

**[SWT VIRTUAL MEETING WEBCAST  
LINK](#)**

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**Members:**        **Federica Smith-Roberts (Chair), Benet Allen (Deputy Chair),  
Chris Booth, Ross Henley, Marcus Kravis, Richard Lees,  
Peter Pilkington, Mike Rigby, Francesca Smith and  
Sarah Wakefield**

**Agenda**

**1. Apologies**

To receive any apologies for absence.

**2. Declarations of Interest**

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

**3. Public Participation**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

**Temporary measures during the Coronavirus Pandemic**

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to

register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

**4. Executive Forward Plan**

(Pages 5 - 6)

To receive items and review the Forward Plan.

**5. Community Chest Report**

(Pages 7 - 12)

This matter is the responsibility of Executive Councillor for Community, Councillor Chris Booth.

A proposal to use retained Business Rates to create a Community Chest fund of £250,000 to help communities to recover from COVID19.

**6. Shared Legal Service Report**

(Pages 13 - 18)

This matter is the responsibility of the Executive Councillor for Corporate Resources, Councillor Ross Henley.

The purpose of this report is to seek Executive approval to explore the establishment of sharing legal services between Mendip District Council (MDC), Somerset West and Taunton Council (SWT), South Somerset District Council (SSDC) and Sedgemoor District Council (SDC).

**7. National Living Wage Report**

(Pages 19 - 22)

This matter is the responsibility of the Executive Councillor for Corporate Resources, Councillor Ross Henley.

As part of our commitment to becoming an employer of choice, we are proposing to carry out a review internally, and also through consultation with our suppliers and contractors to consider whether it is feasible to seek accreditation with the real Living Wage Foundation. This would ensure that we have a clear and transparent approach to pay for our staff, agency and contractors who work with us.

**8. Unitary Programme Delivery Funds Report**

(Pages 23 - 26)

This matter is the responsibility of the Leader of the Council, Councillor Federica Smith-Roberts.

This report seeks approval for a supplementary budget to fund the emerging work streams and associated required resources to ensure that we can adequately and professionally meet the needs of the unitary associated work.

## **9. Access to Information - Exclusion of the Press and Public**

During discussion of the following item it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 13 13.02(e) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Council will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Recommend that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

## **10. Purchase and Development Report**

(Pages 27 - 42)

This matter is the responsibility of the Executive Councillor for Asset Management and Economic Development, Councillor Marcus Kravis.



**JAMES HASSETT**  
**CHIEF EXECUTIVE**

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Following Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will be live webcasting our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting](#) website.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will be answered by the Portfolio Holder or followed up with a written response.

Full Council, Executive, and Committee agendas, reports and minutes are available on our website: [www.somersetwestandtaunton.gov.uk](http://www.somersetwestandtaunton.gov.uk)

For further information about the meeting, please contact the Governance and Democracy Team via email: [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

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**EXECUTIVE**

<b>Executive Meeting</b>	<b>Draft Agenda Items</b>	<b>Lead Officer</b>
<b>16 September 2020</b>	Small Scale Industrial Space LDO	Sarah Povall
<b>venue =</b>	Delivering Regeneration – Setting up a Special Purpose Vehicle – being pulled and moved to 21/10/2020	Tim Bacon/ Joe Wharton
ERD = 4 September	SWT Town Centre and High Street Recovery Plan	Lisa Redston/Gordon Dwyer
SMTRD = 29 July	<b>NO MORE ITEMS</b>	
<b>23 September 2020</b>	Tangier	Tim Bacon
<b>venue =</b>	Community Chest Report	Scott Weetch
ERD = 11 September	Shared Legal Service	Alison North
IERD = 11 August	Unitary Authority Response Fund	Alison North
SMTRD = 29 July	National Living Wage	Alison North/Julie Jordan
<b>EXTRA MEETING</b>	<b>NO MORE ITEMS</b>	
<b>FOR NON FC REPORTS</b>		
<b>20 October 2020</b>	Coastal Protection Works	Chris Hall
	Somerset Wide Climate Emergency Strategy	Graeme Thompson
ERD = 9 October	SWT Carbon Neutrality and Climate Resilience Action Plan	Graeme Thompson
IERD = 15 September		
SMTRD = 2 September		
<b>21 October 2020</b>	Firepool (Infrastructure Approval)	Tim Bacon/ Joe Wharton
ERD = 9 October	Strategic Acquisition Report (Confidential)	Joe Wharton
IERD = 15 September	Delivering Regeneration – Setting up a Special Purpose Vehicle	Tim Bacon/ Joe Wharton
SMTRD = 2 September		
<b>28 October 2020</b>	2020/21 Budget Monitoring Q1	Emily Collacott
<b>Finance Reports Only</b>	Financial Strategy Review and MTFP Update	Paul Fitzgerald
ERD = 16 October	2019/20 Financial Outturn Report	Emily Collacott
	Q1 Performance Report	M. Riches
<b>18 November 2020</b>	Financial Assistance for Home Owners Occupiers in Regeneration Areas	Chris Brown/James Barrah
<b>venue =</b>	2021/22 Budget Progress Update	Emily Collacott
ERD = 6 November	Future SWT Rough Sleeper Provision	Simon Lewis
IERD = 13 October	Interim Policy Statement on Planning for the Climate Emergency	Graeme Thompson
SMTRD = 30 September	Somerset EV Charging Strategy	Graeme Thompson
	HIF Loan Agreement	Kate Murdoch
	Monkton Heathfield Phase 2 Masterplan: Feedback	Andrew Penna/ Nick Bryant
	<b>NO MORE ITEMS</b>	
<b>16 December 2020</b>	Commercial Investment Portfolio Review	Gerry Mills
<b>venue =</b>	2020/21 Budget Monitoring Q2	Emily Collacott
ERD = 4 December	Public Realm Design Guide for Taunton Garden Town – Feedback	Fiona Webb
IERD = 10 November	Somerset West and Taunton Districtwide Design Guide	Fiona Webb

