

# Public Document Pack



## Nottingham City Council Commissioning and Procurement Sub-Committee

**Date:** Tuesday, 12 January 2021

**Time:** 10.00 am

**Place:** Remote - To be held remotely via Zoom -  
<https://www.youtube.com/user/NottCityCouncil>

**Councillors are requested to attend the above meeting to transact the following business**

A handwritten signature in black ink, appearing to read "Phil Wye".

**Director for Legal and Governance**

**Governance Officer:** Phil Wye **Direct Dial:** 0115 8764637

<b>Agenda</b>	<b>Pages</b>
<b>1 Apologies for Absence</b>	
<b>2 Declarations of Interests</b>	
<b>3 Minutes</b> Minutes of the meeting held on 10 November 2020, for confirmation.	3 - 6
<b>4 IT Equipment Programme</b> Report of the Portfolio Holder for Leisure, Culture and IT	7 - 12
<b>5 Statutory Regulatory Services Digital Platform Investment - Key Decision</b> Report of the Portfolio Holder for Finance, Growth and the City Centre, and the Portfolio Holder of Housing, Planning and Heritage	13 - 24
<b>6 Exclusion of the Public</b> To consider excluding the public from the meeting during consideration of the remaining item(s) in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information	
<b>7 Statutory Regulatory Services Digital Platform Investment - Key Decision - Exempt Appendix</b>	25 - 26

Report of the Portfolio Holder for Finance, Growth and the City Centre,  
and the Portfolio Holder of Housing, Planning and Heritage

All items listed ‘under exclusion of the public’ will be heard in private. They have been included on the agenda as no representations against hearing the items in private were received

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

Citizens are advised that this meeting may be recorded by members of the public/ Any recording or reporting on this meeting should take place in accordance with the Council’s policy on recording and reporting on public meetings, which is available at [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk). Individuals intending to record the meeting are asked to notify the Governance Officer shown above in advance

## **Nottingham City Council**

### **Commissioning and Procurement Sub-Committee**

**Minutes of the meeting held remotely via Zoom and livestreamed at  
<https://www.youtube.com/user/NottCityCouncil> on 10 November 2020 from  
10.01 am - 10.49 am**

#### **Membership**

##### **Present**

Councillor Sam Webster (Chair)  
Councillor Cheryl Barnard (Vice Chair)  
Councillor Eunice Campbell-Clark  
Councillor Adele Williams

##### **Absent**

Councillor Sally Longford

#### **Colleagues, partners and others in attendance:**

John Bann	- Cycling and Road Space Transformation Manager
Bobby Lowen	- Commissioning Lead
Steve Oakley	- Acting Director of Commissioning and Procurement
Ceri Walters	- Head of Commercial Finance
Nicole Wilkinson	- Assistant Project Manager
Phil Wye	- Governance Officer

#### **Call-in**

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 18 November 2020. Decisions cannot be implemented until the working day after this date.

#### **17 Apologies for Absence**

Councillor Sally Longford – other Council business

#### **18 Declarations of Interests**

None.

#### **19 Minutes**

The minutes of the meeting held on 15 September 2020 were confirmed as a correct record.

#### **20 Voluntary and Community Sector update**

An update document was submitted by Celina Adams, Head of Support Services at The Nottingham Community and Voluntary Service (NCSV) and is appended to these minutes.

Committee members expressed their gratitude to the Voluntary and Community Sector during the Covid-19 pandemic, particularly during the first lockdown. The Council will continue to lobby the Government for additional funding.

## **21      Procurement of Services for Rough Sleepers - Key Decision**

Bobby Lowen, Commissioning Lead, introduced the report putting forward recommendations to allow the Council to appoint a framework of providers able to provide services for people sleeping rough (and those at risk of rough sleeping) in Nottingham.

The creation of a framework is proposed in order to ensure that the Council is able to select organisations that have been able to demonstrate their qualification to provide services for rough sleepers to receive contracts for the delivery of these services in Nottingham. The introduction of a framework will also create more opportunity for the Council to achieve best value (in quality and price) and will support compliance with procurement legislation.

The following answers were provided following questions from the Committee:

- (a) procurement opportunities will be advertised on the Council's portal, and known stakeholders will also be notified by email;
- (b) working with other local authorities was considered but rejected as an option as there are many good service providers in the city. Service providers and groups were consulted on the framework.

### **Resolved to**

- (1) approve the procurement of a framework of providers of services to assist rough sleepers as a mechanism for the compliant future contracting of these services;**
- (2) delegate authority to the Corporate Director of Development and Growth to award contracts to providers selected to the framework through the procurement process;**
- (3) delegate authority to the Corporate Director for Development and Growth to agree the outcome of call off competitions under the framework and to award contracts in consultation with the Portfolio Holder for Planning, Housing and Heritage.**

Reasons for recommendations:

- In recent years, the Ministry for Housing, Communities and Local Government (MHCLG) has sought applications from local authorities to access short-term funding awards (typically on an annual basis) to address rough sleeping. These opportunities have been presented through the Rough Sleeping Initiative, the Rapid Rehousing Pathway, the Cold Weather Fund, and the Next Steps Accommodation Programme.

