

Title of report: Modern.Gov Renewal

Decision maker: Acting Deputy Chief Executive

Decision date: 19 March, 2021

Report by: Democratic services manager

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

To approve the renewal of licences and support arrangements for the governance Information Communication Technology system Civica Modern.Gov.

Recommendation(s)

That:

- a) A direct award of contract via the Crown Commercial Services (CCS) Data and Applications (DAS) framework is issued for the maintenance and support for use of Civica Modern.Gov at no greater cost of £15k for 2021/22; and**
- b) The option to extend the contractual arrangements after 2021/22 by the Solicitor to the Council, in consultation with the Cabinet Member for finance and corporate services, for a further 1 year (2022/23) at an annual cost not exceeding £15.4k and a further 1 year (2023/24) at an annual cost not exceeding £15.7k.**

Alternative options

1. Not to purchase the system. This is not recommended as the council is reliant on 'issue management and workflow' software to ensure the council's legal obligations to

conduct public meetings, produce agendas and papers and take decisions in compliance with legislative requirements and Herefordshire Council's constitutional arrangements.

2. To run a competitive tender exercise and evaluate alternative systems and suppliers. This is not recommended at the current time. Following a soft market test in October 2019 a number of suppliers of similar issue management software solutions were approached to express interest in providing the council with similar committee and decision making management software. Civica Modern.Gov was the only supplier who came forward. Based upon this evidence, and working through the approved DAS framework agreement, a direct award of contract can be issued (see paragraph 12 below).

Key considerations

3. Herefordshire Council's current contractual arrangements with our committee and decision management system provided by Civica Modern.Gov are due to conclude 31 March 2021. The Civica Modern.Gov software has been used by the council since 2003. It offers many features that help Herefordshire Council to fulfil its legal and constitutional obligations in regard to holding and conducting public meetings and taking local decisions.
4. Following a soft market test in October 2019 a number of suppliers of similar issue management software solutions were approached to express interest in providing the council with similar committee and decision making management software. Civica Modern.Gov was the only supplier who came forward. Based upon this evidence, and working through an approved framework agreement, a direct award of contract can be issued.
5. As a unitary authority Herefordshire Council is responsible for a wide range of services including: economic development, education, environmental health and animal welfare, highways, housing, leisure and culture, local tax collection, passenger transport, planning, public health, social care (adults and children), strategic planning, trading standards, transport planning, waste collection and disposal. It also has an overarching 'local leadership' role being responsible for the economic, social and environmental wellbeing of the county. The council is also the 'corporate parent' to children and young people in its care.
6. Civica Modern.Gov supports the council in undertaking its democratic services functions in a number of ways. It provides a comprehensive database of decisions, agendas, minutes, and committees. Decision reports (both executive and operational) can be drafted, reviewed, approved and released for publication with robust version control. It enables compliance with our access to information rules through enabling publication via the public web-site and through its workflow functionality. Additionally, Civica Modern.Gov currently provides an app that enables members to have the latest meeting papers (in electronic version) for committees which they can annotate and refer to during meetings.

7. This functionality remains relevant and utilised by officers and members of the council. However, the council has not undertaken a review of the current Civica Modern.Gov system configuration since 2017. Significant changes have, and continue to, shape the way the council operates and conducts its business. For example the council:
 - a. is undertaking a review of current constitutional arrangements. This is likely to bring forward new processes (such as new formats to publish the council constitution and consultation methods on key decisions) and structures (such as changes to scrutiny committees);
 - b. is actively examining how it can extend its duty of care to officers and members who require reasonable adjustments or accessibility aids in accessing council reports and/or meetings;
 - c. has recently introduced project management software which seeks to build in key milestones/project phases that require governance and decision making to interplay with large scale project management activity;
 - d. is currently considering and anticipating a more permanent legislative change that will enable the continuation of remote and/or hybrid meetings.
8. To this end, the council is aware of new innovations in product developments which we wish to explore in terms of future configuration options of the Civica Modern.Gov system software. In addition, over the course of the last four years, the council has noted some existing configuration issues that it would like to review and address. For example, use of the Civica Modern.Gov App has had limited uptake from members and some members have experienced difficulties in saving and archiving annotated PDFs.
9. Creating a more user friendly solution for officers and members will need to be a key focus of any reconfiguration options taken forward. A meeting with Civica Modern.Gov, officers and a small number of members will take place prior to awarding the contract to discuss reconfiguration options ahead of the direct award of contract.
10. Appendix A sets out the current functionality and configuration options that the council is currently using and the additional functionality that the council wishes to include as part of its direct award of contract to Civica Modern.Gov for the coming financial year, 2021/22.
11. During 2021/22, the council would like to invite Civica Modern.Gov to work with a Herefordshire Council member and officer working group. The purpose of that group will be to identify whether existing configuration options remain 'fit for purpose' and what additional functionality and configuration is required.
12. In compliance with the councils Contract Procedure Rules, a direct award via the CCS DAS Framework is recommended. Specifically, RM3821 - Lot2a (business applications). All suppliers on the DAS framework have been through a competitive process to be included in the framework. As part of this process value for money tests have been applied. Direct awards are permitted for a maximum of 5 years with a 2 year extension.

