

## Taunton Deane Borough Council

At a meeting of Taunton Deane Borough Council held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on 12 November 2013 at 6.30 pm.

**Present** The Mayor (Councillor Ms Lisgo)  
The Deputy Mayor (Councillor D Durdan)  
Councillors Mrs Adkins, Mrs Allgrove, Mrs Baker, Bowrah, Cavill, Coles, Denington, Miss Durdan, Edwards, Farbahi, Mrs Floyd, Mrs Gaden, Gaines, A Govier, Mrs Govier, Hall, Henley, Mrs Herbert, C Hill, Mrs Hill, Horsley, Hunt, Miss James, R Lees, Mrs Lees, Meikle, Mrs Messenger, Morrell, Nottrodt, Ms Palmer, Prior-Sankey, D Reed, Mrs Reed, Ross, Gill Slattery, T Slattery, Miss Smith, Mrs Smith, P Smith, Mrs Stock-Williams, Stone, Swaine, Tooze, Mrs Warmington, Watson, Mrs Waymouth, Ms Webber, A Wedderkopp, D Wedderkopp, Williams and Wren

### 1. **Minutes**

The minutes of the meeting of Taunton Deane Borough Council held on 1 August 2013, copies having been sent to each Member, were signed by the Mayor.

### 2. **Apologies**

Councillors Bishop and Hayward.

### 3. **Public Question Time**

- (a) Mr Orr stated that this evening the Council would witness the sunset of shared services with IBM in South West One and the dawning of a new adventure in shared services with West Somerset Council

Back in 2007, we were confidently told that Somerset would collectively receive "assured savings" of £192,000,000 from Southwest One.

In 2013, Somerset had collectively paid out £50,000,000 more to IBM, than had been saved through Southwest One.

In this Council, the six year old debt for a £3,000,000 share of the SAP IT system in Southwest One was still not fully repaid.

Southwest One promised:-

- massive efficiency savings for the taxpayer;
- the economic regeneration of Taunton Deane and Somerset;
- new jobs in a shared service centre; and

- an iconic building on the derelict Firepool site.

None of these things had come to pass and the economic downturn could not be used to explain them all away.

Tonight, the latest shared service proposal, with the smallest District Council in Britain, West Somerset, is before us. Nothing new. Nothing innovative.

If Sedgemoor was to somehow join you at a later date, without being a founder partner, would Penny James remain Chief Executive or would Kerry Rickards compete for the post against her?

Would the proposed and mainly Taunton Deane Senior Management Team be set in stone now or will further upheavals be required, to accommodate Sedgemoor's highly successful management team, in an open competition for posts?

If you pass the Business Case with just West Somerset tonight, you will be shutting the door on Sedgemoor Council joining as a founder partner and enjoying an equal and equitable footing.

I am in favour of public partnerships, so, why do I not support your proposal for shared services with just West Somerset as a founder partner?

The Leader of the Council, Councillor Williams, thanked Mr Orr for his statement and questions. He would arrange a written response to Mr Orr.

- (b) Mr Doug Lowe, Chairman of Ruishton and Thornfalcon Parish Council stated that he was very frustrated and was not sure the Council knew what was going on after sending out five Consultations at once.

In the Statement of Community Involvement reference was made to the Council:-

- Aiming for the highest standard of consultation practice;
- Seeking the community's views as an essential part of the evidence base for its decision making; and
- Working towards full involvement of all elements of the community and recognising different viewpoints via appropriate consultation techniques;

Mr Lowe thought that this should have been in place before doing anything else.

With regard to the Site Allocations and Development Management Plan – Preferred Options it seemed no one thought that it was worth putting in the large development at Henlade – 25 hectares – in its own right rather than burying it within the Taunton information which is over 100 pages in length. Why was there originally no proposal to undertake a consultation on this site at the Ruishton Village Hall?

Thankfully one had now been arranged but only after e-mail exchanges with Councillor Mark Edwards. Who was running this Council.....which was aiming for the highest standard of consultation practice!

The other consultations in respect of Policy Guidance for the change of use of rural service provision and conversion of existing buildings, the Affordable Housing Supplementary Planning Document Consultation 2013 and the Taunton Deane Site Allocations and Development Management Plan Preferred Options - draft Sustainability Appraisal Volumes 1 and 2 were referred to. Mr Lowe wondered how many Councillors would read all these?

These consultations would shape the way Taunton grew in the future. In the past Hankridge and Blackbrook Business Park had been built with no thought to over a 1000 cars going into Blackbrook each day.

The Ruishton and Thornfalcon Parish Council – like many others – only met once a month. So how were we all supposed to give these Consultations our full attention and undertake the rest of the parish business too?

Mr Lowe also felt it was the officers who had driven the proposed allocation at Henlade as a response to all the new building going on at Junctions 24 and 23.

Last but not least, Henlade needed a bypass first before any further major development with the A358 having 36,000 users daily going through it and spending up to an hour some mornings going into the County Town of Somerset. So I wonder what visitors would think about a further 25 hectares of massive warehouses on this road which was the gateway to Taunton. Would you still want to go there or maybe carry on to Exeter?

In response, Councillor Edwards confirmed that he had agreed to a consultation event being held at Ruishton Village Hall. A written response to the other points raised by Mr Lowe would also be arranged.

