



East
Northamptonshire
Council

Policy and Resources Committee – 8 April 2013

Legal Shared Service

Purpose of report: This report provides Councillors with an update on the Council's legal shared service with Northampton Borough Council (NBC) and how it intends to respond to NBC's intention to join LGSS.

Attachment(s):

None

1.0 Introduction and update

- 1.1 As reported to Councillors at the Policy and Resources Committee on 11 March 2013, NBC officers have recently confirmed that they have been negotiating with LGSS about the transfer of their legal services to them. They have now formally confirmed that the transfer will take place with effect from 1 May 2013.
- 1.2 We are continuing to look at the two options available to us which are:
 - Joining LGSS.
 - Joining District Law (Formerly Connect Law - Kettering Borough Council and Wellingborough Borough Council, hosted by KBC).
- 1.3 Meetings have been held with LGSS and District Law and discussions are actively taking place about the service and contractual arrangements they would be able to offer to the council.
- 1.4 As anticipated, because of the late notice of the transfer date, and to ensure continuity of service in respect of legal advice, it is necessary for the Policy and Resources Committee to delegate the decision about whether it will be LGSS or District Law who provide ENC's legal services in the future.

2.0 Legal implications

- 2.1 Depending on who is selected to provide ENC's legal services in the future, there may be implications relating to TUPE. This will be taken into account prior to any decision being made. ENC will obtain independent legal advice, where it is considered necessary, on potential areas like preparing or advising on the content of contractual documentation.
- 2.2 A report will be taken to Council on 22 April to ensure transfer of delegated powers from Northampton Borough Council to the chosen shared service partner.

3.0 Risk implications

- 3.1 As reported to the Policy and Resources Committee in July 2012 and March 2013, there continues to be a risk that the shared legal service will not deliver all the desired benefits. There is also always a risk that a significant legal issue will arise that requires a substantial use of chargeable hours, beyond that contained in the contract, for example on a planning appeal. This risk would have existed even if legal services were still delivered by solicitors directly employed by ENC.

4.0 Financial implications

4.1 Any financial implications will be assessed when looking at future options and will be taken into consideration when looking at how to proceed. The Policy and Resources Committee will be provided with an update on the financial implications at a future committee. The aim will be to deliver the legal shared service within the existing budget (which excludes one-off items such as compensation payments or any required specialist external legal advice on matters such as employment issues, planning application appeals, examinations and regulatory enforcement cases).

5.0 Equality implications


5.1 There are no known equality issues at this time.

6.0 Recommendation

6.1 Councillors are asked to:

- 1) Delegate decision making regarding who will deliver ENC's legal services in the future, to the Chief Executive in consultation with the Leader of the Council, or in his absence, the Chair of the Policy and Resources Committee.

(Reason: to allow timely decisions to be made to ensure ENC has an effective and efficient legal support service in place if NBC does decide to join LGSS)

Legal	Power:				
	Other considerations:				
Background Papers: None					
Person Originating Report: Katy Everitt, Head of Resources & Organisational Development, 01832 742120, keveritt@east-northamptonshire.gov.uk					
Date: 26 March 2013					
CFO		MO		CX	

(Committee Report Normal Rev. 22)