

Response:

1. A copy of the Council's latest legal framework or strategy setting out how the Council's legal function/department is established/works/ including when external legal firms are utilised;

Information not held.

2. A copy of the latest business plan for the Council's legal department;

Legal Services Team Plan 2019/20 attached.

3. A copy of the Council's procedure rules/protocol for use of the Council's legal department by other departments in the Council and when external legal representation (law firms and barristers) may be used;

There is no single document setting out the Council's procedure rules/protocol:

- for the use of the Council's legal department by other departments in the Council; or
- as to when external legal representation (law firms and barristers) may be used.

This is the link to the Council's web page where its constitutional documents, including the Officer Delegation Scheme and Contract Standing Orders are available: <https://my.northtyneside.gov.uk/category/304/council-constitution>
The Officer Delegation Scheme provides a framework which ensures the efficient discharge of the Authority's business by allowing for decision making at the appropriate level.

Under General Delegation 6 the Chief Executive and all Heads of Service are authorised to take decisions on behalf of the Authority on all matters where they have managerial or professional responsibilities for their service areas.

The Officer Delegation Scheme contains a requirement for Heads of Service to consult with the Head of Law and Governance in determining certain matters.

The Head of Law and Governance is the Solicitor for the Council and as such has managerial and professional responsibilities for the Authority in relation to its legal matters. The default position is that the in-house team advises the Council on all legal matters, however, where a need for external advice arises whether that is due to capacity or expertise this would be determined by the Head of Law and Governance, in conjunction with the Chief Executive or other Heads of Service where appropriate.



Reference: FOI1230

Contract Standing Orders (link above) contain the financial thresholds and tendering procedures for utilising external providers.

4. Details of where in the Council's Constitution information on the Council's legal department and how it is used is located;

Information not held other than within the response to question 3 above.

5. Details of how much was spent on external legal representation (only law firms and not barristers) between March 2017 and March 2018.

The amount of costs incurred on external legal representation (law firms not barristers) for the period April 2017 to March 2018 is £92,353.

6. A copy of the last Invitation to Tender document when external legal representation was tendered for.

Please find attached Invitation to Tender (ITT) Documents attached.

7. If documents do not exist explaining how the legal function is used and when external law firms are instructed please provided details on the following:
 - a. Are all matters involving leases, conveyances, contracts, public prosecutions, planning enforcement dealt with by the Council's legal department or does it depend on the value of the matter (or any other criteria) as to whether an officer in a separate department (i.e. environmental services) would deal with the matter themselves?

All legal work is undertaken within the in-house team unless external legal advisors are utilised.

- b. When are external legal firms instructed? What criteria applies?

Under General Delegation 11 the Chief Executive and all Heads of Service are authorised "to procure goods, works and services and undertake other associated functions in accordance with the duties and responsibilities laid down in Contract Standing Orders." As explained above, the Head of Law and Governance would determine if an external legal firm should be instructed. There is no set criteria for this but matters such as capacity, a need to secure particular expertise or avoid conflicts of interest would be factors in determining whether to use an external legal firm.