

Supplemental Items for Executive

Thursday, 3rd November, 2022 at 5.00 pm
in Council Chamber Council Offices
Market Street Newbury

Part I

Page No.

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| 2. Minutes
To approve as a correct record the Minutes of the meeting of the Executive held on 22 September 2022. | 3 - 14 |
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Sarah Clarke.

Sarah Clarke
Service Director (Strategy & Governance)

For further information about this/these item(s), or to inspect any background documents referred to in Part I reports, please contact Sadie Owen (Principal Democratic Services Officer) on 01635 519052 e-mail: sadie.owen1@westberks.gov.uk

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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EXECUTIVE

MINUTES OF THE MEETING HELD ON THURSDAY, 22 SEPTEMBER 2022

Members of the Executive Present: Councillors Lynne Doherty (Chairman), Steve Ardagh-Walter, Dominic Boeck, Ross Mackinnon, Thomas Marino, Richard Somner, Joanne Stewart and Howard Woollaston

Also Present: Councillors Adrian Abbs, Jeff Brooks, Lee Dillon, Alan Macro, Erik Pattenden, and Tony Vickers

Members Present Remotely: Councillor Carolyne Culver

Apologies for inability to attend the meeting: Councillor Graham Bridgman

Officers Present: Nigel Lynn (Chief Executive), Sue Halliwell (Executive Director – Place), Joseph Holmes (Executive Director – Resources), Sadie Owen (Principal Democratic Services Officer), Andy Sharp (Executive Director – People), and Shiraz Sheikh (Service Lead – Legal and Democratic)

PART I

24. Leader's Statement & Minutes

Prior to commencement of the meeting, Councillor Lynne Doherty made a statement with reference to the current cost of living crisis and the impact on residents in West Berkshire. Councillor Doherty acknowledged that challenges were being faced locally, nationally and beyond with increases being seen in the price of gas, electricity, food, fuel and interest rates. UK inflation was just below 10% with gross inflation at 13% and both were predicted to rise in the short term. Whilst welcoming financial support from Central Government, Councillor Doherty commented that there was a need to reflect on the impact of the crisis on the Council and its residents.

Councillor Doherty reported that West Berkshire Council had set up a series of working groups to look at the effects of the increase in the cost of living on residents, businesses and its own staff. Reporting to the Chief Executive as strategic lead, the working groups would look at the impact and the Council's response to each area through targeted delivery plans.

Councillor Doherty was pleased to confirm that the Council, working in conjunction with Greenham Trust, had launched a £100,000 energy and cost of living initiative to help local charities and support groups throughout the winter.

The Minutes of the meeting held on 7 July 2022 were approved as a true and correct record and signed by the Leader.

25. Declarations of Interest

Councillor Lee Dillon declared an interest in Agenda Items 5 and 12 as an employee of Sovereign Housing Association, and reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate.

Councillor Erik Pattenden declared an interest in Agenda Item 9, due to his wife's position as Chairman of Open Studios West Berkshire and North Hampshire and

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Chairman of the Trustees at City Arts Newbury. Councillor Pattenden reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate.

26. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As.](#)

27. Petitions

Mr Nicholas Carter and Ms Danusia Morsley presented a petition requesting that the Council reject any request from Sovereign Housing Association to lift restrictive covenants or any other restrictions in respect of Windmill Court, the lifting of which would enable the eviction of residents from Windmill Court.

Mr Carter, Parish Councillor for Stratfield Mortimer, made the following comments:

- Mr Carter stated that with one exception, Windmill Court was retirement housing for over fifty five year olds provided by Sovereign Housing Association.
- Mr Carter reported that in April 2022, Sovereign Housing Association had proposed to demolish and rebuild the site to create twenty-four new family homes, of which fifteen would be affordable housing. The proposal claimed that the current facilities needed modernisation and refurbishment, which was not viable to do, and that there were unfilled vacancies and a demand for a different type of affordable home for the elderly.
- Mr Carter commented that residents suggested that vacancies existed only owing to the pandemic and poor advertising and that they strongly wished to remain at Windmill Court or elsewhere within the village.
- It was reported that Sovereign Housing Association had informed residents that they must find alternative accommodation by early 2023.
- Mr Carter noted that the 2017 approved Mortimer Neighbourhood Plan had set out to “make it possible for people to live the whole of their lives in the parish if they so wish”. There were no alternative, equivalent properties in the village or nearby and most of the residents wished to remain at Windmill Court.
- Some of the residents attended a recent Parish Council meeting and asked whether a petition might assist them. The petition came about as a result of advice given at that meeting which approximately 1,100 residents had signed.
- Covenants or restrictions were in place that currently prevented the proposed redevelopment of the site and it had been expected that Sovereign would ask the Executive to consider lifting those restrictions.
- In the absence of such a request, Mr Carter asked the Executive to indicate its support for the residents to remain in their properties unless, and until, like-for-like accommodation became available in Mortimer.
- Mr Carter further requested that the Executive consider the petition and invite community representation, if and when Sovereign Housing Association made a request to lift the restrictions on Windmill Court.

Ms Morsley, Parish Councillor for Stratfield Mortimer reported that she was speaking on behalf of Ms Rebecca Barker, the petition organiser. Ms Morsley commented that Ms Barker was very much the champion of the older people of the village and ran the lunchtime club and other activities. The statement made the following comments:

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- It was stated, as reflected by the number of signatories to the petition, that the village wanted not only the current residents of Windmill Court to be able to stay in the village, but also that there was provision of affordable accommodation for the elderly in the future.
- It was reported that the ward of Mortimer had an above average number of older people, a lot of whom who could not afford private accommodation.
- Ms Morsley requested that the Executive receive the petition and offer their support to the current residents and note the need for affordable housing for the elderly in Mortimer.

Councillor Lynne Doherty confirmed receipt of the petition and reported that it would be processed accordingly.

28. **Capital Financial Performance Report Quarter One 2022/23 (EX4248)**

Councillor Ross Mackinnon presented the report (Agenda Item 6), which detailed forecast under or over spends against the Council's approved capital budget.

Councillor Mackinnon commented that he was happy to move that the Executive approve the proposed reprofiling of £4.2 million of future expenditure from 2022/23 into financial year 2023/24 and that the Executive note the report.

Councillor Mackinnon reported that the Executive was proud of the Capital Programme which invested in the future of the district with new schools, improved roads, an active transport infrastructure, new sports facilities and environmental projects.

Councillor Mackinnon noted that the projected capital investment for the year was £64.8 million, a forecast underspend of £11 million against the revised capital budget. It was noted that the underspend was as a result of delayed projects, the vast majority of which would be delivered in the next financial year.

Councillor Richard Somner observed that a lot of the work undertaken within his Portfolio was heavily reliant on partnership working and some of the projects had taken much longer than anticipated.

Councillor Tony Vickers queried which planning applications were responsible for the delays related to the £2.1 million underspend on planning permissions, and sought more information about the Robin Hood Roundabout scheme in respect to how it was being funded and who the consultees were that were failing to respond. Councillor Mackinnon replied that the delayed planning permissions related mainly to the Downlands Sports Centre replacement which had been postponed by three months due to issues in establishing an agreed drainage scheme. With respect to funding of the Robin Hood Roundabout scheme, Councillor Mackinnon said he was not in a position to provide a full answer but would report back as soon as he was able to.

Councillor Jeff Brooks noted there was already slippage of £11 million in the first quarter, the vast majority of which would be reprofiled within the year but that only £4.2 million of future expenditure would be reprofiled into the following year which he felt was a significant amount going into the second year. Whilst it was understood there were supply issues, Councillor Brooks suggested that the 20% slippage in the first quarter did not demonstrate an ambitious or well-managed programme. Councillor Mackinnon pointed out it was not slippage within a quarter but was a forecast slippage at year-end based on developments that had happened in the first quarter and that the slippage might reduce throughout the financial year.

