

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

3268

Author:

Richard Murphy

Department:

Strategy and Resources

Contact:

Richard Murphy

(Job Title: Litigation Team Leader, Email: richard.murphy@nottinghamcity.gov.uk, Phone: 01158764402)

Subject:

External Legal Expenditure for a Public Hearing

Total Value:

Up to £150,000 (Type: Revenue)

Decision Being Taken:

- 1) To appoint a Queens Counsel to represent the City Council at the Independent Inquiry into Child Sexual Abuse (IICSA) and to provide ancillary advice;
- 2) To approve the dispensation in accordance with Financial Regulation 3.29 to contract procedure rule 5.1.2, requiring the seeking of competitive tenders.

**Reasons for the Decision(s)**

**The Council is a Core Participant in the Independent Inquiry into Child Sexual Abuse (IICSA).**

**IICSA is holding a Public Inquiry into the extent of any institutional failures to protect children in the care of Nottingham City and Nottinghamshire Councils from sexual abuse and exploitation. The public hearing will last for a total of 3 weeks in October 2018.**

**IICSA is a high profile Public Inquiry. A report of its findings will be published in 2019.**

**A number of current and former Council employees have provided witness statements to the Inquiry and will be called to give live evidence. Evidence will be heard from the Portfolio Holder for Children's Services and the Corporate Director for Children and Adults. Thousands of pages of documents will be considered.**

**In light of the significance of the Public Inquiry, it is necessary to appoint an experienced barrister at the level of Queens Counsel to advise and represent the Council. This is in line with the approach taken by other key participants in the Inquiry.**

**The decision on who to appoint to have conduct of this matter on behalf of the Council has been considered by the Corporate Director for Children and Adults, and having considered the alternatives, it has been decided that Steven Ford QC of 7 Bedford Row chambers should be appointed to represent the Council at the hearing and to advise the Council on matters relating to IICSA.**

**Mr Ford is being proposed due to his specialist knowledge of and experience of the relevant law, procedure and subject matter. He has represented public bodies including Rochdale Council during their strands of the IICSA public inquiry. There are few barristers (if any) who would have a similar level of knowledge of IICSA.**

**Furthermore, Mr Ford has had previous dealings with the Council on related matters. He has supported the Council in preparing its Corporate statement which was submitted to the Inquiry in July 2018. As he has a background in the subject matter, he will require less preparation time compared to other barristers with no relevant knowledge, thereby saving costs.**

**Subject to receiving approval, we have tentatively agreed a reduced hourly rate for his services. We also intend to save further costs by only requiring his attendance on the days when relevant evidence is being heard during the inquiry or when specific advice is needed. Otherwise, advice and representation will be provided by internal resources (Legal Services).**

**Other Options Considered:**

**To use internal resources. There is no internal resource with the level of experience and expertise of a Queens Counsel. Use of other external legal advisers or Counsel would not be appropriate, as they do not have the relevant background, experience and specialist expertise of Steven Ford QC. Therefore this option was rejected.**

**Background Papers:**

**None.**

**Published Works:**

**None.**

<b>Affected Wards:</b>	<b>Citywide</b>
<b>Colleague / Councillor Interests:</b>	<b>None.</b>
<b>Dispensation from Financial Regulations:</b>	<b>Yes</b>
<b>Consultations:</b>	<b>Those not consulted are not directly affected by the decision.</b>
<b>Crime and Disorder Implications:</b>	<b>Not applicable.</b>
<b>Equality:</b>	<b>EIA not required. Reasons: This is an operational decision. There is no impact on Council policies, services or functions.</b>
<b>Social Value Considerations:</b>	<b>Not applicable.</b>
<b>Decision Type:</b>	<b>Portfolio Holder</b>
<b>Subject to Call In:</b>	<b>Yes</b>
<b>Call In Expiry date:</b>	<b>04/10/2018</b>
<b>Advice Sought:</b>	<b>Legal, Finance, Procurement</b>
<b>Legal Advice:</b>	<p><b>There are no significant legal issues arising from this decision. A dispensation from the need to follow the Council's internal procurement procedures may be granted for operational reasons, and these have been set out in the body of this report. As the value of the decision is below the 'light touch' threshold for legal services as set out in the Public Contracts Regulations 2015, there are no procurement law implications arising from this decision.</b></p> <p><b>Legal Services support the decision.</b></p> <p><b>Advice provided by Naomi Vass (Senior Solicitor) on 14/09/2018.</b></p>

**Finance Advice:**

This decision seeks approval to appoint an experienced barrister at the level of Queens Counsel to advise and represent the Council with the Independent Inquiry into Child Sexual Abuse (IICSA).

The total value of this decision is upto a maximum of £150,000. This decision will be funded by approved contingency funding, set aside for the IICSA.

Care should be taken by management to ensure that costs are closely monitored to ensure that the value of this decision is not exceeded. Where possible, management must aim to reduce external spend and maximise the advice and representation from internal Legal teams.

Dispensation from contract procedure rules (5.1.2) in accordance with Financial Regulation (3.2.9) is requested and is deemed appropriate in these circumstances for reasons outlined by the report author.

Advice provided by Hayley Mason (Strategic Finance Business Partner) on 14/09/2018.

**Procurement Advice:**

The value of this proposal falls below the EU procurement threshold and therefore for the reasons given in the report, dispensation from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.29 is supported by Procurement in order to appoint a Queens Counsel to represent the City Council at the Independent Inquiry into Child Sexual Abuse (IICSA) and to provide ancillary advice.

Advice provided by Julie Herrod (Procurement Officer) on 14/09/2018.

**Signatures**

<b>Graham Chapman (PH for Finance, Resources and Commercial Services)</b>
<b>SIGNED and Dated: 27/09/2018</b>
<b>Candida Brudenell (Corporate Director for Strategy and Resources)</b>
<b>SIGNED and Dated: 26/09/2018</b>
<b>Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 25/09/2018</b>
<b>Chief Finance Officer's Comments:</b>