

CABINET

Collaboration with Preston City Council 16 February 2016

Report of the Chief Executive

PURPOSE OF REPORT			
To enable Cabinet to consider future collaboration with Preston City Council, including interim arrangements for Legal Services.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	Officer Referral
Date of notice of forthcoming key decision	N/A		
This report is public			

RECOMMENDATIONS OF CHIEF EXECUTIVE

- (1) Endorse the proposal for Preston City Council to provide the required Legal Services Support to Lancaster City Council.
- (2) That Cabinet receive further reports in respect of other services in due course.

1.0 Introduction

- 1.1 One of the actions in the Peer Review Action Plan, approved by Cabinet (Minute No 55) is to consider further collaboration with Preston City Council, and the Chief Executive has had preliminary discussions with the Chief Executive of Preston City Council with a view to future collaboration between the two councils on the provision of a range of back office services including legal, HR, audit and ICT services.

2.0 Proposal

- 2.1 In the first instance, such collaboration could provide legal support to the Council. This will have three elements. Firstly, at a senior level in order to fulfil the responsibilities of the chief legal adviser to the Council.
- 2.2 Secondly, as members will be aware, Council at its meeting on the 03 February 2016 designated Debbie Chambers, the Deputy Monitoring Officer, as Monitoring Officer with effect from the 01 March 2016. Council was advised that it was anticipated that legal advice and support for the Monitoring Officer would be available from Preston City Council.
- 2.3 Thirdly, by providing the professional management of the Lancaster City Council's Legal Services Team.

- 2.4 Preston City Council (PCC) have indicated that it is in a position to offer line management to the Lancaster City Council (LCC) legal team, legal advice to the designated officer and legal advice at Council meetings. This could be progressed by entering into an agreement for PCC to place an officer at the disposal of this Council under Section 113 of the Local Government Act 1972. Under that section, the officer would remain an officer of PCC, but would be treated as an officer of this Council for the purposes of any enactment relating to the discharge of local authorities' functions. Further, PCC has agreed to review the existing capacity and expertise with LCC to ensure our legal function can meet our requirements.
- 2.5 It is anticipated that by formalising this arrangement, and by utilising the Council's own Legal Services and external legal advice where appropriate for major issues such as the Canal Corridor and the local plan, appropriate governance arrangements will be in place pending further review once the new Chief Executive has taken up appointment.

3.0 Other Services

- 3.1 Further work will be undertaken to identify specific opportunities to increase collaboration between the two councils in relation to HR, Audit and IT Services which will be reported to Cabinet in due course.

4.0 Options and Options Analysis (including risk assessment)

4.1 Option 1:

The advantages of procuring legal services support from Preston City Council are that it enables Lancaster City Council to have the necessary legal advice and support services and that these will be provided by a council that we already have a strong collaborative relationship with.

4.2 Option 2:

The alternative option, which is not preferred, is that Lancaster City Council procures the services from another provider.

5.0 Officer Preferred Option (and comments)

- 5.1 Option 1

<p>RELATIONSHIP TO POLICY FRAMEWORK</p> <p>Collaboration with other public services provider</p>
<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)</p> <p>None directly affected</p>
<p>LEGAL IMPLICATIONS</p> <p>Clearly the proposals set out in the report affect the operation of the Council's Legal Service. The proposals will help to ensure that appropriate legal advice is available to the Council.</p>

FINANCIAL IMPLICATIONS

Due diligence would need to be completed prior to completing any arrangement for the provision of Legal Services support, identifying and addressing the financial implications. At this stage, it is anticipated that legal staffing budgets will be used to procure services from Preston City Council, and other budgets/reserves would be called upon for specific external legal advice.

Any financial implications / due diligence associated with progressing or considering other collaboration will be considered and reported at the appropriate time.

OTHER RESOURCE IMPLICATIONS

Human Resources:

As set out in the report the initial impact of the proposals will be on the Legal Services Team, with line management being carried out by an employee of Preston City Council. There is precedent for this type of management arrangement, though further consideration of the practicalities will need to be given and affected staff will need to be kept informed. This option will strengthen current legal provision following the retirement of the Chief Officer for Governance.

Subject to future opportunities for collaboration being identified, it is probable there will be further HR implications which will require appropriate consideration at the time.

Information Services:

None at this stage

Property:

None at this stage

Open Spaces:

None at this stage

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted. As previously reported, the Council is under a legal obligation to provide the Monitoring Officer with sufficient resources in order for them to perform their duties and the main purpose of this report is in accordance with that aim.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Contact Officer: Mark Cullinan
Telephone: 01524 582011
E-mail: chiefexecutive@lancaster.gov.uk
Ref: Cabinet/11