- It is anticipated the requirement for local authorities to submit bids will continue as the means used by MHCLG for the administration of funding for services to assist rough sleepers from 2021/22 and beyond.
- Nottingham City Council has been successful in successive applications for funding since the launch of the governments Rough Sleeping Initiative in the spring of 2018. It is likely that the Council will continue to apply for funding from MHCLG to assist in its efforts (and in the efforts of its partners) to reduce rough sleeping in Nottingham.
- Applications for funding from MHCLG have typically required the submission of proposals within a short bidding window. This has limited the scope to produce the delivery of services through a competitive tender process.
- The creation of a framework will provide the opportunity for the Council to make sure that contracts for services for rough sleepers are awarded to organisations that have demonstrated their suitability through a clear procurement process. The provision of a framework will also allow for competitive ‘mini-tenders’ to help the Council to secure the most suitable services and achieve best value in its use of funding to reduce rough sleeping.
- The use of a framework to procure services through an open process will also ensure compliance with EU and UK procurement legislation and the Council’s Financial Regulations.
- The delegation of authority to the Corporate Director for Development and Growth and the Head of Contracting and Procurement is sought to enable the appointment of providers onto the framework and subsequent award of contracts in accordance with the outcome of procurement processes in a timely way.

Other options considered in making recommendations:

- Not to establish a framework for services for rough sleepers. This option is not recommended on the basis that it will not offer a compliant arrangement for selecting providers to deliver services and benefits in helping to secure the most suitable and value for money services will not be realised.

## **22 Nottingham and Derby Bike Hire Procurement Route - Key Decision**

Councillor Adele Williams, Portfolio Holder for Adult Care and Local Transport, and John Bann, Cycling and Roadspace Transformation Manager, introduced the report seeking approval to commence the procurement route for the Nottingham and Derby Bike Hire Project, which forms part of the Transforming Cities Fund successful bid for £161m by Nottingham and Derby, to offer walking and cycling route improvements to encourage an increase in sustainable commuting. The Nottingham and Derby Bike Hire project has been allocated £4m and will deliver the creation of a bike hire service to operate across both cities, including e-bikes.

### **Resolved to**

- (1) approve the initiation of procurement activities for the Nottingham and Derby Bike Hire project and delegate authority to the Corporate Director for Development and Growth to appoint preferred suppliers and contractors to deliver the project;**
- (2) delegate authority to the Head of Legal Services to sign contracts with the preferred contractors following procurement exercises to allow the projects to be delivered.**

Reasons for recommendations:

- The Transforming Cities Fund and Future Transport Zone programmes will support sustainable growth and significantly contribute to the carbon neutral plan, local air quality plan objectives and support current local transport restart in response to Covid-19.
- Cycling levels particularly as a method of commuting are currently a key part of the post Covid-19 recovery plan. Increasing cycling offers the user health benefits, alongside improved air quality and reducing congestion. Schemes being delivered as part of the TCF programme will enable more people to be able to consider cycling as a mode for their journey.
- A successful bike hire scheme will increase the levels of cycling in the City and help achieve Council objectives such as improving air quality, mobility and general health, whilst helping to reduce traffic congestion. Additionally this will develop alongside Nottingham's cycle network and the proposed upgrading of cycle routes.

Other options considered in making recommendations:

- An option considered was to not progress with a tender for the Bike Hire project and consider managing and operating the scheme internally between Nottingham and Derby Councils. This was rejected as there is no revenue funding available to manage the scheme, only capital funding. There is also limited scalability for the Council to run this project internally.

## **23 Exclusion of the public**

Exclusion of the public was no longer required as the exempt item was withdrawn.

## **24 HR and Finance System Maintenance and Support - Key Decision**

This item was withdrawn.

