

To: All Members of the Executive

When calling please ask for:

Ben Bix, Democratic Services Manager

**Legal and Democratic Services**

E-mail: [ben.bix@waverley.gov.uk](mailto:ben.bix@waverley.gov.uk)

Direct line: 01483 523354

Calls may be recorded for training or monitoring

Date: 23 October 2023

### Membership of the Executive

Cllr Paul Follows (Chair)  
Cllr Peter Clark (Vice Chair)  
Cllr Tony Fairclough  
Cllr Victoria Kiehl  
Cllr Mark Merryweather

Cllr Kika Mirylees  
Cllr Nick Palmer  
Cllr Paul Rivers  
Cllr Liz Townsend  
Cllr Steve Williams

Dear Councillors

A meeting of the Executive will be held as follows:

Date: Tuesday, 31 October 2023

Time: 6.00 pm

Place: Council Chamber, Council Offices, The Burys, Godalming

The Agenda for the Meeting is set out below.

Yours sincerely

Susan Sale

Executive Head of Legal & Democratic Services & Monitoring Officer

Agendas are available to download from Waverley's website ([www.waverley.gov.uk/committees](http://www.waverley.gov.uk/committees)), where you can also subscribe to updates to receive information via email regarding arrangements for particular committee meetings.

Alternatively, agendas may be downloaded to a mobile device via the free Modern.Gov app, available for iPad, Android, Windows and Kindle Fire.

Most of our publications can be provided in alternative formats. For an audio version, large print, text only or a translated copy of this publication, please contact [committees@waverley.gov.uk](mailto:committees@waverley.gov.uk) or call 01483 523351.

The meeting can be viewed remotely via Waverley Borough Council's [YouTube channel](#) or by visiting [www.waverley.gov.uk/webcast](http://www.waverley.gov.uk/webcast)

---

### **Notes for members**

Contact Officers are shown on each report and members are welcome to raise questions, make observations etc. in advance of the meeting with the appropriate officer.

**Prior to the commencement of the meeting, the Leader, Deputy Leader or an appropriate Portfolio Holder to respond to any informal questions from members of the public, for a maximum of 15 minutes.**

*[Questions will be taken in the order in which questioners register with the Democratic Services Manager prior to the start of question time. When read out, each question must be concluded within 2 minutes. In the event that it is not possible to give a verbal response, a written response will be provided following the meeting.]*

## **Agenda**

1. **Apologies for absence**

To receive apologies for absence.

2. **Minutes** (Pages 5 - 16)

To confirm the Minutes of the Meeting held on 3 October 2023 as a correct record.

3. **Declarations of interest**

To receive from members, declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. **Questions from members of the public**

The Chairman to respond to any questions received from members of the public for which notice has been given in accordance with Procedure Rule 10.

The deadline for receipt of questions is 5pm on Tuesday 24 October 2023.

5. **Questions from Members of the Council**

The Chairman to respond to any questions received from Members in accordance with Procedure Rule 11.

The deadline for receipt of questions is 5pm on Tuesday 24 October 2023.

6. **Leader's and Portfolio Holders' Updates**

7. **Recommendations from the Overview and Scrutiny Committees**

There were no recommendations from the Overview and Scrutiny Committees - Services meeting held on 22 September 2023.

8. **Software Contract for Regulatory Services** (Pages 17 - 30)

Portfolio Holders: Deputy Leader and Portfolio Holder for Customer Services,  
Business Transformation and IT; and Portfolio Holder for Enforcement and  
Regulatory Services

**Recommendation** that the Executive:

- (i) **Approves that the contract in respect of the Council's Regulatory Services IT Management System be awarded to the preferred supplier;**

- (ii) Approves that the Council's Contract Procedure Rules in respect of tendering be waived in respect of this procurement;
- (iii) Approves that authority to spend the funding allocated to this IT system replacement in the 2023/24 capital programme be granted;
- (iv) Approves that authority be delegated to the Head of Regulatory Services, in consultation with the Joint Executive Head of Legal and Democratic Services, to complete and execute the necessary contractual documents.

