

Governance Committee
9 September 2019
Part I
Orbis Public Law Joint Committee - discontinuance
Report by Director of Law and Assurance

Summary

The report explains the background to the establishment of a joint committee with Surrey and East Sussex County Councils and Brighton and Hove City Council for the oversight of the shared service partnership for legal services between the four councils.

Earlier this year Surrey County Council decided to withdraw from the project plan whilst that council undertakes an internal review of its service plans. The other Councils have reviewed the project and have moved to a less ambitious plan. This removes the need for a joint committee as the main purpose of the committee was to oversee an integrated service and pooled budget arrangement.

Recommendation

That a recommendation is made to the County Council to discontinue the Orbis Public Law Joint Committee and for it to be removed from the scheme of delegation in the Constitution.

Proposal

1. Background and Context

- 1.1 West Sussex County Council (WSSCC), Brighton & Hove City Council (BHCC), East Sussex County Council (ESCC) and Surrey County Council (SCC) agreed in March 2016 to develop a single legal service to provide legal services to each of the four constituent authorities and the wider public sector.
- 1.2 All four authorities faced similar issues. Increasing financial challenges and pressure on resources meant it was harder to recruit and retain lawyers especially in areas of greater specialism or higher demand. Individually, authorities have limited resilience and need to buy expensive external specialist advice and support. It was planned that an integrated service across the four councils would build resilience and save external costs.
- 1.3 The proposals for a formal partnership - leading to an integrated single service model - were scrutinised by Performance and Finance Select Committee and received full support. The partnership was to be structured as simply as possible - with no changes in the employment arrangements for staff and full availability of the service at each location. Teams were to be integrated and the work of the four authorities distributed across the single service, aligning recruitment of staff, ways of working and service systems

and standards. The staffing and resource budgets were to be pooled to limit internal accounting effort, the call on the budget being determined by work levels generated by each partner which were to be fully time recorded.

- 1.4 A joint committee made up of the responsible lead members of each authority was established to oversee the work of the partnership. It has met three times each year to track the implementation of the business plan and to monitor the realisation of benefits. It has met as a public joint committee in accordance with terms of reference approved by each of the four councils. The partners had agreed that April 2019 would be the date for the start of the pooled budget arrangement and a plan for the implementation of service integration was also agreed.
- 1.5 In April 2019 at a meeting of the Joint Committee the representative of Surrey County Council indicated that, due to comprehensive internal service reviews, Surrey's commitment to the joint legal services project would need to be paused. This was subsequently confirmed as a pause of at least one year. As a result of this notification the officers leading the other three authorities commissioned a high level assessment of the viability of the integration plan and the savings it had meant to deliver based on a three authority model. The result showed that the savings could not be realised and that the costs and disruption associated with the integration plan could lead to an adverse financial position for each authority.

2. Proposal

- 2.1 It was agreed between the three other lead officers that a less structured partnership arrangement should be maintained but that full integration and the pooling of service budgets is not likely to provide the benefits planned for the larger partnership.
- 2.2 The partnership will maintain the practical benefits to date:
 - A common case management system
 - A jointly managed framework for external legal services
 - A shared training and cpd programme
 - Links between teams to share knowledge and expertise
 - Sharing costs of common pieces of work
 - Sharing other resources when viable to do so
 - The 'caselines' system for web-based proceedings through the Brighton Care Centre for child protection proceedings
- 2.3 It was also decided that the joint committee could no longer serve a useful purpose. It had been established to provide political oversight of the integrated service and of the pooled budget. The proposal is therefore to discontinue the joint committee. Joint working arrangements will be managed through established operational discussions between the lead officers. The Cabinet Member will be briefed on any developments of any significance.

3. Resources

- 3.1 There are no resources associated with the proposal although there will be a modest saving of time and staff cost associated with the servicing of the three joint committees each year. These tended to be carried by Surrey and

East Sussex County Councils and Brighton City Council within the overall Orbis Partnership governance.

Factors taken into account

4. Consultation

- 4.1 The Cabinet Member for Corporate Relations, as a member of the Joint Committee was fully involved in the initial discussions which led to this proposal.

5. Risk Implications and Mitigations

- 5.1 There are no identified risks associated with the proposal in relation to the joint committee.

6. Other Options Considered

- 6.1 The only other option would have been to maintain the committee to oversee the less structured joint working arrangements now proposed. As these are operational matters with no financial, staffing or policy implications it is not considered that a joint committee will assist as there will be no requirement for joint decisions by the lead members.

7. Equality Duty

- 7.1 No equality duty implications arise

8. Social Value

- 8.1 No social value consequences arise

9. Crime and Disorder Act Implications

- 9.1 None

10. Human Rights Implications

- 10.1 None

Tony Kershaw

Director of Law and Assurance

Contact: Tony Kershaw x22662

Background Papers

None