

**MINUTES** of the meeting of the **ORBIS** Public Law Joint Committee held at 11.30 am on 16 October 2017 at County Hall North, West Sussex County Council, Parkside, Chart Way, Horsham, RH12 1XH.

These minutes are subject to confirmation by the Committee at its meeting in January 2018, date to be confirmed.

**Elected Members:**

\*present

- Councillor Jeremy Hunt
- \* Councillor David Elkin
- \* Councillor Les Hamilton
- \* Councillor Tim Oliver (Chair)

**In attendance**

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

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

Philip Baker, Assistant Chief Executive, East Sussex County Council

Elizabeth Culbert, Head of Legal Services, Brighton and Hove City Council

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

Susan Smyth, Orbis Strategic Finance Manager & Orbis Public Law Finance Lead, Surrey County Council

Emma O'Donnell, Democratic Services Assistant, Surrey County Council

**10/17 APOLOGIES FOR ABSENCE [Item 1]**

Apologies were received from Cllr Jeremy Hunt and Cllr Richard Burrett. An apology of absence was also received from Abraham Ghebre-Ghiorghis who was substituted by Elizabeth Culbert.

**11/17 DECLARATIONS OF INTEREST [Item 2]**

There were none.

**12.17 MINUTES OF THE PREVIOUS MEETING [Item 3]**

The minutes of the previous meeting held on 20 January 2017 were agreed as a true record of the meeting.

**13/17 URGENT MATTERS [Item 4]**

There were no urgent matters.

*With the committee's agreement, the Chairman suggested item 6 was taken before item 5.*

**14/17 PROGRESS UPDATE - PRESENTATION [Item 6]**

**Declarations of interest:**

None

**Witnesses:**

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

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

Philip Baker, Assistant Chief Executive, East Sussex County Council.

Elizabeth Culbert, Head of Legal Services, Brighton & Hove City Council

**Key points raised during the discussion:**

1. The Committee received a presentation outlining the spread of work across the legal services of all four authorities.
2. Members noted that childcare and commercial cases accounted for 69% of the legal services workload.
3. Officers explained that developing a resilient collaborative partnership across the four authorities would enable some of the challenges around finances and recruitment and retention to be addressed, and for expertise to be pooled to allow more specialised cases to be dealt with by the most appropriate person. It was recognised that building centres of expertise was important and that this would contribute to the generation of some cost savings.
4. Officers informed the committee that increasing demand in childcare advocacy cases was challenging and there were some instances where authorities were having to pay external solicitors to take on case work. The increase of childcare advocacy cases was put down to changes in society's attitude towards safeguarding and it was suggested that childcare cases typically increase after times of economic challenge, although there was no reason behind the growth in demand being so constant in recent times.
5. The Committee was informed that the partnership currently had seven advocates, and were trying to recruit a further four in order to get the advocacy team to an optimum size to deal with the growth in demand. This in turn would help manage savings by reducing reliance on external advocates with higher costs.
6. The partnership is working with the Court Service to reduce the reliance on paper through the introduction of a digital court system. This relationship with the Court Service would not have been achievable by a single authority, so the partnership has provided some leverage in this area.
7. Officers highlighted the importance of all partners having access to a common system and a shared approach to IT, to allow for work to be shared. Members noted that a shared legal services agreement had been signed and a common Case Management system had been welcomed by lawyers and was working well for all partners. A plan to align practice management had been developed and was included in the Business Plan.
8. Members were informed that the partnership had introduced an initial 5% work sharing target as a way of getting staff used to how the partnership would work and as a way of keeping more work in-house. This was expected to grow. There was some discussion around charging and how this would operate, however it was expected that all partners would play an equal part in the delivery of work sharing. In

the eventuality that a balance was not being achieved, a charging mechanism would be introduced to ensure parity.

9. Officers explained that the Orbis Public Law ambition is to become an influential player in the public sector legal market whilst managing partners' financial challenges and maintaining the quality service delivered by legal teams across the partnership.
10. Members noted that success was measurable in that once fully converged, staff would consider themselves to work for OPL rather than a single authority, and that work was being done to the right standard by the right people. It would calculate an optimum delivery time for the completion of work, however the targets were likely to be moveable. The 5% work sharing target was a crude target to help encourage staff to get used to partnership working cross authorities.
11. Officers explained that performance was measured against time targets and that as of September 2017, these have been recorded digitally across all four partner authorities.

**Actions/ further information to be provided:**

1. Members to receive details of time recording data to capture performance and work completed across the partnership.

**RESOLVED:**

Members noted the content of the presentation.

**15/17 ORBIS PUBLIC LAW BUSINESS PLAN [Item 5]**

**Declarations of interest:**

None

**Witnesses:**

Tony Kershaw, Director of Law and Assurance, West Sussex County Council  
Ann Charlton, Director of Legal, Democratic and Cultural Services, Surrey County Council

Philip Baker, Assistant Chief Executive, East Sussex County Council  
Elizabeth Culbert, Head of Legal Services, Brighton and Hove City Council  
Susan Smyth, Orbis Strategic Finance Manager & Orbis Public Law Finance Lead, Surrey County Council  
Emma Nash, Orbis Public Law Project Manager, East Sussex County Council.

**Key points raised during the discussion:**

1. Members commented that the details in the business plan were too high level and they requested more granularity. Members also requested the inclusion of targets and financial information within the business plan, so that it was clear to see whether targets were on track to be achieved.
2. Officers explained that all partners undertook legal work for other public sector organisations and that OPL may bid for future work of

this nature as a way of increasing income. There was some discussion around public sector spending and how taxpayers' money is spent effectively to deliver the best possible services.

3. Members noted that pilot testing of a new system to manage contract documents was underway, with a view to rolling this out across the partnership. It was suggested that the system could drive a lot of efficiencies within the operation of the legal service.
4. Officers informed the Committee that income is mostly generated through pension fund conveyancing, property and developer fees and from services provided to other public sector bodies and schools.
5. There was some discussion around the future operation of the partnership and whether it would seek an Alternative Business Structure (ABS) from the Solicitor's Regulation Authority (SRA). Officers explained that there was some work to be done around building an architecture for OPLs future operations, however an ABS would not allow the partnership to do anything that it is not able to do already. It can continue to trade with other public sector bodies under existing powers.
6. Members requested a timeline to be included within the business plan, with outputs given timescales for achievement. Officers explained the plan was developing and evolving with the partnership, however it was ready to be finalised as an initial document that would be reviewed and modified as appropriate on a monthly basis.
7. The Chairman suggested that given the challenges currently faced across all partner authorities, the Committee should meet before March to review and approve the revised business plan.

**Actions/ further information to be provided:**

Officers to revise business plan with suggested amendments.  
Officers to identify a date for an additional meeting of the Committee in January 2018.

**RESOLVED:**

Members noted the business plan and commented as appropriate.

**16/17 ANY OTHER BUSINESS [Item 7]**

The Chairman took the opportunity to thank Ann Charlton for her contribution to the committee and the OPL partnership and wished her well ahead of her upcoming retirement.

**17/17 DATE OF NEXT MEETING [Item 8]**

The Committee noted that a meeting would be arranged to be held in January 2018.

Meeting ended at: 12.52 pm

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**Chair**