
South Somerset District Council

Thursday 15th April 2021

6.30 pm

A virtual meeting using Zoom meeting software

All members of Council are requested to attend this meeting.

Any members of the public wishing to address the virtual meeting at Public Question Time need to email democracy@southsomerset.gov.uk by 9.00am on Wednesday 14 April 2021

The meeting will be viewable online by selecting the meeting at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

For further information on the items to be discussed, please contact
democracy@southsomerset.gov.uk

This Agenda was issued on Wednesday 7 April 2021.

Alex Parmley, Chief Executive Officer

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

South Somerset District Council Membership

Chairman: Paul Maxwell
Vice-chairman: Jenny Kenton

Jason Baker	Henry Hobhouse	Wes Read
Robin Bastable	Ben Hodgson	David Recardo
Mike Best	Charlie Hull	Paul Rowsell
Neil Bloomfield	Kaysar Hussain	Dean Ruddle
Dave Bulmer	Val Keitch	Gina Seaton
Hayward Burt	Andy Kendall	Peter Seib
Tony Capozzoli	Tim Kerley	Garry Shortland
Martin Carnell	Mike Lewis	Alan Smith
Malcolm Cavill	Mike Lock	Jeny Snell
John Clark	Pauline Lock	Andy Soughton
Nicola Clark	Tony Lock	Mike Stanton
Louise Clarke	Kevin Messenger	Rob Stickland
Nick Colbert	Graham Oakes	Lucy Trimmell
Adam Dance	Tricia O'Brien	Gerard Tucker
Sarah Dyke	Sue Osborne	Linda Vijeh
Karl Gill	Tiffany Osborne	Martin Wale
David Gubbins	Robin Pailthorpe	William Wallace
Peter Gubbins	Oliver Patrick	Colin Winder
Brian Hamilton	Clare Paul	
Mike Hewitson	Crispin Raikes	

Information for the Public

The meetings of the full Council, comprising all 60 members of South Somerset District Council, are held at least 6 times a year. The full Council approves the Council's budget and the major policies which comprise the Council's policy framework. Other decisions which the full Council has to take include appointing the Leader of the Council, members of the District Executive, other Council Committees and approving the Council's Constitution (which details how the Council works including the scheme allocating decisions and Council functions to committees and officers).

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 Council are scheduled to be held monthly at 7.30 p.m. on the third Thursday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom video-conferencing. For more details on the regulations regarding remote/virtual meetings please see the Local Authorities and Police and Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

The agenda, minutes and the timetable for council meetings are published on the Council's website – <http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for 'mod.gov' in the app store for your device and select 'South Somerset' from the list of publishers and then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at meetings (held via Zoom)

Public question time

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings. If you would like to participate and contribute in the meeting, please join on-line through Zoom at: <https://zoom.us/join> You will need an internet connection to do this.

If you would like to view the meeting without participating, please see:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

The period allowed for participation in Public Question Time shall not exceed 15 minutes except with the consent of the Chairman and members of the Committee. Each individual speaker shall be restricted to a total of three minutes.

If you would like to address the meeting at Public Question Time, please email democracy@southsomerset.gov.uk by 9.00am on Wednesday 14 April 2021. When you have registered, an officer will provide the details to join the meeting. The Chairman will invite you to speak at the appropriate time during the virtual meeting.

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman will un-mute your microphone at the appropriate time.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

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South Somerset District Council

Thursday 15 April 2021

Agenda

1. Apologies for Absence

2. Minutes

To approve and sign the minutes of the previous meeting held on Thursday, 25 March 2021.

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. Verbal update on the Environment Strategy (Page 5)

7. Consultation on Local Government Reform - Response to One Somerset Proposal (Pages 6 - 36)

8. Local Referendum on the Future of Local Government in Somerset (Pages 37 - 45)

9. Appointed Leisure Facilities Provider (Pages 46 - 63)

10. Remote Meetings after 7 May 2021 and the Delegation of Decision Making. Also Change of Date of Annual Council Meeting (Pages 64 - 68)

11. Motions

There were no Motions submitted by Members.

12. Questions Under Procedure Rule 10

There were no questions submitted under Procedure Rule 10.

13. Date of Next Meeting (Page 69)



Verbal Update on the Environment Strategy

Executive Portfolio Holder:	Sarah Dyke, Environment
Strategic Director:	Kirsty Larkins, Service Delivery
Service Managers:	Vicki Dawson, Lead Specialist (Environment) Katy Menday, Leisure and Recreation Manager
Lead Officer:	Vicki Dawson, Lead Specialist (Environment)
Contact Details:	Vicki.dawson@southsomerset.gov.uk

The Portfolio Holder for Environment and officers will provide Members with a verbal update on the SSDC Environment Strategy



Consultation on Local Government Reform – Response to One Somerset Proposal

Portfolio Holder: Val Keitch, Leader of the Council
Strategic Director: Alex Parmley, Chief Executive
Lead Officer: Jan Gamon, Stronger Somerset Programme
Contact Details: Jan.Gamon@southsomerset.gov.uk

1. Purpose of the Report

On 9th October 2020, Robert Jenrick, Secretary of State for Housing, Communities and Local Government, invited local authorities in Somerset to submit a proposal for a single tier of local government by 9th December 2020. The four district authorities had already submitted an outline business case, in September 2020, with support from full council. The final proposal for a Stronger Somerset was taken through full Council on 3rd December 2020 and the council resolved ‘to endorse the Stronger Somerset proposal for the reform of local government, including the creation of two unitary Councils within Somerset. and agree its submission to the Secretary of State for Housing, Communities and Local Government.

The government is now consulting on both the Stronger Somerset and One proposals; the purpose of this report is to seek endorsement of our formal response to the Secretary of State on the One Somerset proposal, which argues for a single unitary for the whole of the administrative county of Somerset. This report details the planned response on behalf of South Somerset District Council.

2. Public Interest

The four district councils submitted a joint proposal to the Secretary of State, for reform of local government in Somerset in December 2020. The county council submitted an alternative proposal, One Somerset. As a principal authority, we have been invited to submit a response formally to the Secretary of State in respect of the One Somerset proposal.

3. Recommendation

That Full Council approve the response to the consultation on proposals for reform of local government in Somerset, specifically in respect of the One Somerset proposal. One Somerset is the alternative to the districts’ Stronger Somerset proposal and recommends the creation of a new, single unitary to cover the administrative district of Somerset.

4. Context

4.1 In accordance with the Local Government and Public Involvement in Health Act 2007, the Secretary of State must consult with any local authority that is affected by a proposal (but which has not submitted it) and any other persons as he considers appropriate. On 22nd February 2021, the Government opened a consultation on all proposals submitted. **The consultation ends on 19th April 2021.**

4.2 Responses to the consultation will be considered by the Secretary of State against the following criteria before reaching a judgement on each of the proposals:

- Is it likely to improve local government and service delivery across the area of the proposal, giving greater value for money, generating savings, providing stronger strategic and local leadership and more sustainable structures?
- Does it command a good deal of local support as assessed in the round overall across the whole area of the proposal? and
- Is it a credible geography consisting of one or more local government areas with an aggregate population which is either within the range of 300,000 to 600,000 or such other figures that, having regard to the circumstances of the authority, including local identity and geography, could be considered substantial?

4.3 The Secretary of State, subject to Parliamentary approval, may implement a proposal with or without changes or may not implement any. If a proposal is to be implemented, the timeline set out the consultation document suggests new Unitary Councils will come into existence from April 2023 (with transitional arrangements in place in 2022/23). As a consequence of this, the County Council elections planned for May 2021 are not taking place and have been deferred to May 2022.

4.4 The specific consultation questions are:

- 1) Is the Councils' proposal likely to improve local government and service delivery across each area? Specifically, is it likely to improve Council services, give greater value for money, generate savings, provide stronger strategic and local leadership and create more sustainable structures?
- 2) Where it is proposed that services will be delivered on a different geographic footprint to currently, or through some form of joint arrangements, is this likely to improve those services? Such services may, for example, be Children's Services, Waste Collection and Disposal, Adult Health and Social Care, Planning and Transport?



- 3) Is the Council's proposal also likely to impact local public services delivered by others such as the Police, Fire and Rescue and Health Services?
- 4) Do you support the proposal from the Councils?
- 5) Do the Unitary Councils proposed by the Councils represent a credible geography?
- 6) Do you have any other comments with regards to the proposed reorganisation of local government in each area?

5. South Somerset response

Our response is structured to answer the specific questions which are posed by the Secretary of State in his invitation.

Q1. Is the proposal likely to improve council services, will it give greater value for money, generate saving, provide strong strategic and local leadership and create more sustainable structures?

A1a. There is no evidence that the One Somerset proposal will lead to improved services, give greater value for money or provide strong strategic leadership and the proposal contains no plans to achieve this.

- 5.1 The One Somerset proposal provides neither a compelling nor ambitious vision for Somerset's future, but appears to focus on reorganisation as an end in itself, rather than a stepping-stone to achieving the deeper change needed to really improve services and the quality of life for people in Somerset.
- 5.2 Whilst the One Somerset proposal shares some of the key challenges (identified in work conducted jointly between the districts and county in October 2019), the proposal does not go on to articulate in any way, how these challenges will be addressed by the changes proposed by One Somerset. As a result, there is a lack of evidence that these have been placed at the centre of a reform agenda. In fact, there is little detail to suggest from the proposals that consideration has been given on how to deliver better services and improved outcomes for the people of Somerset. If it had, this would have led them to the need for reform to be the central pillar, from which the proposed structure would have flowed. The district authorities in Somerset believe that significant reform is required to deliver better, more sustainable adults', children's and public health services. The One Somerset proposal is silent on this, despite evidence of consistent performance issues in relation to children's and adults' services, as evidenced by recent Ofsted and CQC inspections for Children's Services and Special Educational Needs and Disabilities and the most recent Adults Social Care Outcomes



Framework data, where more than half of indicators are in the bottom 50% of England rankings.

5.3 There is a broader question of why some of the changes sought in the One Somerset case are not already planned or delivered, as many are not dependent on a structural change for the county. The lack of a rigorous reform narrative combined with current service performance means that we cannot be confident that the One Somerset case provides a path to outstanding services.

5.4 In addition to concerns around its key services, the One Somerset proposal does little to address how it plans to reduce inequality, level up and meet other national policy drivers.

A1b We do not believe that the One Somerset proposal addresses the significant challenges created by increasing demand for key services or delivers service reform. As a result, the proposal cannot offer sustainability of service delivery into the future which presents a risk to residents, particularly the most vulnerable.

5.5 The One Somerset proposal focuses on a one-off programme of transition and change, attributable in large part to restructuring. It does not set the foundations for dealing with the known financial shortfalls let alone the likely future local government budget reductions which will fall on Somerset, or how services will deal with unprecedented increases in demand, particularly across social care and public health, and made more urgent due to Covid-19. The proposal is disappointing in its limited field of vision and is a missed opportunity.

5.6 When we consider the County Council's wider record on managing demand-led service costs, it has struggled in this area to date. County Council budget outturns show, for example, that children's services have consistently overspent each year between 2016/17 to 2019/20, with money being taken from other services (notably economic and community infrastructure) to meet this overspend.

5.7 Given the challenging combination of poor performance in some service areas (as evidenced by the inspections referred to previously), together with the failure to demonstrate how demand will be tackled, it is disappointing that there is no evidence in the proposal to suggest that any changes to existing ways of working are proposed, and that the trajectory would therefore change. The proposal misses the opportunity for reorganisation to look to improve services and outcomes for residents so that real progress can be made in improving quality of life and services can be provided on a financially sustainable footing. As a result, the proposal represents a serious risk of deteriorating services that fail Somerset's residents and communities.



A1c. We do not believe that strong local leadership will result from the One Somerset proposal, as the structure proposed is imposed top down and will inhibit a truly localist approach. There is a risk of disconnect between the council and the communities it serves.

5.8 Local Community Networks is a potentially promising reform with the potential to drive more localism but the design outlined is top down and is undermined by a significant reduction in democratic representation. The approach is modelled on that taken forward in other large unitary councils where it is known that communities have disengaged as their voice and needs are not heard and they have little influence over decisions of the councils designed to service them. The proposals represent a step backwards from the Area Committees employed in South Somerset rather than reorganisation being utilised as an opportunity to go further in engaging and empowering communities and being able to tailor delivery to different local community needs.

5.9 The One Somerset proposal does not acknowledge the differing challenges and different local economies that exist in what is a large county. The reality of the Eastern side of Somerset is that it is formed of attractive market towns and surrounding villages, that need a tailored approach and one that is very different to the Taunton and Bridgwater dominance that our local councils fear. We do not believe that a monolithic council, centred in Taunton, will be close, accessible and accountable to the people it serves. Our Ipsos MORI poll showed clearly the higher level of trust which residents place in their district council compared to the county council. The poll also demonstrated residents' views that Eastern and Western Somerset are different in character and needs and that communities are demanding a more localist approach. The One Somerset proposal neither acknowledges this nor will it deliver what residents want.