<b>Subject:</b>	IT Equipment Programme		
<b>Corporate Director(s)/ Director(s):</b>	Interim Corporate Director for COVID Response and Recovery, Hugh White		
<b>Portfolio Holder(s):</b>	Cllr. David Trimble, Portfolio Holder for Leisure, Culture and IT		
<b>Report author and contact details:</b>	Rav Ghattaora, <a href="mailto:rav.ghattaora@nottinghamcity.gov.uk">rav.ghattaora@nottinghamcity.gov.uk</a> , 0115 8763171		
<b>Other colleagues who have provided input:</b>	Paul J. Burrows, <a href="mailto:paul.burrows@nottinghamcity.gov.uk">paul.burrows@nottinghamcity.gov.uk</a> , 0115 8763153 Simon Salmon, <a href="mailto:simon.salmon@nottinghamcity.gov.uk">simon.salmon@nottinghamcity.gov.uk</a> , 0115 5577750		
<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Subject to call-in</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Reasons:</b>	<input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision		<input checked="" type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total value of the decision:</b> £ 3.498m			
<b>Wards affected:</b> All	<b>Date of consultation with Portfolio Holder(s):</b> 18 Dec. 2020		
<b>Relevant Council Plan Key Theme:</b>			
Nottingham People	<input type="checkbox"/>		
Living in Nottingham	<input type="checkbox"/>		
Growing Nottingham	<input type="checkbox"/>		
Respect for Nottingham	<input type="checkbox"/>		
Serving Nottingham Better	<input checked="" type="checkbox"/>		
<b>Summary of issues (including benefits to citizens/service users):</b>			
The Council wishes to:			
<ol style="list-style-type: none"> <li>1. Undertake a competitive purchasing exercise to find the best value supplier of IT equipment.</li> <li>2. Have authority to purchase, and deploy and support IT equipment with required labour resources to enable services' delivery to Citizens, Councillors and Partners.</li> </ol>			
The service provided will support delivery of the Council's services, e.g. social care, and those of affiliated organisations, e.g. Nottingham Revenues and Benefits.			
Without these actions the Council will not have authority to acquire new and replacement IT equipment and employ colleagues to deliver it.			
<b>Exempt information:</b>			
None			
<b>Recommendation(s):</b>			
<p>1 To delegate authority to the Head of Service (IT) to enter into contracts up to the value of <b>£1.166m</b> per annum using a compliant procurement process to: purchase PCs, Laptops, Tablets, Monitors and other peripheral devices required to meet operational needs and the requirements of the IT Equipment Programme to March 2024, and; employ delivery resources.</p>			
<p>2 To authorise recovery and repayment to the IT Efficiency Fund of varying amounts from departmental budgets to cover requests for new equipment made outside of the IT Equipment Programme.</p>			

- 3 To amend the Capital Programme for the next 3 years by an initial value of £0.715m per annum and, thereafter, by the value of additional departmental purchases of up to £0.451m per annum but excluding the value of items procured to support schemes already in the Capital Programme.**

## **1 Reasons for recommendations**

- 1.1 There is a high level of dependence on IT throughout the City Council for delivery of services to Citizens and to support joint working with partners. The IT Equipment Programme will support this by ensuring that all equipment is fit for purpose. Delegation of authority to purchase IT equipment in bulk using a compliant procurement process will ensure the ongoing, cost-effective procurement of devices to support the Council's front-line services.
- 1.2 The single authorisation sought in this report will enable multiple procurements to be carried out over the approved period. This is to account for changes in technology that will occur over the period covered. The authorisation sought is for a projected volume of procurements based on historical trends. Should demand be less than fewer devices will be procured and authorised budgets will be retained within the IT Efficiency Fund.

## **2 Background (including outcomes of consultation)**

- 2.1 Since 2014 the Council has invested in a computer hardware replacement programme. A 5-year replacement cycle was in place until late 2019 when a Corporate decision was taken to extend the life of PCs and laptops by changing this to a 6-year cycle. The main driver for this change was the potential cost saving generated by extending products' life. The approach adopted assumes an expected productive life of an asset which over time will have reduced efficiency and reliability. This means that colleagues are more likely to experience down time (time without a working device) either through slowness to perform their routine tasks or a complete failure of the equipment. In addition to this, these devices would consume a higher proportion of IT resource to maintain, such as fault diagnosing, arranging for the repair, preparing and providing temporary devices during repairs and the actual cost of the repairs outside of the any warranty periods.
- 2.2 The decision to extend the life of the hardware through a delay in the replacement cycle alters the hardware requirements from 20% of the estate annually to approximately 17%. At the current prices on the established compliant procurement framework this equates to approximately **£530k** per annum (which includes and factors in a potential 3% increase predicted owing to the effects of Brexit by the manufacturers) which needs budgeted for in the IT Efficiency Fund.
- 2.3 The replacement costs are structured over a number of years and managed ensuring that we do not have a large budgetary pressure in any one year. Current approval for this expenditure expires in March 2021 and we now seek approval for the next three years with annual equipment costs expected to be approx. **£490k**.
- 2.4 In addition to the regular requirement for device replacement, each year there is an amount of expenditure on new IT equipment. This is incurred as a result of requests made by the various services across the organisation for new and/or upgraded equipment required to meet business needs. Approval for this expenditure has expired and we now seek approval for the next three years with

aggregated annual costs expected to be approx. £379k per annum. Charges are made to projects for equipment acquired and the IT Efficiency Fund credited. Indicatively 20% of the total of IT equipment replacement is related to new equipment and 80% to refreshing of old equipment.

