



Northamptonshire County Council

By Email
Andrew Rowson
request-456848-9ac2db29@whatdotheyknow.com

Please ask for: Freedom of Information
Tel: 01604 368360
Our ref: FR7878
Your ref:
Date: 13th February 2018

Dear Mr Rowson,

Information Request: FR7878

Thank you for your Freedom of Information request dated 12th January 2018 which was received by us on 15th January 2018. Your request has been dealt with under the Freedom of Information Act and is detailed below in italics with our response in bold.

(Please note the extract below has been taken directly from your original information request and is unedited).

Our Response

The Freedom of Information Team has been provided with the following information in response to your recent request on behalf of Northamptonshire County Council (NCC).

Background

Northamptonshire County Council is one of the founding partner authorities of Local Government Shared Services (LGSS). In the November 2017 meeting of the LGSS Joint Committee (<https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/626/Committee/14/Default.aspx>), a report produced by the consultants Agilisys about the state of the "ERP Gold" business software implementation programme was presented to Members (Item 5A). At the time the programme was behind schedule and had been affected by various complications. The report's first recommendation was that "LGSS go to market to appoint a seasoned programme manager to oversee the programme."

*The November ERP update report (Item 5, paragraph 4.5) states that:
"LGSS has managed to successfully engage someone and a new Senior Programme Manager has been contracted to start on 27th November. This individual comes with very significant ERP and other large system implementation experience, including in a shared service environment, and with excellent references."*

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Northamptonshire
County Council

Requests

In respect of the contract with the above-mentioned Senior Programme Manager appointed last November, I would like NCC to send me the following documents under FOI:

1) *A copy of the un-redacted, full final contract(s) with this service provider (i.e. not drafts or templates), showing dates, signatures, seals and contract reference number(s). Please note the comment in the Local Government Transparency Code 2015 about commercial confidentiality:*

"The Government has not seen any evidence that publishing details about contracts entered into by local authorities would prejudice procurement exercises or the interests of commercial organisations,..."

NCC has a services agreement with Opus LGSS for the provision of agency resources staff and contractors.

A copy of the contract is attached with redactions and removals for confidential information under s.40(2) and s.43 of the Freedom of Information Act 2000. Please see below for full details of both exemptions:

40. - (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if-

(a) it constitutes personal data which do not fall within subsection (1), and

(b) either the first or the second condition below is satisfied.

(3) The first condition is-

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-

(i) any of the data protection principles, or

(ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and

(b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

(4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is

exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).

(5) The duty to confirm or deny-

(a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and

(b) does not arise in relation to other information if or to the extent that either-

(i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or

(ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

(6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

(7) In this section-

"the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;

"data subject" has the same meaning as in section 1(1) of that Act;

"personal data" has the same meaning as in section 1(1) of that Act.

43. - (1) Information is exempt information if it constitutes a trade secret.

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

(3) The duty to confirm or deny does not arise if, or to

the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).

2) *A copy of the advertisement(s) relating to the above contract award opportunity published by NCC and/or LGSS*

A copy of the advert relating to the creation of a Dynamic Purchasing System (DPS) is attached. A copy of all contract awards by Opus LGSS are published and a copy of the last publication is attached.

3) *A list of the bidders for the Senior Programme Manager role*

Considering the background and timing of the requirement as set out in the Agilisys report, the decision was taken to approach specific sources likely to be able to meet this specialist requirement.

4) *Copies of the above-mentioned references provided to NCC/LGSS in respect of the Senior Programme Manager's experience and credentials.*

It is considered that references contain personal information and also commercial information relating to the companies providing the references. In addition, the references were provided in confidence. Accordingly the references are considered to be exempt under s.40(2), s.41 and s.43. Please see above and below for full details of the exemptions:

41. - (1) Information is exempt information if-

**(a) it was obtained by the public authority from any other person (including another public authority), and
(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.**

(2) The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.

However whilst we consider the exemptions apply as regards the references, we can confirm that three references were obtained, all of which detailed relevant experience and knowledge for the role. None of the referees had any hesitation in recommending the Senior Programme Manager for the role.

5) *A copy of the contract award notice(s) for the above contract(s) and details of where it/they were published.*

Please see attachment provided for Q2.

6) *Copies of all invoices submitted to date by the above-mentioned service provider to NCC or any of the LGSS partner authorities in respect of the Senior Programme Manager role.*

As the invoices submitted are group invoices which contain information in relation to a number of services, we have extracted the information relevant to the Senior Programme Manager and attach this for your ease.

7) *Copies of all email correspondence within LGSS and its partners/customers in connection with the procurement and appointment of the above-mentioned Senior Programme Manager position.*

Please find attached relevant emails from the two officers involved, found during the period from searches relating to the supplier names and individual appointed.

After downloading the LGSS Procurement Contracts Register today I cannot identify the Senior Programme Management contract. Please can you show me where it is found on the register, or explain why it isn't on the register.

As per detail above details of individual agency arrangements under the DPS are published separately.

The information supplied is provided for private use, such as non-commercial research purposes, and news reporting. Any other type of re-use will require the permission of the copyright owner under the Re-use of Public Sector Information Regulations 2015.

If you are unhappy with the response, you can ask the Council to review it. To do this please write to the address below:

Mr Simon Deacon
Reviewing Officer
Northamptonshire County Council
One Angel Square
Angel Street
Northampton
NN1 1ED

Email dataprotection@northamptonshire.gcsx.gov.uk

If our internal review does not resolve the issue to your complete satisfaction, you have the right to apply to the information Commissioner for a decision at the following address:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Or, if you have any complaints in respect of your information request please complete the on-line comments form that can be found at www.northamptonshire.gov.uk, along with a full set of guidance.

Yours sincerely

Freedom of Information/Data Protection Team
Business Intelligence and Project Management
E-Mail- freedomofinformation@northamptonshire.gcsx.gov.uk