

Cabinet

Minutes of the meeting held on Thursday 3 November 2022 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillors Day (Leader), Bartlett, Cooke, Falp, Hales, Matecki, Rhead, and Tracey.

Also Present: Councillors: Boad (Liberal Democrat Group Observer), Davison (Green Group Observer), Mangat (Labour Group Observer), and Milton (Chair of Overview & Scrutiny Committee).

50. **Apologies for Absence**

Apologies for absence were received from Councillor Grainger.

51. **Declarations of Interest**

There were no declarations of interest made.

52. **Minutes**

The minutes of the meeting held on 29 September 2022 were taken as read and signed by the Chairman as a correct record.

Part 1

(Items upon which a decision by the Council was required)

53. **Fees and Charges 2023/24**

The Cabinet considered a report from Finance which detailed the proposals for discretionary Fees and Charges in respect of the 2023 calendar year. It also showed the latest Fees and Charges 2022/23 income budgets, initial 2023/24 budgets and the actual out-turn for 2021/22.

The recommendations would enable the Council to continue to offer and deliver services while reducing and eliminating deficits on specific service provisions, supporting the overall financial position of the Council going forward.

The Council was required to update its Fees and Charges in order that the impact of any changes could be fed into the setting of the budget for 2023/24. Discretionary Fees and Charges for the forthcoming calendar year had to be approved by Council.

In accordance with the Financial Strategy and Code of Financial Practice, it was appropriate to consider certain other factors when deciding what the Council's Fees and Charges should be:

- The impact of the Fees and Charges levels on the Council's Business Plan.
- The level of prices the market could bear including comparisons with neighbouring and other local authorities.

- The level of prices to be sufficient to recover the cost of the service and the impact on Council finances, where this was not the case.
- The impact of prices on level of usage.
- The impact on the Council's future financial projections.
- Ensuring that fees, in particular those relating to licensing, reflected the current legislation. The regulatory manager had to ensure that the fees charged should only reflect the amount of officer time and associated costs needed to administer them.
- Whether a service was subject to competition from the private sector, such as Building Control. This service had to ensure that charges set remained competitive within the market.
- Income generated from services including Building Control, land charges and licensing was excluded from the Medium Term Financial Strategy and was managed through ring-fenced accounts, due to the legislation and criteria under which they operated.
- Management of the Council's Leisure Centres was by Everyone Active. The contract definition stated that 'The Contractor shall review the core products and prices in September of each year and submit any proposed changes to the Authority for approval (the "Fees and Charges Report")'. Appendix C to the report outlined the core fees.

Managers had been challenged on ensuring income maximisation and cost recovery where appropriate, and had provided commentary on the rationale behind some of the charges highlighted below.

Within the savings proposals agreed by Council in December 2020, a target of 15% was agreed in respect of additional income generated from discretionary fees and charges. Consequently, Budget Managers had been tasked with seeking to achieve this increase, with the exception for some fees and charges, where legislation and other factors might have made it unviable. These had been set in accordance with such legislation and service knowledge provided by the managers. This was intended to make a contribution towards the savings that the Council needed to make in its overall Financial Strategy.

As a result, the fees and charges outlined in Appendix A to the report presented an overall forecast increase in General Fund income of £2,300,500, or 33.29%. Amounts totalling £1,798,000 had already been factored into the MTFS. This included the increase in forecast income from green waste permits as outlined in the Q1 Budget Review Report approved by Members in September. The additional income to be incorporated into the Medium Term Financial Strategy totalled £502,500. This excluded the additional income from certain ring-fenced charges (Building Control, Licensing and Land Charges).

Appendix A to the report also outlined an increase in income within the Housing Revenue Account of £18,000, or 3.2%. This would be factored into the HRA budgets and Business Plan.

The revenue effects of the proposed Fees and Charges were summarised in the following table (ring fenced accounts had been removed):

(Please note this table would be updated through the draft process to reflect the new organisational structure).

