

Minutes of a meeting of the **Scrutiny Committee** held by video conference using Zoom meeting software on Tuesday 13 April 2021.

(10.30 am - 12.05 pm)

Present:

Members: Councillor Crispin Raikes (Chairman)

Robin Bastable	Sue Osborne
Nicola Clark	Oliver Patrick
Brian Hamilton	Jeny Snell
Charlie Hull	Gerard Tucker
Mike Lewis	Linda Vijeh
Paul Maxwell	



Also Present:

John Clark	Tony Lock
Sarah Dyke	Martin Wale
Val Keitch	

Officers

Kirsty Larkins	Director (Service Delivery)
Jan Gamon	Director (Place and Recovery)
Peter Paddon	Lead Specialist (Economy)
Lynda Pincombe	Specialist - Strategic Planning
Jill Byron	Monitoring Officer
Stephanie Gold	Specialist (Scrutiny & Member Development)
Becky Sanders	Case Officer (Strategy & Support Services)

259. Apologies for absence (Agenda Item 1)

Apologies for absence were received from Councillors Louise Clarke and Robin Pailthorpe.

260. Declarations of Interest (Agenda Item 2)

There were no declarations of interest.

261. Public question time (Agenda Item 3)

There were no members of the public present at the meeting.

262. Chairman's Announcements (Agenda Item 4)

The Chairman advised that following the death of HRH Prince Phillip, Duke of Edinburgh, the previous week, a two minute silence would be observed to recognise his life, service and in memory and honour of the Duke.

A two minutes silence was observed by those present in the meeting.

263. Reports to be considered by District Executive (Special Meeting) on 15 April 2021 (Agenda Item 5)

Members considered the reports within the Special District Executive agenda for 15 April 2021 and raised comments as detailed below. Responses to most questions and comments were provided at Scrutiny Committee by the relevant officers or Portfolio Holder – except those marked by an asterisk:

Consultation on Local Government Reform – Response to One Somerset Proposal (Agenda item 6)

- One member noted that many people were querying why this is happening now given the situation we are in with the pandemic. It would be useful if there was wide communication to provide clarity about the position we are in.
- Some members felt there was subjective language within the report with use of 'maybe' and 'perhaps' and there also seemed to be an assumption that a primary base would be located in Taunton. Are we content that the content is as objective as it can be?
- One member expressed concern about the economic profiling and lack of reference regarding unauthorised encampments and homelessness.
- What dialogue has the Stronger Somerset and One Somerset teams had with the MHCLG regarding potential modifications or to whichever proposal is accepted.
- Mixed opinions were expressed about the document – some felt it was comprehensive but another felt it was a negative report.
- One member raised several specific queries including:
 - The PA consulting document does not appear to be responding the final version of the One Somerset proposal that was submitted to the Secretary of State.
 - SSDC report para 6.9 and A1c – Inaccurate assumption that One Somerset proposes a top-down, centralised authority based in Taunton, no reference to Local Area Networks.
 - SSDC report para 6.9 and A2 – Incorrect statement that One Somerset proposal overlooks local services in relation to housing and planning.
 - SSDC report para 6.11 – Local Area Networks and Children's services are already established in many areas across the county.
 - SSDC report para 6.14 and Q3 – Misleading statement regarding difficulties around Police & Fire dealing with one unitary council.
 - SSDC report para 6.16 - Inaccurate information regarding the position of the SCC reserves.
 - SSDC report section 6.20 - Unfair assumption that a unitary authority would not be successful in a large rural county like Somerset. If this were true how do other large rural counties succeed under a unitary authority i.e Durham, Northumberland, Herefordshire.

- Q6 A6b – Untrue statement Ipsos Mori survey used by the district councils was selective and leading. Evidence of this has been shared with the Secretary of State.
- SSDC report page 14 section 7.6 – Inaccurate statement regarding the One Somerset residents survey not being published. It has been published and is an appx in the One Somerset Proposal.

Local Referendum on the Future of Local Government in Somerset (Agenda item 7)

Cllr Vijeh had submitted multiple questions to the Portfolio Holder and report author in advance of the meeting (but not in capacity as a Scrutiny member) – a response had been provided to Cllr Vijeh and the Leader of Council went through each question/response as she felt it would be of interest to other members (the questions and responses are attached to the minutes of Scrutiny Committee as Appendix A)

- A member sought clarification about whether this would be a poll or referendum as they understood they are different things.
- *A member understood that all the Leaders of each Somerset district had recently received a letter from the Secretary of State about the matter. It was queried if the letter would be circulated to all councillors in advance of a decision being made at full Council.
- Are there any GDPR implications with sharing the electoral register with a third party?
- A member queried the costs detailed in the report and asked what was being done regarding any contingency? - as other authorities seemed to be asking for a contingency amount to be agreed at the same time as this report.
- A non-scrutiny member noted that at a previous meeting of Council he thought members had been advised that a poll would not be held. He queried how much notice of the poll would be taken into consideration as the outcome wouldn't be known until after the closing date of the consultation? What was the purpose of the poll at the current time and why had it been left so late? He felt it needed to be made clear to the public that the outcome of the poll would not be binding.
- Some members asked what level of response would be considered acceptable and representative, and what level were we anticipating?
- Some members expressed concern that the detail of local government reform was not easy to understand by the general public. If people had not looked into the issue before, were they likely to now and respond to a poll?
- Some members felt the poll was a positive thing and it was important to gather the opinion and views of residents.
- A member referred to a recent leaflet drop to residents giving people the option to respond to the MCHLG consultation – she queried the purpose of the leaflet and whether people would want to respond again via a poll?
- It was queried why there was no risk matrix for the report? Some members felt there could be reputational risks.

(Note – the item was deferred at the District Executive meeting and not considered.)