- 2.5 Delivery of new equipment and additional support costs are approx. £297k per annum. These costs from the IT Efficiency Fund (£222k pa) with the remainder being funded through projects paid for by requesters (£75k pa).

### **3 Other options considered in making recommendations**

- 3.1 Do nothing. If nothing is done then the current contract for IT equipment will expire. From this point purchases of new equipment will have to be made within the Council's Financial Regulations but on an ad hoc basis. This means that more procurements will be made, with a consequent increase in transactional activity adding to the cost of delivery. It is also the case that because purchase volumes will be lower there will be less opportunity to access economies of scale. The approach has therefore been discounted.
- 3.2 Move to a leasing model. Currently the Council adopts an approach to providing IT equipment that is based upon outright ownership and management. Some organisations have adopted a different approach, to lease equipment and also to buy support services as a part of this package. The benefits of this approach include smoothing the costs of equipment replacement and releasing the organisation from one of the day-to-day elements of IT service delivery. Initial investigation have suggested that this is not a desirable approach for the Council because of added cost associated with the model and the limits on future flexibility associated with it. The approach has therefore been discounted.

### **4 Finance colleague comments (including implications and value for money/VAT)**

- 4.1 This decision seeks approval to delegate authority to the IT Head of Service to enter into contracts up to the value of £1.166m per annum to purchase IT equipment using a compliant procurement process. Total value of this decision over the 3 year period is £3.498m.

The breakdown of costs and funding source associated with this decision are detailed in the table below:

Item	Value £m per annum	Funding source
Hardware replacement programme	0.490	ITEF
New IT equipment	0.379	Projects/Departmental*
Delivery & support costs	0.222	ITEF
Delivery & support costs	0.075	Projects/Departmental*
<b>TOTAL PER ANNUM</b>	<b>1.166</b>	

\*revenue budgets in departments and/or grant funded projects

- 4.2 The profiling of the above costs have been considered in the ITEF forward plan where applicable which aligns to the current MTFP. It is to be noted however that there are further IT projects within the ITEF forward plan that are yet to be approved. The current balance of the ITEF funding is insufficient to fund all of these projects from 2022/23 onwards therefore careful consideration and planning

when prioritising projects is critical in order to only spend within the agreed ITEF allocated budget whilst at the same time meeting corporate IT needs. No financial pressure or overspend can occur.

- 4.3 Any changes or amendments to the current financial profile of the ITEF captured in future MTFP's will require the programme to be reviewed to ensure budget and IT sustainability to the organisation.
- 4.4 Costs that are to be met from Projects and Departmental budgets will need to be done so within the budget provision from those project/areas to ensure no financial pressure occurs for these elements also. Any grant funded items must meet grant conditions.
- 4.5 Whilst this decision seeks approval spend up to £1.166m per annum, the actual value and contracts paid will be based on actual activity levels. The IT service should make every attempt to spend below this ceiling amount, ensure only the minimum equipment is purchased and contracts are only entered for the minimum amounts in order to reduce future liabilities and financial risk, considering the constrained financial environment NCC is operating in.
- 4.6 Alternative provision delivery models have been explored but have proven unviable
- 4.7 The competitive procurement process will support the achievement of value for money.
- 4.8 VAT will be treated in accordance with HMRC guidance.
- 4.9 An amendment to the capital programme to take into account the above values and funding sources is requested as part of this decision. This should also adhere to the recent amendment to the scheme of delegation regarding capital expenditure, approval of which has been sought in conjunction with this decision and has been approved by the Strategic Director of Finance (Section 151 Officer) on 04/01/2021.

Phil Gretton, Strategic Finance Business Partner, 04/01/2021

## **5 Legal and Procurement colleague comments (including risk management issues, and including legal, Crime and Disorder Act and procurement implications)**

- 5.1 Procurement will ensure compliance with the Council's financial regulations and contract procedure rules. Tender(s) will be conducted in line with EU Procurement regulations 2015 to secure best value for the Council and the citizens it represents. On this basis there are no procurement concerns with the approach.

Mabs Karim Lead Procurement Officer, Strategy & Resources. 16 December 2020

- 5.2 The purchase of IT equipment as and when required by the Council needs to be procured in accordance with procurement rules and the Council's Contract Procedure Rules.

Sarah O'Bradaigh, Senior Solicitor - Commercial, Employment and Education, Strategy & Resources, 18 December 2020.

## **6 Social value considerations**

6.1 There are no social value considerations directly associated with this decision.

## **7 Regard to the NHS Constitution**

7.1 Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

The NHS Constitution states in section 2, 'NHS Values' that:

'Working together for patients. - Patients come first in everything we do. We fully involve patients, staff, families, carers, communities, and professionals inside and outside the NHS. We put the needs of patients and communities before organisational boundaries. We speak up when things go wrong.'

