



Cabinet

Agenda

Wednesday, 19th October, 2022
at 10.00 am

in the

Council Chamber
Town Hall
Saturday Market Place
King's Lynn

Also available to view on Zoom and available for the public to view on [WestNorfolkBC on You Tube](#)



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200

CABINET AGENDA

DATE: CABINET - WEDNESDAY, 19TH OCTOBER, 2022

VENUE: COUNCIL CHAMBER, TOWN HALL, SATURDAY
MARKET PLACE, KING'S LYNN PE30 5DQ

TIME: 10.00 am

As required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 - No items will be considered in private.

1. APOLOGIES

To receive apologies for absence.

2. URGENT BUSINESS

To consider any business, which by reason of special circumstances, the Chair proposes to accept, under Section 100(b)(4)(b) of the Local Government Act 1972.

3. DECLARATIONS OF INTEREST

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

4. CHAIR'S CORRESPONDENCE

To receive any Chair's correspondence.

5. MEMBERS PRESENT UNDER STANDING ORDER 34

To note the names of any Councillors who wish to address the meeting under Standing Order 34.

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

6. FORWARD DECISIONS (Pages 5 - 9)

A copy of the Forward Decisions List is attached

7. MATTERS REFERRED TO CABINET FROM OTHER BODIES

To receive any comments and recommendations from other Council bodies which meet after the dispatch of this agenda.

8. MICROSOFT ENTERPRISE AGREEMENT 2022-2025 (Pages 10 - 16)

Please note that in accordance with Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice has been served on Chair of the Corporate Performance Panel as this item has not featured on the Forward decision list for the required period of time before the decision is taken.

To: Members of the Cabinet

Councillors R Blunt, S Dark (Chair), A Dickinson, P Kunes, A Lawrence,
B Long, G Middleton (Vice-Chair) and S Sandell

For Further information, please contact:

Sam Winter, Democratic Services Manager 01553 616327
Borough Council of King's Lynn & West Norfolk
King's Court, Chapel Street
King's Lynn PE30 1EX

FORWARD DECISIONS LIST

| Date of meeting | Report title | Key or Non Key Decision | Decision Maker | Cabinet Member and Lead Officer | List of Background Papers | Public or Private Meeting |
|--|--|-------------------------|----------------|--|---------------------------|---------------------------|
| 19 th October 2022 – Additional Meeting | Microsoft Enterprise Agreement – 2022-2023 | Key | Cabinet | Corporate Services Assistant Director A Baker | | Public |

| Date of meeting | Report title | Key or Non Key Decision | Decision Maker | Cabinet Member and Lead Officer | List of Background Papers | Public or Private Meeting |
|------------------|--|-------------------------|----------------|--|---------------------------|---|
| 15 November 2022 | | | | | | |
| 15 November 2022 | Levelling up Government response and actions | Key | Council | Business Culture & Heritage Asst Director – D Hall | | Public |
| | Asset Management – Land and Property | Key | Cabinet | Property Asst Dir Property and Projects | | Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) |
| | Review of Governance of Council Companies | Non | Cabinet | Leader Chief Executive | | Public |
| | Freedom of the Borough - amendments | Non | Council | Leader Chief Executive | | Public |
| | Custom and Self Build Site – Stoke Ferry | Non | Cabinet | Regeneration and Development Assistant Director - D Hall | | Public |
| | Lynnsport One | Key | Council | Regeneration & Development Asst Dir Companies & Housing Delivery – D Ousby | | Private - Contains exempt Information under para 3 – |

| | | | | | | |
|---|--|-----|---------|--|--|--|
| | | | | | | information relating to the business affairs of any person (including the authority) |
| | Staff Pay Award | Key | Council | Leader Exec Dir – D Gates | | Private - Contains exempt Information under para 4 – information relating to consultations and negotiations with employees |
| | Balloon and Lantern report | Non | Cabinet | Corporate Services and Environment Asst Director – M Chisholm | | Public |
| 9 | Southend Road Hunstanton | Key | Cabinet | Development and Regeneration Asst Dir – D Ousby | | Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) |
| | LUF – Oasis – Update and Site Approval | Non | Cabinet | Leader Asst Dir – D Ousby | | Part Public and part Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) |
| | Corporate Business Plan Monitoring | Non | Cabinet | Leader Asst to C Ex | | Public |