Q2. Where it is proposed that services will be delivered on a different geographic footprint than currently, through some form of joint arrangements, is this likely to improve those services? Such services may, for example, be children's services, waste collection and disposal, adult health and social care, planning and transport

A2. The One Somerset proposal overlooks the opportunity for more local delivery of services, to better meet the needs of the community. It is also silent on those services currently delivered by the district councils, such as housing and homelessness (and the role of these as wider determinants of health), environmental health or planning. It is therefore difficult to gauge how it is envisaged these will operate within a single unitary and the implication is that these have not been adequately thought through.

5.10 Under the One Somerset proposal, children's services continue to be both commissioned and delivered centrally, but it has been shown through independent



South Somerset District Council

assessment that this is not working optimally for recipients of these services. In this case, the lack of change to geographic footprint and absence of fresh thinking is detrimental to service users. The Stronger Somerset solution centres delivery with an Alternative Delivery Model but, crucially, recognises that commissioning needs to flex to meet the very different needs of Western and Eastern Somerset. The One Somerset proposal is essentially more of the same and does not address current concerns set out in inspection reports around quality of services.

- 5.11 One Somerset does not acknowledge that whilst some services are more efficient delivered at scale, others are more efficient delivered on a more local footprint with tailored services leading to better outcomes and lower cost. Instead, One Somerset appears to adopt a centralising approach of services all being delivered in the same manner countywide. This will lead to the deterioration of many services in the eyes of residents as they become less tailored to local needs.
- 5.12 One Somerset points to the emerging ICS as the future delivery model for adult health and social care. However, it neglects the importance of creating a strengths-based, neighbourhood model to work with the PCNs and emerging ICS to ensure that solutions are place-led and locally delivered.
- 5.13 Waste services in Somerset are already delivered via a shared partnership, the Somerset Waste Partnership. Neither proposal impacts upon this.

Q3. Is the proposal also likely to impact local public services delivered by others, such as police, fire and rescue, and health services?

- 5.14 The administrative boundary of Somerset sits within the wider force boundary for Avon and Somerset Police and Devon and Somerset Fire and Rescue Service. However, it is important to note that both services operate within two divisions – one covering Eastern Somerset and one covering Western Somerset. A single county unitary would straddle two divisions for both the police and fire services. In fact, the service delivery boundaries for the Police and Fire and Rescue are closely co-terminous with those of the two unitaries proposed by Stronger Somerset.

Q4. Do you support the proposal from this council?

A4. South Somerset District Council does not support the proposal for One Somerset. The proposal has no ambition for improving services or plan to improve outcomes for communities and level up. It does not address: the current known financial shortfalls; the issues underpinning growing demand; or future likely reductions of funding. As a result, the proposal presents a serious risk of poorer outcomes for residents and communities,



**in particular the most vulnerable and service deterioration or even failure.
We make additional observations here:**

- 5.15 In our view, the One Somerset model will not deliver the economic growth necessary to level up. The One Somerset case does not mention economic growth, and yet it is fundamental to the prosperity of our area, improving quality of life and for the funding of local government and other public services. Post-Covid recovery plans are being developed across England, emphasising the need for inclusive growth. The government's devolution agenda will seek to accelerate the recovery, yet the One Somerset case is silent on the issue of devolution to generate the investment needed to transform the County.
- 5.16 The proposal does not sufficiently address concerns in relation to the current reserves of the County Council. The levels of the County Councils reserves, the ability to survive further unforeseen financial risks and the standards of financial management within the County have been a critical concern for the External Auditor in recent years. In 2019/20 the External Auditor continued to raise concerns about financial management and controls. Despite the significant attention and effort to replenish levels of reserves, the County's current levels of reserves are not high relative to comparator councils and many of the efficiency measures taken and savings achieved have largely been short term and/or opportunistic v transformational (a view supported by its external auditors).
- 5.17 The delivery of corporate transformation is a key and ongoing challenge for the County Council and delivering budgets in the MTFP will require further savings to be delivered. Whilst financial management practices have improved, there is evidence that the County Council has not yet fundamentally tackled its strategic cost base. We would therefore characterise the improvement in the County Council's financial position as better cost management and cost control rather than delivering transformation of the County Council's cost base.
- 5.18 Within this context, One Somerset does not address how services as a whole will be reformed or even transformed to ensure they operate on a financially sustainable footing. Indeed, the financial savings proposed by One Somerset are less than the cumulative savings already identified as needed by the existing five councils of Somerset. This being the case, One Somerset presents a risk of financial failure and with it, a deterioration in services, rather than improvement, and possibly failure of key services.

Q5. Does the unitary council proposed represent a credible geography?

A5. No. The area proposed to be covered by one council is too large and its needs are too diverse. We do not believe it is possible for a single unitary to do justice to the unique characteristics across our people, place and economy.

- 5.19 Given the diversity and characteristics of Somerset, as well as the economic geography, a single unitary structure covering all of Somerset risks Local Government becoming disconnected from the people and places it serves.
- 5.20 Our county is geographically large – 1,331 sq. miles – with a very dispersed population. 48% of people living in Somerset live in a rural area, in sharp contrast to 18% for England. It takes people in Somerset 50% longer than average to access services. Travel times within the county are significant and this is not overcome by digital connectivity which is poor. The business case does not acknowledge these differences or set out how it would maintain a place-led focus to mitigate this risk and recognise the community geography.
- 5.21 The One Somerset proposal does not reflect the natural economic geography of Somerset. There is no description of how it intends to take account of its scale to provide services that are genuinely responsive to the different businesses in the county. There is also no mention of the different functional economic areas which are characterised by very different economic make-up, and how this will be addressed by a council of this scale.
- 5.22 Within the next ten years, the population of Somerset will be more than 600,000 people (ONS 2019 mid-year estimates), which exceeds the highest stated desirable size for a unitary authority. The size of the population added to the size of the county means that it is impossible to see how one council for Somerset could fit the definition of being truly local government.

Q6. Do you have any other comments with regards to the proposed reorganisation?

A6a. The District Councils have commissioned a report from PA Consulting which objectively analyses the One Somerset Proposal. A copy of the report is attached at Appendix A and the Secretary of State is invited to take this analysis into consideration.

A6b The District Council commissioned IPSOS MORI to undertake a poll of a representative sample of residents. The poll shows that the One Somerset proposal does not have the support of the majority of residents. Indeed, of the four options residents were asked their preference on, One Somerset was the least popular with only 15% support, with more residents even preferring no change. The option most supported was that for two new councils proposed by the district councils in Stronger Somerset.

A copy of the full IPSOS MORI Poll is available at Appendix B.

6. In Summary

- 6.1 The Secretary of State issued the following guidance to those authorities wishing to submit a proposal. A proposal should seek to achieve for the area concerned the establishment of a single tier of local government, that is the establishment of one or more unitary authorities:
- a. which are likely to improve local government and service delivery across the area of the proposal, giving greater value for money, generating savings, providing stronger strategic and local leadership, and which are more sustainable structures;
 - b. which command a good deal of local support as assessed in the round overall across the whole area of the proposal; and
 - c. where the area of each unitary authority is a credible geography consisting of one or more existing local government areas with an aggregate population which is either within the range 300,000 to 600,000, or such other figure that, having regard to the circumstances of the authority, including local identity and geography, could be considered substantial.
- 6.2 In respect of sustainable structures, improving value for money and delivering savings the One Somerset business case takes only a short to medium-term view on financial sustainability, with little comment on the actions required to manage long-term future demand and cost. The value for money analysis is necessarily focused on restructuring and, whilst there is a description of a new operating model in the business case, the costs and benefits of this are not quantified. In general terms, we consider that the financial analysis is a little over-simplified for a proposal of such significance.
- 6.3 One Somerset's vision for creating better services in Somerset is not supported by sufficient detail as to how it plans to achieve that ambition. In respect of both children's and adults' services this is concerning, given recent under performance and increasing demand. We also note very limited development of a firm ambition for devolution or a wider economic strategy for the region, which is disappointing given the acknowledged underperformance on a wide range of economic indicators when compared to the national average. The lack of plans calls into question the deliverability of the business case and the likelihood of it improving local service delivery and achieving better outcomes.
- 6.4 The One Somerset business case gives an account of how it plans to develop Local Community Networks (LCNs) as a way of "giving people real power and real influence over the decisions that affect them most." However, there are inconsistencies in the aims and ethos described compared with the planned approach, which casts doubt on its potential effectiveness at fostering local engagement in the scheme. The business



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case describes that the geography of LCN's will be based on PCNs. This 'top down' approach to boundaries appears at odds with genuine localism which is unlikely to always align with PCN boundaries. The business case also suggests that LCNs will operate as 'committees of the council cabinet.' Evidence from other places such as Wiltshire, where this structure is in place, suggest that these mechanisms are poorly attended and also perceived as top down structures. There is no reference to any new team to deliver this work and no costs, which makes the subsequent content an aspiration at this point, rather than something that has been planned and costed into a new model. In addition, a single council may struggle to reflect the diverse economic geography of Somerset, creating an effective barrier to providing tailored services that are responsive to the different businesses in the four functional economic market areas that exist.

- 6.5 We did not find evidence to substantiate One Somerset's multiple claims of "significant and growing" support from different stakeholder groups. There are insufficient references, quotes, or names to corroborate support from the groups claimed including business (the example quoted is from a charitable organisation), MPs, public sector partners, and town and parish councils. By contrast, we would draw your attention to the strong evidence of support from both councillors and the public for Stronger Somerset. The majority of District Councillors do not support One Somerset, with 85% of them, drawn from across the political spectrum, including Conservative, Liberal Democrat, Labour, Green and Independent, voting to support Stronger Somerset.
- 6.6 In evidencing public support, One Somerset does not publish the detail of the residents' survey (for example the methodology, the questions posed or full results), making it impossible to assess the validity of the figures quoted. The results are reported variously from self-selecting public surveys and Blue marble research, but the method, questionnaire and full results are not shared, which undermines the claims made.

7 Financial Implications

There are no financial implications arising from this report

8 Legal implications (if any) and details of Statutory Powers

The legal issues are set out in the body of this report.

9 Council Plan Implications

There are no implications arising from this report

10 Carbon Emissions and Climate Change Implications



None

11 Equality and Diversity Implications

None

12 Privacy Impact Assessment

None

13 Background Papers

Appendix A: P.A. report 'Response to One Somerset' is attached

Appendix B: Ipsos MORI full report can be accessed [here](#)

One Somerset full proposal can be accessed [here](#)

Stronger Somerset full proposal can be accessed [here](#)



ANALYSIS OF THE ONE SOMERSET PROPOSAL

A REPORT FOR SOMERSET'S DISTRICT COUNCILS

21 March 2021

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Introduction

Introduction and purpose of this document

This document provides PA Consulting's analysis of the One Somerset Business case for a new single unitary council for Somerset. It has been commissioned by the Somerset District Councils to inform the government's consultation on the reorganisation of Local Government in Somerset, currently being conducted by Paul Rowsell, Senior Civil Servant in the Ministry of Housing, Communities and Local Government (MHCLG), and his team on behalf of the Secretary of State, Robert Jenrick.

PA Consulting has been working with the District Councils to prepare the Stronger Somerset Business Case currently being considered by the Secretary of State.

Our methodology in putting this document together

Our review has primarily focused on a desktop review of the One Somerset business case (onesomerset.org.uk/proposals). Where instructive, we have also referred back to the Stronger Somerset proposal (strongersomerset.co.uk/SiteAssets/Files/Plans), submitted by the District Councils.

In addition, and where useful, we have also referred to further public documents and data sources. These are:

- Somerset County Council Medium Term Financial Plans, Annual Reports and Accounts
- County Council Network: Local Government Funding Forecast Update 2020-25
- National and regional data sets relating to Somerset and Council services – for example, Indices of Multiple Deprivation, Joint Strategic Needs Analysis, Adult Social Care Outcomes Framework Data, Educational Attainment Data, CIPFA Benchmarking Data
- The Letter of Invitation from The Ministry of Housing, Communities and Local Government (MHCLG)

We have also had conversations with the following:

- Annie Hudson, Children's Services Advisor
- Kim Curry, Adults' Services Advisor
- Max Wide, Transformation Advisor
- Alex Parmley, CEO, South Somerset District Council
- James Hassett, CEO, Somerset West and Taunton District Council
- Stuart Brown, CEO, Mendip District Council
- Bob Brown, CEO, Sedgemoor District Council

MHCLG's three tests for local government reorganisation

In his letter of 9th October 2020, Paul Rowsell, on behalf of the Secretary of State, invited Councils from Somerset to submit proposals for a single tier of local government. In this invitation, he set out guidance for proposals as outlined below:

1. A proposal should seek to achieve for the area concerned, the establishment of a single tier of local government, that is the establishment of one or more unitary authorities:
 - a. which are likely to improve local government and service delivery across the area of the proposal, giving greater value for money, generating savings, providing stronger strategic and local leadership, and which are more sustainable structures;
 - b. which command a good deal of local support as assessed in the round overall across the whole area of the proposal; and,
 - c. where the area of each unitary authority is a credible geography consisting of one or more existing local government areas with an aggregate population which is either within the range 300,000 to 600,000, or such other figure that, having regard to the circumstances of the authority, including local identity and geography, could be considered substantial.

