

SUBJECT: STRATEGIC PROCUREMENT – PROPOSED DISCHARGE OF SERVICES FOR MUTUAL BENEFIT

MEETING: CABINET

DATE: 7th JULY 2021

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

- 1.1 To provide an update to Cabinet following Individual Cabinet Member approval on the 7th of April to collaborate with Cardiff Council, for mutual benefit, in the discharge and provision of the Council's Strategic Procurement services.

2. RECOMMENDATIONS:

- 2.1 To seek full Executive Approval for the Council's entry into a mutually beneficial Delegation Agreement with Cardiff Council, for the discharge and provision of its strategic and operational procurement services from the 1st of August 2021.
- 2.2 Economy and Development Select Committee to scrutinise the Agreement by receiving six monthly updates in the initial period of delivery to monitor progress, to include the development of an associated training plan for Officers.

3. KEY ISSUES:

- 3.1 Following a commissioned review of the Council's Strategic Procurement Service, Atebion Solutions (Cardiff Council owned LA Trading Company) presented their findings. The review confirmed the Council's own recognition that it had limited capacity to influence behaviours relating to its £100m third party annual spend, particularly in determining how the spend supported the delivery of the Council's priorities i.e., Innovation; Economic, Social, Environmental and Cultural Well Being; Value for Money and Efficiency; Governance and Risk Management.
- 3.2 The review challenged the Council to determine what it wanted, and, on reflection, Senior Officers felt a fundamental transformation of the Service was required in order to enable the Council to:
- Spend more wisely;
 - Improve procurement governance and subsequently reduce risk;
 - Be at the forefront of some of the burgeoning national regulations changes such as Socio Economic Duty;
 - Consider their next steps regarding the proposed 'Themes Outcomes and Measures' a framework to measure social value from procurement alongside;
 - Increase the community benefits of Council contracts e.g., by creating local employment through apprenticeship opportunities, etc.
- 3.3 Over recent years, the Council has stepped up its ambitions regarding the Social Justice Agenda making a commitment to address inequalities in our county in order to make our society function better. In a strategic procurement context, the Council will need to have a much stronger focus on local wealth creating opportunities i.e., changing the focus from assessments based purely on cost to moving towards value propositions, that open up opportunities for local companies to bid for contracts facilitated through 'Meet the Buyer'

events, thus safeguarding local employment and generating additional job opportunities for local residents. Focus will also need to be given to the Circular Economy providing options for de-carbonisation through localised delivery systems, identifying opportunities for re-use and recycling, etc. Consideration will also need to be given to supporting the Foundational Economy for example, enabling and enhancing local food supply chains for the local hospitality sector, by strengthening local supplier support, encouraging recruitment into the local care sector via apprenticeships, supporting the local retail sector through marketing campaigns such as 'Shop Local, Shop Monmouthshire', etc.

- 3.4 All of the above would be difficult for the current small team to achieve so on the [7th April 2021](#), the Cabinet Member for Resources agreed to enter into a mutually beneficial collaboration with Cardiff Council (CC). The collaboration would be initially for three years, assuming it is successful, this would move to a rolling contract whereby the Councils would collaborate in the discharge and provision of their procurement services which would be delivered by CC on behalf of both Councils. In so doing, MCC would delegate its Strategic Procurement functions for the three-year period under Regulation 7 of the Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) 2002 and s19 of the Local Government Act 2000, as well as in accordance with MCC's Constitution. This does not prohibit MCC from exercising the Delegated Functions itself, although MCC have agreed that if the procurement they propose to exercise themselves has either a value of over £75,000 or it is believed that such a procurement will have a material impact upon the exercise of the delegation, they will, where practically possible, provide CC with seven days' notice of that intention.
- 3.5 This proposal will enable MCC to benefit from a bigger team, increasing from two to five, to include three new full-time starters, managed by the award winning and highly respected Cardiff Council procurement service, which also includes:
- a Leadership and Management team which led the transformation of procurement within Cardiff and play a key role in leading procurement collaboration at a national level;
 - the technical capability, expertise and category specific knowledge available within CC's existing three Category Teams i.e., Social, Environment and Corporate; and
 - CC's Strategy and Policy Team which is recognised across Wales as leading the development and delivery of good practice in support of local and national priorities.
- 3.6 The proposed delegation is not a one-way relationship – it will also provide opportunity to share wider good practice with a greater focus on whole life cost and will help the Council to manage its procurement demand better by establishing and monitoring a contract/works pipeline.
- 3.9 Staff consultations have now reached a conclusion and the Delegation Agreement was approved by Cardiff Council on 24th June 2021. This report therefore seeks full Executive Approval to finalise matters.