| | | | | | | |
|---|---|-----|---------|---|--|--|
| | Rural Prosperity Fund | Non | Cabinet | Business, Culture and Heritage Assistant Director D Hall | | Public |
| | Shared Prosperity Fund Update | Non | Cabinet | Business, Culture and Heritage Assistant Director D hall | | Public |
| | Meeting Arrangements | Non | Cabinet | Chief Executive – L Gore Leader | | Public |
| | Contract for credit card transaction services | Key | Cabinet | Finance Asst Dir – Resources | | Private Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) |
| 7 | Options for Kaset Skate Park at Lynnsport | Non | Council | Community Asst to C Ex | | Private Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) |
| | Waste Contract – Reinvesting Performance Deductions | Non | Council | Environment and Climate Change Asst Director G Hall | | Private Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) |
| | NEWS Partnership | Non | Cabinet | Environment and Climate Change Asst Director G Hall | | Part Public & Part Private - Contains exempt Information under para 3 – |

| | | | | | | |
|--|--|--|--|--|--|--|
| | | | | | | information relating to the business affairs of any person (including the authority) |
|--|--|--|--|--|--|--|

| Date of meeting | Report title | Key or Non Key Decision | Decision Maker | Cabinet Member and Lead Officer | List of Background Papers | Public or Private Meeting |
|-----------------|---|-------------------------|----------------|--|---------------------------|---------------------------|
| 17 January 2023 | | | | | | |
| | West Winch Framework Masterplan | Key | Council | Development and Regeneration Asst Dir – S Ashworth | | Public |
| | Council Tax Support Scheme 2023/24 (including NoM 11/22) | Key | Council | Finance Asst Dir – M Drewery | | Public |
| | Southgates Regeneration Area Development Brief and Next Steps | Key | Council | Development and Regeneration Asst Dir – D Hall | | Public |

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| Date of meeting | Report title | Key or Non Key Decision | Decision Maker | Cabinet Member and Lead Officer | List of Background Papers | Public or Private Meeting |
|-----------------|-------------------|-------------------------|----------------|-----------------------------------|---------------------------|---------------------------|
| 7 February 2023 | | | | | | |
| | Budget | Key | Council | Finance Asst Director – M Drewery | | Public |
| | Capital Programme | Key | Council | Finance Asst Director – M Drewery | | Public |

| Date of meeting | Report title | Key or Non Key Decision | Decision Maker | Cabinet Member and Lead Officer | List of Background Papers | Public or Private Meeting |
|-----------------|--------------|-------------------------|----------------|---------------------------------|---------------------------|---------------------------|
| 7 March 2023 | | | | | | |

| Date of meeting | Report title | Key or Non Key Decision | Decision Maker | Cabinet Member and Lead Officer | List of Background Papers | Public or Private Meeting |
|-----------------|--------------|-------------------------|----------------|---------------------------------|---------------------------|---------------------------|
| 18 April 2023 | | | | | | |

Items to be scheduled

| | | | | | | |
|---|--|-----|---------|---|--|--------|
| | Notice of Motion 7-21 – Councillor Kemp – Equalities | Non | Council | Leader Asst Dir B Box | | Public |
| 6 | Procurement Strategy | Non | Cabinet | Finance Asst Dir – D Ousby | | Public |
| | Review of Planning Scheme of Delegation (summer 23) | Non | Council | Development and Regeneration Asst Dir – S Ashworth | | Public |

REPORT TO CABINET

| | | | | | |
|--|--|--|----------------------------------|---|---------------------------------------|
| Open | | Would any decisions proposed: | | | |
| Any especially affected Wards | Operational | Be entirely within Cabinet's powers to decide | | YES | |
| | | Need to be recommendations to Council | | NO | |
| | | Is it a Key Decision | | YES | |
| Lead Member: Brian Long E-mail: brian.long@west-norfolk.gov.uk | | Other Cabinet Members consulted: Cllr Angie Dickinson | | | |
| Lead Officer: Richard Godfrey E-mail: Richard.godfrey@west-norfolk.gov.uk | | Other Members consulted: | | | |
| Lead Officer: Richard Godfrey E-mail: Richard.godfrey@west-norfolk.gov.uk | | Other Officers consulted: Michelle Drewery E-mail: Michelle.Drewery@west-norfolk.gov.uk | | | |
| Financial Implications YES | Policy/ Personnel Implications NO | Statutory Implications NO | Equal Impact Assessment NO | Risk Management Implications YES | Environmental Considerations NO |