(c) Mrs Dorothea Bradley raised the following questions:-

- In view of the changing circumstances of the C21st what brain storming sessions were taking place with Councillors on the future direction of Taunton Deane?
- Were discussions taking place at Councillor level between Taunton Deane, West Somerset and Sedgemoor? If not why not?
- What training sessions were taking place for Councillors and officers jointly on communication and promotion of Taunton Deane and its future direction?
- In the last ten years how many of the Planning Committee Councillors have taken themselves off to the Summer Planning School organised I believe by the Town and Country Planning Association/Local Government Association given that they received a four figure allowance to include such activities?
- Why had the idea of a new settlement not been pursued given that such an idea/policy would absorb future requirements for new houses and thus effectively block any opportunistic applications for prime sites by developers? It would fit in nicely with the new bottom up/localist approach that focuses on identity, community links and quality of life.

The Leader of the Council, Councillor Williams, thanked Mrs Bradley for her questions. He would arrange a written response to Mrs Bradley.

#### **4. Declaration of Interests**

Councillors Mrs Baker, Coles, A Govier, Hunt, Prior-Sankey, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Henley declared personal interests both as a Member of Somerset County Council and as an employee of Job Centre Plus. Councillors Mrs Hill and Stone declared personal interests as employees of Somerset County Council. Councillor T Slattery declared a personal interest as an employee of Sedgemoor District Council. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillor Wren declared personal interests as an employee of Natural England and as Clerk to Milverton Parish Council. Councillor Ross declared a personal interest as one of the Council's representatives on the Somerset Waste Board. Councillor Ross also declared a personal interest as the alternate Director of Southwest One. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Swaine declared a personal interest as a part-time swimming instructor. Councillors D Durdan and Stone declared prejudicial interests as Tone Leisure Board representatives. Councillor Gill Slattery declared personal interests as a member of the Board of Governors at Somerset College and as a Patron of the Supporters of Taunton Women's Aid. Councillor Farbahi declared a personal interest as a local owner of land in Taunton Deane. Councillor D Reed declared a personal interest as a Director of the Taunton Town Centre Company.

#### **5. Borough Council By-Election – 3 October 2013**

The Democratic Services Manager and Corporate Support Lead, on behalf of the Returning Officer, reported that Federica Roberta Diana Smith of 8 Bourne Grove, Taunton had been elected as a Councillor at the By-Election held on 3 October 2013 to fill the vacancy in the Halcon Ward of Taunton.

#### **6. Taunton Deane Borough Council and West Somerset Council – Joint Management and Shared Services Business Case**

Prior to the presentation of the report, proposed by Councillor Horsley, seconded by Councillor Coles, that Standing Orders be suspended for the duration of the meeting.

The motion was put and was lost.

Considered report previously circulated that detailed the Business Case for Joint Management and Shared Services for Taunton Deane Borough Council (TDBC) and West Somerset Council (WSC).

The financial position of both Councils was well documented with both

Councils presenting Medium Term Financial Plans that showed significant financial challenges ahead.

In February/March 2013, both Councils had agreed to mandate a project to review the potential to deliver joint management and shared services arrangements. The key driver for this was the need to find savings.

A Project Team was formed to ensure a Business Case was developed safely, and asked that this came back to Members in October 2013. Over the summer both Councils agreed to move to a shared Chief Executive who took up post with effect from 24 October, 2013.

More recently, both Councils had updated their Medium Term Financial Plans to reflect the reductions now forecast in Central Government funding over the next few years. As a result, the context in which this project was originally commissioned was still very relevant and perhaps more pressing than ever.

The Business Case considered the case for creating a single officer management and staffing structure (with associated budgets) to provide services to 147,000 residents and 5,600 businesses located in, and thousands of visitors to, the areas governed by TDBC and WSC.

The proposal was to permanently change the officer structures. It did not alter the ability of the 84 Members of the two Councils to play their full representational and leadership roles on behalf of their communities. It did however propose joint Member arrangements to govern the implementation of the Business Case.

By joining up management and service delivery it was envisaged that both Councils could benefit from financial savings and increased service resilience together with more effective, efficient and affordable service delivery. The ambition was to help deliver a sustainable financial future for both democratically independent organisations. By reducing the overall cost of senior management and by sharing service delivery, both Councils could mitigate the impact of Government funding cuts on their front-line services.

The ambition was to deliver a single, fully integrated affordable Officer structure serving two separate, sovereign Councils.

If implemented, the Business Case highlighted a number of key decisions that would affect the 637 FTE staff currently employed by the two Councils. It identified further work that needed to be carried out to ensure this was implemented smoothly, and work that needed to take place in the longer term to harmonise terms and conditions.

Both Councils had recognised that the Business Case alone would not resolve the entirety of the financial challenges ahead. This project needed to be seen in the wider context of each Council's Corporate Business Plans and ambitions.

The detailed Business Case for Joint Management and Shared Services had

previously been circulated to all Councillors for consideration in advance of the various meetings and briefings that had been arranged prior to the meeting of Full Council.

The governance arrangements for the project had required the Joint Project Board (officers) and Joint Member Advisory Panel to meet monthly to review project progress and discuss the detail of the project. Representatives from the UNISON branches of the Councils had also been meeting jointly (Joint UNISON Board) to engage on key staffing matters on the project.

