

You are requested to attend a meeting of the Council to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 22 August 2016 at 18:30.

Agenda

The meeting will be preceded by a Prayer to be offered by the Mayor's Chaplain.

- 1 To report any apologies for absence.
- 2 To receive any communications.
- 3 Declaration of Interests
To receive declarations of Disposable Pecuniary Interest or personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of Full Council are shown on the attachment.
- 4 To receive questions from Taunton Deane Electors under Standing Order 15.
- 5 To receive any petitions or deputations under Standing Orders 16 and 17.
- 6 Consultation with a wider audience regarding the proposed merger of Taunton Deane Borough Council (TDBC) with West Somerset Council (WSC) - To consider the attached Motion proposed by Councillor Federica Smith and seconded by Councillor Eddie Gaines (attached). An assessment of the implications for the Council should the Motion be carried is also attached for the information of Members.
- 7 Street and Public Toilet Cleaning Service. Report of the Assistant Director - Operational Delivery (attached). See also Confidential Appendix 2 at agenda item No.8.

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 8 Confidential Appendix 2 - Street and Public Toilet Cleaning Service (to follow). Also see report at agenda item No,7. Paragraph 3 - Information relating to financial and business affairs.

Bruce Lang
Assistant Chief Executive

26 October 2016

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

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

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

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

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

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

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

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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Council Members:-

Councillor V Stock-Williams (Chairman and Mayor of Taunton Deane)
Councillor H Prior-Sankey (Deputy Mayor)
Councillor J Adkins
Councillor M Adkins
Councillor T Aldridge
Councillor T Beale
Councillor P Berry
Councillor J Blatchford
Councillor C Booth
Councillor R Bowrah, BEM
Councillor W Brown
Councillor N Cavill
Councillor S Coles
Councillor W Coombes
Councillor D Cossey
Councillor T Davies
Councillor D Durdan
Councillor K Durdan
Councillor C Edwards
Councillor M Edwards
Councillor H Farbahi
Councillor M Floyd
Councillor J Gage
Councillor E Gaines
Councillor A Govier
Councillor A Gunner
Councillor R Habgood
Councillor T Hall
Councillor C Herbert
Councillor C Hill
Councillor M Hill
Councillor J Horsley
Councillor J Hunt
Councillor G James
Councillor R Lees
Councillor S Lees
Councillor L Lisgo, MBE
Councillor S Martin-Scott
Councillor I Morrell
Councillor S Nicholls
Councillor R Parrish
Councillor J Reed
Councillor S Ross
Councillor R Ryan
Councillor Miss F Smith
Councillor F Smith
Councillor P Stone
Councillor A Sully
Councillor N Townsend

Councillor C Tucker
Councillor J Warmington
Councillor P Watson
Councillor D Webber
Councillor D Wedderkopp
Councillor J Williams - Leader of the Council
Councillor G Wren

Usual Declarations of Interest by Councillors

Full Council

- **Members of Somerset County Council – Councillors M Adkins, Coles, Govier, Hunt, Prior-Sankey and Wedderkopp**
- **Employee of the Department of Work and Pensions – Councillor Mrs Herbert**
- **Clerk to Milverton Parish Council – Councillor Wren**
- **Tone Leisure Board representatives – Councillors D Durdan, Gage and Stone**
- **Director of Tone FM – Councillor Ms Lisgo**
- **Councillor Beale declared personal interests as a Board Member and Director of Tone FM and as a Governor of the South West Ambulance NHS Trust.**
- **Councillor Edwards declared a personal interest as the Chairman of Governors of Queens College.**
- **Councillor Farbahi declared a personal interest as the owner of land in Taunton Deane.**
- **Councillor Hall declared a personal interest as a Director of Southwest One.**
- **Councillor Coombes declared a personal interest as a Stoke St Mary Parish Councillor and the owner of an area of land at Haydon, Taunton.**
- **Councillor Richard Parrish declared a personal interest as the District Council’s representative on the Somerset Pensions Committee.**
- **Councillor Mrs Hill declared personal interests as a representative on the Board of Directors of Apple FM**

and as a Trustee of Hestercombe House and Gardens and the Somerset Building Preservation Trust.

- **Councillor Federica Smith declared a personal interest as Chairperson of Refugee Aid from Taunton.**
- **Councillor Ross declared personal interests as one of the Council's representatives on the Somerset Waste Board, as a member of the Wiveliscombe Area Partnership and as a Governor of Wiveliscombe Primary School.**

Council Meeting – 22 August 2016

Consultation with a wider audience regarding the proposed merger of Taunton Deane Borough Council (TDBC) with West Somerset Council (WSC)

Motion proposed by Councillor Federica Smith and seconded by Councillor Eddie Gaines

Preamble

We believe that TDBC's overarching message to its residents, businesses and staff should be one of reassurance that the Council can provide leadership and financial stability especially when it comes to consulting on a merger with an un-financially viable Council such as WSC.

