

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET SCRUTINY COMMITTEE

**Minutes of a Meeting of the Cabinet Scrutiny Committee
held on Thursday 14 August 2014 at 6 pm
in the Committee Suite, King's Court, Chapel Street, King's Lynn.**

PRESENT:

Councillors C Joyce (Chairman)
A Bubb (*substitute for J Loveless*), C J Crofts (*substitute for Mrs K Mellish*),
P Foster (Vice-Chairman), I Gourlay, A Lovett, T Manley,
Miss S Sandell, J M Tilbury, A Tyler (*substitute for J Collop*) and D Whitby

Portfolio Holders Present:

Councillor N Daubney, Leader

Management Team/Officers:

R Harding, Chief Executive

Apologies for absence were received from Councillors J Collop, J Loveless and
Mrs K Mellish

CSC36: **MINUTES**

The Minutes of the Meeting held on 17 July 2014 were agreed as a correct record and signed by the Chairman.

CSC37: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to report.

CSC38: **DECLARATIONS OF INTEREST**

Councillor Foster informed those present that he was involved in an investigation currently being conducted by the Council's Interim Monitoring Officer. The Committee agreed that Councillor Foster could remain in the meeting.

CSC39: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

There were no Members present under Standing Order 34.

CSC40: **CHAIRMAN'S CORRESPONDENCE**

The Chairman had no correspondence to report.

CSC41: **RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS**

There were no previous Committee recommendations.

CSC42: **MATTERS CALLED-IN PURSUANT TO STANDING ORDER 12**

There were no matters called-in pursuant to Standing Order 12.

CSC43: **PROVISION OF LEGAL SERVICES**

In response to questions from the Chairman, Councillor Joyce regarding the background as to the Council's current situation regarding the provision of legal services, Councillor Daubney explained that the Council had undertaken reviews of all services to identify opportunities for delivering services more efficiently thus achieving significant savings. The Borough Council had operated a commissioning model for the provision of legal services for the past two years or so. The model had proved to be successful in terms of reducing costs and broadening the range of professional expertise available to the Council.

Councillor Daubney further explained that the majority of services required were commissioned from third party organisations including:-

- Property related matters – NP Law.
- Prosecutions – various locally based private firms.
- Standards – North Norfolk District Council (NNDC)/East Law.
- Licensing – North Norfolk District Council/East Law.

In conclusion, Councillor Daubney explained that the one area of concern which had arisen concerning the commissioning model was the lack of resilience on occasions when the Legal Services Manager was not available. In order to address this, a decision had been taken to recruit an additional Lawyer post. However, the recruitment to the post was halted when the Legal Services Manager resigned from her post. This then provided the Council with an opportunity to take stock and consider the most appropriate options for the future. Interim arrangements were put in place and Emma Duncan of North Norfolk District Council was appointed as Interim Monitoring Officer and East Law, the in-house NNDC legal team, had extended the arrangements to incorporate the management of the section. The arrangement had worked extremely well and Service Managers and Management Team were very pleased with the service provided.

In response to questions from the Chairman, Councillor Joyce regarding the contracts the Council currently had with NP Law, East Law and local solicitors, the Chief Executive advised that the contract with NP Law had been recently renewed for a further two years. The Property Services service area was satisfied that NP Law provided a

good service which represented value for money. Local Solicitors were commissioned to undertake prosecutions on behalf of the Council. There was no significant cost to the Council as generally the solicitors recovered their costs. The proposed contract with East Law was on a rolling agreement with an annual review/break arrangement.

Councillor Crofts commented that East Law had been providing advice to the Council's Licensing Committee over the past two years and that the legal service provided had been exemplary.

Councillor Manley referred to paragraph 5.1 of the report – staffing, and asked what work would be undertaken for other customers of East Law by the Borough Council's staff. In response, the Chief Executive explained that the two Borough Council's officers, the Legal Executive and the Freedom of Information Officer would assist North Norfolk District Council when required within the public sector. He added that North Norfolk District Council staff would also assist the Borough Council when necessary in a reciprocal manner.

Following comments made by Councillor Tilbury regarding the management/supervision arrangements of staff, Councillor Daubney explained that management of employees would be dealt with via the Service Level Agreement and any feedback relating to the performance of employees should be addressed to the Chief Executive.

In response to questions from Councillor Gourlay regarding the cost of commissioning local solicitors, the Chief Executive advised that no expenditure above £500 had been incurred by the Council as the local firms generally recovered the costs when undertaking prosecution cases.

Councillor Tyler referred to the new arrangement for the Standards regime and asked Councillor Daubney if Cabinet was satisfied that the work undertaken by the Interim Monitoring Officer was adequate. In response, Councillor Daubney advised that with the new guidelines issued for dealing with Standards within the authority, the Monitoring Officer role had changed and the Council had therefore taken the decision to appoint Emma Duncan as the Council's Interim Monitoring Officer which had proved to be a very satisfactory arrangement.

Councillor Lovett referred to paragraph 7.1 of the report – options considered and asked how much higher the cost would be if the provision of legal services remained in-house. Councillor Daubney explained that he did not have the exact cost to hand, but that savings of around £70,000 per annum had been achieved against the budget for the current year.

Councillor Manley commented that previously a solicitor had been present at Planning Committee meetings, but that this practice had now been discontinued and asked if there was an opportunity to acquire legal advice when necessary under the proposed arrangements. In response, Councillor Daubney explained that the Chairman of the Planning Committee would, if necessary, be able to obtain the required legal advice. The Chief Executive advised that Eastlaw was providing legal presence at King's Court on a daily basis via a rota system. Full Council approval was being sought to recruit a full-time Assistant Solicitor based predominately at King's Court and a Trainee Solicitor to be based across NNDC and the Borough Council. If at any time the Planning Committee required legal input, arrangements would be put in place for a solicitor to be present at the meeting.

In response to questions from the Chairman, Councillor Joyce regarding legal advice relating to contracts, the Chief Executive explained that the Council's Procurement Team would look at the contractual side of any agreements, however, with regard to the Eastlaw contract legal advice would be obtained from an alternative source (other than Eastlaw).

CSC44: **PORTFOLIO HOLDERS' DECISIONS MADE UNDER DELEGATED POWERS**

There were no Portfolio Holders' Decisions to consider.

CSC45: **DATE OF NEXT MEETING**

It was noted that the next meeting of the Cabinet Scrutiny Committee was scheduled to be held on Thursday 18 September 2014 at 6pm.

Meeting closed at 6.30 pm