

Decision by Portfolio Holder



Report reference: BSS-001-2018/19
Date of report: 06 December 2018

**Epping Forest
District Council**

Portfolio: Business Support Services

Author: Simon Hill (ext. 4249) Democratic Services: J Leither

Subject: Service Level Agreement – Head of Legal Services and Monitoring Officer

Decision: To authorise the Head of Paid Service to enter into a Service Level Agreement with Broxbourne Borough Council for the provision of a shared post of Legal Services Manager and Monitoring Officer.

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a prejudicial interest. A Portfolio Holder with a personal interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ do not approve (delete as appropriate) the above decision:	
Comments/further action required:	
Signed: Cllr G Mohindra	Date: 10 th December 2018
<i>Personal interest declared by Portfolio Holder/ conflict of interest declared by any other consulted Cabinet Member:</i> None	<i>Dispensation granted by Standards Committee:</i> Yes/No or n/a
Office use only: Call-in period begins: 11 th December 2018	Expiry of Call-in period: 17 th December 2018

**After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY**

Reason for decision:

As part of the Transformation Programme and People Strategy, officers have been exploring ways to deliver services in innovative ways. Discussions have taken place with Broxbourne Borough Council to provide a shared Legal Service Manager and also provide this authority with Monitoring Officer cover that is required by statute. The Council will pay Broxbourne a sum under the SLA which will cover these services. The Council has not sought competitive quotes for these services given their nature.

Initialed as original copy by Portfolio Holder:
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Options considered and rejected:

A tender process could be initiated. However, public sector partners in the locality are limited.

Background Report:

1. The Council's People Strategy will implement a new officer structure during 2019. Appointments to Service Directors have already been made and the Council has now settled on a structure of seven Service Directors supported by a structure of Managers (Level 2 Officers) and Team Leaders (Level 1 officers). Recruitment to these posts is on-going from December 2018 through to May 2019. The current Assistant Director of Legal Services retires from the Council with effect from the 21 December 2018.

2. The current Monitoring Officer also leaves the Council's employment that day.

3. Discussions have been held with a number of potential legal partners. Having a local authority partners gives the Council resilience in a difficult recruitment sector where the proximity to London has meant it has been difficult to retain and train in some legal specialisms particularly planning. It is the aim of the Council, over time, to assess whether a completely shared legal service could be delivered to save money by the economy of scale. Any shared service would need to fit the purpose of both authorities and would be subject to further report.

4. This report, however, deals only with a proposal to have a shared Legal Services Manager. Under the Service Level Agreement, Epping Forest will pay Broxbourne a sum for them to provide a shared officer (currently their Head of Legal Services) to provide the Level 2 Manager Role and Monitoring Officer. The level of this SLA is below that currently being considered for level 2 managers. Furthermore, discussions have revealed synergies in the expertise across the two legal services sections and it is anticipated that officers from the two authorities will work across both authorities work providing mutual support. These arrangements will develop over time.

5. It is normally required for the Council to seek quotations for this type of service but given that a local public sector partner was desirable it is recommended that this SLA provides the best low risk option and provides the best potential to develop effective services.

6. Details of the SLA are available on request.

Resource Implications: The proposed agreement would cost £40,000 per annum plus on-costs for a minimum period of three years that is terminable by either party giving six month notice. It is proposed to start the new contract from January 2019 and funding has been secured from underspending elsewhere in the Governance Budget for the remainder of the current year. Funding for the new Level 2 management structure already forms part of the Council's budget proposals for 2019-20 which will be formally agreed as part of the budget in February 2019.

Legal and Governance Implications: The decision involves a waiver of the Procurement Rules, which normally requires a minimum of three contactors to be invited to tender where the Total Contract Value is between £50,001- £250,000. In this case, the Total Contract Value over the proposed 3-year period would be around £120,000.

Safer, Cleaner and Greener Implications: None

Consultation Undertaken: None.

Background Papers: Draft SLA

Impact Assessments

Risk Management: Equality Analysis:

The Equality Act 2010 requires that the Public-Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided separately to this report.

Key Decision Reference (Y/N): No