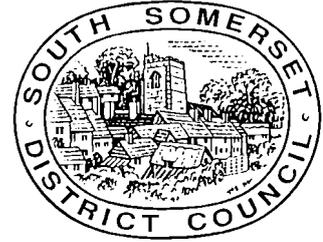


South Somerset District Council

Notice of Meeting



District Executive

Making a difference where it counts

Thursday 7th March 2019

9.30 am

**Council Chamber
Council Offices
Brympton Way
Yeovil
Somerset BA20 2HT**



Disabled access and a hearing loop are available at this meeting venue.

Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please contact the Democratic Services Specialist on 01935 462148 or democracy@southsomerset.gov.uk

This Agenda was issued on Wednesday 27 February 2019.

Alex Parmley, *Chief Executive Officer*



This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app

District Executive Membership

Jason Baker
Peter Gubbins
Henry Hobhouse
Val Keitch
Graham Middleton
Jo Roundell Greene
Sylvia Seal
Peter Seib
Angie Singleton
Nick Weeks

Information for the Public

The District Executive co-ordinates the policy objectives of the Council and gives the Area Committees strategic direction. It carries out all of the local authority's functions which are not the responsibility of any other part of the Council. It delegates some of its responsibilities to Area Committees, officers and individual portfolio holders within limits set by the Council's Constitution. When major decisions are to be discussed or made, these are published in the Executive Forward Plan in so far as they can be anticipated.

Members of the Public are able to:-

- attend meetings of the Council and its committees such as Area Committees, District Executive, except where, for example, personal or confidential matters are being discussed;
- speak at Area Committees, District Executive and Council meetings;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- find out, from the Executive Forward Plan, what major decisions are to be decided by the District Executive.

Meetings of the District Executive are held monthly at 9.30 a.m. on the first Thursday of the month in the Council Offices, Brympton Way.

The Executive Forward Plan and copies of executive reports and decisions are published on the Council's web site - www.southsomerset.gov.uk.

The Council's Constitution is also on the web site and available for inspection in Council offices. The Council's corporate priorities which guide the work and decisions of the Executive are set out below.

Questions, statements or comments from members of the public are welcome at the beginning of each meeting of the Council. If a member of the public wishes to speak they should advise the committee administrator and complete one of the public participation slips setting out their name and the matter they wish to speak about. Each individual speaker shall be restricted to a total of three minutes. Answers to questions may be provided at the meeting itself or a written reply will be sent subsequently, as appropriate. Matters raised during the public question session will not be debated by the Committee at that meeting.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

District Executive

Thursday 7 March 2019

Agenda

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the District Executive meeting held on 7th February 2019.

2. Apologies for Absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

4. Public Question Time

5. Chairman's Announcements

Items for Discussion

6. Adoption of the South Somerset Leisure Facility Strategy (Pages 4 - 19)

7. Equality and Diversity Policy 2019 (Pages 20 - 37)

8. SSDC Local Authority Trading Company (Pages 38 - 81)

9. District Executive Forward Plan (Pages 82 - 85)

10. Date of Next Meeting (Page 86)

Agenda Item 6

Adoption of the South Somerset Leisure Facility Strategy

Executive Portfolio Holder: Sylvia Seal, Leisure and Culture
Director: Netta Meadows, Director – Strategy and Support Services
Lead Specialist: Jan Gamon, Lead Specialist, Strategic Planning
Lead Officer: Lynda Pincombe, Specialist, Strategic Planning
Contact Details: Lynda.pincombe@southsomerset.gov.uk or 01935 462614

Purpose of the Report

1. This reports seeks members' approval to adopt the new South Somerset Leisure Facility Strategy and associated action plan. This report does not require Members to make a commitment to allocate funding to specific projects at this time.

Forward Plan

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of 7 March 2019.

Public Interest

3. The Council aspires to help residents to live well by enabling quality leisure, sport & healthy lifestyle facilities & activities within the district. The Council therefore recently commissioned a study to review leisure facilities in line with National Planning Policy and Sport England guidance. An initial examination of supply and demand for leisure facilities in South Somerset identified a number of gaps and issues relating to leisure facility provision in South Somerset. This assessment of need was used to help shape the production of the new South Somerset Leisure facility Strategy. The final Strategy sets out what the Council can reasonably deliver, enable or support to remedy gaps in leisure facility provision up until 2036.

Recommendations

4. That the District Executive formally adopts the new South Somerset Leisure Facility Strategy 2018 – 2036.

Background

5. The Council's appointed consultants, KKP, commenced work on a new leisure facility needs assessment and strategy in July 2018. The purpose of this work was to update the Council's planning policy evidence base and to establish future funding priorities
6. The leisure facilities included within the scope of the study were:
 - Swimming Pools
 - Sports Halls
 - Community Halls
 - Health and Fitness facilities –20 stations and above
 - Indoor Courts (tennis, squash, netball, basketball, multiuse)
 - Outdoor sports facilities (athletics tracks, tennis courts, bowling greens, cycling)
7. Playing pitches, including artificial grass pitches, were not included within the scope of the study as formal pitch provision is covered within the Council Playing Pitch Strategy adopted in July 2018.

8. The Needs Assessment involved extensive consultation with clubs, national governing bodies of sport and Sport England to establish the quality and quantity of leisure facilities across South Somerset.
9. The final draft of Leisure Facility Needs Assessment was presented to District Executive for comment on 10th January 2019 and members were encouraged to participate in a follow up workshop.

Report Detail

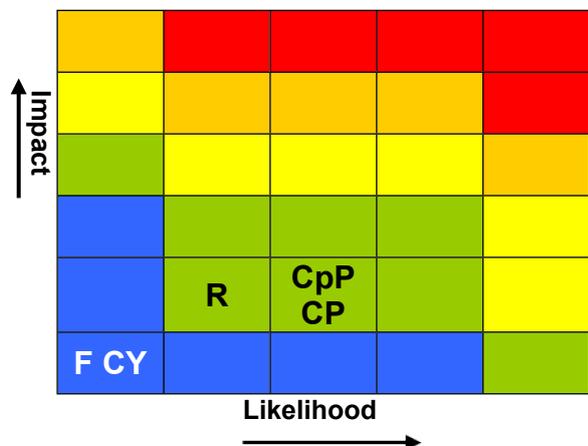
10. The strategic recommendations emerging from the Needs Assessment were presented and discussed at a members' workshop (attended by 16 members) held on 23rd January 2019. At this workshop members helped to determine what new or improved leisure facility provision the Council could reasonably deliver, enable or support others to deliver. The output from this workshop was used to draft the final South Somerset Leisure Facility Strategy being presented to District Executive Committee.
11. The priorities for delivery are summarised within the Action Plan within Part 4 of the Strategy Document.
12. Priorities identified for future direct delivery by South Somerset District Council include a new swimming pool (including health and fitness facilities) for Chard, improvement of the plant within Goldenstones and Wincanton pools, ongoing investment in the maintenance of the Bill Wistlecroft Athletics Arena in Yeovil, and enhancement of community tennis provision at Yeovil Recreation Centre.
13. The strategy identifies the following areas as being of high priority; supporting schools to deliver community access to sports hall facilities, supporting the provision of outdoor community tennis facilities and robust planning policy to secure the improvement of cycle links within the district.
14. With specific regard to cycling, the Council will be working with transport officers at Somerset County Council later this year to develop a new Local Cycling and Walking Infrastructure Plan in Yeovil (initially). This piece of work will form part of the overall Town Centre Access strategy being developed as part of the Yeovil Refresh.
15. A copy of the full leisure facility Needs Assessment and Strategy and action plan can both be found on the Council's website by following this link:
<https://www.southsomerset.gov.uk/your-council/your-council-plan-and-strategies/planning-for-open-space-sport-and-recreation/>

Financial Implications

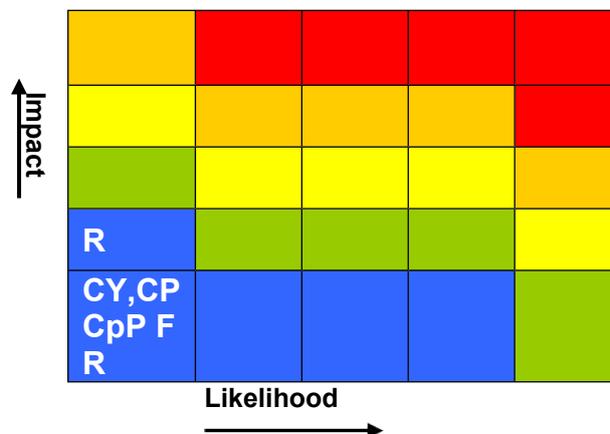
16. No new implications at present. Looking ahead, any investment projects arising from the strategy/action plan will be presented separately with appropriate business cases.

Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

Council Plan Implications

17. The leisure facility needs assessment and strategy will contribute to Council Plan aim to “improve health and reduce health inequalities” and to help the Council “to build healthy, self-reliant, active communities” by
- Targeting support to areas of need
 - Helping people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities

Carbon Emissions and Climate Change Implications

18. None

Equality and Diversity Implications

19. An EA has been completed for the development of a new strategy for built leisure facilities.

Privacy Impact Assessment

20. The way in which the KKP handle/hold personal data during the development of a new strategy has been discussed and agreed with the Case Team Leader for Support Services.

Background Papers

21. None

South Somerset Leisure Facilities Strategy

Our Vision for South Somerset:

A place where businesses flourish, communities are safe, vibrant and healthy; where residents enjoy good housing and cultural, leisure and sporting activities.

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Feb 2019

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Part 1: Introduction

This is the South Somerset Leisure Facilities Strategy for the period 2018 - 2036.

Recommendations are drawn from the Indoor Built Facilities Assessment Needs Assessment, researched and prepared between September 2018 and November 2018 by specialist sport and leisure consultancy, Knight Kavanagh and Page Ltd (KKP). Both the Assessment Report and this Strategy have been prepared in accordance with Sport England's ANOG (Assessing Needs and Opportunities for Indoor and Outdoor Sports Facilities) Guidance and in consultation with South Somerset District Council (SSDC), Sport England, national governing bodies of sport (NGBs), local sports clubs and key stakeholders.

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As illustrated, Sport England regards an assessment of need as core to the planning for sporting provision. This report reviews leisure sporting facility need in South Somerset and provides a basis for future strategic planning.

SSDC's vision is a place where businesses flourish, communities are safe, vibrant and healthy; where residents enjoy good housing and cultural, leisure and sporting activities

Healthy self-reliant communities is a particular focus area within SSDC's Council Plan. In particular, the Council wishes to "Help people to live well by enabling quality cultural, leisure, play, sport and healthy lifestyle facilities & activities". Its specific health and community objectives are to:

- Support communities so that they can identify their needs and develop local solutions.
- Target support to areas of need.
- Help people to live well by enabling quality cultural, leisure, play, sport and healthy lifestyle facilities and activities.
- Work with partners to tackle health issues such as diabetes and hypertension, and mental health.
- Work with partners to keep communities safe.

The focus and purpose of this Strategy is to shape our delivery, give clarity to residents and support our partners so that together we can plan and develop the more modern, efficient and sustainable range of community-based sport and leisure facilities that South Somerset requires. This will ensure that residents have the opportunity to be physically active and healthier and, where appropriate, take forward their sporting ambitions within their local community.

South Somerset district covers 370 square miles (958 km²). It has a population of 167,216 (2017 MYE). The primary administrative centre is Yeovil and other main settlements include Bruton, Castle Cary, Chard, Crewkerne, Ilminster, Langport, Milborne Port, Somerton and Wincanton. It has a dispersed population (at least 50% lives in settlements with a population of fewer than 10,000 residents). It borders the local authorities of Sedgemoor, Mendip and Taunton Deane (all in Somerset), East Devon, West and North Dorset councils and Wiltshire.

SSDC is committed to improving the health and wellbeing of its residents and understands the relationship between physical activity and health and wellbeing. This commitment is underpinned in and by its corporate and local plans.

South Somerset



Figure 2.1: South Somerset with main roads and main settlements/ towns

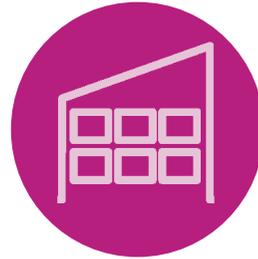
The rural nature of the area means that residents need to travel to access services; this includes sport and leisure facilities. Levels of activity and inactivity are commensurate with regional and national findings. The most popular sports are cycling and swimming. Along with many other areas of the country, child obesity rates increase substantially between the ages of 4 and 11 years.

Consultation with a range of health and community groups, many run by volunteers; plus wider interrogation of local issues confirms that community halls and village halls play a key role in the provision of programmes and activities which get people more active. The range of provision made in these settings is substantial. It is also important to note that getting the inactive active takes significantly more resource than increasing the activity frequency of existing participants.



Aquatic Sports

Swimming facilities and access to aquatic sports is a key and current issue particularly as a result of the closure of the swimming pool at Cresta Leisure Centre (July 2018); this leaves residents in Chard without immediate access to a pool. The Chard Regeneration vision identifies the importance of developing swimming pool and associated fitness facilities as a key development in the town. This will support wider economic development as a market town, as well as helping to drive increases in physical activity and sport. The refurbishment of Huish Episcopi (via the installation of a roof over its swimming pool) in Area North has increased accessibility to swimming and other aquatic sports in this area.



