

DIRECTOR DECISION – DD132

Title: APAS development management software annual fee 2020/21

Executive Summary:

This decision seeks retrospective approval and an exemption from OPDC's Contracts and Funding Code for Agile Applications to continue to provide a maintenance contract for the 'APAS' development management software for financial year 2020/21 to ensure that the statutory functions of the Planning Service can be maintained.

This decision is being sought retrospectively because the expiration of the previous contract was not identified earlier, due to a combination of the following factors:

- Change in staffing (change in Head of department due to maternity leave); and
- The timing in relation to Covid-19 and a consequential focus on adapting the service to continue the statutory functions.

DD1313 (GLA) covered expenditure of up to £135,000 for the period 01/04/2015 to 31/03/20 for development management software including its installation, support and maintenance. Swift Data Pro (now Agile Applications) were chosen as the software provider. A contract extension was sought and approved in 2018 to cover an additional 24 months' expenditure of £23,080 from 1/4/2018 to 31/3/2020 as the original contract was for 3 years from 01/04/2015 to 31/03/2018.

Decision:

The Director retrospectively approves:

- Expenditure of a further £11,520 to enable Agile Applications to continue the provision and maintenance of the existing APAS software for one year;
- To seek an exemption from the OPDC Contracts and Funding Code to appoint without a competitive exercise via a Single Source Justification.

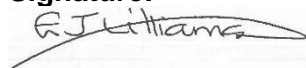
AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the OPDC business plan and priorities. It has my approval.

Name: Emma Williamson

Position: Director of Planning

Signature:



Date:

01 October 2020

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1 Introduction and background

- 1.1 The Old Oak and Park Royal Development Corporation (OPDC) is the statutory local planning authority for the whole of its area. From 1 April 2015 it has received all planning applications submitted in the area and is responsible for validating, publicising, consulting on, assessing and determining those applications in accordance with the relevant legislation, principally the Town and Country Planning Act 1990, and the procedures set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. These include specific requirements in relation to statutory timescales for the determination of different types of applications, publicising applications for planning permission, undertaking consultation, and maintaining a public register of planning applications.
- 1.2 All local planning authorities use specialist software to manage the process of receiving, validating, consulting, reporting and determining planning applications and other development management functions including requests for pre-application advice, appeals, Environmental Impact Assessment (EIA) screening and scoping requests and enforcement cases.
- 1.3 The APAS software supports all functions of a local planning authority, including importing planning applications from the Planning Portal (via the 1APP connector), managing the process of receiving, validating, consulting, reporting and determining planning applications, and facilitating web access to planning applications and the statutory register.
- 1.4 An exemption from OPDC's Contract's and Funding Code is sought (see appendix 1- for the attached SSJ form) as the service is a continuation of the existing service. Continuation of the existing service with Agile Solutions will prevent any break in services they provide. This would not be possible if the supplier were to change as there would be a period of time required to upload the relevant documents from the planning register to any new software. It is vital to prevent a break in service as this would result in OPDC being unable to carry out its statutory functions, including maintaining the 'planning register'. This is exacerbated during the current Covid-19 pandemic as OPDC does not have an office presence so customers are unable to view hardcopy plans and documents and therefore it is vital OPDC have an online service to continue to meet our statutory obligations.

2 Objectives and expected outcomes

- 2.1 The objective of this decision is to ensure the continuation of the specialist software to manage the process of receiving, validating, consulting, reporting and determining planning applications and other development management functions including requests for pre-application advice, appeals, EIA screening and scoping requests and enforcement cases.
- 2.2 The expected outcomes are:
 - Effective and efficient determination of planning applications by OPDC, thereby supporting the regeneration of the area in line with the Mayor's vision;
 - Appropriate access to information ensuring effective engagement and public participation.

3 Equality comments

- 3.1 The OPDC must have regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010, and to advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and

maternity and gender reassignment) and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of the Equality Act 2010).

- 3.2 This duty has been considered by officers and it is not considered that there are any equality considerations arising directly from this decision. The APAS software enables members of the public to access the 'planning register' and there are no identified characteristics of the software, which would be considered to limit its use by persons with any protected characteristic.

4 Other considerations

Key risks

- 4.1 If the development management software system is not renewed, it will severely compromise the OPDC's ability to function efficiently and to meet its statutory obligations as a local planning authority. This could result in:
- reputational damage for the Mayor and the OPDC, both at Government level, among key stakeholders and the wider public;
 - risk of challenge (against planning decisions) and associated costs; and
 - practical difficulties for members of the public and interested parties accessing information.

Links to Mayoral strategies and priorities

- 4.2 Timely management of planning applications is an important part of delivering the Mayor's Vision for Old Oak and achieving targets for new homes and jobs.

5 Financial comments

- 5.1 Expenditure of up to £11,250 will be funded from the 2020/21 Planning Development Management budget.
- 5.2 Should the deliverables slip into future years, expenditure will need to be met from existing budgets.
- 5.3 Further expenditure is subject to the Corporation's decision-making process.

6 Legal comments

- 6.1 The report above indicates that the decision requested falls within OPDC's objective of securing the regeneration of the Old Oak and Park Royal area and its powers to do anything it considers appropriate for the purpose of its objectives or purposes incidental to those purposes, as set out in the Localism Act 2011.
- 6.2 In taking the decisions requested, the director must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010, and to advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of the Equality Act 2010). To this end, the director should have particular regard to section 3 (above) of this report.
- 6.3 Section 4.1 of the Contracts and Funding Code (the 'Code') requires OPDC to seek a call-off from a suitable framework, where possible, or if not, undertake a formal tender process which will be managed by TfL in respect of the services. However, the director may approve an exemption from this requirement under section 5 of the Code upon certain specified grounds. One of those grounds

is the continuation of the existing work which cannot be separated from the new work. Officers have indicated at paragraph 1.6 of this report that this ground applies. On this basis the director may approve the proposed exemption if satisfied with the content of this report.

- 6.4 This approval is sought retrospectively, the reasons for which are set out at paragraph 1.7 of this report. Accordingly, the director should take account of those reasons in considering whether to approve the recommendations of this report. Officers should be reminded of the importance of seeking approvals in advance.
- 6.5 Officer must ensure that appropriate contract documentation is put in place between OPDC and Agile Applications.

7 Planned delivery approach and next steps

- 7.1 The APAS software is already in place and being used by OPDC. An invoice has been received from the software provider requesting payment for provision and maintenance of the software for the financial year 2020/2021.

Activity	Timeline
Procurement of contract	N/A – Refer to attached Single Source Justification Form
Delivery Start Date	01/04/2020
Delivery End Date	31/03/2021

- 7.2 It is proposed that a competitive procurement process will be carried out in autumn 2020 with a view to securing a new contract to cover the provision of suitable software for the next 3-5 financial years (beginning April 2021).

Appendices and supporting papers:

GLA DD1313

Variation of contract: Contract number ICT 11876 variation 1 dated 22/2/18

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the OPDC website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Note: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

N/A

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

[DO NOT DELETE CONTEXT IN THIS BOX]

Drafting officer
to confirm the
following (✓)

Drafting officer:

Claire Cook has drafted this report in accordance with OPDC procedures and confirms that:

✓

Finance advice:

The Finance team have commented on this proposal, and this decision reflects their comments

✓

Legal advice:

The Legal team have commented on this proposal, and this decision reflects their comments.

✓

CHIEF FINANCE OFFICER:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature



Date 01/10/20