As part of further advice, the letter also advised on considering the following in formulating proposals:

- a. Describing the single tier local government structures being putting forward
- b. Explaining how, if implemented, these are expected to achieve the outcomes described above.
- c. The need for evidence and analysis to support a proposal
- d. Explanation of the outcomes it is expected to achieve
- e. Evidence of a good deal of local support
- f. Any wider context for any proposed unitary authorities around promoting economic recovery and growth, including possible future devolution deals and Mayoral Combined Authorities.

We have taken this guidance into account in putting together this document.

The structure of this document

We have structured this document around the MHCLG's core tests and guidance, providing the following sections:

1. An executive summary
2. A review of evidence and analysis included the business case
3. Analysis of the business case in terms of the degree to which it meets the three MHCLG tests:
 - a. Improving the area's local government
 - b. Commanding a good deal of local support
 - c. Covering an area that provides a credible geography
4. Conclusion

Use of this document

This paper has been commissioned by the District Councils of Somerset to inform part of their wider response to the current consultation process, due on 19th April. It is solely for use by the District Councils in relation to the consultation process currently underway. We request that it is not distributed outside of that process, without prior permission.

In preparing this paper, this review has taken into consideration documents listed in the introduction and as a result does not purport to be fully comprehensive. This paper does not seek to provide a formal opinion on the question of local government restructure in Somerset.

For questions on any of the content below, please contact Georgina.Cox@paconsulting.com (07891 417639), PA's Local Government Lead and Member of PA's Management Group.

Executive Summary

Here we summarise the findings from our review of the One Somerset Business Case.

1. The proposal does not present a comprehensive business case to ‘improve the local area’ and reform local government for the longer term in Somerset. Rather, the case is focussed on the immediate reorganisation of structures.

- In the analysis set out, the One Somerset case focuses primarily on rationalising local government structures.
- The financial analysis only covers the immediate restructure and is silent on the investment and benefits expected from a new operating model and reformed services. These elements are likely to represent a far larger opportunity to reduce inequalities, level up and meet other wider national policy drivers.
- The starting point for determining the best long-term structure for local government would be more appropriately based on the strategy and plans to deliver the best outcomes possible for the people of Somerset. A structure is then determined by what is needed to enable that, following a logic where form follows function.
- By focusing the majority of analysis on the immediate scope of organisational restructure, the One Somerset case does not follow this logic – missing the opportunity to set out a compelling and detailed plan to reform how local government will operate differently. As a result, the proposal as set out does not chart a course to address the substantial challenges Somerset faces, improving outcomes for its people and communities.

2. As a result of this, the One Somerset case describes a set of one-off financial benefits but does not make the case for long-term sustainable change in Somerset.

- The financial analysis only goes up to 2025/26 and continues to project a deficit at that stage of approximately £3.7m. Without further action to address the trajectory of spending on services, this deficit is likely to continue to rise from that point onwards, becoming unsustainable.
- This is prior to considering the growing pressures on demand-led services, all of which face current performance issues as well as significant future demand challenges. Somerset faces a number of issues: acute demographic challenges, the impact of Covid-19 and the financial risks posed by children’s services which have consistently exceeded budget between 2015 – 2019 and are still responding to poor Ofsted inspection results.
- Despite these facts, the case focusses almost entirely on ‘transition benefits’ with little analysis of the key reforms required to deliver more sustainable adults’, children’s and public health services. Without action, future pressure in these areas will mean local government in Somerset continues to be unsustainable.

3. The case lacks the evidence and level of analysis commensurate to a decision of such local significance.

- The broad ambition and vision articulated in the One Somerset business case is not backed up by detailed delivery models, costs and benefits, and delivery plans are not evidenced as to how the new Council will work in practice.
- This creates a disconnect where the detail of the case is not aligned to the overall scope it sets out. An important part of HM Treasury guidance for public sector business cases, stipulated in the Five Case Model, is where the Strategic Case sets out the desired objectives, and options are evaluated against a strategic set of ‘critical successful factors’ in the Economic Case. The One Somerset case does set out a vision and ambition, but the subsequent evaluation of options does not correlate to them.
- The modelling is overly simplistic for a business case of this significance and assumptions are not stated in full. Assumptions behind benefit profiling for each option are not stated, rather a generic modelling approach is discussed across all options, by opportunity area. This results in an overall ~50% reduction in presumed benefits between Option 3 and 4, which appears simplistically driven by scale. The lack of detailed analysis or assumptions by option makes it difficult to evaluate the reliability of the analysis and undermines the robustness of the recommendations made.
- The qualitative analysis of options is not performed against a clear, well-defined framework and does not always provide an impartial view of the options being evaluated. In some areas it is difficult to agree with some of the rationale provided for the judgements made.
- The business case frequently conflates an argument for unitary government (i.e. the advantages of combining the functions of County and District Councils), which Stronger Somerset also argues for, with an argument for a *single* unitary government covering the whole geography, without providing rationale for why one is more effective than two in relation to the specific points being made.

4. The case does not seek to respond to the significant challenges that Somerset faces.

- There is a lack of detail and analysis of the current challenges Somerset faces or the key reforms required to deliver better, more sustainable adults’, children’s and public health services. There is also then no subsequent case made for why a single unitary is the best model to enable these reforms.

- This is despite evidence of performance issues in children’s and adults’ services, as evidenced by recent Ofsted and CQC inspections for Children’s Services and Special Educational Needs and Disabilities and the most recent Adults Social Care Outcomes Framework data for which more than half of indicators are in the bottom 50% of England rankings.
 - There is little discussion of how children’s services plans to complete the long-running improvement journey it is currently on, or detail for how adult’s services will deal with the substantial demographic challenges it faces.
 - This makes it difficult to be confident about either the trajectory of key services in a One Somerset model or how these services will effectively contribute to meeting Somerset’s current challenges.
- 5. Given the diversity and characteristics of Somerset, including the economic geography, a single unitary structure covering the whole county risks local government becoming disconnected from the people and places it serves. The business case does not effectively set out how it would maintain a place-led focus to mitigate this risk.**
- Creating one council in a place as large as Somerset runs the risk of contradicting the stated ambition set out, to *“give local residents more say over decisions that impact them and their communities”* (page 8). One Somerset proposes reducing the number of councillors from 269 to 100, leaving average representation of 5,630 per councillor compared with ~ 3,150 in the rest of England on average. This aggregates representative boundaries into bigger areas and risks losing the capacity and ability to “hear” local voice, creating a more transactional relationship, ill-suited to improving outcomes for the region.
 - The development of Local Community Networks is included with the intention of driving more localism. However the design outlined here, where networks will be based on Primary Care Trust boundaries, suggests an approach that pre-determines the geography of local initiatives, which is too top down to foster a genuinely localist approach which would be based on how communities want to work together. Additionally, making these networks committees of the new council would seem to reinforce the idea of a centralised, council-led approach. A localist ethos is also undermined by such a significant reduction in democratic representation.
- 6. Regarding local support, we did not find sufficient evidence to substantiate One Somerset’s claims of support.**
- Statements outlining the support of, for example, towns and parishes, other major public sector partners, MPs or local businesses are not supported with evidence, leaving them as assertions.
 - The business case does not publish the detail behind its survey establishing public support. It is not possible to ascertain the robustness of the evidence or validity of the conclusions as a result.

The sections below set out our analysis of the evidence in the business case and the evidence to support MHCLG’s tests of improving local government, commanding local support and creating a credible geography.

Evidence and analysis to support the business case

Guidance from the Secretary of State sets out that proposals 'need evidence and analysis to support a proposal and any explanation of the outcomes it is expected to achieve'.

This section describes our analysis of the scope and supporting evidence within the One Somerset business case. The case does not present an adequate or compelling evidence base to describe how it attends to achieve its overall objectives. The options analysis set out is not sufficiently rigorous and is at times, subjective.

Scope and focus

The primary focus and scope of the One Somerset business case is limited to an organisational re-structure, outlining the projected costs and benefits that this entails. The business case does not look to analyse or evidence how the new Council intends to reform services over the longer term in any level of detail. As a result, it does not seek to explain how better outcomes are expected to be achieved to overcome the long-term challenges that Somerset faces.

- The main focus of analysis for the One Somerset case is on the immediate restructure of Local Government - rationalising the number of local government organisations and the financial opportunity that presents to drive down operational costs. This approach is summarised in the first sentence: *"Let's start with the obvious question – why have Five when you could have One? It's a pretty simple message that sums up the duplication and waste that exists in Somerset's local councils at this time."* The business case sets out this focus and approach for the reader a number of times, for example on page 51, it states that, *"moving to a unitary structure can also be a platform for further transformation ... dependent on the ambition of the authority and appetite for investment."*
- This approach is consistent with the fact that only the costs of re-organisation are included in the financial analysis of options and the broader reform opportunities discussed in later sections are not costed and/or quantified (see Value for Money section below on page 11). The case also only analyses the financial impacts across a five-year period, by which time the re-organisation will be bedded in – rather than a longer time period which would allow for reform of the operating model, culture and services.
- This logic appears to give the resulting business case an overly short-term scope for something that will provide the platform for local government for generations to come.
- Rather, the starting point for considering the best configuration of any future unitary government might more effectively be 'what structure will best support local government to perform and deliver better outcomes to the people of Somerset', thereby following a logic where form follows function. By focusing the majority of analysis on the immediate scope of organisational restructure, the One Somerset case underplays the critical question of which structure will best support local government over the long-term.

Use of evidence

Beyond structure, there is not enough evidence shared to support One Somerset's ambition and plans. This makes it extremely challenging to assess the likelihood of the business case achieving the ambition it sets out - of improving the lives of residents, business and communities - or to have confidence that it will.

- Best practice guidance for developing public sector business cases is set out in the HM Treasury Five Case Model. In this framework, shortlisted options are evaluated against a set of strategic 'critical successful factors' which makes it easy to evaluate each option in a structured and objective way. The One Somerset business case does not follow this logic.
- Section 2.2 sets out a stated vision for the future in Somerset, however the following sections do not describe the degree to which each option will or won't meet that overall ambition. As a result, there is no clear evidence set out to evaluate the different options against their ability to meet One Somerset's overall goal. This raises serious questions as to how the public can find the confidence to support the outcomes sought.
- The design principles for the operating model described in Table 16 which supports the statement that *"the design of the new authority will be critical to its success"* is not quantified in the financial analysis.
- Cost and benefit categories are attributed to 'removal of duplication', 'numbers of senior managers' and 'costs of disaggregation' rather than the kind of broader reforms and transformation and investment that would be needed to achieve success in the operating model described.
- Furthermore, the delivery programme to implement the longer-term changes described in the document is not shown in any level of detail (Appendix F). The plan is focussed on the restructuring workstreams with very little detail as to how services will be transformed.
- The same is true in terms of reforming and improving core services, where there is limited evidence or description of plans to change and improve services (we explore this for Children's and Adults services on pages 13 and 14).
- There are also a number of occasions where evidence is not provided to support statements made, making it difficult for the reader to judge the robustness of all the claims made. For example:

- On page 5, the business case describes a groundswell of approval seen among town and parish councils without providing data or references for that.
- Case studies and examples of good practice are also presented in such a way as to make it difficult to understand the relevance for the business case. For example, when discussing adults' care, the business case outlines a case study of developing Extra Housing in Wiltshire from 2010 (page 85). However, there is no description of the significance of this case study for plans in Somerset.
- Similarly, in children's services, Case Study 11 (Page 88) describes the Hertfordshire Family Safeguarding Model but does not go on to describe or analyse how One Somerset intends to deploy this model. This tendency is repeated throughout.
- This lack of description and evidence presents a significant challenge for assessing the effectiveness or otherwise of the One Somerset business case in being able to meet the challenges that Somerset has, or answer the three government tests.

The business case makes a strong case for unitary government. However, there are frequent instances where the business case conflates the arguments for unitary government in Somerset with an argument for a single unitary structure in Somerset. In these instances, the business case lacks analysis on the benefits that other unitary configurations would bring.

