

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**12 JANUARY 2012**

**REPORT OF EXECUTIVE  
SCRUTINY COMMITTEE**

### **CABINET DECISION**

**CORPORATE, MANAGEMENT AND FINANCE – Lead Cabinet Member – Councillor David Harrington**

#### **EFFICIENCY, IMPROVEMENT, AND TRANSFORMATION (EIT) REVIEW OF LEGAL SERVICES**

1. Summary

This report presents the findings of the Executive Scrutiny Select Committee following the EIT review of Legal Services.

The Executive Scrutiny Select Committee received updates at key stages for independent challenge and were presented with the final report for comment at their meeting on 20 December prior to consideration by Cabinet.

The Select Committee supported the recommendations following discussion around the key topics set out in the report.

2. Recommendations

The Committee recommend:

1. Maintain the current in-house Legal Service taking account of 19% reductions in budget made to date.
2. Review the management of all the Council's spatial data sets to ascertain if further efficiencies or improvements can be gained by consolidating these services.
3. Undertake a tender exercise for the procurement of services provided by barristers.

3. Reasons for the Recommendations/Decision(s)

As part of the Council's EIT Programme, the Committee has undertaken the review with the aim of identifying options for future strategy, policy and service provision that will deliver efficiency savings while sustaining/improving high quality outcomes for SBC residents.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

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**SUMMARY**

This report presents the findings of the Executive Scrutiny Select Committee following the EIT review of Legal Services.

**RECOMMENDATIONS**

1. Maintain the current in-house Legal Service taking account of 19% reductions in budget made to date.
2. Review the management of all the Council's spatial data sets to ascertain if further efficiencies or improvements can be gained by consolidating these services.
3. Undertake a tender exercise for the procurement of services provided by barristers.

**DETAIL**

1. The attached report presents Cabinet with the findings of the EIT Review of Legal Services undertaken by the Executive Scrutiny Select Committee between June and December 2011.
2. The review forms part of a three year programme of EIT (Efficiency, Improvement and Transformation) reviews covering all services provided by the Council. The programme aims to ensure that all services are reviewed in a systematic way to ensure that they are provided in the most efficient manner, provide value for money and identify opportunities for service improvements and transformation.
3. Following consideration by Cabinet, an action plan will be submitted to the Select Committee setting out how approved recommendations will be implemented detailing officers responsible for action and timescales.

**FINANCIAL IMPLICATIONS**

4. The financial implications are detailed in the report.

**LEGAL IMPLICATIONS**

5. The maintenance of the in house service will help to ensure the councils statutory obligations are complied with.

## RISK ASSESSMENT

6. The risks associated with a reduction in legal services are identified in the report and are assessed as high in relation to safeguarding.

## SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

7. There are no community strategy implications arising from the report.

## EQUALITIES IMPACT ASSESSMENT

8. The recommendations do not require an equality impact assessment. The requirements of the Equality Act are given specific consideration in the provision of legal services during each process.

## CONSULTATION INCLUDING WARD/COUNCILLORS

9. Each main service management team is consulted at regular intervals and consultation was undertaken as part of the review.
10. The Executive Scrutiny Select Committee received updates at key stages for independent challenge and were presented with the final report for comment at their meeting on 20 December prior to consideration by Cabinet.
11. The Select Committee supported the recommendations for following discussion around the key issues set out in the report.

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<u>Education related</u>	No
<u>Background Papers</u>	None
<u>Ward(s) and Ward Councillors:</u>	Not ward specific.
<u>Property</u>	None