



DRAFT PORTFOLIO HOLDER DECISION NOTICE

PROPOSED INDIVIDUAL DECISION BY THE LEADER

TOPIC - LEGAL SERVICES – CALL OFF CONTRACT

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Corporate Director (Governance), the Chief Executive and the Head of Finance are consulted together with Chairman and Vice Chairman of the Principal Scrutiny Committee and all Members of the relevant Scrutiny Panel (individual Ward Members are consulted separately where appropriate). In addition, all Members are notified.

Five or more of these consulted Members can require that the matter be referred to Cabinet for determination.

If you wish to make representation on this proposed Decision please contact the relevant Portfolio Holder and the following Committee Administrator by 5.00pm on Tuesday 19 October 2010.

Contact Officers:

Case Officer: Howard Bone 01962 848 552 hbone@winchester.gov.uk

Committee Administrator: Nancy Graham 01962 848 235, ngraham@winchester.gov.uk

SUMMARY

- Most local authorities (including the City Council) require specialist external legal advice from time to time to supplement in-house provision.
- A number of local authorities in the south have collaborated on a joint procurement exercise with the objective of setting up a framework agreement for external legal advice involving a number of legal firms. Such arrangements have proved to be both cost-effective (in terms of the rates offered, which are discounted from the usual rates) and efficient (allowing appropriate firms to be selected quickly on the basis of the tendered rates, saving time and the cost of seeking quotes/tenders).

- The agreement would then allow participating local authorities to “call-off” legal work under the framework agreement at prices set out in the agreement.
- The procurement has been undertaken by members of the Southern Branch of the Association of Council Secretaries and Solicitors (AcSeS). The opportunity was advertised and a large number of firms expressed interest. Tenders were invited from a list of firms compiled following a selection exercise, and these tenders have been evaluated to identify those firms who will be included in the framework agreement.
- The Contracts Procedure Rules permit the use of such framework arrangements provided that the use of the framework has been approved. This Decision Notice therefore seeks approval of the framework arrangement to allow the City Council to call off legal work from the agreement as and when required.
- Entering into the framework agreement does not commit the Council to calling-off any work, nor is there any commitment to expenditure under the agreement unless and until work is ordered under it.

PROPOSED DECISION

That the use of the Framework Agreement for the Provision of Legal Services 2010, procured by the Southern Branch of AcSeS (on behalf of member local authorities), be approved for the purposes of Contracts Procedure Rule 2.4 (b) i.

REASON FOR THE PROPOSED DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- The use of framework arrangements is encouraged by Government and procurement specialists as a way of reducing procurement costs and achieving value for money.
- Entering into the framework does not commit the Council in any way, but does give it access to the preferential rates obtainable under the agreement, as well as reducing the time and cost of selecting providers of legal advice.
- Although the use of external legal advice has reduced in recent years, there are still situations where such advice is necessary or desirable. These include the need for particularly specialist advice, or where a third party is meeting the costs of the advice.
- The framework arrangements provide for appropriate indemnities and insurance to cover situations where negligent advice is received from a firm engaged under the agreement.

RESOURCE IMPLICATIONS:

- Entering into the agreement has no budget implications.
- Before any call-off is ordered under the agreement, officers will ensure that appropriate budgetary provision has been made to meet the costs of the particular advice which is being ordered.

CONSULTATION UNDERTAKEN ON THE PROPOSED DECISION

The Leader has been consulted. No other consultation is considered necessary given the fact that the services will be provided to the City Council, rather than residents or organisations.

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

n/a

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

n/a

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

n/a

Approved by: (signature)

Date of Decision

Councillor Kelsie Learney – Leader