

Report to the Cabinet

Report reference: C-014-2017/18
Date of meeting: 7 September 2017



Portfolio: Technology and Support Services

Subject: Legal Services - Resources

Responsible Officer: Alison Mitchell (01992 564017).

Democratic Services: Gary Woodhall (01992 564470).

Decisions Required:

- (1) That a Continuing Services Budget growth bid in the sum of £31,000 be made to convert the existing temporary Contracts Paralegal post to a permanent Contracts Officer Post commencing 1 April 2018, (grade 6, subject to job evaluation), effective from 1 April 2018; and**
- (2) That, subject to recommendation (1) above, to note the transfer of certain practice management duties from the Senior Lawyer to the Senior Legal Officer and Contracts Officer post, effective from 1 April 2018.**

Executive Summary:

The purpose of this report is two-fold.

First, to secure the Contracts Officer post on a permanent basis from the beginning of the next financial year and consequently the CSB funding provision. There is also a pressing need to secure the member of staff who is now trained, undertaking a full caseload and has only six months left on the temporary contract. This post is demonstrably needed to address the continued client requirement for contract work, both large scale and routine. In addition, consultancy agreements and EU procurement advice and Framework contracts remain areas of high demand. To lose the resource entirely or to begin again to train a new, temporary officer is not a sustainable use of resources.

Second, to transfer the Lexcel aspects of the practice management role away from the Senior Lawyer post to create some additional time for specific planning work in anticipation of increased demand as the Local Plan progresses. This is not of course the entire answer but a step in the right direction.

It is likely that the legal service will require further review as part of the Corporate People Strategy as it seeks to pursue service sharing arrangements, but the need for the Contracts officer post is long term and cannot await that larger project.

Reasons for Proposed Decision:

The number and complexity of contracts – in particular Waste, Leisure and parking – justified a temporary post to assist with the more routine work. The current post holder has been employed for two years and there is a continuing need for this resource. Building and consultants contracts for the redevelopment of the Council garage sites, the contracts for the works to be carried out to

the Civic Offices as part of the Transformation programme and Local Plan consultancy contracts – including post adoption implementation are the areas currently identified as being additional to the various day to day workload.

Lexcel and procurement of on-line library services is currently managed by the Senior Lawyer, a post predominantly undertaking specialist planning work. By locating this work with the Senior Legal Officer, supported by the Contracts Officer post it releases some resource in anticipation of increased demand from planning.

As part of the Lexcel accreditation, the legal service carries out a yearly consultation with its instructing Directorates. The quality of the professional work is recognised but client services indicate they feel there is a lack of resource. Losing the contract support would not meet client demand.

Legal is exploring shared services with other Councils. In order to do so from a position of strength it is essential to establish a stable, resourced in house team.

Other Options for Action:

Do Nothing - Contract and other work will not be completed within acceptable timescales and the additional planning resource will not be available. This could result in delays and a potentially ironic increase in the need for outsourced contracts.

Extend the temporary contract – This would only be possible for a further 2 years before the staff member became permanent. The post holder has received training from senior colleagues and gained experience which would be lost as the post holder seeks a permanent position and would undoubtedly secure a post elsewhere. The work load is not temporary and the issue of senior staff again training a new, temporary officer has implications on both workload and morale.

Report:

1. Changing national and European legislation, including regulations, relating to public sector contracts, together with the size and complexity of the Contracts themselves, means that the advice required, pre and post contract, is increasing. A temporary member of staff was employed initially for a one year period to address the increased workload and allow levels of work to be monitored over a reasonable period. The post was funded by the Neighbourhoods Directorate as the larger contracts were related to Waste, Leisure and Parking. The work load did not diminish and the temporary contract was extended for a further year.

2. The member of staff has had in house training and gained valuable experience and now requires less supervision. This enables senior staff to deal with the more complex matters. In addition to drafting and advising on routine Contracts the post holder would assist the Senior Legal Officer in managing the legal case management system (Timebase), the electronic Terrier, Lexcel and the online library.

3. The Senior Lawyer predominantly undertakes specialist planning work but is currently also responsible for Lexcel and the legal library as well as undertaking some conveyancing work. Locating the practice management aspects of the work with the Senior Legal Officer, supported by the Contracts Officer post releases some resource in anticipation of increased demand for planning work in general and master planning in particular. This transfer of responsibilities would begin in April 2018 by which time a clearer picture of legal support to the adoption and implementation of a Local Plan will have emerged.

4. The CSB requirement to convert the temporary post to a permanent Contracts Officer is £31,000 including on costs.

5. To fully explore shared working arrangements the legal service requires, professional expertise, a stable structure with a flexible approach and files/documents available electronically. Rationalising roles and securing the permanent Contracts Officer post supports this aim.

6. The current legal services organisation chart is attached at Appendix to this report. Permanent posts are white, fixed term posts are highlighted.

Resource Implications:

CSB funding of £31,000 including on costs is required to fund the contracts officer post, subject to job evaluation.

Legal and Governance Implications:

The provision of timely professional advice supports the legal duties and the governance framework of the Council.

Safer, Cleaner and Greener Implications:

Use of technology will continue to reduce the requirements for paper files.

Consultation Undertaken:

Management Board
Legal Management Team

Background Papers:

The Corporate Plan
The Service Area Plan

Risk Management:

Failure to resource the identified ongoing workload could lead to missed deadlines, rushed advice, increased stress levels and potential financial / reputational damage to the authority.

CURRENT ORGANISATION CHART LEGAL SERVICES



