

**REPORT TO:** EXECUTIVE BOARD SUB COMMITTEE

**DATE:** 7<sup>th</sup> September 2006

**REPORTING OFFICER:** Strategic Director Corporate and Policy

**SUBJECT:** Legal Services – Joint Procurement Arrangements

**WARDS:** All

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To obtain authority for the Council Solicitor to select a firm or firms to form a standing approved list of external Solicitors.
- 2.0 **RECOMMENDATION: That the Council Solicitor be authorised to select a firm or firms to form standing call-off arrangements for external Solicitors to be drawn on exceptionally and as circumstances require and to take such other actions as may be necessary give effect to these arrangements.**

## **3.0 SUPPORTING INFORMATION**

- 3.1 From time to time the Council Solicitor needs to appoint external firms of Solicitors. Typically this happens where there is a temporary peak of work, where there is a need to cover for maternity or sickness, where there is a need for specialised advice or where circumstances are especially sensitive or that a degree of separation or demonstrated independence is required.
- 3.2 Appointing an external Solicitors is one of a range of responses to these and other situations. On occasions agency staff have been used and more often in connection with litigation Counsel have been used.
- 3.3 Whenever an external appointment of Solicitors has been made Standing Orders must be complied with. This usually involves having to get competitive quotes or formal tenders. This is time-consuming and has to be repeated on each occasion work is put out. The ad hoc process also makes poor use of the Council's purchasing power.
- 3.4 There is an alternative and that is that the Council Solicitor goes out to tender once to appoint a single firm or panel of firms which can be drawn on whenever needed. A panel is preferable as approved firms need to be available for certain specialised categories of work (which might include child protection). Some firms are generalists but others

develop authoritative specialisms in certain fields. Legal Services needs to be able to tap into both types of firm.

- 3.5 This is reflected in an initiative which the Council Solicitor has been exploring jointly with the chief legal officers of Knowsley MB, Sefton MB and West Lancashire DC. This has the advantage not only of using Halton's buying power to secure best prices but working with other authorities to secure potentially better charging rates.
- 3.6 During July Halton acting jointly with the other authorities will be advertising for expressions of interest. With the assistance of First Law (acting as procurement advisers) shortlists will be drawn up for each authority although it is anticipated that there will be a substantial overlap. The intention is that by October 2006 following tenders and presentations to the legal officers of all four authorities standing lists will be approved.
- 3.7 The arrangement will be for a period of three years with an option to extend for a further two years. There is no legal commitment to place any work with any firm on the approved list. The firms sign up to provide their services if and when one of the authorities makes a request. The rates to which the firms are bound are part of the tendering and selection process made on a blend of quality and price. There will be nothing to stop authorities continuing to place work with firms not on the approved lists if circumstances justify.
- 3.8 The Trade Unions have been consulted and have indicated support on the basis that the facility is available to deal with circumstances where legal work would currently be put out. The intended arrangement has no employment implications for existing staff.

#### **4.0 POLICY AND OTHER IMPLICATIONS**

This arrangement is consistent with the Council's Procurement Policy and with the Overall Aim: *To create the maximum effect on the quality of life in the communities of Halton through the efficient use of the Council's resources*. The costs associated with the procurement advisers will be divided amongst the four Councils. Halton's share will not exceed £3000 which will be met from existing budgetary provision.

#### **5.0 RISK ANALYSIS**

The risks and opportunities are being managed through the procurement process and contract documentation. There will be no joint liability with the other authorities. Documented systems will promote certainty, transparency and accountability.

#### **6.0 EQUALITY AND DIVERSITY ISSUES**

Criteria for selection will be applied in a way that is not discriminatory.

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

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
<b>NIL</b>	<b>n/a</b>	<b>John Tradewell</b>