

MINUTES of the meeting of the **ORBIS** Public Law Joint Committee held at 11.30 am on 20 January 2017 at Members' Conference Room, County Hall, Surrey County Council, Kingston-upon-Thames.

These minutes are subject to confirmation by the Committee at its meeting on Monday, 10 July 2017.

Elected Members:

- * Councillor David Elkin
 - * Councillor Richard Burrett (WSCC)
 - * Councillor Les Hamilton (BHCC)
 - * Councillor Denise Le Gal (SCC) (Chair)
- *=In attendance

In attendance

Abraham Ghebre-Ghiorghis, Executive Lead Officer for Strategy, Governance and Law, Brighton and Hove City Council

Ann Charlton, Director of Legal, Democratic and Cultural Services, Surrey County Council

Philip Baker, Assistant Chief Executive, East Sussex County Council

Tony Kershaw, Director of Law, Assurance & Strategy, West Sussex County Council

Graham Friday, Interim Orbis Public Law Finance Lead

Emma Nash, Orbis Public Law Project Manager, East Sussex County Council

Joss Butler, Committee Assistant, Surrey County Council

1/17 APOLOGIES FOR ABSENCE [Item 1]

None received.

2/17 MINUTES OF THE PREVIOUS MEETING [Item 2]

The minutes of the previous meeting held on 31 October 2016 were agreed.

3/17 DECLARATIONS OF INTEREST [Item 3]

There were none.

4/17 PROCEDURAL MATTERS [Item 4]

a MEMBERS' QUESTIONS [Item 4a]

There were none.

b PUBLIC QUESTIONS [Item 4b]

There were none.

5/17 SHARED LEGAL SERVICES AGREEMENT [Item 5]

Declarations of interest:

None

Witnesses:

Abraham Ghebre-Ghiorghis, Executive Lead Officer for Strategy, Governance and Law, Brighton and Hove City Council

Ann Charlton, Director of Legal, Democratic and Cultural Services, Surrey County Council.

Philip Baker, Assistant Chief Executive, East Sussex County Council

Tony Kershaw, Director of Law, Assurance and Strategy, West Sussex County Council

Graham Friday, Interim Orbis Public Law Finance Lead, East Sussex County Council

Key points raised during the discussion:

1. The Committee received an introduction to the report from officers and highlighted that the Shared Legal Services Agreement (SLSA) would form the key principals of a true partnership between each Local Authority and would set the framework on how to operate. Officers confirmed that there were three outstanding areas to be finalised in the agreement which consisted of the staff management protocol, Orbis Public Law joint operating budget and the ongoing discussions with the insurance market regarding the refinement of the indemnity and liability paragraphs.
2. Members asked for clarification regarding the inability to terminate the SLSA agreement within the first three years, and when the three year period would begin. Officers confirmed the three year period would begin when the agreement is signed, which was expected on 1 April 2017 and therefore would conclude on 1 April 2020.
3. A discussion was had around a technical issue regarding the accountability of each Local Authority and how the agreement could ensure avoidance of internal partnership claims. It was stated that the wording would be reviewed to ensure that each Local Authority would not seek money from another Local Authority in the partnership. The discussion was concluded with officers stating that work was still ongoing and that Members would be updated of the outcome.

4. Officers informed the Committee that there was an ongoing issue regarding how claims would be processed and which Partner accepts what liability. It was highlighted that a shared approach as currently envisaged within the draft agreement would be complex to administer, especially given the current variation of excess limits provided by each insurance provider. Officers agreed to update the Committee at the next meeting.

Actions/ further information to be provided:

For the Interim Orbis Public Law Finance Lead, East Sussex County Council to give an update on the establishment of appropriate insurance arrangements at the next meeting.

RESOLVED:

That the Orbis Public Law Committee noted the content of the SLSA between Brighton & Hove City Council (BHCC), East Sussex County Council (ESCC), Surrey County Council (SCC) and West Sussex County Council (WSCC).

6/17 ORBIS PUBLIC LAW BUDGET 2017/18 [Item 6]

Declarations of interest:

None

Witnesses:

Abraham Ghebre-Ghiorghis, Executive Lead Officer for Strategy, Governance and Law, Brighton and Hove City Council

Ann Charlton, Director of Legal, Democratic and Cultural Services, Surrey County Council.

Tony Kershaw, Director of Law, Assurance and Strategy, West Sussex County Council

Graham Friday, Interim Orbis Public Law Finance Lead, , East Sussex County Council

Key points raised during the discussion:

1. The Officer introduced the report to the Committee and stated that there were clear financial objectives to combine each of the Local Authorities resources and purchasing power to increase savings throughout the partnership. The Officer went on to highlighted that the report identified costs that were in common and that could be included in the Orbis partnership.
2. A Member of the Committee referenced the report which stated that there was legal activity and associated expenditure that had not yet been captured and asked for an example of what these would be referring to. The Officer explained that an example would be work completed on property transactions and that these issues would be further considered during the shadow year.

3. Members of the Committee questioned the missing figure for training for West Sussex County Council (WSSC) in the Appendix A of the report. Officers confirmed that there was no training budget for WSSC as funding was provided by a central corporation budget and that CDP was also arranged through external parties.
4. A discussion was had around the frequency of meetings in which it was agreed for the Orbis Public Law Committee to hold a formal public decision making meeting every six months, and an informal private update meeting quarterly.

Actions/ further information to be provided:

For the Orbis Public Law Committee to hold a formal public decision making meeting every six months, and an informal private update meeting quarterly.

RESOLVED:

That the Orbis Public Law Committee note the content of the SLSA between Brighton & Hove City Council (BHCC), East Sussex County Council (ESCC), Surrey County Council (SCC) and West Sussex County Council (WSSC).

7/17 REVIEW OF ADVOCACY FOR CHILDCARE PROCEEDINGS [Item 7]

Declarations of interest:

None

Witnesses:

Abraham Ghebre-Ghiorghis, Executive Lead Officer for Strategy, Governance and Law, Brighton and Hove City Council

Ann Charlton, Director of Legal, Democratic and Cultural Services, Surrey County Council.

Philip Baker, Assistant Chief Executive, East Sussex County Council

Tony Kershaw, Director of Law, Assurance and Strategy, West Sussex County Council

Key points raised during the discussion:

1. The Officer introduced the report and informed Members that various work was underway to integrate and identify a single advocacy team to improve cost effectiveness and efficiency. The Officer highlighted that they would be attending a work stream meeting to update and accelerate work being carried out.
2. A discussion was had regarding if officers believed proceedings would be completed by April 2017. Officers explained that although they aim to complete work for April 2017, due to increased workload and pressures, it would be clearer following the attendance of the work stream meeting.
3. Members of the Committee referred to next steps section in the report and asked if it was still foreseeable to make a decision on the establishment of an advocacy unit and related external costs at the

next Orbis Public Law Joint Committee meeting. Officers confirmed that at the current rate it would be decided by April and aim to be implemented this year.

Actions/ further information to be provided:

None.

RESOLVED:

The Orbis Public Law Joint Committee noted progress being made in carrying out a review of advocacy for childcare proceedings across the Orbis Public Law (OPL) partners.

8/17 COMMERCIAL PATHFINDER PROJECT [Item 8]

Declarations of interest:

None

Witnesses:

Abraham Ghebre-Ghiorghis, Executive Lead Officer for Strategy, Governance and Law, Brighton and Hove City Council

Ann Charlton, Director of Legal, Democratic and Cultural Services, Surrey County Council.

Philip Baker, Assistant Chief Executive, East Sussex County Council

Tony Kershaw, Director of Law, Assurance and Strategy, West Sussex County Council

Key points raised during the discussion:

1. Officers introduced the report and informed Members that the report set out the proposal for integration to create a single, resilient and cost effective commercial legal service. It was highlighted that during integration it was officers aim to align office manuals and create shared contract templates to fully support integration.
2. Members sought clarification of the graph provided in the report which at a snap shot in time, showed all open legal matters, graded by complexity (ABC) and which role within the team is undertaking each – Lawyer, Paralegal or trainee. Members went on to suggest including a graph which illustrated the target for OPL would aim understanding.
3. Officers explained that there were ongoing discussion regarding marketing partnership's services to other public sector bodies. Officers assured the Committee that they would continue to keep them updated on the progression of marketing services.

Actions/ further information to be provided:

None.

RESOLVED:

The Orbis Public Law Joint Committee noted the approach to integrating the commercial areas of law (property, contracts, procurement and major projects).

9/17 DATE OF NEXT MEETING [Item 9]

The Committee noted that its next meeting would be held on 10 July 2017.

Meeting ended at: 12.51 pm

Chair