

MINUTES of the meeting of the **ORBIS** Public Law Joint Committee held at 2.00 pm on 31 October 2016 at Members' Conference Room, County Hall, Kingston-upon-Thames.

These minutes are subject to confirmation by the Committee at its meeting on Friday, 20 January 2017.

Elected Members:

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

* = In attendance

Apologies

None

In attendance

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

Andrea Kilby, Orbis Public Law Business Development Manager

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

Emma Nash, Orbis Public Law Project Manager

Marie Nickalls, Orbis Public Law Finance Lead, East Sussex County Council

Philip Baker, Assistant Chief Executive, East Sussex County Council

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

1 APOLOGIES FOR ABSENCE [Item 1]

None received.

2 DISCLOSURE OF INTERESTS [Item 2]

There were none.

3 PROCEDURAL MATTERS [Item 3]

a MEMBERS' QUESTIONS [Item 3a]

There were none.

b PUBLIC QUESTIONS [Item 3b]

There were none.

4 ORBIS PUBLIC LAW JOINT COMMITTEE TERMS OF REFERENCE [Item 4]

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 Committee received an introduction to the report from officers who advised that the recommendations only required Members to note the Terms of Reference for the Orbis Public Law Joint Committee as these had previously been agreed. Officers highlighted, however, that the Joint Committee had the power to amend the Terms of Reference as and when this was deemed to be necessary.
2. The Committee was advised that each authority could appoint one substitute to the Joint Committee. Officers indicated that Brighton and Hove City Council's substitute to the Joint Committee would be appointed on an annual basis.
3. Members were told that specific standing orders had not been compiled for the Joint Committee as it had been agreed that it would follow the standing orders of the authority that was hosting the meeting.

Actions/ further information to be provided:

None

RESOLVED: That the Orbis Public Law Joint Committee:

- i. noted the Terms of Reference agreed by the constituent authorities as set out in Annex 1 to the report; and
- ii. agreed that meetings are chaired by the Lead Member for the authority hosting the meeting.

5 PROJECT APPROACH AND PROGRESS [Item 5]

Cllr David Elkin arrived at the meeting at 14.20 during the discussions on this item.

Declarations of interest:

None.

Witnesses:

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

Andrea Kilby, Orbis Public Law Business Development Manager

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

Emma Nash, Orbis Public Law Project Manager

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 detailing the rationale behind the creation of the Orbis Public Law partnership. Each of the four partner authorities had faced a sharp increase in demand on their legal services departments in recent years driven chiefly by a steep rise in the number of child protection cases. The Committee was advised that pooling resources across the partner authorities would lead to significantly improved resilience across the four legal services teams. Members were further informed that the partnership should enable the sharing of knowledge and expertise in specific areas of law while also reducing reliance on external advocacy services thereby contributing to financial savings across the partnership. Further spending reductions would also be achieved by enabling paralegals to take on a greater volume of the workload thereby reducing reliance on barristers and solicitors.
2. Members requested further information on the degree to which the four authorities relied on external advocates to help deal with the volume of caseloads. Officers indicated that, at present, each team employed advocates with the expectation being that they would be able to manage a proportion of the expected volume of cases. Where there was a particularly complex case or the number of cases exceeded capacity, it was necessary to use external advocates. For this, and reasons of significant growth in cases in other areas, East Sussex County Council (ESCC) had had a drive to reduce spending on external advocates which meant it had significantly lower expenditure in this area than the other authorities in the partnership. Collective spending on legal costs related to childcare across the four councils in the 2015/16 financial year was £3.25 million of which £1.7m was spent on external advocacy services. The Orbis Public Law

partnership would help to reduce costs in this area by creating a single pool for advocacy services as well as facilitating the sharing of specialist legal knowledge across teams.