4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

- 4.1 The assessment of Equality and Future Generations Evaluation (Appendix B) is summarised below for Members' consideration:
This proposal seeks to work with a regional partner to mutual benefit. By doing so the Council is seeking to add value through Community Benefits i.e., Targeted training and employment; support local suppliers where practicable; minimising negative impacts of

procurement decisions i.e., de-carbonisation/ circular economy whilst also supporting the adoption of the Wellbeing of Future Generations Act by challenging decisions which could have a long-term detrimental impact. Throughout the delivery of the mutually beneficial service, robust monitoring arrangements will be put in place to ensure compliance with legal requirements and key performance indicators will be scrutinised at regular intervals by the Council's Economy and Development Select and Audit Committees.

5. OPTIONS APPRAISAL

5.1 Table One below therefore provides an options appraisal of the proposal:

Table One: Options Appraisal

Options	Benefits	Risks	Comments/Mitigation
Do Nothing	<ul style="list-style-type: none"> • Budget remains the same 	<ul style="list-style-type: none"> • Team remain under resourced • Contract procurement remains with Officers across the organisation with limited specialist knowledge • Lack of contract management leading to increased costs due to contract creep • Limited opportunities to benefit the local supply chain and subsequently create jobs 	
Remain in house and invest	<ul style="list-style-type: none"> • Council retains autonomy • Additional capacity 	<ul style="list-style-type: none"> • Total costs of additional staff will need to be borne by MCC • Time factor associated with recruiting and training additional staff • Council's priorities i.e., Innovation; Economic, Social, Environmental and Cultural Well Being; Value for Money and Efficiency; Governance and Risk Management may remain largely unmet without a considerable training package to support the existing team 	

		<ul style="list-style-type: none"> • Wider benefits from greater use of the local supply chain may be lost • Risk of lack of progress 	
Open procurement exercise to bring in alternative provider	<ul style="list-style-type: none"> • Consideration of whole of market • May provide opportunity for better deal 	<ul style="list-style-type: none"> • Time factor • Costs associated with undertaking a procurement of this nature i.e., legal, scrutiny of proposals • Unlikely to result in the cost covering model being offered by CC. • Private Sector Partner may not bring the knowledge, skills and experience that can be gained from a Local Authority 	
Mutually Beneficial delegation of strategic procurement function to Cardiff Council	<ul style="list-style-type: none"> • Award winning and highly respected procurement service; • Increased staff resource with technical capability, expertise, and category specific knowledge; • Cost covering rather than profit making arrangement with CC • Improved understanding of Council's spend enabling insight into opportunities for savings with more accuracy • Improved contract management skills resulting in less contract drift and consequently budget savings • Reduced 'off contract' spend enabling accurate spend tracking and alerts to market savings • Speedier highlighting of 	<ul style="list-style-type: none"> • Service delivery levels are less than anticipated 	<ul style="list-style-type: none"> • Delivery plan to be produced; • Regular Officer meetings; • Regular Cabinet Member briefings and attendance at relevant Committees; • Regular review of progress against agreed objectives at the end of each year; • Any disputes to be resolved by the Chief Officers/Service Directors and if that is not possible, CEOs; • Contract termination with one year's notice; • Enables the Council to fulfil one its priorities i.e. Thriving and Well-Connected County: Action 10) The Council unlocks Economic Value of its Spending Power: Review our procurement spend, improve

	<p>issues of non-compliance to enable timely corrective action, resulting in savings;</p> <ul style="list-style-type: none"> • Identification of cost reducing collaborative working/contract via consolidation opportunities; • Wider benefits to include local wealth creation benefits resulting from a greater use of the local supply chain alongside job creation opportunities such as apprenticeships, etc.; • Opportunities for Monmouthshire businesses to benefit from Cardiff contracts; • Revised MCC Policy aligned with evolving WG policy and guidance, specifically the Themes Outcomes and Measures (TOMs) Framework. 		<p>analysis of expenditure, and build local supply chains where possible.</p>
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6. REASONS:

6.1 The Council's current annual third party spend is £100m per year and, in the current climate, this can't be an area that can be left to chance any longer. The current team is currently too under resourced and has limited:

- Capacity to influence spend and procurement strategy & policy across the organisation;
- Category management knowledge, especially in relation to Social Care;
- Insight into spend categorisation;
- Capacity to analyse data on key contracts and spend with key suppliers;
- Capacity to effectively contribute towards the strategic direction of the organisation;
- Opportunity to engage with local suppliers to the benefit of the local economy.

7. RESOURCE IMPLICATIONS:

The total cost of the proposal is £319k per annum for three years and equates to 0.3% of the Council's annual third party spend. The cost is split as follows :-

- Existing MCC Budget £112k

- Additional Pressure £207k

Costs have been determined on a cost covering basis and have been based on staffing both teams and will be shared on an 80/20 split with CC based on % of third party spend i.e. £400m CC/ £100m MCC.

As the proposal seeks to transform the Council's Strategic Procurement service, apart from the cost of the statutory provision that the service is delivering, costs can be capitalised and therefore have been included and approved, as a variance pressure as part of the 2021/22 Budget setting process as indicated in Table Two that follows. Costs for years two and three will be built into the MTFP.

Table Two – Breakdown of Proposed Costs

	Existing Budget 20-21	New Budget Requirement 21-22	Variance (Pressure) 21-22
MCC Staff	112,361	112,361	0
Cardiff Proposal	0	207,490	207,490
Total Exp	112,361	319,851	207,490
MCC Rebate Income	-78,500	-78,500	0
Net Budget	33,861	241,351	207,490

8. CONSULTEES:

Senior Leadership Team;

Cabinet;

Economy and Development Select Committee - Comments were as follows:

- The Committee approved the recommendations, with the addition that it would like to see a plan for a training programme, and its attendant resource implications (both monetary and personnel.);
- Emphasis was placed on ensuring that the right data is used;
- Return of investment was covered, with the need to ensure that taxpayers have a return on investment through improved services;
- The 6-monthly review process, per 2.3., will be built into the forward work programme;
- Any additional thoughts about shaping that process to go the Chair of the Committee or the report author;
- Measuring, Monitoring and Targeting will be in the initial next steps.

9. BACKGROUND PAPERS:

n/a

10. AUTHOR:

Cath Fallon (Head of Enterprise and Community Animation)

11. CONTACT DETAILS: E-mail: cathfallon@monmouthshire.gov.uk Tel: 07557 190969

Appendix B



Future Generations Evaluation (includes Equalities and Sustainability Impact)

<p>Name of the Officer Cath Fallon</p> <p>Phone no:07557 190969 E-mail: cathfallon@monmouthshire.gov.uk</p>	<p>STRATEGIC PROCUREMENT – PROPOSED DISCHARGE OF SERVICES FOR MUTUAL BENEFIT</p>
<p>Name of Service: Enterprise and Community Animation</p>	<p>Date: Future Generations Evaluation 8th June 2021</p>

NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc.

1. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Each new proposal will need to be assessed individually to consider if it impacts disproportionately on any group.	The purpose of this proposal is the transform the current Strategic Procurement Function of the Council. To ensure any potentially negative impacts are mitigated in relation to this group, the team will ensure that tenders comply with legislation requirements and robust monitoring arrangements are put in place.	Increased procurement expertise in social care would ensure that social services budgets can be used more effectively to support services including vulnerable children, older people, and those with disabilities.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Disability	Each new proposal will need to be assessed individually to consider if it impacts disproportionately on any group,	As above	As above
Gender reassignment	Each new proposal will need to be assessed individually to consider if it impacts disproportionately on any group,	As above	Positive impacts of the proposal will be addressed on an on-going basis.
Marriage or civil partnership	Each new proposal will need to be assessed individually to consider if it impacts disproportionately on any group,	As above	As above
Pregnancy or maternity	<i>Each new proposal will need to be assessed individually to consider if it impacts disproportionately on any particular group,</i>	As above	As above
Race	<i>Each new proposal will need to be assessed individually to consider if it impacts disproportionately on any particular group,</i>	As above	As above
Religion or Belief	<i>Each new proposal will need to be assessed individually to consider if it impacts disproportionately on any particular group,</i>	As above	As above
Sex	<i>Each new proposal will need to be assessed individually to consider if it impacts disproportionately on any particular group,</i>	As above	As above
Sexual Orientation	<i>Each new proposal will need to be assessed individually to consider if it impacts disproportionately on any particular group,</i>	As above	As above