Partnerships

There is a recognition of the importance of working in partnership with other agencies to deliver opportunities given the geographical and access issues encountered within the District. The Chard Regeneration Plan identifies the importance of reinvigorating Chard town centre and the vision to create a leisure, culture and health focus that can be serviced by new swimming pool and fitness provision.



Population

The population in South Somerset is projected to grow given the house building policy identified in the Local Plan; this indicates that SSDC needs to make provision for at least 15,950 dwellings in the plan period 2006 - 2028. A new Local Plan is being developed for 2020 to look ahead until 2036 and this strategy aligns with this plan period. At least 7,441 (47% of growth) will be in Yeovil with other market towns providing 5,134 (32%) dwellings. It is also projected that the proportion of the population represented by the over 65 age group will increase from one quarter to just under one third by 2036. This needs to be taken account of within any new facilities or when considering the programming and pricing of current facilities .

The key challenge is not to think of sport and leisure facilities as venues for 'sporty types' but as community assets that are relevant, and which make a contribution, to the wellbeing of all District residents alongside other community assets such as village halls and community centres.

Part 3: What do we know about current facilities and activities?

South Somerset's Leisure Facilities Needs Assessment 2018 identifies the key sports and leisure facilities within the District, regardless of whether they are local authority, education or commercially owned and operated. (SSDC owned facilities are managed by LED Leisure). The key findings are:



Village Halls

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There are 104 identified village halls and community centres in South Somerset, many of which offer opportunity for people to take part in physical and sporting activity in a local facility. In addition, there are a number of sports pavilions which also offer significant community space, which in some instances is the only community space for the local population e.g. Forton Pavilion. Facility condition does not necessarily lead to reduced programmes of activity, but they all to a greater or lesser degree rely on the goodwill of volunteers to operate. These sites can play an important role in ensuring older people and/or all people in more rural areas have access to facilities/programmes of activity and can contribute to getting the inactive active or retaining those already involved.



Sports Halls

There are 19 sports halls with 3+ courts across 18 sites. Most are located on education sites which inevitably limits daytime availability; this means that just two sports hall venues (at Wincanton and Westland) are accessible during the day. Westland Sports and Fitness has full availability whilst Wincanton Sports centre, because it too is based on a school site offers more limited access.

There is a level of uncertainty with regard to the future use of sports halls on education sites because the contract held by Somerset County Council with 1610 is due to end on 31 March 2019). At this time the management of the sports halls affected will revert to the individual schools/academies. The six institutions affected by this are in the process of exploring the business cases associated with, and financial viability of, continuing to let facilities to the community. There could however be a significant reduction in community access to dual use facilities in South Somerset and this is an area of particular concern.

A good range of activity/sport is on offer in the district. This includes, for example, badminton, basketball, netball, walking football, inline roller hockey and volleyball. Netball is particularly strong in the locality and its further development is currently constrained by lack of access to quality indoor courts.

It is generally accepted that older people prefer to use facilities during the day so the increase in number of the ageing population needs to be catered for via a variety of means including use of village halls and innovative programming.



Health and Fitness Facilities

There are 27 health and fitness gyms in South Somerset; the majority in Area South (Yeovil). Generally, such facilities tend to be located in more densely populated areas. The popularity of health and fitness facilities and demand for dance studios for class-based programmes is continuing to rise. There will be a requirement for additional health and fitness provision to accommodate increased population growth. There will also be a need to maintain quality and where possible improve the condition of the District's average/below average rated gyms.

Health and fitness facilities and associated class-based programmes have the potential to impact positively on all residents in South Somerset. There is a need to ensure that harder to reach groups and people with specific health needs, as well as the general public, can access facilities and relevant programmes of activity.

Whilst there is no current under-supply of health and fitness facilities, it is important to note the financial contribution they make to the viability of (and to enable) other publicly accessible facilities, such as swimming pools, to be financially sustainable. This need to be considered when, for example assessing the feasibility of developing new swimming facilities in Chard.



Swimming pools

Up until July 2018, four sites (Cresta Leisure Centre, Crewkerne Aqua Centre, Goldenstones Leisure Centre and Wincanton Sports and Fitness Centre) offered pay and play swimming opportunity to the community. Since that time the swimming pool at Cresta has been closed. Huish Episcopi has covered what was formerly an outdoor pool and now offers pay and play access, swimming lessons and club activities. Thus, although the volume of indoor water space remains similar within the District, accessibility has changed significantly with residents of Chard (c.13,000) and surrounding hinterland particularly affected by the closure.

The swimming pool at Chard is reported to have accommodated more than 100,000 swims per annum. Its closure could negatively impact on the amount of physical activity undertaken by local residents and, even if they choose to travel, the other pools are full and have little capacity to accommodate increased demand resulting from population growth, increased swimming participation or demand displaced from elsewhere. In addition, Sport England market segmentation would suggest that there is substantial latent demand for swimming.



Tennis

With nearly 140 tennis courts across 47 sites (and 116 courts available for community use at 42 sites), tennis provision is relatively good in the South Somerset. The District is serviced by 13 tennis clubs (all but one of indicates having capacity for more players).

There are currently no purpose-built indoor tennis courts servicing the district, however, the LTA has expressed interest in addressing the demand for indoor courts and in testing the feasibility of establishing indoor provision within Yeovil (Area South). Consultation did not unearth specific club demand for, or aspirations to, create local indoor provision.

The LTA's view is that community courts need protection (and in some cases improvement) and are a priority in order to increase levels of tennis participation in South Somerset. Several sites would benefit from the installation of floodlights to extend the hours available to play. The LTA's view is that the clubs and courts already in existence can cope with current and future demand.



Squash

Squash is now on a new strategic path, implementing a rebrand and undergoing a major restructure. Provision is well distributed in South Somerset with courts found in the more densely populated areas and each administrative area. There is no requirement to build additional courts but there is a need to maintain/improve the condition of existing courts



Indoor bowls

South Somerset's three indoor bowls venues have 12 rinks. Two (Donyatt Indoor Bowls Club and Ilminster Bowling & Tennis Centre) are in Area West. Yeovil Bowls & Squash Club is in Area South. All three run on a membership basis. All are available during the day and in the evening. The indoor bowls clubs are experiencing declining numbers in South Somerset. Consultation did not highlight any additional demand for indoor bowls and, based upon current membership figures, EIBA's view is that the three existing clubs will be able to accommodate current and future demand. Donyatt IBC requires investment to resolve ongoing structural issues and improve quality but there is also some doubt about the future security of this venue for bowls should it be redeveloped for business use. If not retained as a bowls facility this will reduce the supply of indoor bowling facilities significantly impacting in the region of 500 active bowlers who use the facility on either a regular or ad hoc basis.



Athletics

The Bill Whistlecroft Athletics Arena was built in 1972 and refurbished in 2013. Home to Yeovil Olympiads Athletics Club (YOAC), it is the only 'Grade A' Athletics Arena in Somerset. The Arena track is owned and maintained by SSDC while the clubhouse is owned by the Athletic Club. The clubhouse was, at the time of preparation of this report, undergoing refurbishment. The track will need to be re-surfaced within the next five years. It is a key facility for SSDC and neighbouring authorities. Current investment will improve DDA access and should lead to increases in participation. There is a need to protect this facility for local and wider sub-regional use.



Cycling

Swimming and cycling are identified as popular activities in South Somerset. Cycling is increasing in popularity with new initiatives to increase the number of people who can cycle and the number of cycle groups. Local cycle routes and roads are used to accommodate cyclists. SSDC's Locality Team, in partnership with Yeovil Wellbeing Alliance and SPARK, delivers Breeze Cycle Leader training to enable cycle groups to start in towns and villages across the District.

There is no dedicated built cycling facility in South Somerset or the surrounding areas. Local clubs are interested in development of a closed circuit/off-road facility in the area but do not have funds available to contribute. Use should be made of MoD land and facilities if the opportunity arises.



Gymnastics

Participation in gymnastics across the Country is reportedly increasing rapidly. There are five gymnastics clubs in South Somerset, four in the Yeovil area and one in Chard. Gymnastics operates from either dedicated or non-permanent facilities; South Somerset has two dedicated gymnastics venues both in Yeovil. Spirit Gymnastics Club has only recently (2018) moved to its new home (a site formerly occupied by Yeovil College).

Current facilities are full and clubs reportedly have substantial waiting lists. There is a supplementary need to support workforce development to underpin existing provision and enable future growth. In addition, SSDC should consider whether and how to encourage development of additional recreational gymnastics provision in Area West (in particular).



Bowls

There are 12 bowling greens in South Somerset on 12 sites. All are flat greens and considered to be available for community use. Supply is considered sufficient to accommodate current and future demand. However, the greens in Area South are currently overplayed and their condition needs to be monitored. There is no requirement for additional bowling greens.

The vision below outlines what we want to achieve.

To create accessible, high quality and sustainable sport and leisure facilities, which offer inclusive services for all; enabling the inactive to become active, increase participation in targeted groups in particular and help improve the health and well-being of all of our residents.

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Strategic Priority	Recommendation	Action	Timescale Importance	Responsibility	Measure	Review Date
Sports halls: community use of education facilities Enhance	Maintain and look to increase community use of education facilities for sport and physical activity (especially by harder to reach groups)	Continue to support schools to manage their facilities with a view to ensuring continued community use following the end of the County Council contract with 1610 in March 2019. Retain a watching brief in respect of ensuring that sufficient daytime access is available to indoor sports and other facilities across the district.	Short (high) Ongoing (high)	Schools, Somerset County Council, SSDC NGBs	More schools opening for more community hours. Increase participation among targeted groups in particular Increased daytime hours available to the community	
Dedicated specialist sports facilities Enhance	Address the latent demand for gymnastics	Support improved gymnastics provision across the District.	Short (medium)	SSDC SE BG LED Leisure, Gymnastics clubs	Gymnastics development group in place with planned development programme, with targeted work to begin in Area West	
Athletics Protect	Maintain the collaborative work between SSDC and the Club.	Maintain and invest in the athletics track to ensure its ongoing regional profile and its use for training, competition and recreation. Deliver This will mean resurfacing the track within the next five years (monies yet to be identified to support this action. Deliver	Ongoing (low) Ongoing (high)	SSDC Athletics Club SSDC	Continued/improved quality of the site. Track resurfaced. Increased athletics participation Increased number of events attracted.	

Strategic Priority	Recommendation	Action	Timescale Importance	Responsibility	Measure	Review Date
Swimming pools Provide and Enhance	Ensure sufficient water space is available to current and future residents. Strategically programme water time for all residents.	Deliver a new swimming pool for Chard, including wider provision for health and fitness. Over the period of the Local Plan, deliver plant replacement and improvement at Goldenstones Leisure Centre, Whilst considering how to replace the facility in Yeovil in the longer term (due to its age). Following the work at Goldenstones deliver plant improvement at Wincanton and a longer term plan for replacement.	Short (high) Short (high) Short (medium) Short (high)	SSDC	Chard swimming pool built. Improved quality of facilities at both Goldenstones and Wincanton leisure centres leading to increased participation in swimming from different market segments.	
Health and fitness Protect and Enhance	Continue to monitor quantity and quality of health and fitness offer across the District. Ensure that the provision of health and fitness facilities is appropriate to an ageing population in the District.	Monitor the usage of health and fitness facilities by age, gender, location etc in order to drive increases in specific market segments (impacting positively on health and well-being of residents). Deliver increase the quantity of health and fitness provision in Chard to meet the mild shortfall caused by its increased popularity and the predicted population increase (see above).	Medium (medium)	SSDC	Increased participation in general; also by older age groups using health and fitness facilities across the District, especially in Chard.	
Cycling Enhance	Where possible invest in infrastructure to enable the community to undertake active travel and increase cycling participation.	Enable a revision of planning policy for improving the provision of cycle links in the District. Should the opportunity arise, support a dedicated closed road circuit in the district possibly, in the fullness of time, on the MoD Yeovilton site.	Medium (high)	SSDC, MOD, cycle clubs, Sustrans	More cycle networks joined up. Initial communication with MOD regarding opportunities documented.	

Strategic Priority	Recommendation	Action	Timescale Importance	Responsibility	Measure	Review Date
Tennis development Protect and Enhance Page 16	Work with the LTA and partners in a coordinated manner to address the relatively high latent demand and increase participation tennis across SSDC.	<p>Support installation of floodlights at key sites to increase the capacity of the District’s publicly accessible court stock and address overplay in specific areas. Check whether s106 monies can be made available to outdoor tennis improvements given the move away from the indoor tennis requirement.</p> <p>Support improvement of ancillary provision at Lightgate Recreation Ground (South Petherton TC) and Martock Recreation Ground (Martock TC).</p> <p>Support provision of an additional outdoor court at Somerton TC.</p> <p>Deliver improvements community court provision at Yeovil Recreation Centre</p>	Medium (high) Short (high) Medium (high) Long (low) Medium (medium)	SSDC Tennis Development Group Local tennis clubs LTA SSDC	Agreed programme of improvement (finances agreed). Increased participation.	
Planning Protect, enhance and provide	To recognise the importance of this Strategy and ensure that recommendations are acted upon.	To adopt Strategy recommendations and ensure that they are encapsulated in planning policy documents (the Local Plan) and other relevant SSDC strategies as appropriate. Develop priorities to assist SSDC to identify developments that could be funded via developer contributions, CIL and other funding sources; informing the regulation 123 List and identification of infrastructure requirements.	Medium (high)	SSDC	Report adopted by Council Action plan recommendations incorporated in relevant SSDC policy documents.	

