

# **Legal Services- Service Delivery Plan 2022-2023**

## **Overview of Service**

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The Legal Services team currently comprises: 1 Legal Services Manager, 1 Senior Legal Assistant, 1 Legal Assistant, 1 Local Land Charges Officer & Paralegal (pt), 1 Local Land Charges & Legal Support Officer and 1 Information Officer.

### **Costs of running the Service**

The estimated net cost of running the Legal Services department is £218,371. This includes assumptions made from income received for Local Land Charge searches carried out and income from legal services for fees charged externally, for example, s106 Agreements.

Many of the services provided within the service are statutory (e.g. 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. Legal advice and assistance is also provided to the Council's two local authority trading companies, as and when required. 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 & economy, policy reviews/ audit.

### **Corporate Plan 2019 – 2023**

- Proactively assist and enable other client departments to deliver the Corporate Plan 2019 - 2023 by the provision of timely, cost effective, good quality legal advice and assistance.

### **Planning & Development**

- Planning, committees, Community Infrastructure Levy (CIL) development & Appeals.
- Negotiation, drafting and completion of planning obligations under s106 Town & 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 s106 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 & Civil Litigation**

- Bringing or defending proceedings for the Council covering the range of Council functions, for e.g. 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 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 & Committee for Licensing, Planning, Operational Services, Finance & 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 Local Land Charges ("LLC").

The Act will enable it to hold and maintain a composite register for England and Wales and be the sole provider of LLC1 official search results. **The Land Registry is only taking the register, which leaves Local Authorities with the much more complicated CON29 Questions.** The project is nearing completion and we envisage that HMLR will take over responsibility for our Local Land Charges Register within the next 3 months (by the end of June 2022). We will still be responsible for the registration of all those items raised by East Cambridgeshire District Council departments and it will remain the District Council's statutory function to make sure it is correct; HMLR will just use the information.

ECDC 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 33 local authorities have migrated their LLC register to HMLR.

**Monitoring Officer:** The Legal Services Manager 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 Legal Services Manager provides advice and training to Members, Parish Councils, advice to Members on the Member Code of Conduct, Ethical Governance, Member interests, investigations into complaints against Members and any subsequent determinations and attends committee meetings.

## **How does the Service link in with the Corporate Plan?**

Legal Services provide ongoing legal support, advice and assistance to all services across the Authority. The team have been involved with key projects in the Corporate Plan and this will continue into 2022/2023 with more projects coming up.

By providing support to all services within the Council, 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 meeting its legal requirements.



# Commitments towards our Vision

## Legal Services - Service Delivery Plan 2022-2023



Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners
Ensure that the Council offers best value for money	Sound Financial Management	Maximise the recovery of legal costs and fees; Court costs and fees, contribution to legal costs and disbursements.	Costs recovered £20,646 to 7.3.2022	Maggie Camp- Legal Services Manager Angela Tyrrell – Senior Legal Assistant Russell Wignall – Legal Assistant
		Ensure the recovery of court costs and fees attributable to parking.  95%- Summons issued/ costs recovered in £  NB: 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.	53.3% costs awarded - £900 requested - £480 awarded by the court to 7/03/2022  N.B. Due to Covid restrictions, parking tickets were not issued for an extended period. Due to this all cases taken to court are very recent and therefore the court have not had to collect & forward the full sums awarded.	Maggie Camp- Legal Services Manager Paula Holmes- Local Land Charges Officer & Paralegal
		To ensure the recovery of outstanding debts owed to the Council  100% Instructions for recovery: costs recovered in £	76 invoices received to chase - 70 invoices paid - 92.1% recovered to 4/3/2022	Maggie Camp- Legal Services Manager Paula Holmes- Local Land Charges Officer & Paralegal Naomi Matthews - Local Land Charges & Legal Support Officer
Assist and facilitate the Council's Corporate Priorities to ensure that East Cambridgeshire continues to be a fantastic place to live, work and visit.	Sound Financial Management	Proactively assist all services across the Authority with issues related to legal requirements.  90% within 10 working days 100% within 20 working days	95% within working 20 days  80% within 10 working days	Maggie Camp- Legal Services Manager Angela Tyrrell – Senior Legal Assistant Russell Wignall – Legal Assistant
Support the local property market.		Ensure continuous service delivery for the Local Land Charge Service  <ul style="list-style-type: none"> <li>100% of Local Land Charge searches within 10 working days;</li> <li>95% within 5 working days</li> </ul>	97.7% of searches within 10 working days.  56.9% of searches responded to within 5 working days.  Average days to respond – 6 working days*  *result of 2 extended periods of email outage & support post vacant since February 2020	Maggie Camp- Legal Services Manager Paula Holmes- Local Land Charges Officer & Paralegal Naomi Matthews - Local Land Charges & Legal Support Officer

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners
To provide a comprehensive and qualitative legal service		Provide legal support for committees when necessary. 100% attendance at committees where necessary	100% supported	Maggie Camp- Legal Services Manager Angela Tyrrell – Senior Legal Assistant Russell Wignall – Legal Assistant
To provide a comprehensive and qualitative legal service		Ensure car parking appeals and enforcement comply with the following timescales; 80% of appeals responded to within 10 working days 100% within 20 working days	89.8% of appeals responded to within 10 working days. 100% within 20 working days. As at 8/03/2022	Maggie Camp- Legal Services Manager Paula Holmes – Local Land Charges Officer & Paralegal Naomi Matthews - Local Land Charges & Legal Support Officer
To provide a comprehensive and qualitative legal service	Sound Financial Management	Ensure that the timescales set out in the Transparency Code are complied with and manage information data on the Council's website: Open data, Disclosure log and Officer Decisions 100% annually or quarterly for datasets and as soon as completed disclosure log and officer decisions.	100% annually or quarterly for datasets. As soon as completed for FOI/EIR disclosure log and Officer Decisions.	Maggie Camp- Legal Services Manager Victoria Higham – Information Officer
To provide a comprehensive and qualitative legal service		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 that the customer is kept informed)	94% responses in 20 working days 69% responses in 10 working days Requests: 395 to 7/03/2022 Days to respond: 0-5 = 57% 6-10 = 9% 11-15 = 9% 16-20 = 17% 20+ = 6% Clarification = 2%	Maggie Camp- Legal Services Manager Victoria Higham - Information Officer Paula Holmes – Local Land Charges Officer & Paralegal
To provide a comprehensive and qualitative legal service		Deliver a comprehensive Data Protection request service ensuring full legal compliance and accurate responses. 100% within one calendar month	76 requests to 7/3/2022 99% responded to within one calendar month.	
Ensure that staff have all the necessary skills to maximise their input service delivery		To support the continued professional development of the team to ensure that they are meeting with personal and professional career development opportunities 100 compliance and with an average of 16 hours professional development per member of the team	The service continues to meet with the professional and statutory requirements for CPD.	Maggie Camp- Legal Services Manager Angela Tyrrell – Senior Legal Assistant Russell Wignall – Legal Assistant Victoria Higham - Information Officer
		100% of appraisals completed by June 2021	100% of appraisals completed.	Maggie Camp- Legal Services Manager

Performance Measure	Link to Corporate Plan Priority	Target and reporting timescale (i.e. 6 monthly or annually)	Baseline from previous year/output from previous year	Owner and co-owners
<b>Ensure that the Council's corporate risks are managed effectively and mitigations are put in place to reduce impact.</b>	Sound Financial Management	To regularly review corporate risks associated with the Council's legal requirements. The current risks to the Authority are as follows:  Compliance with General Data Protection Regulations and Data Protection Act 2018	In full compliance with GDPR (UK) and Data Protection Act 2018. Internal Audit 2021 rating: Control - Substantial Compliance - Satisfactory Organisational Impact - Minor	Maggie Camp- Legal Services Manager Paula Holmes – Local Land Charges Officer & Paralegal Victoria Higham – Information Officer
<b>Undertake activities which help to mitigate / adapt to climate change</b>	Cleaner, Greener East Cambridgeshire	To contribute to the preparation of, and subsequent implementation of, the Council's Climate and Environment Action Plan.	Nil – new activity	Cross-council activity