Having access to a ready and reliable supply of IT equipment enables the Council to work more effectively with NHS colleagues. The proposals in this report will enable the Council to refresh IT equipment used by colleagues in support of the NHS, e.g. Adult Social Care, and so to assist in delivery of services to Citizens.

## **8 Equality Impact Assessment (EIA)**

8.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because:

This report does not contain proposals for new or changed policies, services or functions.

Yes



## **9 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

9.1 None.

## **10 Published documents referred to in this report**

10.1 None.

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<b>Subject:</b>	<b>Statutory Regulatory Services Digital Platform Investment - Key Decision</b>				
<b>Corporate Director(s)/ Director(s):</b>	Andrew Errington; Strategic Director for Community Protection				
<b>Portfolio Holder(s):</b>	Councillor Sam Webster, Portfolio Holder for Finance, Growth and the City Centre Councillor Linda Woodings, Portfolio Holder for Housing, Planning and Heritage				
<b>Report author and contact details:</b>	Steven Brookes; Senior Project Manager <a href="mailto:steven.brookes@nottinghamcity.gov.uk">steven.brookes@nottinghamcity.gov.uk</a> 0115 8763120				
<b>Other colleagues who have provided input:</b>	Pete Mitchell; Head of Regulation Community Protection <a href="mailto:pete.mitchell@nottinghamcity.gov.uk">pete.mitchell@nottinghamcity.gov.uk</a> 07572 262281				
<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<b>Subject to call-in</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Reasons:</b>	<input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision			<input type="checkbox"/> Revenue	<input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City				<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Total value of the decision:</b> Exempt					
<b>Wards affected:</b>	<b>Date of consultation with Portfolio Holder(s):</b> 15 December 2020				
<b>Relevant Council Plan Key Theme:</b>					
Nottingham People	<input type="checkbox"/>				
Living in Nottingham	<input type="checkbox"/>				
Growing Nottingham	<input type="checkbox"/>				
Respect for Nottingham	<input checked="" type="checkbox"/>				
Serving Nottingham Better	<input type="checkbox"/>				
<b>Summary of issues (including benefits to citizens/service users):</b>					
Civica's Authority Public Protection (APP 'Flare') system has been in operation within Nottingham City Council (NCC) since 2006. It is used to manage the gathering, provision and reporting of Regulatory Services within Community Protection (CP).					
Civica UK Ltd, Flare's supplier announced the system will become unsupported from September 2022 and NCC's supply contract ends at the same time. It should be noted that this deadline has already been extended from an original September 2021 deadline.					
NCC cannot adequately or efficiently respond to its statutory requirements without having a digital solution in place and so it is recommended that we tender for a replacement and start an implementation project.					
Nottingham Citizens rely upon CP to provide services stipulated by the following legislation.					
<ul style="list-style-type: none"> <li>• Anti-Social Behaviour Crime &amp; Policing Act 2014</li> <li>• Clean Air Act 1993</li> <li>• Consumer Protection Act 1987</li> <li>• Consumer Rights Act 2015</li> <li>• Environmental Protection Act 1990</li> <li>• Explosives Act 1875, Explosives Regulations 2014, Fireworks Act 2003, Petroleum (Consolidation) Act 1928</li> </ul>					

- Fraud Act 2006
- Gambling Act 2005
- Highways Act 1980 (Section 130)
- Housing Act 2004 Housing Conditions. Inspect houses, take enforcement action.
- Immigration and Asylum Act 1999
- Licensing Act 2003
- Licensing and Management of Houses in Multiple Occupation Regulations 2007
- Noise and Statutory Nuisance Act 1993
- Public Health Act 1936 (noxious matter, verminous articles & persons)

Management and execution of these legal and regulatory requirements need effective administration and prosecution processes underpinned by a robust information solution.

#### **Exempt information:**

An appendix to this report is exempt from publication under paragraph number 3 of Schedule 12A to the Local Government Act 1972 because it contains information relating to financial or business affairs of any particular person (including the authority holding that information).and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

It is not in the public interest to disclose this information because financial information is based on initial estimates, there is also full breakdown of financial elements of project included and sharing this information would not be recommended as it may prejudice the tender process.

#### **Recommendation(s):**

- 1 To delegate authority to the Strategic Director of Community Protection to enter into a 5year (+2year option) contract through an approved Crown Commercial Services framework with the supplier offering best value.
- 2 To approve the expenditure detailed in the exempt appendix

### **1 Reasons for recommendations**

- 1.1 To ensure that the Council can adequately continue to deliver its statutory functions in relation to Community Protection from September 2022.
- 1.2 To comply with Financial Regulations relating to testing the market to demonstrate best value for money is being obtained.
- 1.3 To ensure business continuity for Community Protection and Nottingham City Council with a new supplier contract in place before existing contact and solution expires.
- 1.4 To provide adequate time and resources to replace the existing solution in a seamless and cost effectively way. Note: The replacement solution will require an estimated 18months to install, set up, configure, and migrate to the new system.
- 1.5 To maintain colleague engagement, focus and buy-in to the project. The project started in October 2019 by defining problems, opportunities and requirements. A considerable engagement exercise has considered all market options and has clear recommendations.