At the Special Full Council on 26 July, 2016 we witnessed a majority decision by a TDBC administration which led to a Councillor declaring herself independent of the ruling group. There was also general unhappiness about both the procedure and processes which changed during the seven days leading up to the debate.

This means that there is the possibility of a Judicial Review on the grounds of failing to follow the Constitution of TDBC and the rule of law regarding equity for Members who did not have time to adjust their thinking to rapidly changing circumstances as well as the lack of consultation with members of the public, Parish Councils and other stakeholders.

Over 800 people had signed an online petition and questionnaires requesting to have their voices heard.

The outcome means that especially the most socially deprived wards of Rockwell Green, Pyrland and Rowbarton, Lyngford and Halcon could be seriously disadvantaged when the equalisation of resources takes place under the creation of a new greater Council. We believe it is our duty as representative of the TDBC community to reflect the needs and concerns of our residents first and last and not that of the joint Sovereign Councils.

We recognise there are challenges ahead with pressure on public services and finances, but the proposals to auction off our family silver (TDBC assets) and make a significant number of our staff redundant is not the answer. Furthermore, the Government's review of the Hinkley C project now adds a further significant risk to West Somerset's financial position and the potential cost of the TDBC cross subsidy.

Motion

We would therefore urge the administration to:-

- 1) Immediately engage in public consultation involving residents, businesses, Parish Councils and staff in a meaningful way as to their views of a merger with WSC;
- 2) Engage with the new Local Government Minister immediately requesting financial support for WSC to ensure TDBC communities are not financially or adversely affected; and
- 3) Start a dialogue with other neighbouring authorities regarding joint working arrangements to investigate if there is a more suitable arrangement to meet the Medium Term Financial Plan (balance the budget year on year), as we have recently been advised that one neighbouring authority "always remain open to a fresh approach, which includes all three councils on a level playing field from a new starting point".

Motions to Council – Assessment Proforma

(To be used in circumstances where it appears the wording of a proposed Motion will commit the Council to providing further financial or staffing resources which cannot be met from existing budgets)

Brief Details of the Motion –

With regard to the proposed merger with West Somerset Council (WSC) we urge the administration to:-

- 1) Immediately engage in public consultation involving residents, businesses, Parish Councils and staff in a meaningful way as to their views of a merger with WSC;
- 2) Engage with the new Local Government Minister immediately requesting financial support for WSC to ensure TDBC communities are not financially or adversely affected; and
- 3) Start a dialogue with other neighbouring authorities regarding joint working arrangements to investigate if there is a more suitable arrangement to meet the Medium Term Financial Plan (balance the budget year on year), as we have recently been advised that one neighbouring authority “always remain open to a fresh approach, which includes all three councils on a level playing field from a new starting point.

Notes of clarification

With regard to point 1) above, clarification was sought as to what was meant by “meaningful public consultation” as this could be achieved by measures as simple as public notices in the local press to the holding of a Borough-wide referendum.

The response received indicated that a full public consultation such as a referendum/poll would be preferred – but at the absolute minimum the consultation should be similar to that undertaken in respect of the Council’s Council Tax Support Scheme.

Clarification was also sought in relation to point 3) above, about dialogue with other neighbouring authorities. Did this mean just Sedgemoor District Council or other Councils too?

The response was that Taunton Deane should be talking to all neighbouring authorities - even say Mid-Devon District Council as we were perhaps closer to them geographically than for example Mendip.

Questions to be addressed

- ***What additional resource would be required to ensure the Motion (if approved) could be implemented?***

Answer – Any consultation exercise would have a cost to the Council in both terms of funding and staff resources. If a referendum was to be agreed this would be on a similar scale to holding local elections involving 90+ ‘Polling Stations’ across the Borough and all the usual staffing requirements for both the poll and the Count.

In terms of opening dialogue with other Councils, this would be likely to require staff resources at the Assistant Director and above level to undertake discussions relating to possible other mergers.

- ***What needs to be done to identify the level of resource necessary both in financial and staff terms?***

Answer – The cost of a referendum would have to be fully calculated, as would any other type of consultation suggested. Once these costs were to hand, it would require Councillors to decide which particular consultation route ought to be followed and to determine what the benefits of such an exercise would have if a referendum was to be held but the turn-out was not as great as anticipated.

