

APSE Litigation
Briefing to Audit and Corporate Governance Committee
Status : Public

At the Audit and Corporate Governance Committee in November 2024, a councillor asked a question about the proposed litigation by Thurrock Council in relation to Association of Public Service Excellence (APSE). Officers responded to confirm that Slough Borough Council (SBC) was not a member of APSE. It subsequently transpired that SBC was at the relevant time a member of APSE, but not a member of or subscriber to APSE Energy. The Monitoring Officer contacted the relevant committee member to update him. This briefing note is to formally update committee members.

Background

APSE describes itself as a not-for-profit local government body working with over 300 councils throughout the UK. APSE states it is the foremost specialist in local authority front line services, hosting a network for front line service providers in areas such as waste and refuse collection, parks and environmental services, leisure, school meals, cleaning, housing and building maintenance.

APSE is an unincorporated association with members of APSE and subscribers to APSE Energy, a branded service. APSE is not a separate legal entity and is governed by agreed rules. There is overlap between the members of APSE and subscribers to APSE Energy, however they are not identical and a body can be a subscriber to APSE Energy without being a member of APSE. As stated above, SBC was at the relevant time a member of APSE but not a subscriber to APSE Energy.

Proceedings

On 15 November 2024, Thurrock Council issued proceedings against 23 local authorities. Thurrock has stated the issue of proceedings was necessary due to a failure to reach a standstill agreement. SBC is not one of the named defendants in these proceedings.

The proceedings are against named local authorities as opposed to APSE, therefore each local authority will need to consider its legal position and seek its own legal advice. It is a matter for those local authorities as to whether to jointly instruct lawyers and whether to share legal advice with other third parties, including other members of APSE.

SBC Position

At this stage, SBC is not party to any issued claim. APSE has provided confidential briefings to APSE members, and the Principal Lawyer – Civil Litigation has been instructed to attend APSE briefings and advise SBC.

The Chief Executive and Monitoring Officer are being kept informed and the risk is being managed in accordance with agreed principles.

Sarah Wilson
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3 January 2025