

Golden Valley Exec Programme Board Paper

Meeting date :- 21st Jan 2021

Item :- Appointment of Trowers & Hamlins LLP (Trowers) to provide on-going legal services to support the delivery of the Golden Valley Development Programme

Approval sought :- to extend the use of the Service Level Agreement with Trowers via the NHS contracts framework (terms and rates now extended to May 2022). It is proposed to call off services through the SLA up to an additional value of £150K. At this stage a further review of the services being provided will be undertaken and any further extension will be subject to board approval and a cabinet member decision.

Decision Required:

A Cabinet Member Decision is required to continue with the appointment with Trowers via the Framework as the anticipated value of the services for the next stage of the programme is £150,000. As Cabinet has agreed the budget for professional appointments, the cabinet member decision will not be a key decision and is not subject to call-in.

Background

In Dec 2018 a Legal Services Service Level Agreement was agreed between CBC and Trowers utilising the NHS Shared Business Services framework to provide comprehensive legal services to cover the procurement of a development partner and subsequent contract drafting and to support land assembly matters, including the potential use CPO powers.

Trowers were appointed on the basis that One Legal did not have the specific expertise or capacity in-house to support a programme of this scale and complexity.

The SLA sets agreed rates and contract terms but does not define the full extent of the appointment, it is effectively based on a rolling agreement. The agreed rates are shown below :-

	Grade A (Partner)	Grade B (Specialist)	Grade C (Solicitor)	Grade D (Trainee)
Hourly Rate	£230	£165	£140	£80

To date we have incurred costs of c£110k on the programme with Trowers with significant future spend projected to support the overall project which has a number of specialist legal requirements. The most significant area of spend of the next twelve months will be the contractual negotiations.

The estimated total future spend identified within the budget is c£240k. However, it should be noted that this is one of the areas in which it is very difficult to effectively estimate the level of resource needed to take the project through to legal completion and contract management / delivery.

Once a preferred bidder is identified there is the potential for contract discussions and finalisation to more complex and time consuming. Although the project team is taking careful steps to ensure that many of these issues are covered in the dialogue leading up to final bids, there is always a risk that this aspect of the project may overrun or increase in complexity. Other workstream may also be

active that may require further specialist advice (CPO / Land assembly / collaboration / equalisation agreements).

A recent paper to Appointments & Remuneration Committee gave authority for the appointment of a Contract / Partnership Manager for the Golden valley Development. It is intended that this post will take the lead of the management of all legal services following contract award, and will enable the Council to take a cost effective approach to the use of legal services in managing the delivery of the project and the ongoing relationship with the development partner.

To date the council has received a good standard of legal services from Trowers, across a number of key specialisms including: contracts, procurement, planning (including CPO), litigation, real estate and projects. The relationship between legal advisors and workstream leads remains positive and the team maintains a good level of confidence in the advice provided.

Proposal

To agree that the project continues to use Trowers as its external legal advisor. However to ensure that the level of service provided continues to meet the council's requirements and represents value for money a cap be placed on this to the value of £150K. At this stage, if not before, a further report be considered by the Board regarding the continued use of Trowers as external legal advisors.

One Legal has supported the team in setting up the original appointment and SLA through the NHS Framework. They advise that the legal services can continue to be provided however a formal decision should be made for the value of the services to be called of the framework. £150K would require a cabinet Member Decision.

A regular update will be provided at future board meetings of expenditure against budget and forecast to complete.

Neil Hopwood

18-1-21