The ‘knock-on’ effect of senior officers being involved in what could be protracted negotiations with another Council(s) would need to be examined – particularly if this was likely to have a major impact on their other duties.

- ***Are any approvals needed to provide these resources?***

Answer – Yes. The cost of staging a referendum would be substantial and would therefore require a Supplementary Estimate to be approved. If there was a need to recruit temporary senior staff to ‘backfill’ senior staff engaged in other merger negotiations this could also necessitate additional funding having to be sought.

- ***Will this require reports to be submitted through Scrutiny and the Executive? If a Supplementary Estimate is required, Full Council approval will be required too.***

Answer – Yes.

Likely timescale involved - If the motion was approved, the costs of whatever form of public consultation agreed could be calculated relatively quickly. However, if a Supplementary Estimate was required, this would necessitate the holding of a special Full Council meeting to approve the funding needed. This could take several weeks to achieve.

With regard to negotiations with other Councils, it is difficult to place a timescale on this. However, once the negotiations had been carried out, Members would need to be consulted on the outcome and the possible way forward – and this would require discussion through both the Corporate Scrutiny Committee and Full Council.

Taunton Deane Borough Council

Full Council – 22 August 2016

Street and Public Toilet Cleaning Service

This matter is the responsibility of Councillor Patrick Berry Portfolio holder for Environmental Services

Report Author: Chris Hall – Assistant Director - Operational Delivery

1 Executive Summary / Purpose of the Report

- 1.1 This report identifies the process used to bring a compliant procurement activity to a position where a contract to deliver street and toilet cleaning for Taunton Deane Borough Council (TDBC) can be awarded.
- 1.2 If Members approve the recommendations the contract would be awarded and would see the 15 current permanent employees TUPE transfer to The Landscape Group.
- 1.3 The recommendations would deliver a budget reduction of £49,636 per annum against the current budget, with no impact on Deane DLO's delivery of £101,000 surplus to the General Fund.

2 Recommendations

- 2.1 It is recommended that Full Council supports the award of an 8 + 4 year contract to The Landscape Group from 1 February 2017;

and
- 2.2 It is recommended that Full Council supports the new budget and updates the Medium Term Financial Plan (MTFP) with the saving of £8,270 for 2016/2017 and £49,636 per annum from 2017/2018 and ongoing. This equates to £397,088 over the 8 year life of the contract and a further £198,544 if the extension is applied.

3 Risk Assessment

- 3.1 In preparing the tender for publication great effort is taken to ensure that all aspects of the work are included in the tender but there remains an inherent risk that an element of the service is not adequately specified or is missed. To mitigate this we have used a range of officers across the One Team to pull information together, we have also used the procurement team's ability to look at other Councils tenders and compare this with our own, and as a final mitigation we have asked bidders to provide a contract price for additional works should these be necessary.
- 3.2 Affordability – when placing a tender in the open market there is a hope of producing efficiencies against the current arrangements, however there is always a risk that

bidders will not be able to improve on the current arrangements and there is a possibility of price increases. Bidders have identified that costs for a broadly comparable service are cheaper in this outsourcing arrangement.

- 3.3 Longer term affordability is also a key consideration when looking at outsourcing a service. The opportunities to reduce costs going forward are more limited when in a contractual agreement. The contract in this instance will allow for changes subject to negotiation with the contractor, there is also a requirement for then to host an annual innovation meeting to bring efficiency opportunities to the strategic management group.

Risk Matrix

Description	Likelihood	Impact	Overall
The procurement process and award are challenged	3	4	12
<i>Depending on the nature of the challenge this may cause a delay to the contract go live, but by using a compliant process we are better protected.</i>	2	3	6
The specification does not meet the needs of the council	3	4	12
<i>Officers from across the One Team have worked on the tender and believe if fulfils our requirements as far as is reasonably practical</i>	2	3	6
Any outsourcing of a service has the potential to reduce flexibility for future changes	4	4	16
<i>Some opportunity to make changes is written into the contract</i>	4	3	12

4 Background and Full details of the Report

- 4.1 Taunton Deane Borough Council have their street and toilet cleaning services delivered through their own employees - an in-house arrangement.
- 4.2 West Somerset Council (WSC) have their service delivered through an outsource provider with a contract coming to its end (November 2016).
- 4.3 The Joint Management and Shared Services (JMASS) Project has been successful in joining up a number of services across the two Councils and delivering a single approach to service delivery. Street and toilet cleaning were not joined up at an operational level during this process due to the differing methods of delivery.
- 4.4 On 17 September 2015, TDBC's Corporate Scrutiny Committee heard the case for a joint tender exercise. There were no recommendations to outsource the service at this time as clarity on the benefits of doing so were not known at that stage.
- 4.5 Following the TDBC Scrutiny report the procurement activity started and a tender for a single service to cover both WSC and TDBC was published.