- 1.6 To reduce the organisational and community risk of not being able to operate adequate, effective and efficient services as a result of any period of time having to use an unsupported solution.
- 1.7 To pro-actively plan and build services for a post crisis organisation considering changes to regulations and legislation as a result of external treats, COVID and BREXIT, and internal treats, budget pressures and changing city environment.

## **2 Background (including outcomes of consultation)**

- 2.1 Financial Regulations and procedures require the review of contracts and market testing to achieve best value for money. The Council focused on a single supplier for a Regulatory Services system in order to deliver lower prices (through economies of scale) and more operational efficiency (e.g. speedier fault resolution).
- 2.2 Civica APP Flare has been a staple product across local government for Regulatory Services. The current supply contract began in 2006, and has been renewed periodically. Civica announced APP Flare would become unsupported in 2021, however due to delays experienced as a result of the Covid-19 pandemic they agreed to a new 1year contract which now expires 30<sup>th</sup> September 2022.
- 2.3 The Council's Regulatory Services system (APP Flare) integrates widely with customer service systems, finance, geographical information systems and partner organisations (NCH, Police, Citizens Advice). For these reasons the purchasing process needs to provide a sufficient lead in period to allow any new supplier sufficient time to set up the new inter-connections.
- 2.4 Likewise, these integrated solutions will introduce major changes (e.g. Oracle Fusion) that will require / enforce changes to APP Flare. The real benefits of these changes to integration would be easier to achieve within a new solution than investment in the older solution.
- 2.5 The current digital landscape has changed rapidly during 2020 and the crisis. Advances in digital services and interactions have expanded and become the norm.

## **3 Other options considered in making recommendations**

- 3.1 Do Nothing. Allow APP Flare to fall out of support, but continue usage. This is not recommended:
  - i. This would put NCC at a very high risk; if the system failed, or Central Government changed the legislative framework, NCC would be on our own to resolve.
  - ii. NCC would still have to pay Civica for the intellectual property right to use the unsupported software.
  - iii. The system would become increasingly insecure as it would not be kept up to date with any technical security changes or updates in the computer server or network environment. Citizen, Business and NCC data would therefore be at an increasing risk, especially of data protection breaches, which can result in significant financial penalties under the UK Data Protection Act 2018.
- 3.2 Develop then implement an in-house solution.
  - i. This was rejected as IT Services do not have the requisite resources or time to develop, then maintain such a system.
  - ii. The cost and effort to develop such as solution would out-strip the cost of a product built for market, which is already available and in use within the sector.

**4 Finance colleague comments (including implications and value for money/VAT)**

- 4.1 This decision seeks approval to incur expenditure for the implementation of a new system to facilitate the delivery of the Council's Regulatory Services within Community Protection. This implementation is required as the current Flare system will not be supported after September 2022.
- 4.2 The Council will make a direct award and enter into a contact with an approved supplier listed under the Crown Commercial Services (CCS) procurement framework, for a period of 5 years, with an option to extend for a further 2 years. Value for money should already have been demonstrated through this procurement process. The exempt appendix includes a detailed breakdown of the costs.
- 4.3 The costs associated with this project have been included as pressures in the 2021/22 Medium Term Financial Plan (MTFP).
- 4.4 The formal approval of this plan will be after the necessary consultations and will be undertaken by Full Council in March 2021. The revenue budgets and capital programme will be updated post approval. No commitment to spend can be made until the MTFP is approved.
- 4.5 The MTFP includes 3 years of project funding, and from 1 April 2024 the on-going increase in revenue costs (communication / data costs, system licence fee etc) will be funded from reduced property rental costs. The Housing Teams (Selective Licensing - SL & Homes in Multiple Occupation - HMO) are currently based at Isabella Street, for which there is an annual charge of £0.160m covering 40 desks. Pending finalisation of the sale of Isabella Street in early 2021, the team are expected to move to new accommodation.
- 4.6 The new replacement system will allow officers to update records remotely whilst on site, thereby reducing office accommodation required to approx. 10 to 15 desks. Negotiations are taking place with the Council's Property team regarding the annual rental charge in new accommodation. The revised accommodation charge is expected to be in the region of £40,000 - £60,000, giving an approx. saving on accommodation costs of between £0.120 and £0.100m per annum. First call on the accommodation saving will be to cover the increased revenue costs permitting staff to operate in a more effective, efficient and economical manner, and this will be in accordance to Local Government Association (LGA) guidance regarding the calculation of statutory licence fee activities.
- 4.7 In accordance with the licencing legislation any costs associated with the delivery of the service can be attributed to the licence fee which also includes a reduction in costs.
- 4.8 If the property savings are delivered earlier than anticipated these will be used where possible to support the cost of the project replacing funding identified in the MTFP.