Date of meeting: 17/10/2022

MICROSOFT ENTERPRISE AGREEMENT 2022-2025

Summary

The three-year Enterprise Agreement covering all Microsoft licencing for the authority is due for renewal by 1st November 2022

Recommendation

Approve the renewal with Bytes Software Services

Reason for Decision

To maintain service provision

1 Background

I. Microsoft products provide the backbone for the ICT infrastructure at the Borough Council, providing a suite of services including:

- Audio and video conferencing (e.g., Teams)
- Office software (e.g., PowerPoint, Word, Excel, Outlook.)
- Intranet and file sharing
- Cloud services and storage (OneDrive)
- Email cloud services
- Windows Enterprise server and client operating systems
- User accounts and access
- Database servers for our business applications
- Operating system deployment/PC imaging
- Remote access services
- Multi-factor authentication for externally hosted applications

- Disk encryption
- Mobile device management

- II. A Microsoft Enterprise Agreement is a volume licensing agreement, designed to offer best value to organisations with over 500 users or devices. As well as licensing the products and services already in use, the Enterprise Agreement gives immediate access to the latest technology releases and software updates. Microsoft offer additional discounts to local authorities through the Enterprise Agreement, as well as allowing us to lock in prices, shielding us from price increases and allowing us to spread the cost over the three-year term of the agreement.
- III. When our previous Enterprise Agreement came to an end in October 2019, most of our licences were for on premise accounts. Microsoft had, by this time, withdrawn the discount arrangement for on premise licenses. This meant that had we remained predominantly on premise with software hosted in our data centre, the cost of licences would have been in excess of £230,000 per year.
- IV. Instead, we opted for full Office 365 licencing, which bought with it several benefits (including the mobility, security and communication options that have enabled joined up homeworking during the COVID19 pandemic and beyond) at a cost of approximately £161,000 per year.
- V. In June, we were made aware of an aggregated procurement of Microsoft licenses organised by Crown Commercial Services. We submitted a list of requirements, based on our licencing numbers at the time, which was issued to the supplier base on the 14th of July.
- VI. In parallel with the aggregation, we have also been looking to rationalize our licence numbers and types. For some of our workforce who do minimal admin work on a PC, it has been possible to move them to a cheaper licence costing about a quarter of the subscription price. We have also had to account for an increasing number of new starters and new positions being created across the authority as well as ensuring we have the appropriate server licences to allow remote access to our systems for people working from home.
- VII. Pricing from the winning supplier of the CCS aggregation was released on 17th August. Due to Microsoft price increases that were introduced in March 2022, the contract exceeded £500,000 over the three years. This is the first time that our Microsoft licencing has risen above the £500,000 threshold for cabinet review. Because it was anticipated that this would be an officer decision, as it has always been previously, it was not included in the forward decision list. This, along with the due diligence described to ensure that we are not under licenced, paying for more expensive licences than necessary and ensuring that we present accurate figures to cabinet have all contributed to the submission of this report.

- VIII. Once we had completed the license audit and identified as many reductions as possible, we submitted final licence numbers to both the winner of the aggregated tender, Boxxe, and to our incumbent supplier, Bytes Software Services. Bytes returned the lowest cost via the KCS Software Framework – Y20011. We have a good working relationship with Bytes and have benefitted from the value-added services they provide, such as access to their in-house technical team and licensing specialists.
- IX. Since our current agreement expires on 1st November 2022, we need a new agreement in place to avoid running software which is out of compliance and unlicensed as well as ensuring that there is no disruption to the Borough Council's ICT services. For this reason, we are looking to sign contracts with Microsoft and raise a purchase order by 28th October.

2 Options Considered

Do nothing: Cease operation of our ICT systems or run unlicensed software, with no further security updates, leaving our network vulnerable and eventually leading to loss of important data held in Microsoft's cloud.