General Fund Services	Actual 2021/22 £ '000	Original Budget 2022/23 £ '000	Forecast 2022/23 £ '000	Forecast 2023/24 £ '000	Change Original 2022/23 - 2023/24 %
Community, Environment & Leisure Services	78	102	86	121	
Customer & Digital Services	40	45	45	55	
Housing – GF	63	28	29	30	
Neighbourhood & Assets	5,510	6,171	7,293	8,381	
Place, Arts & Economy	471	565	568	625	
Total General Fund Services	6,161	6,912	8,021	9,212	33.29%
Housing Revenue Account	560	557	557	575	3.23%

A breakdown of the key drivers of the 2022/23 Fees and Charges was provided in Appendix B to the report.

Increased income from Fees and Charges would seek to ensure where possible the costs of the provision of respective services were covered. Any increases would reduce the ongoing savings target within the Financial Strategy.

The current forecasts for 2022/23 and 2023/24 would be reviewed within both the Base Budget Report (December) and Budget setting Report (February 2023). Managers would also continue to review their projections on a monthly basis.

In terms of alternative options, one was to leave all fees and charges at 2022 levels or increase at a reduced level. This would increase the savings to be found over the next five years unless additional activity could be generated to offset this.

Another option was to increase at a level higher than proposed in the report. Excessive increases could deter usage where the take up was discretionary. Customers might choose to use the service less frequently or use an alternative supplier where one was available.

Both of the above were not realistic options given the increased cost of delivering some services, the current position of the Financial Strategy, and the level of savings required.

An addendum circulated prior to the meeting advised of the following amendments to the report:

“To remove the following from Appendix B, Section 6.2.6 ‘Free parking for electric vehicles in council car parks can be obtained through a season pass’.

The free EV parking trial permit was withdrawn earlier this year. Usage information was not possible to track, it was a trial and with nearly 1,000 permits subscribed, clearly indicating it was popular as free parking was allowed in all car parks. The scheme was for 12 months from August 2020 but extended to the end of April 2022.

To amend and replace the proposed car park charges in Appendix A with the following single charge:

Car parks: Station Approach, Bath Place, Court Street and Packington Place:

Proposed charge: £3 all day from 2nd January 2023”.

The fees and charges review meeting:

1. Thanked officers for their work on the report and responses to the volume of questions that came through.
2. Recognised that the Council was dependent on the professional judgement of Officers and Portfolio Holders on Fees & Charges and that there was no perfect solution.
3. Recognised the potential financial challenges faced by the community over the next 12 months and it was keen that services remained accessible to them.
4. Recognised the overall financial challenge for the Council and this was one of three strands of the budget, the others being the government and Council Tax setting.
5. Recognised the challenges faced with elasticity of demand in that if fees were reduced in one area it may (or may not) result in increased demand that equated to extra income (above that anticipated from the proposed higher fee) from increased usage.
6. Asked that Officers looked at opportunities to reduce the impact of the increases in sports facilities by keeping any increase below 15% to increase demand, especially being mindful of the legacy of the Commonwealth Games.
7. Asked Officers and Portfolio Holders to look for additional sources of income around potential sponsorship of works or assets or their maintenance.

The Leader stated that the Council had declared a Climate Emergency, and there work had been done to bring policies in alignment to that overall strategic objective. One of the proposals if he was still in the next Council, was to enable carbon-based parking charges to provide discounts to those

that contributed less carbon and air pollution to the area. The Council was also going to be called upon to invest in improving facilities that enabled people to cycle in and park their bikes. Finally, the business model needed to work because the Council could not end up in the same place where there were car parks that could not be replaced because there was a lack of sufficient income to put into reserves to maintain them, specifically Covent Garden and Linen Street car parks. The legacy of not charging the right amount for parking was the inability to have the capital to invest in those car parks.

Councillor Hales thanked the Resources Programme Advisory Board (PAB), and the Leadership Co-ordinating Group for their support, and highlighted the benefit of cross party working. In response to a question from Councillor Davison regarding promoting Electric Vehicles, he had been speaking to officers and this was something that would go through the PABs. He proposed an additional recommendation that there should be free car parking across all WDC car parks for every Sunday in December 2022. This was with a view to supporting businesses within the Town Centres in Warwick District by encouraging people into the Town Centres. When this would come to Council, it would include:

- (a) Details of the anticipated loss of income over this period as a result
- (b) Detail of any proposal to fill that funding gap within the Council.
- (c) If a reserve is used to fund the gap this would create, the Council should also be provided detail of the risk associated with using that reserve (i.e. how it would be replenished, what chance there was to need that funding before it being replenished and the constraints imposed on that reserve).
- (d) Details of any monitoring that would be put in place to look at usage of the scheme.