9. **Exclusion of the Public and Press**

To consider the following recommendation on the motion of the Chairman:

**Recommendation**

That, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the Executive agrees:

1. that the public be excluded from the meeting during consideration of the following matter on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in Paragraph 1 of the revised Part 1 of Schedule 12A to the Local Government Act 1972; and
2. that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10. **Supplementary Estimate (Pages 31 - 40)**

**Recommendation**

**That the Executive approve the recommendations set out in the Exempt report.**

Portfolio Holder for Enforcement and Regulatory Services

11. **Any other issues to be considered in Exempt session**

To consider matters (if any) relating to aspects of any reports on this agenda which, it is felt, may need to be considered in Exempt session.

**For further information or assistance, please contact  
Ben Bix, Democratic Services Manager, by email at  
ben.bix@waverley.gov.uk**

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 3 OCTOBER 2023

SUBMITTED TO THE COUNCIL MEETING – 12 DECEMBER 2023

(To be read in conjunction with the Agenda for the Meeting)

**Present**

Cllr Paul Follows (Chair)  
Cllr Peter Clark (Vice Chair)  
Cllr Tony Fairclough  
Cllr Victoria Kiehl

Cllr Mark Merryweather  
Cllr Paul Rivers  
Cllr Liz Townsend  
Cllr Steve Williams

**Apologies**

Cllr Kika Mirylees and Cllr Nick Palmer

**Also Present**

Cllrs Beaman, Gale, Hyman and Weldon

EXE 60/23 MINUTES (Agenda item 2)

The Minutes of the Meeting held on 5 September 2023 were confirmed and signed as a correct record.

EXE 61/23 DECLARATIONS OF INTERESTS (Agenda item 3)

There were none.

EXE 62/23 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

There were none.

EXE 63/23 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

52.1 Cllr Beaman, Farnham North West ward, asked the following question:

“As the start of the updating of WBC's Local Plan with consequential work also starting to be taken on a number of current Neighbourhood Plans (including Farnham in which the Town Council allocated sites for new residential development) commences will WBC accept as a basic principle at the start of this planning that its highly unlikely that the number of new homes that are required under the standard delivery method can actually be delivered in a way that is sustainable as required under the NPPF given existing pressures on current supporting services (particularly transport, education and medical services as well as provision of water and sewerage services)?”

In response, Cllr Townsend explained that the plan had to be actively constructed without bias towards any one outcome at the early stage of its update, and that a Housing and Economic Needs Assessment would provide

evidence as to whether deviating from the standard method of calculating housing numbers was justified. Cllr Beaman noted the response and stated he would like the issue to be monitored.

51.2 Cllr Weldon, Haslemere East ward, asked the following question:

“Is it feasible, or would we intend, to use CIL (Community Infrastructure Levy) funding to fund solar panels over our car parks? In France it is now a legal requirement for all supermarkets with anything remotely large in terms of car parks to do that privately - I understand that Portsmouth has already done it in this country using CIL funding. I see three possible advantages to motorists: for shade over their cars, contribution towards our net zero aims, and potentially some revenue from selling power back to the National Grid.”

The Leader requested that Cllr Williams provide a response; Cllr Williams stated that a feasibility study into installing PV solar panels on car parks in Waverley had been carried out in 2022, and that officers would soon engage the public and relevant stakeholders over potential installation at Upper Hart Car Park in Farnham. This was set out as action E1 in the Climate Neutrality Action Plan; the aim was to carry that out in the next financial year, with potential for adoption across the borough if successful.

#### EXE 64/23 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

- 53.1 Cllr Fairclough updated the Executive on the successful prosecution of PGL Travel Limited which had resulted in the company receiving a fine of £1 million.
- 53.2 Cllr Kiehl updated the Executive that both Waverley and Guildford Borough Council's had appointed councillors to the Joint Constitution Review Group. Waverley's Standards and General Purposes Committee had appointed Cllr MacLeod as the joint committee's co-chair and provisional dates for quarterly meetings had been set. The first meeting was scheduled for November, where the work programme would be composed, and officer employment procedure rules and schemes of delegation to officers would be considered. The Joint Governance Committee would meet in October to review the Collaboration Risk Register and the Inter Authority Agreement.
- 53.3 Cllr Merryweather informed the Executive of the beginning of building works on Wey Court East and surveys at Wilmer House.

#### EXE 65/23 RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEES (Agenda item 7)

- 54.1 The Leader noted the recommendation of the Overview and Scrutiny Committee – Resources that took place on 19 September 2023 relating to 69 High Street, and assured all Members that the Council had professional staff, who were experienced and able to deliver the project, drawing on external advice when needed.