SMTRD = 28 October	Everyone Active Update	Natalie Green
<b>20 January 2021</b>	Housing Strategy - Action Plan for SWT	Mark Leeman
venue =		
ERD =		
IERD =		
SMTRD =		
<b>9 February 2021</b>	General Fund Revenue Budget and Capital Programme 2021/22	Emily Collacott
<b>BUDGET ONLY</b>	HRA Revenue Budget and Capital Programme 2021/22	Emily Collacott
venue =	Policy Framework	Amy Tregellas
ERD =		
IERD =		
SMTRD =		
<b>24 February 2021</b>		
venue =		
ERD =		
IERD =		
SMTRD =		
<b>17 March 2021</b>	2021/22 Partnership Grants Schedule	Scott Weetch/Christine Gale
venue =	2020/21 Budget Monitoring Q3	Emily Collacott
ERD =	Capital, Investment and Treasury Strategies 2021/22	Paul Fitzgerald
IERD =	Pay Policy	Alison North/HR
SMTRD =		
<b>21 April 2021</b>		
venue =		
ERD =		
IERD =		
SMTRD =		
<b>Items to be Confirmed</b>	Firepool LDO	Andrew Penna/ Nick Bryant
	Obridge	Tim Bacon/ Joe Wharton

*Report Number: SWT 121/20*

## **Somerset West and Taunton Council**

### **Executive – 23 September 2020**

#### **The creation of a Community Chest**

**This matter is the responsibility of Executive Councillor Member Cllr Booth**

**Report Author: Scott Weetch, Community Resilience Manager**

#### **1. Executive Summary / Purpose of the Report**

A proposal to use retained Business Rates to create a Community Chest fund of £250,000 to help communities to recover from COVID19.

#### **2. Recommendations**

- 2.1 The Executive is recommended to approve a supplementary budget of £250,000 for the Community Chest, to be funded from Business Rates Retention Pilot surplus income due to be received in 2020/21.
- 2.2 Delegate authority to the Communities Portfolio holder to make decisions relating to the spend of this fund.
- 2.3 The Communities Portfolio holder will engage with ward members on proposed spending within their wards.

#### **3. Risk Assessment (if appropriate)**

- 3.1 This relates to the specific risks associated with COVID19 and the ability of our communities to respond to and recover from the effects of COVID19.
- 3.2 There is a risk of misuse of awarded funds by a third party organisation or intended initiatives proposed not being successful or hitting issues during delivery. This is mitigated by the maximum value of grant being £5,000 and through the application process which will define criteria against which monies can be spent (covered in 6.3, below)

#### **4. Background and Full details of the Report**

- 4.1 The proposed Community Chest is to be used for projects within the community that aid community cohesion, response to COVID19 and recovery of the community. This is by definition a wide remit but the aspiration is that groups of varying size are able to access a timely boost to support their activities. This funding will complement the extensive awards made available and awarded to many businesses in our area and is

very much targeted at recovery to provide more enabling funding to the Voluntary and Community Sector and wider community groups. These are grants to help the community and are separate from business grants, which have been widely promoted and accessed elsewhere.

4.2 The Community Chest Scheme will support one-off initiatives that are:

- supporting COVID19 recovery
- seen as valuable to the area
- are not able to secure mainstream funding from the Council or other sources

One-off grants of up to £7,500, usually not exceeding 75% of the total actual costs are available, i.e. the group will need to find at least 25% from their own or other sources, which can include in kind contribution e.g. volunteer hours.

