



KEMPSEY  
Shire Council

## **DIRECTOR CORPORATE SERVICES REPORT**

11<sup>th</sup> October 2005

**DCS7      APPOINTMENT OF COUNCIL'S SOLICITORS  
FILE: 746      PJH**

### **SUMMARY:**

Reporting of the appointment of Council's solicitors.

TTTTT

Council's practice is to appoint its solicitors on a 12 month basis in September or October.

Council in September 2004 authorised the General Manager to negotiate with Howard Sheridan Cooney Harvey and subsequently they were re-appointed.

Howard Sheridan Cooney Harvey have adequately served Council over the last fifteen (15) years and have again sought re-appointment. The conditions of appointment in this time have always been that they are to advise Council of any conflicts of interest with clients and that Council can then determine its alternative representation.

Their fee structure proposed is \$250.00 plus GST per hour for general advices. This rate is below their normal commercial rate. This is an increase from \$240.00 plus GST for the past year.

Howard Sheridan Cooney Harvey, are the largest local law firm, have gained much local government expertise in the time with Council and their re-appointment is recommended. Where expert Barristers are required these are normally sourced by the appointed solicitor in consultation with Council.

While the appointed firm will handle the majority of Council's legal matters, it is not exclusive as it does not include public liability cases or debt recovery as Council's appointed insurer or debt recovery firm prefer to use law firms specialising in these areas and Council has concurred with this arrangement.

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*Council's legal costs are funded from its allocations for legal expenses. These allocations are separated into Admin legal expenses, development control, and rates recovery legal expenses. The budgets for 2005-2006 are:-*

*Admin \$30,000  
Development Control \$40,800  
Rates Recovery \$31,000*

- *Policy or Statutory*

*Council does not have a policy on its appointment of solicitors. The practice of this Council is for the appointment of solicitors to be referred to Council each year and the appointment made for 12 months. Should Council make an appointment for a longer term, it may have to invite tenders.*

- *Director's Review*

*Council paid Howard Sheridan Cooney Harvey a total of \$74,936 in the past year. The recommendation is supported.*

**RECOMMENDATION:**

**That Howard Sheridan Cooney Harvey be re-appointed as Council's Solicitors for the next 12 months.**

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**G B Snape**  
**DIRECTOR CORPORATE SERVICES**