- 54.2 Cllr Merryweather clarified that the Assets Investment Executive Working Group had begun the Lessons Learned analysis before the meeting of the Overview and Scrutiny Committee, and emphasised that any lessons would be evidence-based. Cllr Merryweather queried the accuracy of the wording of the recommendation particularly the use of the word 'evidence'.
- 54.3 The Leader sought clarification through the Scrutiny Officer whether the Chair of the Overview and Scrutiny Committee – Resources would like the review of the 69 High Street project to be undertaken by the Executive or an Overview and Scrutiny Sub-committee, as good governance practice would indicate that the review not be undertaken by the body that was delivering the project.

EXE 66/23 CLIMATE NEUTRALITY ACTION PLAN (Agenda item 8)

- 55.1 Councillor Williams introduced the third annual update of the Carbon Neutrality Action Plan (CNAP) since its adoption in 2020, and highlighted that the Council had achieved a 39% reduction in its organisational greenhouse gas emissions. He thanked Officers for their work and emphasised that there had been an organisational cultural shift toward sustainability. The report set out that budgetary support would be needed to deliver future climate and sustainability projects, in order to deliver Net Zero by 2030.
- 55.2 Executive Members' statements in support of the recommendations included:
- The Council's achievements had been delivered despite the withdrawal of government support for climate initiatives, and had demonstrated that those that doubted the ambitions were wrong
  - Greater emphasis on clean air monitoring and active travel initiatives particularly around schools, would be welcome
  - 'Business as usual' was no longer an option, sustainability had to continue to infuse everything the council did; and
  - The hostile language and negativity around climate change initiatives was negligent.

The Executive **RESOLVED** unanimously to:

- 1. Agree to endorse the updated content of Version 4 of the CNAP as presented in Annexe 1;**
- 2. Note the progress made on the CNAP during 2023 attached as Annexe 2;**
- 3. Consider the financial summary in Annexe 3 and agree to review a proposal for a top-up budget for the Climate Emergency Reserve at the next budget setting; and**
- 4. Agree in principle to reviewing a budgetary framework at the next budget setting that could enable revenue from income generating climate projects to be used to fund further climate change projects.**

## Reasons

1. To ensure that the Executive is up to date with the Council's progress on its response to the Climate Emergency
2. To ensure that there is increased capacity for priority being given to the Council's climate change strategy in view of the accelerating threat of climate change.

### EXE 67/23 FARNHAM BUSINESS IMPROVEMENT DISTRICT (BID) BALLOT AND GODALMING BUSINESS IMPROVEMENT DISTRICT (BID) BALLOT (Agenda item 9)

- 56.1 Councillor Townsend was pleased to introduce the report which demonstrated a continued commitment to building a thriving economy across the Borough. Business Improvement Districts (BIDs) had been developed to generate additional investment for focused activities to support retail and other businesses in high streets. Legislation enabling the formation of BIDs was passed under the Local Government Act 2003, specifically the BIDs (England) Regulations 2004.
- 56.2 It was explained that in 2021 the Council had allocated £40,000 of the Additional Restrictions Grant to support the process, which had enabled the employment of Mosaic Partnership to develop the BIDs ready to go to ballot with a BID business plan for each settlement in June or September 2023. The Council as a business rate payer had a number of votes (relating to the number of rateable properties) to cast in the ballot. Ballot papers had been issued with returns expected by 31 October 2023.
- 56.3 Executive Members' statements in support of the recommendations included:
- Frustration with the inequity of business rates retention where only 5p in each £1 was retained by WBC, whilst the government received 80p from each £1 collected
  - It was disappointing that the government had again delayed a much needed review of business rates
  - Town and Parishes Councils received nothing from business rates collected, despite being readily associated with high streets by residents
  - The projects outlined would bring tangible improvements to town centres, including improving the appearance of empty shops; and
  - The proposed investment in wifi for Godalming town centre was welcomed together with destination marketing to promote the 'dwell time' opportunities that were already established.

The Leader clarified that every rateable business in the BID area would receive a ballot.