3. The Committee was advised that there was an aspiration to develop an electronic court system which would not only help to reduce costs but would also enable court proceedings to be paperless and more efficient.
4. Officers highlighted that the partnership would seek opportunities to generate income by offering legal advice to public sector organisations on areas where there is expertise across the partnership. A commercial pathfinder had been created and officers were in the process of developing an organisational structure for Orbis Public Law designed to support income generation. Members were advised that clarification was being sought regarding the Solicitors Regulation Authority's interpretation of whether the provision of legal services to external organisations by Orbis Public Law would be permitted or whether it would be necessary to establish an independent trading company in order to do this.
5. Members were informed that change management sessions and staff forum meetings had taken place across the four authorities as a means of engaging staff in the development of the partnership. The Committee asked how staff perceived the transition to Orbis Public Law. Officers reported that staff were generally happy with the change and the majority appeared to accept that it was necessary to make financial savings. The Committee was further told that improved career opportunities could also assist in the recruitment and retention of legal services staff while increased resilience may also help to balance caseloads.
6. The Committee inquired about the extent to which the recruitment and retention of staff was a challenge for legal services teams across the four partner authorities. Officers confirmed that there were difficulties in relation to the recruitment and retention of staff and that this had been the case for many years as a result of strong competition in critical areas of expertise. It was hoped that improved career opportunities arising from the partnership, particularly for younger members of staff, would help to address some of the challenges around recruitment and retention.
7. Officers highlighted the shared IT system for Orbis Public Law which was already in use across all of the partners with the exception of West Sussex County Council (WSCC). WSCC was working to ensure that the system was compatible with its existing internal governance, arrangements that formal approval to adopt the new system had been given and it was anticipated the system could be in place in the Spring of 2017.
8. Members asked how the partnership would demonstrate that it was helping to contain legal services costs for each of the four authorities. Officers highlighted that there was a clear action plan which would generate savings across the partnership. A reduction in spending on external legal services teams within each authority, however, would be the clearest demonstration that the Orbis Public Law was successfully containing costs.

Actions/ further information to be provided:

None

RESOLVED: That the Orbis Public Law Joint Committee:

1. noted the approach for designing and implementing the single service; and
2. noted the progress made towards achieving this goal.

6 FINANCE UPDATE [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.

Philip Baker, Assistant Chief Executive, East Sussex County Council

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

Marie Nickalls, Orbis Public Law Finance Lead, East Sussex County Council

Key points raised during the discussion:

1. Members received an introduction to the report including details of how financial contributions to and savings from Orbis Public Law would be apportioned across the four constituent organisations. The Committee was advised that savings achieved would be divided according to the amount of money that each organisation committed to the partnership budget as well as factoring in the extent to which each of the partners utilised Orbis Public Law services. The savings achieved through the partnership would then be returned to each sovereign authority as opposed to being retained within the partnership.
2. Members were further informed that budget contribution ratios by individual authorities could also be flexed in accordance with the amount that each council utilised Orbis Public Law. This would be reviewed annually. The Committee asked whether it would be possible to undertake an in year review of funding contribution ratios. Officers indicated that if use of Orbis Public Law services by an individual authority exceeded 10% of the agreed amount then this would trigger an automatic review of contribution ratios although measures would be put in place to avoid reaching this point. This would be enshrined within the Inter-Authority Agreement (IAA) which was in the process of being drafted. Officers were asked to bring the IAA to the next Joint Committee meeting for consideration.
3. The Committee inquired as to how external legal services would be funded and were informed that it was proposed that these

continued to be paid for by individual authorities. This was due to the fact that budgeting arrangements for external legal services was done differently across the four councils. The intention was, however, to create a single pool for external legal services which would reduce costs for each authority. Members requested that officers draw up proposals on how external legal services could be paid for through the central Orbis Public Law budget for consideration by the Joint Committee.

4. Members stressed that without concrete examples it was challenging to develop a picture of how the finances for Orbis Public Law would operate. Officers were therefore asked to provide clear examples of the partnership's financial arrangements for the next finance update due to be considered by the Joint Committee.

Actions/ further information to be provided:

1. An item on the Inter-Authority Agreement to be brought to the Orbis Public Law Joint Committee meeting in January 2017.
2. Officers to model how funding external advocacy services through the central Orbis Public Law budget would operate.
3. The next finance update for consideration by the Joint Committee should provide clear examples of the financial arrangements for Orbis Public Law.

RESOLVED; That the Orbis Public Law Joint Committee:

- i. Note the report and key financial principles to be used for Orbis Public Law; and
- ii. await a paper on 20 January 2017 to set out the joint Orbis Public Law budget which will be recommended for approval.

7 DATE OF THE NEXT MEETING [Item 7]

The Committee noted that its next meeting would be held on 20 January 2017.

Meeting ended at: 3.43 pm

Chair