minutes of the Meeting of the Scrutiny Committee held on 11 September 2014 – circulated with the Agenda.)

RESOLVED that, subject to amendment to SC23, the third bullet to read, 'It was debated when a review would be undertaken on terms and conditions for them to deliver additional savings', the Minutes of the Scrutiny Committee held on 11 September 2014, as amended, be confirmed as a correct record.

SC28 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

Additional interests were declared by Councillor R Lillis as a board member of Engage West Somerset and Councillor K Ross whose wife was an employee of Engage.

SC29 Notes of Key Cabinet Decisions/Action Points

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

Further information was requested concerning Agenda Item 7, Request for Allocation of Planning Obligations Funding, Agreed (5).

The Assistant Chief Executive and Monitoring Officer confirmed that the information would be circulated.

RESOLVED that the Key Cabinet Decisions/Action Points from the meeting held on 1 October 2014, be noted.

SC30 Cabinet Forward Plan

(Copy of the Cabinet Forward Plan published 3 October 2014, circulated with the agenda.)

RESOLVED that the Cabinet Forward Plan published on 3 October 2014, be noted.

SC31 Presentation from Engage West Somerset

(A Handout of the presentation was circulated at the meeting.)

The purpose of the presentation was to provide Members with an update on the Engage West Somerset service.

Katrina Midgeley gave an overview of the service, together with detailed updates project activity in the last 12 months, the current funding position and future opportunities in relation to supporting applicants to the Communities Infrastructure Mitigation (CIM) Fund.

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

- Discussion took place on the support and development for volunteers and the opportunities that were available. Organisations uploaded their own opportunities and were proactive in supporting groups along with the West Somerset Voluntary Sector Forum.
- The previous year's income was set out at £55,000 furniture sales with £5,000 gift aid income.
- The current 6 month figures were slightly down on the previous year with £25,000 furniture sales with £1,537 gift aid income.
- Assistance was also being given supporting applications to the Hinkley C CIM fund.
- Further reductions in funding were questioned and considered. In response to a question concerning the impacts on the service should grant funding be reduced, it was advised that the loss of development work and the voluntary sector forum would be a consequence.
- Councillors recognised the community benefits gained from the service and welcomed the work currently being done around the area.
- In terms of the re-use of white goods it was advised that this was not considered viable because of the cost involved in rigorous safety testing of the item coupled with the reputational issue should the item be delivered and soon after breaks down.
- Members acknowledged the work done and the value the service provided. A recommendation was proposed that the funding provided to Engage West Somerset should be continued. It was agreed that this would be fed into the draft budget for 2015/2016.

RESOLVED that the report be noted

SC32 Community Asset Transfer Policy

(Report No WSC 141/14, circulated with the agenda.)

The report provided the Scrutiny Committee with the opportunity to contribute to the development of the Community Asset Transfer Policy.

Kene Ibezi, the Assistant Director - Property and Development presented the report which detailed the proposed policy along with key milestones in the process, the consultation undertaken to date and its future implementation. The Policy was to be reconsidered following the results of the consultation.

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

- The governance arrangements of the policy were considered.
- Discussion took place in relation to the asset transfer criteria. Concern was raised that assets would be disposed of with no consideration of current or potential commercial value.
- The appetite of Councillors for transferring assets irrespective of value was questioned and considered.

- It was clarified that it was not the case that the policy was for offloading poor performing assets. There would be a transfer process where all aspects of an asset would be considered. Members had no obligation to transfer assets, with the outcome being a Council decision.
- Consultation with community groups would be done with any assets that were looking to be transferred. All assets would be considered on equal terms.
- The new version of the policy would reflect responses from Scrutiny and the consultation. The responses from the original document would be used to form the new policy and content around this.
- It was felt that this should have been brought to the Policy Advisory Group before being consulted upon.
- Members were concerned that the policy should not have been released to the public before Members were aware.
- Members requested a new timeline be provided for the policy as soon as possible.

RESOLVED that:-

1. The continuing development of the draft Community Asset Transfer Policy be supported, which would be subject to further consultations once it had been signed off as 'fit for purpose' by the Corporate Policy Advisory Group; and
2. The proposal for a revised joint Community Asset Transfer Policy be agreed in principle.

SC33 **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 2014/2015.

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

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

- Meeting dates of the 1 and 18 December were to remain subject to confirmation and officer availability.
- The shared Legal Services Business Case would be brought to the meeting scheduled for 1 December 2014.

RESOLVED that the Work Plan be adopted

Councillors H Davies, E May, D Ross, R Lillis and S Dowding all left the meeting at 5.05 p.m.

The meeting closed at 5.25 pm.

Weekly version of Forward Plan published on 5 November 2014

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/15/1/02 6/02/2014	7 January 2015 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Allocation of Section 106 funds held – Quarter 3 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	Ian Timms, Assistant Director Business Development 01984 635271
FP/15/1/03 6/02/2014	7 January 2015 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Draft Capital Programme 2014-15 and Capital Strategy Decision: to present the draft Capital Programme 2014/15 and draft Capital Strategy for recommendation to Council		No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680
FP/15/1/04 6/02/2014	7 January 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	Bruce Lang, Assistant Chief Executive 01984 635200
FP/15/1/05 6/02/2014	7 January 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

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/15/1/06 29/04/2014	7 January 2015 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Hinkley Point C Community Impact Mitigation Fund Decision: to agree the release of funding for the Community Impact Mitigation Fund		No exempt / confidential information anticipated	James Holbrook, Major Projects Manager (Hinkley Point) 01984 635218
FP/15/1/07 5/06/2014	7 January 2015 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Proposed Shared Legal Services Partnership Decision: to consider a proposal to establish a shared legal services partnership between Taunton Deane Borough Council, West Somerset Council and Mendip District Council		Exempt information relating to staffing matters	Bruce Lang, Assistant Chief Executive 01984 635200
FP/15/1/08 28/10/2014	7 January 2014 By Councillor D Westcott – Lead Member for Community and Customer	Title: Assets of Community Value Process Report Decision: to streamline the Assets of Community Value (ACV) process at WSC, to reduce the resource implications for the Council		No exempt / confidential information anticipated	Angela Summers, Housing and Community Project Lead 01984 635318
FP/15/2/01 6/02/2014	4 February 2015 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Annual Budget & Council Tax Setting 2015-16 Decision: to provide Members with all the information required for Council to approve the revenue budget and capital programme for 2015/16 for recommendation to Council.		No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680

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/15/2/02 6/02/2014	4 February 2015 By Councillor T Taylor – Leader of Council	Title: Draft Corporate Plan for 2015-16 Decision: to introduce the draft West Somerset Council Corporate Plan 2015/16 for recommendation to Council.		No exempt / confidential information anticipated	Penny James, Chief Executive 01984 635246
FP/15/2/03 6/02/2014	4 February 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	Bruce Lang, Assistant Chief Executive 01984 635200
FP/15/2/04 6/02/2014	4 February 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/15/2/05 6/02/2014	4 February 2015 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Fees and Charges Decision: to propose levels of fees and charges for the period 1 April 2015 to 31 March 2016 (in some cases fee increases will be implemented earlier, this will be stated in the relevant sections of the report).		No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680
FP/15/3/01 22/04/2014	4 March 2015 By Councillor T Taylor – Leader of Council and	Title: Corporate Performance & Budget Monitoring Report 2014-15 – Quarter 3		No exempt / confidential information anticipated	Bruce Lang, Assistant Chief Executive 01984 635200

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
	Councillor K V Kravis – Lead Member Resources & Central Support	Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.			
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	Bruce Lang, Assistant Chief Executive 01984 635200
FP/15/3/03 22/04/2014	4 March 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/15/3/04 6/02/2014	4 March 2014 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

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 152/14

Presented by: Councillor K V Kravis, Lead Member for Resources and Central Support

Author of the Report: Bruce Lang, Assistant Chief Executive

Contact Details:

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Report to a Meeting of: Scrutiny Committee

To be Held on: 13 November 2014

Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: n/a

PROPOSED BUSINESS CASE FOR SHARED LEGAL SERVICE

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to provide the Scrutiny Committee with the opportunity to consider the draft business case for establishing a shared legal service between Mendip District Council, Taunton Deane Borough Council and West Somerset Council and to submit any comments it wishes prior to the matter being considered by Cabinet and Full Council.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The securing of local democracy and accountability in West Somerset priority will need to be underpinned by the Council being able to provide fit for purpose services at an affordable cost and the proposal set out in this report aims to achieve this with legal services through partnership working.

3. RECOMMENDATIONS

- 3.1 That the Scrutiny Committee make any comments on the draft business case for a shared legal service – as set out in Appendix A to this report – with a view to recommending support for this initiative when it is considered by Cabinet and Full Council.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
That the proposed shared services model will not deliver a fit for purpose affordable legal service for the Council	Possible 3	Major 4	Medium 12
<i>Preparation of a detailed business case identifying risks and mitigating actions which is supported by all three participating partners</i>	Rare 1	Major 4	Low 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 and after the mitigation measures have been actioned.

5. BACKGROUND INFORMATION

- 5.1 Mendip District Council (MDC), Taunton Deane Borough Council (TDBC) and West Somerset Council (WSC) have been working together to examine the feasibility of sharing legal services. This work flows from the Somerset Shared Services Task and Finish Group which directed that such a project should be potentially undertaken across all Somerset authorities. Following the completion of an outline business case in April 2014, Somerset County Council, Sedgemoor District Council and South Somerset Council decided not to pursue the matter at this time. Nevertheless, MDC, TDBC and WSC agreed to pursue their ambition to forge a constructive partnership to deliver legal services collectively.
- 5.2 A Joint Officer Project Board was established to develop the business case consisting of the Corporate Manager for Governance, Assets and Public Spaces and Monitoring Officer of MDC, the Assistant Chief Executive and Monitoring Officer of TDBC and WSC supported by the Project Lead and Efficiencies and Performance Manager from TDBC and WSC and the Project Lead and Manager Corporate Support for MDC.
- 5.3 The three Councils are building on a successful history of joint working with MDC already providing legal services for WSC, and all three Councils having worked collaboratively in relation to legal service provision in local government governance for several years.
- 5.4 The vision of the Project Board was to create a dedicated service to support public and third sector clients with specialist and cost effective advice.
- 5.5 The key objectives of the project are as follows:
- Deliver a 15% budget saving for WSC and TDBC;
 - Create a flexible resilience model, with a critical mass of expertise;
 - Provide enhanced efficiency and effectiveness;
 - Establish an arrangement that will operate for a minimum initial five year period with a review at the end of year four.
- 5.6 The outcome from this work is the production of a business case for a shared legal service based on the model of Mendip to be the host authority and aiming for an implementation date of 1 April 2015 – copy of the business case is attached as Appendix A to this report.
- 5.7 The business case is further supported by a series of detailed appendices which can be accessed via this link <http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Scrutiny-Committee-Meetings/Scrutiny---13-November-2014> or paper copies being made available to Members on request.
- 5.8 The business case sets out the various options that were considered before the lead authority model was proposed. In essence this option was seen to be the most appropriate as it would enable the three Councils to set up a shared service relatively swiftly with the minimum of risk and be seen as a first step towards a fully integrated service that could be potentially expanded with further partners at a later date should that be considered beneficial to do by all the parties concerned. By adopting this model at this stage it would also not preclude revisiting other options at some time in the future, such as, for example, the South West Audit Partnership approach.
- 5.9 It is proposed that Mendip should be the host authority for the following reasons:
- a) they have the management capacity to absorb the work required;

- b) they have significant experience of managing such joint arrangements, for example, managing the WSC legal contract and also undertaking legal work for Somerset County Council;
 - c) their financial requirements are more flexible which enables MDC to bear some upfront management costs whilst ensuring that MDC and WSC can benefit from immediate 15% savings; and
 - d) they are very committed and keen to undertake this role!
- 5.10 The host authority model involves current TDBC and WSC staff being TUPE'd to MDC. There will be consultation with all affected staff starting during November and continuing throughout the process. It is anticipated that all existing staff will have the option of a job in the new shared service. A new culture and flexible approach will be required in terms of work undertaken and staff will have the option of working across any of the three council offices sites and/or remotely. TUPE will provide protection for terms and conditions and the Local Government Pensions Scheme arrangements for individuals should not be affected.
- 5.11 In broad financial terms the business case demonstrates that for TDBC the annual cost of providing the legal service will be reduced by £37,535 to £212,695, representing a 15% saving. Correspondingly, the annual cost to WSC will be reduced by £20,113 to £113,977 which also represents a 15% saving.
- 5.12 As referred to earlier in the report, MDC have agreed to defray initial savings on the basis that in the business case it is anticipated that there will be some growth in terms of generating additional income and the distribution formula for such additional income will be set to ensure that MDC receives its 15% savings from this income as the first priority. Additional growth beyond this will then be distributed between the three partners based on a formula linked to their respective inputs into the partnership.
- 5.13 This high level financial business case has been signed off by the Section 151 Officers of the three Councils.
- 5.14 In terms of the impact on elected Members the implementation of the business case should enable:
- access to more expertise within the larger shared services team with less outsourcing required;
 - having a more resilient service;
 - the continuity of retaining familiar faces;
 - improved reporting arrangements to monitor performance; and
 - a smooth transition.
- 5.15 In terms of the timetable going forward, the next steps are as follows:
- November 2014 – Scrutiny meetings and trade union/staff consultation commences
 - December 2014 – consideration of initial staff consultation responses and Scrutiny comments
 - January 2015 – consideration by Executive/Cabinet of the three Councils
 - February 2015 – consideration of the business case and Inter Authority Agreement at the Full Council meetings of the three Councils
 - April 2015 – subject to Member approval, the shared legal service commences.
- 5.16 This covering report has deliberately focussed on the high level principles that are underpinned by the detailed business case and supporting documents.
- 5.17 The Committee is requested to give consideration to the proposal as set out and make any comments thereon with a view to recommending that the Council supports the proposal for a shared legal service between the three authorities.

6. FINANCIAL/RESOURCE IMPLICATIONS

6.1 These are set out in the draft business case.

7. COMMENTS ON BEHALF OF SECTION 151 OFFICER

7.1 The Section 151 Officer has signed off the figures quoted in the draft business case.

8. EQUALITY & DIVERSITY IMPLICATIONS

8.1 **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 are:

- 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

8.2 An outline equalities impact assessment is one of the supporting appendices to the draft business case.

9. CRIME AND DISORDER IMPLICATIONS

9.1 None in respect of this report.

10. CONSULTATION IMPLICATIONS

10.1 The affected staff are being consulted on the draft business case and their views will be taken into account before Members are asked to make final approvals to move forward. The views of the respective Scrutiny Committees will also be taken into account before final decisions are taken.

11. ASSET MANAGEMENT IMPLICATIONS

11.1 None in respect of this report.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1 None in respect of this report.

13. HEALTH & WELLBEING

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

13.1 None in respect of this report.

14. LEGAL IMPLICATIONS

14.1 If it is agreed to proceed in accordance with the draft business case, proper governance arrangements will be established including an inter-authority agreement.

BUSINESS CASE FOR A SHARED LEGAL SERVICE

TAUNTON DEANE BOROUGH COUNCIL
MENDIP DISTRICT COUNCIL
WEST SOMERSET COUNCIL



OCTOBER 2014

Authors: Donna Nolan, Bruce Lang, Geoff Thompson, Kim Batchelor
Document Name: Business Case for a Shared Legal Service between MDC, TDBC & WSC
Document Number: 01
Effective Date: 04 November 2014
Date due for review: TBC
Responsible for review: TBC
Version: 01

Version control

Number	Effective Date	Author / Reviewer	Comments (e.g. details of any policies being replaced)
01	04/11/14	Donna Nolan, Bruce Lang	

Dissemination

Name or Team	Method	Date	Version
Legal Team		04/11/14	
Scrutiny			
Cabinet			
Council			

Publication of current version

	Location	Date of Publication

Approvals for current version

Name	Date of Approval
Donna Nolan, Bruce Lang	

TABLE OF CONTENTS

1.	EXECUTIVE SUMMARY	4
2.	BACKGROUND	9
3.	THE VISION FOR SHARING SERVICES	13
4	THE OPTIONS FOR DELIVERY	17
5.	PREFERRED OPTION - LEAD AUTHORITY – GOVERNANCE AND AGREEMENT	24
6.	OPERATING MODEL	30
7.	BENEFITS AND OUTCOME	42
7.1	Economic case	42
7.2	The Added Value case	46
7.3	Business Development	47
8.	TIMESCALES AND IMPLEMENTATION	49

Appendix 1 List of Services in Scope of Legal Shared Services Project

Appendix 2 Client Satisfaction and Identified Need

Appendix 3 Legal Referrals by Partner

Appendix 4 Best Practice

Appendix 5 Draft Data Sharing Protocol

Appendix 6 Draft Service Standards

Appendix 7 Economic Case Legal Budgets

Appendix 8 Draft Project Plan

Appendix 9 Draft Engagement Strategy

Appendix 10 Legal, Procurement and Vires Issues

Appendix 11 Outline Equalities Impact Assessment

Appendix 12 Risk Register

Appendix 13 Outline Benefits Realisation Plan

1. EXECUTIVE SUMMARY

To create a dedicated service to support public and third sector clients with specialist and cost effective advice.

Introduction

Mendip District Council (MDC), Taunton Deane Borough Council (TDBC) and West Somerset Council (WSC) have worked together to examine the feasibility of sharing legal services. This work flows from the Somerset Shared Services Task and Finish Group which directed such a project should be undertaken across all Somerset Councils to explore the feasibility of creating a shared legal service to deliver the following; a 15% saving; a resilient and flexible service; and one which maintained current levels of service.

Following completion of an outline business case Somerset County Council (SCC), Sedgemoor District Council (SDC) and South Somerset District Council (SSDC) decided not to pursue the matter at this time. However, MDC, TDBC and WSC agreed to pursue their ambition to forge a constructive partnership to deliver legal services collectively. The realigned objectives of this tri-Council project are as follows:

- Deliver a 15% budget saving for WSC and TDBC.
- Create a flexible resilience model, with a 'critical mass' of expertise.
- Provide enhanced efficiency and effectiveness.
- Will be constituted for a minimum initial period of five years subject to a review at the end of year 4.

The Councils have established a Project Board to develop this Business Case. The Project Board comprises:

- Donna Nolan, Project Sponsor and Corporate Manager Governance Assets and Public Spaces and Monitoring Officer (MDC).
- Bruce Lang, Project Sponsor and Assistant Chief Executive and Monitoring Officer (TDB and WSC).
- Kim Batchelor, Project Lead and Corporate Transformation Programme Manager (TDBC and WSC).
- Geoff Thompson, Project Lead and Manager Corporate Support (MDC).

The three Councils which have developed this business case are building on a successful history. MDC provides legal services support to WSC; and for more than five years MDC, WSC and TDBC have worked collaboratively in relation to legal service provision and local government governance.