Strategic Priority	Recommendation	Action	Timescale Importance	Responsibility	Measure	Review Date
Include village halls and community centres in the broader activity portfolio Protect Page 17	Continue to work with village halls and parish councils to help them offer as wide a programme of activities which supports the physical activity offer.	Investigate feasibility of low-interest loan facility for communities to improve village halls/community centres etc (enable). This will allow a 'minor works' investment plan to address key issues appertaining to the condition and presentation of some of the more significant community/village hall facilities. Enable the delivery of new community hall facilities on key site residential developments in order to help develop sustainable self-reliant communities. Concurrently support village hall and parish council committees to continue to offer, coordinate and publicise community spaces which contribute positively to the physical activity and health and wellbeing agenda.	Medium (medium)	Parish councils, Community groups Private facilities.	Programme of minor works agreed and funded. Regular liaison with village halls to understand sport and physical activity offer (documented).	
Monitor and review	Keep the Facilities Strategy relevant and up to date.	Complete an annual light touch review. Undertake a complete review within 5 years of adoption.	Medium (high)	SSDC	Light touch reviews completed. Document updated.	

What can other organisations do/take responsibility for?

Strategic Priority	Recommendation	Action	Timescale Importance	Responsibility	Measure
District wide development Enhance	Establish a workforce development plan which aims to build capacity in sports clubs across the District.	Establish a working group which looks to develop coaches and volunteers in the District in a range of sports. Consider how to deploy the volunteers/coaches to best effect linking to increased sporting opportunities at school sites (which are currently underutilised) leading to a stronger and more sustainable club structure in the District.	Short (high)	Clubs LED Leisure, NGBs, Active Somerset and schools.	Plan in place and actively being worked towards, More active coaches in the District
Indoor bowls Protect and enhance	Improve facilities at Donyatt Indoor Bowls Club.	Use available investment funding to improve the quality of the Donyatt Indoor Bowls Club.	Ongoing (low)	Donyatt Bowls Club EIBA	Improved quality of facilities. Increased membership/participation.
Squash Courts Protect	Retain current squash facilities to ensure the sport can continue in the area.	Maintain court quality via appropriate maintenance regimes. Actively promote squash in the area (link to workforce development plan identified above). Ensure that the use of squash courts for their primary purpose is continuously justified; on an ongoing basis.	Long (low)	SSDC, LED Leisure, England Squash & Racketball	Number of hours of squash activity maintained. Number of coaches increased.

The Leisure Facilities Strategy identifies the investment and actions required to deliver and maintain a high-quality built facilities infrastructure for South Somerset for the period up until 2036. A measurement mechanism is identified for each strategic priority. It is important that the Strategy is (and is treated as) a live document and used in a practical manner to prioritise investment, develop key work programmes and partnerships, guide planning gain investment and ensure that built sports facilities are a vital component contributing to the quality of life of South Somerset residents.

Strategy production is just the start of the strategic planning process. There is a requirement for all partners to engage in ongoing dialogue and review in order to ensure that a strategic perspective and approach is maintained throughout the life of the Strategy.

It is also important for the Council and its partners to develop a 3-5 year action plan based around the Strategy and for this to be monitored and reviewed annually. This should not only assess progress against the action plan but should also identify actual/potential changes in supply and demand across the authority. This is on the basis that the Strategy is as much about how facilities are used as ensuring that the infrastructure is of a good quality.

The outcome of the five-year review will be to develop a new annual and medium-term action plan for leisure facilities across the District.

In particular, the annual review process should include:

- A review of annual progress on the recommendations made and the 3-5 year action plan; taking account of any changes required in relation to the priority attached to each action (e.g. the priority of some may increase following implementation of others).
- Lessons learnt throughout the period.
- New facilities that may need to be taken into account.
- Any specific changes in the use of key District sites (e.g. sport specific specialisms of sites (such as the proposed indoor netball centre), changes in availability, etc.).
- Any specific changes in demand at particular facilities and/or clubs in the area (e.g. reduction or increase in club numbers, new housing growth).
- New formats of traditional sports that may need to be considered.
- Any new or emerging issues and opportunities.

Produced by Strategy and Commissioning, South Somerset District Council



Prepared for SSDC by:

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Agenda Item 7

Equality and Diversity Policy 2019

Executive Portfolio Holder: Cllr. Jo Roundell Greene, Environment & Economic Development
Director: Netta Meadows, Director Strategy and Support Services
Service Manager: Jan Gamon, Lead Specialist Strategic Planning
Lead Officer: Dave Crisfield, Specialist – Strategic Planning
Contact Details: david.crisfield@southsomerset.gov.uk or 01935 462240

Purpose of the Report

1. To seek member approval of a new Equality and Diversity Policy and to note the introduction operationally of a new Equalities Impact Assessment template and suite of Equality Objectives.

Forward Plan

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of March 2019.

Public Interest

The Equality Policy sets out the Council's approach to promoting equality and meeting its equality duties to the public, customers, contractors/suppliers and staff in accordance with the Equality Act 2010.

Recommendations

3. That the District Executive:
 - a. Recommend to Full Council the adoption of a new SSDC Equality and Diversity Policy
 - b. Note the introduction of a new suite of Equality Objectives and accompanying action plan.
 - c. Note the implementation of a single Equality Impact Assessment template

Background

4. Legislative Background

- 3.1. The Equality Act 2010 sets out the Public Sector Equality Duty (PSED) that includes the General and Specific Equality Duties.

The Public Sector Equality Duty means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees. It also requires public bodies to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These duties are supported by Specific Equality Duties. The specific duties require public bodies to publish relevant information showing compliance with the Equality Duty, and to set equality objectives at least every four years.

3.2. The Equality Act identifies who is protected under the legislation and refers to them as Protected Characteristics. These are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and Belief
- Sex
- Sexual orientation

Locally we also recognise the following characteristics:

- Carers
- Armed Forces Community
- Rurality
- Low income

This report does not change the status for any of the protected characteristics.

4. Policy adoption process

Under Section 1 of the council's Constitution, 'Decisions Reserved for the Full Council', Full Council are required to approve (or adopt) the 'Single Equality Scheme'.

Single Equality Schemes (SES) pre-date the Equality Act 2010 and were essentially where all the council's commitments to all the equality strands (what we now call the Protected Characteristics) covered by all the individual pieces of equality legislation at that time were brought together in one document.

The 'Single Equality Scheme' has now been superseded by the requirements set out in the Equality Act 2010.

In view of SES now being obsolete, legal advice was sought about the process for adopting a new Equality and Diversity Policy which confirmed that this will need to be carried out by Full Council.

5. Current Equal Opportunities Policy

SSDC's current Equality Policy was created in January 2007 and is now 12 years old. This has long since been superseded by Equality Legislation (particularly the 2010 Equality Act) and is, therefore, no longer fit for purpose.

6. New Equality and Diversity Policy

The Equality Policy replaces the Council's previous equal opportunities policy and Single Equality Scheme. It takes account of the requirements of the Equality Act 2010, including the specific equality duties for the public sector. The legislation requires all public bodies, which includes the Council, to promote equality and tackle discrimination by treating people fairly, valuing differences, removing barriers that prevent people from participating fully in public life and helping everyone to realise their full potential. The policy sets out the approach the Council will take towards meeting these requirements.

7. Policy Development Process

As a consequence of the ongoing funding pressures on the public sector, public bodies in Somerset have been experiencing an incremental reduction in their specialist Equalities capacity; for example here

at SSDC following the departure of the full-time Equalities Officer in February 2017 the function has been incorporated alongside the existing responsibilities of another post.

To address this diminution of individual organisational capacity, the Equality Officers from across the Public Sector in Somerset (District and County Councils, Health and Fire & Rescue) meet and work together under the auspices of the Somerset Equality Officers' Group (SEOG). This approach makes the most effective use of Public Sector resources for equality and diversity. The hope is that in addition to the added value and capacity benefits this would bring, it will also increase the overall impact of any changes on the community as a whole.

To this end SEOG have been working over the past 9 months to produce a single equality policy for the public sector in Somerset. The aim is to create consistency in what a member of the public, staff or potential employee can expect from Public Sector Bodies in Somerset.

Having produced a draft Policy this was subject to extensive consultation with a wide range of equalities stakeholders.

In order that the Policy commitments are both deliverable and achievable for SSDC, it has been circulated to all members of the Leadership Management Team for sense checking.

Following feedback from LMT the policy has been subject to a number of revisions to ensure it meets SSDC's local circumstances.

Subject to approval by District Executive committee the Policy will go to Full Council for adoption.

The policy can be found in Appendix 1.

8. Monitoring Performance

Agreeing an appropriate performance management regime is currently the subject of discussion with the People, Performance and Change team in Strategy and Commissioning.

9. Equality Objectives (2019 – 2023) and Equality Impact Assessment

a) Equality Objectives (2019 – 2023)

Developed in partnership by the Somerset Equality Officers' Group (SEOG) a suite of 5 Equality Objectives has been drawn up for the period April 1st 2019 to 31st March 2023. These are as follow:-

- i. Work with Communities to improve the opportunities for integration and cohesion.
- ii. Improve public understanding of mental health
- iii. Work with the Gypsy and Traveller community to improve relationships
- iv. Create an Equality Working group for staff in the Public Sector in Somerset
- v. Implement and review the Accessibility Information Standard to create consistency around its implementation

The objectives and their associated actions constitutes the SEOG work plan which will be delivered jointly by its members.

Specific SSDC year one actions have also been identified which are as follows:-

- Deliver an accessible new SSDC website as part of the Transformation Programme
- Assess future role and composition of the moribund South Somerset Equality Forum and bring forward action plan as appropriate.

- Introduce and deliver new Equalities training for staff and elected members.
- Facilitate improvement of mental health services in South Somerset, specifically for young people, through participation in the South Somerset strategic Health and Wellbeing structures.
- Actions to address the effects of low income and rurality on Social Mobility

Given the collective and county-wide nature of the Objectives, monitoring will be crucial. Each of the proposed actions that supports the objectives will have a lead officer from SEOG associated with it. This officer will be responsible for ensuring that their actions are completed. Feedback on the objectives will be carried out according to the following schedule:

- Year one – A report to each organisation outlining the progress against each objective/action. This can also be shared with partner organisations and other interested parties.
- Year two – A consultation event with communities to establish if the objectives are making a difference.
- Year three – A further report to each organisation outlining the progress against each objective/action. This can also be shared with partner organisations and other interested parties.
- Year four – Consultation and engagement on new objectives

b) Equality Impact Assessments (EIA's)

EIA's are the means by which the council is able to consider the effect of its policies, actions or services on the different groups protected from discrimination by the Equality Act 2010 and thereby comply with the Equality duties placed upon us.

A new Equality Impact assessment process is being introduced, again developed jointly by SEOG.

This will be rolled out fully as of 1st April 2019. It will be supported with information on the staff portal and measures to improve compliance including clearer guidance on committee report templates.

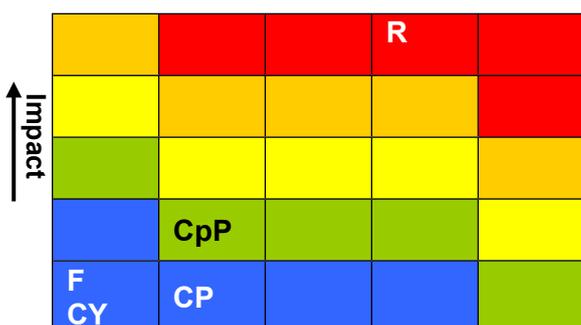
Financial Implications

10. There are no direct financial implications from this report. However it is important that the Council has a clear policy in this regard and can demonstrate compliance, to mitigate the risk of challenge and non-compliance which could lead to financial losses such as legal costs and recourse. The costs of adapting services to customers in line with the Equality Policy would ordinarily need to be met from existing budgets, with any increase in funding requirement to be addressed through the budget process.

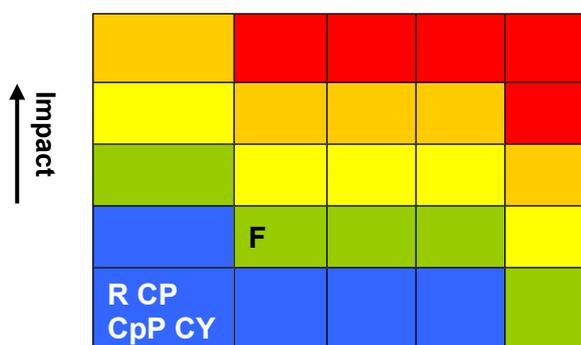
Reasonable adjustments as an employer may incur costs, which would ordinarily need to be met from existing budgets. The Council may also access external financial assistance such as through Access to Work funding for eligible costs.

Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Likelihood
→

Likelihood
→

Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

Council Plan Implications

11. The Equality and Diversity Policy is aligned to all six Values that underpin the 2016-21 Council Plan i.e.

- Putting the customer first when developing plans and services
- Supporting people and communities, enabling them to help themselves
- Being open, transparent and with greater accessibility to those that need to use council services
- Working with partners to improve services, efficiencies, resilience and influence
- Embracing innovation and improved technology to improve customer service and access
- Empowering a confident, flexible workforce

Carbon Emissions and Climate Change Implications

12. Consideration has been given to climate change implications, and there is limited impact.

Equality and Diversity Implications

13. If members support the report's recommendations this will have a positive impact on the Protected Characteristics as the adoption of an Equality Policy contributes to the council's compliance with the Equality Act 2010 and helps ensure that the needs of all protected groups are taken into account in both service delivery and employment.

