

## Record of an individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Decision made by</b>	Councillor Andrea Powell, Cabinet Member for Corporate Services
<b>Key decision?</b>	Yes Contract value for the council is above £75,000 threshold
<b>Date of decision</b> (same as date form signed)	21 <sup>st</sup> November 2023
<b>Name and job title of officer requesting the decision</b>	Simon Turner, IT Programmes Manager
<b>Officer contact details</b>	Tel: 07197 088359 Email: <a href="mailto:simon.turner@southandvale.gov.uk">simon.turner@southandvale.gov.uk</a>
<b>Decision</b>	To approve the renewal of the Microsoft Enterprise Agreement with Phoenix Software Ltd commencing 1 January 2024 for 3 years.
<b>Reasons for decision</b>	<p>The Microsoft Enterprise Agreement (EA) provides the software licence agreement which forms the basis of the office productivity suite, Microsoft 365, used by members and officers. Notably key application such as Outlook for email, Word, Excel and Teams among many others. Microsoft Enterprise Agreements are typically 3 year arrangements under local Government pricing plans and the councils current Agreement ends 31 December 2023</p> <p>The councils approved Technology Strategy details Microsoft 365 as being the productivity and collaboration suite which meets the councils need. Further transformation of some legacy systems is based on the councils 'cloud-first' approach using M365 to provide a future-proofed platform, for example systems as telephony (Teams) and file-share/collaboration (Teams/Sharepoint).</p> <p>The councils have already established the need to separate the shared Capita M365 tenancy into an autonomous council owned tenancy, all which requires the correct licences provided by the Enterprise Agreement to complete.</p> <p>Procurement advice has been sought and the councils will use KCS Procurement Services framework which provides the councils with a flexible vehicle to procure the software licences in accordance with the Public Procurement</p>

	<p>Regulations 2015. Phoenix Software Ltd are a provider on the Framework and are the councils current Microsoft Channel Partner and are able to provide the Enterprise Agreement using a Direct Award under the terms of the KCS framework.</p>
<p><b>Alternative options rejected</b></p>	<p>1 To not renew the Microsoft Enterprise Agreement – Not renewing the 3-year agreement would mean the councils would no longer be able to use M365 including key productivity applications such as Outlook for email, Word, Excel. All of which would stop working at the end of the current agreement as the use of the software is via subscription only.</p> <p>2 To use an alternate collaboration and productivity platform – Microsoft 365 is widely used across the public sector and private enterprise offering a range of application familiar to and used by a wide range of organisations. The decision to change to a different platform is strategic and has wider implications than which email system the councils use. The Technology Strategy has already established that the use of M365 via an Enterprise Agreement is the best option for the councils and investment into M365.</p>
<p><b>Legal implications</b></p>	<p>The procurement of the Microsoft Enterprise Agreement has been undertaken in accordance with the councils Contract Procurement Rules and in consultation with the procurement team.</p> <p>The procurement will be made using the KCS Procurement framework using a direct award to Phoenix Software Ltd (as the councils Microsoft Channel Partner). The framework complies with Public Procurement Regulations 2015 using standard terms and conditions appropriate for public sector procurements.</p> <p>There are always risks when the council enters into a contract and it cannot mitigate against all of them, especially when the council enters into a framework agreement whereby the contract has little scope for amendment. However this is the purchase of software licences without any services or support elements and the framework terms provide the councils with reasonable protection.</p>
<p><b>Financial implications</b></p>	<p>The financial implications are set out below, based on the current usage of M365 and number of licences being consumed by the councils. Annual costs will increase during the term of the agreement if additional posts are added to the establishment list or use of external consultants increase.</p> <p>There is already budget approved under the councils centralised corporate IT applications code.</p>

	Year 1	£72,870.12	
	Year 2	£72,870.12	
	Year 3	£72,870.12	
	<b>Total</b>	<b>£218,610.36</b>	
<b>Climate implications</b>	None directly from procuring Microsoft Enterprise Agreement. The Enterprise Agreement is the vehicle which enables the councils to use the M365 environment which provides the online collaboration platform providing the ability for members and officers to work remotely and online reducing the need for travel for example.		
<b>Other implications</b>	None		
<b>Background papers considered</b>	None		
<b>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</b>	None		
<b>List consultees</b>			
	<b>Name</b>	<b>Outcome</b>	
	<b>Date</b>		
Legal	Pat Connell	Agreed subject to amendments	02/11/2023
Finance	Maggie Xu	Approved via email	06/11/2023
Procurement	Angela Cox	Approved. This is a compliant route to market	06/11/2023
Sustainability	Chloe Bunting	Email response to support	09/11/2023
Diversity and equality	Lynne Mitchell	Email response to support renewal	2/11/2023
Communications	Vic Nickless	Email response to support	02/11/2023
Chief Executive	SMT	Agreed at SMT	15/11/2023
<b>Confidential decision?</b> If so, under which exempt category?	No		
<b>Call-in waived by Scrutiny Committee chairman?</b>	No		
<b>Cabinet member's signature</b> To confirm the decision as set out in this notice.	Signature _____ <i>Andrea Powell</i> _____		
	Date 21/11/2023		

**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY**

For Democratic Services office use only		
Form received	Date: 24 November 2023	Time: 07:49
Date published to all councillors	Date: 24 November 2023	
Call-in deadline	Date: 1 December 2023	Time: 17:00

## Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.  
Tel. 01235 422520 or extension 22520.  
Email: [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk)
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
  - refer the decision back to the Cabinet portfolio holder for reconsideration or
  - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
  - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

## Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

**A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:**

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
  - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
  - Changes to the household waste collection policy (affects all households in the district)
  - Reviewing a housing strategy (could have a significant impact on residents in many wards)
  - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
  - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

**The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.**