Councillor Hales also proposed to open Riverside House Car Park to the public at weekends (without charge) in December 2022 to help increase capacity in the Town over this busy period and encourage more people to shop in Royal Leamington Spa Town Centre.

Councillor Hales proposed the report as laid out, subject to the addendum and along with the additional recommendations above.

Recommended to Council that

- (1) the Fees and Charges proposals set out in Appendix A, as revised in the addendum, to operate from 2nd January 2023 unless stated otherwise, be approved;
- (2) provided the changes proposed by Everyone Active to the core products and prices from January 2023 are within the September RPI, the Heads of Community, Environment & Leisure Services and Finance, in consultation with the relevant Portfolio Holders (Councillors

Bartlett and Hales), can accept the changes;
and

- (3) there is free car parking across all WDC car parks for every Sunday in December 2022. This is with a view to support businesses within the Town Centres in Warwick District by encouraging people into the Town Centres. When this comes to Council it will include:
 - (a) details of the anticipated loss of income over this period as a result;
 - (b) detail of any proposal to fill that funding gap within the Council;
 - (c) if a reserve is used to fund the gap this creates, the Council should also be provided detail of the risk associated with using that reserve (i.e. how will it be replenished, what chance there was to need that funding before it being replenished and the constraints imposed on that reserve); and
 - (d) details of any monitoring that will be put in place to look at usage of the scheme.

Resolved that Riverside House Car Park be open to the public at weekends (without charge) in December 2022 to help increase capacity in the Town over this busy period and encourage more people to shop in Royal Leamington Spa Town Centre.

(The Portfolio Holders for this item was Councillor Hales)
Forward Plan Reference 1,311

Part 2

(Items upon which a decision by the Council was not required)

54. Significant Business Risk Register

The Cabinet considered a report from Finance presenting the Council's Significant Business Risk Register (SBRR). This recorded all significant risks to the Council's operations, key priorities, and major projects. Individual services also had their own service risk registers as did the major projects.

The report sought to assist Members fulfil their role in overseeing the organisation's risk management framework. A very useful source of guidance on the responsibilities of Members and officers regarding risk management came from the Audit Commission in its management paper, "Worth the risk: improving risk management in local government".

Although the Audit Commission had since been abolished, the guidance detailed in section 2.1 in the report remained relevant.

Last quarter, officers reported the macro-economic issues that were presenting significant financial challenges to the organisation. These included inflation, skills shortages and supply chain issues. Since then, the country had seen the introduction and dismantling of the “fiscal event” and its consequent effects on the Government’s financial plans. The Chancellor had now indicated that there were some difficult spending decisions to be made and, if history was anything to go by, this could be bad news for Local Government finance. Officers had therefore felt it prudent to reflect this landscape in the risk rating of risks 7 & 8.

To address this situation, officers were developing a draft change programme for a future Cabinet’s consideration. This programme would seek to put actions and initiatives in place to tackle the anticipated financial challenge ahead.

In terms of alternative options, Members might have taken a differing view on the risks identified, on the ratings attributed, or the mitigations and might have felt that they wished to indicate changes to be made.

The Overview & Scrutiny Committee noted the report and thanked officers for their detailed work on it and the responses to the questions that had been asked before the meeting. The Committee asked that:

1. in future reports, the future actions should be dated so as to avoid checking back when it became an action; and
2. in future reports, a short summary should be included to provide a general overall of risk to the Council, i.e., generally was the risk increasing or decreasing.

Councillor Day accepted the comments from the Overview & Scrutiny Committee and felt they would lead to an even better report. He then proposed the report as laid out.

Resolved that

- (1) the Significant Business Risk Register, set out as Appendix 1 to the report and summarised as Appendix 2 to the report, be noted; and
- (2) the content of section 1.3 of the report and emerging risks as identified in section 1.4 of the report, together with additional risks in the SBRR, be noted.

(The Portfolio Holder for this item was Councillor Day)
Forward Plan Reference 1,302

55. **Discretionary Housing Payments**

The Cabinet considered a report from Customer and Digital Services which requested additional funding of £50,000 to top up the Discretionary Housing Payment (DHP) fund.

