

Legal Services- Service Delivery Plan 2015-2016

Overview of Legal Services

The Legal Services team comprises 1 Principal Solicitor (pt), 3 Solicitors (ft)(2 posts vacant), 1 Local Land Charges & Senior Legal Support Officer (pt), 1 Data Protection & Legal Support Officer (ft)(Vacant) and 1 Information & Legal Support Officer (ft).

The estimated cost for running the service

The cost for running the service in 2015-16 is estimated to total £404,004. This amount includes staffing costs with a total expenditure of £253,038 and Central Support Services Charges of £85,837. The Net Expenditure is estimated to be £65,129.

Many of the services provided within the service are statutory (e.g. Local Land Charges, FOI& DPA). The main purpose of Legal Services is to provide internal legal advice & services to the Council, departments, Committees and Members on a variety of subject areas:

Corporate /Corporate Governance

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

Planning & Development

- Planning, committees, s106 negotiations, Community Infrastructure Levy (CIL) development & Appeals.
- Planning Appeals: conducting or supporting external barrister and Planning Officers.

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.

Criminal & Civil Litigation

- Bringing or defending proceedings for the Council covering the range of Council functions, for e.g. Food Safety, and taxi licensing, planning or internal employee related personal advice.
- Car parking enforcement Logging DVLA Searches, Letters before action, Appeals, Prosecutions - Summonses, Witness statements and attendance at court).
- Debt recovery.

Contracts

- Reviewing, negotiating and drafting works/services contracts.

Freedom of Information, Environmental Information Regulations, Data protection:

- Oversee requests.
- Co-ordinate responses.
- Monitor compliance.
- Maintenance of central registers.

Quasi-judicial committee support

- Reviewing reports, attending and advising at Council & Committee for Licensing Planning & Asset Development.

In addition to the above, the team has also spent considerable time providing advice & support in delivering the Council's Corporate Priorities.

Local Land Charges Searches:

The Infrastructure Act 2015 that became law in February 2015 confirmed that the Land Registry 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 LLC official search results. **The Land Registry is only taking the register, which leaves Local Authorities with the much more complicated CON29 Questions.** It will be a major project to transfer this function and will have quite a big impact on all Council departments as they will either need to send their information to the Land Registry for registration (planning applications, CIL info, etc.) or the Land Registry will expect access to our IT systems to retrieve the information. From October 2017 HMLR will start the local authority phased migration and the live service roll-out.

The Principal Solicitor, also acts as the Deputy/Monitoring Officer to the Council, which is a statutory role under the Local Government and Housing Act 1989, and in such a role will provide advice and training to Members, Parish Councils, advice to Corporate Governance and Finance Committee, on the Code of Conduct, Ethical Governance, investigations into complaints against Members, and any subsequent determinations.

Service Purpose: To enable the Council, in achieving its Corporate Objectives, to be efficient, open and transparent and to advance and protect its interests, implement its decisions, be sensitive to its role as a public authority and provide services to the public to the highest possible standards through the provision of effective and high quality legal, local land charges and Ethical Governance.

Forward Planning for Councillors

(Are there any dates which you think Service Delivery Champions might need to be aware of e.g. committee dates, events linked to outputs etc)

Proposed date of decision	Item	Service Area	Service Delivery Champion	Committee
2017	Transfer of Local Land Charges service to Land Registry	Local Land Charges	Mark Hugo	N/A

Summary of performance outputs for Legal Services

Service Delivery Lead – Amanda Apcar

Details of performance outputs since October 2014

Best Value Performance Measure	Target	Actual
Maximising - Legal costs recovery	95%	95% No. of cases: 2 /Costs recovered per case: 2 £648.10 plus EH services costs of £551.10)
Car Parking – Recovery of income	95%	100% Summons issued: 21 /Costs recovered per case: 20 (cases withdrawn: 1) £2,020
Sundry Debts - Recovery of Revenue	100%	95% Instructions for recovery: 103 Recovery of £10,698.80

Local Property Market Performance Measure	Target	Actual
Ensure smooth transition of Land Registry takeover of Land Charge Service	by 2016	Target date 2017

Better Environment for the District Performance measure	Target	Actual
Assist and facilitate the Corporate Priorities	100% provision of advice, assistance and direction	100%

Staff Performance Measure	Target	Actual
Ensure staff comply with Continuous Professional Development	100% by 31 October 2015	100% compliance: 16hrs / Average hours: 20hrs
100% appraisals completed on time	100% by 31 May 2015	100% No of staff: 4 Completed: 4
Service awareness briefings for Service Delivery Champion	2	2

