



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **SPECIAL COUNCIL EXECUTIVE COMMITTEE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **THURSDAY 30 JUNE 2022 at the conclusion of the Executive Meeting**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', with a long, sweeping tail.

Susan Parsonage
Chief Executive
Published on 22 June 2022

Note: Non-Committee Members and members of the public are welcome to attend the meeting or participate in the meeting virtually, in line with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams please contact Democratic Services. The meeting can also be watched live using the following link: <https://youtu.be/Bajl-u8zjIQ>

This meeting will be filmed for inclusion on the Council's website.

Please note that other people may film, record, tweet or blog from this meeting. The use of these images or recordings is not under the Council's control.



WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, learn, work and grow and a great place to do business

Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

MEMBERSHIP OF THE SPECIAL COUNCIL EXECUTIVE COMMITTEE

Councillors

Stephen Conway
Charles Margetts
Caroline Smith

Clive Jones
Stuart Munro

Pauline Jorgensen
Beth Rowland

Substitutes

Prue Bray

Gregor Murray

ITEM NO.	WARD	SUBJECT	PAGE NO.
1.		ELECTION OF CHAIRMAN To elect a Chairman of the Special Council Executive Committee for the 2022/23 Municipal Year	
2.		APPOINTMENT OF VICE CHAIRMAN To appoint a Vice Chairman of the Special Council Executive Committee for the 2022/23 Municipal Year	
3.		APOLOGIES To receive any apologies for absence	
4.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Special Council Executive Committee Meeting held on 30 July 2020	5 - 6
5.		DECLARATION OF INTEREST To receive any declarations of interest	
6.		PUBLIC QUESTION TIME To answer any public questions The Council welcomes questions from members of the public about items included within this agenda. Subject to meeting certain timescales, questions can relate to the items which are on the agenda for this meeting For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
7.		MEMBER QUESTION TIME To answer any member questions relating to the items included within this agenda	
8.	Barkham	BARKHAM SOLAR FARM - PROCUREMENT BUSINESS CASE To consider a report relating to the procurement	7 - 18

business case for Barkham Solar Farm as recommended by the Executive.

RECOMMENDATION

Exclusion of the Press and Public

The Executive may exclude the press and public in order to discuss the Part 2 sheets of Agenda Item 8 above and to do so it must pass a resolution in the following terms:

That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act (as amended) as appropriate.

CONTACT OFFICER

Madeleine Shopland

Email

Postal Address

Democratic and Electoral Services Specialist

Madeleine.shopland@wokingham.gov.uk

Civic Offices, Shute End, Wokingham, RG40 1BN

**MINUTES OF A MEETING OF THE
SPECIAL COUNCIL EXECUTIVE COMMITTEE
HELD ON 30 JULY 2020 FROM 8.30 PM TO 8.50 PM**

Committee Members Present

Councillors: Malcolm Richards (Chairman), Lindsay Ferris, John Halsall, Clive Jones and Wayne Smith (substituting for John Kaiser)

1. APOLOGIES

An apology for absence was submitted from Councillor John Kaiser.

2. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Special Council Executive Committee held on 22 April 2020 were confirmed as a correct record and would be signed by the Mayor at a later date.

3. DECLARATION OF INTEREST

There were no declarations of interest received.

4. PUBLIC QUESTION TIME

There were no public questions received.

5. MEMBER QUESTION TIME

There were no Member questions received.

**6. CENTRAL AND EASTERN BERKSHIRE JOINT MINERALS AND WASTE PLAN:
PROPOSED SUBMISSION PLAN**

The Committee considered a report setting out the recommendations from the Executive in relation to the Central and Eastern Berkshire Joint Minerals and Waste Plan,

The Executive Member for Planning and Enforcement, on behalf of the Executive, introduced the report and highlighted the widespread consultation that had been carried out over a number of years and the fact that a number of proposed waste and mineral sites had been considered but were found unsuitable and therefore removed from the Plan. Councillor Smith highlighted the intention to carry out community engagement on the Plan and supporting documents for six weeks from 3 September 2020.

Councillor Jones was pleased with the contents of the Plan and highlighted a number of items within the Plan including the fact that it stated amongst other things that the proposals would manage waste where created, improve and protect biodiversity and protect ancient woodland and veteran trees and hedgerows. He was particularly pleased that the sites that had been considered previously, and which had been unpopular with residents, had not been included. Councillor Jones queried whether new sites could be included in the Plan once it had been approved. Councillor Smith drew Members' attention to the Statements of Common Ground, which had been approved at Executive earlier that evening, and stated that he could not envisage a situation, other than if something major occurred, where a site could be added once the Plan had been approved.