Discretionary Housing Payments were payments made to residents who received either Housing Benefit or the housing element of Universal Credit to help them pay their rent. Whilst the scheme was discretionary, the fund needed to be administered in accordance with The Discretionary Financial Assistance Regulations 2001 and the Department for Work and Pensions (DWP) Discretionary Housing Payments guidance manual.

The main criteria for eligibility was that the customer needed to have a shortfall between the benefit paid to help with their rent and the actual rent they had to pay. There were also a few exceptions where DHP could be considered in other circumstances.

Funding was provided twice yearly by the DWP and once the grant had been spent, no further DHPs could be awarded. Local Authorities could also top up the DHP fund if deemed necessary by a maximum of two and a half times their original DWP allocation.

In previous years, topping up had not been necessary and the budget had been managed well. However, DWP funding had been significantly reduced for all Local Authorities this year, with WDC's allocation decreasing from £165,057 last financial year to £116,985 this year.

The Council's caseload had not decreased and to date had spent £75,166.30 with a further £14,791.56 committed in ongoing payments. This left a balance of £27,027.14. Appendix 1 to the report showed a summary of payments made during the 2021/22 financial year. Based on this information and previous experience, it was not expected that the DHP budget would be sufficient to reach the end of the financial year.

In terms of alternative options, the Council could simply stop providing further DHP support once the existing budget was exhausted. However, doing this could have significant negative consequences, including increased homelessness or forcing more people to choose between paying their rent or paying for heat and food.

The reduction in DHP funding could not have come at a worse time for both those who needed assistance or the Council which faced its own financial challenges. However, with the cost of living increasing massively and entering the winter period, simply stopping support was not considered an appropriate response.

Councillor Tracey stated that this money was made available to the most vulnerable residents in the District. At this time, any reduction in the DHP payments would have significant negative consequences so this was a prudent approach. He then proposed the report as laid out.

Resolved that

- (1) the funding of £50,000 be released for the Discretionary Housing Payments made by the Council, to be met from the General Fund Reserve, be agreed; and
- (2) the current scheme be reviewed, and authority be delegated to the Head of Customer and Digital Services, in consultation with the Portfolio Holder, to agree a revised scheme.

(The Portfolio Holder for this item was Councillor Tracey)
Forward Plan Reference 1,321

56. **Future Delivery of the Domestic Pest Control Service**

The Cabinet considered a report from Safer Communities, Leisure and Environment which proposed that the domestic pest control service as provided by Safer Communities, Leisure and Environment should be changed to an advice and regulatory intervention only service following a three-year review of the service and available options for alternative service delivery.

Warwick District Council (WDC) Safer Communities, Leisure and Environment provided a pest control service for domestic properties that were of public health significance (rats, mice, fleas, bedbugs, and cockroaches). The service occasionally treated WDC owned assets, but assets were more routinely treated by an engaged contractor through Assets and Neighbourhood Services or as a separate independent contractor in accordance with insurance requirements.

Table 1 in the report identified the number of service requests received by the Health and Community Protection, Pest Control Service in the last four years (including the current year). Not all of these requests moved on to a treatment phase.

In response to the covid pandemic, the service moved to a telephone advice service and then was only able to respond to emergencies, for example, an identifiable extreme rat infestation. From October 2020. the service began treating rats in the external environment. This increased to treating rat infestations in internal environments over 2021 and into 2022. Unfortunately, and principally due to the Council not being able to recruit to a vacant post, the service had never fully recovered. At the time of the report, the Council was still unable to offer a full pest control service and could only respond to requests for advice regarding pests.

Table 2 in the report demonstrated the 2020 & 2021 fees which were charged for Warwick District Council Pest Control Services and table 3, the fees introduced in 2022. Before 2022, there were agreed reduced charges for those customers identified as receiving a state pension, income support, job seekers allowance or those disabled. This was a common concession provided by Councils pre-Covid. The 2022 fees for charged services were aligned with Stratford-on-Avon District Council (SDC) as a first step in merging of the teams.

With the introduction of the 2022 fees, the service had moved to an online payment method which ensured payments were taken in advance of treatments and had negated the need for cash handling by staff.