4.6 The tender that was put out to market covers all of the current functions of:-

Street sweeping;
Litter picking;
Mechanical road sweeping;
Leaf clearance;
Bin installation and emptying;
Toilet cleaning;
Toilet locking;
Toilet consumables;
All waste disposal relating to these services; and
Provision and maintenance of all fleet associated with these services.

Aspects of asset maintenance are not included and will continue to be delivered through the DLO.

4.7 Flexibility is built into the contract; it not only allows for changes to be negotiated but also for employees on the contract to be used for other tasks where the contract cannot be delivered, for example in times of severe weather.

4.8 A number of operational decisions that make lines of responsibility clear under a new contract were made and placed into the tender documents. Examples of these being to place the responsibility for final waste disposal and all fleet requirements within the contract rather than contracting that they remain as a TDBC function and cost.

4.9 During the tender exercise numerous questions were raised by potential bidders, in excess of 200. This gave further clarity for the bidders and some assurance to us that bidders understood the nature of the bid and were asking the right things.

4.10 The tender exercise led to bids being received on 15 July 2016 and an evaluation process being conducted on 21 and 22 July. A successful bidder has been identified through this process with a contract being subject to Member approval.

New Service

4.11 The tender documentations set an output specification as compliance with the Code of Practice (COP) on Litter and Detritus, and whilst this is not primary legislation, compliance with this will evidence our compliance with The Environmental Protection Act 1990 for street cleansing functions. The tender also provided information on public toilet operations as there is no legislation that supports the provision of this.

4.12 Over the past two financial years Members have supported through Full Council an increase in resources within Taunton Town Centre. These have been protected in the new contract and a minimum resourcing level has been identified which takes account of these recent increases.

4.13 The documentation makes no requirements for service reductions in either service but does assume that those toilets already earmarked for transfer will be completed. These being Wellington Longforth Road, Milverton and Wiveliscombe. A requirement

within the tender was that Town or Parish Council's would be able to buy in services by utilising this contract.

- 4.14 The contractors have bid on this basis set out above and drawn up a programme of works based around the output. It is likely that there will be some changes to the existing schedules and frequencies which is legitimate but the output will be legally compliant. We provided the bidders with as much information as we could on the current arrangements in order to limit the immediate changes and they have provided us with information regarding their approach to contract delivery. The client representatives for TDBC are confident that the approach offered is not only compliant but shows enhancements in certain areas.
- 4.15 The client arrangements for any approved contract will continue to be managed through the One Team using the Open Spaces Manager and there will be no change in the way that the public will report concerns.
- 4.16 A number of Key Performance Indicators are to be used to aid monitoring the contract. These are included as Appendix 1. This will provide Members with enhanced data on service quality.
- 4.17 The tender set out the need to be able to make variations. The preferred bidder's submission acknowledges this and commits to work with officers to enhance services and identify efficiencies. This gives TDBC the opportunity to discuss changes and places some responsibility on the contract to be proactive in identifying opportunities.
- 4.18 Whilst the new contract is proposed to be for the two Council areas it will continue to make use of the DLO depot. The current employees are subject to TUPE transfer which protects their employment terms and conditions. This also provides a level of service continuity for the residents and visitors to Taunton Deane.

5 The Landscape Group

- 5.1 The Landscape Group's submission scored the highest against the set criteria across the Evaluation Panel's Members. This placed them first for both the financial and quality assessments. See the table in Confidential Appendix 2.
- 5.2 The Landscape Group are the current contractors delivering services to Mendip District Council. Within their submission they also provided the detail of a number of other contracts they are currently delivering evidencing their experience.
- 5.3 They are recommended to Members as the preferred bidder on the basis of their bid being the least cost to the authority.
- 5.4 The bid for the WSC element of the service will remain the same in the event that TDBC do not support outsourcing their elements of the service. All but one other bidder increased their costs if both Council's did not buy into their services. This means that there are no financial implications for WSC of TDBC not supporting an outsource of this service.

6 Links to Corporate Aims / Priorities

- 6.1 Street cleansing is a statutory function of the District Council, and it is performed in accordance with the Environmental Protection Act 1990. This new contract will ensure that TDBC meets with the requirements of The Act.

7 Finance / Resource Implications

- 7.1 The budget for the public toilets in 2016/2017 is used as the comparison against the new service cost. The Executive Summary identifies a comparison of the new contract price against 2016/2017 budgets and draws Members' attention to the saving that can be created from this transfer if approved.