Privacy Impact Assessment

14. No implications

Background Papers

None

Somerset Equality and Diversity Policy

South Somerset District Council

Introduction

The Somerset Public Sector organisations including the Councils of Somerset (Somerset County Council, Sedgemoor District Council, South Somerset District Council, Taunton Deane Borough Council and West Somerset Council) and the health organisations of Somerset including Yeovil Hospital, Somerset Clinical Commissioning Group, Musgrove Park Hospital and Somerset Partnership, and Devon and Somerset Fire and Rescue Service are working together to deliver an effective, efficient and ambitious response to the requirements of the Equality Act 2010 by creating a streamlined single policy, single equality impact assessment process and a joint set of equality objectives.

The policy comprises a series of commitments all the partner organisations will make along with commitments that have been adapted by each partner to reflect their individual circumstances and ability to deliver within the available resources.

The Joint Commitment

This Policy is part of Somerset's public sector ambition to encourage a vibrant county where the diversity of people's different backgrounds and circumstances is appreciated and positively valued; where people are empowered and maintain independence. Tackling equalities issues, ensuring those from different backgrounds have similar life opportunities and ending discrimination are fundamental to creating cohesive communities.

By signing up to this Policy the signatories, listed below, are committed to equality of opportunity for the whole community and believe that the diversity of the community is a major strength which contributes to the social and economic prosperity of the area. The public sector commits to working within the Equality Act 2010 to ensure that no resident of, or visitor, to the area, job applicant, employee or other person associated with the public sector is treated inequitably or in an unlawful or unjustifiably discriminatory manner.

Equality is not about treating everyone the same; equality is about valuing a person 'as an equal' regardless of their characteristics and treating people according to their needs in order to achieve an equal or fair outcome. Freedom from discrimination and equality of opportunity are basic rights. Somerset's public sector is committed to challenging inequality and celebrating diversity to achieve this.

Discrimination is often unwitting – this is when someone does not realise they are discriminating unlawfully. This can happen when people develop policy and practice based upon their own needs, preferences and values and do not stop to consider the different needs of other people. The law, however, does not recognise ignorance as a defence.

This Policy applies to people who are served by the public sector; those with responsibilities as a carer, disabled people, people who are lesbian, gay, bisexual or transgender and those who are married or in a civil partnership. It applies to men and women, people who hold or do not hold a religion or belief. The policy includes tackling discrimination on account of age, economic or social background, pregnancy or maternity status, race or ethnic background.

In addition to users, this policy talks about the responsibility that people within the public sector have, those that support people to use our services and those that we buy services and goods from. Inherently this is what people can expect when they are looking to the public sector for employment, services, information or business opportunities.

When we use the term service users we mean anyone using one of our services. This could be customers, patients, service users, clients, visitors, relatives or anyone else using our services.

Basic Principles of the Policy:

- Managers/Lead Specialists are responsible for the application of this Policy in their work area.
- Anyone who has any form of contact or relationship with public sector organisations has a right to be treated fairly with dignity and respect. This includes councillors, customers, employees (including apprentices, temporary workers, consultants, and agency staff), partners, contractors, volunteers and visitors.
- To create a working environment that promotes dignity and respect for all. No form of intimidation, bullying, harassment or victimisation will be tolerated;
- All public sector employees are individually responsible and accountable for their own behaviour and will be made aware of this at an early stage.
- That Equality is embedded within all activity. This means ensuring that all policies and procedures, plans, practices, and service provision reflect inclusivity and incorporate our aspirations and principles of equality and diversity.

- The public sector will develop, implement and review its policies in consultation with trade unions, staff associations, and other appropriate representatives of employees, residents, visitors, service users, partner agencies, voluntary and community organisations and the business community.
- The Somerset councils expect that Elected Members conduct themselves with integrity and in a manner that is consistent with the various policies, procedures, protocols and Codes of Conduct that apply to the role they undertake as Elected Members of the council.
- The way we operate and the images and language we use should reflect and be sensitive to the county's diverse communities, regardless of however small they may be.
- Set and review equality objectives and targets annually in relation to employment, service delivery and the carrying out of our functions.

Policy adopted:

Recruitment	
<p>We want everyone to feel they can apply for a job or volunteering opportunity. Through the recruitment process we want to see the best that people can offer. We will support them when needed and make sure that what is required of them is no more than the essential requirements. The public sector specifically supports Disability Confident and will reflect this in its recruitment practices.</p>	
Manager/Lead Specialist Responsibility	Organisational Responsibility
<ul style="list-style-type: none"> • Review job paperwork, asking only for the skills, experiences and qualities needed to do the job and with all job applicants being assessed against these requirements. • When designing competitive internal interview processes, ensure employees that have been away from the office on maternity leave or other extended leave are given the opportunity to update on current issues in the workplace to ensure they are not indirectly disadvantaged. • Value skills gained through non-traditional or informal work, such as voluntary work and caring responsibilities. The competencies gained through this kind of experience will be balanced against those gained through more formal methods • Understand requirements around Disability Confident such as; <ul style="list-style-type: none"> ○ Shortlisting and interviewing all disabled applicants who meet the essential criteria. ○ Making reasonable adjustments to the interview process such as BSL interpreters, screen readers. • Advertise widely to address under representation of any equalities community within their teams. 	<ul style="list-style-type: none"> • Include within all jobs a requirement to implement equality and respect diversity • Regularly audit the equalities profile of the workforce to identify any under-representation from Protected Characteristics. Implement an action plan to improve and target communications. • Consider Positive Action initiatives to address under representation across the workforce. For example, Diverse Recruiters and Reverse Mentoring initiatives.

Decision Making	
<p>The impact of our decisions can affect all people in Somerset. Decisions need to take account of whether impacts will affect different groups differently. Decision making also needs to be clear and open so that people can understand the decisions that affect them.</p>	
Employee's Responsibility	Elected Members' Responsibility
<ul style="list-style-type: none"> • Consider the potential impact on customers, communities and employees before making decisions affecting budgets, the delivery of services or affecting the working conditions of employees. Where unclear about the potential impacts, employees undertake to seek appropriate advice. • Undertake equality impact assessments for all applicable activities, including reviews of existing policies and services. • Include a standard paragraph in reports highlighting the legal responsibility to have regard to the PSED in decision making and policy setting. • Work with communities, community groups and organisations over proposals or changes to services, policies or functions, before implementing changes. • Use the feedback received from equalities communities to help shape future plans, decisions and policies. • Monitor the equalities impact of change programmes, service reviews and other specific activities targeted to deliver efficiency savings across the organisation. 	<ul style="list-style-type: none"> • Read and understand Equality Impact Assessments • Fully consider the information within Equality Impact Assessments as part of the decision making process. • Ask for more information where there isn't enough to make an informed decision. • Target resources at communities that are under-represented in public life to help them to become fully involved in the social, cultural, political and economic life of Somerset.

Partnership	
<p>How we work in partnership with others helps set the wider standard that we meet as a public sector. It can be an opportunity to influence other partners and make sure they are committed to equality and diversity. It is also an opportunity for us to learn different and improved ways of addressing equality and diversity.</p>	
Employee's Responsibility	Public Sector's Responsibilities
<ul style="list-style-type: none"> • Share information, experience and examples of good practice on equality through links with other public, private, voluntary and community organisations in the county mindful of the legal constraints set out in data protection legislation. • Promote equality and diversity within partnership arrangements and in their dealings with the media. 	<ul style="list-style-type: none"> • Work with other public, private, voluntary and community organisations in the county to ensure that equality and diversity policies and plans are adopted and implemented more widely. • Work with other organisations and partners, including the Local Enterprise Partnership and the Health & Wellbeing Board, to develop joint plans to promote equality of opportunity and to tackle discrimination and disadvantage. • Learn from the equality and diversity policies and plans of other organisations.

Service Delivery		
<p>Services should be accessible at the first point of contact. This should include how they are accessed, what they deliver and how they are delivered.</p>		
Employee's Responsibility	Manager/Lead Specialist Responsibility	Service Users
<ul style="list-style-type: none"> • To not discriminate against, harass or victimise colleagues or members of the public. • To make information as accessible and easy-to-read as possible. As a minimum to follow the access requirements set out in organisation Branding/Communication guidance. • To encourage understanding, tolerance and good relations between people from different backgrounds. • Involve service users and colleagues and increase the opportunities for people to influence public sector services. • To provide information in accessible formats on request including electronic format, Braille, large print, audio tape, community language translations and British Sign Language DVDs or provide interpreters in spoken community languages and in British Sign Language. If alternative formats are requested, work with the customer to understand the best way of achieving this and deliver in a timely manner. • Audit SSDC buildings and facilities for their compliance with the disability access requirement of building regulations, with plans put in place to tackle non-compliance 	<ul style="list-style-type: none"> • Evaluate the equalities profile of customers and service users to identify if any communities are under-represented in using services and action plan to improve communications and access if needed. • Ensure services and the buildings they are delivered from are as accessible as they can be. This includes offering a range of ways for customers and users to access services and information. • Ensure that equality issues are considered at the outset of all policy development and planning. • It is the responsibility of Managers/Lead Specialists to ensure that the actions required to meet the needs of specific key groups are included in service planning 	<ul style="list-style-type: none"> • To not discriminate against other service users or employees • Make employees aware of their access needs so they can be supported in the best way possible. • Customers and Service Users do not have the right to refuse service from employees for reasons of their age, disability, gender reassignment, marital or civil partnership status, pregnancy and maternity, race/ethnicity, religion and belief, sex, sexual orientation, or any other factor that is considered unreasonable. (There may be situations where there is a genuine and objective need for a customer to request a specific response, for example some women who may feel uncomfortable receiving certain services otherwise provided by a man).

Buying Services from others	
The Public sector is a major purchaser of goods and services in order to carry out its work and deliver its services.	
Organisation's Responsibility	Contractor's Responsibility
<ul style="list-style-type: none"> • Undertake equality impact assessments on outline specifications to make sure that what will be contracted will not discriminate. • Assess contractor compliance with Equalities at the Pre-Qualification Questionnaire stage of Procurements. • Comply with the Public Services (Social Value) Act 2012, for example encourage businesses and suppliers to employ and provide training to local people and to use other local businesses and suppliers as a means of supporting the County's economy and improving the employment prospects for the people of Somerset. 	<ul style="list-style-type: none"> • Where applicable, have policies on equalities in relation to employment and service delivery or demonstrate understanding and compliance with the Public Services (Social Value) Act 2012. • Seek to support the public sector's diverse communities and the businesses operating in those communities. • Where applicable, review its own policies and practices and where necessary make changes to ensure they do not discriminate against the protected characteristics (customers, employees workers).

Consultation	
<p>Engaging with people who deliver and receive services is vital to lasting change and improvement. This should result in a meaningful and effective change to how things are done.</p>	
Employee's Responsibility	Organisational Responsibility
<ul style="list-style-type: none"> • Plan/budget for the additional costs of consultation with equality communities e.g. translation costs or paying for a community group's involvement. • Set up opportunities in local communities for people to be involved in planning services and influencing decision-making. • Feedback progress to communities in a timely fashion. 	<ul style="list-style-type: none"> • Develop effective working relationships with all the diverse communities in Somerset through appropriate groups, forums and networks. Up to date contact lists are available from Equalities leads. • Promote a range of diverse methods by which communities can be effectively consulted with and involved in decision making and service planning. • To adopt the COUNT principle; Consult once use numerous times; to work with other partners and signatories to share or co-produce consultation in order to minimise the impact on the community through duplication.

Complaints including Bullying Harassment and Discrimination

Everyone has the right to complain about discrimination without the fear of being victimised. This means people should be able to raise concerns without feeling awkward, threatened or isolated. Discrimination can include harassment, not being able to access a service or information, or being treated less favourably or unfavourably because of a protected characteristic.

The public sector is part of a community partnership to tackle hate crime, which is any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice.

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Employee’s Responsibility	Manager/Lead Specialist Responsibility	Service Users
<ul style="list-style-type: none"> • If employees feel embarrassed, humiliated, offended, distressed, alarmed, apprehensive or fearful because of someone else’s behaviour towards them, employees have the right to make a complaint and ask for the behaviour to be stopped. Employees also have the right to take up issues through their respective Grievance procedures. • To report all forms of bullying, harassment and intimidation. • Take reports of discrimination and harassment reported to them seriously and compassionately. • Take appropriate and speedy action if an incident of Hate Crime occurs on Public sector property or business 	<ul style="list-style-type: none"> • Responsible for <ul style="list-style-type: none"> ○ dealing with cases of harassment in the workplace and community, ○ treating all complaints of harassment seriously and in strict confidence ○ protecting from victimisation anyone asking for advice, ○ making a complaint or helping in an investigation. • Responsible for informing customers, either in person or in writing, that access to services may be withdrawn if involved in the harassment of employees. Managers will consider the removal of services if users continue to harass or perpetrate hate crimes against public sector employees. Managers will also remove employees from situations if they are being harassed, in line with all relevant safeguarding measures. • Take action against employees whose behaviour may be understood as discriminatory, harassing or belittling to customers and colleagues from the Protected Characteristics. 	<ul style="list-style-type: none"> • Customers can complain via the organisation’s respective complaints procedure which should be available on its website. • Customers/service users should treat employees and other customers/service users with respect and in a non-discriminatory way.

