

## **Service Level Agreements**

### **1. INTRODUCTION**

- 1.1** The South East of Scotland Transport Partnership receives specialist support and advice via Service Level Agreements with constituent councils. City of Edinburgh Council provide financial support and services, Falkirk Council provide Human Resources advice and services, and Fife Council provide clerking services and legal advice to the Partnership. In late March 2017, Fife Council advised that they could only extend the SLA with SEStran until September 2017. This decision is due to internal re-organisation and diminishing resources within the council, meaning that the outsourcing of resource can't continue and there is a need to focus on core Council business. City of Edinburgh and Falkirk Councils have accepted extensions to their current SLAs until May 2018.

### **2. Replacement Options**

- 2.1** The Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 makes provision for services by others, as does the Partnership standing orders, but neither require a constituent council to provide those services under an SLA. Fife have provided Legal Services since the statutory beginning of the Partnership, and Secretarial services since shortly after. The Partnership Director has in early April 2017 written to all the other 7 constituent councils to seek any expressions of interest in providing clerking and legal services from October 2017.
- 2.2** At time of writing, in consultation with the Secretary, Officers have also sought to scope out the capacity for external training on the clerking services to provide an in-house situation. In addition, other public sector bodies have been approached to see if they could provide clerking services under an SLA, leaving the provision of legal advice on an ad-hoc basis with recall to a framework agreement or similar arrangement with external legal advisers. If this is the outcome required, Fife Council have offered to help draft the necessary documentation over the Summer.
- 2.3** The Partnership Director has in late May 2017 written again to all constituent councils asking for clarification if they can provide legal and/or clerking services to SEStran. In early June, we received a response from City of Edinburgh Council to say they would be welcoming of further discussions on a potential further SLA to provide clerking and legal services to the Partnership. Further discussions have highlighted that only a Secretary/clerking service would be possible and we would not be able to access legal services framework contracts of CEC.
- 2.4** However, further discussions with Transport Scotland have highlighted that SEStran could possibly access and benefit from the Scottish Government's

Legal Services Framework<sup>1</sup> since SEStran is a statutory body set up under the Transport (Scotland) Act 2005. This could mean obtaining significantly lower rates than a direct approach to a private firm of solicitors. An initial discussion with Scottish Government has identified we would be eligible to use the framework but will need to complete a participation documentation and carry out a min-tender exercise calling off from the framework. A further update will be provided at the Board meeting.

### 3. CONCLUSION / RECOMMENDATIONS

- 3.1** The paper asks the Board to note the forthcoming change of SLA provider to SEStran for clerking and legal services, the ongoing discussions on a replacement provider or legal and/or clerking services and formally recognise the long service provided by Fife Council employees to the Partnership.
- 3.2** The Board is asked to agree that a further paper will be tabled to the September 2017 meeting outlining options for decision, pending the outcomes of the discussions, summarised within the paper, delegating to the Partnership Director in consultation with the Secretary to take all necessary action to ensure continuity of service.

George Eckton  
**Partnership Director**  
 16<sup>th</sup> June 2017

Policy Implications	Depending upon the outcome, SEStran would not have the same access to historical knowledge of RTPs as embedded within the Secretary and other SLA participants. This could be less than helpful at a time of any discussions on “Model 2 or 3” arrangements. It would also mean without a council SLA provider replacement, having to consider even more carefully recourse to legal advice on policies, process and procedure in future.
Financial Implications	It is likely that any non-council legal services agreement would be more cost intensive than the present arrangement with Fife council. It may be that cost saving measures such as reducing the number of Board or Committee meetings requiring Clerking might need to be considered.
Equalities Implications	We may no longer have the same access to immediate advice on specific legal issues arising from our Public Sector Equality Duties.
Climate Change Implications	Engagement of support services from closer to SEStran’s offices may have a slight positive impact on emissions. However, as existing personnel almost invariably use public transport, the effect may be minimal.

<sup>1</sup><http://www.gov.scot/Topics/Government/Procurement/directory/pscontractcentgovt/LegalServicesFramework>