According to the establishment, there were 1.55FTE Pest Control Officers who delivered the service with support for call handling provided by 2FTE Service Support Officers and a managerial support from the Systems and Support Team Leader. The Pest Control Officers were managed by the Environmental Protection Team Leader. However, the service was being delivered by 0.95FTE pest control officer due to vacancies. There was also a reduction in the Service Support Officers resource available.

Requests for the service could be made online and the target timescale for responses was three working days with a completion target of 35 days. This completion date allowed for humane eradication, minimising the risk of harm to other animals in accordance with legislative requirements for the use of poisons and phased treatment good practice (housekeeping, proofing, non-toxic, toxic baits). The service performance measure in 2021/22 showed this area of work averaging at 33 days resolution period for service requests. On average, each service request received a first response on the day of receipt and in July were resolved within 25 days.

Table 4 in the report outlined the allocated budget and actual spend in 2021/22 for pest control. Table 5 identified the 22/23 budget. This did not include the costs of the support officers or the team leaders as pest control was only a small portion of their function.

The income generated from the pest control service over the last five years was described in table 6 below. The income had failed to meet the annual income target set. The 2022/23 had income amounts to £347.47+Vat with the reduced service being operated (two rat treatments and six advice requests).

The current MTFS assumed a recurrent saving of £50,000 by April 2023. This would not be possible with the current service delivery, and it remained unlikely in the event that the service would become fully staffed in the next few months.

Table 6

	<u>Total Income</u>	<u>Full fee</u>	<u>Reduced fee</u>	<u>Internal Recharge</u>
2022/23 (part year)	£526	£347.47	n/a	£0
2021/22 (reduced service)	£1,978	£0	£0	£1,978
2020/21 (reduced service)	£1,368.75	£0	£0	£1,368.75
2019/2020	£1,338.35	£135	£165.85	£1,037.50
2018/2019	£1,102.25	£390.82	£157.49	£553.94
2017/2018	£1,302.15	£449.19	£92.08	£760.88

Conversion rates from enquiries to requested treatment was currently 11%; before the introduction of fees pre-Covid it was 26%. Whilst this was less than pre-Covid for the reduced service that was being operated, the reduced resources and the delay in service delivery meant this was thought to be good.

If the service was to continue with similar conversation rates for treatment and with similar numbers of requests for service, full cost recovery for each treatment would be approx. £5,925+ vat for an advice visit and £17,775+ vat per treatment. Cost such as these would price the Council out of the pest control market.

Local authorities were not legally required to provide a pest control service. They had a statutory duty under the Prevention of Damage by Pests Act 1949 to:

- Take such steps as might be necessary to secure as far as practicable that their District was kept free from rats and mice.
- In particular, keep the local authority's own land, and other land that the local authority occupies, free from rats and mice.
- Ensure that other owners and occupiers of land complied with their similar duties under the Act.

Regardless of who was at fault for the infestation, the Council had no obligation to provide pest control services to its tenants, tenants of private landlords, registered social landlords or housing associations, or those receiving benefits. The law only required the treatment of Council owned land for rodents.

The law provided for the service of enforcement notices for any landowner who did not keep their land free from rodents.

The pest control service review began in 2019 and had continued throughout the last three years. The initial piece of work identified seven service delivery options. These were further explained in Appendix A to the report.

- Option 1 Existing Service: Continue to run the pest control service as it was, serving domestic public enquiries only with cost recovery review of the fees charged.
- Option 2 Existing Service plus additional treatments offered: Continue to run the pest control service as it was, serving domestic public enquiries only with cost recovery review of the fees charged and consideration of add on services i.e., wasp treatment introduction.
- Option 3 Commercial Service: Run a full commercial service alongside an increased domestic service. A suitable model for Warwick District Council would need to be developed.
- Option 4 Outsourced Pest Control Operation – Private Company. This option ensured that another qualified pest control service delivered the statutory functions as part of a wider contract to assist in the pest

control service the Council needed as an organisation.

- Option 5 Outsourced Pest Control Operation - Another Local Authority. This option ensured that another qualified pest control service within another local authority delivered statutory functions as part of a wider contract to assist in the pest control service the Council needed as an organisation under a service level agreement.
- Option 6 Shared Pest Control operation – Local Authority. This option provides for a shared service delivery with another local authority i.e., Stratford upon Avon District Council to deliver the statutory functions and wider contract commitments as a Council to assist in the pest control service needed as an organisation.
- Option 7 No domestic pest Control Service This option provided only for treatment of the Council's own assets as required and would require enforcement for landowners failing to treat their land for rodents.

Appendix B to the report sought to compare and contrast the financial and quality benefits and drawbacks of the options in summary. The appendix made a number of assumptions:

- Service support costs removed from all options as assumed would remain with the Council.
- Estimated income was outlined as per the 2019 report.
- Internal organisations spend as per 2019 report
- Estimated costs for new staff member based on current employment costs, leasing of van over four years period, repair costs to existing vans, additional equipment, and training costs.

The appendix demonstrated which option provided the MTFs saving or income and the risk of the option to deliver as outlined the service described with the financial options. There was one option which provided the Council with the required level of financial savings without the risk. However, the Council would be providing a advice only pest service and would need to look at how local businesses could be promoted to deliver pest services to customers.

The Safer Communities, Leisure & Environment Programme Advisory Board(PAB) advised that officers should progress a movement to an advice-only pest control service.

The Overview & Scrutiny Committee had concerns about the removal of the service and asked that:

1. the service would continue to monitor, to record and report the number of complaints received; and
2. that non-co-operation by HMO Landlords with enforcement activity would be reported to private sector housing so they were aware when licenses were being considered for renewal.

Councillor Falp accepted the comments from the Overview & Scrutiny Committee and highlighted the difficulty in recruiting pest control officers. She also reassured Members that the service was not being removed, what was being removed was the actual treatment. There was still the opportunity to ring the Council to report pests, and staff would be sent out to investigate. She then proposed the report as laid out.

Resolved that the change of the domestic pest control service as provided by Safer Communities, Leisure, and Environment to advice and regulatory intervention only, be agreed.

(The Portfolio Holder for this item was Councillor Falp)
Forward Plan Reference 1,324

57. **Election Count Venue – Code of Procurement Practice Exemption**

The Cabinet considered a report from Democratic Services which requested an exemption from the Code of Procurement Practice to enter a contract with Grandstand – Stoneleigh Events Limited for the provision of an election count venue (in May 2023, May 2024 and up to one other occasion) along with associated ancillary services for the venue hire.

The Council's Code of procurement Practice required a competitive process for all contracted spend above £25,000. However, Common Procurement Vocabulary (CPV) code 75111200.9 for Legislative services within the Light Touch Regime of the Public Contract Regulations 2015 (PCR2015) provided flexibility procuring contracts with a total spend below £552,950 +VAT, giving discretion to the Council to award without going out to competition if it was deemed not beneficial to do so, as long as the decision-making process was fair, open and transparent.

The provision of the Count venue was the responsibility of the returning officer for each election. The elections project board had considered options for the delivery of the election count in both 2023 and 2024 and the potential venues for this.

The Returning Officer established a principle that they wished for the Count to be held in a single venue, that had significant experience in handling large events, good internet and power supplies and well-lit hard standing car parking, ideally supported by safe traffic routes for the delivery of ballot boxes (i.e. no impact on the highway from queues as previously experienced when at the Town Hall).

In 2023, the Returning Officer would have District Council and Parish /Town Council elections. These were the elections with the most candidates, agents and guests involved and equally, the ones where most space was required.

The Chief Executive had also agreed to be the Police Area Returning Officer in May 2024. This was the anticipated time for a General Election to be held as well. This required additional space, but also a greater logistical challenge with one count expected overnight and the other to be

combined across Warwickshire.

To secure such space as was necessary, advanced booking and discussions were required. This was because while elections were significant events for the District Council, other events at the same time provided significantly more income for the venue. An assessment of venues had been undertaken, based on working space for previous elections and the points requested by the Returning Officer. There was only one venue within or close to Warwick District which was capable of hosting the Count. Whilst there were limited travel options to the venue (other than by car/taxi), there were very limited options available with the absence of an alternative suitable venue. In respect of journey time, it was also noted that the average journey time from polling stations within Warwick District to the Count was just over 13 minutes and the longest was 23 minutes. Therefore, while it was set to one side of the District, overall the connections to it by car were relatively good.

In addition, the contract would make provision for a third election between its start and 2025 at the same basic rate. This was in allowance for the general election to be held on an alternative date. Unlike the contract for 2023 and 2024, the Council would not be bound to pay this unless a date and hall booking were required.

