



**CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUTINY  
COMMITTEE**

**MEMBERS UPDATE 2021/22**

**Issue: 1**

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**Article of:** Corporate Director of Place and Community

**Relevant Portfolio Holder:** Councillor David Evans.

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**SUBJECT: Exemption from contract procedure rules: Exacom software**

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Wards affected: Borough wide

## **1.0 PURPOSE OF ARTICLE**

1.1 To brief Members on a request for exemption from contract procedure rules, granted by the Chief Operating Officer, in relation to 'Exacom' CIL/S106 Administration software.

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## **2.0 BACKGROUND**

2.1 The Council manage two types of developer contributions - the Community Infrastructure Levy (CIL) and Section 106 Agreements (S106). Since 2014, the Council have managed the administration of these developer contributions, and the variety of projects funded from the receipts, through the 'Exacom' administration software. Exacom supports the processing of complex administration requirements, liability calculations, receipts, expenditure, appeals and enforcement.

2.2 Exacom was purchased by the Council in 2014, when CIL was adopted, following contractual and tendering rules at that time. However, due to the rolling contract arrangement and annual maintenance costs, the contract has now exceeded the £50,000 internal threshold for contract costs in relation to the requirement to tender.

## **3.0 CURRENT POSITION**

3.1 Exacom is a 'niche' product, and there are very few, if any, other suppliers providing this type of software with the same depth of functionality which is required to manage developer contributions. For the original contract (2014), officers obtained software demonstrations and quotations from several different companies, including Exacom, IDOX and Civica. Only Exacom had the breadth of

functionality that was required to administrate CIL and had an established set of local authority users that provided positive feedback of the software and company. Since then, Exacom has become the lead provider of planning obligation software and has few, if any, market competitors. It is therefore not practicable to obtain three written quotations on the basis that i) officers are happy with the software and support provided by Exacom which is now very much established and ii) there are an insufficient number of alternative companies to approach which could offer the same functionality in software.

- 3.2 Exacom have agreed to offer a fixed annual maintenance charge of £7350, plus VAT, for the next five years. There is more long-term value for money in gaining a fixed year deal for five years given the inflation costs of recent years, so this will ensure best value for money. The annual software maintenance cost for Exacom is relatively minimal, and is covered by the 5% administration provided by the CIL Regulations 2010 (as amended) so that, effectively, the cost is borne by the developer contributions. To the best of knowledge, there are no alternative providers offering the same quality or functionality of obligations management software.

#### **4.0 ACTION BEING TAKEN**

- 4.1 The purpose of this update is to notify Members that a request for exemption from contract procedure rules has been sought, and granted, from the Chief Operating Officer for the reasons set out above.

#### **5.0 SUSTAINABILITY IMPLICATIONS**

- 5.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

#### **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 There is a financial implication arising from this article as it relates to the ongoing purchase of software to administrate developer contributions. However, the costs for the software are funded from CIL revenue, as 5% of CIL monies collected by the Council must be used to cover its administration costs which includes software. Therefore, the cost of the software is included within the Strategic Planning and Implementation budget. The software will continue to reduce the resource impacts of CIL by providing an efficient administration process.

#### **7.0 RISK ASSESSMENT**

- 7.1 This Article is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers.

#### **9.0 HEALTH AND WELLBEING IMPLICATIONS**

- 9.1 There are no health and wellbeing implications arising from this report.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Article.

### **Equality Impact Assessment**

This article is for information only and does not have any direct impact on members of the public, employees, elected members and/ or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

None.