Councillor Alan Macro referred to the SEMH/ASD Secondary Resourced Provision forecast £660k underspend and sought confirmation of this and the reason for the

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postponement of the Project Board which was scheduled to take place the previous week. Councillor Lynne Doherty said she would arrange for a written response to be made in relation to the postponement of the Project Board. In relation to the SEMH/ASD Secondary Provision, Councillor Dominic Boeck said there were delays due to the knock-on effects of the pandemic and availability of materials and contractors, but that there was a drive to bring the provision into service as quickly as possible and the cost of the project was expected to remain as budgeted.

Councillor Macro commented that the Theale Station project had been delayed multiple times over the past ten years. Councillor Macro suggested that improvement was desperately needed as disabled people were unable to access the station and asked that the Council did all it could to avoid further slippage in the project. Councillor Somner agreed with Councillor Macro's sentiment but commented that delays had occurred due to negotiations between Great Western Railway and Network Rail. Councillor Mackinnon added that the report indicated that the footbridge and lift was expected to be installed in either December 2022 or January 2023. Councillor Macro reported that he had received information from Officers that the project would be delayed until summer 2023. Councillor Mackinnon agreed to investigate.

Councillor Erik Pattenden referred to the reprofiling of the Parsons Down Rationalisation Project and asked what the impact would be on the school's operating costs. In addition, Councillor Pattenden further queried whether it was reasonable for extra costs incurred as a result of the delay to come from separate Council funds rather than from the school's already over-stretched budget. Councillor Mackinnon said he was not aware of the school's individual budget but pointed out that the report detailed projects that were reprofiled from the previous financial year to the current and it was not necessarily the case that the project would be reprofiled into the following financial year.

Councillor Adrian Abbs referred to the £4.2 million of reprofiling and asked whether it related to fixed-price contracts or whether costs could rise due to predicted inflation of between 10-20%. Councillor Mackinnon commented that whilst inflation was predicted to be nearer 10% than 20%, those projects not on a fixed-price contract would see a rise in costs. Councillor Abbs said that even at the lower estimate of inflation, £4.2 million would increase to £4.6 million and asked whether reprofiling would occur at the former or latter figure. Councillor Mackinnon said reprofiling would be based upon available budget data.

Councillor Lee Dillon suggested that the report contain an additional section that provided commentary about the impact on residents and the financial impact for each of the projects with quarterly comparison. Councillor Mackinnon agreed to consider the suggestion. With regard to providing a complete list of projects that were being reprofiled, Councillor Mackinnon commented that it might be quite lengthy but would give some thought as to how it could be presented and what overview could be provided.

Councillor Dillon requested that the black and white graphs and tables be produced in colour to make them easier to read. Councillor Mackinnon agreed to review.

Councillor Boeck thanked the Project Management Team for their effective delivery of some of the projects notwithstanding delays to others.

RESOLVED that: Executive

- Approve the proposed reprofiling of £4.2 million of future expenditure from 2022/23 into financial year 2023/24.
- Note the report.

29. 2022/23 Revenue Financial Performance Quarter One (EX4247)

Councillor Ross Mackinnon presented the report (Agenda Item 7), detailing the financial performance of the Council's revenue budget.

Councillor Mackinnon commented that the Quarter 1 forecast outturn at the end of the year was an overspend of £2.1 million which was due predominantly to higher than expected inflation.

It was noted that Adult Social Care services were £2.8 million overspent due to higher client numbers than modelled and inflationary increases. Further, Councillor Mackinnon noted that Children and Family Services had a forecast overspend of £2.5 million due to the increased cost of providing placements for those children with complex needs, and pressures arising from increased agency costs.

Councillor Mackinnon reported that measures continued to be explored to reduce the forecast overspend but that no cuts to services were currently envisaged.

Councillor Jeff Brooks acknowledged external factors such as interest rates and energy costs but suggested, that if after one quarter the budget had an overspend forecast of £8.1 million then it appeared to have imploded within thirteen weeks. Councillor Brooks suggested that the report indicated that whilst inflation was anticipated, there was a reliance on the use of reserves.