The Executive **RESOLVED** unanimously to:



- 1. Give delegated authority to the Leader of the Council to vote in support of the Farnham Page 4 BID with the Council's nine votes as a levy payer;**
- 2. Give delegated authority to the Leader of the Council to vote in support of the Godalming BID with the Council's six votes as a levy payer; and**
- 3. Note the annual cost to the Council of its levy contributions set out at 11.1, the cost of which have been included in the Medium Term Financial Plan (MTFP).**

#### Reasons

1. Supporting BIDs forms part of the Council's existing and emerging Economic Development Strategy to support the high streets and a vibrant business economy in the borough.
2. The Council has invested in the BID development process since 2018, having commissioned a feasibility study and provided grant funding to each BID area.
3. The Council has a statutory responsibility to work with BIDs, which provides a good opportunity to build a partnership with these stakeholders.
4. The Council voted for the Cranleigh BID in June 2023 and therefore precedent has been set for the Council's support of further proposed BIDs

#### EXE 68/23 SCOPE AND TIMETABLE FOR THE NEW LOCAL PLAN (Agenda item 10)

- 57.1 Councillor Townsend introduced the report and explained that it was clear that an updated Local Plan was required in order to meet the government's housing targets and to mitigate the potential of speculative development. The report provided more detail about the scope and set out an ambitious timeline for the new plan for submission in autumn 2026 and adoption towards the end of 2027. The planning policy team would also be working separately on design codes for the borough in tandem with the development plan process but not as part of it.
- 57.2 Councillor Townsend cautioned that there was considerable uncertainty with regard to the government's planning reforms which were due to come into force in November 2024 but there was mitigation within the project plan to take account of any transitional arrangements. An Executive Working Group had been established to advise on and monitor progress, the Services Overview and Scrutiny Committee would continue to be engaged and Member briefings would be provided at key milestones. A briefing had also been arranged for Town and Parish Councils in November.

- 57.3 Having registered to speak, non-voting visiting Member Councillor Hyman spoke against the recommendations and expressed his disappointment that the original intention of Council to simply update the Local Plan had been superseded by a full review, which would instead take many years to come into effect, leaving the Council vulnerable. There was a risk that habitats constraints would again not be fully assessed, and questioned whether the assessment for Farnham Park SANG was available.
- 57.4 The Leader countered that Councillor Hyman had received responses to his query several times previously, along with Counsel opinion. The Leader continued by cautioning that a Local Plan review should not be light touch, but should be comprehensive in order to be assessed as sound by the Planning Inspectorate at examination.
- 57.5 Executive Members' statements in support of the recommendations included:
- The approach to consultation and engagement as set out was thorough and accessible
  - Individual Members could approach the Portfolio Holder directly with any concerns they may have; and
  - There was uncertainty as to the timing of a possible general election during 2024, and that the Council was right in its approach to make progress in the light of uncertainty

The Executive **RESOLVED** unanimously to:

- 1. Note the approach to, scope and timetable for preparing a new Local Plan; and**
- 2. Note the basis upon which there will be initial engagement with stakeholders.**

Reasons

1. To assist in progressing work on the new Waverley Borough Local Plan.

EXE 69/23 CRANLEIGH LEISURE CENTRE NEW BUILD (Agenda item 11)

- 58.1 Cllr Townsend provided updated recommendations to the meeting, as drafted by the Legal advisor. The updated recommendations were displayed to those present and those watching the meeting remotely.
- 58.2 Cllr Townsend stated that the proposal was in agreement with the recently procured leisure management contract and the council priorities to improve residents' health and wellbeing, support a resilient local economy by attracting visitors to the borough, secure health benefits through rehabilitation, connect with the local community and facilitate improvement of residents' mental health. The carbon neutrality benefits of the proposal were also emphasised.

- 58.3 GT3 had been appointed as the architects with whom the Council would move into the detailed design phase. A revised capital budget of £31.1 million had been established to account for build cost inflation, and a budget review had identified the differences between that and the initial cost plan. The revised cost remained within the limit set by the treasury management strategy. Potential cost reductions would be investigated throughout the design phase, although Cllr Townsend cautioned that any reduction from the cost plan may compromise the services and facilities offered to the local community. The Leader assured the Executive that the Passivhaus standard also conferred better build quality and cost control alongside carbon neutrality benefits.
- 58.4 Having registered to speak, non-voting visiting Member Councillor Hyman was concerned about build cost inflation since the project's inception, and queried whether the treasury management strategy required the Council to have an exit strategy for the project which would be triggered once a specific cost threshold would be exceeded.
- 58.5 The Leader reminded the Executive that the project's cost had been unstated under previous administrations, and that the lower energy costs associated with the new build specification would represent a saving over coming years. The Leader also mentioned safety concerns with Cranleigh Leisure Centre's present estate.
- 58.6 Cllr Merryweather clarified in response to Cllr Hyman that the exit strategy was set out in the asset management strategy and that the current proposal represented the exit strategy from the problems posed by the poor build quality of the current Cranleigh Leisure Centre. He noted that the Executive was at a review point in deciding whether to proceed and that the evidence showed the financial benefits of the proposal.
- 58.7 The Deputy Leader agreed with Cllr Merryweather's remarks, but cautioned that cost controls should continue to be exerted. The Leader acknowledged that the earliest commitment possible would help to control costs and reiterated the cost benefits conferred by the Passivhaus standard.
- 58.8 Cllr Townsend also informed the Executive that the new design would involve the usage of fewer chemicals in the building's water supply; greater control of the water supply; no damp or mould within the building; and a longer lifespan for the building. The Executive heard that the extra investment for Passivhaus certification would be recouped within 9-15 years at the lowest predicted level of energy saving, and that a 15% cost contingency was factored into the current pricings to account for possible future cost increases.