Maria Balchin, Senior Commercial Business Partner, 29 December 2020

- 4.9 Section 151 Officer approval for Capital spend was given on 4 January 2021.  
Clive Heaphy, Strategic Director of Finance.

**5 Legal and Procurement colleague comments (including risk management issues, and including legal, Crime and Disorder Act and procurement implications)**

- 5.1 Procurement will ensure compliance with the Council's financial regulations and contract procedure rules. Tender(s) will be conducted in line with EU Procurement regulations 2015 to secure best value for the Council and the citizens it represents. Use of compliant frameworks, such as those offered by Crown Commercial Services, is allowed under clause 3.1.1.3 of the Contract Procedure Rules. On this basis, there are no procurement concerns with the approach.

Mabs Karim Lead Procurement Officer, Strategy & Resources. 23 December 2020

- 5.2 A direct award under a framework agreement such as the Crown Commercial Service relevant framework would fully comply with procurement rules and the Council's Contract Procedure Rules.

Sarah O'Bradaigh Senior Solicitor -Commercial, Employment and Education Legal Services. 30 December 2020

**6 Social value considerations**

- 6.1 Community Protection is committed to continuing to fulfil its statutory functions to assist the citizens and visitors to Nottingham City to stay safe at work, improve poor housing, improve health outcomes and ensure a safe and clean visitor experience. Any risk to these services, from solution failure and poor performance, must be reduced / removed.
- 6.2 In accordance with the Procurement Strategy objectives of promoting social value, full consideration will be given to maximising the economic, social and environmental benefits during the procurement process; where appropriate, relevant requirements (e.g. improving NCC's responsiveness to Citizen and Local Business, requests for service, and maintenance of inspection regimes) will be included in the service specifications. Services commissioned will add social value by supporting vulnerable citizens, through improved management of and data sharing capabilities in the following areas. Anti-Social Behaviour; Trading Standards; Houses in Multiple Occupation; Environmental Health; Food Standards; Noise and Public Nuisance; Air Quality and Health. A robust, reliable, and rapid response to these Citizen and Business needs are fundamental aims of any replace solution.

**7 Regard to the NHS Constitution**

Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

The NHS Constitution states in section 2, 'NHS Values' that:

**'Working together for patients.'**

Patients come first in everything we do. We fully involve patients, staff, families, carers, communities, and professionals inside and outside the NHS.

We put the needs of patients and communities before organisational boundaries.  
We speak up when things go wrong.'

Community Protection has a core partnership role with Health and Social care providers, including NHS, to ensure joined-up working to protect and improve the outcomes to vulnerable people. Integration to a new solution is seen as essential to ensure that information, intelligence, and actions are shared and delivered.

## **8 Equality Impact Assessment (EIA)**

### **8.1 Has the equality impact of the proposals in this report been assessed?**

No

An EIA is not required because:

(Please explain why an EIA is not necessary)

Yes

The aim is to deliver a single IT solution that covers a wide range of CP service functions. There is a strong focus on customer / citizen interactions and the capture, storage, and processing of personal data. Many CP functions deal with sensitive issues, such as anti-social behaviour information. Therefore, monitoring and measuring of equalities are seen as essential.

## **9 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

### **9.1 None**

## **10 Published documents referred to in this report**

### **10.1 None**

## Equality Impact Assessment Form

### Section A

#### 1. Document Control

##### 1. Control Details

Title:	Statutory Regulatory Services Digital Platform Investment
Author (assigned to Pentana):	!
Director:	Andrew Errington/Colin Monckton
Department:	MRSP – Project Board
Service Area:	Strategy & Resources
Contact details:	Community Protection
Strategic Budget EIA: Y/N	<a href="mailto:Peter.whitehouse@nottinghamcity.gov.uk">Peter.whitehouse@nottinghamcity.gov.uk</a> 01158761536
Exempt from publication Y/N	Yes

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##### 2. Document Amendment Record

Version	Author	Date	Approved
Draft	Peter Whitehouse: Senior Business Analyst	04/03/2020	
Draft v0.2	Steven Brookes: Senior Project Manager	17/12/2020	
Draft v0.3	Steven Brookes	23/12/2020	

##### 3. Contributors/Reviewers

Name	Position	Date
Steven Brookes	Project Manager	04/03/2020
Martin Cooke		

#### 4. Glossary of Terms

Term	Description
Flare	Community Protection current core solution
SRO	Senior Responsible Owner
DPA2018	UK Data Protection Act 2018
GDPR	General Data Protection Regulation (EU's Article 29)
NCC	Nottingham City Council
EMSS	East Midlands Shared Service
CP	Community Protection
NP	Nottinghamshire Police

