

CABINET

17 JANUARY 2017

SHARED LEGAL SERVICE BETWEEN GRAVESHAM BOROUGH COUNCIL AND MEDWAY COUNCIL

ADDENDUM REPORT

Portfolio Holder: Councillor Adrian Gulvin, Resources
Report from: Perry Holmes, Chief Legal Officer
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Summary

To set out the outcome of discussion at the Business Support Overview and Scrutiny Committee meeting held on 5 January 2017.

1. Background

- 1.1 The Head of Legal Services introduced a report on proposed arrangements to establish a shared service with Gravesham Borough Council. The Committee was asked to recommend that Cabinet makes recommendations to the Leader and Full Council to enable Medway Council to assume responsibility for the discharge of Gravesham Borough Council's Legal Services functions. In addition, the Committee was also asked to recommend that Cabinet delegates authority to Medway's Chief Legal Officer to assume responsibility for the management and delivery of legal services for both Medway and Gravesham and to enter into the necessary agreement with Gravesham Borough Council.
- 1.2 Members sought clarification on a number of issues and were assured of the positive working relationship that existed between the two services which would present good development opportunities for both services and their staff. Any new arrangements would be kept under continuous review.

2. Recommendations

- 2.1 The Business Support Overview and Scrutiny Committee has recommended the following to Cabinet:
 - 2.1.1 Cabinet recommend to the Leader of the Council that option two set out in paragraph 4.2 of the report is agreed whereby Medway Council shall assume responsibility for the discharge of Gravesham Borough Council's Legal Services functions as permitted under the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012 which provide for the executive of one local authority to arrange for a function for which it is responsible to be discharged by the executive of another local authority.
 - 2.1.2 Cabinet recommend to Full Council to accept the delegation by Gravesham Borough Council of its Legal Services functions to Medway Council.
 - 2.1.3 Cabinet agree to delegate authority to the Chief Legal Officer of Medway Council to enter into a legally binding contract between both local authorities setting out the detail of the arrangements for a fully shared Legal Services.
 - 2.1.4 Cabinet agree to delegate authority to Medway's Chief Legal Officer to assume responsibility for the management and delivery of legal services for Gravesham Borough Council jointly with the services provided for Medway Council and for this to be reflected in the Council's Scheme of Delegation.
- 2.2 The Committee noted that the report to Cabinet on 17 January 2017 would include the following recommendation for the Leader:
 - 2.2.1 The Leader of Medway Council to agree to assume responsibility for the discharge of Gravesham Borough Council's Legal Services functions as permitted under the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012 which provide for the executive of one local authority to arrange for a function for which it is responsible to be discharged by the executive of another local authority.

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