

**DMPC Decision – PCD 978**

**Title: Award of a 12 Month contract for the subscription to the Police National Legal Database (PNLD) with West Yorkshire Police**

**Executive Summary:**

The MPS is seeking approval to award a 12 Month contact renewal for the subscription to the Police National Legal Database (PNLD) for 2021 at a cost of £127,938.48.

PNLD provides officers with access to an on-line resource of criminal justice legislation and a legal database containing Acts of Parliament, Common Law, Regulations, Orders & Byelaws and Case Summaries.


**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to approve the award of a new 12 month contract via a Single Tender Action (STA) with West Yorkshire Police at a cost of £127,938.48, fully funded from the approved Digital Policing revenue budget.

**Deputy Mayor for Policing and Crime**

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature 

Date 9/4/2021

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC**

### **1. Introduction and background**

- 1.1. The contract will be for a period of 12 months, commencing from 01 April 2021 to 31 March 2022, for a total value of £128k.
- 1.2. The service has been in existence for over 25 years.
- 1.3. PNLD is a key tool in supporting MPS officers by providing on-line access to criminal justice legislation and a database containing Acts of Parliament, Common Law, Regulations, Orders & Byelaws and Case Summaries.
- 1.4. Previous renewals have not required MOPAC approval as they were undertaken as “Crown to Crown” transactions. Procurement rules have subsequently changed and as such the renewal must now be approved by the Deputy Mayor for Policing and Crime.

### **2. Issues for consideration**

- 2.1. The current MPS contract for the requirement expires on the 31 March 2021.
- 2.2. The contract spend is managed by the Service Delivery Applications Team within Digital Policing.
- 2.3. The PNLD subscription is purchased corporately across the MPS, for the period 2021.
- 2.4. West Yorkshire Police is the sole supplier of the PNLD.
- 2.5. PNLD's team of qualified Legal Advisers research new and amended legislation daily, reacting promptly to legislative changes. PNLD's legal database is considered by its users to be a trusted and vital tool of their trade.
- 2.6. PNLD is a national organisation governed by West Yorkshire Police with subscriptions purchased by all 43 English and Welsh police forces.
- 2.7. PNLD is a not for profit organisation.
- 2.8. There are currently no other existing suitable resources available to the MPS that covers the scope of services that PNLD provides.

### **3. Financial Comments**

- 3.1. The renewal cost is £127,938.48 which is a 2.5% increase on the 2020 cost. This cost will be funded from the MOPAC approved Digital Policing revenue budget.

3.2. There is no capital expenditure directly associated with this contract.

#### **4. Legal Comments**

4.1. Although the contract price for the provision of the service is beneath the financial threshold at which the Public Contracts Regulations 2015 (the PCR 2015) are fully applicable, it is nevertheless necessary to consider the lawfulness of the award of a contract by means of a STA.

4.2. Regulation 12(7) of the PCR 2015 provides an exception to the usual requirement to compete contracts in relation to contracts awarded to other public bodies to support the provision of public services to meet commonly held objectives. A further condition is that the provision of such services is governed 'solely by consideration relating to the public interest', on a not for profit basis.

4.3. On the basis of the information provided to DLS, we have concluded that it is highly likely that the contract with the Metropolitan Police and West Yorkshire Police for the provision of the PNLD services falls within the public-public co-operation exception described above. We are informed that the contract is performed on a not for profit basis.

#### **5. Commercial Issues**

5.1. Digital Policing Service Delivery will be purchasing a 12 month subscription to the PNLD and the procurement route will be via a Single Tender Action with West Yorkshire Police. The service will be paid for in advance via a one off payment as per previous renewals.

#### **6. GDPR and Data Privacy**

6.1. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.

6.2. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.

6.3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the contract meets its compliance requirements.

6.4. The project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

## **7. Equality Comments**

- 7.1. There are considered to be no negative equality or diversity implications arising from this process. Any approved suppliers will be evaluated for acceptable equality and diversity statements, as well as their ability to meet the MPS requirements under the Equality Act 2010 as suppliers to MOPAC. The evaluation exercise will consider their ability to act as a responsible employer and meet employment obligations deemed commensurate with wider GLA objectives.
- 7.2. In addition, it should be noted that the MPS support the Mayor's Responsible Procurement Policy including: Enhancing Social Value, Encouraging Equality and diversity, Embedding fair employment practices, Enabling skills, training and employment opportunities, promoting ethical sourcing practices and improving environmental sustainability.

## **8. Background/supporting papers**

- 8.1. Report

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

**Part 1 Deferral:**

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date:

**Part 2 Confidentiality:** Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form –NO

<b>ORIGINATING OFFICER DECLARATION</b>	<i>Tick to confirm statement (✓)</i>
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
<b>Legal Advice:</b> The MPS legal team has been consulted on the proposal.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.	✓
<b>Commercial Issues</b> The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
<b>GDPR/Data Privacy</b> <ul style="list-style-type: none"> <li>GDPR compliance issues are covered in the body of the report.</li> <li>A DPIA is not required.</li> </ul>	✓
<b>Director/Head of Service:</b> The Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC’s plans and priorities.	✓

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature



Date 7/4/2021



# MOPAC

MAYOR OF LONDON  
OFFICE FOR POLICING AND CRIME

## Award of a 12 Month contract for the subscription to the Police National Legal Database (PNLD) with West Yorkshire Police

### MOPAC Investment Advisory & Monitoring meeting March 2021

#### Report by Graham Healy

**Part 1 – This section of the report will be published by MOPAC. It is classified as OFFICIAL – PUBLIC**

#### ***EXECUTIVE SUMMARY***

The Metropolitan Police Service (MPS) is seeking approval to award a 12 Month contact renewal for the subscription to the Police National Legal Database (PNLD) for 2021. PNLD provides officers with access to an on-line resource of criminal justice legislation and a legal database containing Acts of Parliament, Common Law, Regulations, Orders & Byelaws and Case Summaries.

#### **Recommendations**

The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

1. To approve the award of a new 12 month contract via a Single Tender Action (STA) with West Yorkshire Police.

#### **Time sensitivity**

A decision is required from the Deputy Mayor by 30 March 2021. This is because the current contract for the requirement expires on 31 March 2021.

#### **Introduction and background**

1. The contract will be for a period of 12 months, commencing from 01 April 2021 to 31 March 2022, for a total value of £128k.
2. PNLD is a key tool in supporting MPS officers by providing on-line access to criminal justice legislation and a database containing Acts of Parliament, Common Law, Regulations, Orders & Byelaws and Case Summaries
3. Previous renewals have not required MOPAC approval as they were undertaken as “Crown to Crown” transactions. Procurement rules have subsequently changed and as such the renewal must now be presented to both Portfolio Investment Board (PIB) and Investment Advisory & Monitoring (IAM)

### Issues for consideration

4. The current MPS contract for the requirement expires on the 31 March 2021.
5. The contract spend is managed by the Service Delivery Applications Team within Digital Policing.
6. The PNLD subscription is purchased corporately across the MPS, for the period 2021.
7. West Yorkshire Police is the sole supplier of the PNLD.
8. PNLD's team of qualified Legal Advisers research new and amended legislation daily, reacting promptly to legislative changes. PNLD's legal database is considered by its users to be a trusted and vital tool of their trade.
9. PNLD is a national organisation governed by West Yorkshire Police with subscriptions purchased by all 43 English and Welsh police forces.
10. PNLD is a not for profit organisation.
11. There are currently no other existing suitable resources available to the MPS that covers the scope of services that PNLD provides.

### Contributes to the MOPAC Police & Crime Plan 2017-2021<sup>1</sup>

12. The subsequent award of this contract for the subscription to PNLD via West Yorkshire Police underpins key themes within the MOPAC Police and Crime Plan. For example: Access to the resource is key to helping deliver a better Police Service for London via improved accountability and ensuring where there is doubt about Police action, instant access is available to support operational decision making. In a wider context it supports our fight against crime and more importantly safeguarding young people and protecting the threats posed by violence against women and girls.

### Financial, Commercial and Procurement Comments

13. Costs will be funded from the MOPAC approved Digital Policing revenue budget.
14. The renewal cost is £127,938.48 which is a 2.5% increase on the 2020 cost.
15. Digital Policing Service Delivery will be purchasing a 12 month subscription to the PNLD and the procurement route will be via a Single Tender Action with West Yorkshire Police. The service will be paid for in advance via a one off payment as per previous renewals.
16. There is no capital expenditure directly associated with this contract.

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<sup>1</sup> [Police and crime plan: a safer city for all Londoners | London City Hall](#)

## Legal Comments

17. Although the contract price for the provision of the service is beneath the financial threshold at which the Public Contracts Regulations 2015 (the PCR 2015) are fully applicable, it is nevertheless necessary to consider the lawfulness of the award of a contract by means of a STA.

Regulation 12(7) of the PCR 2015 provides an exception to the usual requirement to compete contracts in relation to contracts awarded to other public bodies to support the provision of public services to meet commonly held objectives. A further condition is that the provision of such services is governed 'solely by consideration relating to the public interest', on a not for profit basis.

On the basis of the information provided to DLS, we have concluded that it is highly likely that the contract with the Metropolitan Police and West Yorkshire Police for the provision of the PNLD services falls within the public-public co-operation exception described above. We are informed that the contract is performed on a not for profit basis.

## Equality Comments

18. There are considered to be no negative equality or diversity implications arising from this process. Any approved suppliers will be evaluated for acceptable equality and diversity statements, as well as their ability to meet the MPS requirements under the Equality Act 2010 as suppliers to MOPAC. The evaluation exercise will consider their ability to act as a responsible employer and meet employment obligations deemed commensurate with wider GLA objectives.
19. In addition, it should be noted that the MPS support the Mayor's Responsible Procurement Policy including: Enhancing Social Value, Encouraging Equality and diversity, Embedding fair employment practices, Enabling skills, training and employment opportunities, promoting ethical sourcing practices and improving environmental sustainability.

## Privacy Comments

20. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.
21. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.



22. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the contract meets its compliance requirements.
23. The project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

**Real Estate Implications**

24. Not applicable.

**Environmental Implications**

33. Not applicable.

**Background/supporting papers**

34. Not applicable.

**Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.**

35. There are no sections within the Business Justification Paper that require exemption.

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