

REPORT TO: Executive Board Sub Committee
DATE: 1st April 2011
REPORTING OFFICER: Strategic Director Resources
SUBJECT: Online Legal Library Services – Request to Waive Procurement Standing Orders
WARDS: All

1.0 PURPOSE OF THE REPORT

1.1 To request the suspension of Procurement Standing Orders 4.1 to 4.3 (tendering requirements), under the exceptional circumstances set out in this report.

2.0 RECOMMENDATION: That

2.1 **In light of the exceptional circumstances set out below, for the purpose of Procurement Standing Order 1.8.2, Standing Orders 4.1 to 4.3 be waived on this occasion in order to permit the Operational Director Legal and Democratic Services to enter into arrangements as indicated in 2.2 in light of the service advantages for the Council associated with such services and on the basis that the features, range and mix of reference sources available from LexisNexis in this format are not available from any other supplier.**

2.2 The Operational Director (Legal and Democratic Services) be authorised to enter into a contract for the provision of online legal library services from LexisNexis for an initial three year period (2011/12 subscription) and that subject to budgetary provision he be authorised in consultation with the Chair of Executive Board Sub-Committee to renew such subscription from time to time or enter into agreements with alternative suppliers as he judges necessary.

3.0 SUPPORTING INFORMATION

3.1 As an all-purpose authority the breadth of the Council's law library covers a very wide span: from child protection to planning, from emergency planning to governance, from court procedures to conveyancing precedents, from elections to school administration.

3.2 Over the years the Council's law library has seen an increasing proportion of electronic-based material but paper sources and the subscriptions that support these have grown as has the presence of electronic sources. We have passed a tipping point where the Council needs to move systematically to a predominantly online law library where paper subscriptions are exceptional rather than the norm.

3.3 Access to up to date information is one of the cornerstones of robust, effective and practical advice. The law is in constant change. Subscription to online services delivers topicality, accessibility and

reduction in delay without the need to update some forty volumes of paper encyclopaedias. It will also remove the need to administer replacement volumes of large and complex book series such as Halsbury's Laws and Halsbury's Statutes.

3.5 None of the online services cover all the sources to which Legal Services needs access. A limited number of paper subscriptions and purchases will continue alongside the LexisNexis service if approved by the Sub-Committee.

3.6 The cost of the LexisNexis annual subscription is £30,995 for 2011/12, £32,547 for 2012/13 and £34,176 for 2013/14. This can be sustained through the Council-approved legal services budget for each year. In addition access to Lexis-Nexis is intended for single approved users in Planning and Children's Services who will contribute their part of the approved budget for the service to the annual cost. The equivalent hardcopy cost is £41,206 for 2011/12.

4.0 BUSINESS CASE FOR WAIVING STANDING ORDERS

4.1 Value for money and Competition

4.1.1 No single online library provider is ideal. However the optimum match for the Council's needs is LexisNexis. Various alternative online services have been appraised through demonstration and through comparing notes with legal services of councils in Cheshire and in Merseyside. The favoured option beside Westlaw, Lawtel and a number of others is Lexis-Nexis which has been demonstrated to staff and which has been the subject of a free trial subscription.

4.2 Transparency

Subject to issues of commercial confidentiality information about the contracts would be accessible under the Freedom of Information Act and under the annual audit process.

4.3 Propriety And Security

The cost of entering into these contracts will be contained within available budgetary provision and the arrangements regarding propriety are provided by the Council's Standing Orders, Codes of Conduct and by the anti-corruption legislation including the Bribery Act 2010.

4.4 Accountability

Operational Director (Legal and Democratic Services) is responsible for the award of the contract. The contracts and the award process are open to PPB Scrutiny and the internal and external audit.

4.5 Position of the contract under the Public Contracts Regulations 2006

As these contracts are below the financial threshold and are exempt from the advertising and related requirements of the 2006 Regulations.

5.0 POLICY ISSUES

The proposed contract gives effect to the following key priority: *To create*

the maximum effect on the quality of life in the communities of Halton through the efficient use of the Council's resources.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

Provides a more current and firmer basis for delivery of all Council priorities.

6.2 Employment, Learning and Skills In Halton

All service areas will indirectly benefit from this more efficient legal reference provision.

6.3 A Healthy Halton

Along with all other service areas the reference library will provide a securely rooted basis for service delivery.

6.4 A Safer Halton

The LexisNexis service includes thorough reference material in support of the Council's duties under this heading and specifically in relation to vulnerable children and their carers.

6.5 Halton's Urban Renewal

The complete range of functions is addressed by the legal source materials included in LexisNexis.

FINANCIAL IMPLICATIONS

Financial implications of the contract will be met from approved budgetary provision.

7.0 RISK ANALYSIS

There is some danger of failed access to internet and of LexisNexis not being updated sufficiently. However to this extent many of the Council's services are dependent directly or indirectly on the integrity of the internet access and on contractual obligations by third parties to keep information up to date. The risk is not greater than that associated with these other aspects of the Council's services.

8.0 EQUALITY AND DIVERSITY ISSUES

LexisNexis provides full access to legal reference sources and materials covering Equality and diversity.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.