Priority will be given to:

- projects submitted by small community groups, defined as having an income of less than £10,000 per year and no paid staff
- initiatives that will help community groups to become sustainable in the longer term
- initiatives that will help the community to recover from the effects of COVID19
- groups who have not received a grant/other funding from the Council
- projects aligned to SWT Corporate Priorities

4.3 Retrospective funding applications will be considered on a case by case basis but will not normally be supported.

4.4 Examples of projects that may be funded include signage or screens to allow a community café to operate safely; funds to allow community activities to take place and restore community life; match funds to enable groups to start up and reinvigorate an area from the varying effects of COVID19.

4.5 It is intended that there is an application process through a simple Firmstep form. Applications are up to the value of £5,000 and must not have been previously funded by the Council (e.g. through a business grant). Applications will be automated and then the Community Resilience Team will assess them for suitability.

4.6 A dashboard will be created and used to understand expenditure over time. In addition, the portfolio holder will receive a weekly summary of how funds have been allocated. They must be spent by 31<sup>st</sup> March 2021.

4.7 The scheme will be widely promoted and therefore we expect applications from across the SWT area. However, the Community Resilience Team in consultation with the portfolio holder will monitor to ensure that there is a geographic spread to the funding allocation. Where it is felt that an area is under represented, further promotion will take place to try to encourage participation.

4.8 Ongoing monitoring of spend and activity will be completed within the Community Resilience Team.

4.9 Members will be able to access a summary of spend on a monthly basis and the Community Resilience Manager will bring a report at the closure of the scheme as to how monies were spent and where benefits were realised.



## **5. Links to Corporate Strategy**

- 5.1 This initiative links to the aims of the Corporate Plan 20/21 in further responding to the effects of COVID19 and supporting our community to respond and recover.

## **6. Finance / Resource Implications**

- 6.1 The budget requirement proposed for the Community Chest is £250,000, which if approved will be a one-off increase to the General Fund Revenue Budget in 2020/21. The budget will be managed within the Housing and Communities directorate, held by the Community Resilience Manager.
- 6.2 It is recommended to utilise a one-off surplus from county-wide productivity initiatives budget, that was funded by increased retained revenues from the 75% Business Rates Retention Pilot in 2019/20 financial year. The overall performance of the Pilot has exceeded expectations, with a surplus available for sharing between the county and four districts in 2020/21. The SWT share of the surplus is £375,000, which is more than sufficient to support this additional budget request, and leave £125,000 additional income to mitigate other financial pressures and priorities during the year.
- 6.3 It is recommended that appropriate safeguards and due diligence are built into the process to minimise the risk of fraud. The strengths of the counter-fraud measures applied to business grants will be helpful in this regard.
- 6.4 It is assumed administration overheads for the scheme will be met within existing budgets.

## **7. Legal Implications (if any)**

### **State Aid**

- 7.1 State Aid is the granting of resources, by the state, to an economic undertaking which places that undertaking in an advantageous position and distorts or threatens to distort competition. The Council is the state and it's likely that most, if not all, VCS groups would be considered economic undertakings. However, the fact that this is an open scheme available to all VCS groups across the district means that state aid is not a consideration. Such schemes may be restricted to a sector such as the voluntary and community sector without invoking state aid because that's the entire sector that these organisations work under. It is also allowed to restrict it to those operating within the district – otherwise the scheme wouldn't be indirectly benefiting residents and visitors. Provided that your scheme is transparent, objective, openly publicised to all eligible groups with published criteria for applying and evaluation state aid should not apply.
- 7.2 Even were it found that State Aid could apply to any one grant being offered to an organisation, the fact that the grant will not be more than £5000 means that it's permitted even if it is State Aid. That's subject to a proviso that the organisation in question has not received more than about £180,000 from the Council in financial support in the last three years – which is the upper limit for such permissible aid. However if only organisations which have had no funding from the Council previously are eligible, that won't be an issue. If a decision was taken to allow an application from an organisation that had direct funding previously (and again that's

funding which would be considered State Aid; not any funding applied for through an open scheme or in payment for services received), checks would need to be made about whether the limit had been reached.

- 7.3 On the basis of the scheme as detailed, however, there are no state aid implications to be concerned about.

**8. Climate and Sustainability Implications (if any)**

- 8.1 There are no anticipated climate and sustainability implications as this is a one-off funding initiative to help drive recovery from COVID19

**9. Safeguarding and/or Community Safety Implications (if any)**

- 9.1 None

**10. Equality and Diversity Implications (if any)**

- 10.1 The scheme will aim to assist projects from a range of providers, mostly community based. There should be a positive aspect to any equality and diversity implications.

