

EXTRACT FROM THE PROCEEDINGS OF THE CENTRAL SERVICES CABINET MEMBER MEETING HELD ON THE 29 JUNE 2009

Subject:	Agency Contract for Temporary Staffing		
Date of Meeting:	9 July 2009		
Report of:	Acting Director of Strategy & Governance		
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Wards Affected:	All		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 7, Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the extract from the minutes of the Central Services Cabinet Member Meeting was not available before the agenda was published due to the close proximity of the meeting date. The original report that the extract relates to had previously been published with the agenda for the Central Services Cabinet Member Meeting and was therefore already in the public domain.

CENTRAL SERVICES CABINET MEMBER MEETING**4.30PM 29 JUNE 2009****COMMITTEE ROOM 1
HOVE TOWN HALL****DRAFT MINUTES****Present:** Councillor Fallon-Khan (Cabinet Member)**Also in attendance:** Councillor Duncan (Opposition Spokesperson, Green) and Marsh (Opposition Spokesperson, Labour)**Other Members present:** Councillors Young and Harmer-Strange**14 AGENCY CONTRACT FOR TEMPORARY STAFFING**

14.1 The Cabinet Member considered a report of the Director of Strategy & Governance concerning the Agency Contract for Temporary Staffing, which sought to agree the process for the re-tender of the City Council's agency staffing contract at the end of the current contract period, which expires on 19

March 2010 (for copy see minute book).

- 14.2 The Acting Director of Strategy & Governance explained that, contrary to the recommendations in the report, this item would not be considered for approval at today's meeting, but would be taken for discussion only. He indicated that, because of the large value of the contracts, the Leader of the Council was agreeable to the report being taken to Cabinet for final approval.
- 14.3 The Opposition Spokesperson, Green Group, noted that the decision on the tender process would be made at Cabinet. He sought clarification, however, on recommendation 2.1 of the report, which requested that approval powers were delegated to officers to carry out the proposals.
- 14.4 The Acting Director of strategy & Governance explained that when the report was resubmitted to Cabinet, a decision would be taken on the use of delegated powers. Given the Leader's views on the Cabinet being the principal forum for major financial decisions, it was likely that the final approval of the tender would also be done in Cabinet or the CMM.
- 14.5 The Opposition Spokesperson, Green Group, noted that the process being considered was the tender process. He indicated, however, that was also interested to know about the actual terms of contracts. He sought clarification on the details of payments, and enquired whether they met the national minimum wage or whether they would be considered in line with the council's salary rates.
- 14.6 The Recruitment Strategy Manager clarified that the rates were defined by the agency themselves. He recognised that, in some areas, agency staff received less than the council's contractors, even though, in other instances, they also received more. He explained that all was dependant on the specified job description.

The Recruitment Strategy Manager agreed to look into the matter of payment rates and bring any information available to the Cabinet meeting where the report would be finally considered.

- 14.7 The Acting Director of Governance & Strategy explained, however, that the responsibility for setting pay rates for individual roles did not lie with members of the Cabinet. He clarified that pay was subject to equal pay and other legislation, which regulated such matters.
- 14.8 The Legal Adviser further explained that, in terms of the procurement process, if rates of pay were to be specified as a contract condition, such rates needed to be specified upfront before bids were evaluated, given that such a condition may impact on the contract price.
- 14.9 In response to queries from the Opposition Spokesperson, Labour Group, the Recruitment Strategy Manager made the following comments:
- Internal casual pools and contracts with the council remained at the bottom of the salary spine, as opposed to permanent staff.
 - Agencies under the neutral vendor model were not able to provide their

own company staff, whereas in the managed solution model, different contracts could apply or bid for work.

- Schools would be able to use the same provider if they so wished and would not incur in any charges for using them. However, they also had the possibility to use their own contractors.
- Schools' governing bodies retained their right not to abide by the new arrangements proposed for the council.

14.17 Following discussions on this item, the Cabinet Member reiterated the position that the report contents would only be noted at this stage and its recommendations referred to Cabinet for approval. He requested that Members contacted him or any of the relevant officers, in the meantime, should they wish further clarification on the report.

14.18 **RESOLVED:** That, following the discussions raised at the meeting, the recommendations be amended as follows:

~~1. To seek approval to delegate approval powers to the Head of Human Resources following a tender exercise (in compliance with the European Union Public Procurement Directive) to re-let Brighton & Hove City Council for the provision of agency workers for all directorates across the council. The contract incorporates both requests for all temporary and interim workers.~~

~~2. The contract will be for 5 years with an option to extend a further two years, thus enabling the City Council to maximise the benefits to directorates and partner organisations in planning for their requirements both now and for the future. The recommended contract is for agency and interim staffing provided through a Hybrid Solution.~~

1. That the report be noted.

2. That the report be referred to Cabinet for approval with revised recommendations.