### Section B

#### 2. Assessment

##### **1. Brief description of proposal / policy / service being assessed**

This project is focused on the procurement and implementation of a replacement solution to the current Community Protection software (Civica / APP Flare). This is a Community Protection (CP) service joint initiative involving both Nottingham City Council (NCC) and Nottinghamshire Police (NP). It is envisaged that the replacement solution will enable both organisations to improve ways of working together, and produce significant benefits and opportunities from more effective and efficient delivery of services. The aim is to deliver a single Cloud delivered IT solution that covers the wide range of CP service functions. There is a strong focus on customer / citizen interactions and the capture, storage, and processing of personal data. Many CP functions deal with sensitive issues, such as anti-social behaviour information. Therefore, monitoring and measuring of equalities are essential.

### Section C

#### 2. Information used to analyse the effects on equality:

Currently, there are 3 primary sources of information used to analyse the effects:

- Product demonstrations and reviews

- Subject Matter Experts (SME) Workshop
- Interviews / feedback from other users / local authorities

This information will help to shape the tender specification for procurement.

The current outline requirements are:

- To ensure that any new solution can fully support the needs of all users is must meet core accessibility standards: Web Content Accessibility Guidelines (WCAG) <http://www.w3.org/WAI/standards-guidelines/wcag/>
- To support the monitoring of equalities for customer / citizen interactions
- To ensure access to 'special category data' under DPA2018 is secure, controlled, restricted to purpose, and monitored for use. Data categories are:
  - personal data revealing racial or ethnic origin;
  - personal data revealing political opinions;
  - personal data revealing religious or philosophical beliefs;
  - personal data revealing trade union membership;
  - genetic data;
  - biometric data (where used for identification purposes);
  - data concerning health;
  - data concerning a person's sex life; and
  - data concerning a person's sexual orientation.

### 3. Impacts and Actions:

<u>Section D</u>	Could particularly benefit <b>X</b>	May adversely impact <b>X</b>
People from different ethnic groups.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>
Trans	<input type="checkbox"/>	<input type="checkbox"/>

Disabled people or carers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Younger	<input type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Please underline the group(s) /issue more adversely affected or which benefits.</i></b>		

Page How different groups could be affected (Summary of impacts)	<u>SectionE</u> Details of actions to reduce negative or increase positive impact (or why action isn't possible)	<u>SectionF</u> 1. As part of the tendering process, support for Disability Access and Data Protection Statement are requirements of the core functions. 2. Consultation and assessment against the impact identified will be carried-out by the project group with direct representative of this group. Primarily, this will include assessment on support for visually impaired people with supporting options. 3. Input and feedback will be captured in a revised EIA throughout 2021 and 2022. Likewise, any risk and issues will be reported back to the Programme Board for decisions and actions.
<b>Disabled People:</b> Visibility impaired support for the solution is essential. The previous solution 'APP Flare' is very poor and difficult to adequately implement as it is based on an increasingly obsolete technology. Information should be easy to read or understand by screen reading technology, and functions / controls activated by supporting technology.  <b>In General:</b> Currently the current Flare solution does not capture equalities information from interactions with the public / citizen / customer. Developments with Firmstep / web portal are considering options, although this is limited to current Firmstep services. A requirement of any new solution is to enable / support		

the capture and monitoring of this gap in equalities information.

**Older:** there are concerns that the use of advanced technology (Smartphones / mobile devices) will increase the technology skills-gap in older workers.

**Learning Disabilities:** there are learning disabilities (such as dyslexia and dysgraphia and dyspraxia) who's needs will need to be considered in core operations, especially for use on modules and new training requirements.

**Language Support:** there are implications to citizens / customers that do not have English as their first language. Any online services and automatically generated communications should consider options to support these groups.

#### **4. Outcome(s) of equality impact assessment:**

<input type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input checked="" type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

#### **5. Arrangements for future monitoring of equality impact of this proposal / policy / service:**

1. Ensure the engagement, training and awareness approaches acknowledges issues, raises awareness, provide options for support, and sign posts individuals to main stream equalities material and training.
2. Ensure the solutions design, content and layout supports visual and learning disabilities, or provides options to support all

users.

3. The project helps to identify ways the solution can support positive impacts on equalities.
4. Ensure 'Privacy by design' is upheld throughout the development, transfer, and go-live activities under the Project.

**6. Approved by (manager signature) and Date sent to equality team for publishing:**

**Approving Manager:**

The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.

**Date sent for scrutiny:**

Send document or Link to:  
[equalityanddiversityteam@nottinghamcity.gov.uk](mailto:equalityanddiversityteam@nottinghamcity.gov.uk)

~~SRO Approval:~~ Pete Mitchell

**Date of final approval:**<to Add>

**Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:**

1. Read the guidance and good practice EIA's  
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

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

Document is Restricted

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