**11. Social Value Implications (if any)**

- 11.1 Not applicable

**12. Partnership Implications (if any)**

- 12.1 None

**13. Health and Wellbeing Implications (if any)**

- 13.1 The scheme is intended to positively impact health and wellbeing by allowing communities to deliver projects and recover from the effects of COVID19. This could take the form of breakfast clubs, walking groups, litter picks or other activities that add social value and bring cohesion.

**14. Asset Management Implications (if any)**

- 14.1 None

**15. Data Protection Implications (if any)**

- 15.1 Data will be stored in line with Data Protection legislation through use of Firmstep forms to manage the data. It will only be used to administer the scheme.

**16. Consultation Implications (if any)**

- 16.1 None

**17. Scrutiny/Executive Comments / Recommendation(s) (if any)**

- 17.1 Not applicable

**Democratic Path:**

- Scrutiny / Corporate Governance or Audit Committees – No
- Executive – Yes
- Full Council – No

Reporting Frequency: ☐ Once only      ☒ Ad-hoc      ☐ Quarterly  
☐ Twice-yearly      ☐ Annually

**Contact Officers**

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*Report Number: SWT 122/20*

## **Somerset West and Taunton Council**

### **Executive – 23 September 2020**

#### **Shared Legal Service**

**This matter is the responsibility of the Portfolio Holder for Corporate Resources, Cllr Ross Henley**

**Report Author:** Amy Tregellas, Governance Manager and Monitoring Officer

#### **1.0 Executive Summary / Purpose of the Report**

- 1.1 Somerset's four District Councils are currently working collaboratively to explore the developing of a business case for a shared Legal service.
- 1.2 The business case will propose a new service delivery model for the legal function across all four authorities. Each authority would retain strategic oversight (including retaining the statutory role of the Monitoring Officer) of their respective legal function, but other elements of the legal function would be pooled between the authorities.
- 1.3 The purpose of this report is to seek Executive approval to explore the establishment of sharing legal services between Mendip District Council (MDC), Somerset West and Taunton Council (SWT), South Somerset District Council (SSDC) and Sedgemoor District Council (SDC).
- 1.4 This proposal is complimentary to the District Councils' bid to create two Unitary Authorities in Somerset.
- 1.5 MDC currently hosts a shared legal service in partnership with SWT. This arrangement has been in place since 1 April 2015 with a five year Inter-Authority Agreement (IAA). The original arrangement was due to expire on the 31 March 2020, but by agreement has been extended for a further year until 31 March 2021.
- 1.6 The current MDC shared legal service offers ad hoc support and resources to SSDC and in relation to two partnership projects, to SDC.
- 1.7 SDC also provides legal support to other local authorities in Somerset (both District and Town/Parish).
- 1.8 In light of the expiry of MDC's agreement with SWT in March 2021, the opportunity has been taken by officers to explore the potential of establishing a shared legal service to serve the requirements of all four District Councils subject to the proposal receiving

political endorsement through the formal governance arrangements of each of the four authorities.

- 1.9 If the Executive approves the recommendations, further work will be undertaken by the Councils to develop a business case for collaboration and an options appraisal for the different models of delivery.
- 1.10 The options considered in respect to a sharing of legal services will take into account the requirements of each authority (and its' respective constitution and corporate priorities) whilst considering the advantage of combined and shared services.
- 1.11 The outcome of this work to develop a business case and options appraisal will be brought back to a future meeting of the Executive.

## **2.0 Recommendations**

2.1 The Executive is asked to:

- 1. Note the contents of this report.
- 2. Authorise the establishment of a project team to work on the development of a business case and options appraisal for the sharing of legal services between Mendip District Council, Somerset West and Taunton Council, South Somerset District Council and Sedgemoor District Council.
- 3. Authorise the Director of Internal Operations or her delegated representative, following consultation with the Districts' Unitary Programme Board and Unitary Steering Group, to take any and all decisions as deemed necessary to enable the business case and options appraisal to be developed to include, without limitation, finalising, approving and signing Heads of Terms and engaging any external advisers.
- 4. Agree a contribution of up to £5K to fund the Councils one quarter share in relation to the engagement of any external advisors.
- 5. Authorise the Director of Internal Operations or her delegated representative to review the progressing of the shared legal services project in the event that Central Government decide to proceed with one Unitary Authority for Somerset

## **3.0 Risk Assessment**

- 3.1 A full risk and opportunities register will be developed and presented as part of the business case. At this point in time, Officers are only requesting permission to develop a business case.

## **4.0 Background and Full details of the Report**

- 4.1 Robust legal advice is fundamental to the successful delivery of front line services to our customers and communities and the operation of the Council. This report seeks authority to investigate the sharing of legal services between Mendip District Council (MDC), Somerset West and Taunton Council (SWT), South Somerset District Council (SSDC) and Sedgemoor District Council (SDC). Pending approval of the recommendations outlined in this Executive Paper, the Council will work collaboratively

with the other Councils to develop Heads of Terms and a business case for a new shared legal service, including an options appraisal of the different delivery models.

- 4.2 The business case and options appraisal will be brought back to a future meeting of the Cabinet/Executive for consideration.
- 4.3 Since 1 April 2015, Somerset West and Taunton Council has been in a shared legal service with Mendip District Council (who have hosted the shared service). The shared legal service also provides support and resources to South Somerset District Council (SSDC) and in relation to two shared projects, Sedgemoor District Council (SDC).
- 4.4 SDC also provides legal services to other local authorities in Somerset (District and Town/Parish).
- 4.5 As the agreement for the shared legal service between SWT and MDC is due to expire in March 2021, the opportunity has been taken to consider a countywide legal services partnership between the four District Council's in Somerset to serve the requirements of all District Councils as well as any future proposed local government model that would serve the County of Somerset.
- 4.6 The operation of the existing MDC/SWT shared legal service is governed by an Inter-Authority Agreement entered into by the parties. The initial term of these shared arrangements was due to conclude on 31 March 2020, but MDC and SWT have agreed to extend this by one year whilst future options for the delivery of shared legal services are considered, especially within the context of the changes that have occurred in the local government environment since 2015, for example where complex commercial transactions have become the norm rather than the exception.
- 4.7 It is proposed that all four District Councils collectively consider the options to establish whether there is a case for a four Council shared quality legal service to promote co-operation between the authorities, create greater resilience, and achieve savings through economies of scale. In order to do this, a business case will need to be prepared, including an options appraisal for different delivery models and legal structures.
- 4.8 This approach is complimentary to, and will align with any future model of local government that sees two unitary authorities serving the County of Somerset. The Director of Internal Operations or her delegated representative will therefore consult with the Districts' Unitary Programme Board and Unitary Steering Group made up of the Leaders and Chief Executives of the four District Councils to ensure that any proposals arising from the business plan are in line with the Districts' bid for two unitary authorities.
- 4.9 This business case will need to take account of service needs, public procurement law and the external regulatory framework for the delivery of legal services. The main focus of a new shared service will be on delivery of a quality legal service back to the District Councils, but the business case will also seek to understand the scope for trading beyond the District Councils in providing a legal service to City, Town and Parish Councils, charities and other public sector bodies beyond the Somerset boundary as well as, if appropriate, current and future private sector businesses and organisations. The delivery of legal services is subject to external regulation by the SRA (The Solicitors Regulatory Authority).

- 4.10 Discussions are at an early stage but high level Heads of Terms are in preparation. These Heads of Terms are being prepared collaboratively by the four District Councils.

#### Options Considered

- 4.11 Approval of the recommendations listed would allow all options to be considered through a business case which will be presented to the Executive of each District Council in a future report.
- 4.12 The Council could choose not to collaborate with the other District Councils or MDC and SWT could seek to refresh the scope and remit of the existing Inter-Authority Agreement, but this would mean that not all options could be fully considered before making a decision on the future of legal services delivery.

#### Recommendations

- 4.13 The Executive is asked to:
1. Note the contents of this report.
  2. Authorise the development of a business case and options appraisal for shared legal services in collaboration with Somerset West and Taunton Council, South Somerset District Council and Sedgemoor District Council.
  3. Authorise (senior officer title], following consultation with the Districts Unitary Programme Board and Unitary Steering Group, to take any and all decisions as deemed necessary to enable the business case and options appraisal to be developed to include, without limitation, finalising, approving and signing the Heads of Terms and engaging any external advisers.
  4. Agree a contribution of up to £5K to fund the Councils' one quarter share in relation to the engagement of any external advisors.
  5. Authorise [insert title of senior officer] to review the progressing of the shared legal services project in the event that Central Government decide to proceed with one Unitary Authority for Somerset.

#### Reasons for recommendations

- 4.14 Approval of the recommendations will enable the Council to further investigate the different options available for the future delivery of its legal services function. This is a vital business support function that enables the Council to deliver its' frontline services and corporate priorities and progress the collaborative working agenda, irrespective of the Governments' decision in regard to Unitary Council(s) for Somerset.

### **5.0 Links to Corporate Strategy**

- 5.1 The Council's legal function is an essential facilitator of the delivery of the Council's Corporate Priorities.
- 5.2 In addition, sharing a Legal Service will enable the Council to deliver excellence in the way it conducts its business.



## **6.0 Finance / Resource Implications**

- 6.1 Any change to the current shared service will have financial implications (including set up costs) for the Council and these will be explored in the business case.
- 6.2 If the recommendations in this report are approved, the development of the business case (including the joint engagement of external advisers) will be managed within a budget. The Executive are, therefore being invited to agree a contribution of £5K representing a one quarter share of the costs of appointing any external advisors. Each Council to contribute an equal share.
- 6.3 Value for money will be considered as part of the development of the business case.

## **7.0 Legal Implications**

- 7.1 The Councils have the power to establish, participate in and purchase from a shared legal service. The exact legal structure/delivery model will be considered as part of the business case. The Council's relevant powers include the General Power of Competence under Section 1 of the Localism Act 2011. The application of the Council's powers will be considered further in the business case.
- 7.2 Any purchases by the Council must comply with the Public Contracts Regulations 2015 and the Council's contracts standing orders.
- 7.3 The delivery of legal services is subject to external regulation. This will be considered further as part of the business case development.

## **8.0 Climate and Sustainability Implications**

- 8.1 There are no direct climate change implications, however any new service will, where possible, ensure that services are delivered with minimal environmental impact. For example, meetings will be carried out virtually where possible and a paperless approach will be taken. The shared service will adopt any other necessary carbon reduction initiatives to serve the existing corporate priorities in relation to the climate emergency agenda for each Council.

## **9.0 Safeguarding and/or Community Safety Implications**

- 9.1 None arising from this report

## **10.0 Equality and Diversity Implications**

- 10.1 An Equalities Impact Assessment will be undertaken when the business case is developed and prior to any decision to approve the business case.

## **11.0 Social Value Implications**

- 11.1 None arising from this report

## **12.0 Partnership Implications**

12.1 Robust legal advice is fundamental to the successful delivery of frontline services to our customers, communities and the operation of the Council. Approving the recommendations set out in this report will enable the Council to explore the most efficient and effective options for the delivery of a quality and sustainable legal service in line with the four District Council's working collaboratively or through the formation of unitary authorities.

### **13.0 Health and Wellbeing Implications**

13.1 None arising from this report

### **14.0 Asset Management Implications**

14.1 None arising from this report

### **15.0 Data Protection Implications**

15.1 None arising from this report

### **16.0 Consultation Implications**

16.1 None arising from this report

### **Scrutiny/Executive Comments / Recommendation(s)**

This report is to agree that investigations take place for a shared legal service. The business case would go through the appropriate democratic pathway for approval, when that stage in the process is reached.

#### **Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Executive – Yes**
- **Full Council – No**

**Reporting Frequency: Ad-hoc**

#### **Contact Officers**

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*Report Number: SWT 123/20*

## **Somerset West and Taunton Council**

### **Executive – 23 September 2020**

#### **Living Wage Report**

**This matter is the responsibility of the Portfolio Holder for Corporate Resources, Cllr Ross Henley**

**Report Author:** Julie Jordan, HR Strategic Lead

#### **1.0 Executive Summary / Purpose of the Report**

- 1.1 As part of our commitment to becoming an employer of choice, we are proposing to carry out a review internally, and also through consultation with our suppliers and contractors to consider whether it is feasible to seek accreditation with the real Living Wage Foundation. This would ensure that we have a clear and transparent approach to pay for our staff, agency and contractors who work with us.
- 1.2 This approach will align SWT with other local authorities in the SW regions including Sedgemoor District Council who are already accredited.
- 1.3 The proposed phases of the project are:
  - Stage 1 – Obtain approval from the Executive to proceed to Stage 2 of the process
  - Stage 2 – Carry out an Internal Review with directorates to ascertain whether it is feasible to become an accredited Living Wage employer
  - Stage 3 – Carry out a consultation and impact assessment with our suppliers and partners to ascertain if it is feasible to change our procurement process to become an accredited Living Wage Employer
  - Stage 4 – If stages 2 and 3 identify that it is feasible to proceed with this project, develop an Action Plan to work towards becoming an accredited Living Wage Employer

#### **2.0 Recommendations**

- 2.1 The Executive is asked to endorse the four stage process listed in section 1.3

### 3.0 Risk Assessment

- 3.1 There are minimal risks of implementing this proposal as currently all employees are paid at least Living Wage. There is a slight risk that at Stage 3 contractors who supply labour and do not currently offer the living wage may try to push the increased costs back to SWT however it is anticipated that this can be managed through the contract renewal process over the next 1-3 years.
- 3.2 A full risk assessment will be completed as part of the investigatory work with suppliers and contractors.

### 4.0 Background and Full details of the Report

- 4.1 In April 2016 the government introduced a higher minimum wage rate for all staff over 25 years of age inspired by the Living Wage campaign – referring to it as the ‘national living wage’.
- 4.2 However, the government's 'national living wage' is not calculated according to actual living costs. Instead, it is based on a target to reach 66% of median earnings by 2024. Under the current forecast, this means a rise to £10.50 per hour by 2024.
- 4.3 For the under 25s, the minimum wage rates also take into account affordability for employers.
- 4.4 The real Living Wage rates are higher because they are independently-calculated based on what people spend on actual living costs. The Living Wage Foundation encourage all employers that can afford to do so to ensure their employees earn a wage that meets the costs of living, not just the government minimum.

	THE MINIMUM WAGE <small>Government minimum for under 25s</small>	NATIONAL LIVING WAGE <small>Government minimum for over 25s</small>	REAL LIVING WAGE <small>The only wage rate based on what people need to live</small>
WHAT IS IT?	£8.20	£8.72	£9.30 across the UK and £10.75 in London
IS IT THE LAW?	Statutory	Statutory	Voluntary
WHAT AGE GROUP IS COVERED?	21 and older	25 and older	18 and older
HOW IS IT SET?	Negotiated settlement based on recommendations from businesses and trade unions	A % of medium earnings, it aims to reach 66% of median earnings by 2024.	Calculation made according to the cost of living, based on a basket of household goods and services
IS THERE A LONDON WEIGHTING?	No London Weighting	No London Weighting	Yes - Separate higher rate for London

### Benefits of Accreditation

- Demonstrating a public commitment to fair pay
- Certified by the Living Wage Foundation
- Annual pay increases are linked to the cost of living
- 93% of Living Wage employers said they benefited from accreditation
- 86% of Living Wage employers reported that it enhanced their reputation

- 80% of Living Wage employers saw an increase in the quality of work

#### Accreditation Requirements (what we would need to work towards)

- Proposal is signed off at Full Council and has political leadership and commitment
- Included in Financial Planning (medium term financial strategy document)
- Included in Terms & Conditions and is a requirement for contractors
- System in place for contract managers & unions to monitor it and a method for redress
- Establish a Living Wage Group (if it is feasible to become accredited) – chaired by a Member, to act as a dedicated group to be responsible for continuity of the Living Wage in SWT. Membership to include HR, Finance, Procurement, Internal Communications, Union representation. The remit is to:
  - Update the Foundation about future and ongoing milestones
  - Report on additional actions to further the Living Wage on contracts
  - Report on additional actions to further the Living Wage in the local community (incentive scheme / supplier events / local business events / media & press initiatives)
  - Confirm that the Living Wage has been included in new contracts (suppliers of labour) on a phased contract renewal basis (up to 3 years)

The Living Wage Foundation have worked with a large number of local authorities across the UK and a specialist advisor has been appointed to support us through the process. Further information can be found at [www.livingwage.org.uk](http://www.livingwage.org.uk)

## **5.0 Links to Corporate Strategy**

- 5.1 Becoming an accredited Living Wage Employer would not only benefit staff but would also link through to the Corporate Strategy objectives of tackling low paid jobs and impact on the well-being of local people.

## **6.0 Finance / Resource Implications**

- 6.1 The cost of accreditation is a recurring cost of £480 p.a. which is capped and determined by the size of the organisation and would need to be factored into future budgets
- 6.2 Any costs associated with this project will be identified during the review process and would, potentially need to be factored into future budgets and the MTFP

## **7.0 Legal Implications**

- 7.1 There are potentially legal implications in respect of the tender process and procurement contracts and these will be considered in more detail during the review process

## **8.0 Climate and Sustainability Implications**

- 8.1 None arising from this report

## **9.0 Safeguarding and/or Community Safety Implications**

- 9.1 None arising from this report

## **10.0 Equality and Diversity Implications**

10.1 This proposal supports our objective to having a consistent approach to being an inclusive employer and partner.

## **11.0 Social Value Implications**

11.1 This proposal ensures that during the procurement of services for labour, some of which is sourced from the local area

## **12.0 Partnership Implications**

12.1 This will align with our partnership arrangement with Sedgemoor District Council who are Living Wage accredited.

## **13.0 Health and Wellbeing Implications**

13.1 None arising from this report

## **14.0 Asset Management Implications**

14.1 None arising from this report

## **15.0 Data Protection Implications**

15.1 None arising from this report

## **16.0 Consultation Implications**

16.1 None arising from this report

## **Scrutiny/Executive Comments / Recommendation(s)**

This report is to agree that an internal review and consultation takes place to ascertain the feasibility for becoming an accredited Living Wage Employer.

### **Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Executive – Yes**
- **Full Council – No**

**Reporting Frequency:** Ad-hoc

### **Contact Officers**

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*Report Number: SWT 124/20*

## **Somerset West and Taunton Council**

### **Executive – 23 September 2020**

#### **Unitary Programme Delivery Funds**

**This matter is the responsibility of Executive Councillor Federica Smith-Roberts**

**Report Author: Alison North, Director Internal Operations**

#### **1 Executive Summary / Purpose of the Report**

- 1.1 Members will be aware that Government has indicated it would wish to see unitary solutions to all parts of England currently covered by two tiers of County and Districts. Therefore, the District Councils have been working on the development of a business case for the reform of local government which includes the creation of two new unitary Councils for Somerset – ‘Stronger Somerset’. On the 10<sup>th</sup> September Full Council approved this business case
- 1.2 During this period of time our continuing focus as a council has been the delivery of services to our residents and supporting our community through COVID and ongoing economic recovery work. It is clear from developing the business case that there are emerging work streams and resources required to continue to take the business case forward and prepare the Council for any transition into a unitary structure. This work is over and above our focus of service delivery and community support through COVID.
- 1.3 This report seeks approval for a supplementary budget to fund the emerging work streams and associated required resources to ensure that we can adequately and professionally meet the needs of the unitary associated work.

#### **2 Recommendations**

- 2.1 Executive approve a supplementary budget of £249,000 funded from general reserves, for expenditure to provide resources and advice to the Council as it progresses the Stronger Somerset business case and prepares for transition.
- 2.2 Delegate authority to the Leader of the Council and/or the Chief Executive, to approve individual items of expenditure against the budget.

#### **3. Risk Assessment**

- 3.1 The requirements of responding to the unitary debate is over and above current service delivery work and COVID support. There is a risk the Council will not have capacity to deliver the response required to keep our residents as well informed as possible, that the Council will not be represented with the best professional expertise to

ensure we are able to enter into any transition period as strong as possible for our staff and residents. The resources funded by the supplementary budget will mitigate the risk.

#### **4. Background and Full details of the Report**

- 4.1 To reach the Business Case for Stronger Somerset the District Councils have worked together to develop a model for the reform of local government including the creation of two new unitary Councils in Somerset. The proposals set out a significant change in the way that local government would work, to create a much more collaborative approach to service provision and driving improvements in Somerset, focussed on the needs of residents, communities and businesses.
- 4.2 For the Council to continue to play a strong professional role and enable us as sovereign council to move forward with the new business case additional resources will be required in the areas of, finance, legal and organisational design expertise. These resources will also be key to enabling us to prepare well for the transition into a new unitary structure, work which is over and above day to day delivery and COVID community recovery support.
- 4.3 In addition we will need to keep residents informed up to the point where a bid is selected by the secretary of state. Additional resources in Communications and public affairs will ensure senior officers have the support they need to make arguments and cases as well as potential back fill should the workstream carry on for a longer period of time.
- 4.4 The supplementary budget requested is for the period of time up to the Secretary of States anticipated decision point of December 2020. Full transition and programme costs will be covered by which ever business case the Secretary of State is minded to support.

#### **5. Links to Corporate Strategy**

- 5.1 Direct and indirect link on all Corporate Strategy ensuring that our priorities are continued to be delivered for our community through a period of local government reform debate and change.

#### **6. Finance / Resource Implications**

- 6.1 This supplementary budget will provide additional resources to ensure that senior officers are able to perform to the highest professional standard to ensure that the interests of residents and staff are fairly taken forward.
- 6.2 Procurement of resources and advice will be done within the Councils financial procedure rules and subject to procurement process.
- 6.3 Expenditure of the supplementary budget will be in agreement with the Leader of the Council and the Chief Executive. Any unspent budget will be returned to General Reserves.

#### **7. Legal Implications**

- 7.1 Nor applicable to this report



## **8. Climate and Sustainability Implications**

8.1 Not applicable to this report

## **9. Safeguarding and/or Community Safety Implications**

9.1 Not applicable to this report

## **10. Equality and Diversity Implications**

10.1 Not applicable to this report

## **11. Social Value Implications**

11.1 Not applicable to this report

## **12. Partnership Implications**

12.1 We will be working in partnership with all of the councils in the County as and when it is required. All of the partners will be developing budgets to support this type of proposal.

## **13. Health and Wellbeing Implications**

13.1 Not applicable to this report

## **14. Asset Management Implications**

14.1 Not applicable to this report

## **15 Data Protection Implications**

15.1 Not applicable to this report

## **16 Consultation Implications (if any)**

16.1 Not applicable to this report

## **17 Scrutiny Comments / Recommendation(s) (if any)**

17.1 Not applicable to this report

### **Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – Yes**
- **Full Council – No**

**Reporting Frequency: Ad-hoc**

### **Contact Officers**

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