The Executive **RECOMMENDED** to **COUNCIL**:

1. **That a revised capital budget of £31,137,252, as shown in the financial viability assessment at Exempt Annexe 1, be agreed to deliver a new-build Cranleigh Leisure Centre**

The Executive **RESOLVED** unanimously:

2. **That the leisure centre be built to Passivhaus certification standards;**
3. **That authority be delegated to the Joint Director for Place, in consultation with the relevant portfolio holder, to submit a planning application in respect of the proposed new build;**
4. **That authority be delegated to the Joint Director for Transformation and Governance, in consultation with the relevant portfolio holder, to conduct the procurement of a contractor for the build and all related professional services, including, but not limited to, the Employers Agent and Design team;**
5. **That authority be delegated to the Joint Executive Head of Legal and Democratic Services to complete and execute all necessary contractual documents.**

Reason

To deliver a new build low carbon leisure centre in Cranleigh, as per Council approval in December 2021.

EXE 70/23 EXCLUSION OF PRESS AND PUBLIC (Agenda item 12)

The Leader sought advice from the Monitoring Officer as to whether the Executive could consider item 13 in open session rather than exempt. The Monitoring Officer explained that it was for the Executive to decide upon the Motion set out on the agenda as Officers had marked the report as wholly exempt, but should the Executive resolve to consider the item in open session, the effect of that resolution would be to remove the exempt status of the report and its annexe.

The Leader moved, with the assent of the Executive, that, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, it be agreed:

1. that the public be excluded from the meeting during consideration of the matter on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in Paragraph 3 of the revised Part 1 of Schedule 12A to the Local Government Act 1972; and

2. that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

EXE 71/23 SOLAR PV FOR LEISURE CENTRES (Agenda item 13)

The Executive returned to Open session and **RESOLVED** unanimously to:

1. **Approve the award of a contract(s) for the installation of roof top solar PV on Haslemere and Godalming Leisure Centres to Joju Solar;**
2. **Delegate authority to the Executive Head of Commercial Services to enter into the necessary contractual agreement(s) in accordance with the requirements of the Council's Contract Procurement Rules.**

Reasons

1. A tender process was carried out within the Fusion 21 Framework and Joju Solar were successful in that process.
2. Retrospective approval to appoint Joju Solar is required from the Executive as not previously secured.

**The meeting commenced at 6.00 pm and concluded at 7.36 pm**

**Chairman**

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



## Waverley Borough Council

**Report to: Executive**

**Date:** 31 October 2023

**Ward(s) affected:** All Wards

**Report of Director:** Place

**Author:** Richard Homewood, Executive Head of Regulatory Services

**Tel:** 01483 523411

**Email:** [Richard.homewood@waverley.gov.uk](mailto:Richard.homewood@waverley.gov.uk)

**Executive Portfolio Holder/ Lead Councillor responsible:**

Cllr Peter Clark, Deputy Leader and Portfolio Holder for Customer Services, Business Transformation and IT, and Cllr Tony Fairclough, Portfolio Holder for Enforcement and Regulatory Services

**Tel:** Cllr. Peter Clark 01252 711026

**Email:** [peter.clark@waverley.gov.uk](mailto:peter.clark@waverley.gov.uk), [tony.fairclough@waverley.gov.uk](mailto:tony.fairclough@waverley.gov.uk)

**Report Status:** Part Exempt

**Key Decision:** Yes

# Replacement of Regulatory Services IT Management System

## 1.0 Executive Summary

- 1.1 The existing supplier of the Council's Regulatory Services IT Management System has formally issued notice withdrawing their support of the current IT system as of 31 March 2024. Corporate Management Board (CMB) has previously approved a capital bid of

£50,000 for system replacement, and a project team has been tasked with finding a suitable cost-effective replacement. The project team has undertaken pre-market engagement with suppliers, as well as collaborative consultation with Guildford Borough Council Regulatory Service teams to ascertain the best option for replacement.

