

DELEGATED POWERS REPORT NO.

1723

SUBJECT: ESTABLISHMENT OF SOLICITOR POST FOR FIXED TERM FROM JULY 2012 UNTIL 31<sup>ST</sup> MARCH 2013

**Control sheet**

**All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to Business Governance Service for publishing**

<b>All reports</b>		
1. Business Governance Service receive draft report	Name of BGO Date	DPR 14 June 2012
2. Business Governance Service cleared draft report as being constitutionally appropriate	Name of BGO Date	Jeremy Williams 2 July 2012
3. Finance clearance obtained ( <i>report author to complete</i> )	Name of Fin. officer Date	Jane Fitzgerald 18 June 2012
4. Staff and other resources issues clearance obtained ( <i>report author to complete</i> )	Name of Res. officer Date	Veronica McCarroll 20 June 2012
5. Trade Union response received (Staffing issues only)	Name of TU rep. Date	N/A
6. Legal clearance obtained from ( <i>report author to complete</i> )	Name of Legal officer Date	Sheila Saunders 2 July 2012
7. Policy & Partnerships clearance obtained ( <i>report author to complete</i> )	Name of P&P officer Date	Andrew Nathan 14 June 2012
8. Equalities & Diversity clearance obtained ( <i>report author to complete</i> )	Name of officer Date	Andrew Nathan 14 June 2012
9. The above process has been checked and verified by Director, Head of Service or Deputy ( <b><i>report author to complete</i></b> )	Name Date	Paul Frost 07 July 2012
10. Signed & dated report, <u>scanned or hard copy</u> received by Business Governance Service for publishing	Name of BGO Date	Paul Frost 18 July 2012
11. Report published by Business Governance Service to website	Name of BGO Date	Paul Frost 18 July 2012
<b>Officer reports:</b>		
12. Head of Service informed report is published and can be implemented.	Name Date	N/A
<b>Cabinet Member reports:</b>		
13. Expiry of call-in period	Date	N/A
14. Report circulated for call-in purposes to BMO&SC members & copied to Cabinet & Head of Service	Name of BGO Date	N/A

**ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER (COUNCIL FUNCTION)**

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<b>Subject</b>	<b>Creation of Solicitor Post for Fixed Term</b>
<b>Officer taking decision</b>	Director of Corporate Governance
<b>Date of decision</b>	04 July 2012

Summary	To create a Solicitor Post for a fixed term from July 2012 until 31 March 2013
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Officer Contributors	Sheila Saunders – Acting Head of Legal
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Status (public or exempt)	Public
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Wards affected	N/A
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Enclosures	None
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Contact for further information: Sheila Saunders Tel: 020 8359 2529

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## **1. RELEVANT PREVIOUS DECISIONS**

1.1 None relevant to the fixed term post dealt with within this report.

## **2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

2.1 "A successful London Suburb": The One Barnet Programme aims to provide services to residents in as financially efficient a manner as possible, thereby securing value for money.

## **3. RISK MANAGEMENT ISSUES**

3.1 It is considered that the issue involved in the making of this decision is unlikely to raise significant levels of public concern or give rise to policy considerations.

## **4. EQUALITIES AND DIVERSITIES ISSUES**

4.1 Under the Equality Act 2010, the council and all other organisations exercising public functions on its behalf must have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; c) promote good relations between those with a protected characteristic and those without. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It, also, covers marriage and civil partnership with regard to eliminating discrimination.

4.2 The fixed term post will be filled in accordance with the council's equal opportunities and recruitment policies

## **5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for money, Staffing, IT, Property, Sustainability)**

5.1 Financial: The post will be funded from the One Barnet Programme Budget. The salary scale for this fixed term post will be within the salary range: spinal column 37-40.

5.2 Procurement, Performance and Value for Money: The successful candidate will be selected following an internal advertisement and recruitment in accordance with the council's policies.

5.3 Performance and Value for Money: the use of its own Legal staff to provide legal advice and assistance to its One Barnet Programme provides the council with value for money.

5.4 Staffing: It is anticipated that the post-holder will, after appointment, be transferred to the London Borough of Harrow with effect from July 2012, or such later date if appropriate, when the Council's Legal Service is expected to transfer to Harrow to

become a shared legal service with Harrow, providing legal services to, both, the London Boroughs of Barnet and Harrow.

5.5 There are no IT, Property or Sustainability implications.

## **6. LEGAL ISSUES**

6.1 The member of staff will, as appropriate, be entitled to employment rights, including the right not to be unfairly dismissed and the right to a redundancy payment after two years of continuous service, should that become applicable. Continuity of service will be preserved with the transfer of staff to the London Borough of Harrow.

## **7. CONSTITUTIONAL POWERS**

7.1 Council constitution Part 3 – responsibility for functions – Section 6.2 provides that Chief Officers may use whatever means they consider appropriate to discharge those functions allocated to them including engaging and deploying staff.

## **8. BACKGROUND INFORMATION**

8.1 In 2009, external lawyers, Trowers and Hamlins, were appointed as the Council's legal advisors to the One Barnet Programme. However, from the outset, it was identified that a level of internal legal resource would be required to support the legal work being carried out by Trowers and Hamlins.

8.2 Two permanent members of staff from the Legal Service are, presently, 'seconded' to the One Barnet Programme, whilst further, internal, legal support is being provided by an 'As and When' member of staff.

8.3 The use of internal legal resources to support the One Barnet Programme provides good value for money.

8.4 The Development and Regulatory Service and the New Support Customer Services Organisation One Barnet Programme projects are, presently, in dialogue and are due to go live in April/May 2013. The current level of internal legal support for the One Barnet programme will, therefore, be required in the period close to when these two projects go live. Consequently, the fixed term post is being created to continue until 31 March 2013.

8.5 As it is anticipated that the Council's Legal Service will transfer to the London Borough of Harrow with effect from July 2012, or such later date if appropriate, to become a shared legal service with the London Borough of Harrow, the new post and post-holder would transfer to the London Borough of Harrow if the service transfer takes place on July 2012 or such later date at which the fixed term post is still continuing.

## **9. LIST OF BACKGROUND PAPERS**

9.1 None

**10. OFFICER'S DECISION**

10.1 I **authorise** the creation of a Solicitor Post for a fixed term from July 2012 to 31 March 2013.

**Signed**            Director of Corporate Governance

**Date**             4 July 2012