Community impact

13. The Council's County Plan 2020 to 2024 commits the council to the following underpinning principle - to make decisions based on evidence and work with respect, openness and accountability; strengthen local democracy, decision making and service delivery and involve more young people. We will do this through transparent decision-making.
14. Our corporate delivery plan, 2020 to 2022 highlights the importance of increased involvement in the democratic process. To realise this, we shall complete the promised governance review for the council so as to increase the opportunity for the involvement of all elected representatives in decision-making.

Environmental Impact

15. By assessing the configuration options available to the council through its continued use of Civica Modern.Gov it is seeking to maximise the ability of both members and officers to work remotely to undertake council business. During the Covid 19 social distancing requirements, the council has necessarily seen a marked reduction in travel requirements to attend public meetings. This in turn has had a positive impact on reducing carbon emissions from individual/shared journey requirements.
16. The lessons learned during Covid 19, the practices and new working methods that have been deployed as a result of the pandemic have shown that council business can operate equally effectively via remote meetings. By ensuring that Civica Modern.Gov is configured and future proofed to enable the council to continue to operate effectively in remote working circumstances.

Equality duty

17. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
16. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and

demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

17. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine ‘protected characteristics’. Following recent updates to the report templates Modern.Gov is now fully compliant with the recently updated Web Content Accessibility Guidelines..

Resource implications

18. As noted in the recommendations, the council is seeking to award a direct contract to Civica Modern.Gov. The council currently pays an annual fee to Civica Modern.Gov of £8,532.75 for our current configuration and service provision. On the basis that new and/or additional configuration options are required by the council, additional budget has been identified to cover possible uplifts in costs.
19. In addition, the Civica Modern.Gov annual fee rises by inflationary levels on an annual basis, estimated at 2.5 %. If the council chooses to extend our current arrangements with Civica Modern.Gov beyond 2021/22, this inflationary rise has been factored in to future years costs.

Revenue or Capital cost of project (indicate R or C)	2021/22	2022/23	2023/24	Future Years	Total
	£000	£000	£000	£000	£000
R	≤ £15	≤ £15.4	≤ £15.7		
TOTAL	≤ £15	≤ £15.4	≤ £15.7		≤ £46.1

Legal implications

18. The procedural requirements relating to public and private meetings held by local authorities are set in statutory provisions and for a council that operates a Leader/Cabinet model, the duties are set out in *Local Authorities (Executive Arrangements) (Meetings and Access to Information((England) Regulations 2012*
19. This statutory framework sets a duty to provide notice of meetings and publication of the agenda and the items for consideration available for public inspection within a statutory period and the order of business for public and private meetings.
20. The procurement of a decision management system supports the council in meeting not only the procedural requirements and also ensures its decision making is legally compliant.

Risk management

Risk:	Mitigation
If officers and members do not uphold the principles of good decision making then the council may make poor decisions which either result in lost opportunities, or increased costs.	Decision reports are subject to a quality assurance process which includes review by risk, legal, finance, governance and the lead director. Civica Modern.Gov provides this electronic management and quality assurance process.

21. This risk is managed at a service level on the Legal and Democratic Risk Register.

Consultees:

22. The Cabinet Member for Finance and Corporate services has been briefed on these proposals. A key condition attached to renewing contractual arrangements with Civica Modern.Gov is to ensure that the 'end user' experience for members is improved and strengthened. A key area of focus in any reconfiguration will be to place local members at the heart of any changes we introduce.

Appendices

Appendix A: Civica Modern.Gov Functionality

Background papers

None

Please include a glossary of terms, abbreviations and acronyms used in this report.