- 1.2 This report serves as a progress report regarding the replacement of the Regulatory Services IT Management System. It also seeks approval to waive the tender process and move forward with a service contract with the preferred software replacement provider, and authority to spend the funding allocated in the capital programme.

## **2.0 Recommendation to Executive**

That the Executive approves:

- 2.1 That the contract in respect of the Council's Regulatory Services IT Management System be awarded to the preferred supplier;
- 2.2 That the Council's Contract Procedure Rules in respect of tendering be waived in respect of this procurement;
- 2.3 That authority to spend the funding allocated to this IT system replacement in the 2023/24 capital programme be granted;
- 2.4 That authority be delegated to the Head of Regulatory Services, in consultation with the Joint Executive Head of Legal and Democratic Services, to complete and execute the necessary contractual documents

## **3.0 Reason(s) for Recommendation:**

- 3.1 To take advantage of the offer of significant free support for data migration elements of the implementation of the new system, and align systems with Guildford Borough Council to facilitate future collaboration.

3.2 To enable the procurement of the new system to proceed.

#### **4.0 Exemption from publication**

4.1 The exempt annexe to this report contains financial information.

- (a) The content is to be treated as exempt from the Access to Information publication rules because it contains financial information and is therefore exempt by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

#### **5.0 Purpose of Report**

5.1 To seek authority to waive the tender process in respect of the procurement of the replacement IT management system for Regulatory Services.

5.2 To seek authority to spend the funds allocated for the project in the 2023/24 capital programme.

#### **6.0 Strategic Priorities**

6.1 The Council is committed to supporting the health and wellbeing of residents ([Corporate Strategy 2020-25](#)). Regulatory Services including the Environmental Health, Environmental Protection, Licencing and the Environmental Enforcement teams provide an effective mechanism to do this. The implementation of the new Regulatory Services IT system will promote efficient management of these work streams.

#### **7.0 Background**

7.1 The existing supplier of the Council's Regulatory Service IT Management System has formally issued notice withdrawing their support of the current IT system as of 31<sup>st</sup> March 2024. CMB have previously approved a capital bid of £50,000 for system replacement, and a project team has been tasked with finding a suitable cost-

effective replacement. The project team have undertaken pre-market engagement with suppliers, as well as collaborative consultation with Guildford Borough Council Regulatory Service teams to ascertain the best option for replacement.

- 7.2 The market for software of this type is becoming increasingly limited with several software systems no longer supported by their providers and others being bought out by competitors, further narrowing the market. There are effectively only three potential suppliers of suitable software. The IT team have ruled out one potential supplier on technical grounds and on the basis of poor service over the current contract with them which expires on 31 March 2024.
- 7.3 The pre-market engagement with potential suppliers has given indicative costs for the limited number of software systems available. These costs are set out in the exempt annexe to this report.
- 7.4 As can be seen from the figures, the different companies use different pricing models with one going for cheaper implementation but higher maintenance and the other going for higher implementation but cheaper maintenance. The difference in implementation costs is paid back within 10 years of contract maintenance. Either way, the data extraction is a genuine significant saving.
- 7.5 This would suggest that the partnership offer set out in the exempt annexe from the preferred supplier would be significantly cheaper than any other potential offer but would not be available were we to follow the normal tender process.
- 7.6 Guildford Borough Council has fully implemented the preferred supplier's software providing their cloud-based IT management system for Regulatory Services. Given the limited market availability of this type of software, the ongoing successful implementation of the preferred supplier by Guildford, the level of support offered by the preferred supplier set out below and looking ahead to future collaboration opportunities, the project team are of the view that given its effective working, it makes sense to utilise the same software system as Guildford.