In terms of alternative options, the Returning Officer had considered alternative venues and methods of operation, but these were not deemed appropriate for the delivery of this significant event for the Council.

Councillor Day proposed the report as laid out.

Resolved that an exemption to the code of procurement practice of up to £150,000 for the Council to enter into a contract with Grandstand Stoneleigh events for the provision of an election count venue (in May 2023, May 2024 and up to one other occasion) along with associated ancillary services for the venue hire, be approved.

(The Portfolio Holder for this item was Councillor Day)
Forward Plan Reference 1,289

58. **Election Printing – Code of Procurement Practice Exemption**

The Cabinet considered a report from Democratic Services which requested an exemption to the Code of Procurement practice to extend the contract with Civica Electoral Services up to 30 June 2023 (and for any elections called by that date which may take place after 30 June 2023).

The Council's Code of procurement Practice required a competitive process for all contracted spend above £25,000. The Council had a contract in place for delivery of both elections and electoral registration printing. This was a multi-year contract on a three plus two-year format which ended on 30 September 2022 (but covered the delivery of the Annual Canvass up to 1 December 2022).

Prior to the contract concluding, officers were preparing a new joint procurement exercise with Stratford-on-Avon District Council (SDC). When the merger with SDC ceased in April 2022, a decision was taken to no longer progress this single tender, due to a number of complexities within it and long-term management of the contract.

Despite this change, a contract was still required to replace the contract that was ending, so the intention was still to produce and issue an Invitation To Tender (ITT) which would see the new contract deployed in time. However, delays arising from discussions on the final specification, followed by the need to include requirements of the Election Act 2022 (some of which were unknown at this time) took longer than expected. Although the final ITT was now ready to issue, it had been proposed to delay its publication until the expected final secondary regulations for the Elections Act 2022 in early November 2022. This delay was also to accommodate the fact that the Electoral Services Manager was leaving the Council at the end of December 2022 (of which Councillors were aware), and to enable the new Electoral Services Manager, starting in January 2023, to input into the ITT and understand the new contract.

To accommodate the above, it had been proposed that the replacement contract for the elections and electoral printing contract that had expired would not be awarded until June 2023, with a start date of 1 July 2023.

With the delay to the replacement contract, options were considered with the procurement team on how best to procure work in the interim between the formal contracts. Rather than implementing a short-term contractual arrangement to cover the interim and the May 2023 election requirements, the lowest risk proposal was to provide a short-term extension to the contract that had just ended, until 30 June 2023, in accordance with the Public Contract Regulations 2015 using the justifications as outlined above. Informal discussions with the current supplier had indicated this would be acceptable to them.

While exploring the ability to apply the extension, it was also identified that the Council had already exceeded the value of the original contract. This was quickly justified due to the number of additional elections that had been called during the contract term that had not been anticipated at the time of letting the contract.

The original contract value was for £800,434, but to accommodate both the extension to the contract term and the original contract overspend, an exemption to extend and increase the contract value to £1,150,000 was required. This would be an increase of 43.6% which was lawful, subject to 72.1(b) (PCR2015). This allowance would also provide for a £50k contingency just in case any other unforeseen requirements (for example, a General Election was called in this time).

In terms of alternative options, the Returning Officer had considered the potential for initiating the procurement for a replacement earlier, however, the new contract would not begin until the end of February 2023 at the earliest, by which time printers would already have booked in slots for election printing and undertaken a number of other pre-delivery project

work.

Councillor Day proposed the report as laid out.

Resolved that an exemption to the code of procurement practice for extending the current elections and electoral registration printing contract for up to a value of £1,150,000 and up to 30 June 2023 (and for any elections called by that date which may take place after 30 June 2023), be approved.

(The Portfolio Holder for this item was Councillor Day)

This item was a key decision but was not included on the Forward Plan, so a Notice of Exemption was published on 19 October 2022.

59. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraph of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minutes Numbers	Paragraph Numbers	Reason
60	1	Information relating to an Individual
60	2	Information which is likely to reveal the identity of an individual
60	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

60. **Confidential Appendices to Item 7 – Minute Number 190 – Future Delivery of the Domestic Pest Control Service**

The Cabinet noted the confidential appendices.

(The meeting ended at 6.57pm)

CHAIRMAN
7 December 2022