Councillor Mackinnon commented that if the actual spend did not match a model or budget, it did not mean that the model or budget was flawed. Any budget was dependent on its inputs which in turn were dependent on assumptions and knowns at the time of formulation.

Councillor Brooks queried the level of reserve positions and requested examples of mitigating factors that had been taken. Councillor Mackinnon referred Councillor Brooks to sections 5.9 and 5.10 of the report. Councillor Mackinnon commented that there was no question of the general reserve being depleted below the minimum level as recommended by the Section 151 Officer.

Councillor Lee Dillon highlighted the mitigation proposals for Adult Social Care which indicated a £50,000 saving related to domiciliary care stopping. Councillor Dillon suggested that this implied a reduction in services. Councillor Mackinnon said his understanding of the domiciliary care figure was that it was not a mitigation that had been identified as a result of the overspend but was an underspend that had happened because it had been budgeted for but was not required. Councillor Dillon requested that the table of mitigation be re-circulated to clarify whether any factors related to service cuts. Councillor Mackinnon said this would be possible but reiterated that there were no cuts to services envisaged. Councillor Lynne Doherty requested that the Quarter Two update include further detail relating to the proposed amendments.

Councillor Dillon queried whether there had been an under-estimation with regard to the bounce-back from the pandemic in relation to Adult Social Care and whether there was a bigger concern in relation to children's wellbeing after the pandemic which resulted in more placements. Andy Sharp, Executive Director (People), commented that it was the cost of the placements that had increased rather than the number of placements. There was a lack of capacity in the market nationally and the cost of the market had increased exponentially. Councillor Dillon queried whether the Council was investigating in-house solutions to reduce costs, or looking at longer-term contracts to reduce the margin of profit made by care providers. Andy Sharp commented that a number of options were being explored, including in-house solutions, although these were not currently viable.

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Councillor Dominic Boeck noted that there was a relatively small number of children in placements but that some of those children required substantial sums of money to pay for their placements which made modelling difficult.

Councillor Alan Macro referred to section 5.19 of the report which forecast an overspend of £0.8m in the Council's care homes due to being unable to admit new clients to some homes. Councillor Macro requested an explanation as to the reason for this and what was being done to address it. Councillor Mackinnon said his understanding was that some clients with particularly complex needs were not able to be looked after in the Council's care homes. Andy Sharp said there were issues with staffing levels across the market and a reliance on the use of agency staff as well as the inability of the care homes to manage those with complex needs leading to the necessity to place within the external market.

Councillor Doherty commented that when setting the budget the right guidance and support had been provided by the Section 151 Officer in relation to inflation setting. In line with all local authorities, difficult times were predicted with regard to inflationary pressure. Councillor Doherty recognised West Berkshire as being a financially astute organisation for many years, particularly in comparison to neighbouring authorities, and acknowledged the mitigations being made which were a direct result of the financial management of the Council.

Councillor Doherty thanked Councillor Mackinnon and Joseph Holmes, Executive Director (Resources), for the report and assured residents that the Executive would continue to manage the finances of the local authority astutely and would robustly lobby Central Government for the right level of funding to enable the front line, key services that residents relied upon.

RESOLVED that: Executive

- Note the forecast £4.6m over spend, after taking account of provision that was made in reserves for specific risks at the time of budget setting. Without this provision, the forecast would be an over spend of £8.1m.
- Review the amendments totalling £1.5m and suggested mitigations totalling £1m which would reduce the overspend to £2.1m and agree what actions can be implemented.
- Discuss what further actions could be taken to restrict expenditure.

30. **Financial Year 2021/22 Annual Treasury Outturn Report (EX4237)**

Councillor Ross Mackinnon presented the report (Agenda Item 8), detailing the Financial Year 2021/22 Annual Treasury Outturn Report.

Councillor Mackinnon reported that borrowing was £5.6 million lower at the end of the financial year than in 2021, and that the value of the commercial property portfolio was £5 million higher than at the same point the previous year.

