

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PART 1 – PUBLIC DOCUMENT

SERVICE DIRECTORATE: Customers

1. DECISION TAKEN

To award a three-year contract to Idox Software Limited at a total cost of £73,864.56, subject to annual increases in Years 2 and 3, for the provision of a regulatory database for licensing, community safety, and environmental health.

2. DECISION TAKER

Jo Dufficy, Service Director - Customers

3. DATE DECISION TAKEN

27 February 2024

4. REASON FOR DECISION

- 4.1 To ensure continuity of regulatory service provision, whilst considering the possibility of transferring the functionality to the in-house low code solution.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The following options provided by Idox were considered:

Financial summary



Deliverable	List Charge	Proposed Charge 3 Year Term	Proposed Charge 5 Year Term	Proposed Charge 5 Year Term*
Idox Cloud Public Protection	£35,173.60 p.a.	£24,621.52 p.a.	£22,862.84 p.a.	£24,104.16 p.a.*
TCV	£105,520.80 /£175,868	£73,864.56	£114,314.20	£124,220.80*

*includes provision of Enforcement App and SMS, one-off services cost of £3,700 also payable to cover installation

Annual increases to apply for Years 2, 3, 4 & 5

Costs are subject to full, Idox internal governance being completed.

- 5.2 Whilst the Contract Manager and Service Director Legal & Community felt that the five-year option was the least risk-free option for a regulatory case management system, the Project Board felt that a three-year contract was the best option to allow for a full scoping exercise to take place to determine whether the software could be replicated in the low-code solution the Council has purchased.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS, AND THE PUBLIC)

- 6.1 The Digitalisation Project Board was consulted and support this decision.

- 6.2 No consultation was undertaken with Ward Members or the public as this is an operational decision to provide continuity of a statutory service.
- 6.3 The following Executive Members were consulted:
- Executive Member for Finance and IT
 - Executive Member for Housing and Environmental Health
 - Executive member for Community Safety

7. FORWARD PLAN

- 7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

- 8.1 The current contract expires on 14 March 2024 and cannot be extended as the in-built extension was triggered two years ago. The Council has considered wider options, including a move to a corporate transformation to a low-code IT platform. The Council therefore needs to re-procure for a new regulatory software provider or keep its current system whilst it prepares for the Low-code transformation project.
- 8.2 The previous contract was awarded after a full procurement process when all leading suppliers were invited to tender and subjected to the full scoring process. The existing supplier was the clear winner in that procurement exercise and remains one of the leading market players, attracting new customers throughout England.
- 8.3 A significant resource has been utilised in configuring the existing software to provide a system that provides the services required.
- 8.4 The only identifiable issue with the existing provider is the service desk response times however that is not unique to Idox Software Limited.
- 8.5 Existing users, particularly licensing officers, are very comfortable with the existing system which works for ensuring prescribed timescales are met in an auditable environment. Safeguards are in-built to ensure licences are not issued accidentally and the system already populates the prescribed live time public register, which also accepts representations against applications.
- 8.6 The system is already capable of receiving electronic applications and payments when the Government's GOV.UK system is discontinued, or earlier once the contract status is known. Service requests are also capable of received through the existing portal.
- 8.7 The software is compatible with single sign-off processes and is capable of integrating with other CRM systems to simplify the customer journey.
- 8.8 A new contract with the existing supplier will allow a scoping exercise to be undertaken to consider the feasibility of replacing the software with the Council's purchased low code solution. Changing software involves significant implication time and costs, so with the prospect of a low-code solution, it is not in the Council's best interests to carry out that work at this time.
- 8.9 If, as a result of this scoping exercise, it was decided that 3 years was insufficient time to migrate to a new system or that migration was not a practicable option, a contract variation or extension (as the case applicable under the relevant Contract Procurement Rules / contract provision) or further single tender may need to be sought with the supplier.

- 8.10 If the scoping exercise determines that it is not practicable to migrate the complex licensing database, public register, and customer portal to the low-code solution, this database software has already demonstrated it is suitable to continue that service.

9. LEGAL IMPLICATIONS

- 9.1. Section 14.6.4 of the Council Constitution provides delegation to service directors and states at section 14.6.4 (a) (ii):

“Entering into contracts to carry out works and/or for the supply of goods and services within approved budgets (subject also to approval of the Service Director for: Customers in respect of software or hardware contracts). All may attest the fixing of the Common Seal to a contract or Deed;”

- 9.2. A single-tender procurement has already been authorised by the Service Directors for Customers, Resources, and Legal & Community on 30 January 2024 under Contract Procurement Rule 14.1(c)(iii).

- 9.3 Legal will assist Officers with the Contract and will ensure that the Contract is properly executed and completed.

10. FINANCIAL IMPLICATIONS

- 10.1 The financial implications are listed in paragraph 5.1 above.

- 10.2 Although the new contract value is an increase from existing budget costs, as this procurement relates to new licences for existing software, Accounts have advised that a budget growth bid is not necessary and will be reported as a budget variance.

- 10.3 The *Hemming*¹ case allows the recovery of reasonable licensing costs through licensing fees, therefore the software costs relating to the licensing function are recoverable.

- 10.4 If it were subsequently decided that Idox Software Limited is retained for licensing only, the full cost would be recoverable through fees and cost neutral to the Council.

11. RISK IMPLICATIONS

- 11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.

- 11.2 There is no risk associated with awarding a new contract to the existing supplier as the system has been configured in-house and is known to deliver the services required. The system is also capable of receiving electronic applications and payments through the existing licensing register portal.

- 11.3 There would be a risk in moving away from Idox Software Limited to an unknown system that is unproven in delivering statutory services in accordance with prescribed procedures and requirements.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment,

¹ R (on the application of Hemming (t/a Simply Pleasure Ltd) and others) v Westminster City Council [2017] UKSC 50

victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are no known equalities impacts or requirements that apply to this report.

13. SOCIAL VALUE IMPLICATIONS

13.1 As the recommendations in the report relate to a contract below £100,000 the “go local” policy applies, however the practicalities of changing supplier preclude this option even if an alternative local supplier could be identified (none identified).

14. ENVIRONMENTAL IMPLICATIONS

14.1 There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 There would be no human resource implications in remaining with the current supplier as the system is performing all relevant tasks.

15.2 There would be a significant human resource implication in changing suppliers, including but not limited to, undertaking a scoping exercise, data migration, configuration, user testing, user training, and ongoing maintenance.

16. BACKGROUND PAPERS

16.1 Single tender decision. ID No. NH575532614

NOTIFICATION DATE

Friday 1 March 2024

Signature of Executive Member Consulted



Date 27 February 2024

Signature of Decision Taker



Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.