Employment, Volunteers and Agency Workers

Employees, job applicants, apprentices, interns, trainees, agency/contract workers and volunteers must not be discriminated against because of a protected characteristic. This means that people must be provided equality of opportunity in all aspects of recruitment, selection, appraisal, training, promotion/transfer, work allocation, supervision, reward, recognition, retirement, redundancy, career development and any other conditions of employment or work environment.

Employee's Responsibility	Manager/Lead Specialist Responsibility	Organisational Responsibility
<ul style="list-style-type: none"> • To encourage understanding, tolerance and good relations between people from different communities. • Listen to service users and colleagues and increase the opportunities for people to influence public sector decisions, policies and services. Take responsibility to update their equalities monitoring information • Are supported to identify and report harassment, victimisation and discrimination. 	<ul style="list-style-type: none"> • Ensure that equality policies and objectives are embedded in relation to managing employees and their work. • Where necessary undertake on-going training in order to support the effective implementation of this policy. • Make sure the working environment is supportive and non-threatening by challenging and resolving discrimination or harassment, and by ensuring compliance with employees' codes of conduct. • Encourage employees with protected characteristics to take part in self-organised employee groups. Such groups can act as a critical friend and can be influential in advising public sector organisations on a range of areas such as policy development, strategy implementation, service provision and workforce development. 	<ul style="list-style-type: none"> • Equality monitoring in employment is an essential part of the public sector's Equalities commitment. The public sector will monitor all stages of the recruitment and selection process. It will monitor representation within the workforce by department, pay, training, promotion, redeployment, redundancy, complaints, investigations, grievances and disciplinary proceedings • The public sector will strive to ensure that its employment policies, practices and arrangements are flexible and will support, as far as is lawful, reasonable and practicable the specific needs and requirements of individuals and groups. The public sector will also encourage other local employers to adopt such policies. • Commitment to and promotion of Disability Confident and Mindful Employer status. • The public sector is committed to consulting its employees on employment matters and understands that the successful promotion of equality of opportunity involves the support and participation of employees, employees groups and Trade Unions.

Additional Guidance and support		
This Policy does not sit in isolation it is supported by the following. It will also support the public sector’s commitment to the following legislation.		
Guidance	Policies	Legislation this policy supports
Armed Forces Covenant Maternity Booklet	Harassment and Bullying Policy and Procedure Equality in employment Caring for Carers Policy Parental Leave Fair Selection Right to Request Flexible Working Compassionate Leave and Family Emergencies/Maternity and Paternity Policy Reserve Forces Training and Mobilisation Volunteering at SSDC Policy	Equality Act 2010 Mental Health Act Social Policy

Monitoring and reporting arrangements

As an individual organisation who has signed up to this policy and commitments within, it is important that we, South Somerset District Council, monitor and report on our response and progress, where necessary, against the commitments in this policy.

Monitoring and Governance

The Somerset Equalities Officer Group will:

1. Will review the policy on an annual basis to understand the commitments each authority has agreed and how they have performed in the delivery of the commitments

As an individual council, South Somerset District Council will:

1. Review annually the commitments made within the policy
2. Introduce proportionate and appropriate performance reporting arrangements

Review

The policy will be reviewed annually in line with changes within the Council, changes in policy and procedure and Government guidance and legislation.

Agenda Item 8

SSDC Local Authority Trading Company

Executive Portfolio Holder: Cllr Henry Hobhouse & Cllr Jo Roundell Greene
Director: Clare Pestell, *Director: Commercial Services and Income Generation*
Service Managers: James Divall, *Income Opportunities Development Manager*
Chris Cooper, *Environmental Services Manager*
Contact Details: James.divall@southsomerset.gov.uk or 01935 462261
chris.cooper@southsomerset.gov.uk or 01935 462840

Purpose of the Report

1. This report sets out the business case and rationale for SSDC to set up a trading company. It outlines the relevant legislation, proposed governance and business case needed to set up a Local Authority Trading Company (LATC). Following expert advice and best practice, it outlines the proposed structure for a Council owned holding company, and the first proposed trading company subsidiary for Council services, which if approved is to be taken forward for a full and detailed business plan and implemented in due course.
2. This report and business case seeks the approval to the principle of this Council setting up a holding company in order to take forward the trading of its services. The report also seeks approval of the funds (estimated) needed for the company set up costs and early operational running costs. These would be treated as a loan to the company to be repaid from future trading activities. Finally, approval is sought to utilise these funds through delegated authority to named senior officers, with Portfolio Holder input and oversight, to pursue the implementation of the holding company and trading company subsidiary.
3. Attached to this business case report is a confidential proposed business plan overview for the first service area proposed to be traded, with a confidential financial appendix which details the forecasted company set up costs, potential contracts and estimated income for 5 years based upon known and projected demand. This indicates the overarching viability of the trading company proposal, forecast payback to the Council of the proposed set-up costs to be invested and estimated company profits and therefore potential shareholder dividends to the Council for the first 5 years.

Forward Plan

4. This report appeared on the District Executive Forward Plan with an anticipated Committee date of March 2019.

Public Interest

5. This report is of interest to the public as it seeks to approve the principle of the Council trading and the setting up a Holding Company and Local Authority Trading Company. This requires a loan of public funds to create a company structure with a subsidiary company, through which it can openly trade its services to markets outside of the Council core business. Councils are prohibited from trading their services and making profits directly, but government legislation allows them to do so through an arm's length company. Trading companies can make profits that are returned to the Council as dividends, which can be used as additional revenue to improve services. Trading companies are also able to purchase services, such as legal or finance, from the Council, therefore providing a potential additional income stream as all purchased services are paid for by the company at full cost recover rates.

6. This proposal forms part of the council's Commercial Strategy 2017 -2021 which seeks to generate additional and new income (identified in its medium term financial plan – this forms part of the financial strategy) of at least £2.2m per annum by 2021. This revenue is required to enable existing Council services to continue to operate and grow for the benefit of the public that the council serves. Generating profits and service cost recovery will enable the Council to become more sustainable and resilient for the future.
7. This District Executive report is the Councils business case ('a comprehensive statement') outlining the rationale for setting up a company structure for training. It also explains the rationale for needing a holding company and trading company, the objectives of those businesses, the investment and other resources required to achieve these objectives, risks the business may face, the significance of these risks and expected financial results of the business, together with any other relevant outcomes that the business is expected to achieve.

Recommendations

8. That the District Executive:
 - a) approves the setting-up of a Holding Company & Local Authority Trading Company (LATC) in the manner outlined in this report with delegated authority to the Director for Commercial Services and Income Generation, and S151 Officer in consultation with the relevant Portfolio Holders to proceed with the implementation as proposed within the document, following more detailed due diligence on the legal and financial set up of the company
 - b) approves Elleston - landscape management and horticultural services, to be the first traded service within that LATC structure. This is in accordance with the attached business plan (Appendix 2).
 - c) Recommends that Full Council approve the principle of a working capital loan of up to £132,000 to the Trading Company following the creating of the companies following due diligence as outlined in recommendations (a) and (b) above, and delegate authority to the S151 Officer in consultation with the Portfolio Holder - Finance and Legal to agree final amount and commercial terms. The loan advance to be financed from the Council's revenue reserves.

Background

9. National & local context: Creating a local authority owned trading company:

National Context: *Creating a Local Authority Owned Trading Company (LATC):*

- 9.1 Under the Local Government (Goods & Services) Act 2003, local authorities have the power to provide any administrative, professional or technical services, goods or materials, or certain maintenance works, including on a commercial basis, to any 'public body' as defined under the act (for example local authorities and Government departments).
- 9.2 The General Power of Competence under The Localism Act 2011 allows local authorities to expand their trading activities into areas not related to existing functions. It also removes geographical boundaries to local authority activity so that they can set up a trading company that can trade anywhere in the UK.
- 9.3 If trading is to be done in the wider commercial market with a view to generating a profit (rather than just on a broad cost recovery basis) the council must establish a company. This can be a company limited by shares, a company limited by guarantee or an industrial and provident society. The 2009

Trading Order requires that a business case ('a comprehensive statement') be prepared and approved before exercising trading powers. **Local authorities cannot trade in services that they are already statutorily required to provide.**

- 9.4 The Local Government Act 2003 allows local authorities to do anything for a commercial purpose that they are authorised to do for the purpose of any of their ordinary functions. The Localism Act 2011 includes a new general power which allows local authorities to do anything that individuals generally do. (for example: running a local lottery, as done by Aylesbury Vale)
- 9.5 This is extended to include doing things for a commercial purpose through a company. Before exercising the powers in the 2003 Act, a business case must be prepared, approved and where the 2003 Act powers are used, the Council must recover the costs of any accommodation, goods, services, staff or any other thing that it supplies to the company as part of any agreement or arrangement to facilitate the exercise of trading powers.
- 9.6 To exercise the power to establish¹ a company and trade, South Somerset District Council must approve a business case (this committee report – 'a comprehensive statement') covering:
- The objectives of the business
 - The investment and other resources required to achieve those objectives
 - Any risks the business might face and how significant these risks are
 - The expected financial results of the business
 - Any other relevant outcomes that the business is expected to achieve

This business case will be implemented and refreshed by way of a business plan, (see appendices) which will be updated and submitted for approval each year to a meeting of the LATC shareholding board, to guide the company in carrying out its continuing activities.

- 9.7 It is also important that SSDC demonstrates that all costs are recovered and that there is no actual or hidden subsidy so as to avoid any potential challenge over oversight, meaning that the Council is providing State Aid to the Company.
- 9.8 A number of local authorities have already taken advantage of the opportunities that the above legislation has created in order to generate revenue through profits and savings through cost recovery. Some of these include:
- Acivico (building Consultancy) Ltd: <https://www.acivico.co.uk/building-consultancy> : previously Birmingham City Council Building Control Services
 - NYNET: <https://www.nynet.co.uk/> responsible for the role out of the rural broadband programme for North Yorkshire
 - Westco: <http://www.westcotrading.com/> : Westminster City Council and Lambeth Council trading company centred on communications
 - Commercial Services: <http://www.commercialservices.org.uk/> : Commercial services group is the Kent County Council trading division, operating as a trading company with a range of commercial services, through Kent Ltd
- 9.9 To ensure a level playing field with the private sector and to avoid breaching State Aid rules, any company established by SSDC must not be subsidised by it. This means that the local authority is expected to recover the full costs of such things as accommodation, supplies and support services that the company may use. It should also be noted that the company should not be a threat to the local economy.

¹ The Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009

9.10 Ownership and control of the company: the detail of this will be noted within the final company 'code of practice' this is currently being established by external solicitors. SSDC, the local authority as a corporate body, will be a member of the company. That membership will be as the holder of shares (the only share) in a company limited by shares. The relationship between the local authority (and the companies it is a member of) is as governed by those and other key documents that are required to establish a local authority company, and a trading company in particular. In establishing the local authority's company and then in governing the relationship with what is now a separate legal personality, the Council will need to put in place the following documents:

- The **business case** (this report)
- The **articles of association**, or the memorandum and articles of association as it used to be called, which is the constitution of the company. (Documents are currently being drawn up by external solicitors)
- The **shareholder agreement** which are the commercial agreements and key decisions that set out what assistance is to be provided by whom and on what terms. (These documents are also being drawn up by external solicitors)
- The **business plan** which sets out the objectives of the business, including financial projections and how they are to be achieved, the standards to be met adjusted in the light of experience and changing circumstances. This is attached at appendix 2

Local Context: Creating a Holding Company & Local Authority Owned Trading Company (LATC)

9.11 A holding company will be set up to act as an overarching parent company for the first trading company Elleston and any future trading companies, which are in effect subsidiary companies under the holding company 'umbrella'. The holding company will effectively provide a 'blue print' for how all future subsidiary trading companies will be formally set up and governed. This provides a best practise and consistent approach to company management for trading companies that come forward in the future, with a more standardised approach for Shareholders.) See appendix 4 for more detail.

9.12 The trading company business that is initially proposed in this report is '**Elleston**' (the historic name for the Lufton area of Yeovil). This will focus on land management and horticulture services. This service will be a '*one stop shop*' for all privately owned (i.e. developer / social housing landlords) accessible Public Open Spaces (POS) planning, design, maintenance and management services and other service solutions. It will have the benefit of securing a significant value of external revenue and annual revenue from residential annual maintenance levy's via the trading company. This will enable consistent, high quality Public Open Spaces and associated services to be delivered. We see the improvement of Public Open Spaces as an additional outcome and benefit of trading in this way.

9.13 As an alternative to adoption of open spaces by SSDC, many developers are now requesting the use of a third party Management Company; this means that whilst the developer retains the ownership of the land, the management company secures the required maintenance funding directly from the householders by means of an annual levy. For the developer this means a significant financial saving as there is no pre-adoption maintenance period prior to adoption and no requirement for a 5 or 10 year commuted sum payment. This approach not only takes away the liability of ownership of the land for the local authority but provides a sustainable, effective, fit for purpose solution and a more financially sustainable approach to managing the land without any financial burden for maintenance to the local authority and potential adverse effect to the wider tax payer. This also benefits the Council as when traditional commuted sums time out, the cost of ongoing maintenance would fall to the Council.

9.14 Early discussions with potential customers have identified that the SSDC Council brand in this field of services is a trusted one and would resolve many concerns. It would offer a single point of contact as well as consistency in billing for the services received, in addition to the existing high reputation for the quality of the service and expertise held within the council for POS. However, it is recognised that some may view the SSDC brand negatively as representing a public “authority”. This has led us towards ‘Elleston’ as a brand, something that has the ability to be aligned with the Council, but operates independently.