Legal Services Performance Measure	Target	Actual
Ensure internal legal instructions from clients departments comply with the service timescale	95% within 20 working days	90% Requests:648. Days to respond 0-5 days = 50% 6-10= 32% 11-15 = 5% 16- 20=3% 20+ = 10%
Car Parking Enforcement	95%	100% FPN issued: 645 Paid: 504 (enforcement: 26 Appeals upheld: 115

Data Protection Act & Freedom of Information/ Environmental information Regulations Performance Measure	Target	Actual
DPA - Ensure requests comply with statutory timescales	100% in 40 working days	98% Requests: 23 Non-complaint: 1
FOI/EIR - Ensure requests comply with statutory timescales	100% responses in 20 working days	96% responses in 20 working days Requests:479 0-5 days = 51% 6-10 days=13% 11-15 days=20% 16-20 days =12% 20+ days = 4%
Managing the Open Data page and Disclosure Log on the website	100%	100%

Local Land Charges Performance Measure	Target	Actual
Ensure matters comply with statutory timescales	100% searches in 10 working days	100% Searches:826 Average Compliance: 4 days

Strategy map



Measuring Performance:-**Legal Services Service Delivery Plan 2015-2016**

<ul style="list-style-type: none"> Best value for money through the service delivery 	Baseline (from previous year if applicable)	Target
To maximise the recovery of legal costs & fees - i.e. court costs & fees, contribution to legal costs & disbursements.	95%	95% No. of cases: Legal Costs recovered in £
To ensure the recovery of court costs and fees attributable to parking fines	100%	95% Summons issued /Costs recovered in £
To ensure the recovery of outstanding debts owed to the Council	95%	100% Instructions for recovery: Costs recovered in £

<ul style="list-style-type: none"> Support the local property market 	Baseline (from previous year if applicable)	Target
To ensure the smooth transition of the Land Charges service	By 2016	By 2018

<ul style="list-style-type: none"> Provide a comprehensive and qualitative legal service 	Baseline (from previous year if applicable)	Target
To deliver a better than minimum service standard performance in relation to internal legal instructions from clients	90% Requests:648. Days to respond 0-5 days = 50% 6-10= 32% 11-15 = 5% 16- 20=3% 20+ = 10%	65% within 10 working days and 35% within 20 working days. Requests /Average days to respond. Requests: days to respond 0-5 days= 6-15=% 16- 20=% 20+ =%
To provide legal support for committees when necessary	100%	100% Requests /Attendance.
To ensure Car Parking Appeals and enforcement comply with advertised and statutory timescales	100% Appeals responded to in 10 working days and First Letters in 29 working days	100% Appeals responded to in 10 working days and First Letters in 29 working days. Appeal /Average days to respond.
To ensure 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 for disclosure log and officer decisions	100% annually or quarterly for Datasets and as soon as completed for disclosure log and officer decisions. Requests /compliance.
To deliver an FOI/EIR service that is better than the statutory requirement	96% responses in 20 working days Requests:479 0-5 days = 51% 6-10 days=13%	60% of responses in 10 days. 40% of responses in 20 working days.

	11-15 days=20% 16-20 days =12% 20+ days = 4%	Requests : Days to respond: 0-5 days= % 6-10 days= % 11-15 days=% 16-20days=% 20+ days=%
To ensure that DPA requests comply with statutory timescales	100% in 40 working days	100% in 40 working days. Requests /Average days to respond:
To ensure the provision of the Local Land Charges responses	100% of searches within 10 working days. 95% within 5 working days	100% of searches within 10 working days. 95% within 5 working days. Search requests: /Average days to respond:

• Assist and facilitate with the Corporate Priorities to enable a better environment for the District	Baseline (from previous year if applicable)	Target
To work proactively with services across the Council to offer legal advice to support the implementation of the corporate priorities.	100%	100% Requests: /Average days to respond:

<ul style="list-style-type: none"> Ensure that Staff have the required skills and knowledge to provide a comprehensive service 	Baseline (from previous year if applicable)	Target
To ensure all staff within legal services have up-to-date training as appropriate to their role.	100%	100% compliance: 16 hrs: /Average hrs PFE:
100% appraisals completed by June 2016	100%	100% No of staff: /Completed:
Service briefing for each quarter for our Service Delivery Champion	4	4

Delivering the service

<ul style="list-style-type: none"> Performance Measure- Best value for money through the service delivery 	
Owner	Principal Solicitor
Co owner(s)	Solicitors
Output/Outcome(s)	To maximise the recovery of legal costs & fees i.e. court costs & fees, contribution to legal costs & disbursements.
Links	Car Parking Orders, Statutory requirements.
Source of data	Agresso/Finance Department/Internal recording.
Frequency of reporting? e.g. annually	Daily.
Who measures?	Principal Solicitors and Solicitors
Please list processes briefly	<ul style="list-style-type: none"> Always make an application to the court for full cost. Ensure contribution to costs received prior to completion. Provide full costs information prior/on commencement of matter. Recover all fees and Disbursements.
Reporting timescale	Quarterly monitoring report of SDP to Committee.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	Markets and Town Centres.

<ul style="list-style-type: none"> Performance Measure- Best value for money through the service delivery 	
Owner	Principal Solicitor.
Co owner(s)	Solicitors.
Output/Outcome(s)	To ensure the recovery of court costs and fees attributable to parking fines.
Links	Corporate Strategy Finance outcome, Car Parking Orders.
Source of data	Copies of parking penalty notice issued by Town Centre rangers.
Frequency of reporting? e.g. annually	Daily.
Who measures?	Local Land Charges & Senior Legal Support Officer.
Please list processes briefly	<ul style="list-style-type: none"> • Determine & respond to any appeals within 10 working days of receipt. • Request information from DVLA on the 29th day from the date the ticket was issued, then issue first letter. • Prepare & issue court summonses & witness statements no later than 6 months from date ticket issued. • Engage with members of the public regarding queries & appeals. • Ensure personal data is destroyed within Data Protection principles.
Reporting timescale	Produce monthly and half yearly reports for the Town Centre Team.
What resources are needed to ensure success?	Case Management system with time recording. Car Parking Access database.
Are there opportunities for cross-service working?	Markets, Town Centres and Tourism Service.

<ul style="list-style-type: none"> Performance Measure- Best value for money through the service delivery 	
Owner	Principal Solicitor.
Co owner(s)	Solicitors & Data Protection Officer
Output/Outcome(s)	To ensure the recovery of outstanding debts owed to the Council.
Links	Legal Services Sundry Debts procedure.
Source of data	Finance Department/Iken/Sundry Debts spreadsheet.
Frequency of reporting? e.g. annually	Daily.
Who measures?	Data Protection and Legal Support Officer
Please list processes briefly	<ul style="list-style-type: none"> • Ensure letters to debtors are sent within 14 working days. • Liaise with debtor and arrange payment plans where required. • Proceed to further enforcement action when necessary. • Report to Finance on an annual basis.
Reporting timescale	Quarterly monitoring report of SDP to Committee.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	With Housing & Finance we are currently looking into the use of a debt recovery firm that could provide a cost saving bailiff service.

• Performance Measure- Support the local property market	
Owner	Principal Solicitor
Co owner(s)	Local Land Charges & Senior Legal Support Officer.
Output/outcome(s)	To ensure the smooth transition of the Local Land Charges service.
Links	Support the Local Property Market .
Source of data	Department for Business Innovation & Skills, HM Land Registry and Local Land Charges Institute.
Frequency of reporting?	As required by HMLR processes.
Who measures?	Local Land Charges & Senior Legal Support Officer.
What will be done? Please list processes briefly	ECDC will need to assist HMLR in accessing the information they require to enable them to provide the LLC1 to clients in the immediate future, with a view to providing the CON29 information at a later date. This would lead to the complete function of Local Land Charges moving to HMLR, it is envisaged that this will be over a 3 to 4 year time period.
Reporting timescale	Quarterly monitoring report of SDP to Committee.
What resources are needed to ensure success?	Case Management system with time recording, Local Land Charges system (TLC).
Are there opportunities for cross-service working?	When the Land Registry have confirmed how the transfer of this service will take place then other services in the Council will need to work with legal to achieve the legislative changes.

• Performance Measure- Provide a comprehensive and qualitative legal service	
Owner	Principal Solicitor
Co owner(s)	Solicitors.
Output/Outcome(s)	To ensure legal instructions from clients comply with service standards.
Links	To provide a comprehensive and qualitative legal service to all Instructing Departments and Council Members on standards issues within the District Council.
Source of data	Iken/Case Management spreadsheet.
Frequency of reporting?	Daily.
Who measures?	Solicitors.
Please list processes briefly	<ul style="list-style-type: none"> • Work allocated and acknowledged within 3 working days. • Response for standard work provided within 20 working days. • Ensure that prosecutions are laid within 6 or 12 months from the date of offence depending on the statutory requirements.
Reporting timescale	Quarterly monitoring report of SDP to Committee.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	None identified.