- 7.2 When making cost comparisons all appropriate elements have been considered and not just the employee costs. There are a number of budget spend areas such as vehicle provision and maintenance, uniforms, training, consumables etc. These areas of spend will be included in any future contract arrangements.

- 7.3 A table of costs shown in Confidential Appendix 2.

- 7.4 The table identifies the service delivery costs but does not include costs associated with asset operation and maintenance, such as utilities, insurance and National Non-Domestic Rates.

- 7.5 The table above identifies a retained budget within the comparison. This covers aspects of the street cleansing works that are currently included in the budget but were not contracted due to the likely risk costs. Some of this money would be spent with the contractor and some with other suppliers or contributions to internal salaries. Areas of spend include but are not limited to:-

Out of hours urgent works;

Client costs;

Abandoned vehicles investigations prosecutions and disposals;

Discretionary services to support Member requests;

Replacement litter bins; and

Waste investigations and prosecutions.

- 7.6 The contract requires that an inflationary rate is paid. This rate is to be agreed annually with the client but will not exceed that of the Consumer Price Index (CPI). This fits with the inflationary assumptions built into the MTFP.

- 7.7 The driving factor in evaluating tenders was price and the assessments were made on the agreed proportion of points available for cost and quality. The contract price carried 60% of the total score with the remaining 40% being assessed against quality.

- 7.8 In the year 2015/2016 there was an underspend within the street cleansing budget of £48,030 as reported in the outturn report. This was without noticeable reduction in service standards. Whilst this is an impressive efficiency, there is no commitment at this stage for this to be a sustainable change. Currently £20,000 is committed to be removed from the budget and already assumed in the MTFP, this is identified in the

finance table above.

- 7.9 The table does not include the cost of ongoing toilet cleaning for those toilets that have been approved by Members for transfer or closure.

8 HR Comments

- 8.1 Throughout the procurement activity employees have been informed of the process and the implications of Member decisions to retain or outsource the service. There have been three separate meetings with employees and Managers in advance of the tender evaluation and a further meeting to inform them of the outcome of the tender process.
- 8.2 Employee support will continue following a Member decision and support will be provided throughout a transfer if approved.
- 8.3 On 2 August 2016, the Unison Change Forum (UCF) was provided with an overview of the tender process and the recommendations that would be presented to Members. The author has not received any formal statement from UNISON.
- 8.4 The contract requires that the contractor fulfils their responsibilities for the current employees delivering the service on the day of transfer. This report does not set out to detail the requirements of TUPE but as a summary employees are protected where they are permanently employed on work that transfers to a new contractor. They would transfer on their current terms and conditions which remain protected throughout their employment and continuity of employment is also preserved.
- 8.5 The contractor is required to offer employees either access to the Local Government Pension Scheme or a broadly comparable pension scheme. An insurance based bond is also required to ensure that any employee-related liabilities are fully covered by the contractor during the lifetime of the contract.
- 8.6 15 employees are currently on the TUPE list and an additional 11 agency workers are currently working on this contract.

9 Legal Implications

- 9.1 The procurement activity has brought before Councillors a contract that is compliant in terms of the process that has been undertaken.
- 9.2 Members should satisfy themselves that the contract is affordable over its lifetime, or that there is sufficient opportunity to vary it to meet with the changing financial picture of the Authority.
- 9.3 The contract is a legal document and gives a variety of means of measuring the performance and ensuring compliance.

10 Environmental Impact Implications

- 10.1 The Environmental Protection Act 1990 sets out the standards that the District Council must adhere to. This is interpreted in the Code of Practice on Litter and Detritus and was previously measure by national indicator NI195. Although the data is no longer collated nationally, the standards remain the same.
- 10.2 There are a number of ways to deliver these standards and traditionally the TDBC service has adopted a preventative style, removing the litter before it reached the intervention points. This new contract would deliver along the same lines with a preventative maintenance plan being agreed.

11 Next Steps

- 11.1 If approved by Members at Full Council on 22 August 2016, the Procurement Team will inform all bidders. There will then be a 14 day mandatory stand still period before an award can be made. During this time unsuccessful bidders have the opportunity to challenge the process.
- 11.2 Once this period has passed the contract award will be made and we will work with the Landscape Group to understand and support their implementation plan.
- 11.3 Contract go live for TDBC, if approved, would be 1 February 2017.

12 Safeguarding and/or Community Safety Implications

- 12.1 There are no implications identified. The proposed contractor will continue to act on reports of antisocial behaviour incidents such as fly tipping and graffiti.

13 Equality and Diversity Implications

- 13.1 There are no implications identified in terms of equality impacts. There are no identifiable changes to the current proactive principle of maintenance that might affect any of the protected characteristics. There are also no implications for those with protected status within our employee group.

14 Social Value Implications

- 14.1 The Council has discharged its responsibilities in terms of social value by including appropriate questions within the tender exercise.
- 14.2 The Landscape Group scored highly within this area and made specific commitments to offer six work placements each year and two apprenticeships split across the two contracts (TDBC/WSC). This commitment was on the basis of being awarded both contracts.

15 Partnership Implications

- 15.1 There are no new partnership implications as a result of the recommendations in this report. Somerset Waste Partnership continue to be the Waste Collection Authority and Somerset County Council the Waste Disposal Authority.

16 Health and Wellbeing Implications

- 16.1 There are no specific health and wellbeing implications as a result of this report. Should Members support the recommendations at Full Council then a new contract will ensure the standards of service delivery for a number of years to come.

17 Assets and Asset Management Implications

- 17.1 There are a number of assets that are owned by this Council and used in the delivery of the current contract. The tender was put to market on the basis that the contractor would supply all of the necessary assets for the delivery. This includes items such as vehicles, small equipment and materials. The advantage of this is that the contract will only buy or lease what is absolutely necessary and the cost of this is passed to us through the contract. This cost is part of their competitive bid and gives some assurance they are providing best value.
- 17.2 Where the Council own assets that will not be required in the future we have a number of choices to consider. Throughout the bidder discussions we have drawn the contractor's attention to these assets and making them available for the contractor's use either on a short term basis to maintain service continuity or longer term to make use of an asset that the Council would otherwise need to dispose of.
- 17.3 The expectation is that should the contractor use TDBC assets then they will pay a reasonable charge for doing so, either by invoice or by an auditable reduction in the contract price.
- 17.4 Should the contractor opt to take the vehicles for the substantial life of the assets, TDBC would establish a finance lease. This would remove the value from the balance sheet.
- 17.5 Where the assets are not require by the contractor we will look to rotate the appropriate vehicles within the DLO fleet or dispose of them in the most economical manner.
- 17.6 Accommodation space is offered to the successful bidder at the Deane DLO Depot. Consideration was given to charging for the use of this space. It was identified during the bidder interviews that this would be a pass through cost and would increase their bid by at least the amount of any charge made by us for accommodation.

18. Scrutiny Comments

- 18.1 The Corporate Scrutiny Committee considered the report on 11 August 2016 and raised a number of questions around service delivery; many of these were answered verbally on the night. One outstanding matter that Scrutiny felt was missing was a comment from UNISON. This has been requested but at the time of writing had not been received.
- 18.2 The Corporate Scrutiny Committee were supportive of the recommendations and they remain unchanged in this report.

Democratic Path:

- **Scrutiny – Yes**
- **Cabinet – No**
- **Full Council – Yes**

Reporting Frequency : Once only

List of Appendices (delete if not applicable)

Appendix 1	Key Performance Indicators (KPI's)
Appendix 2	Confidential Appendix – Table of Costs

Contact Officers

Name	Chris Hall	Name	
Direct Dial	01823 356499	Direct Dial	
Email	c.hall@tauntondeane.gov.uk	Email	

Name		Name	
Direct Dial		Direct Dial	
Email		Email	

**Appendix 1 PROPOSED OPERATIONAL KEY INDICATORS - STREET CLEANSING
Operational (Reported to Operational Group)**

No	Description	Criteria	Accounting Frequency	Acceptable Performance
1	Completion of Non-Programmed work to standard and timeframe (C2.7) (C2.8)	% of works completed within agreed timeframe	Quarterly	100% of work completed within timeframe.
2	Leaf fall (C15)	Additional Cleansing effected and completed within specified timeframe	At end of season.	No more than 2 weeks delay in completion of Cleansing Programme
3	Toilets (C12/C13)	Availability and fitness for use	Weekly	100%
4	Removed			
5	Fly tipping (C17)	Clearance within 3 working days	Quarterly	95%
6	Complaints	% valid but not satisfactorily resolved within agreed time period	Monthly	0 not resolved within agreed timeframe
7	Monthly Statement (B10)	Production of monthly statement to defined standard	Monthly	Invoice for all work within 1 calendar month – 100%
8	Removal of Graffiti (C12)	Removed (a) within 24hrs if offensive etc (b) within 48hrs (other)	Monthly	(a) 100% (b) 98 %
9	Litter bins (C20)	Availability for use i.e. not overflowing	Monthly	98%
10	Shopping trolleys (C22)	Number of shopping trolleys reported to supermarket/removed by contractor	Monthly	All trolleys not collected after 14 days to be collected within 5 working days.
11	Dead Animals (C16)	Number of animals collected/number of pets returned to owner	Quarterly	Availability of current and accurate register.
12	Community Support / Special events (C40) Support for SME's	Level and form of assistance given	Annually	Evidence of contribution to be reported.
13	Service Response Times (C7.2)	(a) Urgent matters 2 working days (b) Non urgent matters 5 working days	Monthly	(a) 100% (b) 90%

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 22 August 2016 at 6.30 p.m.