The Joint Project Board had had representation from other Councils in Somerset too. Mendip had progressed political approval for work with TDBC and WSC on “shared service” options in July 2013.

Sedgemoor (SDC) had recently reviewed its interest in the project to the extent that the Leaders of the three Council had met to discuss the project in depth. As a consequence, the Leader of SDC had been invited to seek a formal mandate from that Council to demonstrate SDC’s express desire to explore a Business Case for the three Councils for Joint Management and Shared Services. To date this mandate had not been forthcoming.

TDBC and WSC had learnt from other Councils who had progressed similar shared service arrangements. This learning had been significant to the project and provided some comfort that the proposal set out in the Business Case was reasonable in both approach and assumptions, and importantly, was deliverable.

The Business Case did not set out a detailed staffing structure and service delivery solutions for each service. However it did offer a framework for delivering the overall joint staffing arrangements and the reduced budget position that would operate within.

The implementation of this proposal would progress the detailed arrangements for each service. The simple “joining up” would be progressed at pace if the Business Case was approved. That task would be driven by a new Joint Management Team to ensure the Business Case savings were delivered.

A Joint Partnership Advisory Group (JPAG) would be established to oversee this and ensure the intended outcomes were delivered from a Member perspective. The final phase of this project – the transformation phase – was where further detailed Member involvement would be required. This is where each service was reviewed and challenged on the most appropriate service delivery solution moving forward. Member Working Groups would be set up to support this.

The Business Case sought to achieve broadly the same level of service at less cost because:-

- Both Councils’ Medium Term Financial Plans showed funding gaps in the years ahead;

- Government funding in future years was being cut, and there were limits on our tax raising powers; and
- Costs were already under pressure in each Council but, by joining together, savings could be made that could not be achieved on our own.

The Business Case was based on:-

- A single, new shared officer structure;
- Two separate sovereign Councils – each responsible for the Government of their areas;
- A JPAG being set up to monitor the delivery of the Business Case and help shape future policies on shared arrangements;
- A collective will to consider different ways of working to achieve efficiencies; and
- No detriment to the local tax payers of either authority.

The impact on staff was:-

- New Joint Management arrangements would be implemented quickly;
- A single officer structure, hosted by TDBC, with pay and terms and conditions harmonised on a cost neutral basis; and
- There would be less staff employed in the future than at present.

The financial headlines were:-

- Minimum annual savings of £1,889,000 from 2015/2016 (£1,582,000 for TDBC and £307,000 for WSC);
- Further savings would be delivered during the “transformation” of services to improve this position; and
- One-off Transition Costs of £2,716,000 (£2,002,000 for TDBC and £714,000 for WSC). These can be funded by the Councils.

The main risks detailed in the Business Case were:-

- The Councils did not deliver on the savings projections or timeline;
- Insufficient management resource to run the new structure effectively;
- Lack of flexibility in existing key contracts and arrangements; and
- Existing projects and priorities were impacted by shared services implementation.

A full Implementation Risk Assessment and mitigation of the above main risks were set out within the Business Case.

Further reported that the Councils had submitted a bid to the Government for a Transformation Challenge Award Grant. It was disappointing that the application for the Joint Management and Shared Services Project was not among the successful bids. In total, 140 bids had been submitted and awards had been made to only 18 projects.

This funding would have been very welcome but it did not detract from the potential savings that this project could deliver. The Business Case stacked-up financially without external funding and had been drafted on the basis of no external funding being received.

The key decisions emerging from supporting the proposals were that:-

- On the basis of the potential savings contained within the Business Case, the two Councils support the Business Case for the Joint Management and Shared Service arrangements and that officers were tasked with delivering on time and to the financial targets;
- These arrangements were progressed under the host employer model, with TDBC as the host employer. The detailed planning for this would be overseen by the JPAG with appropriate consultation undertaken with staff and UNISON;
- A common set of employment terms and conditions were developed for approval by both Councils;
- The necessary financial approvals were made to fund the Transition (one-off) costs;
- The inter-authority agreement was approved, including the establishment of a JPAG, and operated in the spirit of the Business Case;
- The proposal for Joint Management arrangements supporting the operation of this Business Case be considered; and
- The proposals for the creation of a shared workforce and a Transition Redundancy Policy be adopted.

Submitted for the information of Councillors the comments on the Business Case made at the meetings of WSC's Scrutiny Committee and the Council's Corporate Scrutiny Committee which had both met on 24 October 2013.

Although the Corporate Scrutiny Committee had made no formal recommendations for consideration by Full Council, details were requested of the method used for calculating the split of ICT costs between WSC and TDBC. A briefing note regarding the Leader of the Council's recent meeting in London with the Secretary of State and Local Government Minister was also requested.

Moved by Councillor Horsley that all the recommendations in the report be deleted and replaced with the following:-

"We ask the officers to devote a further three months to examining in greater detail:-

- (a) The possibility of joining a three way management structure with SDC or another suitable District Council;
- (b) Greater clarity on the integration of the IT systems which would have to be brought together between WSC, TDBC and Southwest One;

- (c) A re-examination of TDBC's Corporate Priorities to identify more clearly if enough emphasis had been given to Economic Regeneration and Growth to meet the £3,000,000 hole which the Medium Term Financial Plan showed would still remain after implementation of the Business Case so far developed; and
- (d) A rethink on the revised proposed Joint Structure to accommodate concerns about its suitability to achieve the Corporate Priorities of the Council."

