

Bolsover District Council

**Meeting of the Employment and Personnel Committee on
Wednesday 6th July 2022**

Legal Services

Report of the Portfolio Holder for Corporate Governance

Classification	This report is Public
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PURPOSE/SUMMARY OF REPORT

- To seek approval to a mini restructure of Legal Services; and
- To seek approval to change the arrangements with North East Derbyshire District Council for the provision of legal services

REPORT DETAILS

1. Background

- 1.1 Since 2016 the Legal Services Section has been a shared service of the Strategic Alliance where all costs have been shared equally by Bolsover District Council (BDC) and North East Derbyshire District Council (NEDDC). A few years prior to that BDC provided legal support to NEDDC under a service level agreement arrangement and before that each council had its own stand alone legal section.
- 1.2 Under the current arrangement there are two teams in Legal each managed by a Team Manager. The Non-Contentious team deals with all property related matters such as conveyancing, landlord and tenant, planning and contracts. The Contentious team deals with more litigious matters such as criminal prosecutions, civil litigation, licensing, housing and antisocial behaviour. The teams are currently made up as follows.

Non-contentious Team

Team Manager (Solicitor)- Full time ("FT") - BDC
Legal Executive- FT- BDC
Legal Executive- FT- NEDDC
Legal Executive- FT- NEDDC
Legal Support Officer- PT-NEDDC

Contentious Team

Team Manager (Chartered Legal Executive)- PT- BDC

Solicitor- FT- BDC

Legal Executive- FT- BDC (PT from August)

Legal Executive/Solicitor/Barrister – post currently vacant FT _- BDC

Legal Support Officer- PT-BDC

As seen above the shared service is made up of 7 established BDC staff and 3 NEDDC staff

- 1.3 Due to the decision of both Councils to create separate Assistant Director & Monitoring Officer posts responsible for Legal Services and also the Team Manager (Non- Contentious) taking on the Assistant Director & Monitoring Officer role at BDC it is an opportune time to review how legal services operates.

2. Details of Proposal or Information

- 2.1 A review of the services has taken place which has identified two options. The cost of each option compared to the current budget for Legal Services is shown in Table 1
- 2.2 OPTION 1- Retain the Status Quo
- 2.2.1 This would require BDC to appoint a new non-contentious Team Manager who would manage staff across both BDC and NEDDC including the NEDDC Land Charges team.
- 2.2.2 Both the Contentious and Non-Contentious Team Manager would be required to report to the Assistant Directors at each Council, i.e. they would in effect have two line managers.
- 2.2.3 All BDC staff, apart from the Legal support officer, work across both councils and at both sites. Only one of the NEDDC Legal Executives and the support officer is involved in Bolsover work. Both these officers work out of Mill Lane, Wingerworth only and do not attend the Arc.
- 2.2.4 Working across two different organisations with different priorities means that the BDC staff are in effect part time staff for each Council.
- 2.2.5 Travelling between offices when required also takes time out of the working day.
- 2.2.6 Also the cancellation of the courier service means that transfer of documents between Mill Lane and The Arc has been made more difficult.
- 2.2.7 The Team Manager of the Contentious Team carries her own caseload across both authorities and is currently Deputy Monitoring Officer at BDC and NEDDC. The role as DMO across both authorities would continue under current arrangements which could result in a potential of conflict of priorities.

- 2.2.8 The current level of staffing is considered to be too low particularly in the Non-Contentious Team and if the status quo was the preferred option approval will be sought to increase the team.
- 2.2.9 Under the current set up it is difficult to see Legal Services being able to generate income due to lack of capacity. In fact it is more likely that we will need to instruct external bodies to undertake legal work.
- 2.2.10 The cost of this option is £227,998.

2.3 OPTION 2- To revert to two separate teams

- 2.3.1 This option sets out how this could work from a BDC perspective. The proposed structure would be as follows.

Team Manager

<i>Solicitor/Legal Executive/Barrister Non-Contentious x 2</i>	<i>Solicitor/Legal Executive/Barrister Contentious x 2</i>	<i>Legal Support Officer</i>
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Total salary cost (inc NI and pension) = £285,062- this is based on staff on their current grades.

- 2.3.2 Under this arrangement it is proposed that the Team Manager of the Contentious Team becomes Team Manager of BDC Legal Services. She would also continue to act as Deputy Monitoring Officer for BDC but not NEDDC although she would continue to provide DMO assistance until NEDDC has a suitable DMO in place.
- 2.3.3 The Legal Support Officer has requested to increase her hours from 27 hours to 30 hours. This is considered necessary due to the level of current and proposed work.
- 2.3.4 NEDDC would cease undertaking work for BDC. The majority of the work tends to be right to buy related (freehold and leasehold). This would be undertaken by one of the non-contentious lawyers and the Legal Support Officer.
- 2.3.5 BDC will continue to offer services to Rykneld Homes under a service level agreement ("SLA") direct with Rykneld Homes if required. This has not yet been factored into Table 1.
- 2.3.6 BDC will continue to provide services to Environmental Health in relation to BDC cases. BDC will also provide services to Environmental Health on NEDDC cases on an SLA basis if required. Again this has not yet been factored into Table 1.
- 2.3.7 Any other services currently provided to NEDDC, e.g. planning enforcement and antisocial behaviour work might still be able to be provided under an SLA however this will be subject to capacity. It is envisaged that NEDDC Legal will increase its own capacity to do this work.

2.3.8 The cost of option 2 to BDC is £285,062 .However this does not take into account any income we will receive through SLA's with NEDDC and Rykneld Homes and any other external work Legal Services is able to generate. We would also not need to rely as much on other external support such as Gedling Borough Council. In addition if the current arrangement is retained additional staff would be required to undertake the volume of work across both Councils. This would increase the current staffing costs and reduce differential between the costs of option 1 and option 2.

3. Reasons for Recommendation

- 3.1 Option 2 is considered to be the preferred option.
- 3.2 As can be seen above BDC legal staff out-number NEDDC staff by more than 2 to 1. If all posts were full it would be difficult to restructure Legal Service in the future without redundancies or expecting staff to transfer to NEDDC. As there are vacancies at BDC it would appear to be the most opportune time to review Legal Services and then to recruit to the new structure.
- 3.3 Option 2 would provide BDC with a Legal section whose main priority and focus once again would be solely on BDC work. It would however enable it to provide external income generating services to other organisations including NEDDC and Rykneld Homes. Staff would be wholly employed by BDC under the same terms and conditions. The Manager would report to one Assistant Director, attend one Service Managers forum and be the Deputy Monitoring Officer for one authority.
- 3.4 This option retains a relationship with NEDDC however it would be more arm's length with work done via SLAs as opposed to on a shared service basis. There will be additional administration in recharging however this should be mitigated by the acquisition of case management system. It also ensures that BDC obtains value for money from its Legal Services as work will either be undertaken for BDC or charged out to other organisations on a case by case basis.

4 Alternative Options and Reasons for Rejection

- 4.1 To retain the status quo. For the reasons set out above this has been rejected.

RECOMMENDATION(S)

1. To recommend to Council that the proposed changes to the structure of Legal Services as set out in paragraph 2.3 of the report be approved;
2. To recommend to Council that the Council continue to undertake legal work for North East Derbyshire District Council through service level agreements

Approved by Councillor Duncan McGregor, Portfolio Holder for Corporate Governance

IMPLICATIONS:

Finance and Risk: Yes No

Details: The costs of option 2 will be £64,215 more than the current costs. However we will still retain an arrangement with NEDDC and RH which will provide additional income that has not yet been included. Further opportunities to generate income from other organisations will also be possible under this option.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: As contained in the report

On behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	No

District Wards Significantly Affected	
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Details:

Links to Council Ambition: Customers, Economy and Environment.
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DOCUMENT INFORMATION	
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Appendix No	Title
1	Table 1

Background Papers

<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>
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