Present The Deputy Mayor (Councillor Prior-Sankey) (In the Chair)
Councillors M Adkins, Aldridge, Beale, Berry, Mrs Blatchford, Cavill, Coles, Coombes, Davies, D Durdan, Miss Durdan, Mrs Edwards, Edwards, Farbahi, Mrs Floyd, Gage, Gaines, Mrs Gunner, Habgood, Hall, Mrs Herbert, Mrs Hill, Horsley, Hunt, James, R Lees, Mrs Lees, Ms Lisgo, Martin-Scott, Nicholls, Parrish, Mrs Reed, Ryan, Miss Smith, Mrs Smith, Stone, Sully, Townsend, Mrs Tucker, Mrs Warmington, Watson and Williams

Mrs A Elder – Chairman of the Standards Advisory Committee

1. **Apologies**

The Mayor (Councillor Mrs Stock-Williams) and Councillors Mrs Adkins, Booth, Bowrah, Brown, Cossey, Govier, C Hill, Morrell, Ross, Ms Webber and Wren.

2. **Declaration of Interests**

Councillors M Adkins, Coles, Hunt and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillor Coles also declared a personal interest as a Member of the Devon and Somerset Fire Authority. Councillor Mrs Herbert declared a personal interest as an employee of the Department of Work and Pensions. Councillors D Durdan, Gage and Stone declared prejudicial interests as Tone Leisure Board representatives. Councillor Beale declared personal interests as a Board Member and Director of Tone FM and as a Governor of the South West Ambulance NHS Trust. Councillor Edwards declared a personal interest as the Chairman of the Governors of Queens College. Councillor Farbahi declared a personal interest as the owner of land in Taunton Deane. Councillor Hall declared a personal interest as a Director of Southwest One. Councillor Coombes declared a personal interest as a Stoke St Mary Parish Councillor and as the owner of land at Haydon. Councillor Parrish declared a personal interest as the District Council's representative on the Somerset Pensions Committee. Councillor Mrs Hill declared personal interests as a representative on the Board of Directors of Apple FM, as a Trustee of Hestercombe House and Gardens and the Somerset Building Preservation Trust. Councillor Miss Smith declared a personal interest as Chairperson of Refugee Aid from Taunton.

3. **Motion – Consultation with a wider audience regarding the proposed merger of Taunton Deane Borough Council and West Somerset Council**

Moved by Councillor Miss Smith, seconded by Councillor Gaines.

“We believe that Taunton Deane Borough Council's (TDBC) overarching

message to its residents, businesses and staff should be one of reassurance that the Council can provide leadership and financial stability especially when it comes to consulting on a merger with an un-financially viable Council such as West Somerset Council (WSC).

At the Special Full Council on 26 July, 2016 we witnessed a majority decision by a TDBC administration which led to a Councillor declaring herself independent of the ruling group. There was also general unhappiness about both the procedure and processes which changed during the seven days leading up to the debate.

This means that there is the possibility of a Judicial Review on the grounds of failing to follow the Constitution of TDBC and the rule of law regarding equity for Members who did not have time to adjust their thinking to rapidly changing circumstances as well as the lack of consultation with members of the public, Parish Councils and other stakeholders.

Over 800 people had signed an online petition and questionnaires requesting to have their voices heard.

The outcome means that especially the most socially deprived wards of Rockwell Green, Pyrland and Rowbarton, Lyngford and Halcon could be seriously disadvantaged when the equalisation of resources takes place under the creation of a new greater Council. We believe it is our duty as representative of the TDBC community to reflect the needs and concerns of our residents first and last and not that of the joint Sovereign Councils.

We recognise there are challenges ahead with pressure on public services and finances, but the proposals to auction off our family silver (TDBC assets) and make a significant number of our staff redundant is not the answer. Furthermore, the Government's review of the Hinkley C project now adds a further significant risk to West Somerset's financial position and the potential cost of the TDBC cross subsidy.

We would therefore urge the administration to:-

- 1) Immediately engage in public consultation involving residents, businesses, Parish Councils and staff in a meaningful way as to their views of a merger with WSC;
- 2) Engage with the new Local Government Minister immediately requesting financial support for WSC to ensure TDBC communities are not financially or adversely affected; and
- 3) Start a dialogue with other neighbouring authorities regarding joint working arrangements to investigate if there is a more suitable arrangement to meet the Medium Term Financial Plan (balance the budget year on year), as we have recently been advised that one neighbouring authority "always remain open to a fresh approach, which includes all three councils on a level playing field from a new starting point".