Councillor Ferris asked for clarification on what constituted "minor amendments" as specified in recommendation 4). Councillor Smith confirmed that this related to non-material amendments such as rewording and correction of typing errors. If a site was put

forward through the consultation process then the Plan would have to go back through the whole process again.

Councillor Smith confirmed that although the Plan would last for 10 years it was likely that it would be reviewed after 5 years.

RESOLVED that:

- 1) the Central and Eastern Berkshire Joint Minerals and Waste Plan Proposed Submission Plan and supporting documentation be approved for publication and public consultation under Regulation 19;
- 2) community engagement on the Central and Eastern Berkshire Joint Minerals and Waste Plan: Proposed Submission Plan and associated supporting documents be authorised to take place for 6 weeks from Thursday 3rd September 2020;
- 3) the submission of the Central and Eastern Berkshire Joint Minerals and Waste Plan: Proposed Submission Plan, and supporting documents to the Secretary of State for independent examination in public, under Regulation 22 be authorised;
- 4) the Director of Place and Growth, in consultation with the Executive Member for Planning and Enforcement, be authorised to agree minor amendments necessary to the Central and Eastern Berkshire Joint Minerals and Waste Plan: Proposed Submission Plan and other supporting documents prior to consultation. Any minor modifications would consist of non-material amendments such as rewording and correction of typing errors;
- 5) the appointed Inspector be requested to recommend modifications to the submitted Joint Plan, in the event that the Inspector considers that such modifications would make the plan sound.

Agenda Item 8.

TITLE	Barkham Solar Farm - Procurement Business Case
FOR CONSIDERATION BY	Special Council Executive on Thursday, 30 June 2022
WARD	Barkham;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Climate Emergency and Resident Services – Sarah Kerr

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The purpose of this report is to invite the Executive to approve the Procurement Business Case for the build contractor for the Barkham Solar Farm and recommend it to Full Council for approval.

The Procurement Business Case needs to be approved by Full Council as the values of the work (build contract) are estimated to exceed the values of work as detailed in Section 13 of the Constitution requiring Executive and Council approval (works contract over £15M in value).

RECOMMENDATION

That the Special Council Executive:

- 1) Approves the procurement strategy, recommended by the Executive and set out in the Procurement Business case, for the contractor required for the construction of the Barkham solar farm;
- 2) delegates authority to the Director of Resources and Assets, in consultation with the Executive Member for Finance and the Executive Member for Climate Emergency and Resident Services, to implement the procurement strategy.

EXECUTIVE SUMMARY

The Council is proposing installing a (up to) 36 Mega Watt Peak Solar Farm on Council owned farmland in Barkham. The business case for this project was approved by Executive on 29 July 2021 and subsequently by Full Council on 23 September 2021.

The solar farm will deliver a carbon reduction equivalent to 73% of the Council's central energy contract. The current Medium Term Financial Plan identifies an equalised net surplus, after capital financing costs, of circa £1M per annum.

Full planning consent for the project was granted in September 2021 (application ref 211081).

Executive is asked to agree to the proposed procurement strategy required to secure the contractor for the new solar farm and recommend to Full Council that the

procurement strategy be adopted. This procurement strategy is line with the Council's procurement regulations. It is recommended that a Framework Design & Build Contractor is appointed. A detailed Procurement Business Case is included as Appendix 1 to this paper and commercially sensitive information in Part 2.

BACKGROUND

The Development

The Council is proposing installing a (up to) 36 Mega Watt Peak Solar Farm on Council owned farmland in Barkham. The business case for this project was approved by Executive on 29 July 2021.

The strategic outcomes of the project will deliver:

- A solar farm sufficient to deliver a carbon reduction equivalent to 73% of the Council's central energy contract
- The current Medium Term Financial Plan identifies an equalised net surplus, after capital funding costs, of circa £1M per annum. The procurement process for the main contractor will identify the most up to date costs and values and inform an update to the business case, which may identify a change in the forecasted income

Full planning consent for the project was granted in September 2021 (application ref 211081).

Delivery programme

The site for the solar farm will be vacated from autumn 2022. Construction of the solar farm is anticipated to start this financial year (2022/23) so it is programme critical that the procurement process of the main contractor starts as soon as possible.

Funding

There is £20M approved within the Council's Medium Term Financial Plan for the construction and installation of a new solar farm at Barkham.

This report satisfies a requirement from Section 13 of the Council's Constitution for Executive and Council approval to the procurement approach for a works contract above £15M in value.

BUSINESS CASE

Wokingham statutory procurement obligations

The Council has a duty under the Public Sector Procurement Regulations 2015 for the ways in which it procures, goods, service and works projects. Section 13 of the Council's Constitution establishes that under prescribed circumstances the approval of the Council's Executive and/or Council is required before a Procurement Regulations compliant procurement approach is adopted.

