

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Cabinet **DATE:** 19 March 2018  
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**WARD(S):** All.  
**PORTFOLIO:** Sabia Hussain – Transformation and Performance

**PART I**  
**KEY DECISION**

**SHARED LEGAL SERVICES WITH LONDON BOROUGH HARROW**

**1 Purpose of Report**

This report sets out proposals for the integration of Slough Borough Council (SBC) Legal Services with HB Public Law, the shared legal service hosted by the London Borough of Harrow (LBH) and providing legal services to Harrow, Barnet, Hounslow, Buckinghamshire, Aylesbury Vale and the London Waste Authority. The case builds on successful work to date between the two Authorities.

Part II of this report contains information relating to the business or financial affairs of the Council or others or relating to consultations in connection with labour relations matters affecting employees and is thus exempt information under the Access to Information Rules contained in part 4.2 of the Constitution.

**2 Recommendation(s)/Proposed Action**

The Cabinet is requested to resolve:

- (a) That delivery of the Council's Legal Services through HB Public Law for a period to be set out in an Inter-Authority agreement be agreed.
- (b) That the delegation be agreed to the London Borough of Harrow of the discharge of the Council's function in respect of the delivery of legal services in accordance with s101 and s113 of the Local Government Act 1972 and the Local Government (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- (c) That the Head of Legal, London Borough of Harrow be authorised to institute, defend or participate in any legal proceedings and sign documents on behalf of the Council.
- (d) That authority be delegated to the Director of Finance Resources, following consultation with the Cabinet Member for Transformation and Performance, to execute an Inter Authority Agreement with London Borough of Harrow and take any other necessary actions to give effect to the proposals for a new shared Legal service detailed in the report.

### 3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

#### 3a. Slough Joint Wellbeing Strategy Priorities –

In order to meet the priorities agreed with partners organisations the Council needs back office services, including legal services, which are able to support the following priorities:

1. *Protecting vulnerable children*
2. *Increasing life expectancy by focusing on inequalities*
3. *Improving mental health and wellbeing*
4. *Housing*

#### 3b. Five Year Plan Outcomes

This Council is committed to meeting the outcomes of its Five Year Plan and ambitions for its residents. In order to achieve this, the Council needs back office services, including legal services, which are able to support these ambitions. It has been apparent for some time that the significant reductions in central government funding demand a fresh look at how the Council might continue to receive the legal advice that supports its needs.

The proposal provides for a legal service which is able to offer increased resilience and improved quality of service at a lower overall cost to the Council which will enable all of the following five year plan ambitions to be achieved

- *Our children and young people will have the best start in life and opportunities to give them positive lives.*
- *Our people will become healthier and will manage their own health, care and support needs.*
- *Slough will be an attractive place where people choose to live, work and visit.*
- *Our residents will have access to good quality homes.*
- *Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents*

### 4. Other Implications

#### (a) Financial

Due to a progressive depletion in the Council's in house legal services capacity, considerable reliance has needed to be placed on external legal services providers to meet the Council's legal services needs, on an ad hoc basis, at considerable cost.

#### (b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
Delivery of the Council's legal	Without the implementation	purchase of legal services	Economic / Financial	Delivery of the Legal Services

<p>services needs via HB Public Law though delegation of its legal services function pursuant to the Local Government Act 1972 under an inter-authority agreement</p>	<p>of robust and resilient arrangements to meet the Council's needs for legal services there is a risk of decisions being made or actions taken which increase financial or reputational risk. In addition extensive reliance is placed on the Service Lead for this area delaying timely progress on matters.</p>	<p>from external providers and reliance on Service Lead for this area.</p>	<p>6 Risk: Low Impact: Marginal  Legal / Regulatory  9  Risk: Low Impact: Critical</p>	<p>function by a joint service through an inter-authority agreement overseen by the Service Lead for this area.</p>
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(c) Human Rights Act and Other Legal Implications

The shared services arrangements will be documented in an Inter Authority Agreement to be entered into by SBC and LBH. Under s101 of the Local Government Act 1972 SBC can arrange for the discharge of its functions by another local authority and there is also a legal basis for the sale and purchase of services between local authorities using s1 of the Local Authorities (Goods and Services) Act 1970. It is not considered that there are any Human Rights Act implications arising from this report.

(d) Equalities Impact Assessment

There is no identified need for an EIA arising from this Report.

(e) *Property*

An on-site presence in the form of HBPL desks will remain in SBC. The desks will be reserved for use by HBPL staff working in SBC offices with full HBPL ICT functionality.

**5 Supporting Information**

**5.1 Background**

5.1.1 In a continuing climate of financial austerity SBC's internal legal services face a number of challenges including:

- Repeated budget cuts resulting in an in-house legal department that lacks critical mass, resilience and long term viability.
- Recruitment of suitably qualified, specialist staff;
- Retaining the in depth of specialist knowledge and experience to support SBC when demand in some areas is not consistent;
- The increasing complexity and vulnerability to challenge of decisions it advises on;
- Predicted increased demand in some specialist areas including a national focus on regeneration;
- The increasingly complex local government landscape as multi-agency partnerships and new commercial arrangements proliferate; and
- A large amount of Slough's legal work being outsourced to private law firms with the increasing costs implications.

5.1.2 HBPL has been supporting SBC by the provision of legal services on an 'as and when' basis since March 2017.

## 5.2 The Proposals

This report makes the case for the integration of SBC Legal Service with HBPL. The project's critical success factors are to:

1. Deliver savings, minimising the need to reduce front-line services to residents.
2. Improve efficiency, quality and capacity of the legal service;
3. Enhanced career opportunities for SBC's legal staff.
4. Provide resilience to the service offering and improve customer experience/satisfaction.

5.3 Our objectives are to:

- Have access to a legal service which has the capacity and specialisms to be able to provide quality advice in a timely way to clients in services across the Council;
- Reduce the overall cost of the legal support we use, both by outsourcing less to private sector firms and reducing overall demand;
- Reduce our dependency on and the pressure on our senior lawyers who provide excellent service but with little back-up when they are extremely busy or away;
- Benefit from legal practice management tools which ensure high levels of lawyer utilisation;
- Provide better career development opportunities for our lawyers;
- Preserve the best of our current in-house arrangements, specifically close, productive and flexible working between clients in our services and lawyers;
- Achieve as smooth a transition as soon as possible to the new arrangements with a view to commencing the same by 01/06/2018.

5.4 The arrangement under which HBPL is set up allows new councils to be admitted. An important aspect to note is that the partnership is based on cost recovery only with any surpluses being reinvested into the business to support continued development.

## 6 Comments of Other Committees

This report has not been considered by any other committees.

## 7 **Conclusion**

- 7.1 The detailed governance and service arrangements for the shared Legal Service will be set out in an Inter Authority Agreements (IAA), which will delegate authority to LBH to deliver the shared Legal Service.
- 7.2 The implementation process is overseen by a Programme Board and the implementation and transition process will be monitored against a project plan. The progress of the shared service will be monitored through the Governance structure of the shared service set out in the Inter Authority Agreement.
- 7.3 Joining HBPL, a shared Legal Service, will support SBC in the development of a resilient and cost effective Legal Service, providing SBC with high quality legal advice to meet the needs of the Council.

## 8 **Appendices Attached**

'A' - Legal Services Review 2017/18 dated 15 September 2017 prepared by RSM Risk Assurance Services LLP which is appended to Part 2 of this Report as it comprises exempt information

### **Background Papers**

None