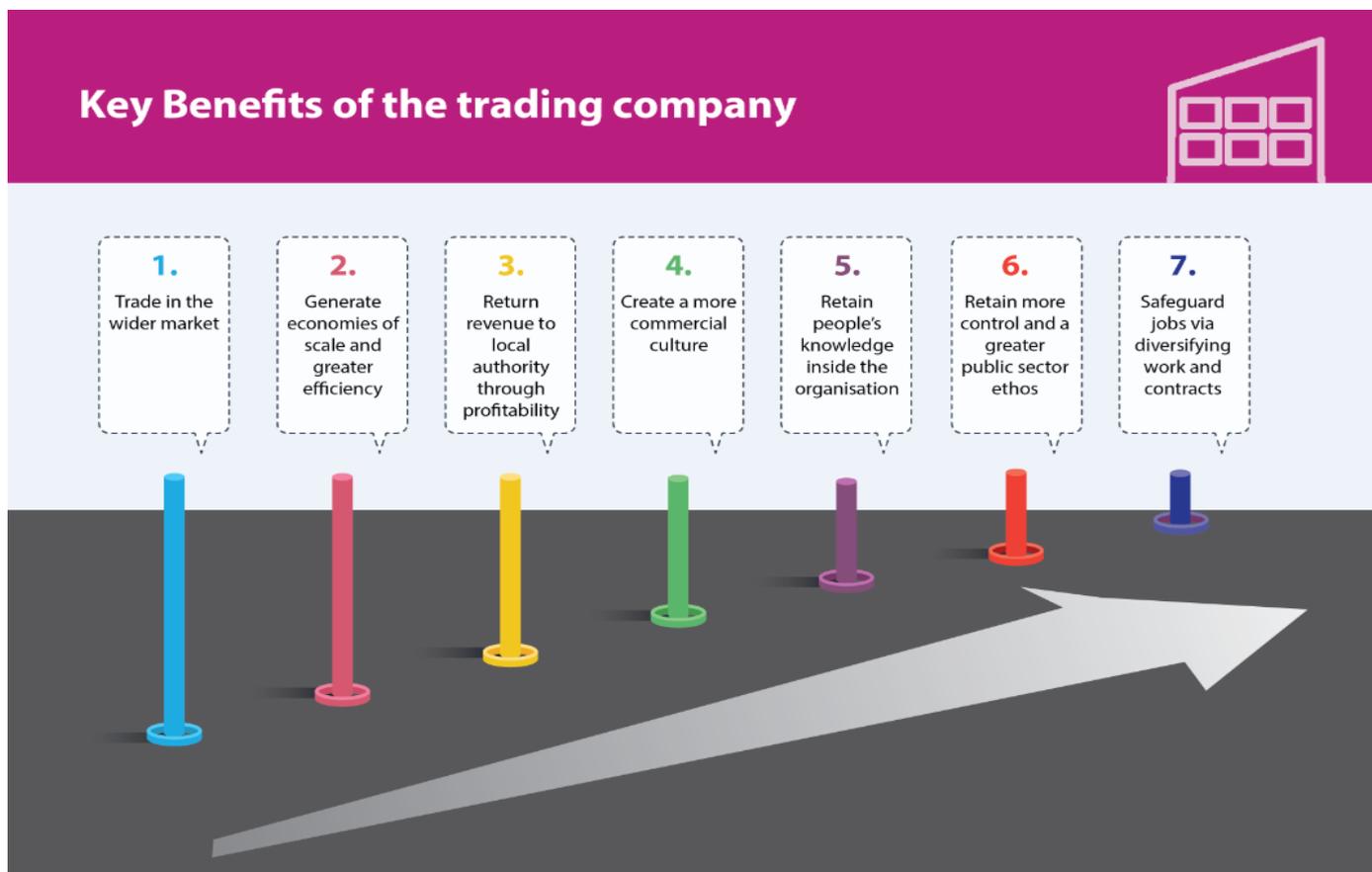
9.15 Additionally, setting up a holding company and LATC structure now will provide SSDC with a more agile framework for future commercial opportunities. New income opportunities will allow the Council to work creatively in establishing new partnerships, trading opportunities and income streams in areas of working practice that SSDC have a trusted reputation and strong experience at delivering in. This could include a variety of services across horticultural works, facility management solutions, MOT and vehicle services, and sports pitch maintenance for example.

Report Detail

10. Creating a Holding Company & LATC

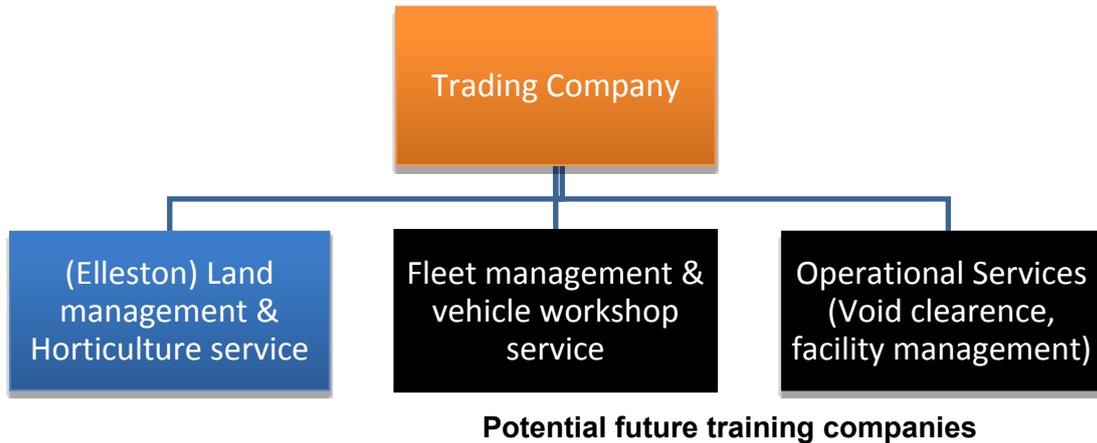
10.1 This report outlines the proposal to approve the establishment of an overarching holding company and LATC; in particular it seeks approval for the overarching structure and proposed governance under which the company will operate. It also outlines the broad scope of services that could be traded through the initial company Elleston.

10.2 The creation of a holding company and LATC provides a number of advantages for South Somerset District Council in the future, as we will be able to bring online other trading companies (if required) under the same company holding structure and governance set up. Benefits include:



10.3 The formation of a holding company & LATC which would be a Council wholly owned company (WOC) will allow us to explore trading in a way that optimises expertise, skills and resources. It can also allow services an opportunity to shape their own future in a more pro-active and commercial way by tapping into new market places to generate revenue.

10.4 The trading company will become a **‘one stop’ commercial service for diverse market offers** including:



10.5 Additional services could be added to the trading company suite include:

- Play landscaping, design, inspections and maintenance
- Handy man services (fencing, minor household repairs or small building works)
- Facility management solutions (shared space cleansing, void clearances, office clearance & refurbishment)

10.6 These trading services can be expanded and added to over time, each with its own business case to be approved by District Executive in due course. The initial focus will be on initiating trading the land management services element (Elleston); which is covered in more detail in the attached business plan at Appendix 2.

11. Key factors to consider

11.1 Governance arrangements:

- a) A suite of governance documentation and advice is currently being provided by an external consultant with expertise and strong experience of setting up Local Authority Trading Companies elsewhere. This additional suite of documentation will be added to the business plan in due course, but is outlined here for information.
- b) Detailed governance arrangements will be signed off and authorised through the delegated authority outlined in recommendation A and B above and the Senior Leadership Team (SLT) before a company is formally established.
- c) There are reputation and financial risks to the Council of creating a company. It is therefore essential to minimise those risks by ensuring that the Council retains sufficient control of the company and that the company is subject to strict governance for transparency and audit purposes. That is why the proposal in this report is, at this stage, to create companies that are wholly owned by the Council.

- d) The company will be a separate legal entity from the council and will enjoy limited liability. Consequently, debts accrued by the company will stay with the company and creditors would technically not have recourse to the Council or any of the company directors, save in a certain defined cases, for example, fraudulent or wrongful trading.

11.2 Governance Arrangements: Code of Practice for the Governance of Councils Interests in Companies:

- a) Consideration have been given to how we organise the establishment and put in place appropriate governance for the proposed companies. It is recommended that a code of practice for the Governance of Council Interests in Companies be adopted. The intention of such a Code of Practice is to provide a reference point to the Council and interested parties (Councillors, officers, company representatives, etc) in understanding the requirements of the Council in setting up companies, and how the governance arrangements for those companies would be expected to work.
- b) In a similar manner to the Council's wider Code of Corporate Governance, it is envisaged that the operation of the Code of Practice, and the performance against it, will be included in the Annual Governance Statement and be subject to periodic review by the authority's Audit Committee.
- c) Additional information on proposed governance arrangements including shareholder committee, Company Board and the establishment, if ever required, of a Client team can be found in Appendix 4.

11.3 Governance arrangements: Ownership

- a) The company will be governed through the Holding Company.
- b) The proposal is to create an overarching holding company to enable any future companies to be located under this umbrella and in a similar vein, using the same form of governance. This would also allow the various companies to be then governed as a "family", with strategic co-ordination led by the various company managing directors coming together with appropriate Shareholder representatives. It also allows for a common set of policies, branding, reporting, understanding and accounts; and the means to utilise economies of scale reducing costs, wherever possible.
- c) Appendix 1 shows the new proposed arrangements in their diagrammatic form.

11.4 Governance Arrangements: Shareholders Agreement, Articles of Association and Appointments.

- a) A Code of Practice specific to the LATC will be created. The Code of Practice describes a Shareholder Agreement (which could comprise of Council Members and officers, as the council will wholly own the company) as the document that sets out the rights of the Shareholder and how it can exercise its powers. It details the powers of the company Board (likely to be senior council officers and/or external parties); and how and when the shareholders might influence those powers, this is referred to as reserved matters. It is important to note that the shareholder agreement can be altered and changed as the company develops. It is best practice for LATC's that Members form part of the Shareholders, giving the company's strategic direction. The company board will be comprised of officers and/or external persons with relevant expertise or qualifications relevant for the nature of the business.

11.5 Service Level Agreement:

The company (Elleston) will initially operate by purchasing resources (staff) from the Council, through a service level agreement. This will entail using existing staff resources from the Environmental Services

team working in part for Elleston, undertaking Landscape management and grounds maintenance). These services will be provided at an hourly rate or commission basis between the Council and the trading company Elleston.

- a) Initially trading will focus on the flexibility and agility of work force programming, seasonal hours of work, full cost recovery of any temporary additional staffing capacity in line with business demand. As the company evolves to meet financial, legislative and customer demands, there are likely to be changes in the demand levels on services. In areas where trading companies are established, the wholly owned company could provide additional contracted work and utilise any additional seasonal capacity. This would not only generate revenue for the Council but would also have a positive impact on local employment. To this end, it is important that detailed and achievable Service Level Agreements are in place and are reviewed on a regular basis.
- b) The recharging of staff time from the Council to the Company provides an easy mechanism to ensure that the full costs are applied to the company and that there are no issues around 'state aid' or uncompetitive practices being used.

12. Proposal

- 12.1 The proposal, as outlined above, is that we establish a LATC as this most clearly provides the clearest opportunity for the Council to venture into commercial activities. It is hoped this will support the Council to become more financially resilient and help services to grow and thrive. It will also offer opportunities for staff to develop greater commercial and associated technical skills which will not only benefit the Council, but to develop their personal skills, experience and career prospects.
- 12.2 The Local Government Act 2003 requires a full business case to be approved before trading commences. This report is intended to establish the principles of trading, with proposed governance structures, board membership details and business case information. It proposes the initial service to commence trading (Elleston), but each new business proposal for trading will need its own business case and plan brought forward to District Executive for approval.
- 12.3 The full business plan for Elleston, setting out detailed proposals for trading activities, is attached in Appendix (2)
- 12.4 As outlined in the recommendation, additional work will now be undertaken on the final business planning, governance and legal issues, to ensure that the company set up is correct and fit for purpose. Advice and experience is available internally, but specific external professional advice has been sought where needed and further detailed legal and tax advice will be required to finalise the company set up. We have used best practice from other public sector organisations that have progressed down the trading route, so that the Council can benefit from lessons learned.
- 12.5 Under this proposal, it is likely that some trading activity will commence in the 2019/20 financial year. A significant amount of due diligence has already been undertaken in preparing this proposal, including staff discussions, soft market testing, reviewing potential business opportunities and research on various models available to the Council on service delivery.

13. Financial Implications

- 13.1 The purpose of this report is primarily to gain approval to establish a company structure that will enable the Council to trade services. This is clearly aligned with the Council's Commercial Strategy, which contributes to the wider financial strategy targets agreed by the Council.