The Public Sector Procurement Regulations 2015 create general requirements for all procurement activity. The higher the value of the contract, the more stringent the requirements that must be met. The regulations are intended to promote transparent, non-discriminatory, fair competitive arrangements. Wokingham's procurement rules and Constitutional arrangements (see Section 13, procurement and contract rules and procedures) are intended to ensure that the statutory requirements are fulfilled. The

critical issue is the value of the commissions for services and works and the total expected spend. In this case the total works value is expected to be above £15M. Therefore, in accordance with Section 13.3.1.1 of the Council’s Constitution, Executive and Council approval to the procurement approach is required.

Procurement options

Within these general requirements there are a number of options. In essence these can be summarised as the use of various kinds of framework arrangements (some of which have established pricing mechanisms) and individual tenders.

The use of framework agreements can be helpful where speed of delivery is of particular importance. The use of individual tenders (though what is now known as the Find a Tender Service) allows the use of contractors who are not on Framework agreements (who may have specialist skills) and should lead to the lowest achievable cost. The penalty is the time and cost of running a competitive tender process.

Services required

The service required, which is subject to this decision, is a design and build contractor who will construct and install the solar farm and associated environmental works.

Services are also required to (1) provide specialist technical support for the delivery of the Barkham Solar Farm project; and (2) to deliver the woodland planting to the south of the site. These elements will be subject to separate Procurement Business Cases which, given the values, will not require Executive or Council approvals,

Proposed procurement option

It is recommended that a suitable framework is utilised to procure the Works Contractor as detailed in the attached Procurement Business Case.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£500,000	Yes	Capital
Next Financial Year (Year 2)	£16,500,000	Yes	Capital
Following Financial Year (Year 3)	£1,249,000	Yes	Capital

Other Financial Information

The financial business case for the solar farm was considered and approved by Executive in July 2021 and by Full Council in September 2021.

Stakeholder Considerations and Consultation
<p>Consultation on the development proposals and planning application have been undertaken.</p> <p>Contract details and opportunities to tender will be advertised in line with the Council's procurement regulations.</p>

Public Sector Equality Duty
<p>An Equality Impact Assessment has been undertaken. The Initial Impact assessment did not identify any potentially negative impact upon persons with protected characteristics</p>

Climate Emergency – <i>This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030</i>
<p>The installation and operation of a solar farm is a key element of the Council's approach to tackling the declared Climate Emergency. The Council's corporate estate would become "net zero" immediately following completion.</p>

Reasons for considering the report in Part 2
<p>By Virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972:</p> <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>

List of Background Papers
None

Contact Sarah Morgan	Service Commercial Property
Telephone Tel: 0118 908 8371	Email sarah.morgan@wokingham.gov.uk

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In accordance with the Procurement and Contracts Rules and Procedures (PCRP) (see section 3.1.1): a formal business case is required for any procurement with a total value above £50,000. The level of approval required for the Business Case depends on the type of procurement and total ascertainable value of the contract, as indicated in the table below:

1. Level of Approval

State “YES” in the applicable box at either Level 1, Level 2 or Level 3:

Type of Procurement	Level 1		Level 2		Level 3	
	Assistant Director & Director Approval		Executive Approval		Full Council Approval	
Goods and Services	£50k – £500k		> £500k		Annual Value >£5m or TAV >£25m (if capital >£15m)	Yes
Schedule 3 Services	£50k – £663,540 (VAT inclusive)		> £663,540 (VAT inclusive)			
Works	£50k – £5,336,937 (VAT inclusive)		> £5,336,937 (VAT inclusive)	Yes		

2. Project Information

Project / Contract Title	Barkham Solar Farm and associated works
Project / Contract Description	The Council is proposing installing a Solar Farm on Council owned farmland in Barkham, in conjunction with greenways and tree planting to support the development. This procurement business case outlines the recommendation for the selection of the Contractor for the installation of the solar farm and associated works.
Expected Start Date & Duration	It is anticipated that Works contractor will be appointed in Autumn 2022 and the completion of works is expected in 2024 subject to achieving grid connection.
Any Extension/s Allowed	N/A
Total Ascertainable Value	Information included in Part 2
Procurement Advice <i>Provide a short summary of the advice or attach/append any written advice you have obtained, including the type of procedure, Brexit considerations and if the BC is for setting up of DPS or framework agreement.</i>	A recently completed market engagement event has shown limited availability on the market to deliver this type of works, which is likely to impact on the benefits that a competitive procurement process would usually deliver (lower total cost, driven by open competition). In addition to this, the time restrictions in relation to the grid connection represent a key factor and a risk, which could be managed by awarding the contract for the installation and maintenance of the solar farm as soon as possible. In view of the above, a call off from