Councillor Lee Dillon referred to the increase in interest rates and asked whether the Treasury Management Group was considering putting funds on shorter deposits. Councillor Mackinnon reported that the Treasury Management Group met quarterly to review interest rates and how best to profile both borrowing and cash management.

In response to a query Councillor Mackinnon confirmed West Berkshire had no lending exposure to Slough Borough Council.

Executive noted the report.

31. **Cultural Heritage Strategy Delivery Plan 2021-2026 (EX4120)**

Councillor Howard Woollaston introduced the Cultural Heritage Strategy Delivery Plan for 2021-2026 (Agenda Item 9). The report reconfirmed the Council's commitment to cultural and heritage issues whilst accepting that some of the timescales had to be less specific due to financial constraints.

Councillor Jo Stewart commented that as mental health champion she was interested in a number of activities outlined within the report, particularly 'Links to Thrive' and how it would improve mental health in the district.

Councillor Erik Pattenden agreed, however noted that many items in the delivery plan were subject to funding which implied that a number of the initiatives might not be implemented. Councillor Pattenden queried the proportion of items in the delivery plan which would proceed, as opposed to those that might be changed in scope or abandoned. Councillor Woollaston commented that the revenue budget was under pressure and was likely to be in the following year and consequently any spend would be a matter of prioritisation. Councillor Woollaston hoped that the ambitions detailed in the report would be achieved over time but could not set a specific timetable.

Councillor Lee Dillon suggested that the report was inward looking in that it referred to reaching out to the LGBTQ community but only referenced Newbury Pride. Councillor Dillon suggested that residents in Calcot, Purley and Tilehurst would probably engage with Reading Pride much more than Newbury Pride. Councillor Dillon suggested that an exercise to determine what other groups existed around the perimeter of the district would be beneficial to identify what else was available to support residents. Councillor Woollaston acknowledged the comment and agreed to request that the team investigate further groups.

Councillor Vickers welcomed the plan but was concerned that the initiatives would fail to be implemented due to funding pressures.

Councillor Lynne Doherty acknowledged having discussed funding pressures with Councillor Woollaston and whether to bring forward the plan in the current economic climate, however noted that Councillor Woollaston had strongly defended the report suggesting that the Council should be ambitious and recognise that, whilst West Berkshire was an affluent area, there were inequalities and that many people would benefit from the plans who might otherwise not be able to afford to do so.

Councillor Woollaston commented that one of the main purposes of the report was to create a framework in which to seek external funding.

Councillor Abbs suggested that combining the Council's environmental strategy with other strategies in the past might have resulted in a focus on reducing energy bills, for example, to venues like Shaw House, which would have led to a more secure provision of venues needed within delivery of the plan. Councillor Woollaston agreed and reported that the team were actively looking at Shaw House and how additional income could be made.

Councillor Tom Marino thanked the officers for their work in creating the plan.

RESOLVED that: Executive

- Approve the Cultural Heritage Strategy Delivery Plan (2021 – 2026) as included in Appendix C.
- Agree the proposed process for monitoring, updating and reporting on the progress of the Plan detailed in section 5 of the report.

32. Response to the Help the Taxi Trade Go Greener Motion (EX4215)

Councillor Steve Ardagh-Walter introduced the report (Agenda Item 10), which provided a response to Councillor Adrian Abbs' Help the Taxi Trade Go Greener motion submitted to Council in January 2022.

The report was broadly welcomed and Councillor Ardagh-Walter hoped to encourage the taxi trade to engage further to make positive choices to improve the environment.

Councillor Ardagh-Walter reported that the costs and risks associated with the scheme had been discussed by both the Licensing Committee and the Environment Advisory Group. It was noted that there was a theoretical maximum exposure of £70,000 per annum (assuming a 100% take up and all vehicles being fully electric), however Councillor Ardagh-Walter commented that it was expected that actual take-up in any one year would be far less.

Councillor Ardagh-Walter reported that the scheme would be reviewed annually and would be tapered off, if and when necessary, whilst still keeping in place incentives for the trade to move to carbon-neutral vehicles.

