

 Brent	Officer Key Decision
	Report to the Director of Legal, HR, Audit and Investigations
Award of Barristers' Services Framework	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt – Appendix 2 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
No. of Appendices:	Two Appendix 1: Appointment to the Barristers' Services Framework Appendix 2: Appointment to the Barristers' Services Framework – costs (exempt)
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This report updates the Director of Legal, HR, Audit and Investigations on a collaborative procurement to establish a Barristers' Services framework. This report summarises the process undertaken in procuring the framework and advises the Director of Legal, HR, Audit and Investigations of the chambers to be appointed to the framework.

2.0 Recommendations

That the Director of Legal, HR, Audit and Investigations:

- 2.1 Notes the establishment and appointment to the Barristers' Services Framework of the chambers set out in Appendix 1 in respect of Lots 1 – 5 and Lots 7 and 8 as detailed in paragraph 3.2.
- 2.2 Notes that appointment to Lot 6 (Planning) within the Barristers' Services Framework will take place at a future date as detailed in paragraph 3.4.
- 2.3 Approves entry into an access agreement with the City of London Corporation enabling Brent Council to access and use the Barristers' Services Framework.

3.0 Detail

- 3.1 The London Boroughs Legal Alliance ("LBLA") was established in 2009 as a collaborative partnership of legal teams throughout London. The current members who use the LBLA Barristers' Framework are the City of London Corporation; London Borough of Barnet; London Borough of Harrow; London Borough of Hounslow, Buckinghamshire County Council, Slough Borough Council; London Borough of Brent; London Borough of Camden; London Borough of Ealing; London Borough of Hackney; London Borough of Haringey; London Borough of Hillingdon; London Borough of Islington; London Borough of Redbridge; London Borough of Waltham Forest; London Fire Commissioner; London Borough of Havering; London Borough of Newham; Royal Borough of Greenwich; London Borough of Hammersmith & Fulham; Royal Borough of Kensington & Chelsea; and Westminster City Council (together the "LBLA Members").
- 3.2 The LBLA Members have in the past let framework agreements for the provision of both solicitors' and barristers' services. The existing framework for barristers' services commenced on 1st January 2016 and expires on 31st December 2019. The LBLA Members consider that the frameworks have worked well and delivered savings for the authorities. As a result, the LBLA Members have agreed to jointly establish a new framework of barristers to enable the procurement of barristers' services in an organised and consistent way. The barristers services framework arrangement will be made up of 8 lots, namely:
 - 1. Adult Social Services
 - 2. Children's Services
 - 3. Governance & Public Law
 - 4. Criminal Litigation & Prosecutions
 - 5. Housing
 - 6. Planning
 - 7. Property

8. Civil litigation

3.3 The LBLA Members agreed that the City of London Corporation should act as a central purchasing body for the Barristers' Services Framework and it launched the procurement, submitting a call for competition to the Official Journal of the European Union (OJEU) on 15th July 2019, reference 2019/S 136-335408.

3.3 An open tender process was followed and representatives of the council's Legal Services participated in the evaluation process. The criteria and weightings for all Lots were:

Cost	50%
Quality	50%

3.4 The recommendations for appointment to the Barristers' Services Framework are set out at Appendix 1. The detailed scores are contained in exempt Appendix 2. The recommendations for appointment to Lot 6 (Planning) within the framework has been postponed to a future date pending a further report to the relevant City of London Corporation committee.

3.5 As the City of London Corporation has acted as a central purchasing body, it will award and enter into the Barristers' Framework Agreement with the chambers detailed in Appendix 1 and in due course will enter into the Barristers' Framework Agreement with the chambers that are appointed to Lot 6 (Planning). Following appointment of chambers to Lot 6 (Planning) by the City of London Corporation, this will be reported to the Director of Legal, HR, Audit and Investigations for noting. This will be a recordable decision given that the estimated spend for Lot 6 for the duration of the Barristers' Services Framework term is less than £500k

3.6 To enable Brent Council to access the Barristers' Framework Agreement, it is necessary to enter into an access agreement with the City of London Corporation and the Director of Legal, HR, Audit and Investigations is recommended to approve entry into such access agreement.

4.0 Financial Implications

4.1 The estimated value of the services that Brent Council would call off under the Barristers' Services Framework during the 4 year period of the framework is just under £2M. This is an annual contract cost of approximately £500k. though this may reduce given the intention to undertake more advocacy in house

4.2 It is anticipated that the cost of this contract will be funded from Legal Services existing budget although in certain circumstances resources within service areas will pay for the services provided by barristers.

5.0 Legal Implications

- 5.1 The value of the Barristers' Services Framework is higher than the EU threshold for Services and the award of contracts is therefore governed by the Public Procurement Regulations 2015 (the "Procurement Regulations"). The Barristers' Services Framework has been procured in accordance with the Procurement Regulations.
- 5.2 Whilst this procurement has been a collaborative procurement between LBLA members, as indicated in paragraph 3.5, the City of London Corporation has acted as a central purchasing body and it will award and enter into the Barristers' Framework Agreement with chambers. To enable Brent Council to access the Barristers' Framework Agreement, it will be necessary to enter into an access agreement with the City of London Corporation. The Director of Legal, HR, Audit and Investigation has delegated authority to enter into such access agreement.
- 5.3 CSO 86 (e) provides that no formal tendering procedures apply where contracts are called off under a framework agreement established pursuant to a joint procurement involving the council. This will ensure that barristers can be called off in an efficient and effective manner, with transparent pricing.

6.0 Equality Implications

- 6.1 There are no equalities implications arising from the recommendations in this report.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Because of the nature of the procurement, there has been no consultation with Ward Members or Stakeholders.

8.0 Public Services (Social Value) Act 2012

- 8.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation.
- 8.2 Given the specialist nature of the services being delivered under the proposed framework and the limited market for the delivery of these services, Officers have concluded that it is not appropriate to undertake any consultation and that there are no specific measures that can be taken in procuring the framework to improve the economic, social and environmental well-being of the Brent area.

Related document:

Officer Key Decision - Authority to Agree a Waiver of Contract Standing Orders for a High Value Contract for Barristers' Services

Report sign off:

JONATHAN TREHERNE

Chief Lawyer – Contracts & Commercial.