- The One Somerset business case is persuasive about the benefits that unitary government can bring (for example, replacing the duplication and overlap of a two-tier system), and notes that this viewpoint is shared by all councils.
- However, arguments for unitary government are often deployed to support the recommended option of a single unitary government. For example, when discussing children's services in page 83, it states "*This outcome focus could be further developed by having fewer tiers of local government structure in the way of the resident and communities.*"
- On page 86, it states, "*The opportunity centres on influencing more of the levers that support children and young people.*"
- And on page 89, "*A unitary structure offers a number of ways to co-ordinate more factors that influence overall health and wellbeing.*"
- Similar statements are made on pages 82, 84, 85.
- These statements are all supportive of the concept of unitary government but do not distinguish between different potential configurations of unitary government.

Options analysis

The options analysis lacks detail and at times, does not fairly reflect the merits of a two unitary model. This undermines confidence in the resulting recommendation.

- The options analysis set out in the document is lacking in detail, which would have provided additional rigour. For example, the description of each option is limited to a short paragraph on page 43, omitting important detail such as how many councillors are assumed to be part of Option 3.
- In any options analysis process, each option should be described neutrally and factually before being evaluated. One Somerset's preferred option is the only one described in positive terms before evaluation. On page 43, the description of this option states: "*This maintains the sense of place and ensures co-terminosity with the health system that is critical to support the ageing population.*" Other options are described neutrally.
- One Somerset aligns its qualitative evaluation framework to MHCLG's three tests – breaking out Improving Local Government into four categories – resilience, service improvements, strong leadership and community engagement. These categories are not further defined or given any further detail as to the specific aims in each. This creates an imprecise framework of assessment.
- There are then examples where the qualitative and quantitative analysis is not a fair reflection of the different merits (strengths and weaknesses) of each of the options under consideration.
 - For example, in the qualitative evaluation section when discussing 'community engagement' (page 57): One Somerset scores Option 3 (a single unitary) as 5 out of 5, with Option 4 (two unitaries) scoring 4 out of 5. The bulleted explanations for Option 3's score of 5/5 appear thin – for example it says, "*A simpler local government structural landscape will create the space for capacity building with communities, building on existing strengths.*" This statement would logically be true of Option 4 also, which would remove the current two-tier system – but it is not commented on there. It is also not clear that capacity building is currently stymied by a current "*lack of space*" as stated. The clear role of councillors in community engagement is also not considered for any of the options here – and is a factor where a single unitary model, with the lowest number of councillors is at a disadvantage i.e. more councillors would be an asset in terms of fostering community engagement. However, this is not noted. As a result, the analysis does not consider comprehensively the potential strengths of Option 4 or some of the disbenefits of Option 3, with the scores questionable as a result.
 - Similarly, when discussing resilience on page 55, Option 3 (a single unitary) is awarded 4 points in comparison to 2 points for Option 4 (Two unitaries) – lower than the 3 points given to option 2 (increasing collaboration in the current five council set up). In terms of explanation, Option 3 is noted to provide "*much*

improved long-run resilience and stability through whole-system planning and management.” For Option 4 it notes: “*potentially some long-term improvements but that small scale underlines long-term resilience.*” Small scale is not an accurate reflection of two new unitaries that would be close to 300,000 people for each council (larger than many current unitaries). Small scale isn’t noted for Option 2 (Closer Collaboration) which scores 3 points, even though five organisations remain in this option.

- Similarly, the qualitative analysis and scores on page 54 and 58 do not consider all of the potential benefits of Option 4 or disbenefits of Option 3.

The degree to which the business case meets the three MHCLG tests

MHCLG Test: Improving local government: sustainability and value for money

This section addresses strategic analysis of the One Somerset business case against MHCLG's test to 'improve local government and service delivery across the area of the business case, giving greater value for money, generating savings, providing stronger strategic and local leadership, and which are more sustainable structures'.

The One Somerset case does not articulate costs and benefits for the operating model and service improvements described, and the analysis appears to be based on overly simplistic benefit modelling and profiling assumptions.

More sustainable local structures

The One Somerset business case only takes a short to medium-term view on financial sustainability, with the overarching narrative failing to set out the actions required to manage long-term future demand and cost. As a result, it is not possible from the current business case to assess if local structures are sustainable as data on medium to long-term plans are absent.

- The case sets out a one-off programme of transition and change attributable to restructuring, outlining the impact on budgets to 2025/26. The case does not attempt to describe how the preferred option will support service reform to deliver a more sustainable long-term future for local government. It does not set the foundations for the likely future budget reductions which will fall on local government in Somerset or how services will deal with unprecedented increases in demand, particularly across social care and public health, and made more urgent due to Covid-19. These challenges are likely to be substantial and require a longer-term plan aligned to the proposed reform of local government structures; there is the potential for One Somerset's shorter-term approach to create challenges for any new authority almost immediately, leading to service cuts for residents.
- Also significant here is the County Council's wider record on managing demand-led service costs, which suggests it has struggled in this area to date. County Council budget outturns show, for example, that children's services has consistently overspent each year between 2015/16 to 2019/20.
- From CIPFA nearest neighbours benchmarking analysis we know that expenditure on children's services is particularly high in Somerset and represents 28% of the total outturn expenditure in 2019/20. This service alone remains an area of financial risk given the its continued need for improvement. The omission of any mitigations for this significant financial risk undermines the case's analysis on sustainability in Section 8.
- One Somerset sets out a reduced deficit to 2025/26. Our analysis shows that based on expected spending increases of ~4% per annum and funding gap increases of ~20% per annum for county councils from 2022 onwards, there is likely to be a residual deficit for One Somerset post 2025. This is based on analysis completed using the County Council Network's Local Government Funding Forecast Update 2020-25 (supported by Pixel Financial Management) showing county council average funding gaps increasing by ~20% annually from 2022-2025. This does not consider the impact of Covid-19 and if this trajectory continues beyond 2025/26, the One Somerset case as presented has not evidenced how it will be sustainable beyond that point.
- Given challenging performance across demand-led services (see later section on both adults' and children's services), and failure to demonstrate in the case how demand will be tackled over the medium to long-term, there is no evidence to suggest that any changes to existing ways of working are proposed, and that the trajectory would therefore change. We would expect to see more root cause analysis and innovative community-based solutions to provide confidence and evidence of sustainable local government in the medium to longer-term.

Improving value for money and delivering savings

Value for money analysis is incomplete as it focusses on the act of restructuring and fails to quantify the costs and benefits of the ambition or new operating model described in the business case

- The cost analysis in the One Somerset business case does not mirror the operating model described qualitatively. Costs and benefits are also limited to the one-off act of restructuring and are over simplistic. All quantified benefits are 'transition savings' – the efficiency savings that are closely attributable to the act of restructuring. No service transformation benefits are assumed for Adults, Children's, Housing, Planning and Public Health Services. It is unclear therefore how costs and benefits align to the design principles and operating model described in Table 16. Changes described to the customer contact model, Local Community Network model and enabling towns and parishes to take on a new role are not costed.
- This means that the full impact of the model evaluated cannot be accurately understood and undermines the qualitative evaluation completed and the subsequent recommendation made.

The rationale for assumptions and the logic behind benefit assumptions by option is not articulated. Some of the financial analysis is unsophisticated for a case of such complexity and importance.

- The rationale for benefit assumptions for each option is not fully explained or justified. The approach to benefit modelling across all options is described as uniform, with varying levels of benefit and timing profiling, however none of this is articulated in detail, leaving an incomplete evidence base for readers to analyse.
- The rationale for the large differential between benefit assumptions is therefore unclear, in particular the rationale for a ~50% reduction in benefit between Option 3 and 4 (£18.5m in Option 3 versus £9.2m in Option 4 per annum once full potential achieved), whilst the investment costs associated with the changes are similar (£16.5m in Option 3 versus £18.5m in Option 4). This approach implies that benefits are driven by scale/volume and therefore staffing reductions, rather than genuine service transformation, as it is unlikely that organisational size would correlate precisely to level of benefit achieved. Indeed, this is supported by the value of implementation costs attributed to redundancies, which is significant (£8.4m).
- This approach also fails to recognise the shared service arrangements that exist across the county already and how those arrangements would evolve in Option 4 to develop economies of scale across two east and west unitaries. It does not recognise the potential for shared services, partnership or economies of scale in Option 4.
- Benefit analysis for 'service consolidation' elements of the model are very high level for a business case of such local significance. The business case takes a best-in-class peer council comparator approach, at overall council level (it assumes that moving to a unitary model would allow Somerset to operate at the same cost per head of population as comparator unitary councils, excluding people-based services), without discussion as to how this would be delivered and the implications for quality of services. It is unclear as to the rationale for the difference between Option 3 and 4 on this benefit area.
- Based on the 'transition savings' rationale throughout the document, moving to a smaller number of organisations across Somerset brings benefits. It is unclear therefore how moving from 5 organisations to 2 in Option 4 will create a 'dis-economy' of scale. In line with the wider logic, it would be expected that Option 4 would bring lower benefits than Option 3 versus the status quo rather than additional costs (see Table 4).

Some costs are low and profiling of benefits is ambitious.

- Some costs are low e.g. *Consolidation of existing systems and transfer to single enterprise resource planning (ERP) system* (this covers the cost of migration to legacy systems, and the procurement of new ones where legacy systems are insufficient and also includes consolidation to one ERP system and data migration) is £2.3m for Option 3 and Implementation Programme Team is £1.7m for Option 3. The Stronger Somerset case includes ~£20m of investment over several years across both the single and two unitary options, recognising the potential magnitude and complexity of an ERP programme.
- Working back through the savings (as these are not shown in a clear year by year table), we understand that savings start in the second year of the programme at 75% of total benefit (due to a part year), and continue thereafter for 3 years i.e. a total savings profile of 3.75 years for both options 2 and 3. The timing of benefit realisation (with 75% of benefits achieved within 1 year of Vesting Day) is very ambitious given programme timelines set out and the complexity of some of the programme initiatives discussed. Savings start in the year that vesting takes place, even though only design work takes place that year in the implementation plan, with any detailed implementation taking place afterwards. Given the process involved, it is unlikely that savings will materialise in the same year as vesting as implied by the financial model. The experience of other authorities, such as Dorset, who have recently been through a local government re-organisation, is that benefits are seen more gradually over several years.

MHCLG Test: Improving local government: service delivery and achieving successful outcomes

One Somerset provides a limited description of its plans to improve major service areas to produce better outcomes for Somerset residents. The narrative is somewhat generic and does not set out or engage with the specific challenges that Somerset is facing in significant detail. Performance issues are left unacknowledged in adults' services and given minor analysis in children's services. There is a broader question of why some of the changes sought in the One Somerset case are not already planned or delivered as many are not dependent on a structural change for the county. The lack of a rigorous reform narrative combined with a lack of commentary on current service performance makes it difficult to be confident that the One Somerset case provides a path to outstanding services.

One Somerset's vision for creating better services in Somerset is not supported by sufficient detail as to how it plans to achieve that ambition. This is a significant omission and these services cannot reasonably be treated as out of scope for a business case on Local Government Reorganisation – the plans and progress of these services are intrinsically linked to the future structure they operate from. The lack of plans calls into question the deliverability of the business case and the likelihood of it improving local service delivery and achieving better outcomes.

- The overall goal of any reorganisation of local government should be to improve the lives and outcomes of citizens. One Somerset captures this idea on page 8, *"The ambition is very clear – to improve the lives of*

residents, businesses and communities. Everyone wants better outcomes for the people and businesses of Somerset and local government that is fit to support them and drive that improvement.”

- However, the business case doesn't do the necessary work to describe the current starting position (the challenges Somerset faces or where services are now) or how One Somerset intends to practically achieve that vision.
- We analyse the narrative for children's and adults' services, and economic development below, which shows this challenge is multi-layered:
 - The description of Somerset's challenges is incomplete in important areas, and in parts lacks analysis.
 - There is limited acknowledgement of the fact that important services currently under-perform, discussion of the issues and challenges involved, and how new structures would contribute to improvement.
 - Beyond organisational restructure, and with the exception of developing Local Community Networks (which we analyse below), the description of the reforms required in critical areas is limited.
 - Finally, given that the County Council currently delivers many of the key services, there is a question as to why the county hasn't done some of this work already. Most of it does not rely on control of District services.

Children's services

An incomplete picture of the challenges faced

- One Somerset references some of the challenges facing children and young people but the description and analysis is relatively brief. Educational outcomes and low university admissions both get one short bullet point each on page 125 for example, despite being areas of concern.
- There is a range of important omissions, particularly a lack of analysis regarding schools and education where local authorities have critical functions. Evidence suggest performance is mixed here – in terms of educational attainment, performance is below the national average (with an average attainment 8 KS4 score of 44.9 compared with 46.8 on average for England), rates of exclusion are significantly higher than the national average (fixed term exclusions in 2018/19 were 9.71% compared with national average of 5.71%), and rates of self-harm are also significantly higher (with 40% higher rates of hospital admissions).
- While Somerset now has more than 120 academies, the local authority retains a critical role as a champion of educational needs and quality provision, with a role to work with all school leaders to ensure excellent services and outcomes for children and young people, including their pivotal role in enabling effective prevention and early intervention. There is no discussion of these functions despite being a critical role for Local Authorities.
- Similarly, there is limited description of inequality and poverty as it relates to children and young people, despite the huge impact this has on Somerset's economy, individual life chances and demand for services.
- Without a more detailed understanding of the current challenges and service issues (the as-is picture), it is difficult to assess the merits of any business case for change.

Limited analysis of current performance of services or strategy to reform

- The business case notes that services were rated as inadequate by Ofsted in 2015 and, in 2017 were judged to be 'requiring improvement to be good' as well as the improvement journey the county is currently on (page 34). There is no further discussion of the issues or approach that will be taken on the next stages of this journey, despite a significant dependency on the structure and operating model chosen. A visit by Ofsted in 2019 recognised improvements (for example in leadership) but noted there is still too much variation in the quality of services that children receive).
- Similarly, the case notes performance 'weaknesses' relating to Special Educational Needs and Disabilities (SEND) (page 34) but again, contains no in-depth discussion of issues, including details about how the Written Statement of Action to address significant areas of weakness will deliver on required improvements. In fact, the case implies the problem is related to Somerset being a two-tier area, saying, "*This is seen in other two-tier areas in part due to the need to work across partners.*" This fails to reflect the critique of Ofsted and the Care Quality Commission report, which noted a lack of focus on the experiences of SEND children and families, a lack of leadership capacity across area services, weak partnership working, and poor assessment and meeting of need caused by inconsistent practice (among other findings). The ability of any new local government configuration to help address these failings is an important consideration, yet the case is silent on this interaction. As a result, it is not possible to confirm or not whether a single unitary will be able to deliver improved outcomes in this area.

Lack of detail on how services will improve

- The business case makes valuable points – for example about the voice of children in services and outlines the importance of care leavers but does not go any further to detail the proposed approach to these issues, particularly regarding care leavers.
- The business case references the Hertfordshire Model and Somerset's commitment to it but says nothing more on this and how this will be tailored to Somerset's context and implemented. Hertfordshire's model is well known in the sector and is being implemented by a range of other councils, so we expected to see more explicit and detailed plans learning from these experiences or reporting from current implementation.

- There is no discussion or analysis on the work needed to gain more control over the demand for and cost drivers for children's services, which the County Council has struggled with, and no plan for catering more effectively to special needs. There is also no financial analysis on the investment needed to fund improvement, what the financial benefits might be over time, and how different Local Government options might impact that.
- There is also minimal consideration about how education related responsibilities will be approached, which is a gap given the importance of these services.
- Again, the lack of detail makes it impossible to assess how effectively the One Somerset business case will be in improving Local Government Services and outcomes – the ultimate aim set in the business case.

Adults' services

An incomplete picture of the challenges faced

- One Somerset contains a partial description of the current challenges. The business case notes, for example, Somerset's demographic challenges (page 30) but underplays the current and future impact of these: *"The rise in older population could lead to a population in poorer health and create an unsustainable demand on services."* We would expect to see further detail on this theme – for example, quantification of the current or future pressure on services and current efforts to deal with that.
- The business case is silent on the issue of working age people with mental health problems and learning disabilities, despite the importance of this cohort of people who achieve poor outcomes.

Little acknowledgement of the current underperformance of services

- Performance in adults' services is average in Somerset. For example, of Somerset's performance against the 27 ASCOF indicators, in 2018/19 15 were ranked in the bottom half of all councils and 12 in the top half. For people using services, Somerset ranks 115th of 151 for overall satisfaction and services for carers are poor (the county is 133rd of 151 in terms of ease of carers finding service information and 122nd for consultation of carers in service design).
- Spend on adults' services, compared with other councils in CIPFA's nearest neighbours' group is low, and spend on prevention is very low. Preventative spending was cut in 2018 by £4.5m – including £1.75m of cuts in services for disabled people and £2.75m in services for adults in receipt of adult social care. These cuts are aimed at precisely those services that are needed to engender long-term sustainability, suggesting a service where the short-term need to balance the books is overriding arguably more important considerations of long-term sustainability.
- Available evidence suggest that the service is still overspending, despite recent cuts (£1.338m for the FY 2019/20) which suggests that significant, current demand pressures cannot be contained.

Lack of vision or detail on how services will improve

- Somerset County Council is pursuing a 'Promoting Independence' model of support introduced in 2017/18, but there is a lack of discussion of the how this is being implemented and indications of success.
- Given current financial challenges with the service, future demand pressures are likely to be increasingly unsustainable. In the next 10 years the projected growth amongst 65+ age group is around 35%, and the number of people 75+ will almost double, to close to 117,500. By 2033 the population in their 80s will be equivalent to those in their 20s.
- Given this backdrop and in order to provide confidence that the One Somerset business case can meet its aim of better services, we would expect to see more detail on a proposed set of reforms, encompassing areas such as disability and LD services, early intervention, setting up locality working and how plans play into better integration with health services as part of the emerging ICS.

Growth and Devolution

- The business case suggests limited development of a firm ambition for devolution or a wider economic strategy for the region.
- Our review found a lack of detail on the current economic make-up of Somerset, its established or growth sectors, or discussion of plans to stimulate the levers of economic growth and prosperity for the region. As with Children's and Adults' services, this lack of detail and plans is an important omission given the acknowledged underperformance on a wide range of economic indicators when compared to the national average (for example productivity, wages, qualifications, average new business establishment rates). It is also well understood that these factors flow on to affect local and national tax take and demand for the largest areas of national and local government services.
- In other areas, devolution has provided a pathway to secure greater funding for development, a platform to attract greater investment in high-potential sectors, as well as a basis to develop regionally specific approaches to skills development, housing and transport (among other areas).
- The One Somerset case states that *"Devolution and Mayoral Combined Authorities are viewed as part of this business case and overall process"* but then limits any discussion of plans to two short paragraphs on page 18

and one on page 91. We found no discussion of more concrete devolution objectives or plans for developing these with partners in Somerset. As a result, it is not possible to properly assess the merits of any plans for levelling up or devolution given the absence of content, raising questions about how well connected One Somerset's business case is to a longer-term regional strategy.

Deliverability on stated outcomes

Overall timelines are ambitious, and the benefit profile does not align to the timing of tasks. How the culture change and transformation will take place to deliver a new operating model is not described.

- The business case's timelines are ambitious and do not align with benefits realisation timeframes (we understand that 75% of the total annual benefit is realised in the year of vesting or year 2 of the model). Based on review of other authorities' recent similar implementation programmes, we believe that assuming Jan 21-May 22 for delivery is unrealistic for a major programme of this kind.
- Also, the programme workstreams described do not cover all the transformation of services described in Chapter 7, especially adults' and children's social care and economic growth.
- This calls into question the validity of the modelling assumptions used and reflects a very high-level approach to implementation planning.
- Compounding this problem is a lack of any detail or costs as to how One Somerset intends to transform structures and culture to a new operating model that would be capable of delivering change to services. In regard to much of the proposed new operating model (such as robust data analytics for example), it raises a question of why the county hasn't implemented this change already – it does not rely on creating a new unitary.

These factors undermine confidence that One Somerset will deliver the change set out rather than default to current service patterns.

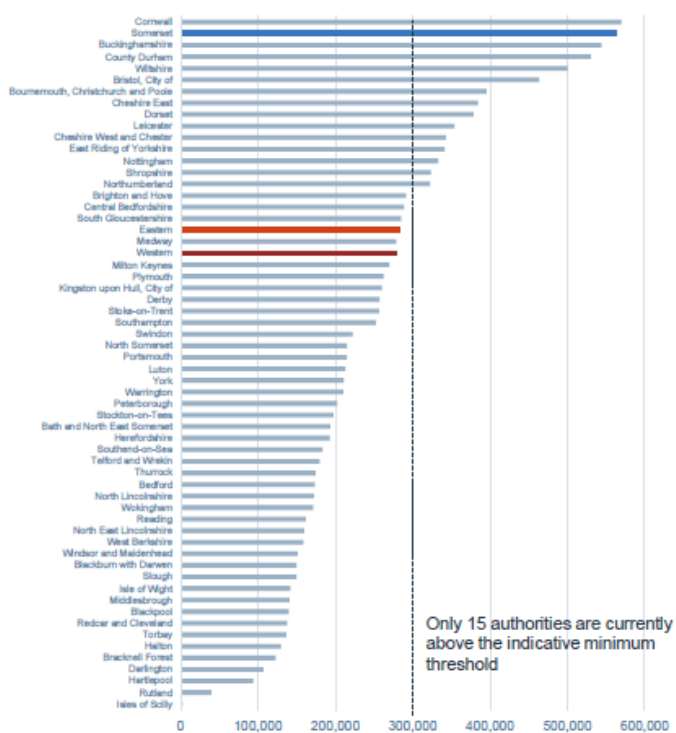
MHCLG Test: Credible geography

This section analyses the One Somerset business case against MHCLG's test to ascertain that 'the area of each unitary authority is a credible geography'.

The size and diversity of Somerset means that there is a significant risk that Local Government will become disconnected from the people and places it serves under any new unitary model. The scale of a large single unitary as described in One Somerset is in tension with the ambition to deliver place-led services and while the development of Local Community Networks is potentially part of a solution, the design outlined here is likely to be too top down to foster a genuinely localist approach. In addition, a single council may struggle to reflect the diverse economic geography of Somerset, creating an effective barrier to providing tailored services that are responsive to the different businesses in the four functional economic market areas that exist.

Somerset's characteristics mean that a single unitary is likely to struggle to account for the diversity of Somerset's communities and risks becoming disconnected from the people and places it serves, stymying attempts to deliver responsive, place-led services.

Unitary authorities by 2019 population estimate



- Somerset’s population will be more than 600,000 people within ten years, creating the second largest non-metropolitan unitary government in the country and higher than MHCLG’s indicative maximum guideline.
- Additionally, Somerset is physically a sizeable county – 1,331 square miles – with a dispersed population. 48% of residents live in a rural area (compared to 18% for England at the last census).
- Given these characteristics, a 63% reduction in councillors (100 down from 269), will leave average representation of 5,630 per councillor compared with ~ 3,150 in the rest of England on average. This creates a scenario where councillors will have significantly larger footprints compared with now, both geographically and in terms of population, creating higher workloads. This is likely to result in the nuance and detail of local issues being aggregated upwards and lost (especially where rural areas are included with a market town in a Councillor’s remit, for instance).
- This risk is highlighted in a recent report, *Bigger is not better: the evidenced case for keeping ‘local’ government*, by Professor Colin Copus, Professor Steve Leach, and Associate Professor Alistair Jones of De Monfort University. The report summarises analysis of 300 independent academic reports which look at the

effect of increases in council size. They state that the evidence shows that reducing councillor numbers in reorganisations, “greatly increases the difficulties and complexities of the work of councillors, while distancing them from their communities.”¹ Given that One Somerset advocates an increase in the number of people represented by each councillor of 79%, this risk seems particularly significant for the One Somerset proposal.

- As well as risking a reduction in local government’s responsiveness to place, Copus, Leach and Jones also note that the published evidence highlights a further risk of reducing the vibrancy of local democracy across a range of further measures (including electoral turnout, public trust in councillors and officers and levels of engagement – among others). Again, this risk seems particularly acute in One Somerset’s proposal to create a single unitary covering as large and diverse a place as Somerset, without effective measures to mitigate this impact.

The One Somerset business case gives a more thorough account of how it plans to develop Local Community Networks (LCNs) as a way of “giving people real power and real influence over the decisions that affect them most.” However, there are inconsistencies in the aims and ethos described compared with the planned approach, which casts doubt on its potential effectiveness at fostering local engagement in the scheme.

- Developing community networks, with potential devolution of assets and funding to community is a potentially powerful reform that can vest power with and tap into community potential. We note that the Stronger Somerset business case also includes a similar type of reform.
- The business case describes that the geography of LCN’s will be based on PCNs. This ‘top down’ approach to boundaries appears at odds with genuine localism which is unlikely to always align with PCN boundaries.
- The business case also suggests that LCNs which will operate as ‘committees of the council cabinet.’ Evidence from other places such as Wiltshire, where this structure is in place, suggest that these mechanisms are poorly attended and also perceived as top down structures.
- There is no reference to any new team to deliver this work and no costs, which makes the subsequent content an aspiration at this point, rather than something that has been planned and costed into a new model
- These points appear problematic, when also considered alongside the significant reduction in councillors proposed in One Somerset; in a model that allowed for a greater number of councillors, there would be a greater capacity for representatives to support this approach.

One Somerset does not reflect the natural economic geography of Somerset. There is no description of how it intends to take account of its scale to provide services that are genuinely responsive to the different businesses in the county.

¹ Copus, Leach, Jones. *Bigger is not better: the evidenced case for keeping ‘local’ government*. De Monfort University.

- As the One Somerset business case explains, Somerset's economy is not a homogenous whole but comprises distinct functional economic areas, travel to work areas and housing markets. This is noted on page 129: *"Somerset's economic geography is pulled in at least two and possibly up to four directions,"* and *"the administrative county straddles five travel to work areas (TTWAs) and approximations of four functional economic market areas (FEMAs)."*
- One Somerset makes the argument that, *"even though it would straddle multiple FEMAs and labour markets, this scale [i.e. provided by a single unitary] is a strength for an area that does not have an anchor city or polycentric city region to drive growth and development."* and that, *"a unitary structure would create a focussed economic development service that can work more closely with business."*
- While there may be an economy of scale for a single team over two teams, it is difficult to see how having one economic service covering these differing areas is an advantage in providing tailored growth and development services. There are undoubtedly issues that will cut across the county and will be best addressed collaboratively or as part of a future Combined Authority. However, distinctive economies are more likely to be better served by Local Authorities that can recognise and respond to distinct characteristics in a tailored way.

In terms of working within and complimenting current public sector boundaries, business cases for both a single unitary and two unitaries align well to current public sector boundaries.

- None of the business cases under consideration plan to change the geographic footprint of local government in Somerset, meaning that either a single unitary or two unitaries will fit with the current boundaries of health, police, and fire (while noting that police, and fire and rescue boundaries are not coterminous with Somerset as they cover larger Geographic areas).
- We note that the East / West split ensures good alignment with PCC and Fire and Rescue operational structures, which also have an East / West split.

MHCLG Test: A good deal of local support

This section addresses strategic analysis of the One Somerset business case against MHCLG's test to ensure that the business case 'commands a good deal of local support'.

We did not find evidence that could substantiate One Somerset's multiple claims of "significant and growing" support from different stakeholder groups. There are insufficient references, quotes, or names to corroborate support from the groups claimed including business, MPs, public sector partners, and town and parish councils. In evidencing public support, One Somerset does not publish the detail of the residents' survey (for example the methodology, the questions posed or full results), making it impossible to assess the validity of the figures quoted.

One Somerset's statements of partner support lack evidence in places

- **Business:** The One Somerset proposal states it is backed by key business leaders. We found no supporting evidence for this claim. The business case includes a quote by Rupert Fox, Chief Executive of the Royal Bath and West of England Society, which is a charitable organisation. We also note that the quote appears to be in support of unitary government rather than a single unitary government.
- **MPs:** Similar to above, the business case states that it has the support of the majority of MPs in Somerset but does not name who this does and doesn't include.
- **Town and Parish Councils:** The case notes a *"groundswell of approval amongst town and parish councils"* on page 14 and on page 38 similarly states that a majority of towns parishes and the voluntary sector are in favour of a single unitary, but again provides no evidence for this.
- **Public sector partners:** One Somerset states that *"among local government's closest partners in the provision of local public services, there is a substantial consensus in favour of the single county unitary option."* (page 38). In substantiating this, we found a quote from the outgoing chair of the PCC but no further evidence is given. The fact that all four District Councils have prepared an alternative bid underlines the lack of consensus on the best route forward among councils.
- **Public support:** The One Somerset case uses figures from a residents' survey gathered *"online and through a freepost printed survey return"* (page 37) citing that, *"out of 2644 responses, 52% were in favour [of a single unitary]."* Residents are cited as saying that *"a single authority would be more efficient and simpler for the public to understand."* One Somerset does not publish this survey, full questions, methodology or full results – but rather limits inclusion to these selective figures and quotes. It is impossible to establish the validity of these results without the information to do so. This undermines the credibility of these results as being representative of Somerset public opinion.
- We note that the business case does publish detail of further stakeholder consultation undertaken by the research agency Blue Marble in Appendix H. However, this is a separate piece of research to the public survey quoted. We found results from this published exercise are considerably more nuanced, as we would reasonably expect from broad stakeholder engagement on this topic. Results from the public survey are also discussed interchangeably with research undertaken by Blue Marble, making it difficult to understand where results are from.
- There are also inferences drawn from some results which are not supportable. For example, in discussing the support of businesses and residents, the case states, on page 37 that, *"prior knowledge of the business case*

(One Somerset) was highest for those who supported a single unitary option, compared with the no change, or greater collaboration options. This was true both for residents and businesses and suggests there is a correlation between support and knowledge of the business case.” This is vague and any correlation is of questionable value as there is no basis for cause or effect (for example, people who are already sympathetic to the concept of one unitary may decide to seek out the business case for it).

Conclusion

All councils in Somerset agree that the current arrangements for local government are not working sufficiently well. Somerset faces significant challenges economically and socially, and trails behind other areas of the country across a range of important indicators.

Local government is currently not meeting these challenges – key services are underperforming, and Somerset residents are experiencing poorer outcomes than they should as a result. Financially, when viewed in the context of the increasing pressure posed by shifting demographics and people’s changing needs, it is clear that neither the current local government structure nor the current service delivery models are sustainable in the medium or long-term.

Both the One Somerset and Stronger Somerset proposals agree on the desirability of establishing unitary government as part of the solution to this challenge. The One Somerset business case proposes establishing a single unitary council on the current footprint of Somerset County Council, where Stronger Somerset proposes two unitary councils – East and West Somerset, which are collectively coterminous with the current county.

This is a critical opportunity for Somerset. The option chosen will provide the platform for local government in Somerset as well as an important partner in a potential Combined Authority for decades to come. As we have outlined here, our review has surfaced a number of significant concerns with the One Somerset business case. Taken collectively, these concerns mean that, in our view, the single unitary authority described does not effectively meet the government’s three tests or provide a reliable and evidenced route to achieving its own overall objective of better services and outcomes for the people of Somerset.

Ultimately, a proposal that seeks to establish successful local government in Somerset should be about more than the re-organisation of structures – it must provide a route to deeper reform of public services as part of the wider system and a vision for how that reform can be continued as part of a devolution deal for the region. To make the most of this opportunity, it must be treated as a starting point on a longer journey of reform, enabling local government to play its full role in levelling up Somerset’s economy, fostering growth and prosperity and improving quality of life for Somerset residents.



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Local Referendum on the Future of Local Government in Somerset

Executive Portfolio Holder: Councillor Val Keitch, Leader of Council
Chief Executive: Alex Parmley
Lead Officer: Roger Quantock, Elections Specialist
Contact Details: Roger.Quantock@southsomerset.gov.uk

Purpose of the Report

1. The Secretary of State is currently conducting a consultation on the options for the future of local government in Somerset. Two alternative proposals exist. The Government has outlined that a factor in its considerations will be the degree to which a proposal has local support.
2. Concerns have been expressed about the consultation process and the lack of prominence given to the voice of the most important stakeholders, the actual residents of Somerset, within that consultation. There have been calls from Somerset residents for the councils to take steps to ensure residents' views on the potential changes and their preference for the future of local government can be expressed in a clear and open manner.
3. This report recommends the holding of a local referendum to give residents a voice in the debate and help the Secretary of State in understanding and determining the level of support amongst residents for each of the options. If a referendum is to be held to inform the Secretary of State's considerations, it will need to take place in advance of the Secretary of State's decision, which is anticipated before Parliament's summer recess.

Public Interest

4. All councils in Somerset are agreed that change is needed in local government if it is to be financially sustainable and deliver better outcomes for residents and businesses. The Secretary of State is currently consulting on the two proposed options for change. Whichever option is chosen, will have a significant impact on the residents and businesses of Somerset, the services they receive and the outcomes delivered for decades to come. A referendum will enable our residents to express their views on the two options for change to help inform the Secretary of State's decision.

Recommendations

5. It is recommended that the Council agree:



South Somerset District Council

- a. To hold a local authority poll (local referendum) of all residents of South Somerset on the Electoral Register at 6th May 2021 who are eligible to vote in local elections, on the two options for the future of local government in Somerset;
- b. To conduct the local authority poll as a postal and online referendum and appoint Civica Electoral Services to conduct the poll;
- c. The poll be held commencing on Friday 7th May 2021 and closing at 5.00PM on Friday 28th May 2021;
- d. To hold the local authority poll jointly with such other Somerset Councils that agree and to share the costs of the poll with those councils;
- e. The poll will follow the single non-transferable vote system and the question to be asked will be:

“Which of the two options for change in local government in Somerset to replace the existing five councils do you support (select one only):

- i. **One council for Somerset** (*“One Somerset” - the plan for a single council proposed by Somerset County Council*)
 - ii. **Two councils for Somerset: Eastern Somerset and Western Somerset** (*“Stronger Somerset” the plan for two councils for Somerset – an Eastern and a Western Somerset council – proposed by the South Somerset District Council and the other district councils of Somerset*)
- f. To delegate the role of Counting Officer to Civica Electoral Services;
 - g. To make such resources, including staff resources, as necessary to the Counting Officer to enable the referendum to be conducted;
 - h. To delegate to the Chief Executive, the authority to take any further action necessary in relation to this matter;
 - i. To write to the Secretary of State to inform him of the referendum and its dates and ask that the result of the referendum be properly considered as part of the decision making process on the future of local government in Somerset.

Background

6. All councils in Somerset have recognised the need to change in the way local government works in the county if services are to be sustainable and the challenges the county and our communities face are to be met. In addition, the government signalled that it wanted to see change within Somerset local government and invited all councils in Somerset to submit proposals for change in October 2020.
7. In response to that invitation two alternative proposals have been submitted to the Secretary of State for consideration. These proposals are the **Stronger Somerset** proposal for two new unitary councils – Eastern Somerset and Western Somerset - replacing the existing five councils together with reform, put forward by the four Somerset District Councils and the **One Somerset** proposal for one new unitary council for Somerset, replacing the five existing councils, put forward by Somerset County Council.



8. The government has made it clear that local support will be one of the key criteria in any decision on the future of local government in Somerset. The Secretary of State launched a consultation on 22 February 2021 which closes on 19 April 2021.

The Consultation

9. In the 9 October 2020 invitation letter to councils to submit proposals for change to local government in Somerset, the Secretary of State for Housing & Communities outlined that there were three key criteria that would be used in reaching his decision around the options for change. The second of these criteria is that the reforms must 'command a good deal of local support in the round'.
10. In launching the consultation, the Government wrote to a number of stakeholder organisations. It also set out that anyone, inside and outside of Somerset, including residents, was able to respond to the consultation but that no approach would be made or publicity undertaken in this regard.
11. Somerset's district councils have made representations to the government outlining their concerns with the consultation process and its ability to support the Secretary of State in determining how each of the proposals meets the second criteria around the level of local support. These concerns can be summarised as:
 - a. There is too limited a number of named consultees to determine the level of support for any proposal
 - b. The list is dominated by statutory bodies and excludes other key organisations that are important to community life and well-being and have proved to be essential in responding to the pandemic such as:
 - a. Somerset's highly active city, town and parish councils and their representative bodies
 - b. Somerset's voluntary and community organisations
 - c. There are too many bodies on the list which are either led by or form part of Somerset County Council and this may inadvertently skew the process.
 - d. Organisations such as Yeovil College and Bridgwater & Taunton College, who are key to improving skills, developing the economy and supporting improvements in outcomes and quality of life in our communities were omitted
 - e. Almost as many organisations outside the county are on the consultation list as inside the county, all with an equal say on the future of local services and local communities.
 - f. Whilst any individual or organisation can respond, narrowing the official list invited to respond risks the perception of a hierarchy where some voices are fundamentally much more important than others and therefore may have deterred residents and organisations of Somerset from responding.
 - g. Should a resident of Somerset wish to respond, the process and the structure of the consultation makes it particularly hard: the consultation makes no provision for people without easy access to the internet during the lockdown; and for those who are able to be online, the language is exclusionary and the questions asked are unclear.
 - h. That the available evidence suggests that the overall response rate from people and organisations in Somerset is low and the consultation process will therefore not allow the Secretary of State to make a fully informed decision in cognisance of the true picture as regards criteria 2 and the level of support for each proposal amongst the people who will be affected the most, the residents of Somerset.



12. At the District Council's Network meeting on 10 March 2021, the Secretary of State underlined the importance of residents' views in the reorganisation and reform process, stating that it must be right for residents to have equal footing in terms of responding to the consultation and that although there is a legal list of stakeholders that must be engaged, residents' views and what is popular and supported by the communities are vital. Unfortunately, neither the representations made to government nor the Secretary of State's support for residents' views have resulted in any changes to the consultation process.
13. There has been a call from some groups and sections of the community to let all residents have their say on the future of local government in Somerset through the holding of a referendum. These calls have increased in recent weeks, possibly due to the concerns around the consultation process.
14. In the light of the above, this report recommends the holding of a Local Authority Poll or what is commonly known as a Local Referendum as a means of supporting the Secretary of State in making his decision, particularly in respect of criteria 2 of the decision making process in determining the level of local support.

The Holding of a Local Authority Poll (Local Referendum)

The Power to Hold a Local Authority Poll

15. Section 116 of the Local Government Act 2003 provides a specific power for local authorities to hold a local advisory poll (referendum). The Act does not provide for local electors to be able to demand a referendum.
16. The result of a section 116 poll is not binding on the council or any other entity. It is purely advisory. It does however provide clear evidence of the public views on the matter being put before the voters. If the Council decides to hold a section 116 poll to ascertain the views of its residents on the future of local government in Somerset, that poll would be a purely advisory indication of residents' views to assist the Secretary of State in making a decision by providing evidence in respect of local support (the second of the government's assessment criteria).
17. Under section 116 it is up to the Council to determine who to poll and how the referendum is to be conducted. Accordingly, the Council needs to decide: -
 - a. does it wish to hold such a local advisory referendum?And if it does:
 - b. the franchise (who will have a vote)
 - c. the question; and
 - d. how the poll is to be conducted.

18. It is proposed that those to be included in the section 116 poll will be all those on the South Somerset Electoral Register on 6 May 2021 who are entitled to vote in local elections.

The Voting system and Question to be asked

19. The Electoral Commission has produced guidance for central Government for assessing referendum questions, and this provides a useful guide for determining the question to be used on the ballot paper for a section 116 poll. These guidelines state that a referendum question should present the options clearly, simply and neutrally, be easy to understand and to the point. It should be unambiguous, it should avoid encouraging voters to consider one response more favourably than another and it should avoid misleading voters. The question should be written in plain language (language that uses short sentences, is simple, direct and concise and uses familiar words while avoiding jargon or technical terms that would not be easily understood by most people).

20. The question should be written in neutral language, avoiding words that suggest a judgement or opinion either explicitly or implicitly. The information contained in the question should be factual, describe the question, the options clearly and accurately and the question should avoid assuming anything about voters' views.

21. In considering the question, the voting system needs to be taken in to account. Most polls in England utilise the single non-transferrable vote system, also known as first past the post. It is the system that voters are most familiar with when taking part in elections and polls. Therefore, it is proposed to utilise this system in the local authority poll.

22. Following independent advice from one of the country's leading elections and electoral law specialists it is proposed that the following question is put in the poll to the residents of Somerset:

“Which of the two options for change in local government in Somerset to replace the existing five councils do you support (select one only):

- a. **One council for Somerset** (“One Somerset” - the plan for a single council proposed by Somerset County Council)
- b. **Two councils for Somerset: Eastern Somerset and Western Somerset** (“Stronger Somerset” the plan for two councils for Somerset – an Eastern and a Western Somerset council – proposed by the South Somerset District Council and the other district councils of Somerset)

Conduct of the Referendum.

23. There are three options that have been considered for running the referendum (all costs being the total cost across the four districts of Somerset):



i. Postal poll using a supplier but with the district councils administering the count

Estimated cost - £178,000 + return postage (approx. £55,000 to £110,000) plus staff time for administration and counting

ii. Postal poll and internet poll using a supplier with the supplier also administering the counting process and verifying the result

Estimated cost - £310,000

iii. Traditional poll

This would be a mixture of polling stations and postal votes, administered by the district council election teams.

Estimated Cost – up to £933,000

24. As well as cost, there are a number of other important considerations in the conducting of the poll.
25. Due to the Covid 19 restrictions the 6th May 2021 is the first day an election or referendum can be legally held.
26. On 6th May, elections for the Police and Crime Commissioners are due to be held. These elections are being conducted in accordance with the Police and Crime Commissioner Elections Order 2012 which facilitates combined elections, but only those types of elections prescribed within the regulations. The list of elections capable of being combined with the PCC elections does not include a referendum to be conducted under Section 116 Local Government Act 2003 and therefore it is not possible to combine the poll with the existing elections.
27. Whilst the poll could be held as an in person poll on another day, councils would not have the power to force public venues such as schools, to provide rooms or other facilities for voters. In addition, this would require considerable resources and significant additional cost at a time when council resources are already stretched.
28. It will be important locally that the result of the poll is able to be regarded as a true reflection of locally expressed opinion. If the poll or part of it was administered by the district council electoral teams, they would undoubtedly uphold the highest standards and provide total impartiality in the process, and other safeguards such as independent observers would be in place. However, contracting out the entire poll to a third party with an excellent reputation for conducting impartial polls would give added assurance that the result is a true reflection of those who expressed a view in the poll.
29. Accordingly, it is recommended that the poll be conducted as a postal and on line ballot entirely conducted by a third party, Civica Electoral Services (formerly the



South Somerset District Council

Electoral Reform Services). It is further recommended that the poll be held commencing Friday 7th May 2021 to avoid any confusion with the Police and Crime Commissioner Election, and close at 5.00 PM on Friday 28th May 2021, giving residents three clear weeks to return their ballot papers or vote on line. Information on the ballot papers and on line voting is included at Appendix A to this report.

Financial Implications

The total cost of the poll will be approximately £310,000 although there is likely to be variance dependent on turnout and the number of voters choosing to vote on line rather than by post. This cost is for a poll covering the electors in all four districts of Somerset and would be shared with those councils in Somerset that agreed to a poll. Therefore the cost to South Somerset District Council will be approximately £90,400 and will be met from the Local Government Change Reserve.

Legal implications (if any) and details of Statutory Powers

The Local Government Act 2003 Section 116 provides a specific power for local authorities to hold a local advisory poll (referendum).

Council Plan Implications

The holding of a local authority poll on such a significant potential change for customers, residents and communities supports core values set out in the Council Plan, in particular:

“Open and transparent - Actively communicating, engaging and listening to feedback”

Carbon Emissions and Climate Change Implications

None directly arising from the report.

Equality and Diversity Implications

The holding of a postal and online poll with ballot papers sent directly to each elector will improve access for all residents to consultation on the future of local government in Somerset than is currently the case.

Postal and Online Ballot Supplementary Information

The ballot is administered in the form of a paper ballot paper, securely posted to residents via Royal Mail.


Example ballot paper offering multiple voting methods:

BALLOT PAPER

South Somerset District Council

Changes in Local Government

Cast your vote using one of the following methods:




VOTE ONLINE

Go to:
www.cesvotes.com/somerset21
or scan the quick response barcode with your smartphone.

▶

QUICK RESPONSE BARCODE



Security Code Part One	
Security Code Part Two	

VOTE BY POST

Vote by marking a cross 'X' in the box next to your chosen answer.

QUESTION	
Which of the two options for change in local government in Somerset to replace the existing five councils do you support (select one only):	
a. One council for Somerset ("One Somerset" – the plan for a single council proposed by Somerset County Council)	<input type="checkbox"/>
b. Two councils for Somerset: Eastern Somerset and Western Somerset ("Stronger Somerset" the plan for two councils for Somerset – an Eastern and a Western Somerset council – proposed by the South Somerset District Council and the other district councils of Somerset)	<input type="checkbox"/>

VOTING CLOSSES

NOON on FRIDAY 28 MAY 2021

Your completed ballot paper should be returned in the pre-paid envelope provided and must be received by the Independent Scrutineer no later than the date and time shown above.

NXXXX X PX/XXXXX

Once in receipt of their ballot paper, residents have the option to vote by post or online.



To vote by post, residents return the hard-copy ballot paper to CES' secure facility in the pre-paid 2nd class reply envelope provided.

To vote online, residents use their unique security codes to access a secure voting platform. To prevent duplicate votes, each unique security code may only be used once.

Robust procedures are in place to audit online votes. For example, CES can review votes against IP addresses and actively monitor for unusual activity from one account or address.

If a resident has voted both by online voting and by post, only the first vote received will be counted.

Voting closes at 5pm on the chosen day. Any votes received after this time will not be counted.



Appointed Leisure Facilities Provider

Executive Portfolio Holders:	Mike Best, Health and Wellbeing Peter Seib, Finance and Legal Services
Strategic Director:	Nicola Hix, Director – Strategy and Support Services
Lead Specialist:	Peter Paddon, 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. The purpose of this report is to officially inform members on the outcome of the procurement process for the operation of Council leisure facilities from 1st April 2021, and to request approval of the increased capital and revenue budgets needed to achieved the desired returns associated with the appointment. The Council's leisure facilities include Goldenstones Leisure Centre, Wincanton Sports Centre, Westlands Sport and Fitness Centre and the new leisure centre being constructed in Chard.
2. Part of the report is exempt from disclosure or publication under category 3 of part 1 of Schedule 12 (A) to the Local Government Act 1972 as amended by Section 1 of the Local Authorities (Access to Information (Variation) Order 2006 as the information is commercially sensitive). This exemption applies to Appendices B-D only.

Public Interest

3. The operation of the Council's indoor facilities in Yeovil and Wincanton (Goldenstones, Westlands Sport and Fitness Centre and Wincanton Sports Centre), was previously transferred to a specialist leisure operator to deliver financial efficiencies and improved service delivery for all sites. Goldenstones was the first site to transfer in April 2011. The Council considers there is public benefit in seeking a cost effective manner of continuing this discretionary offer.
4. The Council plans to open a new leisure facility in Chard before the end of 2021. The operation of this new facility will be included within the new leisure contract.
5. In December 2019 members considered a management options report and agreed that officers should work towards appointing an external operator to run all of the Council's leisure facilities for a minimum of 10 years from 1 April 2021.

Recommendations

6. That Full Council approve the following:

- a) The appointment of Wealden Leisure (trading as Freedom Leisure) to manage the Council's leisure facilities;
- b) A total capital budget of £3.495m for 2021/22, being an increase of £2.46m on the existing budget, to be funded as detailed in Appendix B;
- c) An increase in the revenue budget for 2021/22 and 2022/23 (of £574k and £557k respectively) to be funded from the MTFP support reserve.
- d) Note the additional net income stream to the Council arising from this contract (from 2023/24), as described in Appendix B, and the review that will be undertaken on how this income will be utilised.

Background

7. South Somerset District Council (SSDC) has been working towards delivery of a new contract for the operation of leisure services, including maintenance of the building facilities, with a start date of 1st April 2021.
8. The procurement approach used to achieve this was a competitive dialogue process with negotiation, taking four bidders to the final round, ahead of selecting a preferred bidder.
9. In December 2020, District Executive agreed that a report should be brought back for information by April 2021 with details of the new operator including key terms of the appointment.
10. The specific outcomes required from bidders via the leisure procurement are detailed in Appendix A.
11. District Executive delegated authority in December 2020 to the Specialist, Strategic Planning in consultation with the Leader and Portfolio Holder for Health and Wellbeing to appoint a preferred operator following the scoring of final tenders by the Council's evaluation panel.
12. The preferred bidder identified through this process was Wealden Leisure (Trading as Freedom Leisure), following officer's assessment of the bids against the agreed cost and quality criteria. Wealden Leisure Limited is a genuine not for profit organisation with HMRC approved exempt charity status. Freedom Leisure currently manage 106 facilities for 24 council partners, schools and academies and have a good track record of delivery.

Report

Expected contract Outcomes/Outputs

13. The procurement outcome was assessed by a panel of 7 specialist officers (including finance) and an experienced external leisure consultant and is based on



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the most economically advantageous tender received in respect of price/quality ratio. Freedom Leisure achieved the highest score of the final 4 bidders, making theirs the most economically advantageous tender.

14. The evaluation outcome has been reviewed by the Portfolio Holder for Health and Wellbeing, Leader and Senior Leadership Team prior to external notification of preferred bidder.
15. A summary of the key benefits of the preferred bidder's offer are as follows:
 - a. Close alignment with the Council's own corporate objectives and outcomes set out within the procurement documentation
 - b. Manage Council capital investment to deliver improvements at all sites commencing October 2021 including new gym equipment at all sites within year 1, increased studio provision and remodelled reception/gyms/studios at Goldenstones, new cycling studio at Wincanton and improved catering offer, expansion of gym and new spin studio at Westlands.
 - c. A strong community delivery plan that will tackle inequalities including appointment of an active communities' outreach programme in target areas (delivering activity programmes beyond the confines of the leisure centres). See appendix C for an overview of the Activity Communities framework proposed.
 - d. Offer of free swimming for target groups
 - e. Extended opening hours at proposed at all sites following the lifting of Covid restrictions – an increase of 884 hours per year above specification requirements.
 - f. Innovative marketing programmes proposed such as "Fit Street" – targeted campaigns in localised areas.
 - g. Commitment to delivering high quality services – through improving Quest scores (a rigorous industry quality scheme), increased user satisfaction levels and increased memberships.
 - h. Sustainability/ Environmental improvements – through reduced CO2 emissions, reduced energy use and decrease in waste
 - i. Increases in participation at the leisure centres to more than 550,000 visits per annum, particularly from target groups, including people with disabilities, women and girls, young people, BME groups and older people.
 - j. A commitment to delivering social value which will be rigorously measured via the Social Value Portal.
 - k. An increase in participation at all sites
 - l. Transfer of maintenance liability from the Council to the operator (with good levels of investment in annual maintenance budgets to maintain facilities to a good standard).

Legal Agreements

16. The new leisure contract commencing, 1st April 2021, will run for 15 years. Key features of the draft leisure contract and leases are detailed within Appendix D for confidential and commercial reasons.



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17. The key terms of the operating contract are substantially agreed and will be signed when final operating and property issues are resolved. Therefore Freedom Leisure has initially been appointed on an interim basis via letters of intent until the legal documents are agreed and signed.

What will contract success look like in South Somerset?

18. We expect the new contract to deliver the following outcomes:
 - a. Enhanced leisure centres by April 2022, through the Council investing capital in the centers using the expertise and knowledge of the contractor, which will provide more fit for purpose facilities for the next fifteen years and beyond including the new Chard Leisure Centre facility
 - b. Increases in participation at the leisure centres to more than 550,000 visits per annum, particularly from target groups, including people with disabilities, women and girls, young people, BME groups and older people
 - c. Improvements to customer satisfaction which will result in repeat visits
 - d. Improvements in health, such as a reduction in the number of people with diabetes, obesity levels or people who smoke
 - e. A partnership approach to delivery, reviewing performance and refining delivery to meet the needs of South Somerset residents

Anticipated Performance Monitoring Arrangements

19. Financial performance will be monitored monthly on an open book basis for the first 2 years of the contract.
20. Performance monitoring reports will be provided by Freedom Leisure and reviewed quarterly by the contract manager, finance specialist and procurement officer.
21. Performance and delivery plans (including the Active Community Plan) will be reviewed by a strategic review group every 6 months. This group will include the Director for Strategy, Commissioning and Support Services, Portfolio Holder for Health and Wellbeing, Property Specialist, Healthy Self Reliant Communities COP lead.
22. An annual report will be presented to members by Freedom Leisure on an annual basis. This report will look at past performance but also allow members to shape delivery plans for the forthcoming year.
23. There will be a separate Project Board established, with both Freedom Leisure and SSDC personnel involved, for the duration of the planned capital improvement works.

Financial Implications

24. The financial implications are, for confidential and commercial reasons, given in Appendix B.



Council Plan Implications

25. The effective management of the Council's leisure centres contributes to Council Plan aim to "improve health and reduce health inequalities" and to help the Council "to build healthy, self-reliant, active communities" by
 - Helping people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities

Carbon Emissions and Climate Change Implications

26. The investment proposals put forward by Freedom Leisure are projected reduce carbon emissions by 269 tonnes per annum. Officers hope to use grant funding to further improve energy efficiency and carbon emissions at the leisure sites, but the impact of the potential additional measures are not yet known. Freedom Leisure are keen to engage with this additional design work being undertaken by the Council's own energy consultants.

Equality and Diversity Implications

27. An EIA was completed during the Commissioning Strategy phase of the procurement programme.

Privacy Impact Assessment

28. Data protection matters have been discussed with the Council's Data Protection Officer. A Privacy Impact Assessment has been undertaken.

Background Papers

29. Reports to District Executive – December 2020 and April 2021

Appendix A – Outcomes detailed in the Council’s Service Specification

Authority Outcome	Target Indicator
Delivering high quality services that meet required service standards, exceed customer expectations and are affordable	<ul style="list-style-type: none"> • Provision of quality services through the attainment of Quest (to achieve and maintain “very good” as a minimum) or similar and involvement in the National Benchmarking Scheme • High levels of attention paid to cleaning, presentation and maintenance • Exceptional customer service • A varied balanced programme which is attractive to a wide range of users • Maximise affordable access to high quality sport and leisure provision • Management, promotion and operation of a concessionary leisure card scheme for Council leisure facilities
Delivering financially and environmentally sustainable facilities	<ul style="list-style-type: none"> • Invest in, develop and maintain the leisure facilities over the life of the contract • A reduction in carbon emissions • A reduction in waste at the facilities • Increasing water and energy efficiency through reduction in water, electricity and gas consumption • Increase the number of people utilising green forms of travel to the facilities • An innovative approach to the delivery of activity programmes and facility improvements
Delivering increased opportunities to participate in sport and physical activity at all levels, for all sections of the community	<ul style="list-style-type: none"> • Delivery of an innovative Active Communities/Lifestyles programme aimed at resulting in a reduction in incidences of; cardiovascular disease, diabetes, obesity, strokes, mental health issues, high blood pressure for children and young people and adults. • Improved physical and mental health of the population • Support the creation and development of community clubs • Ensure effective engagement of non-users, hard to reach and vulnerable groups in physical activity.
Delivering increases in activity levels from underrepresented/target groups identified as having no or low levels of physical activity including disabled people	<ul style="list-style-type: none"> • Increase in residents participating in physical activity 5 x 30 minutes weekly • Increase in physical activity participation rates for target groups including; children and young people, older people, women and girls, residents with a disability and residents from deprived areas (with a particular focus on deprived wards in Yeovil and Chard) • Specific programmes for target groups including cardiac and stroke rehab and exercise referral • Activities for families and specifically for those in need of additional support

Authority Outcome	Target Indicator
Providing wider social value through strong and positive engagement with partners	<ul style="list-style-type: none"> • Implementation of a comprehensive apprenticeship and training programme • Support the training and development of new and existing staff • Local businesses used in the supply chain • Partnership working with the Active Sports Partnership for Somerset, GP's and CCG's

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

Document is Restricted



Remote Meetings after 7 May 2021 and the Delegation of Decision Making. Also Change of Date of Annual Council Meeting

Executive Portfolio Holder: Val Keitch, Leader of Council
Strategic Director: Alex Parmley, Chief Executive
Lead Officer: Jill Byron, Monitoring Officer
Contact Details: Jill.Byron@southsomerset.gov.uk

Purpose of the Report

1. To inform members of possible changes from 7 May 2021 to their powers to meet remotely during the Covid-19 pandemic and suggest how SSDC meetings can continue to be held remotely with the appropriate use of delegated powers, to be reviewed on or before 31 July 2021 as circumstances evolve. To suggest that the date of the 2021 Annual Meeting is changed to 29 April 2021 to enable it to be held remotely.

Public Interest

2. Part 3 of the Council's Constitution sets out who within the Council has the power to do what, sets out any associated limitations and, in particular, sets out which decisions can be taken by members and which can be taken by officers.
3. The District Executive and Full Council have previously agreed to allocate certain executive and non-executive matters to others, and it is important that these changes are made clear on the face of the Constitution.
4. This report is seeking Council approval for any necessary constitutional changes to ensure that (i) the Council's decision-making processes continue to operate in accordance with the law and in line with safe practice under the Covid-19 guidance and requirements issued by the Government from time to time while remaining transparent and (ii) the Constitution is kept up-to-date.

Recommendations

5. The Council agree to make the following changes to the Council's Constitution:
 - a) To continue to enable members to hold remote, virtual meetings using available technology;
 - b) To amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, that would have been taken by those meetings if the Local Authorities and Police and Crime



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Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution;

- c) The delegated authority given under (b) will expire on 31 July 2021 unless continued by a future decision of this Council;
 - d) To delegate authority to the Monitoring Officer and Chief Executive to amend the Constitution to reflect these changes.
6. The Council further agrees that its Annual meeting for 2021 will take place on 29 April 2021.

Background

7. On 19 March 2020 an urgent decision was taken by the Council to delegate decision making to the Chief Executive to enable business to continue and decisions to be taken following the prohibition of in-person meetings and other public gatherings to prevent the spread of infection.
8. On 4 April 2020 the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force. Regulation 5 was designed to enable remote attendance at meetings by members and remote access to meetings for the press and public. Meetings could be held in multiple places, including via electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. SSDC has been holding its meetings remotely in accordance with the Regulations since 7 May 2020. The Regulations are however time-limited and apply only to meetings held before 7 May 2021.
9. On 25 March 2021 Luke Hall, the Minister of State for Regional Growth and Local Government, wrote to all local authorities to inform them that the Government did not intend to extend the application of the Regulations beyond 6 May 2021 as "...the successful rollout of the vaccine and the reduction in cases of Covid-19 should result in a significant reduction in risk for local authority members meeting in person...". Mr Hall goes on to suggest that those uncomfortable with the idea of meetings in person should consider moving their annual meeting to a date before 7 May and the use of delegated powers. The **Covid-19: Guidance for the safe use of council buildings** has updated to reflect the content of Mr Hall's letter. Mr Hall also announced that the MHCLG (Ministry for Housing, Communities and Local Government) was opening a call for evidence on the experience of local authorities and remote meetings to inform a decision about whether or not to promote primary legislation to allow remote and/or hybrid meetings in the future. This call for evidence closes on 17 June 2021 and is not covered further in this report.



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10. Before Mr Hall issued his letter, LLG (Lawyers in Local Government), ADSO (Association of Democratic Services Officers) and Hertfordshire County Council had applied to the High Court, on the back of Counsel's opinion, for a declaration that as it stands, the pre-existing legislation covering local authority meetings set out in Schedule 12 of the Local Government Act 1972 and meetings of an executive or executive committee set out in the Local Authorities (Executive Arrangements (Meetings and Access to Information) (England) Regulations 2012 already enables local authorities to hold meetings remotely. The hearing has been listed for the week commencing 19 April 2021. NALC (National Association of Local Councils) and the LGA (Local Government Association) have applied to be interested parties and are filing statements in support of the application.
11. If the LLG/ADSO application is successful, SSDC can continue to hold remote meetings. If the application is unsuccessful or is not decided before 7 May, SSDC will need a contingency plan if remote meetings are to continue beyond that date.
12. Although it would be physically possible to hold meetings of members in person from 7 May in compliance with social distancing rules and the Covid-19 safe use guidance, there are many reasons to suggest that it would be sensible to continue to meet remotely for the time being. Initial consideration of space constraints and social distancing requirements suggests that members of the public and officers would still need to attend meetings remotely. This type of hybrid arrangement (some in person, some remote) would be more technologically challenging than the current arrangements where all participants are remote. Any members who were previously shielding (for themselves or for family members) would need to attend in person to be able to vote. There is also the not insignificant risk that if a member were to attend and subsequently test positive, all meetings would have to be stop during the self-isolation period.
13. For the reasons set out above it is recommended that SSDC meetings continue to be held remotely for the time being with the position being reviewed in July 2021.

Remote Meetings

14. If the LLG/ADSO application is unsuccessful, remote meetings can continue as consultative bodies with decisions, including Executive and Quasi-Judicial decisions, not already delegated being delegated to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution. This reflects SSDC's position on 6 May 2020 immediately before remote meetings in accordance with the Coronavirus Regulations began.

Annual Meeting of Council 2021

15. The SSDC 2021 Annual Meeting of Council is due to take place after 6 May. The annual meeting deals with certain matters that cannot be delegated, such as the appointment of committees. This means that a remote meeting as described above will not be possible unless the LLG/ADSO application is successful or the meeting is moved to take place before 7 May. It is therefore recommended that



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the Annual meeting for 2021 take place on Thursday 29 April 2021. For information, the other districts and the county are all understood to have moved their Annual Meetings to dates before 7 May.

Financial Implications

16. There have been budget savings in travel allowances to attend meetings. The amount varies from month to month but is in the region of £1,000 to £1,400 per month. The likely cost of the works necessary to adapt Council premises and provide enabling technology to enable meetings in person to take place while complying with the current social distancing rules is not yet available.

Legal implications (if any) and details of Statutory Powers

17. These are set out and/or referred to in the body of the report.

Council Plan Implications

18. To ensure a modern, efficient and effective council that delivers for its communities, we will:
 - Deliver a high quality, effective and timely service to our customers and communities

Carbon Emissions and Climate Change Implications

19. The use of Zoom software to hold virtual meetings has reduced the need to travel to attend Council meetings and therefore resulted in reduced carbon emissions from vehicles across the district.

Equality and Diversity Implications

20. There are no specific equality or diversity implications arising from the subject matter of this report.

Background Papers

Council Constitution - Part 3

Agenda and minutes of Council meetings – 19 March 2020 and August 2020

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 - <https://www.legislation.gov.uk/ukxi/2020/392/contents/made>

Letter from Luke Hall MP, Minister of State for Regional Growth and Local Government -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973494/Letter_to_council_leaders_-_remote_meetings.pdf?fbclid=IwAR3IK0_9RDUFKiNHQIzARGaU2L3AYy3xvXPjqQd_oNCcNEc0P5_NIijjMT0



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Updated Guidance on the Safe Use of Council Buildings -

<https://www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-council-buildings/covid-19-guidance-for-the-safe-use-of-council-buildings>



Date of Next Meeting

Members are asked to note that, if agreed by Council at this meeting, the Annual meeting of the Full Council will take place on Thursday 29th April 2021 commencing at 6.30pm as a virtual meeting via Zoom meeting software.