- 7.7 Pre-market engagement with suppliers has identified three elements to the replacement IT project: i. Data Extraction; ii. System Implementation; and iii. System Maintenance.
- 7.8 Data extraction is necessary to remove the information held on the Council's existing software and contributes a significant portion to the overall project cost. Indicative figures suggest a cost of up to £75,000 for data extraction and migration to the new software platform.
- 7.9 In an attempt to reduce the burden of data extraction costs, the preferred supplier has offered a partnership proposal: They are currently seeking partnership with a Local Authority to develop their newly acquired data extraction tool. In return for working in partnership, they have offered 70 days technical support at no cost to complete the data extraction element of a move to their software.
- 7.10 This offer is time sensitive, with the preferred supplier looking to move forward their extraction tool at pace to the open market and future Local Authorities wishing to buy in their service. As such, the preferred supplier requires a timely commitment to this partnership. Because the total cost over the five years of a contract would exceed £100,000 approval of the Executive is required to award a contract without competition to access this opportunity for cost saving.
- 7.11 System Implementation is the process of transferring extracted data into the new software, setting up relevant process codes to make the software operational and training all staff. CMB has previously approved capital funding and the service has identified further funding available to meet the cost of implementing the new system. A financial mechanism for funding system implementation is available and set out in the exempt annexe.
- 7.12 System Maintenance is the ongoing revenue cost of maintaining the system. The preferred supplier costs for this over a 5-year contract, match the current revenue budget spend.

## **8.0 Consultations**

8.1 A project Team including IT, Finance, Regulatory Services managers, the Information Manager and Head of Service has been working on the procurement options for replacement software.

## **9.0 Key Risks**

9.1 The key risk are as follows:

- i. Failure to secure the partnership with the preferred supplier for data extraction – this would result in significant additional cost to the Council.
- ii. Failure to move to a new software provider – this would result in an ongoing risk of not being able to securely save, extract and appropriately delete data in line with GDPR retention schedules. It would also inhibit the submission of returns to the Food Standards Agency and Health and Safety Executive and place an additional resource burden on IT services.

## **10.0 Financial Implications**

10.1 As previously detailed:

- i. Data Extraction – cost to be met by the preferred supplier subject to timely direct contract and partnership working to trial development of data extraction tool.
- ii. System Implementation costs can be met from the current capital budget allocation along with a revenue contribution from the service.
- iii. System Maintenance costs (years 1- 5 can be met from the existing IT revenue budget.

10.2 As the contract is in excess of £100,000, Executive approval is required.

## **11.0 Legal Implications**

11.1 The circumstances in which the Council's Contract Procurement Rules may be waived are set out in Rule 13.3 of the CPRs. The CPRs may be waived only in exceptional circumstances where:

- (1) there is a demonstrable and justifiable need to waive or vary one or more of the CPRs on the grounds of urgency; and
- (2) the S151 Officer has obtained the prior approval of the Executive.

## **12.0 Human Resource Implications**

12.1 No additional human resource implications, the work will be accommodated within existing resources.

## **13.0 Equality and Diversity Implications**

13.1 There are no Equality or Diversity implications.

## **14.0 Climate Change/Sustainability Implications**

14.1 The preferred software supports remote interface which reduces the need to travel back to an office base to access information. Additionally, the system supports hybrid working and as a result supports a reduction in car journeys.

## **15.0 Summary of Options**

15.1 To agree the waiving of the tender process, authorise spending of the capital programme allocation and take advantage of the offer from the preferred supplier. RECOMMENDED.

15.2 To proceed with a tender process and lose the offer of significant support from the preferred supplier, with subsequent increased costs for procuring a replacement IT management system for Regulatory Services.

## **16.0 Conclusion**

- 16.1 The outcome of the work of the project team is to recommend that the council enter into the partnership with the preferred supplier to take advantage of the significant support on data migration.
- 16.2 To do so the Executive is asked to waive the requirement to tender for the replacement IT management system.
- 16.3 That the Executive gives authority to spend the funding allocated in the 2023/4 capital programme.

## **17.0 Background Papers**

- 17.1 None

## **18.0 Appendices**

- 18.1 Exempt Annexe A



Please ensure the following service areas have signed off your report.  
Please complete this box, and do not delete.

Service	Sign off date
Finance / S.151 Officer	20 September 2023
Legal / Governance	28 September 2023
HR	N/A
Equalities	N/A
Lead Councillor	11 October 2023
CMB	3 October 2023
Executive Briefing/Liaison	17 October 2023
Committee Services	19 October 2023

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank