



Local Authority Collaboration

Developing a route map through the legal issues

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Developing proposals

- Identify your vision
- Consider governance and any legal constraints

Why collaborate?

- Savings and income generation
- Service transformation
- Duty to secure continuous improvement
- Government expectations
- Establish your objectives and plan for them

Vision and Leadership

- How will leadership and management help you to achieve your vision?
- Make sure all authorities are clear about their involvement and the control they can have

Options for collaboration

- Delegation of functions
- Joint discharge of functions
- Provision of services
- Making staff available
- Companies
- Collaboration on arrangements with other service providers

Some legal issues to consider

- Powers
- Procurement
- Employment

Discharge of functions

- S.101 Local Government Act 1972
- May arrange for discharge of functions by committee or officer or other local authority
- Does not prevent authority itself from exercising its own functions
- Executive functions – s.19 Local Government Act 2000 and SI 2002/802

Joint exercise of functions

- S.101 Local Government Act 1972
- Executive functions – s.20 Local Government Act 2000 and SI 2002/802
- May involve joint committee
- One authority might act as lead authority or another entity might be established
- May involve overarching agreement with further agreements for individual services

Joint Committee – Issues to consider

- Are different authorities objectives and ways of working compatible?
- Are responsibilities clear?
- What if a local authority withdraws?

Provision of services

- Local Authorities (Goods and Services) Act 1970
- Provision to public bodies of goods or materials, administrative, professional or technical services, vehicle, plant or apparatus, works of maintenance
- On such terms as the parties consider appropriate

Making staff available

- S.113 Local Government Act 1972
- Local authority may place services of employees at disposal of another local authority
- Must consult with employees

Collaboration on arrangements with other service providers

- Contracts for services
- Participation in companies

Powers

- Identify a relevant power
- Exercise powers reasonably
- Ensure there is evidence of decisions and reasons for them

Public Procurement

- Rules usually apply when:
 - A contracting authority
 - Seeks offers for public contracts
 - The value of which exceeds the relevant threshold
 - Which are not excluded
- Exemptions and exceptions
 - Award of contracts to controlled persons
 - Contracts for some services reserved to “qualifying organisations”
 - Light touch regime for some services

Employment

- TUPE
- Terms and conditions
- Equal Pay
- Costs

Developing an effective route map

- Identify your objectives
- Make arrangements to suit them
- Address legal requirements
 - Identify legal issues early and check your compliance

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Thankyou

This briefing note is intended solely as an overview of the law. It was last updated on 26th June 2017. No responsibility can be accepted for the completeness or accuracy of this briefing note and professional advice should be taken in relation to any specific problems. For further information please contact Clare Hardy on (029) 20391766.