

SWT Full Council

Wednesday, 26th February, 2020,
6.15 pm

**Somerset West
and Taunton**

The John Meikle Room - The Deane
House

Members: Hazel Prior-Sankey (Chair), Simon Coles (Vice-Chair), Ian Aldridge, Benet Allen, Lee Baker, Marcus Barr, Mark Blaker, Chris Booth, Paul Bolton, Sue Buller, Norman Cavill, Dixie Darch, Hugh Davies, Dave Durdan, Kelly Durdan, Caroline Ellis, Habib Farbahi, Ed Firmin, Andrew Govier, Roger Habgood, Andrew Hadley, John Hassall, Ross Henley, Marcia Hill, Martin Hill, John Hunt, Marcus Kravis, Andy Milne, Richard Lees, Sue Lees, Libby Lisgo, Mark Lithgow, Janet Lloyd, Dave Mansell, Chris Morgan, Simon Nicholls, Craig Palmer, Derek Perry, Martin Peters, Peter Pilkington, Andy Pritchard, Steven Pugsley, Mike Rigby, Francesca Smith, Federica Smith-Roberts, Vivienne Stock-Williams, Phil Stone, Andrew Sully, Nick Thwaites, Anthony Trollope-Bellew, Ray Tully, Terry Venner, Sarah Wakefield, Alan Wedderkopp, Danny Wedderkopp, Brenda Weston, Keith Wheatley, Loretta Whetlor and Gwil Wren

Agenda

8. Motion on Local Independent Schools, proposed by Councillor Libby Lisgo, seconded by Councillor Brenda Weston

(Pages 5 - 10)

This motion is a means to facilitate a voluntary agreement in which local Independent Schools and Somerset West and Taunton Council innovate to jointly deliver and demonstrate the local public benefit of the schools.



**JAMES HASSETT
CHIEF EXECUTIVE**

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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 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair 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 Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

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. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

The meeting room, including the Council Chamber at The Deane House are on the first floor and are fully accessible. Lift access to The John Meikle Room, is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter. For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

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Full Council – 26 February 2020

Motion on Local Independent Schools

Motion proposed by Councillor Libby Lisgo, seconded by Councillor Brenda Weston

This motion is a means to facilitate a voluntary agreement in which local Independent Schools and Somerset West and Taunton Council innovate to jointly deliver and demonstrate the local public benefit of the schools.

This Council therefore proposes,

1. From February 2020, and annually in February thereafter, it will be the policy of this Council to invite the Independent Schools in the District, who receive Business Rate Relief, to each make a donation equivalent to 10% of their mandatory relief to a fund to be held by the Somerset Community Foundation.
2. The Fund will be established for community initiatives promoting health and wellbeing with 50% of that fund targeted at projects within the areas of greatest need in our area. A Public Benefits Panel will be established to determine criteria and oversee the process. Their decisions will be subject to Scrutiny and final Executive approval.
3. A joint consultative body will also be established between the relevant parties to consider and implement ways in which the Independent Schools can provide volunteering or other non financial support to our neediest communities.
4. It will be the policy of this Council to support and endorse the formal Public Benefit statements of schools participating in this initiative, to ensure that they are able to clearly evidence the public benefit our area derives from their participation.

Somerset West and Taunton Council

Motions to Council – Assessment Form

On receipt of a Motion from a Councillor, the Governance Team will carry out an assessment as to its contents to establish whether there are likely to be significant consequences to the Council should the Motion be carried at the subsequent Full Council meeting.

The first question to be addressed will be:-

“Can the Motion, if approved, be implemented without the need for any resource (financial and otherwise) to be identified outside existing budgets or staffing capacity?”

If the answer is ‘yes’, then the Motion can proceed towards discussion and resolution.

An example of a Motion which would fall into the above category would be where the Council is being asked to lobby the Government, Somerset County Council or other body on a particular issue. If the motion is carried, the action required will usually involve no more than a letter being prepared and sent to the intended recipient.

However, as in the case of the recent Motion on ‘Climate Change’, the answer to the above question would clearly be ‘no’.

In such circumstances, detailed analysis of the wording of the Motion will be required to identify what will be needed if the Motion – when it comes before Full Council – is carried.

Such analysis will include:-

- What additional resource would be required to ensure the Motion (if approved) could be implemented?
- What needs to be done to identify the level of resource necessary both in financial and staff terms?
- Are any approvals needed to provide these resources?
- 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.

If such analysis is required, the Governance Team will arrange for the attached pro-forma to be completed and this will accompany the relevant Motion onto the agenda of the Full Council meeting so all Members are aware that further investigation will be required before the Motion – even if it is carried – can be implemented.

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 -

Motion

This Council therefore resolves that:-

1. From February 2020, and annually in February thereafter, it will be the policy of this Council to invite the Independent Schools in the District, who receive Business Rate Relief, to each make a donation equivalent to 10% of their mandatory relief to a fund to be held by the Somerset Community Foundation.
2. The Fund will be established for community initiatives promoting health and wellbeing with 50% of that fund targeted at projects within the areas of greatest need in our area. A Public Benefits Panel will be established to determine criteria and oversee the process. Their decisions will be subject to Scrutiny and final Executive approval.
3. A joint consultative body will also be established between the relevant parties to consider and implement ways in which the Independent Schools can provide volunteering or other non-financial support to our neediest communities.
4. It will be the policy of this Council to support and endorse the formal Public Benefit statements of schools participating in this initiative, to ensure that they are able to clearly evidence the public benefit our area derives from their participation.

Questions to be addressed

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

General Background

In accordance with the Local Government Finance Act 1988, Section 45 (6), the Council as administering authority has no discretion, but must grant mandatory relief where "...the ratepayer is a charity or trustees for a charity and it appears that when next in use the hereditament will be wholly or mainly used for charitable purposes (whether of that charity or of that and other charities)."

The Council must be satisfied that the organisation is a charity and if the Charity Commission considers them to be a charity then they will be listed on the Charity Commission's website.

Likewise, if the organisation is not a registered charity, but has charitable status for the purposes of HMRC, that is currently deemed satisfactory for the purposes of Mandatory Relief.

From a Revenues perspective, asking for additional proof of charitable status to receive Mandatory Relief is not necessary and would require additional administration resource for both the Council and the rate payers.

Motion 1 – This would need further investigation to understand the resource implications fully. Firstly resources through staff time and administration overheads would be needed to develop outline proposals and engage with relevant schools and the Somerset Community Foundation to determine if such voluntary arrangements could be established in principle. If strong support is evident then further resources through staff time and administration overheads will be needed to develop and seek approval of a formal policy and supporting processes to implement such policy including engagement with the Somerset Community Foundation. The Motion proposes to “invite” and as such will be an unenforceable voluntary scheme. This would presumably also have resource implications for the Somerset Community Foundation in administration arrangements.

Motion 2 – Accountability, accounting, reporting, banking, insurance, auditing, and governance arrangements would be needed. This might be incorporated into existing arrangements within the Somerset Community Foundation? Clarity would be required on resources needed to establish and maintain a “Public Benefits Panel”. It is unclear how scrutiny and approval of decisions of a voluntary arrangement between independent bodies and the Somerset Community Foundation would fall under the jurisdiction of this Council?

Motion 3 – It is not possible to determine possible resource requirements without further information and clarity about the proposed arrangements and of the participants involved. Presumably this would be a combination of officer time, and administrative and governance overheads. Clear responsibilities for costs would need to be defined within any agreement supporting the proposed arrangements.

Motion 4 – The form of support and endorsement would need to be determined and any supporting activity to assess beforehand. It is unclear what additional resources would be needed at this stage.

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

An assessment would need to be undertaken to identify additional resource requirements for the various elements of the proposals. Clarity would be needed whether this is considered a fixed term or ongoing arrangement. Clarity would also be needed on which body/bodies is/are proposed to undertake related activities and the associated assets, liabilities and obligations.

Any assessment would likely include, but not necessarily be limited to, the following:-

- Understand the proposals in more depth including requirements or policy development and administration.
- Understand financial accountability, accounting, reporting, administration and control arrangements.
- Staff resource requirements for policy development, business process creation and implementation.
- Insurance and taxation implications.
- Banking / transaction costs.
- Audit requirements (if any)
- Data security, information systems, FOI / transparency reporting requirements.

C. *Are any approvals needed to provide these resources?*

It will depend whether the Council wishes to define and divert resources from existing priorities and activities, or incur additional costs related to the additional work involved. If additional cost is to be incurred by the Council then budget approval will be required in line with the Council's Financial Procedure Rules. Depending on value and availability of funds, this may be a decision of officers, an Executive portfolio holder or the Executive Committee.

D. *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?*

As the proposal relates to the creation and adoption of a new policy this would require an Executive recommendation to Full Council for approval. The Scrutiny Committee is able to add this item to its Work Plan if it so wishes.

The authority to approve a budget will be dependent on the amount involved and whether the decision is regarded as a Key Decision as defined in the Constitution. However it would be sensible to seek a budget approval at Full Council at the same time as approving a policy.

Likely timescale involved –

The Motion requests immediate action from this month. This is unlikely to be achievable. Resources would need to be diverted from existing priorities to engage with relevant stakeholders to assess feasibility and then develop a full policy for consideration by Full Council. The next two Full Council meetings are scheduled for 31 March 2020 and 30 July 2020.