2. The Socio-economic Duty and Social Justice

The Socio-economic Duty requires public bodies to have due regard to the need to reduce inequalities of outcome which result from socio-economic disadvantage when taking key decisions This duty aligns with our commitment as an authority to Social Justice.

	Describe any positive impacts your proposal has in respect of people suffering socio economic disadvantage	Describe any negative impacts your proposal has in respect of people suffering socio economic disadvantage.	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Socio-economic Duty and Social Justice	<i>Socio-economic disadvantage can be defined as living in less favourable social and economic circumstances than others in society. Social justice is about reducing inequalities in society by working towards more equal distribution of wealth and opportunities so everyone can achieve their full potential. What evidence do you have about socio-economic disadvantage and inequalities of outcome in relation to this proposal? Will it impact disproportionately on certain groups? Can the proposals be improved to reduce inequalities of outcome?</i>	<i>Describe any negative impacts that your proposal/s will have on people or groups of people who suffer socio-economic disadvantage.</i> <i>None identified</i>	<i>What has been/will be done to mitigate any negative impacts or better contribute to positive impacts in relation to the Socio- economic disadvantage.</i> This proposal seeks to increase Council spend with local suppliers and the community benefits that can be created i.e., apprenticeship opportunities, local wealth creation, etc.

3. Policy making and the Welsh language.






How does your proposal impact on the following aspects of the Council's Welsh Language Standards:	Describe the positive impacts of this proposal	Describe the negative impacts of this proposal	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts
Policy Making Effects on the use of the Welsh language, Promoting Welsh language Treating the Welsh language, no less favourably	<i>1. When considering a new proposal, you must factor in the potential effect on the Welsh Language whether it be positive or negative. 2. Every opportunity must be taken to inform the public that they can communicate with us through the medium of Welsh.3. We must do everything to the same standard in both languages and not treat the Welsh Language less favourably.</i>	The purpose of this proposal is the transform the current Strategic Procurement Function of the Council. To ensure any potentially negative impacts are mitigated the team will ensure that all procurement exercises comply with the Welsh Language Act and the Council's Welsh Language Standards.	Every opportunity will be taken to increase the use of the Welsh language where appropriate.
Operational Recruitment & Training of workforce	<i>If you are advertising new posts, you must carefully consider whether these roles require the ability to communicate through Welsh and English (either desirable or essential). This is especially pertinent with front line roles as more than 10 % of the population of Monmouthshire speak Welsh. Also, we need to consider additional training when appointing staff that have existing Welsh language skills.</i>	Additional posts will be advertised as a result of this proposal when consideration will be given to the need for an ability to communicate through the medium of Welsh.	As above
Service delivery Use of Welsh language in service delivery Promoting use of the language	When advertising our services, you must promote the fact that people can deal with the council in Welsh by phone, email, twitter, Facebook, letters, forms, website transactions etc.	Consideration will be given to the promotion of welsh language services during the procurement process.	As above.

4. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>This proposal supports:</p> <ul style="list-style-type: none"> Working with a regional LA partner and as part of the Cardiff Capital Region to attract high skill, high wage jobs; Providing learning, training and employability opportunities for 11- to 24-year-olds to reduce the number of young people who are not in employment, education or training and providing access to the labour market for people with disabilities and care leavers Developing, and acting upon, options to improve access to job opportunities in the county to include providing work placements, traineeship and apprenticeship opportunities. 	<p>Robust monitoring arrangements will be put in place to ensure that the mutually beneficial arrangements comply with legislative requirements particularly regarding contributions to the Well Being goals.</p>
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>This proposal advocates taking a place based approach, working with local supply chains to reduce carbon emissions to ensure local biodiversity and ecosystems are enhanced and maintained.</p>	<p>As above</p>

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	n/a	n/a
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	The proposal sets the scene for to sustain local businesses to ensure local communities remain viable and productive.	Where opportunities arise more specific details regarding contributions to the wellbeing goals will be identified through regular reviews of activities.
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	The proposal supports the adoption of the Wellbeing of Future Generations Act – challenging decisions which could have a long-term detrimental impact	As above
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	n/a	n/a
A more equal Wales People can fulfil their potential no matter what their background or circumstances	This proposal seeks added value through community benefits i.e. generating targeted training and employment and opportunities	Where opportunities arise more specific details regarding contributions to the Well Being goals will be identified through regular reviews of activities.

5. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Balancing short term need with long term and planning for the future</p> <p>Long Term</p>	<p>This proposal seeks to transform the Strategic Procurement function providing opportunities for a 'Thriving and well-connected community; through local wealth creation opportunities.</p>	<p>New activities associated with this proposal will be expected to produce a Future Generations Evaluation when they are brought to Cabinet or council for a decision.</p>
 <p>Working together with other partners to deliver objectives</p> <p>Collaboration</p>	<p>This proposal seeks to address a complex problem by working collaboratively with another regional LA for mutual benefit.</p>	<p>New activities associated with this proposal will be expected to produce a Future Generations Evaluation when they are brought to Cabinet or council for a decision.</p>
 <p>Involving those with an interest and seeking their views</p> <p>Involvement</p>	<p>N/a</p>	
 <p>Putting resources into preventing problems occurring or getting worse</p> <p>Prevention</p>	<p>This proposal advocates working as part of the Cardiff Capital Region to attract high skill, high wage jobs to ensure that people have the opportunity to raise their household income. It also looks to identify options to improve access to job opportunities in the county and other areas to include providing work placements, traineeship and apprenticeship opportunities whilst taking positive action as a Council to encourage other public partners and businesses to do so.</p>	<p>New activities associated with this proposal will be expected to produce a Future Generations Evaluation when they are brought to Cabinet or council for a decision</p>
 <p>Considering impact on all wellbeing goals together and on other bodies</p> <p>Integration</p>	<p>The opportunity to develop a new way of working will provide the opportunity to better connect wellbeing outcomes internally and to other partners and bodies.</p>	<p>As above</p>

6. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	<i>During the delivery of the programme of activities associated with the proposal, safeguarding will be at the forefront to ensure that any future service delivery promotes the well-being of children and vulnerable adults, preventing them from being harmed and protecting those who are at risk of abuse and neglect.</i>	The purpose of this proposal is to be inclusive to all therefore no negative impacts are anticipated in relation to this particular activity.	Where any negative impacts are identified the team will seek to address them by taking an inclusive approach.
Corporate Parenting	n/a	As above	As above

7. What evidence and data has informed the development of your proposal?

<p>This policy is founded upon the following:</p> <ul style="list-style-type: none"> • The Wellbeing of Future Generations Act; • Prosperity for All; • Welsh Language Act; • Socio-Economic Duty; • The Well-being Assessment and the Population Needs Assessment; • Equality Act 2010; • The Equality and Human Rights Commission’s “Is Wales Fairer 2018” report;

8. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

<p>This proposal seeks to work with a regional partner to mutual benefit. By doing so the Council is seeking to add value through Community Benefits i.e. Targeted training and employment; support local suppliers where practicable; minimising negative impacts of procurement decisions i.e. de-carbonisation / circular economy whilst also supporting the adoption of the Wellbeing of Future Generations Act by challenging decisions which could have a long-term detrimental impact. Throughout the delivery of the mutually beneficial service, robust monitoring arrangements will be put in place to ensure compliance with</p>

legal requirements and key performance indicators will be scrutinised at regular intervals by the Council's Economy and Development Select and Audit Committees.

9. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Seek considered views of the proposal	Economy and Development Select Committee – 25 th February	Cath Fallon	Recommendations made and included in this report.
ICMD	7 th April 2021	Cath Fallon	

10. VERSION CONTROL: The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	<i>Scrutiny</i>	<i>25th February 2021</i>	<i>Training programme will be developed</i>
2	<i>ICMD</i>	<i>7th April 2021</i>	
3	<i>Cabinet</i>	<i>7th July 2021</i>	