The proposed amendment was ruled out of order by the Mayor on the basis that it would negate the recommendations in the report.

Before the Mayor called for the vote on the recommendations Councillor Horsley, in accordance with Standing Order 18(2)(b) requested that a Recorded Vote be taken. This request was supported by the votes of at least a quarter of the Councillors present.

**Resolved that:-**

- (a) On the basis of the potential savings contained within the Business Case, the implementation of the Joint Management and Shared Services arrangements, delivering a single officer structure providing a shared workforce to support both Taunton Deane Borough Council and West Somerset Council, be supported;
- (b) Officers be authorised to implement the proposals in accordance with the financial targets and timeline as set out within the Business Case, with the financial targets to be included in the Council's Budgets for 2014/2015 and Medium Term Financial Plans for later years;
- (c) Consideration be given to establishing new governance arrangements to safely manage the implementation phase of the Business Case. Such arrangements to include a framework to support the proposed Service Transformation Phase;
- (d) The shared workforce arrangements be progressed under the host employer model, with Taunton Deane Borough Council as the host employer, with the detailed planning being overseen by the proposed new governance arrangements referred to in (c) above together with appropriate consultation undertaken with staff and UNISON;
- (e) A common set of employment terms and conditions be developed for approval by both Councils in consultation and negotiation with UNISON;
- (f) The necessary respective financial approvals be hereby agreed to fund the Transition (one-off) costs:-
  - (i) For Taunton Deane Borough Council to fund their share of the transition costs (£2,002,000) by

- a supplementary estimate from General Fund Reserves of £900,000; plus
- by using unallocated Capital Resources of £800,000; plus
- by using £302,000 of 2014/2015 New Homes Bonus allocation.

(ii) For West Somerset Council to fund their share of the transition costs (£714,000) by

- A transfer of £358,000 from the Sustainability Earmarked Reserve; plus
- By using unallocated Capital Receipts of £356,000.

The recommendations were carried with 30 Councillors voting in favour, 22 voting against, with two abstentions, as follows:-

<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Councillor Mrs Adkins	Councillor Coles	Councillor Mrs Baker
Councillor Mrs Allgrove	Councillor Farbahi	Councillor Miss James
Councillor Beaven	Councillor Mrs Floyd	
Councillor Bowrah	Councillor Mrs Gaden	
Councillor Cavill	Councillor Henley	
Councillor Denington	Councillor Mrs Hill	
Councillor D Durdan	Councillor Horsley	
Councillor Miss Durdan	Councillor R Lees	
Councillor Edwards	Councillor Mrs Lees	
Councillor Gaines	Councillor Mrs Messenger	
Councillor A Govier	Councillor Morrell	
Councillor Mrs Govier	Councillor Prior-Sankey	
Councillor Hall	Councillor Gill Slattery	
Councillor Mrs Herbert	Councillor T Slattery	
Councillor C Hill	Councillor Miss Smith	
Councillor Hunt	Councillor Mrs Smith	
Councillor Ms Lisgo	Councillor P Smith	
Councillor Meikle	Councillor Stone	
Councillor Nottrodt	Councillor Swaine	
Councillor Ms Palmer	Councillor Tooze	
Councillor D Reed	Councillor A Wedderkopp	
Councillor Mrs Reed	Councillor D Wedderkopp	
Councillor Ross		
Councillor Mrs Stock-Williams		
Councillor Mrs Warmington		
Councillor Watson		
Councillor Mrs Waymouth		
Councillor Ms Webber		
Councillor Williams		
Councillor Wren		

**7. Taunton Deane Borough Council and West Somerset Council - Proposed Governance Arrangements – Inter Authority Agreement**

Considered report previously circulated, that outlined the proposed inter authority agreement setting out the governance arrangements to be put in place in the event of the Taunton Deane Borough Council (TDBC) and West Somerset Council (WSC) agreeing to approve the Business Case for Joint Management and Shared Services.

As part of the project mandate agreed by both Councils in early 2013 it had been agreed to establish a Joint Members Advisory Panel (JMAP) consisting of four Members from each Council to ensure close democratic involvement in the project development.

The Business Case for shared Management and Services was predicated on the two councils remaining as separate entities and retaining their existing democratic structures and processes. Nevertheless experience from elsewhere had demonstrated that clear governance was vital to maintain the momentum, focus and commitment to delivering the improvements sought by the Councils involved.

If the Business Case was approved, it would represent a significant step forward in the joint working relationship between the two Councils and it was recommended that this was reflected by the adoption of an Inter Authority Agreement. This would be the overarching document that enshrined the principles under which the joint arrangements would operate for the Councils going forward. A draft of the document was submitted for the information of Members.

The document made reference to the legal basis for any joint arrangements including the Section 113 (of the Local Government Act 1972) Agreement relating to the sharing of a Chief Executive. It set out the context for the joint arrangements including the key principles that would underpin implementation and delivery of the joint arrangements between the two Councils.

The key element in terms of continuing Member engagement was set out in the Business Case. In recognition of the vital role that JMAP had provided to date it was proposed that a Joint Partnership Advisory Group (JPAG) be established to supplement the existing democratic structures. Its main roles would be to:-

- Oversee the delivery of the approved Business Case ensuring that all Members of both Councils were kept informed of progress;
- Make comments on detailed Business Cases for joint services and/or proposals for the involvement of other Councils in the shared joint arrangements; and
- Attempt to resolve any issues/concerns raised by either Council or in respect of the joint arrangements.

The JPAG was 'advisory' and so was a non decision making body which would report to both Councils ensuring that the wider membership of the Councils retained ultimate decision making power.

One of the strengths of the existing JMAP process was the ability to discuss issues frankly in private and the proposal as drafted would enable this level of discretion to be maintained. Nevertheless, any key notes and comments/suggestions emerging from the JPAG would be made available to all Members of both authorities to ensure transparency internally.

For the implementation phase to be successfully delivered it was considered essential that the two Leaders were central to the process. It was therefore proposed that the composition of the group should specify that both Leaders should be core members of the JPAG plus four additional Members from each Council to be appointed annually.

This would provide each Council with the freedom to appoint its representatives without it necessarily needing to be politically proportional. The intention was that the venue for meetings of the JPAG would alternate between the authorities' offices with the Leader of the host authority chairing each meeting.

JPAG meetings would be considered quorate if at least three Members from each authority were present including at least one of the two Leaders, with substitutes being permitted by clear prior arrangement.

Submitted for the information of Councillors the comments on the Inter Authority Agreement made at the meetings of WSC's Scrutiny Committee and the Council's Corporate Scrutiny Committee which had both met on 24 October 2013.

**Resolved** that:-

- (1) Subject to both Councils agreeing to approve the Business Case for Joint Management and Shared Services, the Inter Authority Agreement - attached as an Appendix to the report - be adopted by both authorities to provide the governance framework for implementing the joint arrangements between Taunton Deane Borough Council and West Somerset Councils; and
- (2) Each Council be requested to nominate its four Members to serve on the Joint Partnership Advisory Group with the two Leaders of Council.

**8. Taunton Deane Borough Council and West Somerset Council - Creating a Shared Workforce and Transition Redundancy Policy**

Considered report previously circulated, concerning the creation of a Shared Workforce and Transition Redundancy Policy.

As part of the Taunton Deane Borough Council (TDBC) and West Somerset

Council (WSC) Shared Services Project, there was a proposal put forward in the Business Case to use the 'host employer' model and create 'one team' delivering services for the benefits of customers in both Councils.

The 'host employer' model had been considered by the Joint Project Board, Joint Member Advisory Panel and the Joint UNISON Board.

The responses from UNISON had included:-

- i) the need for staff to have clarity on pay scales at the appropriate time so that they could make informed decisions;
- ii) the need to avoid significant upheaval for staff with a new job evaluation scheme;
- iii) the need for changes to be made within a reasonable timescale without this taking too long;

The proposals had also been influenced by the need to maintain control over affordability and negotiations with UNISON on the Transition Redundancy Policy on matters such as pay protection and 'trickle down'.

A copy of a negotiated Collective Agreement developed in consultation with UNISON which covered the creation of the shared workforce, the Transition Redundancy Policy and the review of terms and conditions of employment was submitted for the information of Members.

The proposal put forward provided clarity on how the structure of the shared services would be implemented and had been developed in consultation with UNISON and after negotiations to ensure that staff views were taken into account.

Noted that the process set out would run alongside the review of terms and conditions of employment and staff would need to be made fully aware of this. UNISON had already agreed to engage positively with this process and it was expected that this would be completed by 1 April 2015.

In addition to this, consultation and negotiation had been taking place on a Transition Redundancy Policy that would be applied throughout this process and was now contained within the overarching collective agreement as a final version for Member consideration.

The implementation of the Policy would be in four phases, as follows:-

#### **Phase 1 – from 1 January 2014**

- Directors and Assistant Directors in post.
- Requirement for Directors and Assistant Directors to draw up 4<sup>th</sup> tier management structures for their services.
- Requirements for overall affordability envelope to be mapped for Assistant Director service areas with identification of posts included in each Council.

- Requirement for Job Descriptions, Person Specifications and Job Evaluation forms to be done where required and where the jobs were not substantially the same as posts already evaluated under the TDBC Job Evaluation Scheme.
- All posts within this phase to be checked for consistency across the organisation before being finalised and released. This stage to be completed by 31 January 2014.
- 'At risk' and consultation with affected staff during February 2014.
- Appointments/slot-ins confirmed by 31 March 2014.
- New posts in place by 1 April 2014 and all posts to be employed by TDBC as the 'host employer'.
- This meant that the TDBC Job Evaluation Scheme would be used alongside the TDBC pay scales.

### **Phase 2 – from 1 April 2014**

- Assistant Directors and 4<sup>th</sup> Tier Managers required to draw up structures for Lead, Supervisors etc by 31 May 2014.
- Requirements for overall affordability envelope to be mapped for Assistant Director service areas with identification of posts included in each Council.
- Requirement for Job Descriptions, Person Specifications and Job Evaluation forms to be done where required and where the jobs were not substantially the same as posts already evaluated under the TDBC Job Evaluation Scheme.
- All posts within this phase to be checked for consistency across the organisation before being finalised and released. This stage to be completed by 31 May 2014.
- 'At risk' and consultation with affected staff during June 2014.
- Appointments/slot-ins confirmed by 31 July 2014.
- New posts in place by 1 August 2014 and all posts to be employed by TDBC as the 'host employer'.

### **Phase 3 – from 1 August 2014**

- Assistant Directors, 4<sup>th</sup> Tier Managers and Leads/Supervisors required to draw up structures for teams/services by 31 October 2014.
- Requirements for overall affordability envelope to be mapped for Assistant Director service areas with identification of posts included in each Council.
- Requirement for Job Descriptions, Person Specifications and Job Evaluation forms to be done where required and where the jobs were not substantially the same as posts already evaluated under the TDBC Job Evaluation Scheme.
- All posts within this phase to be checked for consistency across the organisation before being finalised and released. This stage to be completed by 31 October 2014.
- 'At risk' and consultation with affected staff during November 2014.
- Appointments/slot-ins and any final TUPE transfers from WSC to be confirmed by 31 January 2015.
- Complete structure, all new posts and final TUPE transfers in place by 1 February 2015 with all staff employed by TDBC as the 'host employer'.

#### **Phase 4 – from 1 April 2014 until 31 March 2015**

Terms and Conditions review completed and implemented on 1 April 2015.

The Advantages and Disadvantages of the proposal were outlined in the report.

Further reported that as part of the proposal Grade A of the TDBC pay scales would be deleted as well as the first three increments of Grade B would also be deleted.

What was now the fourth point of Grade B would be recalculated to match the 'living wage' of £14,420pa and this first grade would have only two points.

There would be no change to the maximum salary level on the TDBC pay scales.

Across both authorities there was only one employee who would be affected by these proposed changes to Grades and therefore the additional cost, when weighed up against the benefits was manageable.

Submitted for the information of Councillors the comments on Creating a Shared Workforce and Transition Redundancy Policy made at the meetings of WSC's Scrutiny Committee and the Council's Corporate Scrutiny Committee which had both met on 24 October 2013.

#### **Resolved that:-**

- (1) The negotiated overarching Collective Agreement with UNISON, which was set out as Appendix A to the report, be noted;
- (2) The Redundancy and Redeployment (transition) Policy as set out in Appendix 3 of the Collective Agreement be approved; and
- (3) the process and methodology for the creation of the Shared Workforce be approved, in particular that:-
  - Taunton Deane Borough Council would be the host employer;
  - The Taunton Deane Borough Council Job Evaluation Scheme would be used to assess grades of any revised or new posts; and
  - Grade A and the first three points of Grade B of the current Taunton Deane Borough Council pay structure would be deleted and that the fourth point of Grade B would be increased to £14,420 per annum to provide for the 'Living Wage'.

#### **9. Taunton Deane and West Somerset Joint Management Proposal**

Considered report previously circulated, which built upon the original report on the proposed Joint Management Structure for Taunton Deane Borough

Council (TDBC) and West Somerset Council (WSC) presented to both Councils' Scrutiny meetings on 24 October 2013.

The report reflected feedback from Scrutiny, UNISON and staff. This was fully detailed for the information of Members.

The Joint Chief Executive's response to the feedback was as follows:-

1. Following the recommendation from the WSC Scrutiny meeting it was proposed that a new post of "New Nuclear Programme Manager" be created. This post would not be a part of the Joint Management Team and would, therefore, not have corporate responsibilities. It was, however, a very important role and would report directly to the Chief Executive. On a day-to-day basis the post would need to integrate with the work planning of the Director - Growth and Development and the other teams.
2. The proposed structure chart had been amended to show how this post would fit into the structure. The post would need to be job evaluated and made available to internal applicants who met the essential criteria. The post would be funded by WSC from the Tier 4 affordability envelope and/or specific Hinkley Point or National Grid funding.
3. As a result of the discussions that took place at TDBC's Corporate Scrutiny Committee on the principle of slot-ins, the Joint Chief Executive had taken formal written advice from the Retained HR Manager and Legal Services Manager. This clearly set out the risks involved in departing from the "slot-in" recommendations in the original report to Scrutiny. In summary these were:-
  - Failure to follow agreed policies and procedures would give rise to a significant risk of legal challenge;
  - Failure to follow agreed policies and procedure would damage UNISON and staff confidence in the project;
  - Material changes made to the original proposals would give rise to a significant risk of legal challenge unless further consultation took place on these changes with UNISON and affected staff;
  - Failure to adopt the proposals might increase the costs assumed within the Business Case;
  - A possible impact on the timetable for the delivery of the shared service project; and
  - The process impact – it was impossible to ever get to a situation where the postholders recommended for "slot-in" were not treated as "at risk" and, therefore, given a priority interview. If they proved they were competent (against the agreed job description and person specification) and they were not appointed, the Councils would be at significant risk of breaching their own policy and of legal challenge.