Benefits of the Shared Service

Legal Services is integral to the success of each Council. The service forms part of each organisation's corporate governance structure, but also provides multi-faceted support to ensure the delivery of efficient and effective front line services. Sharing such a vital service provides an opportunity to create a different and unique type of service provision. A service with the ethos of the public sector, but with a much greater business and commercial focus.

The proposed shared service has numerous benefits:

- It provides quality, cost effective legal services.
- It creates a shared services model which has the potential to grow.
- It allows for economies of scale.
- It allows staff to broaden their skills.
- It increases operational efficiency and reduces duplication.
- It consolidates information technology.
- It pools scarce specialist resources.
- It creates additional capacity enabling the reduction of external spend on legal advice/the delivery of an income stream.
- It creates resilience and flexibility.

Thus the Councils are working quickly to develop this shared service in order to maximise the benefits it can achieve. The 'go live' date is anticipated to be April 2015, with full redesign and transformation of the services complete by April 2016. The ambition is to market shared services to other Councils, and public/third sector organisations.

The Councils view this opportunity as the catalyst for developing shared corporate support services in the longer term. The model proposed is therefore flexible and can be expanded to encompass other corporate services, thus realising further efficiencies to protect frontline services.

The Shared Service Model

An Inter Authority and Delegation Agreement will govern the shared service. This will be supplemented by service standards, performance management and a monitoring regime. The host authority will be responsible for the direct management of the service, with decision making delegated to the host authority, and relevant officers. The model will require each authority to commission the service from the lead authority.

The new legal service will be hosted by MDC with TDBC and WSC legal staff transferring to MDC under TUPE Regulations, (other than the Monitoring Officer for TDBC and WSC who will remain employed by WSC and based between WSC and TDBC). MDC will thus be responsible for the structure and the establishment of a new single legal practice.

This is the recommended approach as it provides the most clarity of direction for the new legal practice. It minimises the risks and uncertainty associated with full integration of the shared service, but is sufficiently flexible to allow the service to grow and expand.

Staff Impact

MDC will be responsible for the employment of all staff and provides the new single legal practice and there will be a formal consultation process. This business plan has been shared with Unison at both regional and local levels.

Developing the Model

The development of the model will broadly fall into three stages. The first stage is the approval process which will commence in November 2014 and complete in February 2015: during this stage the governance arrangements; staff consultation process; service design and final operating structure will be finalised; and, appropriate approvals will be obtained by each respective Council to enable the new single legal practice (this is known as the Approval Phase of the project). Following three authority endorsement in February 2015 MDC will lead on all aspects of the Implementation Phase.

The second stage will commence in February 2015 and be ongoing until March 2016: during this phase there will be numerous work streams to redesign the service (this is known as the Implementation Phase of the project). These work streams include:

- Business process – review, design and standardise work practices to ensure they meet client needs and are as cost effective as possible;
- Performance and Service Management – to ensure clients receive a consistently high standard of service and that an innovative approach to problem solving is embedded;

- Information Technology – standardisation and consolidation of casework to support the new business process via a common case management system.
- Stakeholder and Workforce Engagement – stakeholder and people management strategies to support the initiative.

The third phase of the project will include review and appraisal of expansion and/or growth strategies which will include the development of a second business case. This work stream will be undertaken in parallel to the Approval and Implementation Phases of the project.

Financial Savings

The proposed solution delivers the immediate 15% saving required by both TDBC and WSC. MDC will look to improve efficiency and deliver income generation through the growth model to achieve benefit in the longer term, with the anticipated overall savings reaching 14% of the net baseline by the end of year five. Further anticipated benefits will accrue from reductions in the non-business as usual work being absorbed in-house. To successfully deliver this growth model, MDC will be absorbing management costs of £141,000 during the implementation phase and into year 1 together with ongoing support thereafter.

Alternative Options Considered

It is considered that minimal further savings in legal services could be made without considering alternative options. Alternative delivery vehicles to the Host Authority Model have been considered but the alternatives, do not deliver the same outcomes in the required timescale.

Recommendation

- (1) To approve the establishment of a Shared Legal Practice involving MDC, TDBC and WSC with an effective date of 1 April 2015.
- (2) To approve that the Host Authority for the Shared Legal Practice is MDC.
- (3) To approve the TUPE of staff from WSC and TDBC to MDC to facilitate the establishment of the Shared Legal Practice.
- (4) To note that Councils will approve an Inter Authority Agreement with a commencement date of 1 April 2015.

2. BACKGROUND

Introduction

This document proposes arrangements for formally creating a Shared Legal Practice between WSC, TDBC and MDC. It provides an assessment of the financial and non-financial benefits and discusses the implications of delivering such an initiative, including operating model and senior management structure.

The proposal offers significant benefits for all Councils and will ensure the continued provision of cost effective legal services. It will also form a platform for future growth.

The key benefits all authorities have identified, as a result of the proposed Shared Service include:

- Increased capacity and resilience; as pooling legal knowledge and resources across authorities will enable the Shared Service to better cope with peaks and troughs in demand for legal services;
- Improved knowledge and expertise of in-house lawyers, equipping them to deliver work currently outsourced to the private sector in a more efficient manner, thus reducing external spend;
- Developing best practice service delivery across the partnership;
- Finding ways of putting the delivery of legal services on a sustainable long term footing, through adopting commercial disciplines in commissioning and delivering legal services;
- Attracting and keeping the best staff, through greater opportunities for career progression and specialism;
- Reduced overheads, e.g. one service needs fund only one law library and case management system; and the per capita training cost per head is cheaper with volume;
- Delivering efficiency savings, including increased operational efficiency to protect frontline services;
- Creates the opportunity for new income streams;
- Creates a 'blueprint' for shared corporate support services.

The services in and out of scope for the purposes of this business plan are detailed at Appendix 1.

Emergence of the Partnership Arrangement

The Somerset Monitoring Officer Group developed an Outline Business Case for a Shared Legal Service in 2011. Due to conflicting strategic priorities, the draft business case was not approved for implementation but a strong collaborative approach to legal service provision and governance, involving all six Councils evolved. This collaborative approach includes a formal partnership between WSC and MDC.

In late 2013, a draft detailed business case to develop a Shared Legal Service between TDBC, WSC and MDC was developed. The business case was not implemented as in January 2014, the newly established Somerset Shared Services Task and Finish Group directed that a detailed case for a Shared Legal Service involving all Somerset Councils should be developed. In February 2014 a formal Project Board¹ was established and in that same month they developed and endorsed an Outline Business Case confirming all Councils commitment to work together to create a shared legal support service. The Project Board developed a draft business case, but ultimately this was not finalised as the outcomes required by the Somerset Shared Services Task and Finish Group could not be delivered. However, all six Councils continue to work collaboratively and have not precluded the opportunity to join the shared service at a later date. This business case has emerged from initial work undertaken by TDBC, WSC and MDC in 2013 and the cross County business case.

The importance of Legal Services

Councils are statutory bodies and can only act within the powers given to them by Parliament. It is vital that a Council operates within the law and that procedures are followed. A key responsibility of Legal Services is therefore to advise the Council on the legality of its proposals, policies and practices.

Councils are often required to make decisions that have to balance conflicting interests. There are serious consequences for a Council if it gets the balance wrong or if it takes action without having the legal power, for example, having to defend applications for judicial review, orders that it pays another parties' costs, harm being suffered by vulnerable individuals and damage to its reputation. Good quality legal advice means that a Council can discharge its functions with the confidence that potential legal issues have been identified and that any risks will be properly considered in the decisions that it makes.

The legal service teams across all authorities therefore provide public sector legal advice, support and representation on matters as diverse as planning, housing, homelessness, environmental health, contracts, procurement, property, licensing, employment, electoral

¹ Bruce Lang – Assistant Chief Executive and Monitoring Officer TDBC and WSC, Tonya Meers – Head and Legal and Democratic Services and Monitoring Officer TDBC, Melanie Wellman – Group Manager and Monitoring Officer SDC, Ian Clarke – Solicitor to the Council and Assistant Director and Monitoring Officer, SSDC, Donna Nolan – Corporate Manager and Monitoring Officer, MDC, Honor Clarke – County Solicitor SCC.

law, enforcement/prosecutions, Freedom of Information and Data Protection, human resources and regeneration matters. Legal Officers provide advocacy services in the civil and criminal courts, inquiries and tribunals, training and guidance on new legislation and debt recovery services. At all authorities the legal services staff advise the Council, Cabinet/Executive and Scrutiny Committees and all other formally constituted committees.

Future issues for Legal Services

Over the past 24 months the focus of the demands on legal service provision has been changing, and with the inexorable pressure on local authorities this will continue, for example:

- Legal Services has historically generated income to balance their budgets each year. Most of that income has come from drafting section 106 agreements and some has come from the legal fees third parties are charged for leases, agreements, deeds etc. In the recently uncertain economic climate the property, the commercial and retail sectors have been adversely affected and thus, levels of income have been reduced.
- There has been more demand for legal support to enable the Council to be more robust and creative in dealing with procurement and contractual matters to ensure that it does business on the terms that are most advantageous to the Council.
- There has been a need for specialist advice on partnering arrangements with the public, private and other sectors as other organisations have become more innovative in their approach and willing to enter into such.
- There has been a need to explore more radical options for delivering Council services and to consider which functions it will no longer exercise, accordingly there has been greater need for corporate governance advice. In particular, there has been more detailed written advice on reports to Council, Cabinet/Executive and support to the Scrutiny committees.
- There has been more demand for legal advice on human resource matters as services strive to be more efficient or if services have to be downsized.
- There has been difficulty in recruiting professional staff.
- Trading has a sharper focus for in-house services; capacity freed up or gained from using freelance staff is being used to provide legal services to other public bodies.
- There have been capacity and resilience issues for some legal teams.

- There has been a need for a greater focus on complex growth project work to ensure sustainability and continuity for the Councils

Business Options – Legal Services

All Councils are taking a corporate approach to service transition on the context of reduced central government funding. As part of this approach a number of models have been explored and evaluated.

- ***Do nothing.*** Legal services are discretionary, although as a statutory body the importance of legal support on the legality of decision, policies and practices is paramount. Legal Services have a key role in delivering corporate priorities at all Councils and in supporting the services most critical to communities.

The status quo is not financially sustainable, not is it appropriate in the context of changing legislation and service demands.

- ***Outsource.*** Legal Services have historically been outsourced by both MDC and WSC. Outsourcing to the private sector did not deliver either value for money or flexibility resulting in both Council's adopting alternative delivery options.
- ***Shared Services.*** Sharing services between local authorities is a common approach in the current age of austerity and spending reductions. Authorities working together can increase efficiency and value for money by removing unnecessary overheads and duplication in service delivery. A successful shared service programme can deliver both cashable and non-cashable efficiency gains. This can lead to a win-win situation as combining existing expertise and experience can also raise standards and the quality of service delivery as Councils look to do more with less.

Without strong services the costs of the legal services will continue to rise; and the increasing need for innovative legal support to Councils will not be delivered. The opportunity to share services to release cashable savings, whilst redesigning the service provides not only an opportunity to sustain, but to enforce legal services and to support the successful future of all three Councils. As a result a shared legal practice is the preferred option.

3. THE VISION FOR SHARING SERVICES

Vision

The Project Board have developed the vision for the Practice.

To create a dedicated service to support public and third sector clients with specialist and cost effective advice.

There is a commitment to creating a legal practice which is business focused; responsible and flexible, ensuring that it supports frontline services so that they can do their job more efficiently and effectively. This vision is underpinned by the design principles and success factors.

The ability to create a service which can grow, to create an income stream, by providing legal services to other local authorities and organisations; and expand to deliver further efficiencies, by developing shared back office services is at the core of the vision of the Project.

Designing the Shared Service

Preliminary work has been undertaken to define the strategic direction for the shared service; this is a blueprint and more detailed plans will need to be developed during the Approval Phase (November 2014 – February 2015) to achieve the desired outcomes.

Demand Management Assumptions and Level of Service Provision

In order to design a new service and map out the potential benefits of sharing, current service provision and customer satisfaction information has been used as a baseline. This information is at Appendix 2.

During the Approval and Implementation Phases, a framework will be developed to review all services to make improvements. The services will be looked at systematically in a review programme, redesigning and improving each area to deliver efficiency and customer satisfaction excellence.

Design Principles

A set of design principles have been created, which support the transition to a shared service and ensure the design aligns with the vision for a shared legal practice.

The key design principles are:

Processes	Standardise processes unless they need to be different
	Maximum time on professional role
	Greater efficiency of process – faster – better for customers – easier - simpler
	Eradicate duplication across Councils
	Optimal use of resource and performance regulated by Business Practice Manager
Organisation	Customer focused culture with expert professionals operating as business partners.
	A resilient flexible and scalable business model
	Share assets (ICT, buildings, resources, management)
	Use internal talent to redesign the business, taking the best from each other to capitalise on strengths and reduce weaknesses
	The Monitoring Officer role will be retained by each Council
	Sustainable, cost effective and efficient shared services which are highly competitive and that can provide savings/economies of scale
	Innovative employer brand that attracts the right skills
Technology and Information	Standard case management platform will be developed and used
	Access to timely, accurate information and advice, when and where needed
Location	Flexible on the location that the service is delivered from, which will be informed by the customer need
	Utilise new ways of working to elevate any geographic constraints e.g. introduction of a case management system, conference and video calls
	Provides jobs for local people

Business Growth	Operating model is able to adapt to meet the changing needs of the Councils
	Needs to be business focussed and attractive to others
	Create a competitive advantage to develop income generation opportunities
	Will be a precedent shared service model and capable of expansion to encompass other corporate support service functions

Success Criteria

A range of consultation and information gathering has been undertaken to understand business requirements for the shared services at Appendix 3. This has provided invaluable information about current service levels, volumes of work and the profiles of referrals to legal across the Councils.

The information gathered to date has been used to influence the design principles of the new service, and the future structure of the service. Further detailed stakeholder consultation will be undertaken during the approval and implementation phases of the project to seek to improve customer service, create Service Level Agreements and improve marketability of the service.

Project Critical Success Factors

A number of project critical success factors have been created as part of the service design principle development.

Critical success factor	Priority	Definition
Anticipate customer and member needs	1	Customer focused shared service which highlights an understanding of cultural needs. It has a flexible and proactive approach towards its customers to realise customer satisfaction; and has a 'can do' attitude is at the core.
Resilience	1	Continuously improving and creating a sustainable business with new revenue streams.

Mandatory first request/refusal	1	To prevent fragmentation and duplication of provision, the shared service should be the first port of call for all legal needs for all Councils. Alternative provision should only be agreed where requests cannot be met.
Flexible	1	Provides a flexible model where partner authorities can join at a later date.
Delivers savings	1	Delivers cashable savings for TDBC and WSC.
Ease of delivery	1	Is not complex in terms of implementation.
Delivers low cost services with quality	1	Sustainable, cost effective and efficient shared services which are competitive and that can provide savings/economics of scale.
Provide a platform for continuous improvement	2	A flexible and scalable platform to support services by leveraging innovations in order to enhance market knowledge and self-development to gain competitive advantage (i.e. use of measurable KPI's, case management).
Investing in people and skills	2	The importance of investing in people and skills to support sustainable business.
Revenue Streams	2	Develop revenue streams by looking for innovative ways to grow and be on the competitive edge by planning/reviewing market trends.
Governance and compliance	2	Robust, but flexible approach.
Provide platform for delivering new services	2	The need to expand the current project.
Multi-channel	3	Utilises ICT to deliver legal service innovatively.

4. THE OPTIONS FOR DELIVERY

Delivery Vehicle Options

As part of the development of the Business Case, the Project Board has examined the various business delivery vehicle options available to a shared service project. These options include administrative models, contractual models and corporate models.

The Options

Administrative Models

Part 6 of the Local Government Act 1972 makes provision for the way in which local authorities may arrange for the discharge of their functions. All authorities may discharge their functions through a committee, a sub-committee, through another authority, through joint committees and through officers, including officers loaned by another authority. In certain cases functions may be discharged through a joint board.

Putting an Officer at the Disposal of another Authority

This deals with arrangements under S113 Local Government Act 1972 and enables the placing of staff of local authorities at the disposal of other local authorities. In order to utilise this option, an authority simply needs to enter into an agreement with another for the purpose of placing one or more of their staff at the disposal of the other for the purpose of carrying out their functions on such terms as the authorities may agree.

Delegation of a function under the Lead Authority Model

An authority can delegate a whole function using S19 or S101 of the Local Government Act 1972 delegating it from one authority to another which has the effect of passing the responsibility to the second authority to deliver the function of the first Authority. Such arrangements can and usually do involve the transfer of staff either by secondment or TUPE as appropriate. This is generally known as the Host or Lead Authority Model

Establishing a Joint Committee

Authorities are able to discharge their functions through joint committees and such committees have a power to co-opt to their membership. Expenses of a joint committee are defrayed by local authorities in such proportions as they may agree. If situated in two or more districts or areas then, if the parties cannot agree, the apportionment is determined by an arbitrator appointed by the Secretary of State.

The constitution of a Joint Committee is generally contained in a formal agreement entered into by the authorities concerned. The agreement commonly prescribes the number of members of the Joint Committee, the number of members which each authority may appoint, the terms of office, and other related matters. The Joint Committee has no corporate status and it cannot therefore hold property or enter into contracts. Any property which it uses vests in one of the constituent authorities which holds it in trust for the rest. Alternatively, the constituent authorities may hold the property jointly. Similarly any contracts required to be entered into to achieve the objectives of the Joint Committee will have to be entered into by one or more of the Partner authorities directly, with if necessary, the formal agreement creating the Joint Committee making provision of sharing the benefit and burden of such contracts. A member of the local authority to a Joint Committee of which the authority forms part ceases to be a member of that committee when he ceases to be a member of the authority.

Contractual Models

If a service is provided by one Authority to another on a purely contractual basis it should in accordance with European Treaty principles be open to competitive tender process, with outside providers being given the opportunity to bid for the right to provide the service. (NB This does not apply in the case of a delegation of a function or agency arrangement – see below). If a service is provided by a company set up by a local authority which carries out the principle part of its activities with that authority (or groups of authorities), is under the control of those authorities and has no private sector ownership, it benefits from the Teckal exemption and there is no requirement of a procurement process. This exemption would be lost if the company traded more widely to the extent that its principle activity was no longer providing a service to its controlling authorities.

Agency Arrangements and Goods and Services

These types of arrangements are permitted by the Local Authorities (Goods and Services) Act 1970 amongst others, and are useful where an authority provides services to another authority.

An authority may discharge any of its functions by another authority under what is commonly called an agency arrangement. The statutory responsibility for the function remains with the authority to whom the function is statutorily allocated. Arrangements may be revoked on reasonable notice.

Corporate Models

Company (for profit)

This model can be purchased “off the shelf” with standard articles of agreement etc drafted, usually for a small fee. As a separate entity, a company can own property, employ people, act as director or secretary of another company, enter into contracts, sue and be sued. Each shareholder (which can be a Local Authority) will hold an amount of shares in the company (note a body can be a shareholder) and that is the extent of their liability. This has the effect that the shareholder's personal assets are protected in the event of the company's insolvency, but money invested in the company will be lost.

There are obligations on limited companies to produce and provide to Companies House a set amount of information. A private limited company's disclosure requirements are lighter, but for this reason its shares may not be offered to the general public.

A board of directors will need to be established, along with associated voting rights and through this body the company will be managed – a minimum of one director is required to set up a company. Anybody can be a director, subject to a few exceptions. Only £1 share capital is needed to start up a private limited company.

Company limited by guarantee (non profit)

This model can be purchased “off the shelf” with standard articles of agreement etc drafted, usually for a small fee. Under section 5 of the Companies Act 2006, a company limited by guarantee must not have share capital when being set up.

The company has members who are guarantors instead of shareholders – these would therefore need to be agreed and appointed with this in mind and would be the decision makers for the company. Limitation of liability takes the form of a guarantee from its members to pay a nominal sum in the event of the company being wound up while they are a member or within one year of their ceasing to be a member. The amount of money that is guaranteed can be as little as £1 and will be stated within the constitution of the company

There are particularly useful for non-profit organisations that require corporate status. The Company is able to make profits which are retained and used for the purposes of the guarantee company. Care must be taken when entering into contracts however as the benefit of limited liability may be needed to protect its Board of Trustees and its members. It is able to own property in its own name. It provides the vehicle for a democratic structure where participants are required to adhere to the strict laws and regulations governing limited companies generally.

Local Authority Controlled Companies (general)

In both companies limited by shares and companies limited by guarantee where they are wholly owned by an authority (or group of authorities) they are described as controlled companies and are subject to the following rules beyond those of a standard company.

- a) It cannot pay a Director who is a member of a local authority any more than they are entitled to receive by way of attendance allowance as Councillor.
- b) The Company must provide the local authority's auditor such information about the running of the company as they require to audit the local authority.
- c) The company must disclose any information about how it is run as may reasonably be required by any member of a local authority shareholder.
- d) The Company must make available for public inspection minutes of its general meetings for a period of 4 years.
- e) The company must (currently) have its auditors approved by the Audit Commission prior to appointment.

Following consideration of the possible vehicles, the options shortlisted by the Project Board to undertake the shared service enterprise were either to retain the status quo, a company setup, a Joint Committee, a Lead Authority, or full outsourcing.

The Shortlisted Options

Keeping the Status Quo

It was considered that this is not an option for the Councils and delivering services in a different way and sharing them with others was now considered the only option to make further savings within legal services.

Limited Company

This option considered the creation of a company wholly owned by the partner Councils. This provides the benefits of a separate organisation to focus on delivering the legal shared services.

An approach is to set up a 'Teckal' company that just trades with the in scope local authorities and is still under their control. A 'Teckal' company has to do 90% of its business with the owning local authorities and have an intention to remain primarily for that purpose. This percentage will imminently change to 80%.

There are legislative constraints on the 'Teckal' company model which would restrict the ability of the shared service to trade and raise revenue from selling services to other

organisations. A 'Teckal' company would need to win work from the public sector and others via an OJEU process and could tender and win up to 20% of external work (both public and private sector). Any additional work won over and above this would require a separate trading company.

A company would need to bid for work and go through a full procurement process, except for the in scope Councils. Staff would be required to transfer to the company through TUPE arrangements and there could be implications for each authority's pension funds. The company would incur overheads associated with running an independent business, such as company registration, accounts, external audit and reporting.

Joint Committee

The creation of a Joint Committee allows the in scope services to be shared between the partner authorities.

Joint Committees are popular vehicles for initiating shared services in local government. A key reason for this is that they are democratically controlled bodies, requiring in their makeup that a least two-thirds of the committee's membership be elected Members. This overcomes the risk of Members feeling their control of a service is diminished under collaboration.

The key elements of a Joint Committee are:

- They are joint bodies set up, by agreement, to discharge functions and carry out activities jointly on behalf of local authorities and their executives.
- All principal authorities, parish and community councils have power to set them up.
- Current legislation allows Councils (Joint Committee) to provide services to other local authorities /public bodies outside of an OJEU process depending on demonstrating that there is genuine co-operation.
- They are attractive to local authorities because their constitutional arrangements are familiar in local government.

However:

- This model is scalable but only within the public sector and cannot provide incidental services to the private sector, although establishing a jointly owned company to trade would resolve this issue.
- They cannot employ any staff directly and usually delegate employer responsibilities to one or the other of the partner authorities. This can make

cultural change slower, although this eliminates the need to TUPE staff to a new entity and minimises any pension funding issues.

Lead Authority

The Lead Authority Model is also a popular vehicle for initiating shared services in local government. It provides clarity as the service is delivered by one authority to another under delegated agreements. The arrangements are generally governed by an Inter Authority Agreement (IAA), which is set up for a defined purpose. The services are delivered and managed within the decision making framework of the Lead Authority, which would be underpinned by comprehensive delegation agreements and service level agreements. Staff from other authorities can be TUPE to the lead authority which will make cultural change less challenging.

Full outsourcing

Full outsourcing is not currently considered as a viable way of delivering legal support services. This method does not fully support the vision for the project as the Councils do wish to have the ability to retain savings made and reinvest in services.

Although early savings could be achieved through outsourcing it is felt that this type of arrangement may struggle to deliver future savings and any savings could be retained by the provider rather than the Councils. The Project Board feels that there is some risk being tied into this type of contract during the current financial climate. Other models do not preclude the Councils from outsourcing individual services later.

Evaluation of business delivery vehicle options

These business delivery vehicle options each have distinct benefits and have been appraised. Each option was evaluated to take into account overall vision, cost and quality, ease of gaining external work, governance effectiveness, resilience, flexibility, local employment opportunities and speed of delivering benefits potential.

Best Practice Elsewhere

In addition, a desktop exercise has been undertaken of other partnerships where sharing of Legal Services has been considered, or is in place. These models have been assessed and taken into account in developing the shared service delivery vehicle. The best practice research is at Appendix 4.

Recommended Business Delivery Vehicle

On the basis of the research and evaluation process the Lead Authority Model is recommended.

The Project Board have also considered the options for transferring staff to the Lead Authority.

Transfer Options to the Lead Authority Model

Under a Section 113 of the Local Government Act 1972, Councils can second staff to a Lead Authority. However, the Project Board have discounted this option as it does not provide clarity of direction. In particular such an approach will not deliver the requisite cultural change as contracts of the employees remain with the respective Council; is only suitable in the short term; and can only operate on an individual basis as each employee has the option as to whether to transfer.

Accordingly, it is recommended that the staff from WSC and TDBC are TUPE'd to MDC. This process will require a formal process of consultation, but it will provide clarity for staff and protection for employees in terms of job security, pension and contractual terms of employment. As it provides a single employer model, the cultural changes required to deliver the practice will be easier to achieve. The TUPE model is also preferred by Unison for the reasons outlined.

5. PREFERRED OPTION - LEAD AUTHORITY – GOVERNANCE AND AGREEMENT

There have been detailed discussions amongst the Project Board regarding the operating arrangements to ensure minimum risk of under covering unanticipated obstacles during the initial stages of the project to reduce the risk of the shared service failing. These discussions will continue during the Approval Phase so as to ensure the governance arrangements are robust, and all potential risks are mitigated. The all-embracing Inter Authority Agreement addressing legal, financial and personnel matters will be ratified by all parties prior to the go-live date of 1 April 2015.

The overriding principle is that partner Councils will share costs, expenses and savings involved in the sharing of services fairly, transparently and on an agreed basis. Open book arrangements will be enshrined within the Inter Authority Agreement.

Legal Powers

The proposal would be effected by a delegation from TDBC and WSC of its legal service to MDC under Section 101 of the Local Government Act 1972 and the relevant executive function regulations. The TDBC and WSC staff would transfer to MDC's employment and all staff in the new single legal practice will be made available to TDBC and WSC under Section 113 of the Local Government Act 1972, which will enable all partner Councils to delegate decisions to them as if they were their own staff

The delegation will need to be agreed by all Councils Cabinets and full Councils. The basis on which MDC will exercise the delegation will then be captured and agreed in an Inter Authority Agreement. It is necessary to have a robust legal agreement to set out the Councils respective obligations and responsibilities. In this respect the arrangements will cover similar ground to a commercial agreement. However, the arrangement is based on co-operation between the three Councils for their mutual benefit, recognising the shared aims of the three Councils to ensure quality cost effective legal support: aims which they can each achieve more readily by working together.

Core Terms

This section of the proposal sets out the key terms of the arrangements.

- MDC are not charging TDBC and WSC for their senior management costs associated with this proposal either in terms of implementation or ongoing costs. Costs in the sum of £55K being projected cost of time appropriate to the single legal service by the Head of Partnership and Business Development Officer have been provided 'in kind' by MDC in the first year and £25K per annum thereafter. MDC has taken this approach to facilitate the development of this shared support service, and the wider benefit such an approach will

bring to the residents and tax payers of Somerset but will be seeking to recoup this “pump-priming” expenditure before the sharing mechanism comes into operation.

- TDBC and WSC will commit to a five year contract which will deliver a minimum of a 15% saving over their current costs.
- Payment will be made monthly in arrears; such payments to be equal to one twelfth of their annual fixed price.
- All the legal work required by MDC, TDBC and WSC will be offered to the shared legal team: MDC, TDBC and WSC will only agree to an alternative provider when their request cannot be met.
- In respect of any redundancy costs, howsoever arising, which may arise immediately prior to or during the life of this legal shared service then the following shall apply:
 - Prior to the inception of the legal shared service and during its first year of operation then costs of any redundancy will fall to the previously employing Council.
 - During years 2 and 3 of the arrangement any such costs will be shared in accordance with the profit sharing mechanism.
 - During years 4 and 5 any redundancy costs will be MDC’s liability.
- The five year contract will be subject to annual adjustments in respect of inflation effected through the application of an agreed Office of National Statistics index and taking due cognisance of any LGA awards as appropriate.
- The agreement will run for 5 years and be subject to a formal review in April 2019.

Overheads and set up costs

- An agreed element of overhead cost, including a reduction over time to reflect efficiency benefits, is included in the forecasts.
- Due to the incomplete nature of the historical data in respect of the number of productive hours required to deliver the Business as Usual (BAU) service it is not possible to introduce a charging regime based on hours at the start of the arrangement. However, this will be a vital element moving forwards and the following actions will be put in place to effect a change to payment for productive hours by the end of year three:

- Introduction of the case management system in April to June 2015.
 - Collection of data on all new cases with effect from July 2015.
 - Assessment and validation of all monitoring information from the case management system July 2015 to December 2016.
 - Agreement of a parallel year's trading based on productive hours January 2017 to March 2017.
 - Parallel years productive hours / fixed price trading April 2017 to March 2018.
 - Trading based on productive hours only April 2018 to March 2020.
 - Review of entire trading arrangement April to December 2019.
 - Agreement of follow-on arrangement January 2020 to March 2020.
- Set up costs in respect of ICT have been included in the cost base and defrayed over the five year life of the agreement.
 - MDC absorbed costs including branding, start-up training, marketing, external legal support and overheads will be recovered along with their 15% share prior to the sharing mechanism coming into force in any one year.

Pension

It is assumed TDBC and WSC employees who TUPE transfer to Mendip are part of the pension scheme and thus these arrangements will not change.

Billing

- The budget year will run from April to March.
- The costs of delivering the basic Business as Usual (BAU) service, including the agreed overhead and inflation, will be paid for in equal monthly instalments April 2015 to March 2018 against a fixed price. The service delivery risk in terms available productive hours will rest with MDC during this period.
- For the period April 2018 to March 2020 the annual budget process the required productive hours volume will be fixed for that year. The purpose of this is to ensure that MDC is not exposed through sudden downward changes in demand to costs that it would not otherwise bear.
- The costs of delivering the basic Business as Usual (BAU) service, including the agreed overhead and inflation, will be paid for in equal monthly instalments April 2018 to March 2020 on an agreed fixed price basis but with a safeguard included in respect of productive hours required to deliver the BAU service.

- Detailed reporting of the hours worked for WSC and TDBC will be provided electronically by MDC each quarter.
- The shared legal team management will seek to fill any short-term capacity availability by selling the time to other local authorities/public bodies/clients. The risk for securing this work lies with MDC but early indications suggest that the modest aspirations should be achievable.

Time required over the agreed contract productive hours for the period April 2018 to March 2020

- All hours required in excess of the agreed monthly hours will be charged at the rate of £65 per hour post the go-live date; such rate to be increased annually in accordance with the agreed inflationary arrangements. This rate reflects current market rate for charges between local authorities and will also be used to fill capacity gaps, where possible. The rate reflects the costs of hiring, redundancy, downtime, training and overheads for these staff. It is anticipated that the principal source of this work will be in outsourced legal work which is currently being undertaken by third party firms.
- Any surplus arising or savings delivered will be available for distribution as described below.

The Distribution Formula

- If, after taking into account all the applicable costs expended in running the practice (and a reasonable agreed amount for “working capital” purposes); and a reasonable agreed amount to reflect the fee generating work already undertaken by MDC as a result of the fact they have an established third party Council client;
- A reasonable agreed amount to reflect the fact that on implementation MDC did not benefit from the same percentage of savings as TDBC and WSC savings.
- Recompense for the ‘in kind’ costs contributed by MDC in that budget year.
- Costs contributed by MDC in that budget year.
- [The basis of the sharing mechanism will be that MDC will recover their 15% saving against the base budget and their “absorbed” costs before the sharing mechanism comes into operation.. Once the shared legal service has delivered this saving all future savings, in any one year, shall be shared in accordance

with the ratio between the three authorities in respect of their base year gross cost.] That ratio will be MDC 44%: TDBC 36%: WSC 20%)

- The distributions formula will form part of the Inter Authorities agreement.

Client relationships and reporting

- Service Level Agreements (SLA's) will be entered into for the key service areas. Such SLA's will set out areas of legal work required, resources needed to deliver services, skills and experience relevant for the service, client liaison, reporting arrangements and agreed KPIs for measuring performance.
- There will be a Business Services Manager who will ensure clarity of reporting and communication lines.
- The Business Services Manager will hold regular meetings with the department directors and senior management of TDBC and WSC and will discuss with them, inter alia, the likely demands for time over the forthcoming weeks and months.
- To recognise the "shared services" nature of the arrangements and the importance of strong governance, there will be quarterly meeting with TDBC and WSC's designated Contract Manager to review operational efficiency, statistics, KPIs, trends and projections and to enable the development of the service to meet the Councils aims.
- The Head of Partnership will produce for each Council an annual report on the activities of the shared service over the previous year, including an account of financial matters and explaining the new plans and activities for the following year.

Internal Dispute Resolution

Any dispute will, in the first instance, be referred to the relevant Business Services Manager to resolve, in liaison with the other Council. In the event that this can not be resolved it will be referred to the Shared Services Business Development Manager and if it still could not be resolved, referred to the Head of Partnership. If the Head of Partnership is unable to resolve the dispute then it would be referred to the Joint Committee for a decision.

If a dispute about the Agreement cannot be resolved through the processes of the negotiation the matter would be referred to mediation.

Scrutiny and Audit

The existing scrutiny and audit arrangements for each Council in respect of oversight of legal service provision would remain. The relevant Committees of each Council responsible for Scrutiny and Audit would have the right to inspect any documents relating to the Inter Authorities Agreement and have Head of Partnership or deputies answer any questions they raise.

All Councils are public authorities as defined by the Freedom of Information Act Legislation and therefore information relating to the Inter Authorities Agreement may be the subject of an information request.

Trading Issues

The new shared service will, in due course, be marketed to other Councils in accordance with the legal ability to do so.

A profit could be made on services provided to other organisations by the shared service, but with some restrictions. The Local Authorities (Goods and Services) Act 1970 permits any local authority to charge another local authority (or Public Body under that Act), as they see fit. For services provided to others that are not local authorities no profit is permitted to be made under Section 93 of the Local Government Act 2003.

The Councils could set up a company to service organisations which do not fall under the 1970 Act and any other proceeding legislation and secondly shared services employees to that company or have service level agreements. Profits could then be generated.

MDC may wish for another Council to join the shared service. Such an arrangement would need to be developed at the relevant time by the Councils.

The shared service may be able to sell other councils and/or public bodies outside of a procurement process providing it was structured to comply with the 'Hamburg Waste Case' and subsequent case law. However the relevant EU case law would need to be considered carefully to ensure that such an arrangement would be permissible within the EU procurement directives.

These models are scalable but with local authorities and other parts of the public sector including the third sector if there was demand for third party work MDC could create a company at a later date.

6. OPERATING MODEL

Business Model

The host authority will be MDC which will manage legal staff from across all Councils. Staff will be located at the Council that is most appropriate to their casework: this approach retains flexibility to respond to local circumstances and requirements. However, it still permits the full benefits of economies of scale, effective process design and re-design, career development and cost reduction.

Fee earning staff will work in up to three areas of law to provide a balance between general and specialist advice. A target of 1100 chargeable hours will be set for all fee earning staff (pro rata as appropriate) with the aim of driving up productivity over time through the introduction of a case management system, agile working and improved business processes.

Underpinning the new approach to management is a focus on the key strategic goal of expanding as a shared service, promoting income generation and creating stakeholder value. Thus the service re-design will include changes to the overall business model, not just efficiency savings.

As part of the approval and implementation phases, complete service reviews will be undertaken to release efficiency, reduce duplication and deliver cash savings but with the aim of maintaining quality.

The overall business model is likely to change in the following key ways:

- Counsel would only be used for legal tasks requiring the most significant and/or specialised legal knowledge and experience; or higher rights of audience.
- The shared service lawyers would consolidate services, standardise processes, and develop a delivery model which, whilst retaining face to face contact, is supported by a strong IT solution, and a web based interface.
- Legal services which frequently re-occur or that are high volume may be considered for outsourcing to a lower cost service provider.

Operational Model - Retained Functions

The Monitoring Officer at TDBC and WSC will remain employed by TDBC, and will not form part of the single legal practice. This Monitoring Officer will be the 'intelligent client' function to manage the relationship with the new service as a commissioner of Legal Services. This role will be critical to ensuring TDBC/WSC benefit from an efficient, high performance and value for money services. The Monitoring Officer for TDBC / WSC will also assist internal client departments to adjust to the new arrangement and provide a

strategic 'gate-keeper' function, ensuring that the processes for instructing lawyers under the new Shared Service are operating effectively and challenging the need for using external providers.

MDC will keep its own Monitoring Officer and Solicitor to the Council; this postholder will be responsible for the Head of Partnership. The Head of Professional Services will be Solicitor to the Council for TDBC. The Head of Partnership and Head of Professional Services will jointly discharge the role of Solicitor to the Council for WSC

Operational Model - Organisational Structure

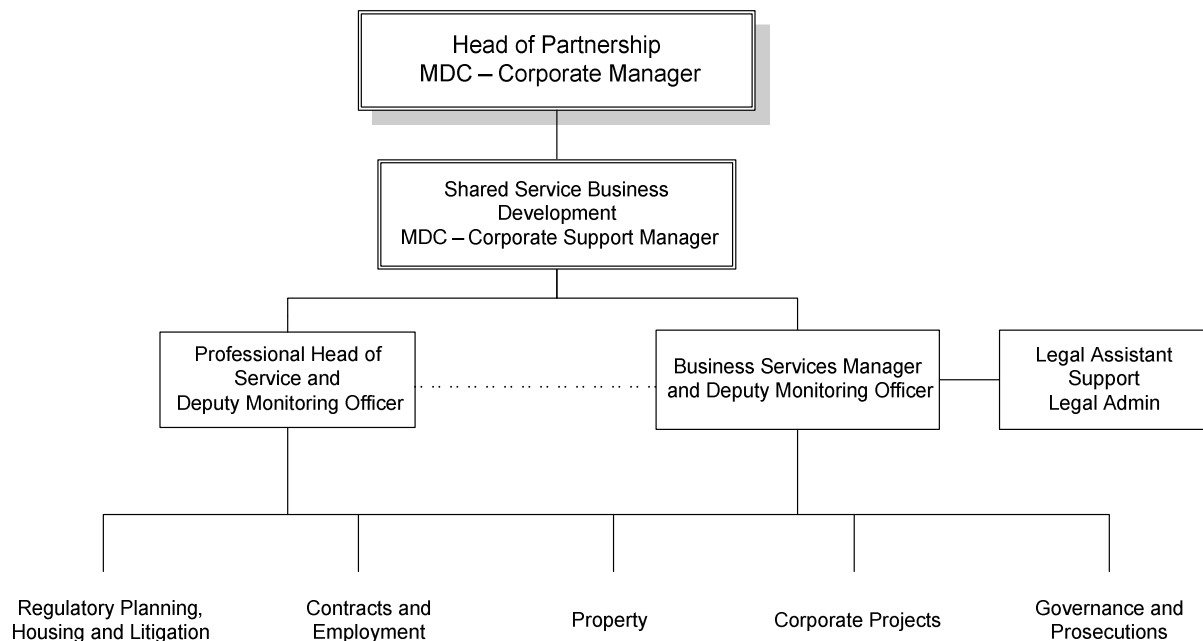
A number of operating structures have been explored and detailed discussions have been undertaken to agree the operating arrangements with the Chief Executives of TDBC/WSC and MDC. The recommended option has been jointly agreed by the Chief Executives as the one which delivers the following strategic drivers:

- Has the flexibility to adjust to changing resource demands.
- Recognises the need for locally based resource, but not to the detriment of the partnership.
- Provides a mechanism to ensure external legal procurement is efficient.
- Provides a mechanism to ensure accountability of case progression and performance.
- Delivers consistent service standards and operating procedures across the partnership.
- Is accessible for clients and Members.
- Delivers opportunities for joint learning and reduced cross authority duplication.
- Promotes inter-authority operational and relationship trust.
- Deliver both cash and non-cashable savings.
- Delivers opportunities for expansion.
- Maximises opportunities to internalise work that is often procured externally.
- Retains appropriate managerial and strategic capacity.
- Develops practice support management capacity to release fee earning

capacity.

- Is not complex in terms of implementation.
- Redefines vacant posts and re-focuses existing fee earning staff to provide a service fit for future purpose.

The recommended Organisation Structure is:



This is believed to be the most appropriate level of family tree for this document detailing the range of services to be provided along with its basic operational structure.

There are also two distinct changes from existing structures. Firstly, in accordance with emerging best practice, the role of a Business Services Manager will be introduced. These roles, which are common in private practice, are responsible for essential areas of practice which ensure delivery of high quality and cost effective service. They also ensure that lawyers can focus on case work rather than management functions.

The arrangements for the management structure is described below.

Operational Model – Management

The Head of Partnership

- Is legally qualified.

- Has no day to day managerial involvement in the operation of the service which releases more time to focus on providing strategic direction.
- Leads, directs and implements opportunities to share Legal Services and other corporate support services, with organisations within in or outside Somerset to secure income and/or increase resilience and knowledge.
- Accountable for the role of Solicitor to the Council and Monitoring Officer for MDC, including holding responsibility for the related statutory duties.
- Leads integrated service delivery in managing the model and driving change.
- Creates an environment where new ideas can be nourished, nurtured and implemented.
- Leads the delivery of high quality, efficient and effective legal services across the partnership to meet customer and community needs and respective Council's Corporate Plan aims.

Shared Service Business Development Manager

- Accountable to the Head of Partnership both in terms of Legal Services and also the integration of other Corporate Support Services to the model.
- Improves service quality and achieves value for money by managing resources across the partnership in the most effective and efficient manner.
- Identifies and develops opportunities to expand and commercialise the model.
- Develops business development plans for the Shared Service based on opportunities, market intelligence and knowledge.
- As the Shared Service grows, will plan and deliver project implementation strategies, including staffing.
- Supports the Head of Partnership in ensuring the authorities and their senior Management Teams receive legal advice from the partnership which are proactive, commercial and solutions driven.

Business Services Manager

- Is legally qualified.
- Will be responsible for all the facets of the day to day management of the Legal Shared Service practice including the outward facing customer/client management function.
- Will report to the Shared Service Business Development Manager under the direction of the Head of Partnership as necessary.
- Will provide the public facing side of the service and spend much of their time with clients after the initial Implementation Phase, during which focus of the role will be operational. They will be the 'face' of the service on a day to day basis.
- Will determine the work allocation throughout the team, including;
 - Provision of updates to the Project Board and the MO TDBC and WSC.
 - Preparation of annual business plan.
 - Reviewing new work requests across the partnership and allocating cases to the most appropriate available lawyer (could include requesting that the Professional Head of Service provide the advice).
 - Liaising with the Professional Head of Service and the lawyers to ensure work is allocated according to development plans and career development aspirations of each lawyer.
 - Ensuring that work allocation is prioritised fairly and in line with the partnership service standards.
- Will be responsible for resource planning;
 - Monitoring the availability of resources and upcoming demands to identify future shortfalls or over capacity of resources.
 - Requesting that Shared Services Business Development Manager consider adjusting resource levels accordingly.
- Will be responsible for performance management and reporting;
 - Monitoring the progress of cases to ensure that they are progressed in a timely manner and in line with client requirements and the service standards.
 - Producing performance data and analysis on the operation of the service covering the satisfaction with the quality of advice received, timeliness of the response, financial performance, volume of output (e.g. chargeable hours and cases closed) and other targets.

- Ensuring that performance levels of the service are high and in line with the service standards.
 - Providing feedback to the lawyers on fee earner performance in the areas of: delivery of timely advice, chargeable hours completed, customer interaction skills and other matters as required.
 - Identifying and progressing approaches to further improve service and process performance.
- Will carry out business planning in consultation with Shared Service Business Development Manager
- Will be responsible for all aspects of budget management, including;
 - Commissioning all external legal advice and managing the budgets for all external advice.
 - Ensuring that arrangements are in place for procuring value for money external advice.
 - Producing quarterly 'statements' of the 'credit' or 'debit' position of each partner Authority.
- Will be responsible for managing the 'client interface';
 - Ensuring that regular client review meetings are held.
 - Acting as the 'gate keeper' for new work requests to ensure that new cases are 'validated' and all required information is available prior to commencement of work by the fee earning staff.
- Will be responsible for ensuring that all processes are developed, reviewed and remain effective.
- Will be responsible for the case management system, including;
 - Implementing and managing the case management system to ensure accurate records and data are maintained.
- Will be responsible for the following aspects of line management;
 - Managing the consultant lawyers and internal lawyers in consultation in consultation with the Professional Head of Service.
- Will discharge the duties of Deputy Monitoring Officer for any partner Council, which will include assisting with the undertaking of investigations of any alleged breach of the Code of Conduct by District Members and Parish Councillors.

- Must be able to undertake no less than two areas of law within the single legal practice.

Head of Professional Services

- Ensures the authorities and their senior Management Teams receive legal advice from the partnership which is proactive, commercial and solutions driven.
- Undertakes at the more senior level legal casework (including instructing Counsel where appropriate) for the Councils and their contractual third parties including:
 - Conveyancing and Property
 - Housing
 - Planning
 - Litigation
 - Electoral Law
 - Contracts and Procurement
 - Acting as advocate for the Councils in the Magistrate and County Courts and at Tribunals
 - Producing reports to the Councils and attending committee meetings to provide advice as Solicitor to the Councils
 - Advising Members and officers on probity issues.
- Supports the Shared Services Business Development Manager in creating opportunities to share Legal Services and other corporate support services, with organisations in or outside Somerset to secure income and/or increase resilience and knowledge. Work closely with the Business Services Manager in this regard.
- Works closely with the Business Services Manager to ensure the smooth running of the Shared Service.
- Is proactive in recognising the potential impact of future legislation and best practices to provide advice (sometimes in concert with other officers) which will assist the Councils to decide policies and strategies which ensure that they function efficiently and effectively.
- Supervises the case work of all lawyers within the single legal practice.
- Must be able to undertake no less than three areas of law within the single legal practice.

- Monitoring changes in statute and case law which will impact upon the conduct of the three Council's business and advise client departments as necessary including advising on relevant changes in procedures
- Attending committees and panels as required, to provide advice as to the legality and likely consequences of their decision-making process and on issues of probity arising during the meeting.
- Will discharge the duties of Deputy Monitoring Officer for any partner Council, which will include assisting with the undertaking of investigations of any alleged breach of the Code of Conduct by District Members and Parish Councillors.

Operational Model - Benefits

The single Legal Service is designed to address the issues and drivers outlined above, and to deliver the following outcomes:

For Members:

- Improved delivery of the Legal Services which supports the full range of local authority activities;
- Efficiency savings with mitigating measures to manage any impact on the quality of level of legal provision;
- Improved local knowledge by access to a wider range of expertise;
- Risk in terms of corporate governance and ethical standards is adequately managed.

For clients:

- More visibility of case progress and service performance allowing for risks to be better managed;
- A more rapid delivery of advice and case work through enhanced processes and monitoring;
- Opportunities to be more 'self sufficient' with appropriate back up and training;
- Access to a wider, and more specialist, group of advisors;
- Clear service standards and mechanisms in place to monitor service delivery;
- More advice will come from local authority employed lawyers with greater

knowledge of cultures, constitutions, governance and priorities;

- Improved opportunities to give feedback so as to ensure the service meets requirements.

For Legal Services staff

- Wider opportunities to progress or into management roles;
- Maximising the time spent on legal work with less time on management or administration;
- Reduction in reactive work and increase in proactive work through improved practice management arrangements;
- Introduction of the Business Services Manager role to improve the working arrangements with clients;
- Reduction in time following up incomplete instructions;
- Greater access to support from others within a wider team and increased resilience;
- More systematic support for coaching, supervision, monitoring of workloads and support for professional development.

Operational Model – Finance

The Business Services Manager will be responsible for managing the day to day finances of the shared service. It is anticipated the model will be as follows:

- The budgets for legal advice will be transferred to the host authority on an annual basis. This budget will equate to an agreed number of legal services hours;
- When work is requested from a client it is allocated to the most appropriate available resource using the case management system. The choice of most appropriate resource will be dependent on a range of factors including availability, location, expertise, skills, and development needs;
- On a quarterly basis a statement will be produced and invoices produced at the end of the year to reconcile budgets to keep administration to a minimum;
- The Business Services Manager will monitor the overall budget to ensure that work requests are in line with available funding and alert the Business

Development Manager immediately if it appears that budgets could be overspent;

- Income generated by providing services outside of the partnership will be distributed in accordance with the distribution formula detailed in the inter authority agreement. (see also page 25).
- Where business outside the scope of the defined Shared Service is received the Business Services Manager will explore the possibility of absorbing all or part of this work within the Shared Service in the first instance: where this is feasible the agreed hourly rate will apply.
- Councils will be expected not to reduce the resources available and the following year's budget will be agreed in the October prior to the commencement of a budget year. Where resources reducing results in redundancy, the Council making the service delivery change will pay all the redundancy costs and other costs accruing as a result of this.
- All external advice will be commissioned by the Business Services Manager using the procurement arrangements put in place. Clients will not commission work direct.

Operational Model - Client Review Mechanisms

To ensure that the service benefits are delivered client review mechanisms will be established. The Business Services Manager will ensure that regular client review meetings are held (at least bimonthly) to identify upcoming work requirements, provide feedback to clients on how effectively they are supporting legal in providing timely instructions, for clients to comment on areas they feel need improving and learn any lessons from recent cases.

In addition a standardised customer feedback questionnaire will be devised and sent to each client quarterly. Finally, the Business Services Manager will provide performance information from the case management system covering turn round times, case progress, chargeable hours for each client, customer satisfaction data and other key measures in line with the Service Standards. Overall performance will be on an annual basis to each authority.

Operational Model - Data Sharing Protocol and Conflicts of Interest Policy

The Data Sharing Agreement in draft form is at Appendix 5. This, along with other key documents such as the Conflicts of Interest Policy will be incorporated in to the Inter Authority Agreement which is due to be signed immediately prior to 1 April 2015.

The Data Sharing Agreement is important to define the scope of sharing, ensuring that relevant issues have been considered and record the respective obligations of the Councils.

The Conflicts of Interest Policy will be vital to ensure lawyers have clear guidance how to deal with potential of real conflicts of interest; given they will be working for more than one Council.

Operational Model - Service Standards

The Service Standards will prove a set of performance criteria against which the shared service can be measured by internal and external review. The Business Services Manager will monitor performance against the Service Standards, reporting to the Business Development Manager and the Monitoring Officer at TDBC and WSC.

Service Standards will be approved and finalised prior to the Implementation Phase. The Draft Service Standards are at Appendix 6.

Operational Model - Performance Management

Performance management of the new shared service will be managed and monitored by the Business Services Manager. This will add value to the service by managing the customer relationship and monitoring the shared service's performance, ensuring it meets the needs of its clients. During the implementation stage of this project a performance matrix and final Service Level Agreements will be developed with customers. The Business Services Manager will then monitor and manage these on their behalf.

The Business Services Manager will also lead the re-engineering of the new service, undertaking reviews to bring the services together, improving performance, creating capacity and identifying savings. This role will also be key in developing and growing the business, by offering the service to others to support income generation and/or the development of further shared support services in liaison with the Business Development Manager.

Operational Model - Lexcel

Law Society Lexcel accreditation is the legal quality standard. Accredited legal practices are certified by the Law Society as offering higher standards of client care and practice management. To achieve Lexcel accreditation, legal practices undertake a rigorous testing and inspection process to ensure that they have the very best in client care, file and data management and complaints handling.

As part of the implementation phase the Project Board will consider if the shared service should seek to achieve Lexcel accreditation.

Operational Model - Staff and Team Development

During the Approval and Implementation Phases staff development will be crucial, most especially for new skills to allow for work to be brought in-house. In addition it is assumed that there will be investment in team building, problem solving workshops and other similar activities involving the whole team.

7. BENEFITS AND OUTCOME

7.1 ECONOMIC CASE

The economic case has been built around the postulated growth model whilst recognising the imperatives at TDBC and WSC to deliver immediate 15% savings. The detailed financial case can be found at Appendix 7 and the following table provides a synopsis:

Financial Summary

	Baseline	Year 1	Year 2	Year 3	Year 4	Year 5
	£K	£K	£K	£K	£K	£K
Staff	393.3	417.3	417.3	417.3	417.3	417.3
Operating Costs	290.6	257.9	246.7	241.3	238.7	237.3
Gross Total	683.9	675.2	664.0	658.6	656.0	654.6
Income	139.1	144.2	149.2	154.2	159.2	164.2
Net Total	544.8	531.0	514.8	504.4	496.8	490.4
Net Saving		13.8	30.0	40.4	48.0	54.4
		2.5 %	5.5 %	7.4%	8.8%	10.0%
Non- BAU expenditure after efficiency	210.0	199.5	189.0	178.5	168.0	157.5
Average Total expenditure (inc Non-BAU)	754.8	730.5	703.8	682.9	664.8	647.9
Overall projected saving		24.3	51.0	71.9	90.0	106.9
		3.2%	6.8%	9.5%	11.9%	14.2%

The following assumptions have been made in the construction of the business case:

- Staffing levels will actually increase to facilitate the delivery of the longer term aims of the project. This has been achieved by the prudent redeployment of the income generated from the WSC work.

- Travel and Subsistence has been increased by 50% to enable agile service delivery.
- Targeted savings have been assumed in the use of external consultants with reductions of 50%, 70% and 80% over the first three years as the team enhances its skills base.
- A reduction of £2,800 by combing the legal libraries.
- Increased efficiency from enhanced and streamlined working practices and the introduction of a case management system will deliver an improved income stream. This capacity will be charged out at market rates and it is anticipated that savings of £20,000, £25,000 and £30,000 can be achieved over the initial three year period and rising to £40,000 by year 5.
- In addition it is anticipated that the team will be able to reduce the need to commercial lawyers for the Non-Business as Usual (Non-BAU) work as the team upskills and diversifies. Projected savings arising from this work stream are £10,500 in year one rising to £52,500 in year 5.
- The savings arising from increased charging out and absorption of the Non-BAU work have been assumed to take place at a very modest rate of growth (eg 5% pa for Non-BAU absorption).
- No allowance has been made for any redundancy costs howsoever arising.

Taking the above factors into account, whilst also seeking to ensure the longer term viability and growth of the service, the following immediate savings are delivered to satisfy the requirements of WSC and TDBC:

- Reducing the base cost to the service required by WSC by 15% to an annual cost of £113,977; a saving of £20,113 per annum. This has been built into the model at Appendix 7.
- Reducing the base cost to the service required by TDBC by 15% to an annual cost of £212,695; a saving of £37,534 per annum. This has been built into the model at Appendix 7.

Thus MDC will not be expecting to achieve significant savings in the first instance but will be reliant on the growth model to deliver benefits and expect to capitalise on this through the Sharing Formula.

In order to ensure the success of the project MDC will be injecting significant resource into the project. These are set out in the following table:

MDC absorbed costs

	Year 1	Year 2 onwards
Senior Management	55.0	25.0
Backfill of lawyer for implementation phase	20.0	Nil
Initial training costs	10.0	Nil
Marketing Costs	10.0	Nil
Branding Costs	10.0	Nil
Overheads for TUPE staff (50%) apportionment)	36.4	36.4
Total MDC absorbed costs	141.4	61.4

Savings

Target savings of 15% are critical to TDBC and WSC.

Savings are also vitally important to MDC but MDC have balanced this against the need for longer term sustainability and believe that their aims are best served by forming the partnership, stabilising and building the skills base of the team, increasing efficiency through the introduction of commercial practices and then seeking to recoup their investment through the sharing mechanism by means of a combination of the increased efficiency and new work streams.

Reducing External Solicitor Expenditure

As part of the business case development all Councils examined their external legal expenditure (both solicitor and barrister) for the past three financial years. It was judged that no barrister-related expenditure (or at least only a very small proportion) could feasibly be delivered in-house at this point in time. However, with respect to external solicitor expenditure, it was identified a number of areas of work that had been outsourced to external solicitors but which could be delivered in-house by the Shared Service. This would be possible by increasing efficiency and pooling knowledge and expertise.

A shared legal service would result in a conservative 10% increase in efficiency and productivity delivered by reengineering service delivery in two main ways:

- a) Critical mass, more effective staff deployment and pooled expertise. Bringing the three teams together would improve overall critical mass and allow staff to be

deployed more flexibly to cope with peaks and troughs in work volumes. Pooling staff would mean it is likely that the work previously outsourced to external solicitors could be undertaken in-house.

- b) **Improved Practice Management:** There are a known number of practice management initiatives that could improve overall efficiency including the more effective use of case management systems, work flows/process mapping and developing the optimum team structure. Such initiatives require practice management resource, which is more feasible where resources are pooled. The Business Practice Manager is thus critical.

Quantifiable Benefits

Selling Legal Services

While it is intended that any increase in staff capacity would first be used to reduce the partners' external legal spend, any remaining capacity would be applied to providing legal services to other public sector clients. The intention is for the Shared Services to become a supplier of legal services to other public sector organisations. The current external charge-out rates across partner Councils are very competitive and generally cheaper than most private practice firms can offer.

Efficiency and productivity savings would allow the Shared Service's lawyers to deliver some of the work the partners currently outsource to external solicitor firms, which is not specialist in nature. Efficiency savings would also generate additional staff capacity sufficient to generate income from additional fees.

In addition the reduction in the Non-Business as usual expenditure is also achieved through increased efficiency throughout the team dealing in house work which is usually passed to commercial lawyers. This capability should increase over time as the 'specialist' across within the combined teams are strengthened.

Taking advantage of Economies of Scale by jointly Procuring Legal and Ancillary Services

The Shared Service will significantly increase economies of scale as set out above.

With respect to the joint procurement of external legal services from barristers and solicitors, a solicitor's panel would be established. Savings could be achieved by jointly procuring barristers services and additional cashable savings in the form of free legal training from external suppliers are possible as a result of a more co-ordinated approach under a shared legal service.

Rationalisation of Accommodation Remote Working

MDC and TDBC already have an office rationalisation and multi public service/customer access transformation programme in place. This project will therefore link with these projects and, where feasible, deliver further savings to both authorities.

Shared Services Costs

Each Council will be responsible for the cost of any investment required for the number of staff currently employed to provide legal services.

ICT costs are a key issue, there will be implementation costs with any project of this nature and invest to save funding will have to be made available to ensure transformation of service delivery will progress. It is anticipated that £40k capital investment will be required to integrate all partners onto a single Case Management and Time Recording system. These costs have been included within the operating costs detailed above and are recovered through that charge over the five year life of the project including an appropriate local authority charge for interest to reflect the “up-front” nature of the investment. There will also be an increase in revenue costs of approximately £6,000 per annum as a result of these new systems. There will also be investment costs associated with providing a secure connection between all the sites but at this point these costs are unqualified.

Programme Implementation Costs

Resources to review services and implement change will also need to be taken into account. It is anticipated that with a collaborative approach amongst all partners, including MDC temporarily backfilling a senior lawyer, so that the post holder can become the implementation lead, the programme implementation costs can be dealt with within existing budget. The cost of backfilling the senior lawyer, providing the necessary change management training packages, marketing and branding costs will be in the region of £50,000 but MDC will support this ‘in kind’ to facilitate the delivery of the project.

7.2 THE ADDED VALUE CASE

Developing and Deploying Specialist Practitioners

Pooling resources will better enable the shared service to assess the viability of employing specialist legal practitioners to deliver more complex (and more costly) work in-house and generate more income from providing services to other public sector clients, for example commercial work.

Improving the Working Environment and Opportunities for Staff

There are a range of ways in which the Shared Service would improve the working environment and opportunities for staff, including:

- **Increased specialism:** by combining to form a larger Legal Service, legal staff will become more specialised in a particular area of the law, allowing them to undertake more complex and interesting work, thereby increasing their job satisfaction.
- **Resilience:** increased critical mass would mean that workloads could be shared in the event of staff absences or vacancies, thereby reducing the increased stress levels that can often result from a smaller team having to absorb their colleagues' work at such times.
- **Less Outsourcing:** a more specialised team would mean that the more challenging and interesting work could be retained in-house rather than outsourced to external solicitor firms.
- **More legal/less administrative work:** improved efficiencies and reduced administrative burdens, would mean that legal staff would do more legal and less repetitive work or administrative tasks thereby increasing job satisfaction.
- **Career progression:** with a larger team there would be more opportunity for career progression thereby keeping staff motivated and helping overcome recruitment difficulties.

7.3 BUSINESS DEVELOPMENT

The Opportunity to Grow

It is recognised by the Project Board that this shared service business case is a platform which can be developed to deliver ongoing cost reductions and service improvements.

The Local Government economy is worth £144bn each year. While there are many authorities undertaking shared service activities sharing services across organisations is complex to achieve and many do not have the expertise, capacity or willingness to do it themselves. The implementation of this project thus creates an opportunity for growth within the local government sector.

However, it is not just Councils that are keen to share services. There is a range of shared service activity in Further and Higher Education, the blue light sector and health who have all been seen to outsource or share support services in order to protect their core activities.

The third sector is another potential market with many charities falling under Local Authorities (Goods and Services) Act 1970 definition of a public body. There are thus clear opportunities to be explored to grow the Shared Service.

Whilst there are complex legal and staffing issues associated with developing a trading arm, these issues can be resolved to enable other organisations to use the new shared legal services.

The Opportunity to Expand

There are also opportunities to expand the scope of this shared service to deliver further cashable efficiencies. The scope of this model could be expanded to include services such as HR; Democratic Services; Procurement; Property Assets; Health and Safety.

No income assumptions have been made in this Business Case for business growth and new clients. Neither have any capital investment assumptions, which would be essential to support the growth of the shared service, been included in this Business Case.

8. TIMESCALES AND IMPLEMENTATION

Overview of Implementation Approach and Timetable

An outline project plan is at Appendix 8. The timetable thereafter is expected to be:

- Councils to agree to endorse this business case in February 2015.
- Project Board agree name and branding for the shared service in March 2015.
- Councils agree Inter-Authority and Delegation Agreement in February 2015.
- Revised delegations agreed to allow officers from one Council to take decisions on behalf of the other to be approved by each Council by February 2015.
- The single legal service will be brought together from 1 April 2015 facilitated by TUPE transfer of staff.
- Market research analysis complete by 1 April 2015.
- Reviews commence to maximise potential savings from 1 April 2015.
- Savings as a result of this business case delivered by 1 April 2015.
- Phase 2 Business Case and Marketing Plan complete by June 2015.

Shared Service Naming and Branding

A name and brand for the new shared service will be developed in the implementation phase.

The name and brand will support the achievement of the wider programme objectives, in particular to engage staff in working for the new shared service and marketing the service to potential new customers.

A clear identity for the shared service will help those staff working for it to feel that they are moving to something new and create a sense of momentum and purpose for the change. Use of the brand in all communications and engagement with staff in all Councils throughout the transition and implementation phases will help support the required culture change.

Use of the brand will also help position the service with internal customers in all Councils and make it clear that they are now receiving their support services from a different entity.

Communications and Engagement

A draft Communications and Engagement Strategy has been developed to commence the transition of a culture change process for all partner Councils existing legal services to the new shared service. The draft Communications and Engagement Strategy is at Appendix 9.

The main objectives of the Communications and Engagement Strategy are to:

- Ensure that all key stakeholders understand the rationale, benefits and plans for the new shared service.
- Support the positive engagement of staff moving to the new shared service, ensuring that they have all the information that they need.
- Ensure that all clients of the shared service know how to access and use it.
- Support the culture change needed for a successful service transformation.
- Ensure that residents and other external stakeholders understand the reasons for developing a shared service and perceive it positively.
- Ensure that there is consistent messaging and that project communications are integrated with all Councils wider communications messages and activities.

Communications activities will include:

- Information in all Councils regular internal communications channels such as employee newsletters and manager's briefings.
- Developing specific communications channels, such as an email bulletin to 'in scope' staff.
- Meetings and events for 'in scope' staff.
- Targeted communications for elected Members, trade unions and external service.

A Marketing Plan will also be prepared as part of the Implementation Phase.

Legal Procurement and Vires Analysis

A legal, procurement and vires analysis has been scoped by the Project Board and is at Appendix 10. No risks as a result have been identified.

Equality Impact Analysis

An Equality Impact Analysis (EIA) has been scoped by the Project Board is at Appendix 11. At this stage it profiles the staff which are currently in scope of this project and where requisite information has been provided. The EIA will be further developed and reviewed at each key stage to ensure that the project is developed in full recognition of the diverse needs, circumstances, and concerns of the people who will be affected by it, both employees and communities across the local authority areas.

Programme Risks

A Risk Register, which has been completed by South West Audit Partnership, is attached to this Business Case in Appendix 12. It highlights the major risks attached to this Project. These risks will be mitigated through a range of actions and controls which will continue to be put in place throughout the implementation phase.

Benefits Realisation

A draft Benefits Realisation Plan is attached at Appendix 13. Immediately following the decision to proceed to the Implementation Phase, the plan will be finalised. The financial benefits are, for the most part, predicated on efficiency savings. Leadership and focus would be required to ensure that the cultural change needed across the Councils in order to ensure those savings does occur.

A robust methodology for measuring the benefits of the new service will include regular reviews of the cost, quantity and quality of the services received will be required.

Appendices

Appendix 1 List of Services in Scope of Legal Shared Services Project

Appendix 2 Client Satisfaction and Identified Needs

Appendix 3 Legal Referrals by Partner

Appendix 4 Best Practice

Appendix 5 Draft Data Sharing Protocol

Appendix 6 Draft Service Standards

Appendix 7 Economic Case Legal Budgets

Appendix 8 Draft Project Plan

Appendix 9 Draft Engagement Strategy

Appendix 10 Legal, Procurement and Vires Issues

Appendix 11 Outline Equalities Impact Assessment

Appendix 12 Risk Register

Appendix 13 Outline Benefits Realisation Plan

Report Number: WSC 153/14
Presented by: COUNCILLOR TIM TAYLOR, LEADER OF THE COUNCIL
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Report to a Meeting of: SCRUTINY
To be Held on: 13 November 2014
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: N/A

CORPORATE PERFORMANCE REPORT – QUARTER 2 2014/15 – (1 APR TO 30 SEPT)

1. PURPOSE OF REPORT

- 1.1 This report is to provide Members, and the public, with an update on progress in delivering the Council's corporate priorities and the performance of council services for the period from 1st April to 30th September 2014.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The performance report monitors and reports on the delivery of the corporate priorities, the associated objectives and actions.

3. RECOMMENDATIONS

- 3.1 That members of Scrutiny note the progress in delivering the corporate priorities for 2014/15 and highlight any areas of particular concern where the Executive ought to consider mitigating actions.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
The key risk is that the Council fails to manage its performance and use the subsequent information to inform decisions and produce improved services for customers.	Likely (4)	Major (4)	High (16)
<i>The mitigation for this will be the continued strong leadership from Lead Members and JMT to ensure that performance management remains a priority.</i>	Unlikely (2)	Major (4)	Medium (8)

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.

5. **BACKGROUND INFORMATION**

- 5.1 Regularly monitoring our performance is a key element of the Council's Performance Management Framework.
- 5.2 For 2014/15, as previously, performance reports will be presented to Cabinet quarterly. However, for 2014/15, performance reports will only be presented to Scrutiny in quarters 2 and 4, before going to Cabinet. This is a change from previous years. Members of Scrutiny will however be sent hard copies of the Cabinet performance reports in quarters 1 and 3.
- 5.3 A separate financial performance report follows the same path as that for this general performance report.
- 5.4 For Q2 there are a total of 112 measures which are reported. These are split over three areas. The first two areas are the Council's two corporate priorities; where there are 29 and 46 measures respectively. The third area relates to service performance indicators of which there are 37 reported measures.
- 5.5 Two measures have been dropped since Q1. These are:
- Electoral registration – 'Form A's returned after personal visits and before internal checks' – this is no longer relevant due to changes introduced nationally to the electoral registration process since Q1.
 - Private sector housing - Number of properties brought up to decent homes standard – At Cabinet Members asked that the Housing PAG review this PI. This happened September 2014. Housing PAG recommended deletion of KPI 51 due to loss of Warm Streets and Warm Front monies. This measure has therefore been deleted and is not reported against for Q2 onwards.
- 5.6 Service indicators were previously sub-divided and presented under the four previous WSC group headings (e.g. Corporate Management, Corporate Services, Environment Community & Customer and Housing Economy & Welfare). Now that the new joint JMT structure is in place these groupings are no longer relevant. Therefore, service indicators for 2014/15 are now presented based upon the new JMT structure.
- 5.7 The full performance report is attached at **Appendix A**. Each action/measure is given a coloured status to provide the reader with a quick visual way of identifying whether it is on track or whether there might be some issues with performance or delivery or an action.

5.8 The key used within the report and its appendix is provided below:

Key to Indicators

RED	Planned actions are significantly off course or significant concern. Performance indicators are unlikely to achieve target.
AMBER	Some uncertainty in meeting planned outcomes. Some concern that performance indicators may not achieve target.
GREEN	Planned actions are on course or complete - no current concerns. Performance indicators are on target.
NOT DUE	The indicator isn't due to be reported this quarter or no specific activity was required this quarter.
NOT AVAILABLE	The measure was due to be reported this quarter but the required information was not available at the point of drafting this report.

6. PERFORMANCE SUMMARY

6.1 A summary of the status of the various performance indicators is provided below:

Corporate Priority Indicators – PRIORITY 1 – LOCAL DEMOCRACY

GREEN	AMBER	RED	NOT DUE	NOT AVAILABLE	TOTAL
18 (24)	8 (0)	0	3 (5)	0 (0)	29

Bracketed figures relate to Q1 reported performance

Corporate Priority Indicators – PRIORITY 2 – NEW NUCLEAR DEVELOPMENT

GREEN	AMBER	RED	NOT DUE	NOT AVAILABLE	TOTAL
35 (33)	8 (10)	3 (3)	0 (0)	0 (0)	46

Bracketed figures relate to Q1 reported performance

Service Performance Indicators

GREEN	AMBER	RED	NOT DUE	NOT AVAILABLE	TOTAL
25 (25)	8 (8)	0 (2)	3 (3)	2 (0)	37*

Bracketed figures relate to Q1 reported performance

*2 service performance measures deleted since Q1 (See 5.5 above). 1 new measure introduced – sickness.

6.2 The tables below focus on the 5 measures that were **red in Q1** and show the status of these at the end of Q2.

Ref	Measure	Target	Last Year	Performance
KPI 90A	% major planning applications determined within 13 weeks (or within agreed extension of time)	60%	2013/14 86% (Q1 none received, Q2 100%, Q3 79%, Q4 80%)	Q1 - 33% - 3 applications received - only 1 decided out of time but with an agreed extension of time, 2 decided out of time.
<p>Q1 commentary - The deletion of the Deputy Planning Manager post, after the departure of the postholder, and the former Planning Manager taking up his new role as New Nuclear Programme Manager on 1st April, resulted in the planning team having less resource to deal with planning applications and no dedicated Development Management managerial resource in place to monitor performance during Q1.</p> <p>A new Area Planning Manager covering both West Somerset and Taunton Deane started in post on 1st August as part of the Joint Management and Shared Services Project. With this now in place, it is anticipated that individual cases for major development can once again be more closely monitored to ensure that they are dealt with in a timely manner.</p> <p>Q2 commentary - This measure is now green and back on track. 2 major planning applications were received in Q2 and 1 decided within the time limit and one with an agreed extension of time (100%).</p>				

Ref	Measure	Target	Last Year	Performance
KPI 51	Number of properties brought up to decent homes standard	200	2013/14 130	
<p>Q1 Commentary – this measure was under review since it was felt impossible for the target to be reached given the loss of Warm Streets and Warm Front monies.</p> <p>Q2 Commentary - At Cabinet Members asked that the Housing PAG review this PI. This happened September 2014. Housing PAG recommended deletion of KPI 51 due to loss of Warm Streets and Warm Front monies. This measure has therefore been deleted and is not reported again for Q2 onwards.</p>				

Ref	Measure	Target
5.2.4	Facilitate the delivery of 19 additional affordable homes at Seaward Way in Minehead	Mar-15
<p>Q1 Commentary – Action rolled forward from 2013/14. Scheme progress dependant on sale of land etc which is not concluded.</p> <p>Q2 Commentary – This measure remains red in Q2. Delivery depends upon sale of land which is not concluded.</p>		

Ref	Measure	Target
5.2.6	Facilitate the delivery of 18 additional affordable homes to rent in Watchet	Mar-15
<p>Q1 Commentary - 21 affordable homes have been secured on a site in Watchet . Developer likely to start on site later than originally planned and so, whilst these properties will be delivered, it is unlikely they will be complete in the current financial year. The decision to delay the start has been made by the developer on a business basis and there is nothing WSC can do to influence this.</p> <p>Q2 Commentary - This measure remains red in Q2. Work on the site has slowed down due to unforeseen circumstances that cannot be influenced by the Council. Homes will be delivered but not likely to start on site now until Spring 2015</p>		
Ref	Measure	Target
5.2.7	Facilitate the delivery of 4 additional affordable homes for low cost sale in Watchet (Subject to Planning Approval)	Mar-15
<p>Q1 Commentary – These are unlikely to be delivered in this financial year</p> <p>Q2 Commentary - This measure remains red in Q2. Work on the site has slowed down due to unforeseen circumstances that cannot be influenced by the Council. Homes will be delivered but not likely to start on site now until Spring 2015.</p>		

6.3 There are **no additional red indicators** in **Q2**.

6.4 JMT hold a quarterly performance review day. The last meeting was held on 3rd November 2014. Focus is given by the management team to measures which are off track and where possible remedial action is put in place.

7. **FINANCIAL/RESOURCE IMPLICATIONS**

7.1 Financial performance of the Council is provided within a separate financial report on Scrutiny agenda 13th November 2014.

8. **COMMENTS ON BEHALF OF SECTION 151 OFFICER**

8.1 As set out in the financial report on Scrutiny agenda 13th November 2014

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 This report provides an update on performance and does not recommend implementation of new services, policies, practices or changes to service provision which might impact on service users or staff. Therefore officers have not identified any clear equality and diversity implications relating to this report.

10. CRIME AND DISORDER IMPLICATIONS

10.1 None directly within this report.

11. CONSULTATION IMPLICATIONS

11.1 This report includes measures relating to customer satisfaction at a service level as well as the results of the annual Council survey.

12. ASSET MANAGEMENT IMPLICATIONS

12.1 None directly within this report.

13. ENVIRONMENTAL IMPACT IMPLICATIONS

13.1 None directly within this report.

14. HEALTH & WELLBEING

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

15. LEGAL IMPLICATIONS

15.1 None directly with this report

Key Task	Ref	Key Action /Measure	Target	Q1 UPDATE	Q2 UPDATE	Status Q1	Status Q2
PRIORITY 1. LOCAL DEMOCRACY							
Objective 1 Local democracy and accountability remains within West Somerset by working with Taunton Deane Borough Council to establish and implement shared service delivery models that deliver effective, efficient services							
Key Task 1.1 Working with TDBC to establish and implement shared services by April 15. With Tiers 2,3 & 4 in place, design the proposed structures by 31st May and implement by 1st Aug 2014 for service leads/supervisors With service leads/supervisors in place, design the proposed structures by 31st Oct and implement by 1st Feb 2015 for service teams	1.1.1	JMT to receive and sign off the proposed structures for service leads/supervisors	31-May-14	With the exception of the Assistant Director – Property & Development (external appointment), Assistant Directors were in post by Feb 2014. The AD for Property and Development was an external appointment and is now in post. With the exception of Economic Growth/Development group all proposed tier 4/5 structures were signed off by the S151 Officer and HR	With the exception of the Business Growth service area . All tier 4/5 structure proposals drafted, signed off by the S151, presented to JUB (Joint Unison Board) and JMAP (Joint Members Advisory Panel)	GREEN	GREEN
	1.1.2	Recruitment process undertaken and service leads/supervisors structure in place	01-Aug-14	There has been some delay to the Tier 4/5 restructure following UNISON raising some issues regarding TUPE transfer; Despite this, the majority of tier 4/5 officers will be in post by 1st Aug. Any vacant posts within the new structure will be progressed through the agreed recruitment processes.	Consultation, recruitment , interviews and appointments completed for Tier 4 & 5's with the exception of vacant posts requiring open appointment, initially internal then out to external advert	GREEN	GREEN
	1.1.3	JMT to receive and sign off the proposed structures for Service Teams	31-Oct-14	Assistant Directors, with support from their tier 4/5 staff appointed are reviewing the structures required for tier 6 and below; HR are supporting this process	All tier 6 structures drafted, advised by HR, signed off by S151, presented to JUB, Joint Porject Board and JPAG (Joint Partnership Advsuory Group) - completed by 30 Sept. Consultation period for T6 commenced 1 Oct '14	GREEN	GREEN
	1.1.4	Recruitment process undertaken and Service Teams structure in place	01-Feb-15	The restructure remains on track for completion by 1 Feb 2015.	The restructure remains on track for completion by 1 Feb 2015. The exceptions to this are the wider partnerships of Legal (with MDC) and Building Control (with SDC and MDC)	GREEN	GREEN
Key Task 1.2 Undertake the work required to deliver the shared services implementation plan including: Subject to acceptance of the business cases, implement the proposals for service transformation of Legal Services & Building Control as the services identified as suitable for fast tracking and any other fast track opportunities that arise by 31st March 2015	1.2.1	Legal Services – take business case through the democratic process	01-Jan-15	The Legal shared services business case has been drafted. The proposed structure will be completed by the End Aug for discussion with HR UNISON after that. ICT proposals will be available end Aug and SWAP to review the proposals, The business case is currently expected to progress through the democratic process for all partners (MDC/TDBC/WSC) between Oct-Dec 2014.	The legal shared services partnership (MDC, TDBC & WSC) business case is due for completion in Oct for presentation to JPAG of 28 OCT '14. The business case will then be presented to TDBC Scrutiny, Executive and Council and WSC's Scruinity, Cabinet & Council for approval by end Feb '15.	GREEN	GREEN
	1.2.2	Legal Services - Implement the approved business case in accordance with the agreed timescales	31-Mar-15	It is still planned that the Legal Shared Services partnership will be in place by Feb 2015.	Current timescales predict a go live of 1 April '15 for the Legal shared services partnership.	GREEN	GREEN
	1.2.3	Building Control - take business case through the democratic process	01-Jan-15	Interim management team appointed - Nigel Hunt/MDC appointed as Project manager and drafting the business case scheduled for completion by Nov 2014.	An alternative proposal is being created to meet with JMASS requirements and timescales.	GREEN	AMBER
	1.2.4	Building Control -Implement the approved business case in accordance with the agreed timescales	31-Mar-15	Subject to details of the project plan and business case, implementation of a shared Building Control service between MDC, SDC, TDBC and WSC is still expected to be in place by 31 March 2015.	see above key action: 1.2.3	GREEN	AMBER
	1.2.5	Senior Leadership Team (SLT) to receive and sign off the service transformation programme	31-Dec-14	Work has commenced on understanding what transformation will mean for TDBC and WSC. A visit to Eastbourne Borough Council has been followed by Eastbourne Council Leader, together with the Leader of Breckland presenting their experiences and advice at a Joint Members Workshop held on 9 July at Halsway Manor.	Preparatory work has started to learn from others that have, or are undertaking transformation. JPAG visit West Dorset DC/Weymouth & Portland BC in Sept. Also further visits to Mid Suffolk/Babergh, North Dorset and West Devon/South Hams by senior management and officers.	GREEN	AMBER
	1.2.6	Approve the progress of any other fast track/quick wins – including completion of business case and its sign-off via the democratic process	31-Mar-15	This action will follow 1.2.5	This action will follow key action 1.2.5	NOT DUE	AMBER
Key Task 1.3	1.3.1	Communication line in place between TDBC & WSC	30-Jun-15	The The high-speed, secure communications link between TDBC and WSC was installed during May 2014. Email traffic between TDBC and WSC is now being routed over the dedicated communications line and will be used in the future to align systems.	With the exception of the Business Growth service area . All tier 4/5 structure proposals drafted, signed off by the S151, presented to JUB (Joint Unison Board) and JMAP (Joint Members Advisory Panel)	GREEN	GREEN

Key Task	Ref	Key Action /Measure	Target	Q1 UPDATE	Q2 UPDATE	Status Q1	Status Q2
Undertake the technology actions to support joint working and shared services including the introduction of common platforms for email account/calendars an integrated phone system, printing and flexible office space enabling staff and Members to work more effectively by 31st March 2015	1.3.2	Shared domain implemented and rolled out to all staff	31-Mar-15	The trust relationship between TDBC and WSC is operational and enables outlook calendars and contacts to be integrated and accessible to TDBC that have MS office 2013 installed and all WSC staff Shared domain name has been secured for future use	Consultation, recruitment , interviews and appointments completed for Tier 4 & 5's with the exception of vacant posts requiring open appointment, initially internal then out to external advert	GREEN	GREEN
	1.3.3	Shared Intranet – delivering the ICT capability/in place (Sharepoint)	31-Mar-15	A Presentation was held on 10 June to demonstrate the capability of the new Sharepoint 2013 version. Project plan being drafted. Servers being procured and scheduled for installation during Aug; This will provide the basis to develop a OneTeam intranet solution that will enable sharing of key information, policies and documents	All tier 6 structures drafted, advised by HR, signed off by S151, presented to JUB, Joint Project Board and JPAG (Joint Partnership Advisory Group) - completed by 30 Sept. Consultation period for T6 commenced 1 Oct '14	GREEN	GREEN
	1.3.4	SLT to oversee the progress, delivery of the capability and roll-out of ICT functionality in line with the programme plan.	31-Mar-15	ICT progress is reported via the highlight report that is presented to the JMASS Joint Project board (JPB) whose membership includes all members of SLT. ICT update meetings are held weekly to track progress against the project plan	ICT progress is reported via the highlight report that is presented to the JMASS Joint Project board (JPB) whose membership includes all members of SLT. ICT update meetings are held weekly to track progress against the project plan	GREEN	GREEN
Key Task 1.4 Undertake HR actions required to support a review of terms and conditions and the implementation of any required changes by 1st April 2015	1.4.1	Terms & Conditions reviewed and any amendments requiring approval to go through the democratic process and working with UNISON	31-Mar-15	A Joint Unison Board sub-group has been established during June to commence work on the review of Terms & Conditions	Due to HR resource being focussed on supporting the TUPE of all remaining WSC staff to TDBC on 1 Aug and supporting the Tier 6 restructure, the work to review Terms & Conditions will now not commence until the restructure has been completed.	GREEN	AMBER
	1.4.2	Review and harmonise HR policies where appropriate and any changes requiring approval to go through the democratic process	31-Mar-15	HR resource is currently focussed on supporting the shared service restructure and the review of HR policies will commence when resource is available	As quarter one update. HR policies are now unlikely to be completed by Mar '15	GREEN	AMBER
Key Task 1.5 By 31st March undertaken corporate/governance work to review policies and align where necessary, the development of a performance management framework and financial monitoring that supports the requirements of the joint management and shared services programme	1.5.1	Review TDBC & WSC's constitutions and align where appropriate and any changes requiring approval to go through the democratic process	31-Dec-14	A review of the TDBC and WSC constitutions has commenced.	A review of the TDBC and WSC constitutions has commenced.	GREEN	AMBER
	1.5.2	Review and align performance Management frameworks of TDBC & WSC where appropriate	31-Mar-15	Work not yet due to start. Scheduled in work plan for this to commence Sept 2014.	Work started - investigating approach adopted by other Councils with joint management teams and will aim to align measures wherever possible with LG Inform to facilitate benchmarking.	NOT DUE	AMBER
Key Task 1.6 Draft and implement a strategy and supporting plan for internal and external communications to support the shared services and service transformation programme during 2014/15.	1.6.1	Work with the LGA Comms support re: Comms	31-Mar-15	Matt Nicholls/LGA continues to support the communications activity with advice and guidance. Activities are currently focussed on internal communications to support and inform staff and members during the shared service restructure.	As per Q1 update - Matt Nicholls/LGA continues to support the communications activity with advice and guidance. Activities are currently focussed on internal communications to support and inform staff and members during the shared service restructure.	GREEN	GREEN
	1.6.2	Internal Comms: - Launch new shared Newsletter - Set up shared Intranet	31-Mar-15	The OneTeam newsletter has replaced the JMASS Project newsletter; It is produced and circulated monthly with the first edition in March 2014. A shared intranet will be developed following implementation of Sharepoint 2013 (see action 1.3.3)	The OneTeam newsletter continues to be produced monthly and is circulated to all staff and members A shared intranet is still planned. Member workshops are planned to support members in their understanding and preparation for the transformation stage of the programme.	GREEN	GREEN
Objective 2 Identify additional savings, income generation and maximise existing and new funding opportunities to secure financial sustainability by March 2016							
Key Task 2.1 Deliver 2014/15 budget	2.1.1	Monitor the delivery of the 2014/15 savings target of £78,177 and report progress to Performance & Corporate PAG	31-Mar-15	This is the total of the breakdown of savings is shown in 2.1.2 to 2.1.7 below	This is the total of the breakdown of savings is shown in 2.1.2 to 2.1.7 below	GREEN (Complete)	GREEN (Complete)
	2.1.2	Interest payments due on external loans(£42,850) – repayment of existing loan – ensure budget has been reduced	Jul-14	As part of the 2014/15 final budget process it was agreed to move this saving to 2015/16.	As part of the 2014/15 final budget process it was agreed to move this saving to 2015/16.	NOT DUE	NOT DUE
	2.1.3	External Audit (£2,982) – Decrease in Audit fee – ensure budget has been reduced	Apr-14	2014/15 Budget Reduced By £2,982	2014/15 Budget Reduced By £2,982	GREEN (Complete)	GREEN (Complete)

Key Task	Ref	Key Action /Measure	Target	Q1 UPDATE	Q2 UPDATE	Status Q1	Status Q2
savings and income generation by April 2015. Achieve savings of £78,177 as a proportion of the overall savings from the WSC budget	2.1.4	Staff- Post 83 Accounting Technician(£26,423)- vacant post to be deleted – ensure budget has been reduced	Apr-14	Post removed as part of the 2014/15 Budget Setting Process	Post removed as part of the 2014/15 Budget Setting Process	GREEN (Complete)	GREEN (Complete)
	2.1.5	Staff –shared senior management(£11,400) – ensure budget has been reduced	Apr-14	Saving included as part of the shared services arrangement.	Saving included as part of the shared services arrangement.	GREEN (Complete)	GREEN (Complete)
	2.1.6	Home Improvement Agency Contact (£22,710) - Negotiated Reduction In Contract	Apr-14	2014/15 Budget Reduced By £21,710	2014/15 Budget Reduced By £21,710	GREEN (Complete)	GREEN (Complete)
	2.1.7	Staff- Post 66 Housing Options & Advice Officer (£14,662) - Reduction in Hours to 3 days per week	Apr-14	2014/15 Salary Budget reflects reduction in hours to 3 days per week. Saving of £14,662.	2014/15 Salary Budget reflects reduction in hours to 3 days per week. Saving of £14,662.	GREEN (Complete)	GREEN (Complete)
Key Task 2.2 Identify 2015/16 budget savings and income generation opportunities as part of the budget saving process by Feb 2015.	2.2.1		Feb-15	Will be undertaken as part of the 2015/16 budget setting process	Will be undertaken as part of the 2015/16 budget setting process	NOT DUE	NOT DUE
Key Task 2.3 Monitor and review levels of income from New Homes Bonus and Business Rate Retention and assess any subsequent impact on Medium Term Financial Plan	2.3.1		Feb-15	Will be monitored throughout 2014/15 as part of the budget monitoring process, which will in turn feed into the Medium Term Financial Plan	Will be monitored throughout 2014/15 as part of the budget monitoring process, which will in turn feed into the Medium Term Financial Plan	NOT DUE	NOT DUE

PRIORITY 2. NEW NUCLEAR DEVELOPMENT AT HINKLEY POINT

Objective 3.
Communities in West Somerset can access and understand the process for accessing funding opportunities provided for by the development at Hinkley Point and are supported in delivering funded projects and initiatives

Key Task: 3.1 To explain to the West Somerset community the agreed process for communities and organisations to access and bid for funding, maximising the potential investment in West Somerset from Hinkley Point related funding once funding becomes available	3.1.1	Review and publish the agreed Expression of Interest Form for the Community Impact mitigation fund with the joint Planning Obligations Board	Mar-15	EOI Form approved by Planning Obligations Board in April 2014, EOI form published May 2014	Action complete during Q1 2014	GREEN (Complete)	GREEN (Complete)
	3.1.2	Review and publish an agreed Funding Strategy for the community impact mitigation fund with the joint Planning Obligations Board	Mar-15	Funding Strategy approved by Planning Obligations Board in April 2014, Funding Strategy published May 2014	Action complete during Q1 2014	GREEN (Complete)	GREEN (Complete)
	3.1.3	Review and publish an agreed set of Frequently Asked Questions for the community impact mitigation fund with the joint Planning Obligations Board	Mar-15	FAQ's approved by Planning Obligations Board in April 2014, FAQ's published May 2014	Action complete during Q1 2014	GREEN (Complete)	GREEN (Complete)
	3.1.4	Review and publish an agreed set of Guidance Notes for the community impact mitigation fund with the joint Planning Obligations Board	Mar-15	Guidance Notes approved by Planning Obligations Board in April 2014, Guidance Notes published May 2014	Action complete during Q1 2014	GREEN (Complete)	GREEN (Complete)
	3.1.5	Publish agreed set of principles for the operation of the Board with the joint Planning Obligations Board	Mar-15	Principles for operation of the Board approved in April 2014, Principles for operation of the Board published May 2014	Action complete during Q1 2014	GREEN (Complete)	GREEN (Complete)