- 13.2 Trading services will enable the Council to pursue increased income through a combination of delivering managed services to the trading company(ies), charging for non-core services at competitive market rates that produce a profit, and growing income by expanding our service offer and operating in new markets. Increasing income generation to the Council is the primary rationale for trading services, with enhanced community services and benefits also being achieved.
- 13.3 The proposed company structure is to set up a holding company and potentially a number of subsidiaries. SSDC will hold 100% of shares of the holding company. The shareholding will be accounted as an investment, and regarded as an "Other Investment" within the Council's Investment Strategy.
- 13.4 As a trading company, the LATC will produce its own accounts and be liable for corporation tax on earnings. It will also need to account for VAT and other taxation in line with statute.
- 13.5 The Council will obtain income from the company in three main ways:
- a) An appropriate charge for management, staff and asset use (from operational services such as Environmental Services), premises costs, administration and support service overheads (e.g. finance, legal, people management) on a full cost-recovery basis.
 - b) Interest on any agreed financing arrangements such as start-up / working capital loans or capital loans.
 - c) Distribution of profits by way of dividends. The company will need to retain a proportion of profits to provide working capital and funding for future investment.
- 13.6 The draft Business Plan includes estimates of the recharges to the company for the management and resources provided to it by the Council. The draft figures have been prepared based on current full cost recovery rates that include costs of labour, plant and equipment, vehicles, management and administration. The figures provide reasonable estimates at this stage, however a full and detailed review is needed to confirm costs for charges to the Company and the pricing schedule for the company to its customers. Equally the income forecasts are cautious with the service management team anticipating better income growth than reported. The draft Business Plan are therefore indicative for the purposes of this report and subject to change.
- 13.7 The Company is likely to hold little if any assets, with the charges from the Council incorporating use of assets retained by the Council.
- 13.8 The Council has already undertaken research and obtained specialist advice, however further advice will be needed to complete the start-up of the business and to inform ongoing requirements for operating the company in this form. The company will also need to obtain other professional services such as financial accounting, tax advice and external audit services.
- 13.9 The company will need to establish a good understanding of its fixed and variable costs, and operate an appropriate pricing strategy that seeks to recover costs and deliver profit margin whilst remaining competitive. It is envisaged full and proper monthly management accounts will be produced to report on financial performance and aid decision making.
- 13.10 This report includes the provision of an initial working capital loan from the Council to the trading company, on commercial terms. This will provide the funds to manage day to day cash flow and cover initial set up costs primarily consisting of 'one-off' purchases, such as the website, internet domain licenses, IT equipment and financial system as well as advice referred above. Discussions with SSDC's legal team have concluded that the initial legal work (the production of the Articles of Association, Shareholders Agreement and the Service Level Agreement between

Elleston and SSDC) will be outsourced to an external legal practice, who have experience in setting up LATC's.

13.11 Other start-up costs include setting up a separate bank account, creating marketing literature and website design. Most of these requirements will be undertaken through the 'in-house' team and will be accounted for in officer time and materials. This is likely to cost less than purchasing from specialist external suppliers. Initial year 1 start-up costs include:

- Legal Support – Governance and suite of documentation / Contracts
- Company Registration
- Company Secretary procurement (External independent appointment for the Company)
- Company accounting, financial systems and company bank account (including external accountants for VAT/ corporation tax and end of year accounts)
- IT hardware and software
- Insurance
- Marketing including website, branding, etc

13.12 The Council's Finance Specialists have considered VAT and corporation tax issues that a trading company and the Council could face. They have also liaised with the other local authorities and external financial advisors on such matters. Refined tax and VAT advice will need to be obtained to assist with finalising the business plan giving further detail prior to implementation. (Appendix 2)

13.13 The Council's will need to reflect its interest in the holding company and its subsidiaries in the Council's own financial statements with the expectation that group accounts will need to be prepared. This will be reported annually to the Audit Committee through the Council's Statement of Accounts.

Risk Matrix

14. During evidence gathering workshops and sessions between commercial officers, managers and directors, a number of discussions were had around awareness and migration of risks involved in trading activity. Developing innovative business opportunities involves taking risks and accepting that some initiatives may fail or run into difficulties. At times local authorities can be seen to be negatively averse to risk, rather than positively aware of the risks. By taking appropriate legal and financial advice we will ensure that service level agreements and key performance indicators are robust from the outset of the venture and risks are migrated wherever possible.

14.1 The risks associated with the formation of a local authority trading company can be classified into four main areas:

- a) **Reputational risk** associated with trading within and outside the District Council and the wider perception on the success of the venture.
- b) The **operational risks** centre on the financial returns and the forecast viability of the business to deliver as anticipated.
- c) **Financial risks** – both to individual directors and the local authority as a whole if the LATC runs into financial difficulty
- d) **Legal risks** if it were ever established by a competitor or customer that the authority had not demonstrated in its business case or terms and conditions full awareness of and compliance with legal requirements

14.2 Key risks along with potential mitigation are set out below:

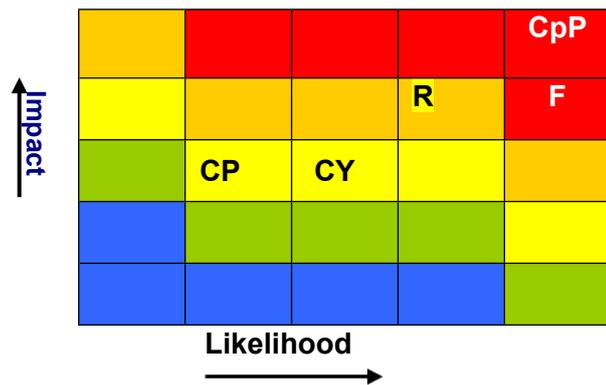
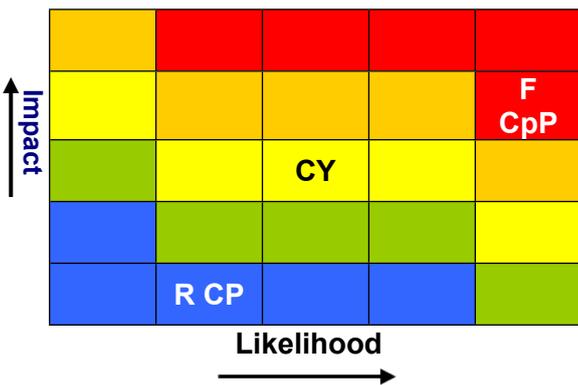
Ref	Risk	Likelihood	Impact	Mitigation action / Factors
1	Failure to secure forecasted private new clients	M	L	Growth assumption very prudent
2	Failure to exploit potential opportunities	M	H	Relevant services to be given income generation targets to be closely monitored
3	Increase market competition from private sector	H	L	Secure barriers to entry through market share
4	Insufficient ongoing working capital and cash flow difficulties	M	L	Medium working capital requirements
5	Insufficient management capacity	L	L	Mitigated by part of a larger local authority group

14.3 The risk matrix shows risk relating to the Corporate Plan headings.

Risk if we do not establish a LATC:

Risk Profile before officer recommendations

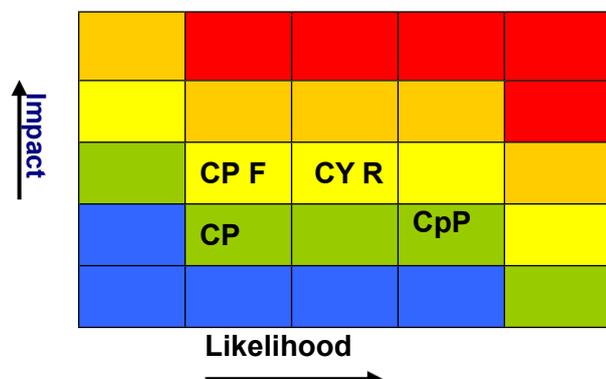
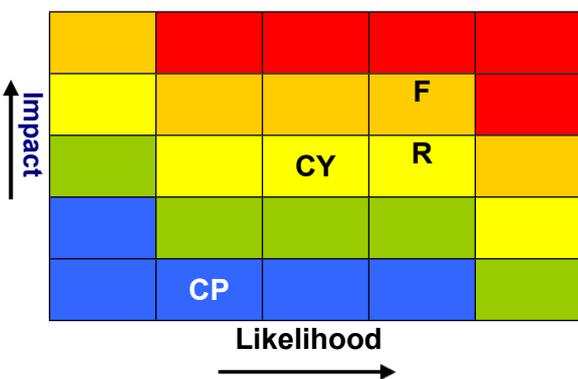
Risk Profile after officer recommendations



Risk if we do set up a LACT (Before and after):

Risk Profile before officer recommendations

Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

- a) The reputational risk could and should be seen as a positive as the Council will be demonstrating its desire to operate in a commercial manner in line with its Commercial Strategy to the benefit of local Council taxpayers, as well as the wider community.
- b) The detailed business plan for the company will contain a risk assessment with details of the risks that have been identified and what mitigation action has been or will be taken to minimise that risk. The financial risk is considered to be moderate given the scale and nature of the business during the initial business plan period.
- c) An appropriate exit strategy will need to be developed within the detailed business plan showing how the trading activities could cease and the impact that would have upon the future.

Overall it is considered that the risk associated with the actual formation of the company is moderate and that the initial proposed trading activities and resultant impact on the Council will be beneficial.

Council Plan Implications

15. Outcomes linked to SSDC Commercial Strategy and Corporate Priorities:

- 15.1 **High quality costs effective services:** In order to protect frontline services we will:
 - Provide access to services to suit our customers' needs
 - Actively manage assets and resources to ensure the best financial or community return
 - Seek business opportunities for the Council
 - Work with partners to achieve economic resilience
- 15.2 **Economic:** To promote a strong and growing economy with thriving urban and rural businesses and improving productivity we will:
 - Work with the businesses and use our assets
 - Advice and support initiatives that ensure workers skills meet the employers' needs.
- 15.3 **Environment:** To keep South Somerset clean, green and attractive we will work in partnership to:
 - Keep streets and neighbourhoods clean and attractive
- 15.4 **Health & Communities:** To build healthy, self-reliant, active communities we will:
 - Support communities so that they can identify their needs and develop local solutions
 - Help people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities
 - Work with partners to keep our communities safe

16. Legal and Statutory implications

- 16.1 The Council is currently receiving legal advice from external solicitors regarding on the best way to achieve an appropriate and effective governance framework for the creation of a Local Authority

Trading Company. The advice will form a suite of governance documentation which will be incorporated into the final business plan.

16.2 The Council will continue to obtain ongoing internal and external legal advice as necessary in relation to the business case supporting the creation of the Company and to ensure that the Company remains state aid and procurement compliant.

16.3 There are a number of legal and statutory implications which the Council needs to be aware of in regards to establishing a wholly owned company for trading purposes. These have been outlined in section 9 of this report.

17. Consultation and scrutiny input:

17.1 Internal consultation: Part of the process of establishing the new trading company is to understand how and who they will engage with in regards to consultation and scrutiny input. This will include:

- a) Engagement, consultation and involvement of Council members (through a workshop opportunity) in regards to the set-up of the local authority owned trading company
- b) Access and publication of the new LATC reports will adhere to confidentiality regulations as per other Council business. This will reflect existing Council regulations and policies.

17.2 Members: We believe that elected Members have a part to play in enhancing the authority readiness to develop trading options. From the informal discussions (workshops) with Members we will collect a board, insight and direction of local authority trading & income generation demand and desire.

17.3 External consultation: Much of the consultation in creating a new company will be internally with officers, managers and Councillors. However external consultation has already been instigated by a number of potential customers approaching the Council with their needs and issues; but is there a need for any further external consultation? Questions to consider include:

- a) Officers across SSDC have engaged with other local authorities who have created a company or holding company already to obtain best practice and advice on lessons learnt. Additionally we have demand from developers who have made enquiries around SSDC supply of services such as land management services
- b) The new company will analyse the market to make sure that we are competitive but fair with other local trade. Creating the LATC will establish positive competition in the market place for quality services. The LATC intends to trade on our trust, quality and brand reputation.

Carbon Emissions and Climate Change Implications

At this time there are no material implications on carbon emissions or climate change factors resulting from this report.

Equality and Diversity Implications

At this time there are no material implications affecting equality or diversity resulting from this report.