Councillor Abbs commented that he was pleased to see the motion concluded so swiftly.

RESOLVED that: Executive

- **CONSIDERS** the motion tabled at the January 2022 Council meeting set out in Appendix A.
- **AGREES** to the introduction of a fee based remittance scheme, subsidised by the Council and that it be introduced from 01 April 2023 for both electric and hybrid vehicles.
- **AGREES** that a 100% remittance be applied to all electric vehicles.
- **AGREES** that a 50% remittance would to be applied to hybrid vehicles.
- **AGREES** that the criteria that should be applied to hybrid vehicles is that the vehicles should be zero emission capable (ZEC). This term includes plug-in hybrid vehicles but sets a minimum distance or range that the vehicle must be able to be driven without any exhaust emissions of 30 miles (in accordance with the manufacturers specifications), as well as a maximum g/CO2/km of less than 50g/km.
- **AGREES** that the number of vehicles that could apply for a subsidy should not be limited.
- **AGREES** that the scheme should be subject to an annual review and be in place for a maximum of three years commencing 1st April 2023.
- **AGREES** that the funding required to support the project be set aside and drawn down as required.
- **AGREES** that the outcome of the feasibility studies looking into the installation of charging points be considered before any decision is made about locating fast charging points in taxi ranks and that the progress associated with installation be reported back to the Licensing Committee on an annual basis.

33. Notrees Care Home - Response to Consultation (EX4258)

Councillor Jo Stewart introduced the report (Agenda Item 11), which set out revised recommendations following the public consultation on the proposed closure of Notrees Care Home.

Councillor Stewart reported that there were a number of options that were being explored and that they would be shared at a later date once fully developed recommendations were available.

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Councillor Alan Macro recognised that the Council had been responsive to public opinion, but urged that future options for the site be looked at with urgency in order to allay the uncertainty felt by both the residents and staff.

Councillor Stewart responded that both residents and staff had been spoken to directly and correspondence sent to families to provide them with details of the decision.

Councillor Lee Dillon queried why Councillor Stewart had not liaised with front-line staff prior to making public comments about a potential closure. Councillor Stewart acknowledged that this had been a matter of regret but that lessons had been learned from the process and that she had adopted a more challenging and questioning approach towards Officers.

Councillor Dillon queried the financial impact of making the announcement, noting that part of the Quarter One overspend had related to additional costs for bed places and re-locating people to alternative care. Councillor Stewart agreed to revert to Councillor Dillon with details following the meeting.

RESOLVED that: Executive agreed

- Adult Social Care (ASC) does not progress with the proposed closure, but continues to operate the service while further work is undertaken. This will include re-starting permanent admissions.
- ASC communicates that intention to all relevant stakeholders as soon as possible.
- ASC undertakes further work to identify options to deliver a service which is viable in the long-term. This will include discussions with Sovereign Housing, who have a shared interest in the site.
- ASC continues to monitor both the level of service user need and the situation in the external provider market.
- ASC will set out an updated and costed set of recommendations in due course.

34. **Adult Social Care - Preparation for CQC Inspection (EX4255)**

Councillor Jo Stewart introduced the report (Agenda Item 12), which provided an update on the preparations the Council was making for the planned Care Quality Commission (CQC) inspections of local authority Adult Social Care functions and to identify areas for investment.

The report highlighted the potential financial implications of the Health and Care Act 2022 which had established a new duty for the CQC to assess the performance of local authorities in delivering Adult Social Care core functions.

It was not yet known when the new framework would be implemented but there was a need to be prepared for any budget requirements that might be required for 2023/24. Councillor Stewart assured Members that there was an ongoing commitment to improve services to ensure residents received appropriate care to meet their needs, and the introduction of inspections by the CQC should assist those endeavours by highlighting where more work was needed as well as providing acknowledgment of work being done well. Councillor Stewart commented that the recommendation in the report was to fund additional posts and training to be able to deliver the services that would ensure a rating of good.