Renew our Enterprise Agreement (preferred option): Enter into another three-year agreement to continue our Microsoft services, achieving the best possible value and protecting us from further price increases.

3 Policy Implications

N/A

4 Financial Implications

Total cost of the recommended Microsoft Enterprise Agreement for the full three-year term is £541,267.26. This quote is fixed cost UK pricing; however, we would wish to avoid having to requote in which case exchange rate fluctuations may be taken into account.

| | |
|--------|-------------|
| Year 1 | £175,955.34 |
| Year 2 | £182,655.96 |
| Year 3 | £182,655.96 |

The additional funds for the 3-year term can be met from an IT reserve. However, it should be noted that this reserve will then be fully depleted. There are no annual contributions in the budget to top up the reserve. This will need to be considered as part of the budget setting process to ensure that funds are available for the next tender process in 3 years' time. There is a risk that the next tender price will be subject to further additional costs.

5 Personnel Implications

N/A

6 Environmental Considerations

N/A

7 Statutory Considerations

N/A

8 Equality Impact Assessment (EIA)

(Pre screening report template attached)

9 Risk Management Implications

If we do not continue with the agreement, Microsoft products such as Teams, Email and Servers will no longer be licenced and may not continue to function as designed, this will affect the Council's ability to do business.

10 Declarations of Interest / Dispensations Granted

N/A

11 Background Papers

(Definition : Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



| | | | | | |
|--|--|----------|----------|---------|--------|
| Name of policy/service/function | Microsoft Enterprise Agreement | | | | |
| Is this a new or existing policy/service/function? | Existing | | | | |
| <p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p> | Microsoft licensing required to continue the Borough Council's ICT services. | | | | |
| Question | Answer | | | | |
| <p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p> | | Positive | Negative | Neutral | Unsure |
| | Age | | | ✓ | |
| | Disability | | | ✓ | |
| | Gender | | | ✓ | |
| | Gender Re-assignment | | | ✓ | |
| | Marriage/civil partnership | | | ✓ | |
| | Pregnancy & maternity | | | ✓ | |
| | Race | | | ✓ | |
| | Religion or belief | | | ✓ | |
| | Sexual orientation | | | ✓ | |
| | Other (eg low income) | | | ✓ | |

GENERAL EXCEPTION NOTICE TO THE CHAIR OF THE CORPORATE PERFORMANCE PANEL OF A KEY DECISION TO BE MADE BY THE CABINET NOT PREVIOUSLY INCLUDED ON THE PUBLISHED FORWARD PLAN

Under Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, local authorities are required to publish a Forward Plan of key decisions to be made by the Executive at least 28 clear days before the date of the meeting at which the decision is to be taken.

In the event that the publication of the intention to make a key decision at least 28 days before the meeting is impracticable, the local authority must inform the Chair of the relevant overview and scrutiny committee (Corporate Performance Panel) of “*the matter about which the decision is to be made*”, in accordance with Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The following notice is hereby provided:

Matter about which the decision is to be made

Cabinet intends to make the following key decision at its meeting on 19 October 2022:

The three-year Enterprise Agreement covering all Microsoft licencing for the authority is due for renewal by 1st November 2022: Approve the renewal with Bytes Software Services

Reason for Decision

To maintain service provision

Reasons why compliance with Regulation 9 was impracticable

The Council's constitution defines a key decision as follows:

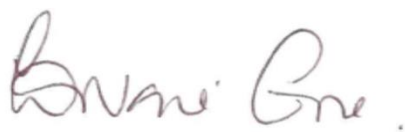
an executive decision which is likely –

(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effect on communities living or working in the area comprising two or more wards and electoral divisions in the Council's areas where significant under a) above is £500,000 or more and significant under b) above is one third of the resident population in a ward.

This is the first time that the Microsoft licencing has risen above the £500,000 threshold. As it had not been anticipated that it would do so, it was not included in the forward decision list. The final date for submissions under the framework was 26 September 2022, and Bytes returned the lowest quote. An extension of the date by which the renewal had to take place was sought but has not been agreed by the supplier.

This notice is to be published 5 clear days before any key decision is to be taken by Cabinet on 19 October 2022.



Name Lorraine Gore, Chief Executive
Date: 11 October 2022