

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING - 25 JUNE 2009

PROVISION OF LEGAL SERVICES

Report by: Lindsay Cornish, Chief Executive

Purpose:

To seek the Authority's for approval of a new arrangement for the provision of legal services from Hampshire County Council. The arrangement has been considered by Resources and Performance Committee and is recommended to the Authority for approval.

Recommendations: To agree

- 1 a new successor arrangement with Hampshire County Council, for provision of legal services on a partnership basis for three years from 1 July 2009;**
- 2 that the Chief Executive and Head of Hampshire County Council's Legal Services finalise the Partnership Agreement following the approach set out in this report, under delegated powers, by end June 2009.**

Resources:

Budget provision for 2009/10 for provision of Legal Services is £150,000.

Papers:

NFNPA 308/09:	Cover report
NFNPA 308/09 Annex 1:	NFNPA/RPC 76/09 Provision of Legal Services

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NFNPA 308/09

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1 Purpose

- 1.1 To seek the Authority's for approval of a new arrangement for the provision of legal services from Hampshire County Council. The arrangement has been considered by Resources and Performance Committee and is recommended to the Authority for approval.

2 Background

- 2.1 Legal services have been provided to the Authority by Hampshire County Council's Legal Practice since the Authority became operational in April 2006. On 10 March 2009, the Resources and Performance Committee received a report on the provision of legal services to the Authority (**Annex 1**). The Committee endorsed a proposal to explore with the County Council a new successor arrangement for provision of legal services on a partnership basis.
- 2.2 The Committee authorised the Chief Executive to negotiate the terms of such an arrangement and report back upon this to the Committee for consideration, prior to adoption by the Authority, by the end of June 2009. The Committee considered the proposed new arrangements on 15 June 2009.

3 Progress

- 3.1 On 19 May 2009, the County Council's Executive Member for Policy and Resources agreed in principle to explore with the Authority a new successor arrangement for provision of legal services on a partnership basis, and authorised the Council's Head of Legal Services to conclude the terms of such an arrangement with the Authority, in consultation with him.
- 3.2 Both parties have therefore given the indication that, in principle, they would wish to see the current partnership continue. Discussions have been taking place as to the basis of the proposed arrangements.

4 Summary of proposal

- 4.1 The main elements of the service would be similar to those which have applied under the existing Service Level Agreement. This provides for support in certain core areas of activity, as follows:
- 4.1.1 the responsibilities of Monitoring Officer and Deputy Monitoring Officer, advice on governance issues and general public law. This includes attendance at and advice to full meetings of the Authority and Standards Committee;
 - 4.1.2 advice on planning functions, including attendance at and advice to Planning Development Control Committee; and
 - 4.1.3 advice on planning and environmental law with particular regard to statutory national park purposes.
- 4.2 This 'core service' would continue to be provided by designated members of Legal Practice staff, one of whom is physically located at South Efford House on a minimum of three days per week. However, the arrangement would also continue to provide for support to be available in "non-core" areas where this is required e.g. employment law issues, property law matters, litigation, contracts and procurement. The Legal Practice is of sufficient size to be able to draw in staff with expertise in these areas to advise the Authority, or to access the necessary advice through existing links with external providers e.g. counsel, where required.
- 4.3 However, it is intended that, within the new arrangements, there would be greater emphasis on developing a 'shared' legal service. The principle here would be to develop the relationship from that of client body and service provider, to one where the Authority and the Council's Legal Practice work together to develop a bespoke service that is integrated with the Authority's business, maximising efficiency and meeting the Authority's needs.
- 4.4 The corporate services review recently undertaken by the Council's Legal Practice has resulted in a plan of action to secure greater efficiencies and service improvements. These include, for example, the development of a "service centre" approach. This involves a wider range of staff taking on more responsibility for those parts of relevant processes that can be handled by persons who are not necessarily legally qualified, but who are well-trained in those processes, supported by templates, frequently asked questions, and advice where needed from qualified lawyers. This frees the legally qualified staff to focus their time on those aspects of casework that genuinely require legal expertise and judgement. The aim would be to explore how such an approach could be developed within the Authority, empowering more staff to handle more queries, with support, thereby achieving greater efficiencies overall, some scope for job enhancement in the

Authority and better service outcomes. This approach already happens to a limited extent with staff from the Member Services team increasingly taking on responsibilities in the area of Freedom of Information and some support for planning inquiries. It would however need to be subject to the availability of the resource to take on any additional functions in the Authority.

- 4.5 The action plan also provides for the development of a public private partnership with at least one external legal firm. This is to deliver additional capacity and supplementary expertise in specialist areas, to provide a more complete service in all areas where the need for legal advice may potentially arise. The partner would be expected to share the Authority's ethos, understand its business and corporate objectives, and deliver added value. The proposed joint arrangement would mean that the Authority is fully involved in preparation of the relevant specification, and in the choice of partner, to ensure that its needs are met. Procurement together with the County Council, rather than by the Authority on its own, is expected to deliver greater value in terms of cost.
- 4.6 It would be intended to replace the current service level review meetings with the establishment of a partnership board, comprising the Authority's Chief Executive and the Council's Head of Legal Services. The Board would oversee the implementation of a plan for the development of a new approach to legal services for the Authority, including the initiatives described above.
- 4.7 Charges for service provided by the County Council would remain determined on the same cost recovery basis as currently applies. As reported to the Resources and Performance Committee on the 10 March, the corporate services review confirmed that the current arrangements provide excellent value for money in comparison with rates charged by providers of equivalent standing. Unlike the private sector, a public service provider's rates do not include a profit element, and this is a significant factor in making existing arrangements competitive.

5 Conclusion

- 5.1 Resources and Performance Committee has previously considered the options available for the provision of legal services, and concluded that the exploration of a successor arrangement with the County Council, on a partnership basis, was the most attractive option. The Council's Executive has now indicated that the Council is, also, willing to explore this. Discussions have identified a basis for a new partnership arrangement, as set out above. The Resources and Performance Committee has approved the proposed new arrangements and recommends to the Authority that the arrangement is entered into, on the basis set out in 4.4 above, to take effect for three years from 1 July 2009; and that the Council's Head of Legal Services and the

Authority's Chief Executive finalise the details of the new partnership arrangement by the end of June.

6 Recommendations: To agree

- 1 a new successor arrangement with Hampshire County Council, for provision of legal services on a partnership basis for three years from 1 July 2009;**
- 2 that the Chief Executive and Head of Hampshire County Council's Legal Services finalise the Partnership Agreement following the approach set out in this report, under delegated powers, by end June 2009.**