

Record of Officer's Decision

The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	18.07.25
Decision Maker (Officer):	Lisa Hastings, Corporate Director (Law and Governance)
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	Part 3, Schedule 3 – Responsibility for Executive Functions delegated to Officers, Section 4.4.1, General Responsibilities delegated to Officers, states: 1. All Corporate Directors have the authority to incur expenditure (with the exception of external legal resources) in accordance with the Budget and Policy Framework, Financial Procedure Rules and Procurement Procedure Rules. Instructing external legal resources remains the responsibility of the Corporate Director – Law and Governance.
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Councillor Placey
Ward Member(s) consulted?	Not relevant
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To instruct external solicitors, Birketts LLP to provide the Council with general legal advice and services relating to the transfer of Careline Services on the Individual Contract Terms and Conditions as stated in Framework Agreement Y21012 let by Commercial Procurement Services.
Reason for Decision (if a report was produced to	The Council does not have the in-house capacity nor breadth of expertise and specialisms within its own

support the Decision, refer to or attach it):	legal services team to progress and prepare a legal agreement(s) for the Careline/Helpline transfer; and thus external support is required. This information has been provided within the Cabinet Reports associated with the transfer of Careline. Previously this decision was made by the Portfolio Holder for Partnerships in consultation with the Monitoring Officer however, this decision is now being made to ensure compliance with the requirements of the Constitution.
Highlight any associated risks/finance/legal/equality considerations:	As per attached report
Details of Local Government Reorganisation and/or Devolution considerations	The instruction of external solicitors for a short period of time, limited to the Transfer of Careline does not have implications on Local Government Reorganisation. The Cabinet Reports on the actual transfer have highlighted any LGR implications.
Details of any Alternative Options Considered and rejected (together with reasons):	Alternatives could include progressing the legal work and legal agreement in-house; however the Council's legal services team will not have the capacity nor breadth of expertise and specialisms to do this quickly and in line with the proposed timetable for completing the Careline/Helpline transfer. The Council could formally seek quotes from alternative legal firms, however this will likely lead to delay in the completion of the work – bearing in mind that Birketts LLP is well placed to progress this work immediately given its involvement in giving advice to date, its knowledge of the project and the discounts offered to public sector organisations; hence the agreement already in place for an exemption from normal contract procedure rules. Progressing with the Careline/Helpline transfer in the absence of a legal agreement being in place prior to the transfer would go against the resolution of the Cabinet on 21 February 2025 and would place the Council and its partners at unnecessary legal risk
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)	N/A

If relevant, a note of the dispensation granted by the Monitoring Officer:			
Reason Decision, or supporting Report, is not published: <i>Tick one or more of the specific exemptions,</i> <u>and</u> <i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i>	☒	Not applicable – Decision [and report] to be published	
		If Report is not to be published – tick one of the following boxes:	
		The report supporting the Decision contains confidential information	
		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:	
		• Relates to an individual	
		• Likely to reveal the identity of an individual	
		• Relating to financial or business affairs of a person or organisation	
		• Relates to a claim for legal professional privilege in legal proceedings	
		• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment	
		• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	
<u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information Reasons: N/A			

Officer:

Signed: Lisa Hastings

Title: CORPORATE DIRECTOR (LAW & GOVERNANCE) & MONITORING OFFICER

Dated: 18th July 2025

