



# EXECUTIVE BOARD DECISION

<b>REPORT OF:</b>	Executive Member for Digital and Customer Services, Executive Member for Growth and Development
<b>LEAD OFFICERS:</b>	Director CE, Strategic Director of Growth & Development
<b>DATE:</b>	Thursday, 11 July 2024

**PORTFOLIO/S AFFECTED:** Growth and Development

**WARD/S AFFECTED:** (All Wards);

**KEY DECISION:** Y

**SUBJECT: Replacement planning, land charges and building control software system.**

## 1. EXECUTIVE SUMMARY

The purpose of this report is to seek approval to procure a new software system to manage the provision of planning, land charges and building control along with the estimated associated budget requirements.

## 2. RECOMMENDATIONS

That the Executive Board:

- Approves the procurement of the new software through the Crown Commercial Services (CCS) Vertical Application Solutions (VAS) framework RM6259 for a 5-year period with the option to extend for a further five number one-year periods.
- Approves a supplementary capital budget of £559k for the scheme.
- Notes that an Executive Member Decision will be submitted by the Executive Member for Digital and Customer Services and the Executive Member for Growth & Development following the tender exercise to award the contract confirming the final financial implications.

## 3. BACKGROUND

The current software solution used for planning has been used in the Council for many years with building control going live on the same system in early 2021. The solution is currently provided on premise from the Councils own data centre but over recent years this has been increasingly difficult to support. The current system runs on an Oracle Solaris database, whilst previously this could be supported in the Council, skills in this area have been increasingly difficult to find meaning the IT department has had to have support in this area bought in which is currently costing £66k per annum and also requires separate hardware to be purchased and licenced. Over the last year other software that used this platform has been replaced or migrated to a different platform meaning that planning, building control and land charges is the only software now using this. Due to the risks and costs of keeping the current system as it is, a replacement system needs to be purchased and implemented. Over recent years suppliers are no longer investing in on premise systems meaning that to have the

most up to date system which is fully supported by the supplier then a shift to a cloud based system is required.

The procurement of a back-office system to serve Planning (Development Management), Building Control and Land Charges will assist with the continued excellent service delivery maintaining productivity and efficiency. The system will also be able to ensure that customers (developers, general public, members) can access the services simply and effectively and be accessible at all times. Management relies on ICT to ensure that customers can submit planning applications, access data about planning applications, and submit responses to consultations on planning applications. It is expected that any new system will assist in creating efficiencies and reduce service contact demands as it will easily provide a two-way flow of data and information.

Development Management within the Planning Service is a key statutory service, delivering a number of the Council's Corporate Plan objectives, and the Growth & Development Directorate's priorities spearheading the inclusive growth of housing and jobs within the Borough. The Development Management service provides statutory services in respect of all building and development permissions required in the Borough. The primary function is to determine applications for planning permission, listed building consent and ensure that all areas of planning control are enforced effectively. The Service also assists with securing the financial contributions associated with Section 106 Agreements pursuant to planning applications associated with new developments for off-site infrastructure works and affordable housing. The service also provides accurate and efficient input into the local land and property searches, a tree protection service and handles all issues related to planning appeals. A full pre-application advice service is also provided to developers interested in building in the Borough. The service works and liaises with other services/teams across the Council.

More recently, the Council adopted its Local Plan (Development Plan) in January 2024 covering the Plan Period 2021-2037. In addition, the Development Management Service is one of the top performing local planning authorities nationally with regards to processing major and non-major planning applications, and the procurement of a new system will ensure this performance continues, whilst at the same time, improving customer satisfaction. Additionally, the provision of "real-time" performance information for officers and managers will significantly assist the service in its focus on service improvements and meeting customer's needs.

Building Control is another key element of the Council's statutory services, with a commercial focus assisting in the fulfilment of the 4no. Corporate BwDBC core missions and facing rapid change due to the Building Safety Act 2022. Building Control has only recently integrated with the current software however a more advanced new integrated system will be required due to a number of factors, some of which are noted below.

Legislative and statutory mandatory reporting requirements called Operational Standard Rules (OSR), recently introduced in April 2024 under the Building Act 1984 by the Building Safety Regulator (BSR), will require Building Control to report 6no. statutory Key Performance Indicators (KPIs) to the Regulator, to demonstrate the competence of the newly regulated Building Control profession and the performance of the Building Control function within the Council. Failure to meet this BSR reporting requirement with relevant data could lead to potential formal investigation by the BSR, placing the Council at risk, so any new system needs to fully integrate with such BSR OSR criteria for the storing and extraction of data, automating current manual processes to create efficiencies, provide data to support management decisions and team with improved monitoring of application status to allow an informed and accurate BSR response to be facilitated.

Building Control is also unique from the Planning service in that it operates within a competitive environment against private sector Building Control providers who can offer an alternative choice for the fee earning Building Control service function. A new system should enhance such service delivery and customer experiences, leading to not only retention of business and associated fee income but also to meet the continued demands in terms of additional commercial opportunities that are generated

within the Borough collaboratively through the Growth and Development portfolio, sustaining the Council's overall commercial aspirations.

Land Charges - the provision of a public register in the Local Land Charges Service is another statutory requirement, and the Council still has to maintain the searches of the register which has been transferred to the Land Registry (HMLR).

The current solution has three separate systems running; M3, a legacy application which still houses some key functions; Assure, the new application which will eventually house all the functions required for the service however this has been in development for 8 years and, Document Management application which houses the relevant documents. This has caused issues for BwD with compatibility across the applications. The potential for a new system allows for all functions to be captured within one system.

For the procurement route there were a number of options considered;

Direct award to the current supplier. This was rejected due to the high costs quoted by the supplier to move their system to the Cloud and also the legal implication of doing so.

Competition through the Government's GCloud framework. This was rejected due to the maximum length of contract allowed being only 4 years which is not sufficient for a contract of this magnitude and also from previous investigations where it was found that prices on the framework for larger requirements are more expensive than through a formal procurement process.

Find a tender service procurement process, this would be open for any supplier to reply to the tender but can be a time consuming and lengthy process. As there is an existing framework for these services this option was rejected.

The Department is therefore seeking approval to tender this through the Crown Commercial Service, which is an executive agency of the Cabinet Office. This will be tendered through the VAS framework RM6259 lot 3; the framework is for housing, environmental and planning solutions which also includes building control. The framework includes 29 suppliers of these systems and includes the main providers to local government for the software required.

The tender will be evaluated according to the following criteria;

Social Value – 15%

Price – 30%

Quality – 55%

Tendering for a modern forward-thinking software system should provide the opportunity to modernise our services to suit our evolving citizen and operational needs, providing processing efficiency and reduced administration via process automation (where appropriate) and increases operationally active time, increasing the productivity of teams without the need for increasing team costs / staffing at a time when demands on our services are rising.

#### **4. KEY ISSUES & RISKS**

The current contract for planning, land charges & building control ends on the 31<sup>st</sup> of August 2025, therefore an extension of this contract will be required due to the potential implementation time. There is a risk that the supplier may not agree to the extension or places a high cost on this.

The current System Support Officer holds significant knowledge of the current system that will be required for system migration but is unavailable for a large period of the project.

There will be a large requirement for data migration to any new system which will be a significant undertaking as it involves multiple functions.

The services supported are high performing, income generating, and key to delivering the Council's growth ambitions.

Should the migration to a new system not proceed there would be a requirement to purchase and upgrade all existing Oracle devices and licencing. This would introduce a significant cost however, to not do so would result in an operational security risk.

## **5. POLICY IMPLICATIONS**

The services covered by this software provide important services across the Council that contribute to the delivery of the Council Priorities.

## **6. FINANCIAL IMPLICATIONS**

The estimated cost of implementing the replacement Planning, Land Charges and Building Software System is £559k. This comprises the costs of acquiring the replacement system, which is estimated at £90k and the staffing resources required to implement it, which are estimated at £419k. A further £50k has been provided as contingency for the project.

This estimated cost will be funded partly within existing resources (c£100k) with the balance met from the Digital Transformation Reserve.

The maintenance costs of the new system will be met from within existing budgets.

## **7. LEGAL IMPLICATIONS**

The procurement process complies with the regulations of the Council's Contract and Procurement rules and the Public Contract Regulations 2015.

The procured software will assist the Council in relation to a number of duties, heavily statutory but also non-statutory in connection with (but not limited to):

1. The Building Act (1984, latest version 2010) which defines statutory obligation for building works in England and Wales;
2. Building Safety Act 2022;
3. Multiple acts including the Planning Act 2008 and Town and Country Act 1990 (which covers the obligation of work carried out by the planning team)
4. Land Charges Act 1972 is an Act that updates the system for registering charges on unregistered land in England and Wales).
5. The Infrastructure Act 2015 provides for the transfer of responsibility for local land charges in England and Wales from Local Authorities to Land Registry.
6. Local Land Charges Rules 2017 regulate how originating authorities will supply data to the Land Registry for inclusion in the new digitised central Local Land Charges Register.

## **8. RESOURCE IMPLICATIONS**

There will be a requirement under the project for additional system administration resources due to the amount of work. Other roles, including IT resources are also likely to be required, due to committed

resource on other projects. It is recognised that the establishment of a Temporary Planning Support Assistant post is required. This post has been identified for the project as resource to allow team members to contribute towards the project's successful implementation.  
The project will involve a long implementation period (18 months to 2 years) with particularly heavy periods, should resource not become available then this would lengthen any implementation time.

## 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

Consultations have occurred with all affected service areas within the Council.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	<b>Peter Hughes, Contracts and Procurement Manager</b>
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<b>DATE:</b>	11/07/2024
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<b>BACKGROUND PAPER:</b>	None
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