

**Decision No
DEL 2013/01**



**REPORT TO: CHIEF EXECUTIVE POLICE AND CRIME
COMMISSIONER FOR LANCASHIRE**

REPORT BY: DEPUTY CHIEF EXECUTIVE

DATE: 24 JUNE 2013

TITLE: PROVISION OF LEGAL SERVICES

Appendix A refers

EXECUTIVE SUMMARY

Agreement to enter into a Service Level Agreement with Preston City Council for the provision of legal advice and support to the Office of the Police and Crime Commissioner between 1 May 2013 and 31 March 2014.

RECOMMENDATION

That the Chief Executive agrees to

- i) enter into a Service Level Agreement with Preston City Council for the provision of legal advice and support to the Office of the Police and Crime Commissioner (OPCC) between 1 May 2013 and 31 March 2014, at an equivalent annual cost of £11,560 (£55.60 per hour at 4 hours per week);
- ii) waive Standing Order 2.1.2 to enable the Chief Executive to enter in the contract without obtaining written quotations or inviting tenders.

Decision taken by the Police and Crime Commissioner for Lancashire:

Original decision, as set out in the attached report, approved without amendment (please delete as appropriate)	YES	NO
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Original decision required to be amended and decision as detailed below:

The reasons for the amended decision are as detailed below:

Chief Executive: Comments

DECLARATIONS OF INTEREST

The PCC is asked to consider any personal / prejudicial interests he may have to disclose in relation to the matter under consideration in accordance with the law, the Nolan Principles and the Code of Conduct.

STATEMENT OF COMPLIANCE

The recommendations are made further to legal advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation.

<p>Decision taken under delegated powers in accordance with Article 8 of the Interim Scheme of Governance – Officer Decision Making</p> <p>Standing Order 2.1.2 waived</p>	<p>Signed:</p> <p>Chief Executive and Solicitor:</p> <p>Date:</p>
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	<p>Signed:</p> <p>Chief Finance Officer:</p> <p>Date:</p>
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1. Background and Advice

- 1.1 The Chief Executive and Solicitor is legal adviser to the Police and Crime Commissioner (the Commissioner) and undertakes the statutory role of Monitoring Officer. To enable the Chief Executive to carry out her full responsibilities, the roles of legal adviser and Monitoring Officer are supported and supplemented by Preston City Council, whose legal team undertakes the role of Deputy Monitoring Officer and provides legal advice and support to the Office of the Police and Crime Commissioner (OPCC) in relation to its day to day business.
- 1.2 Preston City Council previously provided legal services, including the role of Deputy Monitoring Officer, to the Lancashire Police Authority. On 22 November 2012 the contract for legal services transferred from the Police Authority to the Police and Crime Commissioner as part of the statutory stage 1 transfer of all staff, assets and liabilities, under the Police Reform and Social Responsibility Act 2011 (the Act).
- 1.3 The contract with Preston City Council for the provision of legal services ended on 30 April 2013. There is a continuing need for legal services to be provided to the OPCC to supplement the legal advice and support provided personally by the Chief Executive. Both the OPCC and Preston City Council are members of the North West Legal Consortium and have access information about the range of charges for legal services through the Consortium's members.
- 1.4 The Act provides for a second statutory transfer to take place by 1 April 2014, when commissioners will agree with their chief constables which staff, assets and liabilities will stay with the commissioner and which will transfer to their chief constable. Therefore, when looking at the future provision of legal services, consideration has been given both to the period from 1 May 2013 to 31 March 2014 and subsequently from 1 April 2014.
- 1.5 The Commissioner is committed to working with local partners to deliver better services and to ensure that resources are used effectively.
- 1.6 Following the Stage 1 transfer, the Chief Executive discussed with the legal advisers from Preston City Council, whether they would be willing to enter into a shared service arrangement with her office, to provide legal services to the OPCC for the initial interim period 1 May 2013 to 31 March 2014, on a similar arrangement to that provided under the previous contract.
- 1.7 Preston City Council have agreed to provide legal services for the period from 1 May 2013 to 31 March 2014, on the basis outlined in the Service Level Agreement attached at Appendix A. This will allow for legal advice and support to continue to be provided to the OPCC on the same basis as previously.
- 1.8 As part of the preparations for the Stage 2 transfer, over the coming few months, the OPCC will be exploring opportunities for working with local partners, and the break in the proposed agreement with Preston City Council at 31 March 2014 will provide flexibility when considering suitable arrangements for the longer term.
- 1.9 Standing Order 2.1.2 provides that the Chief Executive may enter into contracts

"between £6,000 and £60,000 in value, provided that a reasonable number of (not less than three) written competitive quotations or tenders for each contract have been

received (unless the contract is one caught under Standing Order 6.1 in which case tenders and quotations will not be required.)" (Standing Order 6.1 does not apply in relation to this proposed agreement.)

If it proves impossible to comply with the requirements set out at 2.1.2, the Chief Executive may agree to waive these provisions provided that the reasons for doing so are lawful and recorded in writing.

The proposed charges represent value for money as, by entering into a partnership arrangement with a local authority, they are significantly lower than they would be by going out to tender. It is therefore recommended that Standing Order 2.1.2 be waived.

2. Consultations

N/A

3. Implications:

This item has the following implications, as indicated:

3.1 Risk management

It is essential the OPCC has continued access to adequate legal advice and support on a day to day basis. Given the knowledge and experience built up by Preston City Council's Legal Services team over a number of years, this arrangement would provide continuity of support and stability in the provision of legal services, during the initial interim period, when the OPCC team will be preparing for further significant changes as part of the Stage 2 transfer.

3.2 Financial Implications

The charges are set out at Appendix D to the Service Level Agreement and are on the basis that the OPCC will pay equivalent of £11,560 per year, charged at 4 hours per week at £55.60 per hour, and any hours worked above 4 hours will be charged at the hourly rate for each extra hour worked.

4. Background Papers

Paper: Lancashire Police Authority - Legal Services Specification
January 2008

Contact / Telephone: Mrs Durber 01772 533587

5. Public access to information

Information in this form is subject to the Freedom of Information Act 2000 and other legislation.

Any fact or advice that should not be made automatically available on request will not be included in Part I but instead as a Part II form.

Decisions will be available on the Police and Crime Commissioner's website within 2 working days of being approved.

Deferment of publication is only applicable where release before the decision date would compromise the implementation of the decision being approved.

Is the publication of this decision be deferred? No

Is there a Part II form:- No

Officer declaration	Date
The legal services team have been consulted on this proposal.	17.6.13
LEGAL IMPLICATIONS	
The Chief Finance Officer has been consulted on this proposal.	13 6 13
FINANCIAL IMPLICATIONS	
EQUALITIES IMPLICATIONS	