4. In addition HR staff at TDBC and WSC had reviewed all of the slot-ins against the job criteria and competencies and confirmed that the original “slot-in” recommendations were sound.
5. A “match” of 80% or above between the existing post and the new post was the figure required for a “slot in” match in the Councils’ Redundancy Policy. The proposed slot-ins ranged from a 89% to 97% match.
6. On the basis of above it was not intended to make any changes to the original proposal with respect to the 4 “slot ins” that were included for Member consideration.
7. The Councils needed to have a qualified planner as part of the Joint Management Team, especially given the size of the growth agenda at TDBC and the importance of infrastructure delivery at both Councils. It was not, therefore, intended to make any changes to the original proposal.
8. The original proposals suggested that three posts – including the Assistant Director – Resources specifically mentioned by UNISON – should go immediately to external recruitment. The original proposals were based on an assessment of existing posts and postholders covered by the ringfences. This assessment had been reviewed by HR staff at TDBC/WSC.
9. Based on these assessments the Joint Chief Executive remained confident in the Councils’ ability to propose that certain posts could be advertised externally as these were new posts and the experience and skill set was not completely available within the ring fence or the wider Council.
10. However, it was accepted that there might be staff within the ring fence who possessed some of the skills and experience to do parts of each job. There might also be some staff outside of the ring fences who had the relevant qualifications to apply for posts where there was no one qualified within the ring fence to apply or where no one in the ring fence chose to apply.
11. On this basis – and – in response to Scrutiny, UNISON and the staff consultation feedback, it was now recommended that all of the non slot-in posts be offered as internal appointments in the first instance.
13. Where there was no expression of interest from “at risk” employees it would then be possible to ask TDBC or WSC employees to express an interest in these jobs. This might also assist in reducing any future severance costs as the Shared Services were developed. If no expression of interest or internal appointment was made the post(s) would then be advertised externally.

14. Finally, HR staff at TDBC and WSC had reviewed the post of Assistant Director – Property and Development and Assistant Director – Business Development. Based on this assessment the Joint Chief Executive continued to be satisfied that there were no suitable existing postholders in the ringfence for “slot-in” to either roles. The “match” for both posts was under 65% with the requirement for a “slot in” match being 80%. However, given the revised proposal set out above, the two individual postholders who had challenged the fact that they had not been “slotted-in” to posts originally proposed for external recruitment would now be able to apply for these roles in the first instance as they were all “at risk” of redundancy.

Further reported that the financial impacts would remain the same as the “New Nuclear Programme Manager” role would be funded from the Tier 4 affordability envelope / dedicated WSC resources.

The cost of the new Joint Management Team comfortably fitted within the affordability envelope for the combined General Funds of the Councils. There was an additional cost to the TDBC Housing Revenue Account (HRA) for the strengthened housing management structure.

All other aspects of the report to Scrutiny remained unchanged.

**Resolved** that:-

- (a) The original Joint Management Team proposal – as amended by the inclusion of a “New Nuclear Programme Manager” be approved;
- (b) The Joint Chief Executive be authorised to implement the Proposals;
- (c) Group Leaders be requested to nominate representatives to attend the South West Councils’ Recruitment and Selection Training to allow them to then be available for the Member Appointments Panels;
- (d) The Pay Policy Statement of each Council be amended to reflect the recommendations of South West Councils as set out in the report; and
- (e) The Taunton Deane Borough Council Housing Revenue Account Budget be increased by £77,600 to fund the enhanced management capacity in the Housing Service.

## 10. **Suspension of Standing Order**

**Resolved** that Standing Order 28, Time limits for all meetings be suspended to enable the meeting to continue for a further half an hour.

## 11. **Recommendation to Council from the Executive – South West One Service Review**

Earlier in the year the Corporate Scrutiny Committee received details of a review to be undertaken by the Corporate and Client Services Team of the services provided by Southwest One (SWO).

The review followed the SWO contract changes made by Somerset County Council (SCC), as well as the Avon and Somerset Police (ASP), taking back their Property Service.

The review had largely focused on those services and areas of services, which SCC (and ASP in the case of the Property Service) had taken back in-house.

Detailed discussions had taken place with SWO to understand the financial, operational and staffing implications of the services considered for return.

The review considered the following in detail for each service:-

- The benefits expected;
- Financial Assessment;
- Operational Assessment;
- Contractual Issues;
- Other options; and
- Risks.

The review has concluded that there was an overall business case to transfer back the following services to Taunton Deane:-

- (1) Property;
- (2) HR Advisory (including Learning and Development);
- (3) Finance Advisory;
- (4) Facilities Management;
- (5) Design and Print; and
- (6) Corporate Administration.

In addition the Council also needed to make changes to the performance mechanism within the contract resulting from changes agreed by SCC and to ensure it remained fit for purpose.

The main rationale for returning the services selected was that Taunton Deane was no longer benefiting from a shared services environment in wider expertise and resilience. The changes would also realign Taunton Deane's contract with SWO so that it was broadly for the same services as SWO's contract with SCC.

The final list of services had been arrived at following discussions with SWO and reflected both the Council's and SWO's priorities for service return.

The Council would be taking back financial risk in some areas, but believed

that this was outweighed by the overall benefits of the agreement.

If it was decided to terminate the services, the Council would need to finalise and agree the contract and financial changes with SWO.

The provisional high level timetable for exit would be:-

- November 2013 to January 2014– preparation for service transfer;
- December 2013 - complete commercial and contractual negotiations;
- 1 February 2014 – service transfer date;
- February to April 2014 – service integration.

A full change and transition plan would be developed in conjunction with SWO to support staff during the transfer.

The SWO Review report and recommendations were considered by the Corporate Scrutiny on 22 October 2013. Although Members recommended that the report and proposals for the return of further services should be referred to Full Council for a decision on 12 November 2013, an amendment to the recommendation to Full Council was requested which was shown in Confidential Appendix E to the report.

On the motion of Councillor Mrs Stock-Williams, it was:-

**Resolved** that:-

- (1) The Corporate Administration, Design and Print, Facilities Management, Finance Advisory, HR Advisory and Property Services elements of the Southwest One Contract be terminated and returned to the Council;
- (2) The use of funding as set out in the Confidential Appendix B to the report considered by the Corporate Scrutiny Committee to meet the one-off costs be authorised; and
- (3) Authority be delegated to the Corporate and Client Services Manager, in consultation with the Leader of the Council and the Chairman of the Corporate Scrutiny Committee (or nominated substitutes), to complete the necessary contractual discussions and agreement with Southwest One to facilitate the return of the above services, subject to the forecast budget requirement set out in the Confidential Appendix E to the report considered by the Corporate Scrutiny Committee.

## 12. **Motion - The Impact of Borrowing through High Cost Lenders**

Moved by Councillor Coles, seconded by Councillor A Wedderkopp.

“Taunton Deane Borough Council expresses deep concern about both the proliferation of high cost, short term lenders on our high streets and the

increasing number of people becoming trapped in a cycle of long-term debt due to extortionate interest rates charged by these companies.

Members reiterate their commitment to work to tackle this problem in Taunton and welcome the recent move to block access to websites of pay day and high interest lenders via the Council network.

However, with an estimated one million families a month taking out pay day loans, including many families in Taunton Deane, Council instructs the Chief Executive to lobby the Coalition Government to:-

- Look again at introducing a cap on interest rates charged by high cost, short term lenders;
- Introduce restrictions around the practice of 'rolling over' loans given the Office of Fair Trading's recent findings regarding the proportion of revenue generated through charges associated with this practice; and
- Re-designate such lenders with the Town and Country Planning Act so as to require planning permission to be granted before certain establishments can be converted into pay day or high interest loan shops.

Council further requests that officers produce a report for consideration by the Executive which explores the possibility of working with our partners to restrict the advertising of high interest or pay day lenders in public spaces – for example, on billboards and in bus stops.

This Council commits to extending its current activity in order to increase awareness of the potential impact of borrowing through high costs lenders. Council also reiterates its commitment to work with partner organisations to increase the accessibility and visibility of alternative mainstream financial institutions such as the Credit Union.”

The motion was put and was carried.

### **13. Business requiring to be considered as a matter of urgency**

The Mayor certified that the item of business covered by Minute No.14 below was urgent and required a decision before the next scheduled meeting of the Council.

### **14. Somerset County Council Area 1 Education Grounds Maintenance Contract**

Deane DLO currently carried out grounds maintenance works for Somerset County Council (SCC) in Area Two. This contract covered educational sites in Bridgwater, Burnham on Sea, Cheddar, Wells, Glastonbury, Frome, Wincanton, Yeovil and many of the surrounding villages.

This work was won under tender conditions and commenced on 1 January

2013. It was a five year contract with the possibility of a two year extension. Within the Area Two contract there was an option that Area One could be added when its current contract expired.

The Area One contract covered grounds maintenance within Taunton, Chard, Wellington and West Somerset. Deane DLO was operating this contract until it lost it under tender to an external contractor in January 2012. Due to the loss of this contract seven DLO employees were transferred to the other contractor under TUPE conditions. The contract was awarded for two years with the possibility of a one year extension.

The initial two year contract expired on the 31 December 2013 and was not being extended. Therefore SCC had asked whether Deane DLO would add this contract to the Area Two contract.

TUPE conditions would apply to any transfer/amalgamation of contracts. This would require Deane DLO to transfer in any employees associated with the delivery of this contract, estimated at up to seven. There was also a need to allocate a contract support officer to this large area of work. This was a role that could be allocated within current resources.

Since the transfer out of employees, the Terms and Conditions for everyone at Deane DLO had been changed. This would mean that employees being transferred into Taunton Deane would potentially be on different terms and conditions than our existing work force. Work would be undertaken with the HR Team to manage these changes and with a view to looking to standardise terms and conditions where possible across all DLO services.

The benefits of taking on the Area One contract were:-

- (a) It would bring in additional income, not just from the contracted routine maintenance work but other additional non tender work that would come to Deane DLO as the resident contractor;
- (b) It would increase staff results in fixed overheads/recharges being spread Across a wider employee base, which would benefit Deane DLO and Taunton Deane;
- (c) Deane DLO's position in Somerset would be consolidated; and
- (d) The possibility of creating shared services with West Somerset Council would be increased.

As this was a TUPE contract the Council was not able to accept the work without taking back the workforce. This meant that Deane DLO would have the employees ready to deliver the contract from day one.

**Resolved** that the increase in establishment required to take back the Somerset County Council Area 1 Education Grounds Maintenance Contract be approved.

(Councillors Mrs Baker, Ross and Stone left the meeting at 8.55 p.m.)

(The meeting ended at 9.43 p.m.)