

SUBJECT	Inter Authority Agreement for Bucks County Council Legal Services
RELEVANT MEMBER	Portfolio Holder for Resources - Cllr Barbara Gibbs
RESPONSIBLE OFFICER	Head of Legal & Democratic Services
REPORT AUTHOR	Joanna Swift, 01494 732761 joanna.swift@chilternandsouthbucks.gov.uk
WARD/S AFFECTED	None

1. Purpose of Report

This report seeks authority for the Chiltern and South Bucks joint Legal Service to carry out legal work for Buckinghamshire County Council from 1 October 2019 to 31 March 2020 together with Wycombe District Council.

Members of the Resources PAG are asked to advise the Portfolio Holder on the below recommendation to Cabinet.

RECOMMENDATIONS:

1. **That South Bucks District Council enters into an Inter Authority Agreement with Chiltern District Council and Wycombe District Council for the provision of legal services to Buckinghamshire County Council from 1 October 2019 to 31 March 2020**
2. **That the Head of Legal & Democratic Services be authorised to agree the final terms and conditions of the IAA.**

2. Reasons for Recommendations

To facilitate the re-establishment of an in-house legal service for Buckinghamshire County Council following termination of their external legal services contract with HB Public Law on 30 September 2019 and minimise redundancies across all organisations during the transition to a unitary council.

3. Content of Report

3.1. Buckinghamshire County Council (BCC) have outsourced their legal service provision to HB Public Law (HBPL) under an agreement which will come to an end on 30 September 2019. In the light of the move to unitary status, BCC agreed to pause a decision on the future provision of its Legal Services, to allow for discussions with District Council colleagues about the potential to introduce joint arrangements for provision of legal services, being mindful of the need to minimise redundancies across all organisations during the transition to a unitary council.

- 3.2. The Head of Democratic, Legal and Policy Services at Wycombe District Council identified spare capacity to lead on the recruitment of legal staff for BCC, as well as the management and charging arrangements for employment, contracts, planning and litigation lawyers. Capacity to provide professional supervision of BCC property and regeneration lawyers was identified by the Council's Head of Legal and Democratic Services, together with some capacity to undertake property work if required.
- 3.3. Joint arrangements have significant potential to reduce both administrative and service costs as well as according with the duty to secure best value under section 3(1) of the Local Government Act 1999. BCC have therefore agreed to enter into an Inter Authority Agreement with Chiltern, South Bucks and Wycombe District Councils for delivery of legal services from 1 October 2019 until vesting day.
- 3.4. The IAA will set out details of the services to be provided to BCC. For Chiltern and South Bucks joint legal services this will involve allocating legal instructions in respect of BCC property and regeneration work, providing professional supervision for the 4 BCC property lawyers recruited by Wycombe District Council, time recording and charging for supervisory work, charging for any property and regeneration work carried out by Chiltern and South Bucks legal staff, time recording and raising monthly invoices. All time spent by staff providing legal services to BCC will be charged on an hourly rate basis and invoiced a month in arrears.

4. Consultation

Not Applicable

5. Options (if any)

The Council could decide not to participate in the joint provision of legal services to BCC but this could increase the risk of redundancies arising in future and be detrimental to re-establishing BCC's in-house legal service.

6. Corporate Implications

6.1 Financial – The time spent by Chiltern and South Bucks staff on legal work for BCC will be recorded and BCC will be billed on a monthly basis.

6.2 Legal - Under section 1 of the Local Authority (Goods and Services) Act 1970 local authorities have power to enter into agreements to provide professional and technical services to other public bodies. This allows the District Councils to provide legal services to BCC and gives a wide discretion to include appropriate terms in relation to payment and other relevant matters.

7 Links to Council Policy Objectives

There are no specific links to the Council's Key objectives but the proposed IAA supports joint working between the Districts and BCC during the transition to the new unitary council.

9. Next Steps

The IAA will be finalised in readiness for the provision of legal services to BCC to start on 1 October.

Background Papers:	None other than referred to in this report
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