



Legal Services Delivery Plan 2023 to 2024

Overview of the service

Many of the services provided within the service are statutory (for example, Local Land Charges, FOIA, EIR and GDPR/DPA). The main purpose of Legal Services is to provide a responsive, timely, cost effective and professional legal service, providing quality legal advice to the Council which proactively assists and enables the Council to deliver. The advice given covers a variety of subject areas which include, but are not limited to, the following:

Corporate/corporate governance

Constitutional review, political changes, efficiency, effectiveness and economy, policy reviews/audit.

Corporate Plan 2022 to 2023

Proactively assist and enable other departments to deliver the Corporate Plan 2022 to 2023 by the provision of timely, cost effective, good quality legal advice and assistance.

Planning and development

- planning, committees, Community Infrastructure Levy (CIL) developments and appeals.
- negotiation, drafting and completion of planning obligations under s106 Town and Country Planning Act 1990 (as amended) and any related Nomination Agreements
- planning appeals: conducting or supporting external barrister and Planning officers
- Planning Enforcement and Tree Preservation Orders

Property

- acquisition of land and public open spaces
- database support
- enforcement of the s106 Agreement process
- sale of assets at market value
- commercial and residential related conveyancing; leases, easements or licences, release of covenants, redemption of charges and mortgages

Criminal and civil litigation

- bringing or defending proceedings for the Council covering the range of Council functions, for example, food safety, taxi licensing or planning
- car parking enforcement, logging DVLA searches, letters before action, appeals, prosecutions - summonses, witness statements and attendance at court
- sundry debt recovery and any associated litigation for defended matters

Contracts

- preparation and completion of contract documentation in compliance with the Council's Contract Procedure Rules
- review of the Council's Contract Procedure Rules
- provision of procurement advice in liaison with Finance and LGSS (under Service Level Agreement)

Freedom of Information, Environmental Information Regulations, General Data Protection Regulations/Data Protection

- management and recording of freedom of information requests to ensure compliance with the Freedom of Information Act
- management and recording of data protection requests and reporting to ensure the Council complies with the Data Protection Act/General Data Protection Regulations
- oversee requests and co-ordinate responses
- monitor compliance
- maintenance of central registers
- development of policies and procedures
- training of officers and members and provision of advice and assistance

Quasi-judicial committee support

- reviewing reports, attending and advising at Council and Committee for Licensing, Planning, Finance and Assets Committee and Audit Committee

Local Land Charges searches

- The Infrastructure Act 2015 became law in February 2015 and confirmed that H M Land Registry ("HMLR") will take over responsibility as the sole registering authority for the Local Land Charges ("LLC")
- the Act will enable HMLR to hold and maintain a composite register for England and Wales and be the sole provider of LLC1 official search results; HMLR will only take the register, which will leave local authorities with the more complicated CON29 questions
- the Council have been working with HMLR and the project completed on 17 November 2022 and went live on 5 December 2022; the Council is responsible for the registration of all those items raised by East Cambridgeshire District Council

departments and it will remain the Council's statutory function to make sure it is correct; HMLR will just use the Council's information

- the Council's departments will continue to send items to be entered onto the register to the Local Land Charges department and HMLR will come into our system and upload the information on a daily basis; one major difference is that all other organisations who wish to register items on the LLC register will send them directly to HMLR. To date, 60 local authorities have migrated their LLC register to HMLR

Monitoring Officer

- the Director Legal also acts as the Council's Monitoring Officer, which is a statutory role under the Local Government and Housing Act 1989 and is also a member of the Council's Corporate Management Team
- as Monitoring Officer, the Director Legal provides advice and training to members, Parish Councils, advice to Members on the Member Code of Conduct, Ethical Governance, Member interests, investigations into member complaints and any subsequent determinations and attends committee meetings to provide advice as necessary.

How does the service link in with the Corporate Plan?

Legal Services provide ongoing legal support, advice and assistance to all services across the Council and the local authority trading companies (if needed). The team have been involved with key projects in the Corporate Plan and this will continue into 2023 to 2024 with more projects coming up.

By providing support to all Council services, this provides opportunities to ensure that the Council is making East Cambridgeshire an even better place to live, work and visit.

Legal Services helps to ensure that the Council continues to be customer driven with a pro-business approach and meetings its legal requirements.

By providing legal support to the local authority trading companies (as required) and offering a high quality and cost effective land charges service to the general public, the team contribute to the Council being commercially focussed.

Cost of service

The estimated net cost of running the Legal Services department in 2023 to 2024 is £112,913. This includes income received for Local Land Charges searches carried out and income from legal services for fees charged externally, for example, for drafting and negotiating s106 Agreements.

Staffing Information

The Legal Services team currently comprises of 1 Director Legal (and Monitoring Officer), 1 Senior Legal Assistant, 1 Legal Assistant, 1 Local Land Charges Officer and Paralegal and 1 Information Officer. The post of Local Land Charges and Legal Support Officer (p/t) is currently vacant (shortly going out to advert).

Forward planning for Councillors

Proposed item	Proposed date of decision	Committee
Half year report 2023 to 2024	November 2023	Finance and Assets
End of year report 2023 to 2024	March 2024	Finance and Assets
Service Delivery Plan 2024 to 2025	March 2024	Finance and Assets

Legal Services Delivery Plan 2023 to 2024

This Service Delivery Plan describes what Legal Services will be doing to deliver continuous improvement (service objective). Each performance measure relates to the Council's strategic outcomes and Corporate Plan 2022 to 2023.

Council's Strategic Outcome: Maintain sound finances. Improve systems and practices.

Legal Services' Strategic Objective: Ensure that the Council offers best value for money.

Link to Corporate Plan: Sound financial management.

Performance measure	Target and reporting timescale	Baseline/output from 2022 to 2023	Owner and co-owners
Maximise recovery of legal costs and fees; court costs and fees, contribution to legal costs and disbursements	As identified, annually	Costs recovered £20,475 to 23 February 2023.	Director Legal Senior Legal Assistant Legal Assistant
Ensure the recovery of court costs and fees attributable to car parking - summons issued and costs recovered in £'s (costs recovered are dependent on the Magistrates' Court choosing to award the full amount of costs requested, fewer costs or no costs at all - ECDC are unable to influence this decision as we can only request full costs are awarded)	100%, annually	76% costs awarded, £1,512 requested - £1,152 awarded by the court.	Director Legal Local Land Charges Officer and Paralegal
Ensure the recovery of outstanding debts owed to the Council	100% instructions for recovery: costs recovered in £, annually	98 invoices received to chase (£55,814.91), 65 invoices paid (£42,054.25) = 66%. Invoices do not include aged debt or BEIS grants which have been chased and collected.	Director Legal Local Land Charges Officer and Paralegal

Council's Strategic Outcome: Customers are at the heart of everything we do.

Legal Services' Strategic Objective: Provide a comprehensive and qualitative legal service.

Link to Corporate Plan: Sound financial management.

Performance measure	Target and reporting timescale	Baseline/output from 2022 to 2023	Owner and co-owners
Provide legal support for committees when necessary	100% attendance at committees where necessary, annually	100% supported.	Director Legal Senior Legal Assistant Legal Assistant

Performance measure	Target and reporting timescale	Baseline/output from 2022 to 2023	Owner and co-owners
Ensure car parking appeals and enforcement comply with the following timescales: <ul style="list-style-type: none"> 80% of appeals responded to within 10 working days 100% within 20 working days 	As identified, annually	91.3% of appeals responded to within 10 working days. 100% within 20 working days as at 21 February 2023.	Director Legal Local Land Charges Officer and Paralegal
Ensure that the timescales set out in the Transparency Code are complied with and manage information data on the Council's website: open data, FOI disclosure log and officer decisions log	100% annually or quarterly for datasets. As soon as received for the FOI disclosure log and officer decisions, annually	100% annually or quarterly for datasets. As soon as received for FOI/EIR disclosure log and officer decisions.	Director Legal Information Officer Local Land Charges Officer and Paralegal
Deliver an effective, accurate and transparent FOI/EIR service	100% of responses within 10 working days (unless the FOI request involves further in-depth research but the service will ensure the customer is kept informed), annually	97% responses in 20 working days. 62% responses in 10 working days. Requests: 396 to 21 February 2023. Days to respond: 0 to 5 days = 53% 6 to 10 days = 9% 11 to 15 days = 10% 16 to 20 = 18% 20+ = 7% Clarification = 3%	Director Legal Information Officer Local Land Charges Officer and Paralegal
Deliver a comprehensive Data Protection request service ensuring full legal compliance and accurate responses	100% within one calendar month, annually	99 requests to 21 February 2023. 99% responded to within one calendar month.	Director Legal Information Officer

Council's Strategic Outcome: Safe, vibrant and inclusive communities. Community sustainability.

Legal Services' Strategic Objective: Assist and facilitate the Council's corporate priorities to ensure that East Cambridgeshire continues to be a fantastic place to live, work and visit.

Link to Corporate Plan: Sound financial management.

Performance measure	Target and reporting timescale	Baseline/output from 2022 to 2023	Owner and co-owners
Proactively assist all services across the Council with issues related to legal requirements	90% within 10 working days, 100% within 20 working days, annually	91% within 20 working days. 86% within 10 working days.	Director Legal Senior Legal Assistant Legal Assistant

Council's Strategic Outcome: Safe, vibrant and inclusive communities. Community sustainability.

Legal Services' Strategic Objective: Support the local property market.

Link to Corporate Plan: Sound financial management.

Performance measure	Target and reporting timescale	Baseline/output from 2022 to 2023	Owner and co-owners
Ensure continuous service delivery for the Local Land Charge service	100% of Local Land Charge searches within 10 working days, 95% within 5 working days, annually	98.79% of searches within 10 working days. 58.34% of searches responded to within 5 working days. Average days to response - 5.78 working days (14% of searches after 5 days due to other departments answering late. New personnel within departments have been trained to answer.)	Director Legal Local Land Charges Officer and Paralegal

Council's Strategic Outcome: Be an excellent employer.

Legal Services' Strategic Objective: Ensure that staff have all the necessary skills to maximise their input to service delivery. Ensure that the Council's corporate risks are managed effectively and mitigations are put in place to reduce impact.

Link to Corporate Plan: Sound financial management.

Performance measure	Target and reporting timescale	Baseline/output from 2022 – 2023	Owner and co-owners
Support the continued professional development of the team to ensure that they are meeting with personal and professional career development opportunities	As identified, annually	The service continues to meet with the professional and statutory requirements for CPD.	Director Legal Senior Legal Assistant Legal Assistant Information Officer Local Land Charges Officer and Paralegal
100% of appraisals completed	By June 2022, annually	100% of appraisals completed.	Director Legal
Regularly review corporate risks associated with the Council's legal requirements; the current risks to the Authority are as follows: <ul style="list-style-type: none"> compliance with the General Data Protection Regulations Data Protection Act 2018 	Minimum monthly, annually	In full compliance with GDPR (UK) and Data Protection Act 2018. Internal audit 2021 rating: <ul style="list-style-type: none"> control - substantial compliance - satisfactory organisational impact - minor No audit carried out since 2021.	Director Legal Information Officer

Council’s Strategic Outcome: A clean, green and attractive place.

Legal Services’ Strategic Objective: Undertake activities which help to mitigate/adapt to climate change.

Link to Corporate Plan: Cleaner, greener East Cambridgeshire.

Performance measure	Target and reporting timescale	Baseline/output from 2022 – 2023	Owner and co-owners
Undertake activities which help to mitigate/ adapt to climate change	As identified, annually	Local Land Charges Officer and Paralegal part of the Council’s Green Team and Courtyard Working Party.	Cross Council activity.