

LONDON BOROUGH OF CROYDON

To: all Members of the Council (via e-mail)
Access Croydon, Town Hall Reception

PUBLIC NOTICE OF KEY DECISIONS MADE BY THE ACTING COUNCIL SOLICITOR ON 6 DECEMBER 2016

In accordance with the Scrutiny and Overview Procedure Rules, the following decisions may be implemented from **1300 hours on 14 December 2016** unless referred to the Scrutiny and Overview Committee:

The following apply to each decision listed below

Reasons for these decisions: are contained in the attached Part A report

Other options considered and rejected: are contained in the attached Part A report

Details of conflicts of Interest declared by the Officer making the decision: none

OFFICER'S EXECUTIVE DECISION REFERENCE NO. : 0816ACS

Decision Title: Extension of Legal Services Framework

The Executive Director Resources in accordance with the decision reference 03.16ACE has delegated to the Acting Council Solicitor the power to make the decisions set out in the recommendations below:

Having carefully read and considered the attached report and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the report, and following approval of an exception under Regulation 3.3 of the Council's Tenders and Contracts Regulations by the Director of Strategy, Communities and Commissioning, the Acting Council Solicitor and Acting Monitoring Officer

RESOLVED:

1. to agree and implement a variation of the Legal Services Framework Agreements which commenced 1st April 2011 by way of an extension of the term by up to nine months from 1st April 2017 with the following legal services Framework providers:

Gowling WLG
DMH Stallard LLP
Pinsent Masons LLP
Sharpe Pritchard LLP
Ashfords LLP
Trowers and Hamlin LLP
Bevan Brittan LLP
DLA Piper

Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 14 December 2016** (5 working days after the decisions were made) unless referred to the Scrutiny and Overview Committee.
2. The Acting Council Solicitor shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
 - i) the Chair or Deputy Chair of the Scrutiny and Overview Committee and 4 members of that Committee; or
 - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Jim Simpson and James Haywood by the deadline stated in this notice. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
 - i) The grounds for the referral
 - ii) The outcome desired
 - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
 - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Acting Council Solicitor this would cause undue delay. In such cases the Acting Council Solicitor will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the decision taker for reconsideration, setting out in writing the nature of the concerns.
8. The Scrutiny and Overview Committee may refer the decision to Full Council if it considers that the decision is outside of the budget and policy framework of the Council.
9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.

10. The Full Council may decide to take no further action in which case the decision may be implemented.
11. If the Council objects to the decision it can nullify the decision if it is outside of the policy framework and/or inconsistent with the budget.
12. If the decision is within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision. The decision taker shall choose whether to either amend / withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
13. The response shall be notified to all Members of the Scrutiny and Overview Committee
14. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
15. **URGENCY:** The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process.

Signed: Acting Council Solicitor & Acting Monitoring Officer

Date: 06.12.16

Contact Officers: jim.simpson@croydon.gov.uk ; james.haywood@croydon.gov.uk

Telephone: 020 8726 6000 Ext. 62326 or 63319

PROFORMA

**REFERRAL OF A KEY DECISION TO THE
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Jim Simpson, Democratic Services & Scrutiny
e-mail to jim.simpson@croydon.gov.uk and james.haywood@croydon.gov.uk

Meeting:
Meeting Date:
Agenda Item No:

Reasons for referral:

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

The outcome desired:

**Information required to assist the Scrutiny and Overview Committee to consider
the referral:**

Signed:

Date:

Member of _____ Committee

For General Release

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| REPORT TO: | ACTING COUNCIL SOLICITOR |
| SUBJECT: | EXTENSION OF LEGAL SERVICES FRAMEWORK |
| LEAD OFFICER: | Sonia Likhari |
| CABINET MEMBER: | Cllr Simon Hall, Cabinet Member for Finance and Treasury |
| WARDS: | |
| CORPORATE PRIORITY/POLICY CONTEXT/ AMBITIOUS FOR CROYDON: This report proposes measures which are in support of a strategy designed to achieve greater efficiency and reduced costs in terms of the allocation of resource to, and purchase of, legal services | |
| FINANCIAL IMPACT The expenditure during 2015/16 on the delivery of legal services by the Council's competitively procured panel of law firms was circa.£2.6m. The implementation of a strategy approved in May 2016 to re-procure external legal services through an innovative single strategic partner and insource certain areas of legal work which are currently externalised is expected to deliver savings on current external solicitors' costs of 10% at a minimum. In order to secure continuity of service whilst the strategy is implemented and a robust procurement exercise undertaken it is necessary to extend the current Framework arrangements for a period of up to nine months from 1 st April 2017 at an estimated value of £1.95m | |
| KEY DECISION REFERENCE NO: 0816ACS | |

1. RECOMMENDATIONS

The Executive Director Resources in accordance with the decision reference 03.16ACE has delegated to the Acting Council Solicitor the power to make the decisions set out in the recommendations below:

- 1.1 Having carefully read and considered this report and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the report and following approval of an exception under Regulation 3.3 of the Council's Tenders and Contracts Regulations by the Director of Strategy, Communities and Commissioning, the Acting Council Solicitor and Acting Monitoring Officer is recommended to agree and implement a variation of the Legal Services Framework Agreements which commenced 1st April 2011 by way of an extension of the term by up to nine months from 1st April 2017 with the following legal services Framework providers:

Gowling WLG

DMH Stallard LLP
Pinsent Masons LLP
Sharpe Pritchard LLP
Ashfords LLP
Trowers and Hamlin LLP
Bevan Brittan LLP
DLA Piper

2. EXECUTIVE SUMMARY

- 2.1 There is a corporate need for uninterrupted high quality, cost effective legal services which respond to the Croydon Challenge and align with the Council's evolving needs. This is whilst also ensuring access to skilled, pragmatic and pro-active legal support in an environment where service transformation, innovative projects, evolving laws and an increased appetite to challenge Local Authority decisions maintain upward pressure on demand.
- 2.2 The Council's internal legal team (CLS) comprises of approximately 27 FTE made up of the Corporate and Social Care and Education Law legal teams. They provide advice across all departments, including governance and constitutional advice, planning, information management, procurement, major projects, ethics, whistleblowing, RIPA, contract management of the current external legal providers framework and adult services and child protection advice and case work, supported by an internal advocacy team. The majority of solicitors' services required by the Council are currently provided through the Solicitors' Framework. After exercising extension options the Solicitors' Framework will expire in March 2017
- 2.3 The Solicitors' Framework was established with ten legal services providers over four lots of work: Commercial; Litigation; Housing Property and Conveyancing and Sundry Debts.

3. DETAIL

- 3.1 Proposals set out in the Legal Services Strategy report [CCB1139/16-17] reflect the refreshed commissioning principles approved by Cabinet in March this year (Min. A32/16) particularly the outcomes sought through a 'make or buy' framework of 'expert' commissioning through procurement of a strategic partner law firm as the principal supplier of externalised legal work for the Council, whilst at the same time expanding the services provided through the internal legal team.
- 3.2 In 2015/16 total external legal spend through the Solicitors' Framework was circa £2.6m. It is anticipated that implementation of the proposals referred to above will result in a minimum 10% reduction in external solicitor's costs incurred through the Solicitors' Framework.
- 3.3 In order to secure continuity of high quality legal services pending the implementation of the approved strategy for the future provision of legal services, and the procurement of a single strategic partner, this report recommends that an extension by way of variation of the Solicitors' Framework

for a period of up to nine months (to 31st December 2017). Such extension has been agreed by the providers listed in the recommendations to this report and, once implemented, will allow time for a robust procurement process to be undertaken for the appointment of the strategic partner and in-tandem review of internal service provision

4. CONSULTATION

- 4.1 Consultation has been undertaken in relation to the overall strategy for the future provision of legal services as detailed in the Strategy report

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 The current cost of legal service provision through the Solicitors' Framework is c. £2.6m p/a. The value of a nine month extension would be c.£1.95m and will be funded from within existing budgets.

1. The effect of the decision

If the recommendation is implemented the Solicitors' Framework will be extended for a period of up to nine months (to 31st December 2017) with the listed providers.

2 Risks

The recommendation set out in this report forms part of the strategy for the future provision of legal services and any risks relating to such strategy are set out in the approved Strategy report. If the contract is not extended there is a risk that the Council will not have adequate legal advice and support leaving it exposed to further potential risks.

Also, without this extension it may be necessary to purchase services from alternative providers which could be at a higher costs.

3 Options

The recommendation set out in this report forms part of the strategy for the future provision of legal services and any risks relating to such strategy are set out in the approved Strategy report

4 Future savings/efficiencies

The continuation of contract management, the internalisation of more work to the internal team during the period of the Framework extension and the proposed centralisation of legal budget (all as referred to in the Strategy report) are expected to give rise to further efficiencies

Approved by: Lisa Taylor, Assistant Director of Finance and Deputy S151 Officer

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 6.1 The Acting Council Solicitor has delegated authority to make the decision recommended in this report

Approved by: Sonia Likhari, Corporate Lawyer, on behalf of the Acting Council Solicitor and Acting Monitoring Officer

7. HUMAN RESOURCES IMPACT

- 7.1 There are no HR implications directly arising out of the recommendations in this report

(Approved by: Jason Singh on behalf of the Director of Human Resources)

8. EQUALITIES IMPACT

- 8.1 There are no equalities implications arising directly from the recommendations in this report.

9. ENVIRONMENTAL IMPACT

- 9.1 The recommendations within the report do not give rise to environmental impact issues

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 Access to timely, cost effective, expert and responsive legal advice and support is critical in maintaining the Council's strong enforcement of measures against criminal activity and disorder offences

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 11.1 The expiry of the current Solicitors' Framework in March 2017 requires that prompt measures are taken to secure continued access to high quality legal services which offer good value for money in support of the Ambitious for Croydon agenda and the Croydon Challenge

12. OPTIONS CONSIDERED AND REJECTED

- 12.1 These are detailed in the Strategy report

CONTACT OFFICER: Sonia Likhari, Corporate Lawyer, x50009

BACKGROUND PAPERS - none