Key Task	Ref	Key Action /Measure	Target	Q1 UPDATE	Q2 UPDATE	Status Q1	Status Q2
Key Task: 3.2 To improve the community's understanding of the funding available from WSC and Somerset Community Foundation through production of a communications strategy to be launched once each phase of funding becomes available	3.2.1	Review and operate an agreed communications strategy with the joint Planning Obligations Board	Mar-15	Communications Strategy agreed by Planning Obligations Board and being operated. 3 of 4 Area Panels presented to in Q1. Dunster Area Panel in Q2. Community Meeting arranged in Stogursey for Q2. Media awareness raising considered successful by Planning Obligations Board.	Dunster Area Panel, Brendon Hills Group, EDF Energy Main Site Forum and EDF Community Forum all received presentations during Q2. Presentation to Exmoor National Park Authority arranged during Q3. Media reports following Cabinet and Council decision have been positive.	GREEN	GREEN
	3.2.2	Maintain the Councils website, hosting the funding information and outputs from Key Task 3.1	Mar-15	Website went live at launch and feedback from community very good. Website hits over 750 in Q1 alone.	Q2 unique website hits have been over 4,000.	GREEN	GREEN
	3.2.3	Work with key affected communities to advise and explain process for accessing funding opportunities • Organise a high quality conference aimed at inspiring and instilling vision within the Community with fringe events aimed at raising capability and skills by March 2015. • Develop in partnership key priorities for the communities of West Somerset that will strategically influence and guide project development and delivery by September 2014. • Build resilient and strong partnerships that can deliver and lead community projects that meet current and future local needs and wants by March 2015.	Mar-15	Major Projects Team, Parish Liaison Manager and Economic Development Team (all working alongside the New Nuclear Programme Manager) are working together to deliver bespoke support to communities more generally and specific support for particular projects. The Council is using the Expressions of Interest received to define the level of assistance necessary. The need for a targeted conference is being reviewed along with the level of partnership working achievable within current resources.	The Q1 update remains relevant and accurate. Cabinet agreed in September to allocate £10,000 from the Hinkley Point holding account to bring Engage WS on board to help potential applicants to develop projects prior to making Full CIM Fund applications to the Planning Obligations Board.	GREEN	GREEN
Key Task: 3.3 To support the community during the bidding process, maximising the number of successful bids and potential investment in West Somerset	3.3.1	Work with key affected communities to identify priorities for funding, along with identifying and help source match funding, for presentation to the Planning Obligations Board	Mar-15	Major Projects Team, Parish Liaison Manager and Economic Development Team (all working alongside the New Nuclear Programme Manager) are working together to deliver bespoke support to communities more generally and specific support for particular projects. The Council is using the Expressions of Interest received to define the level of assistance necessary.	The Q1 update remains relevant and accurate. Cabinet agreed in September to allocate £10,000 from the Hinkley Point holding account to bring Engage WS on board to help potential applicants to develop projects prior to making Full CIM Fund applications to the Planning Obligations Board.	GREEN	GREEN
	3.3.2	Support appropriate bids from communities in West Somerset if they are compliant with the criteria set out in the s106 legal agreement for funding at the bi-monthly Planning Obligations Board meetings and vote in favour.	Mar-15	The first decision making meeting of the Planning Obligations Board will take place in Q2. Arrangements are in place to ensure that WSC's representatives on the Board are well placed to represent the Councils views.	The Planning Obligations Board met once during Q1 - in August - of the 4 applications considered 3 were in West Somerset. One was recommended for approval and was approved, one was recommended for refusal and was refused. One was recommended for approval but was refused. WSC representatives at the meeting voted in line with the recommendations. Support to the applicants of the application that was 'overturned' is being put in place with the potential for a revised/refined application.	GREEN	GREEN
	3.3.3	Present recommendations from the bi-monthly Planning Obligations Board meeting to Cabinet / Council for approval	Mar-15	The first decision making meeting of the Planning Obligations Board will take place in Q2. Any Cabinet / Council decisions necessary are likely to be in September 2014.	A paper recommending the allocation of £10,000 to develop a leisure spending strategy is to be presented to Cabinet on the 1st October. If approved this work will commence during Q3 - the outcomes of the strategy will be known during Q3 although after the November 2014 target date.	GREEN	GREEN
Key Task: 3.4 By March 2015 develop a programme of investment within West Somerset for the leisure funding provided directly to the council from the development at Hinkley Point	3.4.1	Develop, using existing evidence, an investment strategy for the leisure contributions	Nov-14	Some initial discussions have taken place however, the need to develop an overarching strategy which is cognisant of a number of other activities and proposals with the resources available is proving difficult. The overlap between EOI's regarding CIM and a Leisure Strategy being a good example.	A paper recommending the allocation of £10,000 to develop a leisure spending strategy is to be presented to Cabinet on the 1st October. If approved this work will commence during Q3 - the outcomes of the strategy will be known during Q3 although after the November 2014 target date.	AMBER	AMBER
	3.4.2	Identify and secure match funding opportunities for the leisure contributions and submit proposals to the WSC Planning Obligations Group	Jan-15	As above	The proposed strategy includes provision for identifying and securing match funding opportunities. This is on track to deliver during Q3/Q4.	AMBER	GREEN
	3.4.3	Present funding allocations to Cabinet / Council for approval	Mar-15	As above	The proposed strategy should enable some applications to be presented to the Planning Obligations Group by March 2015 in line with the target.	AMBER	GREEN
Objective 4. The economic opportunities that arise from the development and associated activities are maximised							
Key Task 4.1 Work with key partners and EDF Energy to support businesses and the local working age community to	4.1.1	Effectively maintain and use the business database to segment business sectors and target those businesses with timely and appropriate communications and information relating to the HPC Project. Provide an update report to the Economic Development PAG on the use of the data.	Quarterly	Segmentation of the database continues to target business groupings where we are aware HPC packages of work are available. Currently working with the Somerset Larder Group, which is a collective cohort of food & drink businesses working to secure the food supply contract. We are supporting businesses who wish to engage to acquire the SALSA accreditation that they will be required (This is a food & drink accreditation meaning Safe and Local Supplier Approval).	Since the last quarter, Somerset Larder Group has won the interim contract to supply Hinkley and we have assisted "Power Travel" (bus and coach group) with finding a training provider to run a free workshop on ISO accreditations. We are now working on segmenting the master copy of the database into HPC registered and non-registered businesses as well as by collaborative grouping as they develop to enable greater definition of target audiences and key messages. Info on the Skills Fund for Hinkley has also been disseminated through the business e-bulletin.	GREEN	GREEN

Key Task	Ref	Key Action /Measure	Target	Q1 UPDATE	Q2 UPDATE	Status Q1	Status Q2
gain economic benefits from the development in terms of contracts awarded to local suppliers and increased employment opportunities	4.1.2	Provide bespoke business support activity to build the capacity and capability of businesses within the Facilities Management and Construction sectors To enable them to realise the opportunities offered by the HPC Project and other developments. Provide an update report to the Economic Development PAG	Quarterly	Retail masterclass held in Minehead and Porlock (attended by 35 businesses) with Rowland Gee (former Hugo Boss Ch Exec) working in partnership with the National Skills Academy for Retail. Followed up by three Digital High Street training sessions (12 businesses participated) 10 individuals attended a Dare to Dream business start-up event in Minehead. Cornerstone CIC Business Mentoring Company (run by Volunteer Mentors) launched http://cornerstonementoring.co.uk/ . 10 individuals from the Hospitality Industry participated in a training course on how to make better use of locally sourced produce, culminating in a Master Chef type competition.	An application to the Local Response Fund will bring approx. £12k to the district for hospitality training. This additional resource will allow us to offer the Welcome Host Gold accredited training and some further training defined by business need. This will be delivered over Q3 and Q4.	GREEN	GREEN
	4.2.1	Address identified skills gaps and raise attainment levels through delivering packages of support to ensure that individuals are suitably prepared and skilled for work and are able to make the most of job opportunities. Raise aspirations and improve motivation through developing knowledge of local employment and training opportunities and associated progressions routes. Report progress to Economic Development PAG	Quarterly	Sector based work academy delivered by West Somerset College through allocated Fit to Work Funding. 12 accessed through delivery of two courses. Food Hygiene Course delivered by Somerset Skills and Learning 7 completed and 7 registered on the EDFE Brokerage. Funded through Comunity Outreach Budget. Application made to JCP for funding to develop a number of employment and skills interventions.	Opportunities to take advantage of "Skills for Growth" funds have been highlighted to businesses. We are aware that a number of businesses took advantage of the Level 2 for Personal Licence Holders.	GREEN	GREEN
	4.2.2	Address identified barriers which are restricting individuals' access to employment and training opportunities. This includes lack of basic skills and IT skills, (mental) health issues, criminal activity / anti-social behaviour and homelessness. Work with the Pre Employment and Skills Steering Group to direct appropriate activity. Report progress to Economic Development PAG	Quarterly	3 Skills Roadshows have taken place in Dulverton, Watchet and Williton. 16 attended in total. Currently working with a Watchet Community Group to develop local work club.	53 businesses have received general support or signposting from the ED team and 4 West Somerset based businesses have received specific mentoring support through Cornerstone.	GREEN	GREEN
	4.2.3	Provide access to mentoring, training and employment opportunities for the long term unemployed through delivery of programmes of training identified as an element of action Expand and enhance the provision of appropriate training opportunities to support those furthest away from the labour market.	Quarterly	Funding won from Locality for developing a Local Development Strategy in relation to the provision of additional employment and skills support for West Somerset's deprived communities. Consultation undertaken and Local Development Strategy submitted to meet end of May deadline.	Further to social media training provided in the previous quarter, a social media guide for business has been produced by the ED team. This has been made available on the WSC website.	GREEN	GREEN
Key Task 4.2 Work with key partners and EDF Energy to provide suitable access to skills, training and employment opportunities to benefit local residents and ensure that local businesses have the access to the skilled workforce that they require	4.3.1	Work with the Hinkley Action Tourism Partnership to adopt a clear strategy and SMART action plan using the on-going development of the Cool Tourism Project to put into place pilot projects and activity within business networks to test the effectiveness of the strategic aims.	June 14 & Quarterly	HTAP reconvened after a break due to lack of activity on the Hinkley Point C (HPC) project. Now back to regular meetings. Hinkley Action Tourism Partnership (HTAP) Strategy is being drafted with consultation events being planned. A strategy for 2014 support for TIC's has been agreed amongst the three Local Authorities with reports going to Cabinet / Council in July.	2014 allocations to TIC's agreed, and SLA's issued and signed. HTAP Consultation Event held with over 60 participants. Members Workshop also held as part of Economic Reneneration PAG Meeting.	GREEN	GREEN
	4.3.2	Fully develop 2 new tourism business related networks linked to • Dunster; • Coleridge way; and use the lessons learnt to replicate activity over at least two other business networks including Porlock . Provide a package of support to each network to include IT training, research, marketing and promotion Report on progress of both tasks to Economic Development PAG	Quarterly	Dunster network progressing well, with work being commissioned in respect of a re-branding exercise, and 'Romantic USP' Coleridge Way has been extended to Lynmouth and the Business Group is up and running with a fresh action plan. Business exchanges are being arranged as part of the Cool Project to allow for learning and networking with other areas doing similar. A consultation event for the Porlock business network is planned for the Autumn, and the refreshed MVG Action Plan references the potential for a Tourism focused business network.	A new Minehead business development network has been set-up, with some dedicated PR support commissioned. Coleridge Way Business Working Group progressing well with Action Plan Aims and Objectives. Workshop held in June to engage with wider industry and another planned in the New Year to follow up on progress. Marketing - new Coleridge Way website to be launched in the autumn, successful Coleridge Way extension launch in June, ideas for a Music Tour along the route and performances along the CW with folk singer Ange Hardy who plans to write a series of songs inspired by the CW and the Romantic Poets, ongoing industry engagement to promote the CW.	GREEN	GREEN
Objective 5. The availability of housing supply within West Somerset is increased if funds become available to mitigate the extra demands linked to Hinkley Point workers							
Key Task 5.1 Using the Hinkley Point Housing Fund to provide 100 additional bed spaces in the West Somerset area by 31st Mar 2015	5.1.1	Submit a bid for use of the Hinkley housing fund to the Planning Obligations Board detailing the proposed interventions to deliver the key task.	Mar-15	On-track - documentation ready to present to POB on 12th August 2014	On-track. Revised Funding Strategy and four bids were presented to Planning Obligations Board on 7th October 2014	GREEN	GREEN
	5.1.2	Facilitate the delivery of 15 bed spaces by housing associations in priority areas through Implementation of their Downsizing Policies.	Mar-15	7 bedspaces freed up in the first quarter	3 bedspaces freed up in the 2nd Quarter	GREEN	GREEN
	5.1.3	Work with private developers to maximise opportunities in conjunction with the fund to bring forward both open market and affordable homes on sites in • Watchet • Williton	Mar-15	Discussions ongoing	Discussions on-going	GREEN	GREEN

Key Task	Ref	Key Action /Measure	Target	Q1 UPDATE	Q2 UPDATE	Status Q1	Status Q2
Key Task 5.2 Facilitate the delivery of 80 affordable homes within the West Somerset area by 31st Mar 2015	5.1.4	Provide empty property grants and advice to deliver an additional 30 bed spaces over and above the requirements of Key task 5.3	Mar-15	Grants not yet available until POB has agreed funding strategy	Bid to include Empty Homes regeneration prepared ready for POB in October but still unable to progress in Quarter 2	AMBER	AMBER
	5.2.1	Facilitate the delivery of the remaining 15 additional affordable homes at Brackensfield (Silvermead) Alcombe	Mar-15	30 of 33 homes complete and occupied.	All homes complete and occupied	GREEN	GREEN (Complete)
	5.2.2	Facilitate the delivery of 8 additional homes to rent at Ellicombe, Minehead (Subject to Planning Approval)	Mar-15	Planning Approval obtained. Developer has now decided to amend some of the proposed dwellings. On the plus side this will secure one additional affordable home but will also delay the start on site, therefore the completion of the scheme. This decision has been based on a developer business basis and there is little we can do to influence the situation	Developer has now submitted his formal application to amend the numbers of dwellings and has secured approval from an RSL partner to take on the additional affordable unit. This will now be subject to planning approval.	AMBER	AMBER
	5.2.3	Facilitate the delivery of 20 additional affordable homes at Townsend Farm in Carhampton	Mar-15	Scheme switched to future year for HCA funding purposes. There had been delays to progress therefore not delivered in 2013/14 as expected. The legal documents are drafted and Hastoe are ready to exchange contracts and keen to progress. Should start on site and be significantly progressed during this financial year. We are doing absolutely everything we can to get this scheme on site.	Conditional contracts have been exchanged for the sale of the land	AMBER	AMBER
	5.2.4	Facilitate the delivery of 19 additional affordable homes at Seaward Way in Minehead	Mar-15	Action rolled forward from 2013/14. Scheme progress dependant on sale of land etc which is not concluded.	Dependant on sale of land . Being progressed by property services.	RED	RED
	5.2.5	Facilitate the delivery of 4 additional affordable homes to rent on the Croft House site in Williton	Mar-15	Planning Approval has been granted but SCC appear to have re-opened negotiations for the site in question. Awaiting developments regarding land sale. Whatever the outcome we are likely to deliver more than 4 affordable homes on this site	All land sale issues have now been resolved. Planning Decision Notice has been issued and the site will now deliver 12 Affordable Homes via Knightstone Housing Association	AMBER	GREEN
	5.2.6	Facilitate the delivery of 18 additional affordable homes to rent in Watchet	Mar-15	21 affordable homes have been secured on a site in Watchet . Developer likely to start on site later than originally planned and so, whilst these properties will be delivered, it is unlikely they will be complete in the current financial year. The decision to delay the start has been made by the developer on a business basis and there is nothing WSC can do to influence this.	Work on the site has slowed down due to unforeseen circumstances that cannot be influenced by the Council. Homes will be delivered but not likely to start on site now until Spring 2015	RED	RED
	5.2.7	Facilitate the delivery of 4 additional affordable homes for low cost sale in Watchet (Subject to Planning Approval)	Mar-15	These are unlikely to be delivered in this financial year	Work on the site has slowed down due to unforeseen circumstances that cannot be influenced by the Council. Homes will be delivered but not likely to start on site now until Spring 2015	RED	RED
Key Task 5.3 To work with landlords and owners of empty properties to return 55 back into use across West Somerset with priority on the eastern area parishes	5.3.1	Return 55 back into use across West Somerset	Mar-15	10 properties brought back into use following intervention. Numbers low as awaiting latest Council Tax merge.	13 properties brought back into use in Quarter 2 following intervention. Mailshot went out September (220 letters) to all empty properties which should start showing further positive results in Q3. Confident that the target of 55 properties for the year will be achieved.	AMBER	AMBER
Key Task 5.4 To work with landlords and owners to bring properties up to the Decent Homes Standard making them available for use across the West Somerset area	5.4.1	In partnership with Wessex Home improvement Loans deliver 15 low interest loan products	Mar-15	4 referrals, 1 drawdown in May, 1 declined and 7 ongoing applications	The picture remains the same as Q1 with no new referrals although the team have received 4 enquiries which will be referred to Wessex and will appear in Quarter Three.	GREEN	AMBER
	5.4.2	Delivering 30 Disabled Facilities Grants (Budget has reduced for DFGs and therefore target has come down to 30 (from 40 last year).	Mar-15	Despite only completing 3 in first quarter there are many in progress and we are still confident of delivering 30 this year.	Completed 5. 9 approved to be completed in quarter three and 22 ongoing enquiries which will lead to approvals and completion in Quarter's 3 and 4. This will make the estimated completions by year end 39.	GREEN	GREEN
	5.4.3	Improving 15 privately rented properties to the minimum standard (target reduced from 55 homes - agreed at Housing PAG Sept 2014)	Mar-15	6 to the end of June 2014 with 8 in progress through landlord accreditation and 9 being dealt with through formal and informal means.	16 private sector housing complaints have been investigated in the WSC area, two relate to HMO's. Works completed have been confirmed in 2 properties. There are currently 6 outstanding complaints that remain under investigation. The work is seasonal and generally picks up considerably in the next two quarters	GREEN	GREEN
Objective 6. The development at Hinkley Point is carried out in accordance with approved plans and ensuring that the council actively monitors the development and responds to any complaints received in a timely and sound manner							

Key Task	Ref	Key Action /Measure	Target	Q1 UPDATE	Q2 UPDATE	Status Q1	Status Q2
Key Task 6.1 When significant development commences on the Hinkley Point C site to establish and maintain thereafter a programme of site visits to Hinkley Point and associated development sites to ensure that the development is carried out in accordance with the approved plans	6.1.1	To make at least one planned / un-planned visit to Hinkley Point and associated development sites every 2 months	Mar-15	Visits being carried out as per schedule in partnership with planning team	Visits being carried out as per schedule in partnership with planning team	GREEN	GREEN
	6.1.2	To monitor compliance with planning conditions / requirements and obligations through regular meetings / observations	Mar-15	HPC EHO attending regular meetings with colleagues	HPC EHO attending regular meetings with colleagues	GREEN	GREEN
	6.1.3	Investigate and respond proactively to complaints received in relation to the development being carried out at Hinkley Point within 10 working days	Mar-15	No complaints regarding HPC received by the EH team in Q1 due to work not commencing on site.	Complaints regarding dust nuisance received in Q2 but timely action by EDF mitigated the problem. No other complaints have been received.	GREEN	GREEN
Key Task 6.2 To monitor and publicise Noise and Air Quality Data on the Councils website to enable communities affected to access data and, following the agreed complaints procedure, to respond appropriately to issues which arise from development activity.	6.2.1		Ongoing	Noise and air quality updated on WSC website at monthly intervals.	Noise and air quality updated on WSC website at monthly intervals.	GREEN	GREEN
Key Task 6.3 Once the development commences, continue working with partners to implement a range of community safety initiatives raising awareness of the development project, its potential impacts and preventative measures.	6.3.1	Deliver a range of projects that ensure the community are aware of the impacts of the new build and identify measures to mitigate those impacts: • Regular engagement with emergency services to identify opportunities for collaborative working • Organise partnership meeting to identify opportunities for shared or supportive working	Mar-15	Awaiting EDF Energy to pay a further contribution which can be used to fund this activity going forward.	Still awaiting further payments from EDF Energy. The New Nuclear Programme Manager is attending meetings as required.	AMBER	AMBER
	6.3.2	Ensure partnership structures are in place and sufficiently robust to facilitate positive partnership activity, this includes: - Partnership workshops - Continued involvement with the ESLAG (emergency Services And Local Authorities Group) - Engagement with EDFE through regular one-to-ones	Mar-15	Awaiting EDF Energy to pay a further contribution which can be used to fund this activity going forward.	Still awaiting further payments from EDF Energy. The New Nuclear Programme Manager is attending meetings as required.	AMBER	AMBER
Objective 7. Minimise the effects on the environment by working with partners to positively respond to opportunities to enhance the environment in the affected communities using secured funding within Section 106 agreements are mitigated.							
Key Task 7.1 By July 2014 develop a programme of investment within West Somerset for the ecology funding provided directly to the council from the development at Hinkley Point	7.1.1	Using data supplied from EDF Energy develop a range of sites suitable for the provision of ecology mitigation	Mar-15	Discussions with landowners continue with increased intensity now that works have recommenced on the main site at Hinkley Point	Discussions have taken place with the Mendip legal team and they consider that they have expertise in place to write up a suitable agreement with interested parties (It will not be the landowner) who will manage the land. The area of land that is potentially suitable is under the control of one landowner (with three tenants).	GREEN	GREEN
	7.1.2	Present funding allocations to WSC Planning Obligations Group / Cabinet / Council for approval	Mar-15	Discussions with landowners continue with increased intensity now that works have recommenced on the main site at Hinkley Point	Funding allocations have successfully progressed from the Planning Obligations Group through to Cabinet and/or Full Council for approval and the processes are working well.	GREEN	GREEN
Key Task 7.2 To actively work with Somerset County Council to ensure that they develop a clear programme of investment within West Somerset for the contributions where the County Council is the initial recipient from the development at Hinkley Point.	7.2.1	Work with SCC and partner organisations such as AONB service to understand and, where appropriate, influence funding allocations to ensure that mitigation is delivered in favour of affected communities in West Somerset	Mar-15	The Hinkley Officer Team is working alongside a range of partner organisations to ensure that funds and activity are appropriately focussed on the West Somerset community. The AONB provided proposals and the Councils comments have been taken on board. Officers continue to work with SCC on the delivery of Rights of Way in Stogursey.	The work of the County Councils Rights of Way team continues and is focused on delivering Rights of Way improvements in the most affected communities. The Landscape Development fund was launched by the Quantocks AONB service during Q2. WSC benefits from two places on the decision making panel, one is the Chair of the JAC Cllr Trollope-Bellew and one is the New Nuclear Programme Manager	GREEN	GREEN
	7.2.2	The Delivery Steering Group (WSC, EDF, SDC & SCC) monitor SCC spend and outcomes in West Somerset area to ensure that communities most affected receive funding as appropriate	Mar-15	The DSG is working well and representatives of the Council attend and monitor activity of all the other parties including EDF Energy, SCC and SDC to ensure that activity is co-ordinated and that affected communities receive funding.	The DSG is working well and representatives of the Council attend and monitor activity of all the other parties including EDF Energy, SCC and SDC to ensure that activity is co-ordinated and that affected communities receive funding.	GREEN	GREEN
OPERATIONS DIRECTORATE -Service Performance Indicators							
Street Cleansing - Service Performance Indicators							

Key Task	Ref	Key Action /Measure	Target	Q1 UPDATE		Q2 UPDATE	Status Q1	Status Q2
	KPI 103	% service requests actioned within 5 working days	85%	2013/14 94% (Q1 98%, Q2 97%, Q3 92%, Q4 90%)	Q1= 89%	Q2 =93%	GREEN	GREEN
	KCI 81	No. of complaints (lower is better)	Average of 20 or fewer over the year	2013/14 14 (Q1 4, Q2 5, Q3 3, Q4 2)	Q1 = 3	Q2 =0	GREEN	GREEN
Waste & Recycling - Service Performance Indicators								
	KPI 88	Fly-tipping: % removed within 48 hrs	75%	2013/14 84% (Q1 86%, Q2 77%, Q3 83%, Q4 84%)	Q1 = 85%	Q2 = 85%	GREEN	GREEN
	KPI 90	Fly-tipping: No of incidents	No target - measure only	2013/14 77	Q1 = 18	Q2 = 26	GREEN	AMBER
	KPI 87	% missed collections collected within 24 hours	100%	2013/14 99% (Q1 99%, Q2 99%, Q3 97%, Q4 99%)	Q1 = 97.5% - Slightly below target and slightly below corresponding point last year.	Q2 = 99%. Slightly below but same as corresponding point last year	AMBER	GREEN
	KPI 86	% of waste recycled and composted	41%	2013/14 45% (Q1 41%, Q2 42%, Q3 45%, Q4 51%)	Data not available until early August - will be reported Q2	Data still not available. SWP having issues with data collection. Will not be available until next quarter.	NOT DUE	NOT AVAILABLE
	KCI 82	Waste & Recycling complaints	20 or fewer for the year.	2013/14 7 (Q11, Q2 2, Q3 2, Q4 2)	Q1 = 1	Q2 = 1	GREEN	GREEN
Building Control - Service Performance Indicators								
	KPI 94	Dangerous structures - % of incidents responded to within 24 hrs.	95%	2013/14 100% (Q1 100%, Q2 100%, Q3 100%, Q4 100%)	100% - 3 dangerous structures reported - two were dangerous, after site visit one was not dangerous although unauthorised work. All three were visited the same day.	100% Two incidents of dangerous structures this quarter both visited in 24 hours	GREEN	GREEN
	KPI 92	% applications registered within agreed timescale (5 days)	95%	2013/14 No comparison for 2013/14 as was against 3 day turnaround and not 5 day)	97.65% - 85 applications validated, 83 within 5 days.	92.5% 94 applications validated, 87 validated within 5 days. Slight slip owing to holidays.	GREEN	AMBER
	KPI 93	% of inspections carried out on day registered	95%	2013/14 99% (Q1 100%, Q2 99%, Q3 99%, Q4 100%)	98.44% - 192 visits, 189 visited on day specified. Visits are not always scheduled in - when surveyor is passing, may call in if work appears to need an inspection etc.	100% - 122 scheduled visits and visited on date specified. 188 visits in total.	GREEN	GREEN
	KC 187	% of customers who are satisfied or very satisfied with the building control service	85%	2013/14 97%	100% - 303 responses, 224 = very good; 79 = good; 0 = poor; 0 = very poor	98% - Results still coming in. 277 responses. To date 167= Very Good; 105=Good; 5=Poor; 0=Very Poor	GREEN	GREEN
Customer Access - Service Performance Indicators								
	KPI 25	Abandoned in queue call rate %	<8%	2013/14 8.25% (Q1 12%, Q2 10%, Q3 5%, Q4 6%)	Q1 - 8.28% Very marginally over target. This was affected due to staff sickness in June (3 weeks). However, performance is still ahead of the corresponding time last year.	Q2 - 6.82% - On target. Better than Q1 and improvement on corresponding point last year.	GREEN	GREEN

Key Task	Ref	Key Action /Measure	Target	Q1 UPDATE		Q2 UPDATE	Status Q1	Status Q2
	KPI 21	Number of unique visitors to Council website	80,000	2013/14 100,717 (Q1 24,044, Q2 22,723, Q3 23,048, Q4 30,902)	Q1 - 28,614	Q2 - 84,522. Figures for this quarter a lot larger than normal due to some testing of website by our external IT health check.	GREEN	GREEN
Environmental Health - Service Performance Indicators								
	KPI 54	Average time taken to respond to initial request for service (days)	4 days or lower	2013/14 1 day (Q1 2DY, Q2 1DY, Q3 1DY, Q4 1DY)	Q1 - 1 DAY	Current performance is less than 1 day for Q2.	GREEN	GREEN
	KPI 56a	% of requests completed within stated service standard (60 days)	75% or higher	2013/14 67% (Q1 75%, Q2 63%, Q3 70%, Q4 60%)	Q1 - 77%	Current performance is 77% of service requests in Q2 were completed within the service standard of 60 days. This is due to particularly difficult investigations taking more time to investigate and where enforcement action has been taken.	GREEN	GREEN
	KCI 44	% of customers who are satisfied or very satisfied with the environmental health service	80%	2013/14 100%	100% Annual indicator - although limited number of postcards returned	100% for Q2 but this is an annual indicator	GREEN (Complete)	GREEN (Complete)
Licensing - Service Performance Indicators								
	KBI 59	% of licenses issued on time	90%	2013/14 96% (Q1 98%, Q2 98%, Q3 97%, Q4 89%)	100% - All licenses applied for issued within timescales	Q2 performance at 93%	GREEN	GREEN
	KCI 47	% of customers who are satisfied or very satisfied with the licensing service	70%	2013/14 100%	Annual indicator - although limited number of postcards returned	Annual Indicator	NOT DUE	NOT DUE
Benefits - Service Performance Indicators								
	KPI	% of customers who are satisfied or very satisfied with the benefits service	97%	2013/14 100%	100% - Low response rate however.	No replies in Q2. Still at 100 % year to date	GREEN	GREEN
	KBI 3	% of 'Local Authoity' error against overall expenditure (lower is better)	<0.48	2013/14 0.22 (Q1 0.13, Q2 0.10, Q3 0.12, Q4 0.22)	Q1=0.43%	Year to date = 0.28%	GREEN	GREEN
	KPI 5	Average processing times for new claims (lower is better)	22 days or lower	2013/14 18.08 days (Q1 21.14, Q2 20.00, Q3 18.5, Q4 18.08)	Q1 - 26.07 days -due to backlogs. These are now clearing which should see performance back on target, June performance was 22.5 days	Q2 - 21.57 days Overall still below target as a result of Q1. Q2 is performing better than target year to date - 23.99 days	AMBER	AMBER
	KPI 6	Average processing times for changes of circumstances (lower is better)	9 days or lower	2013/14 5.40 days (Q1 7.14, Q2 5.97, Q3 5.5, Q4 5.40)	Q1 - 8.62 days	Q 2 - 6.54 days Year to date - 7.64 days	GREEN	GREEN
Revenues - Service Performance Indicators								
	KPI 10	% Council tax collected in the year	97.8% or more	2013/14 97% (Q1 30%, Q2 58%, Q3 85%, Q4 97%)	Q1 - 30.36%	Q2 Year to date - 57.57 % Slightly down on the corresponding time last year. Target for 2014/15 is higher than for 2013/14 and currently there is some concern that the target will not be hit.	AMBER	AMBER

Key Task	Ref	Key Action /Measure	Target	Q1 UPDATE		Q2 UPDATE	Status Q1	Status Q2
	KPI 12	% business rates collected in the year	98% or more	2013/14 98% (Q1 32%, Q2 60%, Q3 88%, Q4 98%)	Q1 30.19% (2% dip on corresponding point last year due to some very large ratepayers electing to pay 12 monthly for the first time in 2014/15)	Q2 year to date - 55.2 % Drop on last year due to large payers taking advantage of 12 month installments over which to make payment in 2014/15. The expectation is that collection will improve by Q4.	AMBER	AMBER
Finance - Service Performance Indicators								
	KB1 132	% of invoices for commercial goods or services paid within 30 days of receipt	90%	2013/14 95.68% (Q1 97.08%, Q2 96.53%, Q3 96.23%, Q4 92.88%)	Q1 = 94.99% of invoices paid within 30 days.	Q2 - 95.09% of invoices paid within 30 days	GREEN	GREEN
	KPI 133	Number of invoices received	No target - measure only	2013/14 (Q1 719, Q2 720, Q3 743, Q4 800)	Q1 - 698 invoices received	Q2 - 652 invoices received	GREEN	GREEN
ACE / CORPORATE - Service Performance Indicators								
Electoral Services - Service Performance Indicators								
	KPI 16	Form A's returned after personal visits and before internal checks	90%	2013/14 92%	Q1 = 82%	The way of registering to vote changed to individual electoral registration and the whole process is dealt with different. Therefore this measure is no longer appropriate.	AMBER	DELETED
HOUSING AND COMMUNITY - Service Performance Indicators								
Housing Options - Service Performance Indicators								
	KPI 45	Number of Households making homeless applications (lower is better)	195 or fewer for the year	2013/14 144 (Q1 43, Q2 42, Q3 27 Q4 32)	Q1 - 33 applications received.	Q2 -34 applications received	GREEN	GREEN
	KPI 46	% of homeless applications accepted as statutory homeless (lower is better)	23% or lower	2013/14 15.8% (Q1 6%, Q2 17%, Q3 15%, Q4 25%)	Q1 - 24% - although only slightly over target this is an appreciable increase over the corresponding point last year. Demand driven.	Q2 - 29%. Less privately rented accommodation available especially at reasonable rents	AMBER	AMBER
	KPI 47	Number of homelessness events prevented (Higher is better)	42 or more for the year	2013/14 75 (Q1 24, Q2 31, Q3 8, Q4 12)	Q1 - 17 cases	Q2 - 22 cases	GREEN	GREEN
	KCI 41	% customers who are satisfied or very satisfied with the service	90%				NOT DUE	NOT DUE
Housing Enabling - Service Performance Indicators								
	KCI 42	% of partners involved in the delivery of new affordable houses satisfied or very satisfied with the service	75%	2013/14 100%	This information will be requested towards the end of the financial year but there are no indications that this won't be 100%	100%	GREEN	GREEN
Private Sector Housing - Service Performance Indicators								
	KPI 51	Number of properties brought up to decent homes standard	200	2013/14 130	The PI for this measure is with the service to revisit and make more realistic. This is now mostly responsive and depends on the complaints and requests received by the Environmental Health service to respond. Some of it is proactive (landlord accreditation) but ability to bring homes up to decent standard significantly impacted by loss of Warm Streets funding.	At Cabinet they asked that the Housing PAG review this PI. This happened September 2014. They agreed to delete KPI 51 due to loss of Warm Streets and Warm Front monies.	RED	DELETED

Key Task	Ref	Key Action /Measure	Target	Q1 UPDATE		Q2 UPDATE	Status Q1	Status Q2
	KPI 52	Disabled facilities grants - average time taken end to end to complete adaptation work	22 weeks	2013/14 24 weeks	Currently 24 weeks but estimated to increase due to reduced budget available for 2014/15.	Current waiting time is 25 weeks.	AMBER	AMBER
	KCI 43	% customers who are satisfied or very satisfied with the private sector housing service	75%	2013/14 100%	Currently 98% although will not be the same position by year end as customers with new recommendations will be informed in due course that they will need to wait until the 1st April 2015 before they can apply for a DFG. .	Data not currently available as awaiting return of completed questionnaires from customers. Will be reported next quarter.	GREEN	NOT AVAILABLE

GROWTH AND DEVELOPMENT - Service Performance Indicators

Development Control - Service Performance Indicators

KPI 90A	% major planning applications determined within 13 weeks (or within agreed extension of time)	60%	2013/14 86% (Q1 none received, Q2 100%, Q3 79%, Q4 80%)	Q1 - 33% - 3 received - only 1 decided out of time but with an agreed extension of time, 2 decided out of time.	100% - 2 applications, 1 decided within the time limit and one with an extension of time	RED	GREEN
KPI 90B	% minor planning applications determined within 8 weeks	80%	2013/14 96% (Q1 95%, Q2 100%, Q3 99%, Q4 100%)	Q1 - 81.48%	Q2 - 72% During July and early August there was a vacant planning officer post which has since been filled by a temporary agency planner. There also remains a vacancy at the tier 4/5 level (for which expression of interest have been received and shortlisting will shortly take place) resulting in less resource to deal with planning applications at West Somerset and Taunton Deane. Although performance has improved since the arrival of the agency planner, it is unlikely that the previous levels of 100% performance will be achieved.	GREEN	AMBER
KPI 90C	% of other planning applications determined within 8 weeks	95%	2013/14 98% (Q1 100%, Q2 100%, Q3 100%, Q4 90%).	Q1 - 91.07%	Q2 - 96.30%	AMBER	GREEN
KCI 86	% of customers satisfied with the service received	85%	2013/14 96%			NOT DUE	NOT DUE

Additional Measures

Staff Sickness

KPI 160	Number of days sickness per FTE	8.2 days or fewer per FTE.	2013/14 (WSC Actual for 2013/14 7.22 days. TDBC Actual for 2013/14 8.2 days)	For Q1 absence rates were 2.76 days (projected as 11.04 days per annum) for West Somerset Council employees. West Somerset Council's absence rate was influenced by the low headcount and a small number of employees on long-term absence. These employees have in the main, either returned to work or left employment.	Wasn't reported Q1. All staff moved to TDBC wef 1st August. However, Member request for this information to continue to be provided within WSC performance report. Current Average number of Working days lost to sickness absence, year to date: 3.77 Average number of working days lost to sickness absence projected year end totals: 7.55 July 14 – Sep 14 Short Term Absence – 640 / 55% Long Term Absence – 530 / 45% (long-term absence being defined as a continuous period of 28 calendar days or more)	NOT REPORTED	GREEN
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SCRUTINY COMMITTEE – WORKPLAN 2014/15

2014 13 November	1 December	18 December	2015 15 January	12 February	12 March	16 April	May (provisional, date not yet set)	June	July
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
Proposed Business Case for Shared Legal Service	Discretionary Grants to Voluntary Sector – Update Report		Budget 2015/16 Draft Proposals						
Financial Monitoring – April-Sept 2014/15 (6 month review)	Budget 2015/16 Initial Savings Ideas		Service Plans – 2016-2017						
Corporate Performance – April-Sept 2014/15 (6 month review)	Minehead Rhynes and Waterways		Financial Standing and MTFP 2015/16-2017/18						
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

Items to be scheduled in timetable – GP Out of Hours Provision (New Arrangements) – Somerset CCG available to attend March meeting to update on new arrangements

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 to be arranged for November.</i></p>
<p>Voluntary Sector – Update report from organisations currently receiving a grant from WSC</p>	<p>Members are asked to consider whether they would like an item concerning updates from the remaining voluntary sector organisations that the Council supports. Scrutiny Committee have received an update from the QHAONB and an update is scheduled for Engage WS to attend the October meeting.</p>

	<p>The update would take the form of a written report from officers as opposed to presentations from the individual organisations.</p> <p><u>Update 11th September</u> <i>At the Scrutiny Committee meeting of 11th September Members agreed to receive a report for their November meeting providing an update from the voluntary sector partners currently receiving a grant from the Council.</i></p> <p><u>Update 16th October</u> Report to be considered at 1st December Scrutiny meeting</p>
<p>Minehead Rhynes and Waterways – roles and responsibilities</p>	<p>This item was scheduled for the October meeting. Officers have been unable to complete the necessary investigations concerning the responsibilities that the district council hold in relation to this matter and have requested that the item is carried over to a later meeting. Officers have also requested that the item be considered by the Environment PAG prior to a report to the Scrutiny Committee.</p> <p><u>Update 11th September</u> At the Scrutiny Committee meeting of 11th September, Members agreed that the item be considered by the Environment PAG before being considered by the Scrutiny Committee.</p> <p><u>Update 16th October</u> A report concerning this issue will be considered by Environment PAG on the 12th November and Scrutiny Committee on the 1st December.</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><u>Latest Update</u> 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>JMASS update (post Tier 6 implementation)</p>	<p>Suggestion submitted by Shirlene Adam, Director of Operations Discussed at agenda setting meeting 3rd November – proposal that this item to be scheduled for February meeting subject to Committee approval.</p>
<p>Transformation Award Funding</p>	<p>Suggestion submitted by Cllr K Ross Discussed at agenda setting meeting 3rd November – proposal that this item to be scheduled for February meeting subject to Committee approval.</p>