

Decision No 2015/59



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

**REPORT BY:** Angela Harrison  
Director

**DATE:** 16 November 2015

**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 & Crime Commissioner between 1<sup>st</sup> April 2015 and 31<sup>st</sup> March 2016.

#### **RECOMMENDATIONS**

That the Commissioner retrospectively agrees 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 & Crime Commissioner (OPCC) between 1<sup>st</sup> April 2015 and 31<sup>st</sup> March 2016 on the basis set out in the Report.
- Waive Standing Order 2.1.2 to enable the Director to enter in the contract without obtaining written quotations or inviting tenders.

**Decision taken by the Police and Crime Commissioner for Lancashire:**

<b>Original decision, as set out in the attached report, approved without amendment (please delete as appropriate)</b>	<b>YES</b>	<b>NO</b>
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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:

**Police and Crime Commissioner: 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.

**Signed:**



**Police and Crime Commissioner**

**Date:**

20<sup>th</sup> November 2015.

## 1 Background & Advice

- 1.1 The Director provides some legal advice to the Police & Crime Commissioner (the Commissioner) and undertakes the statutory role of Monitoring Officer. To enable the Director 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 some legal advice and support to the Office of the Police & Crime Commissioner (OPCC) in relation to its day to day business.
- 1.2 Preston City Council has provided legal services, including the role of Deputy Monitoring Officer, to the Lancashire Police Authority and to the Commissioner further to the abolition of the Police Authority. The contract for legal services transferred from the Police Authority to the Police & Crime Commissioner in November 2012 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 In June 2013, the Chief Executive, under delegated authority, agreed to enter into a service level agreement with Preston City Council until March 2014. During 2014/15 there was a change of personnel and the Chief Executive left the Commissioner's employment in August 2014 and the office recruited a Director in April 2015 whose role is referenced above. During this period, legal services were continued to be provided to the Commissioner on the same basis as the 2013/14 contract. The Director still requires support throughout 2015/16 and through an exchange of letters in April 2015 by the Director and the City Council, it was confirmed the previous arrangement for 2014/15 would be continued them for 2015/16, and clearly indicated that the position would be reviewed in year for 2016/17 onwards. Therefore, the Director retrospectively recommends that the arrangements with Preston City Council continues during 2015/16. It is accepted that this request is post the contract actually starting and that is unfortunate. The failure to seek a formal decision is an oversight on behalf of the Director and has been identified as an oversight through recent freedom of information requests.
- 1.4 Preston City Council are agreeable to provide legal services for the period from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016, on the basis outlined in the Service 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.
- 1.5 Standing Order 2.1.2 provides that the Director may enter into contracts  
*"between £7,000 and £70,000 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 Director may agree to waive these provisions provided that the reasons for doing so are lawful and recorded in writing".*
- 1.6 The Standing Orders therefore are requested to be waived. In this instance the Director does not to exercise her delegation to enter into a service level agreement

nor her delegation to waive the standing order concerning quotes but rather requests that the Commissioner review the information provided and give his retrospective approval if he should choose to do so. The Director's previous employer was Preston City Council and she was one of a number of people who delivered the legal service to the Commissioner's Office on behalf of Preston City Council and so for the purposes of transparency this matter now comes before the Commissioner. Alternatively, the Commissioner may decide to terminate the current arrangements by way of 3 months notice and seek to go out to quotes from interested parties for a continued provision of legal service.

- 1.7 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 and the SLA be formally agreed by the Commissioner.

**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 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. The arrangements for 2016/17 will be reviewed.

**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 £11,560 per year, which amounts to 4 hours per week at £55.60 per hour. Any hours worked above 4 hours will be charged at the hourly rate for each extra hour worked.

**4 Background Papers**

Paper: Decision Paper 24<sup>th</sup> June 2013  
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**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 Part II form.

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