Councillor Lee Dillon referred to point 5.11 of the report which highlighted three areas felt to be a high risk. Councillor Dillon queried the figure in relation to the current backlog of Deprivation of Liberty Safeguard cases that necessitated the need for an additional resource to clear. Andy Sharp, Executive Director (People), was unable to provide precise numbers but agreed to forward to Councillor Dillon following the meeting.

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Andy Sharp explained that figures relating to the backlog would not remain static as new cases would arise at the same time that older cases were cleared.

Councillor Alan Macro expressed concern at the backlog in Deprivation of Liberty Safeguard cases and commented that the requirement to keep case files up-to-date was important for the ongoing safety of individuals and not just in relation to the forthcoming inspection.

RESOLVED that: Executive

Invests in the identified areas for improvement in order to support a better outcome from any CQC Inspection activity.

35. **Agency and Temporary Staff Managed Service Contract 2023 (EX4245)**

Councillor Ross Mackinnon introduced the report (Agenda Item 13), which set out the preferred procurement route for the supply and provision of agency and temporary staff.

Councillor Jeff Brooks suggested that the Council should have tendered for the contract. He stated that the only KPI currently being met related to fulfilment rates and that there was nothing in relation to referral rates on placements made, the length of the lifecycle of the recruitment process or how many suppliers were being used.

Councillor Brooks commented that after four years there should be a much more robust process through the managed service provider and reasserted his view that the market should be tested.

Councillor Lee Dillon highlighted a section of the report that stated 'at this point, recruitment agencies that are part of the supply chain will have the opportunity to re-negotiate their margins and terms or opt out of the contract meaning that our supply chain conditions may change'. Councillor Dillon queried whether there was a financial risk if the margins could change. Joseph Holmes acknowledged the comment and confirmed a potential financial risk existed.

In response to a query from Councillor Abbs, Councillor Mackinnon commented that the use of the managed service contract would make it more likely that the Council and contractors would be IR35 compliant.

Recommendation: (Vote to be taken in Part II)

- Enter into a new call off contract for a period of 4 years with 6 month termination clause inserted into the call-off contract that can be activated at any point should it be required. The termination clause can be inserted into the call-off contract as confirmed by ESPO, the framework provider and the supplier. The initial term would be 4th March 2023 – 3rd March 2027. The call off contract will be commissioned to provide a managed service for agency and temporary staff via the ESPO MSTAR3 Framework.
- Delegate authority to Head of Service for Commissioning and Procurement to award the contract for the provision of an Agency and Temporary Staff Managed Service in consultation with the Head of Finance, Service Lead – Human Resources, Legal and Democratic Services lead and the Portfolio holder for Commissioning and Procurement.
- Delegate authority to the Service Lead for Legal & Democratic Services in consultation to finalise the terms of the agreement as set out in the framework and call-off documents and to make any necessary drafting or other amendments to the terms of the agreement which are necessary to reach final agreement but do not materially affect the intent and substance of the agreement.

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- Delegate authority to Head of Service for Commissioning and Procurement to undertake a review of the Council's rebate saving structure in conjunction with the incumbent supplier so that current agency margins are updated and the savings rebate received is more reflective of the current market. This will not affect the overall value of the contract. This will be completed post contract award, during the implementation phase of the new contract.

36. **Members' Questions**

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

37. **Exclusion of Press and Public**

RESOLVED that: members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 1, 2, 3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

38. **Agency and Temporary Staff Managed Service Contract 2023 (EX4245)**

(Paragraph 1 – information relating to an individual)

(Paragraph 2 – information identifying an individual)

(Paragraph 3– information relating to financial/business affairs of particular person)

(Paragraph 4 – information relating to terms proposed in negotiations in labour relation matters)

The Executive considered an exempt report (Agenda Item 16), concerning the procurement route for the supply and provision of agency and temporary staff.

RESOLVED that: the recommendations in the exempt report be agreed.

(The meeting commenced at 5.00 pm and closed at 7.30 pm)

CHAIRMAN

Date of Signature

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