Appendix 1: Barkham Solar Farm – Procurement Business Case

	a framework agreement or DPS seems to be the best procurement route for this contract as only qualified suppliers will be invited to tender. Should this approach prove unsuccessful due to insufficient interest or capacity of suppliers on the relevant framework agreement or DPS, a competitive tender can be used to approach the wider market, however, the time scales for procurement will then be longer.
Finance Advice <i>Confirm budget availability and add any comments relevant to the budget.</i>	The business case for this project was approved by Executive on 29 July 2021; and subsequently by Council on 23 September 2021. The current MTFP includes a budget of £20.15m
Source of Funding <i>(revenue or capital or specified other)</i>	Capital, funded from borrowing.
If procurement is for software, specify outcome of your consultation with IMT and/or Business Change	N/A

3. Project Justification

Link to Service or Corporate Objectives:

The decision to commence the solar farm at Barkham and the agreement to £20.15m capital expenditure was made at Council on 23rd September 2021. The business case for the development, as approved, establishes how the scheme is delivered on the Council's key objectives.

This procurement business case outlines the recommendation for the selection of the contractor for the installation of the solar farm, greenways and associated works.

Please note that the procurement of a specialist technical consultant to support the delivery of the Barkham Solar Farm project, and the delivery of the woodland planting to the south of the site, will be subject to separate contracts and therefore separate Procurement Business Cases. The value of those contracts are such that they would only require level 1 approval.

Procurement Strategy

Due to the anticipated value of the Works Contract, this procurement must be undertaken in accordance with the Public Contracts Regulations 2015 – either via Find a Tender Services (FTS – formally known as OJEU) or a call-off from a third-party framework agreement. The below table compares these procurement routes:

	Competitive procurement process (international advertising on Find a Tender Service - FTS)	Call-off from a third-party framework agreement, allowing for one of the suppliers on an approved list, developed via the compliant procurement of a
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Appendix 1: Barkham Solar Farm – Procurement Business Case

		framework agreement, to be awarded the contract
Timescales	Procurement process typically takes around 6 - 9 months to complete.	Procurement typically takes around 2-3 months, depending on various factors specific to the project and the subject matter.
Cost	Ability to drive best value through tailored competition.	Lower level of competition, (only suppliers on the relevant framework will be invited to tender), however, the rates quoted by framework suppliers are usually capped to a specific maximum.
Quality	Allows the use of pre-qualification stage, which can result in a tender list of the most suitable contractors.	Supplier choice is limited to those on the framework, however, the suppliers have already been pre-qualified as part of the procurement of the framework agreement, which saves a significant amount of time and resource.

Recommendation

There are few key factors to be taken into account which should be considered whilst considering the best value procurement option –

1. There is a limited window of opportunity in terms of grid connection to the networks – the works must be completed in time to enable the grid connection by this timeslot.
2. The construction market, particularly the solar farm industry, appears to be quite buoyant at present, with early indications of market saturation and limited of contractor interest, and availability, coupled with long lead times for a number of components and products. An early appointment of a contractor would therefore result in earlier cost and programme certainty.
3. As this is an income generation scheme, a quicker implementation would result in earlier income generation to the Council.

It is therefore recommended that the choice of procurement strategy is based on the quickest route to the market, which would deliver value for money. A call off from a third party framework would most likely meet those two criteria and result in the appointment of a works contractor on time to meet the grid connection time restrictions and realise the commercial benefits of the project rather sooner.

Contract Management:

The Works Contract will be managed by WBC's Operational Property team in consultation with Development Management and Energy teams.

4. Approval

Appendix 1: Barkham Solar Farm – Procurement Business Case

Please fill in the applicable fields according to the level of approval required.

Note: If Level-2 or 3 approval is required, the document should be signed by Assistant Director and Director at Level-1 first, and then presented to the Executive (and Full Council where appropriate) for final approval.

Level 1

Position	Name	Department	Signature
Assistant Director	Sarah Morgan	Commercial Property	<i>SL Morgan</i>
Director	Graham Ebers	Resources & Assets	

Level 2

NOTE: Level 1 approval must be completed first.

Please state the date of the relevant Executive meeting or Individual Executive Member Decision at which the Business Case has been approved.

	Date of Executive meeting / approval	Item No
Executive Approval	30/06/2022	

Level 3

NOTE: Level 1 and 2 approval must be completed first.

Please state the date of the relevant Full Council meeting at which the Business Case has been approved.

	Date of Full Council meeting / approval	Item No
Full Council Approval	30/06/2022	

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

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