Appointed Leisure Facilities Provider (Agenda item 8)

- It was queried why members were seeing the report now as the amount under consideration was a large increase to that agreed in the budget?

- A member asked how the Freedom Leisure contract would impact community-led leisure facilities such as parish councils and local sports clubs. Would funding and support be included in this new contract?
- A member sought clarity about some aspects contained within the confidential appendix. In particular, there was reference on page 58 to a table at the end of a section within the report but then there was no table. Was this an error or omission? –should the text refer to the table in the previous section on page 56?
- *Table on page 56 (confidential) – a member noted the figures only went to 15 years but some costs seem to be for a 25 year period – was this to do with the contract and borrowing timeframes?
(it was noted that Finance would be asked to provide a written response and this is attached to the minutes of Scrutiny Committee as Appendix B.)

(Note – Scrutiny Committee did not go into confidential session.)

District Executive Forward Plan (Agenda item 9)

- No questions or comments.

264. Update on matters of interest (Agenda Item 6)

The Specialist (Scrutiny and Member Development) reminded members that a report about remote meetings after 7 May 2021 had been circulated for information which would be considered at Full Council on 15 May 2021. Members were asked if they wished to raise any questions about the report from a Scrutiny perspective.

During a brief discussion the Director (Service Delivery) and the Monitoring Officer responded to points of detail including:

- The court case regarding online / remote meetings was due to be heard on 21 April however a potential date of the outcome was currently unknown.
- It was for individual Town and Parish Councils to make their own decisions about meeting and decision making arrangements after the 7 May. Officers could notify the town and parish councils of how SSSDC were looking to overcome the issue regarding remote meetings as a suggested way forward in the short term.
- Since the report for the Council agenda had been published, MCHLG had confirmed their support to continue with virtual meetings.

No questions or comments were raised to be forwarded to Full Council.

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Chairman

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Appendix A:

Questions and responses from / to Cllr Linda Vjeh - submitted by email prior to the Special Scrutiny committee meeting 13th April 2021.

In response to the questions raised by you to the Stronger Somerset mail box, I have pleasure in providing a response on behalf of the Stronger Somerset team:

1. What is it about the current consultation that is deemed unacceptable, where it appears that this process has been carried out successfully by other authorities in a similar position?

You will have seen the paper that will be considered by Council later this week, which sets out these concerns. You will be aware that we have made representations to government outlining these 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:

- Somerset's highly active city, town and parish councils and their representative bodies
- 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.

2. Why was this call for a referendum/vote left so late in the day, just four days before the end of the consultation process?

We are proposing a referendum now that we have the full knowledge of the Government consultation and the response of Government to the concerns we set out. We believe that the Secretary of State will be well-served by the additional information a referendum will deliver about which of the two proposals for local government reform in Somerset commands local support in the round – one of the key criteria the Government has set out for making the decision.

3. Where is the evidence to support the claim that 'there has been a lack of prominence given to the voice of the most important stakeholders, the actual residents of Somerset'?

We would refer you to the points made in answer to question 1, but particularly points f and g:

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.

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.

4. Should the call for a vote be granted what impact will this have on the opinions already expressed by those who have responded to the consultation process? Having expressed a view, I would be reluctant to have to do so again.

This proposal to hold a local referendum is to help the Secretary of State in understanding and determining the level of support amongst residents for each of the options. The nature of the referendum is different to the consultation in that the consultation invites answers to an online questionnaire, which as we have explained in previous answers use language that is exclusionary and questions that are unclear. The referendum will follow guidance produced by the Electoral Commission and asks a question that presents the options clearly, simply and neutrally, is easy to understand and to the point. It will be unambiguous, will avoid encouraging voters to consider one response more favourably than another and will avoid misleading voters. The consultation encourages comment and views and will appeal to some people; the referendum, on the other hand, will encourage people to express a preference in a way that is familiar and will be easy to engage with for all voters. In this sense, the consultation and the referendum are different and complementary.

5. It would be useful to have details of the breakdown of costs of the Stronger Somerset proposal and accompanying literature etc. sent to residents so far, given that it is tax-payers money that has been spent, together with a comparison of the overall cost, so far, in relation to the One Somerset bid. From what budget is this funding being drawn?

MHCLG asked all councils to “seek to facilitate the widest possible awareness of, and access to, the consultation” and we have sought to do this taking account of the Local Government Publicity Code and the need to be effective, efficient and appropriate.

All the money spent on the programme has been properly authorised and agreed by the district councils and will be reported through the appropriate council reporting mechanisms.

In order to advise of any specific costs perhaps you could clarify what it is you seek. You will understand that we could not assist with a comparison with the costs spent on the One Somerset bid, as we are not privy to those.

6. **In comparing the reports from the four districts, there appears to be considerable discrepancy in relation to the estimated costs for the vote, and the allocation of any contingency funding, should it go ahead. I would have thought, that given this call for a vote is a collective call by the four districts that make up the Stronger Somerset bid, that there would be a level of consistency. I would appreciate an explanation.**

Each of the reports make it clear that the total cost of the poll as proposed will be approximately £310,000, although there is likely to be variance dependent on turnout and the number of voters choosing to vote online rather than by post. This cost would be shared with those councils in Somerset that agreed to a poll, taking account of the size of the electorate in each district

Appendix B:

The written response provided by the S151 Officer to the question raised by Scrutiny Committee – Item 8 on the District Agenda (Appointed Leisure Facilities Provider)

The borrowing costs are calculated over a time period equating to the estimated useful life of the asset/s (capital spend) that the borrowing is funding. Therefore the length of the contract and the length of the estimated useful life of the assets are two different things. The Council is funding the capital works on its leisure centres, not Freedom Leisure, so the borrowing and resultant MRP costs have been estimated using our standard financial assumptions.