

Selby District Council

## Leader Urgent Decision Paper



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**To:** Leader of the Council  
**Date:** 18 December 2020  
**Ward(s) Affected:** All  
**Authors:** Alison Hartley, Solicitor to the Council  
**Lead Executive Member:** Councillor Mark Crane, Leader of the Council  
**Lead Officer:** Janet Waggott, Chief Executive

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**Title: Continuation of the Legal Services Service Level Agreement under the Better Together Collaboration Agreement between NYCC and SDC until 30 June 2021**

### **Summary:**

Since April 2018 legal services for Selby District Council have been provided in collaboration with the North Yorkshire County Council legal team through a shared service arrangement within the overarching Better Together Collaboration Agreement. This report seeks approval of an extension of the existing legal services collaboration until 30 June 2021. Once there is further clarity regarding the direction of local government review, the arrangement can be reviewed.

### **Recommendation:**

**To extend the existing Legal Services collaboration until 30 June 2021, pending review of the arrangement once the direction of the local government review affecting NYCC and SDC is more certain.**

### **Reason for recommendation:**

To continue the legal services collaboration pending clarity on the direction of local government review.

## **1. Introduction and background**

**1.1** The overarching Better Together Collaboration Agreement between SDC and NYCC was extended in 2019 to 30 June 2023. Following the recruitment of a new Solicitor to the Council to SDC in September 2019, the Legal SLA that sits beneath the Collaboration Agreement was extended to 31 December

2020. This was to enable the new Solicitor to the Council to review working arrangements with the NYCC Head of Legal, particularly in relation to legal advice to the SDC Planning Department. The local plan, development management and planning enforcement have been identified as a priority by Members, and these were areas of specialism in which the Better Together shared service was unable to provide SDC with the required level of resource.

## **2. Added resilience and resource in 2020**

- 2.1** The Solicitor to the Council's legal specialism includes extensive experience in planning law and local government. In March 2020, another very experienced planning solicitor was recruited by SDC. This has enabled significant legal support to be provided in house by SDC to the planning service regarding the local plan process and development management. More recently, a part time, temporary planning solicitor has been recruited for six months, specialising in the law relating to planning enforcement.
- 2.2** The allocated hours of work provided by NYCC to SDC has now shifted in emphasis to other areas of law, notably housing, regulatory, contract and property. A part time, temporary regulatory lawyer has been recruited by NYCC to provide additional legal advice in this area to SDC through the SLA.
- 2.3** The Better Together legal SLA covers legal advice regarding core business work undertaken by SDC, including contracts and commercial. Legal advice to support Project work is not included. Separate financial resource has been included in the Economic Development budget to fund external legal advice to support project work. In order to make best use of external legal resource, it is intended that the in-house team at SDC assist the Economic Development Team in liaising with external lawyers.

## **3. Time limited extension of Legal Services SLA**

- 3.1** The time frame for the Legal Services SLA between NYCC and SDC is due to expire on 31 December 2020. In light of the ongoing uncertainty for all the councils in North Yorkshire and York surrounding local government review at this time, the SDC Solicitor to the Council and the NYCC Head of Legal are both keen to extend the joint working arrangement until 30 June 2021. NYCC leadership supports this, and this report seeks authority from the Leader to this time limited extension. There is insufficient time to bring a report to an Executive meeting before the date of expiry of the present arrangement, and therefore an urgent decision is sought.

## **4. Alternative Options Considered**

- 4.1** Extending the shared arrangement beyond 30 June 2021 or ending the arrangement on 31 December 2020 and TUPE transferring staff back in house, would not be appropriate at this time in light of the present uncertainty regarding local government reorganisation proposals.

## **5. Implications**

### **5.1 Legal Implications**

None.

### **5.2 Financial Implications**

Adequate monitoring is in place to ensure costs are within budget including the additional resources made available.

### **5.3 Policy and Risk Implications**

Both Councils committed to Better Together arrangements where they bring financial and business benefits. These issues were covered in the approved business case for the shared service.

### **5.4 Corporate Plan Implications**

None.

### **5.5 Resource Implications**

None beyond those identified above.

### **5.6 Other Implications**

None identified.

### **5.7 Equalities Impact Assessment**

Not required.

## **6. Conclusion**

- 6.1** That the arrangements should be continued subject to the close monitoring and partnership working that is in place to maintain a high-quality legal advice service to SDC.

## **7. Background Documents**

None.

### **Contact Officer:**

Alison Hartley, Solicitor to the Council

[ahartley@selby.gov.uk](mailto:ahartley@selby.gov.uk)

Ext. 42095