The following amended motion was proposed by Councillor Williams,

seconded by Councillor Edwards:-

“We would therefore urge the administration:-

- 1) When we have an agreed proposal, to engage in consultation agreed by the Secretary of State in a meaningful way as to their views of a merger with West Somerset Council;
- 2) To engage with the new Local Government Minister immediately a proposal is agreed requesting financial support for our communities; and
- 3) To continue a dialogue with other neighbouring authorities regarding joint working arrangements”.

The amended motion was put and was carried.

The substantive motion was put and was carried.

4. **Street and Public Toilet Cleaning Service**

Considered report previously circulated, concerning the introduction of new arrangements for the provision of Street and Public Toilet Cleaning in Taunton Deane.

Currently, the Council had their street and toilet cleaning services delivered through their own employees - an in-house arrangement.

West Somerset Council (WSC) had its service delivered through an outsource provider with an existing contract coming to an end in November 2016.

The Joint Management and Shared Services (JMASS) Project had been successful in joining up a number of services across the two Councils and delivering a single approach to service delivery. Street and toilet cleaning had not joined up at an operational level during the process to date due to the differing methods of delivery.

However following consideration of the case for a joint tender exercise by Taunton Deane Borough Council’s (TDBC) Corporate Scrutiny Committee last year, the procurement activity was commenced and a tender for a single service to cover both WSC and TDBC was published.

The tender that was put out to market covered all of the current functions of:-

- Street sweeping;
- Litter picking;
- Mechanical road sweeping;
- Leaf clearance;
- Bin installation and emptying;
- Toilet cleaning;
- Toilet locking;
- Toilet consumables;
- All waste disposal relating to these services; and

- Provision and maintenance of all fleet associated with these services.

Aspects of asset maintenance had not been included and would continue to be delivered through Deane DLO.

Flexibility had been built into the contract. It not only allowed for changes to be negotiated but also for employees on the contract to be used for other tasks where the contract could not be delivered, for example in times of severe weather.

The tender exercise had led to five bids being received on 15 July 2016 and an evaluation process being conducted on 21 and 22 July.

With regard to the proposed new service, the tender documentation set an output specification as compliance with the Code of Practice (COP) on Litter and Detritus which would evidence the Council's compliance with The Environmental Protection Act 1990 for street cleansing functions. The tender also provided information on public toilet operations as there was no legislation that supported the provision of this.

Noted that over the past two financial years Members had supported an increase in resources within Taunton Town Centre. These had been protected in the new contract and a minimum resourcing level had been identified which took account of these recent increases.

The documentation made no requirements for service reductions in either service but did assume that those toilets already earmarked for transfer would be completed. A requirement within the tender was that Town or Parish Council's would be able to buy in services by utilising this contract.

Whilst the new contract was proposed to be for the two Council areas it would continue to make use of the Deane DLO depot. The current employees would be subject to TUPE transfer which protected their employment terms and conditions. This also provided a level of service continuity for the residents and visitors to Taunton Deane.

Further reported that the Landscape Group's submission had scored the highest against the set criteria across the Evaluation Panel's Members. This placed them first for both the financial and quality assessments.

The Landscape Group were the current contractors delivering services to Mendip District Council. Within their submission they also provided the detail of a number of other contracts they were currently delivering evidencing their experience.

The company was therefore being recommended to Members as the preferred bidder on the basis of their bid being the least cost to the authority.

Noted that the bid for the WSC element of the service would remain the same in the event that TDBC did not support outsourcing their elements of the service. This meant that there were no financial implications for WSC of TDBC not supporting an outsource of this service.

Reported that this matter had been considered by the Corporate Scrutiny Committee at its meeting on 11 August 2016. Although generally supportive of the recommendations relating to the proposed new arrangements for the Street and Public Toilet Service, Members had asked for the views of UNISON to be submitted. These views were circulated at the meeting of Full Council.

Resolved that:-

- (1) The award of an eight + four year contract to The Landscape Group to provide the Street and Public Toilet Service from 1 February 2017 be approved; and
- (2) The new budget for the service be supported and that the Medium Term Financial Plan be updated to reflect the saving of £8,270 for 2016/2017 and £49,636 per annum from 2017/2018 onwards. This equated to £397,088 over the eight year life of the contract and a further £198,544 if the extension was applied.

(The meeting ended at 8.02 p.m.)