

PFCC Decision Report

Report reference number: 138-22

Classification Not protectively marked

Title of report: Legal Services Contract Extension - Capsticks

Area of county / stakeholders affected: PFCC Office

Report by: Naomi Dempster (Supplier Relationship Manager, 7F Commercial Services)

Chief Officer: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

Date of report: 5th April 2022

Enquiries to: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

1. Executive Summary

- 1.1 The purpose of this report is to seek approval to extend the PFCC's contract for legal services for a further year from 20th April 2022 to 19th April 2023. This is the final extension permitted within the contract.

2. Recommendations

- 2.1 To approve the one-year extension of the contract with Capsticks Solicitors LLP to deliver legal advice to the PFCC.
- 2.2 To agree to sign the contract extension documentation produced by Health Trust Europe, as the contract was awarded following a mini competition against the Health Trust Europe framework contract.

3. Background to the Proposal

- 3.1 Capsticks has been providing specialist legal advice under the current contract since April 2020. The level and quality of service provision, across a range of issues, during that time has been good and there is a provision to extend the contract for a further year.

4. Proposal and Associated Benefits

- 4.1 The service covers a wide range of expertise to provide comprehensive legal support to the PFCC, including in relation to the Commissioner's policing responsibilities and his role within the wider criminal justice system.
- 4.2 Capsticks advises the PFCC, the Chief Executive and Monitoring Officer and the Chief Fire Officer / Chief Executive on the legality of proposals, policies, and practices, allowing them to discharge their functions with confidence that potential legal issues have been identified and any risks properly considered.
- 4.3 It is proposed that the PFCC extends this contract for the final one-year extension permissible until 19th April 2023.
- 4.4 This service is demand-led. The spend to date is £184,477.

5. Options Analysis

- 5.1 The PFCC could choose not to extend the contract with Capsticks and instead to launch a new tender process, but this would leave the PFCC without ready access to specialist legal advice in the meantime, so is not recommended.

6. Consultation and Engagement

- 6.1 As the contract was tendered collaboratively with the Essex County Fire and Rescue Service, consultation has been undertaken with ECFRS's Senior Responsible Officer, who has also confirmed their intention to extend the contract for a further year, having been satisfied with the service received.

7. Strategic Links

- 7.1 The contract with Capsticks provides legal advice to the PFCC and their chief officers covering the full range of their statutory powers, functions and duties as set out in their Constitutions and key strategic documents such as the Police and Crime Plan and Fire and Rescue Plan. The contract also covers advice in respect of the Essex Emergency Services Collaboration Programme and the programme of work set out in the PFCC's Local Business Case for Joint Governance.

8. Police operational implications

- 8.1 This contract is for specialist legal advice to the PFCC. There are therefore no operation implications for policing.

9. Financial implications

- 9.1 Within the terms of the contract, Capsticks has a duty to ensure value for money through the most efficient and effective allocation of personnel and resources to each matter, using the most economical approach without the compromise of quality.
- 9.2 This service is demand-led. Expenditure for the PFCC in 2021/22 was £12,699. The Budget is £20,000

10. Legal implications

- 10.1 All legal obligations are identified within the contract which was finalised via Health Trust Europe.

11. Staffing implications

- 11.1 There are no staffing implications arising from this decision.

12. Equality, Diversity and Inclusion implications

- 12.1 There are no equality, diversity or inclusion implications arising directly from this decision. The advice provided by Capsticks in relation to each matter includes any EDI considerations relevant to that issue.

13. Risks and Mitigations

- 13.1 There is a risk that Capsticks no longer wishes to be in contract and therefore declines the offer to extend services. This risk has been assessed as low.

14. Governance Boards

- 14.1 This paper has been written following discussion at the Commercial Services / PFCC Office monthly meeting. The matter has also been discussed briefly at the PFCC's Management Team meeting.

15. Links to Future Plans

- 15.1 This contract extension request does not form part of a longer-term plan, as it is the final extension permissible under the contract.
- 15.2 Following confirmation of the extension, discussions will take place with the Essex County Fire and Rescue Service to establish the optimum way forward for future provision of legal advice and services, in order that the necessary arrangements can be put in place in a timely manner ahead of the end of this extension period.

16. Background Papers and Appendices

16.1 No background papers or appendices form part of this report.

Report Approval

The report will be signed off by the PFCC's Chief Executive and Chief Finance Officer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O.

Sign:



Print: P. Brent-Isherwood

Date: 12 August 2022

Chief Financial Officer

Sign:



Print: Janet Perry

Date: 06 October 2022

Publication

Is the report for publication?

YES

NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

None

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet?	YES	<input type="checkbox"/>	2. Of Appendix?	YES	<input type="checkbox"/>
	NO	<input checked="" type="checkbox"/>		NO	<input type="checkbox"/>

If 'YES', please provide details of required redaction:

N/A

Date redaction carried out:

Chief Finance Officer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign:

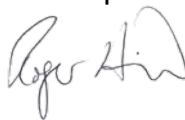
Print:

Chief Executive / Chief Finance Officer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign:



Print:

Roger Hirst

PFCC/~~Deputy PFCC~~

Date signed: 10 October 2022

I do not agree the recommendations to this report because:

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Sign:

Print:

PFCC/Deputy PFCC

Date signed: