



Report Reference Number: E/18/34

To: Executive
Date: 6 December 2018
Status: None Key Decision
Ward(s) Affected: All
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Lead Executive: Cllr Mark Crane, Leader of the Council
Member:
Lead Officer: Janet Waggott, Chief Executive

Title: Better Together – Legal Services Update Report

Summary:

Since April 2018 the bulk of the legal service for Selby District Council has been provided by North Yorkshire County Council under a shared service/Better Together arrangement.

Better Together projects are monitored via the Better Together Officer Steering Group and Joint Member Group.

When the arrangements were approved by the Executive at Selby, a report back to them on how the arrangements were working was requested. It had originally been intended to bring the report in February however it is being brought forward to December in advance of the departure of the current Selby DC Solicitor to the Council.

The report concludes that the arrangements overall work well. It identifies some challenges around workloads for both Selby and NYCC and indicates how the Councils are working in partnership to resolve them

Recommendations:

To note that the legal services project is working well overall despite challenges which are being resolved within the spirit of collaboration which underpins Better Together arrangements as a whole.

Reasons for recommendation:

To provide the Executive with the requested update and reassurance that the arrangements are delivering the service required.

1. Introduction and background

- 1.1 Since April 2018 the bulk of the legal service for SDC has been provided by NYCC under a shared service/Better Together arrangement. Under the arrangement, 4 members of the Selby team transferred under TUPE provisions and now provide the Selby service as NYCC employees. The costs are met by a transfer of budget. Three members of staff remain as Selby employees – the Solicitor to the Council and 2 part time trainee solicitors.

2. Overview of the Arrangements

- 2.1 Under the agreement NYCC provide SDC with 467 hours of legal work per calendar month – the equivalent of what the 4 staff would have done as Selby employees. Those hours are predominantly done by the 4 transferred staff but can be done by any member of the NYCC team. Any work done by other NYCC staff needs to be offset against work which the transferred staff do for NYCC. Work above the contract level which is not offset is charged at an hourly rate of £120/hour.
- 2.2 In Q1 and Q2 the hours worked for Selby have exceeded the contract amount. Although some work has been done by the transferred staff for NYCC, it has not been sufficient to offset the additional hours.
- 2.3 The key area of work which is putting pressure on delivery of the shared arrangements is in planning, highways and environment. Volumes of planning work at Selby remain very high which is to be expected given the scale of growth the District has seen. There have been insufficient hours undertaken by the transferred staff to offset this. More recently a combination of maternity leave and staff turnover has reduced the capacity of NYCC to service the needs of both Councils.
- 2.4 The work being done by the transferred staff for NYCC is principally around data protection and information governance where one senior solicitor is providing advice to both Councils. This has been well received by staff in both organisations with good feedback. It had been expected that more property work would be done for NYCC but both Councils are engaged in significant volumes of such work and so the offset hours have not been as great as expected.
- 2.5 The arrangements are monitored on a monthly basis using data from the time recording system. The monitoring meetings work well and the two councils are able to work together on mitigating the potential impacts of above contract

hours in terms of cost to Selby and impact on NYCC work. The monitoring arrangements allow the identification of hours spent on capital or programme for growth programmes or projects which are more properly attributable to those budgets rather than from the central recharges for legal.

- 2.6 Moving forwards, it has been agreed that Selby will fund an additional post undertaking planning work which will increase the monthly hours under the contract from 467 to 597. This funding is from the additional 20% increase allowed on planning fees which is ring-fenced in any event to be spent on the planning service (of which legal support is an important element). The post has now been advertised and an appointment is expected shortly. In the interim and until the post holder completes induction, the additional funding is being utilised to buy in additional external capacity through the E M lawshare legal services framework.

3. Compliments, complaints, PIs

- 3.1 The service specification includes the following performance measures

% of acknowledgement of instructions within the agreed SLA of files checked at file review

% of substantive response to queries and advice requests within the agreed SLA of files checked at file review.

4 client feedback forms on closed files to be sent to SDC directorate per month. Rating of 9 or 10 on 80% of feedback gathered.

- 3.2 Monitoring has shown no issues with meeting the performance measures

4. Alternative Options Considered

Should members be minded to end the arrangements the agreed specification requires 12 months' notice by either party. As the arrangement is working well overall, this option is not recommended.

5. Implications

5.1 Legal Implications

none

4.2 Financial Implications

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

4.3 Policy and Risk Implications

Both Councils have 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. Nothing in the monitoring indicates that the legal services project is not delivering as expected.

4.4 Corporate Plan Implications

Selby's corporate plan refresh provides that we will review our 'Better Together' collaborations with North Yorkshire County Council and consider options for future joint working – ensuring the chosen option continues to deliver benefits; especially for our customers and residents. This monitoring report contributes to that review

4.5 Resource Implications

None beyond those identified above

4.6 Other Implications

None identified

4.7 Equalities Impact Assessment

Not required

5. Conclusion

- 5.1** That the arrangements work well overall and should be continued subject to the close monitoring and partnership working that is in place.

6. Background Documents

None

7. Appendices

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