

**Report for:
ACTION**

Item Number:

Contains Confidential or Exempt Information	No
Title	London Boroughs Legal Alliance (LBLA) Barristers Framework 2023
Responsible Officer(s)	Helen Harris - Director of Legal and Democratic Services
Author(s)	Assaf Chaudry (Contracts Lawyer), and Helen Harris
Portfolio(s)	Inclusive Economy - Cllr. Steve Donnelly
For Consideration By	Cabinet
Date to be Considered	19 April 2023
Implementation Date if Not Called In	3 May 2023
Affected Wards	All
Keywords/Index	LBLA Barristers Framework 2023

Purpose of Report:

To seek authority to undertake the procurement process for a pan-London fourth generation London Boroughs Legal Alliance (LBLA) Barristers Framework Agreement, for Ealing and on behalf of a number of local authorities that form the LBLA.

1. Recommendations for DECISION

1.1. It is recommended that Cabinet

1.1 Authorises the Director of Legal and Democratic Services to invite and evaluate tenders for a Barristers Framework for a period of three years with the option to extend for one year, with Ealing as the lead authority on behalf of LBLA authorities and other authorities wishing to access the framework.

1.2 Authorises the Director of Legal and Democratic Services upon completion of the tender process to award the Framework Agreement to Barristers Chambers in accordance with the evaluation criteria, for each of the Lots.

1.3 Authorises the Director of Legal and Democratic Services to enter into Access Agreements with any LBLA members and other authorities that request to use the framework

2. Reason for Decision and Options Considered

- 2.1. This report seeks approval for the procurement to establish the fourth pan-London Barristers Framework Agreement for the LBLA and other councils.
- 2.2. The LBLA is currently made up of the City of London Corporation, the London boroughs of Barnet, Bexley, Brent, Bromley, Camden, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith & Fulham, Haringey, Harrow, Havering, Hillingdon, Hounslow, Islington, Kensington & Chelsea, Islington, Lambeth, Newham, Redbridge, Southwark, Tower Hamlets, Waltham Forest, City of Westminster, the London Fire Commissioner, and Slough Council. Buckinghamshire County Council, Swale Borough Council, Maidstone Borough Council, South Oxfordshire District Council, Vale of the White Horse District Council, and Tunbridge Wells Borough Council are not LBLA members but have access to the current framework.
- 2.3. Ealing was one of the founding member of the LBLA, which was set up fourteen years ago. It is fair and appropriate for Ealing to take our turn to lead the procurement of the latest iteration of the Barristers Framework Agreement. Previous versions of the framework were led by other LBLA borough members, most recently by the City of London Corporation in 2019. Use of a framework enables councils to use their bulk purchasing power to achieve the best rates and terms of service.
- 2.4. The current agreement expires on 31 December 2023 and has 25 sets of chambers appointed under the framework. A replacement Framework Agreement is required to provide LBLA members with continued access to a panel of expert legal advisers for specialist advocacy, advice, and related legal services. In addition, the replacement Framework Agreement will provide access to other local authorities in London and South East England who wish to buy into it; this helps to strengthen the bargaining power of the framework.
- 2.5. The proposed Framework Agreement will be divided into the distinct areas. There are eight Lots in the current framework;
 - a) Lot 1 - Adult Social Services
 - b) Lot 2 - Children's Services
 - c) Lot 3 - Governance & Public Law
 - d) Lot 4 - Criminal Litigation & Prosecutions
 - e) Lot 5 – Housing
 - f) Lot 6 – Planning
 - g) Lot 7 – Property
 - h) Lot 8 – Civil Litigation

The number of Lots within the proposed new framework will be finally determined following consultation with LBLA members. It is likely that there will be additional Lots for Education, Licensing and possibly also Employment.

- 2.6. When acting as the lead contracting authority, Ealing will work closely with specialist independent legal consultants, Kennedy Cater (KC). KC is contracted to supply secretarial and other support services to the LBLA and fees are covered through LBLA subscriptions.
- 2.7. The procurement process proposed is a one stage (Open) procedure (under the Light Touch Regime). It is considered the proposed replacement Framework Agreement provides the necessary platform and resources for LBLA members (including Ealing) and other councils.

3. Key Implications

- 3.1 The council aims to carry out its legal services via the in-house legal services team wherever possible. However, there will always be times when the in-house team does not have the specialist expertise, the capacity to act (for example, only barristers are permitted to appear in some courts), or where there are otherwise sensible reasons to use independent barristers. The framework will give the council quick and cost effective access to a specialist panel of barristers to meet this need.
- 3.2 In the absence of access to a framework such as this, Ealing (and the other LBLA boroughs) would have to individually procure the services of barristers on a case by case basis, either to meet additional capacity within legal services or to obtain specialised legal support. Such an approach would be time consuming and potentially more costly.
- 3.3 There are no other similar frameworks that are as well suited to the Council's needs as the current framework and the proposed new framework is expected to deliver the same value for money.
- 3.4 Barristers chambers bidding to join the framework are also required to offer the following value-added benefits as part of their service offering:
- 3.4.1 The provision of a minimum of one bespoke legal training session per annum per Lot, as part of the annual LBLA Training Programme; (although bespoke sessions for individual LBLA members, webinars and podcasts can be provided in addition).
 - 3.4.2 Monthly management information services (as described in the ITT) to enable the Participating Authorities and OCBs to monitor the operation of the Framework and to enable strategic decision making by them around encouraging competition and delivering better value for money.
 - 3.4.3 Twenty minutes of free advice (telephone or e mail) per potential new instruction.
 - 3.4.4 Value Added and Social Value Benefits, such as:
 - 3.4.4.1 Newsletters / bulletins in relation to relevant changes in legislation and case law.
 - 3.4.4.2 Additional bespoke training sessions.
 - 3.4.4.3 Any innovative fee arrangements.
 - 3.4.4.4 Surgeries.

3.4.4.5 Secondments.

3.4.4.6 Social Value Benefits such as:

- provision of work experience, volunteering, (paid) internship and pupillage opportunities targeted to help improve social mobility.
- provision of support to schools by way of mentoring, or talking to groups of pupils about careers in the law.
- provision of goods or services for community groups as agreed, e.g. pro-bono legal advice.

3.5 Provision of specialist legal training sessions for in-house lawyers through previous versions of the framework has enabled Ealing's in-house legal service to achieve significant savings on its training budgets while still ensuring that our in-house team remains fully up to date in its learning and practice.

4 Financial

Financial impact on the budget

4.1 The total spend for all the LBLA members from January 2020 to September 2022 is £31,354,632. The Ealing spend for the last three years is set out in the table below.

Barristers spend for Ealing by calendar year				
Spend per Lot	2020	2021	2022	Total
LOT 1: Adult Social Service	£ 8,160	£ 7,879	£ 11,755	£ 27,794
LOT 2: Children's Services	£ 199,658	£ 218,803	£ 178,310	£ 596,770
LOT 3: Governance & Public Law	£ 1,900	£ 14,359	£ 20,459	£ 36,718
LOT 4: Criminal Litigation & Prosecutions	£ 14,324	£ 32,899	£ 41,822	£ 89,045
LOT 5: Housing	£ 40,005	£ 31,455	£ 36,102	£ 107,562
LOT 6: Planning	£ 25,799	£ 61,442	£ 70,817	£ 158,058
LOT 7: Property	£ -	£ 2,500	£ 2,600	£ 5,100
LOT 8: Civil Litigation	£ 7,030	£ 12,761	£ 33,937	£ 53,728
Total	£ 296,876	£ 382,097	£ 395,801	£ 1,074,774

4.2 The costs for Ealing will be met on a case by case basis, from the budgets of the individual department for whom the service is being obtained.

4. Legal

The procurement will be conducted in accordance with the Public Contracts Regulations 2015 (as amended) and the council's Contract Procedure Rules.

5. Value For Money

5.1 This procurement exercise is to set up the LBLA Barristers Framework on behalf of LBLA members. The framework is expected to deliver some social value benefits. 5% of the scoring is attributable to Value Added Benefits & Social Value.

5.2 In addition to providing competitive fees, the bidders will be required to provide a range of Value Added and Social Value Benefits. Mandatory requirements are a minimum of 1 training session for each Lot to which they are appointed, monthly management information and twenty minutes free advice for each potential new instruction.

5.3 Bidders will be expected to offer a range of additional free benefits which could include additional training sessions and seminars, legal updates, legal research facilities, access to Chambers' conference rooms, secondments, legal surgeries, Pro Bono legal advice, supporting local charities, providing work experience to state school children and those from black, Asian and minority ethnic backgrounds.

6. Sustainability Impact Appraisal

No impact on the council's sustainability principles have been identified.

7. Risk Management

The new Framework needs to be in place by the start of 2024. In order to achieve this, the first mitigation is that the procurement is under light touch regulations. The external consultants Kennedy Cater, who carried out a similar function on earlier framework agreement procurements (including that of 2019), and Ealing's Commercial Hub officer team, will be monitoring the whole process in support of the council's in-house legal team.

8. Community Safety

No direct impact to community safety has been identified.

9. Links to the 3 Key Priorities for the Borough

The project seeks to confirm not only value for money for the council and other LBLA members but also enables the council to carry out its statutory functions. Having a Barristers Framework will enable the council to deliver its priorities in the most efficient and effective way.

10. Equalities, Human Rights and Community Cohesion

This contract seeks to replace an existing contract with similar terms and conditions. As such there are not considered to be any implications and an Equality Impact Assessment has not been undertaken.

11. Staffing/Workforce and Accommodation implications:

The council aims to carry out all its legal services via the in-house legal services team wherever possible. However, there will always be times when the in-house team does not have either the expertise or capacity to act, or where there are otherwise sensible reasons to use independent barristers. The framework will not have any staffing implications.

12. Property and Assets

No implications.

13. Consultation

It is not considered that community consultation is required in this case.

14. Timetable for Implementation

The indicative timetable is set out below. This may change once the invitation to tender (ITT) has been issued, for example if there are a significant number of bidders and the evaluation process needs to be extended in consequence.

Event	Expected Date
<i>Commercial Strategy to JCB</i>	2 March 2023
<i>Commercial Strategy to Cabinet</i>	19 April 2023
<i>Issue ITT</i>	22 May 2023
<i>Tender Clarification Deadline</i>	12 June 2023
<i>Return of Final Tender Documents</i>	22 June 2023
<i>Evaluation of Tenders</i>	31 July to 25 August 2023
<i>Post-Tender Meeting</i>	
<i>Internal review and approvals</i>	22 September – 20 October 2023
<i>Inform tenderers of outcome of evaluation process</i>	20 October 2023
<i>Standstill Period</i>	21 October 2023 – 30 October 2023

<i>Start of Contract Period</i>	1 January 2024
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15. Appendices

None

16. Background Information

None.

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Helen Harris	Director, Legal and Democratic Services	Co-author		Throughout
Andrew Shorter	Category Lead Procurement Hub	20 March 2023		
Emily Hill	Interim Strategic Director of Corporate Resources	16 March 2023		Throughout
Cllr. Steve Donnelly	Cabinet Member for Inclusive Economy	16 March 2023		

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Assaf Chaudry, Contract Solicitor, Extension 5048