

**RECORD OF EXERCISE OF DELEGATED AUTHORITY BY OFFICER PURSUANT TO
REGULATION 13 OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS)
(MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 &
THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014**

<u>SUBJECT OF DECISION</u> Signing a Memorandum of Understanding (MoU) with Wolverhampton Council as one of several West Midlands based Local Authorities for the provision of procuring, awarding and establishing a Barristers Framework Agreement.	
<u>DECISION REFERENCE</u> DO/62/2025 (MW)	<u>SOURCE OF AUTHORITY AND REFERENCE</u> (i.e. Committee/Constitution/Minute No. etc.) 3D.1 c) Take any action to maintain the operation and effectiveness of services within their unit. 3D.1 d) Take any action incidental to, or to give effect to, decisions taken by elected Members within their sphere of responsibility. 3D.2 a) Incur normal expenditure up to the limit of provision within the budgets under his/her control, subject to compliance with contract standing orders, financial standing orders, financial regulations and financial instructions. 3D.2 b) Invite and accept tenders or quotations for contracts, subject to contract standing orders, financial standing orders, financial regulations and financial instructions. Cabinet 19th February 2025 – CB91 - CB91 General Fund Budget 2025/26 & Full Council 19th February 2025 - CL56 Recommendations from Cabinet and Other Committees - vi) General Fund Revenue Budget 2025/26
<u>DATE OF DECISION</u> 11/11/2025	<u>DECISION MAKER (Name and Job Title)</u>  Matthew Wallbank – Assistant Director – Democracy and Governance.

RECORD OF THE DECISION

a) The issue

Legal Counsel / Barristers Framework Agreement

The option has come about via a group of local authorities across the West Midlands. Officers have been involved in discussions for the provision of a Legal Counsel/Barristers framework agreement, being led by Wolverhampton Council. 16 Contracting Authorities interested. The services therefore relate to providing Counsel advice, representing the Council in tribunal and courts and such like. Wolverhampton Council are taking the lead (ref procurement process) and will be the ultimate local authority meaning they take the risk, however there is an expectation that each participating authority has at least 1 representation their Council in the process. A Memorandum of Understanding between Wolverhampton and participating authorities will be in place to govern the collaboration of the procurement process and framework agreement. The Council hasn't had anything of this nature before other than the recently procured Legal Services Framework Agreement. The benefit primarily is that it should deliver savings to the Council in the long term rather than going direct to a chamber should the Council encounter similar levels of spending associated with Barristers and Counsel. Reference has been to the same/similar framework operating amongst the London Borough's and they are on their 3rd iteration of the same concept/framework. To sign up, the Council will be committed to spend £5,000 to Wolverhampton Council for the fees associated to the establishment of the Framework Agreement. This will need to be paid in full upon signing the MoU. The same fee applies to all participating local authorities.

b) The Decision

B.1. To sign the MoU with Wolverhampton Council and be a participating Local Authority for the purposes of the forthcoming procurement process for the establishment of a Barrister/Counsel Framework Agreement.

B.2. To participate in the procurement process and be a named Council in the collaborative exercise.

B.3. To pay Wolverhampton Council £5,000 for establishing and creating the Framework Agreement for the Council to have access to use during the term of the Framework Agreement.

REASON FOR THE DECISION

Purchase orders raised since June 2022 until end of July 2025, indicate the Council has committed circa £475k. Circa £400k of that, related to planning inquiries. This is however not reflective of potential future demand which is unknown.

Based on previous level of spend, a suggested saving of 10% - 20% given economies of scale for up to 16 local authorities. A commitment of £5,000, based on value for money perspective evidences the decision for forming part of the consortium of participating local authorities. Based on previous spend of circa £475k, even with a 5% saving, shows a return on investment. That is however all subject to a similar level of future requirement.

<u>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION</u> No to join the consortium and do nothing – reason for rejection: if spend levels are consistent with last 3 years, it may cost more despite the £5,000 commitment to Wolverhampton. It also ensures value for money as the costs would be competitively priced on the open market and it'll help provide certainty for NBBC on costs going forward for these service requirements. Procuring our own framework – this would take up officer time and if the Council acted alone, it wouldn't have the economies of scale compared to up to 16 collaborating local authorities.
<u>WARD RELEVANCE</u> None directly.
<u>FINANCIAL AND BUDGET IMPLICATIONS</u> Legal Services has a consultancy budget which can accommodate the £5,000 commitment.
<u>CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS</u> Strategic Director – Corporate Resources Solicitor to the Council Equality & Safeguarding Officer Cabinet Member - Resources and Central Services Shadow Portfolio Holder and Leader of the Main Opposition Party
<u>ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED</u> None.
<u>IN RESPECT OF ANY DECLARED CONFLICT BY A CABINET MEMBER, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE</u> (Note if the decision is a non-executive decision, no dispensation can be given). Not applicable
<u>EQUALITIES IMPLICATIONS (including any Equality Impact Assessment)</u> None identified following review by the officer.
<u>HUMAN RESOURCES IMPLICATIONS</u> None, other than time of the Assistant Director – Democracy and Governance and Solicitor to the Council to play a role in liaison with Wolverhampton during the procurement process and once the framework agreement is setup and ready to use. Once setup, engaging Counsel will be quick and effective under the framework agreement.

FINANCIAL IMPLICATIONS

The commitment of £5,000 is accounted for in the 2025/2026 budget.

Spend for Counsel and Barristers will be subject to a future decision by the relevant department and will need to be funded accordingly.

HEALTH EQUALITIES IMPLICATIONS

None directly.

SECTION 17 CRIME & DISORDER IMPLICATIONS

None directly.

RISK MANAGEMENT IMPLICATIONS

The Council will be required to comply with the MoU. The MoU will be required for all Participating Local Authorities who are taking part across the West Midlands.

SME (SMALL/MEDIUM ENTERPRISES) & LOCAL ECONOMY IMPLICATIONS

None directly.

ENVIRONMENTAL IMPLICATIONS

None directly.

LEGAL IMPLICATIONS

Compliance with the Procurement regulations. As Wolverhampton Council will take the lead, risk sits with them and compliance with their Contract Procedure Rules/Contract Standing Orders.

ANY OTHER COMMENTS

Not applicable

PLEASE RETURN TO THE MONITORING OFFICER AS SOON AS A DECISION IS MADE OR AS REASONABLY PRACTICABLE THEREAFTER