Privacy Impact Assessment

At this time there are no material implications on personal privacy

Background Papers

None

Appendix:

Appendix 1: LATC proposed structure

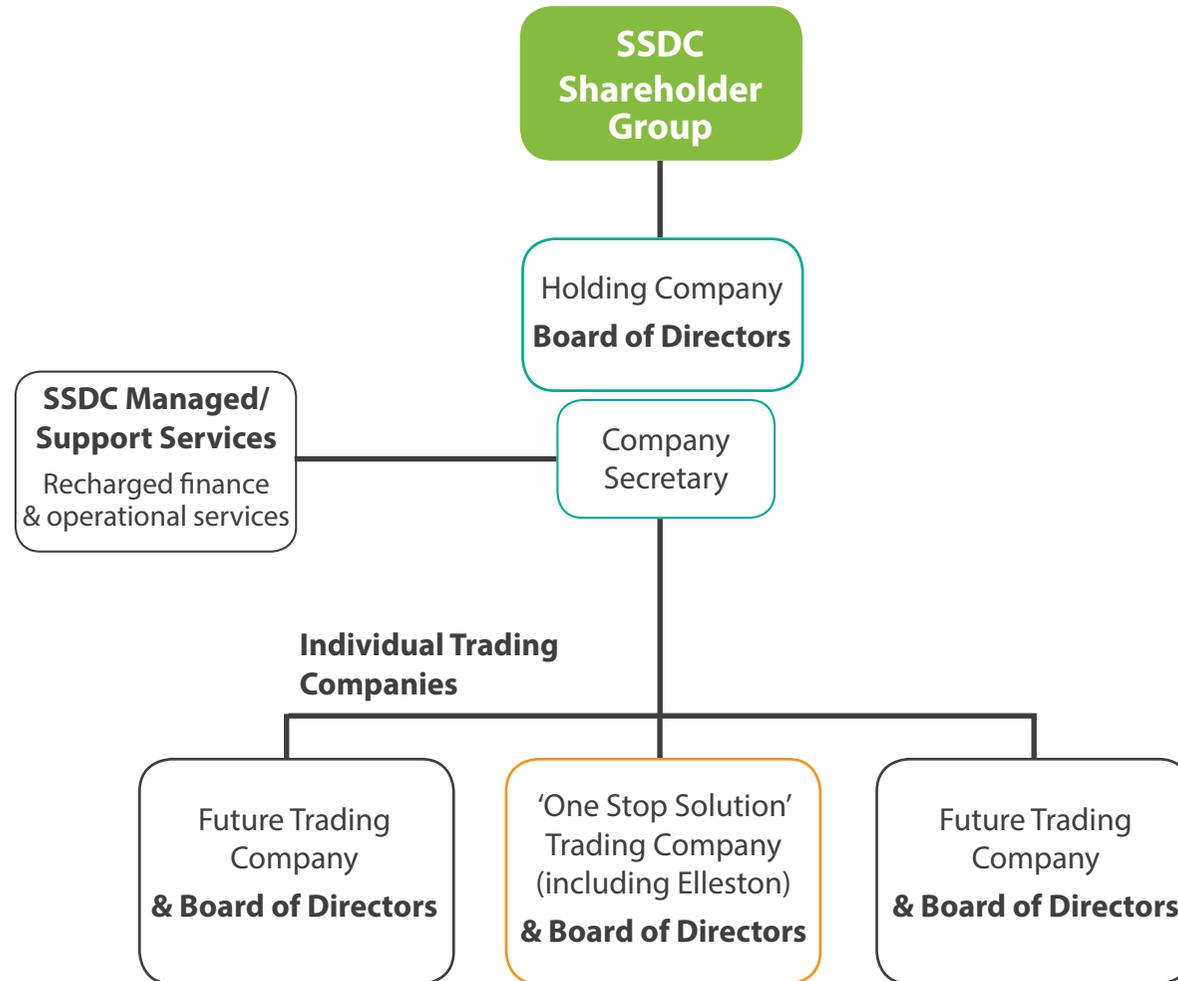
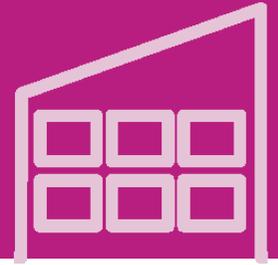
Appendix 2: LATC and Elleston service business plan and appendices (Confidential)

- a) LATC Financial forecast (Confidential)
- b) Trading Company alignment with SSDC attitude and approach framework
- c) How does the Trading Company align itself with the SSDC transformation design principles
- d) VAT and Tax Implications
- e) Market Profile & SWOT analysis
- f) Trading Company business objectives and measures

Appendix 3: LATC Financial income & expenditure forecast (Confidential)

Appendix 4: Governance Arrangements (Shareholder Cabinet Committee, Company Board and establishment of a 'smart' client team.

Appendix 1: Trading Company Structure



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Governance arrangements: Shareholder Cabinet Committee, Board of Directors, and the establishment of a 'Smart' Client Team

South Somerset District Council will establish a governance framework to demonstrate how it will clearly manage its differing responsibilities. These include being an owner of the company (e.g. Shareholders) and interacting with the company Board of Directors (which may include SSDC officers overseeing and managing the operations of the company); as well as the operational Board of Directors interacting with SSDC services who are suppliers to the company (e.g. internal services such as finance, being recharged to the company).

The governance arrangements will demonstrate that:

- The Council is acting in an open and transparent manner in respect of the Company's business
- Objectives of the Council and the Company are being delivered
- Performance and risks are managed, reported and reviewed
- The extent of delegation to any Company Directors and operational officers is clear
- There is transparency around key Shareholder (Council) decisions
- Clear separation of company owner and supplier functions to the company

To this extent, the Council is currently obtaining expert legal advice from external solicitors, which will set out in more detail the legal implications. This detail will follow in the future suite of governance documents to be created. They will consider how the company governance and management structure will operate to show clear and effective Council management and oversight of the company between Shareholders (which hold strategic and key decision making responsibilities) and Directors (which hold operational business decision making responsibilities to deliver company objectives).

A Shareholder Cabinet Committee

Expert advice proposes that an overarching Shareholder Cabinet Committee made up of 5 members would be formed with strategic key decision making and advisory powers. The Shareholder Cabinet Committee is proposed to be a subcommittee of the Council Cabinet so that it will have delegated power to make decisions in a commercial manner in relation to the Holding Company and the councils other trading companies, partnerships and charities into the future. This is a recommendation, but the Shareholders can choose also to delegate all or certain matters to a different number of representatives or a 'Smart' client representative such as a senior SSDC officer(s) e.g. (Monitoring Officer or S151 Officer).

The Shareholder Cabinet Committee (or other delegated representative) can take responsibility for all decisions on behalf of Shareholders or reserve the right to defer back to full Cabinet (all Shareholders) if they so wish.

Decisions may include:

- a) Establishing the new companies, partnerships or charities
- b) Decommissioning or winding up of existing companies, partnerships or charities
- c) Determining the articles of association
- d) Determining Council share ownership
- e) Determining investments of funds and assets
- f) Determining any loans to the companies
- g) Identifying reserved matters such as to appoint or dismiss directors
- h) Scheme of delegations to Shareholder Cabinet Committee
- i) Approving the Company's performance and financial delivery against the Business Plan
- j) Decisions over Reserved Matters where delegated by Council Cabinet
- k) Reviewing reports of the Company prior to submission to the Audit Committee
- l) Managing interactions between the Council and the Company, including the Council's other organisations such as trading companies, partnerships and charities
- m) Delegation of functions to senior Council officers acting as an in-house 'Smart' client representative reporting to the Shareholders to increase commercial flexibility interacting with the Company Board of Directors

The benefits of adopting the structure and responsibilities set out are:

- Effective protection for the Council against potential poor performance and excessive risk (i.e. timely decision making)
- A split decision making process in order to reflect and manage the Councils differing responsibilities as company Shareholders and as a supplier to the company
- Monitoring and communication between the Company (and other Council trading organisations) and the Council

Whilst there is a risk that under this structure and decision making is limited to members on the Shareholder Cabinet Committee, this can be mitigated by requiring key decisions being agreed as reserved matters to be approved only by the full Council Cabinet. The Councils smart client (e.g. Monitoring Officer and Section 151 Officer) can provide support to Shareholder Cabinet Committee and authority can be delegated to them by Shareholders, if they choose. In addition, the decisions made by the Shareholder Cabinet Committee can be reviewed by the Audit Committee and the Scrutiny Committee to ensure transparency and oversight.

Company Board of Directors (Holding Company and trading companies)

Council appointed Company Directors will be responsible for:

- Acting in the statutory role of a company director with fiduciary duties to the Company, acting in the best interests of the company
- Operational control of the company
- Developing, delivering and approving the company operational business plan to the Shareholder Cabinet Committee or chosen representatives

- Regular reporting on progress of the company and business plan to the Shareholder Cabinet Committee (minimum of twice a year, once to include an Annual General Meeting of Shareholders)

In order to avoid conflict of interests and accusations of predetermination and bias as highlighted from external legal advice, it is recommended that the Board of Directors should not be officers holding direct responsibilities for matters on which the council needs to retain unfettered decision making ability. Any council officer appointed to the Company Board will not be officers who also hold responsibilities for statutory or executive duties within the council.

Establishment of a 'Smart' Client

There is a recommendation for an in-house client manager(s) to act as the interface for the Council to the Company, to represent the best interests of the Council/Shareholders and with the responsibility for the oversight, management and delivery of a defined set of outcomes by the company. As these client officers represent the interests of the Shareholders they will not be the same persons who sit on the Company Board of Directors, who are there to represent the interests of the company.

The client officer(s) may be responsible for:

- Commissioning services and negotiating and agreeing service agreements
- Setting performance levels, service standards and monitoring performance against standards, payments, timelines and performance levels/ indicators
- Managing changes to service delivery, performance and determining forward strategy
- Acting as a first stop forum to consider matters which are outside the Business Plan
- Arranging and obtaining Council approvals through the Council's internal governance process (contract rules)
- Acting in the Councils best interests

The benefit of setting up an in-house smart client are:

- 1) Interface between the Council and the Company Board of Directors
- 2) Clear separation of client (Shareholder) and service supplier functions
- 3) Proper use and resource of client side functions to support the Company.

Agenda Item 9

District Executive Forward Plan

Executive Portfolio Holder: Val Keitch, Leader, Strategy and Policy
Lead Officer: Angela Cox, Democratic Services Specialist
Contact Details: angela.cox@southsomerset.gov.uk or (01935) 462148

1. Purpose of the Report

1.1 This report informs Members of the current Executive Forward Plan, provides information on Portfolio Holder decisions and on consultation documents received by the Council that have been logged on the consultation database.

2. Public Interest

2.1 The District Executive Forward Plan lists the reports due to be discussed and decisions due to be made by the Committee within the next few months. The Consultation Database is a list of topics which the Council's view is currently being consulted upon by various outside organisations.

3. Recommendations

3.1 The District Executive is asked to:-

- I. approve the updated Executive Forward Plan for publication as attached at Appendix A;
- II. note the contents of the Consultation Database as shown at Appendix B.

4. Executive Forward Plan

4.1 The latest Forward Plan is attached at Appendix A. The timings given for reports to come forward are indicative only, and occasionally may be re scheduled and new items added as new circumstances arise.

5. Consultation Database

5.1 The Council has agreed a protocol for processing consultation documents received by the Council. This requires consultation documents received to be logged and the current consultation documents are attached at Appendix B.

6. Background Papers

6.1 None.

Appendix A - SSDC Executive Forward Plan

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
June 2019	Castle Cary and Ansford Neighbourhood Plan	Portfolio Holder for Strategic Planning (Place Making)	Director Strategy and Support Services	Leisa Kelly, Specialist (Strategic Planning)	District Executive
June 2019	Commercial Asset update report	Portfolio Holder for Property & Climate Change and Income Generation	Director Commercial Services & Income Generation	Robert Orrett, Commercial Property Manager	District Executive
July 2019	Capital & Revenue Budget out-turn reports 2018/19	Portfolio Holder for Finance and Legal Services	Director Strategy and Support Services	Paul Fitzgerald, Section 151 Officer	District Executive
July 2019	SSDC Annual Performance Report 2018/19	Portfolio Holder for Strategy and Policy	Director Strategy and Support Services	Cath Temple, Specialist (Performance)	District Executive
July 2019	Office Accommodation Review	Portfolio Holder for Strategy and Policy	Chief Executive	Alex Parmley, Chief Executive	South Somerset District Council
July 2019	Transformation Project Progress Report	Portfolio Holder for Strategy and Policy	Chief Executive	Alex Parmley, Chief Executive	District Executive
August 2019	Commercial Strategy 2017-2021 - mid term review and update	Portfolio Holder for Property & Climate Change and Income Generation	Director Commercial Services & Income Generation	Clare Pestell, Director (Commercial Services & Income Generation)	District Executive

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
August 2019	Capital & Revenue Budget monitoring reports for Quarter 1	Portfolio Holder for Finance and Legal Services	Director Strategy and Support Services	Nicola Hix, Lead Specialist (Finance)	District Executive
August 2019	Quarterly Performance and Complaints Monitoring Report	Portfolio Holder for Strategy and Policy	Director Strategy and Support Services	Cath Temple, Specialist (Performance)	District Executive
December 2019	Commercial Asset Update Report	Portfolio Holder for Property & Climate Change and Income Generation	Director Commercial Services & Income Generation	Robert Orrett, Commercial Property Manager	District Executive
TBC	Leisure Contracts	Portfolio Holder Leisure & Culture	Director Service Delivery	Lynda Pincombe, Specialist - Strategic Planning	District Executive
TBC	Dualling of A303 from Sparkford to Ilchester	Portfolio Holder for Strategic Planning (Place Making)	Director Strategy and Support Services	Jo Manley, Specialist (Strategic Planning)	District Executive

APPENDIX B - Current Consultations – March 2019

Purpose of Document	Portfolio	Director	Response to be agreed by	Contact	Deadline for response
<p>Taxi and private hire vehicle licensing: protecting users</p> <p>Consultation on statutory guidance for taxi and PHV licensing authorities. We are seeking views on proposed statutory guidance to taxi and private hire vehicle (PHV) licensing authorities on how to use their licensing powers to protect children and vulnerable adults</p> <p>https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-licensing-protecting-users?utm_source=0003be90-46d4-40fc-9466-2ae302883ad9&utm_medium=email&utm_campaign=govuk-notifications&utm_content=daily</p>	<p>Strategic Planning (Place Making)</p>	<p>Director – Service Delivery</p>	<p>Officers in consultation with Portfolio Holder</p>	<p>Nigel Marston</p>	<p>22 April 2019</p>
<p>Tackling homelessness together</p> <p>This consultation seeks views on how the government could improve local accountability for the delivery of homelessness services.</p> <p>https://www.gov.uk/government/consultations/tackling-homelessness-together?utm_source=80cfcc3a-4e13-4a06-9173-216afeae6ec0&utm_medium=email&utm_campaign=govuk-notifications&utm_content=daily</p>	<p>Leisure and Culture - Operational Housing & Welfare</p>	<p>Director – Service Delivery</p>	<p>Officers in consultation with Portfolio Holder</p>	<p>Barbie Markey</p>	<p>16 May 2019</p>

Agenda Item 10

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the District Executive will take place on **Thursday, 4th April 2019** in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30 a.m.