<ul style="list-style-type: none"> Performance Measure - Provide a comprehensive and qualitative legal service 	
Owner	Principal Solicitor
Co owner(s)	Solicitors.
Output/Outcome(s)	To provide legal support for committees when necessary.
Links	To provide a comprehensive and qualitative legal service to all Instructing Departments and Council Members on standards issues within the District Council.
Source of data	Iken/Case Management spreadsheet.
Frequency of reporting?	Daily.
Who measures?	Legal Services team.
Please list processes briefly	<ul style="list-style-type: none"> • Work allocated and acknowledged within 3 working days. • Response for standard work provided within 20 working days. • Ensure that prosecutions are laid within 6 or 12 months from the date of offence depending on the statutory requirements.
Reporting timescale	Quarterly monitoring report of SDP to Committee.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	To be indentified

<ul style="list-style-type: none"> Performance Measure - Provide a comprehensive and qualitative legal service 	
Owner	Principal Solicitor.
Co owner(s)	Local Land Charges & Senior Legal Support Officer.
Output/Outcome(s)	To ensure Car Parking Appeals and enforcement comply with advertised and statutory timescales.
Links	Provide a comprehensive and qualitative legal service. Road Traffic Regulation Act 1984 32, 35, 35A as amended by the Parking Act 1989 East Cambridgeshire (Off Street Parking Places) Order 2013.
Source of data	Copies of parking penalty notices issued by the Town Centre Rangers.
Frequency of reporting?	Daily.
Who measures?	Local Land Charges & Senior Legal Support Officer.
Please list processes briefly	<ul style="list-style-type: none"> Determine & respond to any appeals within 10 working days of receipt. Request information from DVLA on the 29th day from the date the ticket was issued. Prepare & issue court summonses & witness statements no later than 6 months from date ticket issued.
Reporting timescale	Quarterly monitoring report of SDP to Committee.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	Town Centre Rangers issue the tickets and Legal Services record all the information and provide the administrative support for this function.

<ul style="list-style-type: none"> Performance Measure - Provide a comprehensive and qualitative legal service 	
Owner	Principal Solicitor.
Co owner(s)	Information and Legal Support Officer.
Output/Outcome(s)	To ensure the timescales set out in the Transparency Code are complied with and a manage information data on the council's website: Open Data, Disclosure log and Officer Decisions.
Links	Managing the Open Data page and Disclosure Log on the website.
Source of data	Officers who answer requests. Officers who hold the Datasets.
Frequency of reporting?	Requests and responses as soon as they are received.
Who measures?	Information and Legal Support Officer.
Please list processes briefly	<ul style="list-style-type: none"> In accordance with the Local Government Transparency Code, collate and upload datasets on to the Open Data page either annually or quarterly and ensure that any updated legislation is enforced. Once an officer decision has been made, to upload this and record on the Officer Decision Record page and keep a file in case this is requested for viewing. To proactively publish requests and responses on the Disclosure Log from Freedom of Information/Environmental Information Regulations requests.
Reporting timescale	Quarterly monitoring report of SDP to Committee.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	Officers from all teams send data sets to the Information Officer.

<ul style="list-style-type: none"> Performance Measure - Provide a comprehensive and qualitative legal service 	
Owner	Principal Solicitor
Co owner(s)	Information and Legal Support Officer.
Output/Outcome(s)	To ensure that FOI/EIR requests comply with statutory timescales.
Links	Freedom of Information Act 2000.
Source of data	Excel spreadsheet – New Freedom of Information Request Log.
Frequency of reporting?	Monthly.
Who measures?	Information and Legal Support Officer.
Please list processes briefly	<ul style="list-style-type: none"> Email requests are sent to officers to notify them that a new request has been received. Reminders are sent to officers if a response has not been received a week, two days and a day before the response is due. To send refusals notice if necessary at the time when the request is received, if the information is accessible to the applicant already due to it being published already.
Reporting timescale	Quarterly monitoring report.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	Service Leads receive formal notification when a new request relevant to their service has been received and must ensure a form of response is provided.

<ul style="list-style-type: none"> Performance Measure - Provide a comprehensive and qualitative legal service 	
Owner	Principal Solicitor
Co owner(s)	Data Protection and Legal Support Officer
Output/Outcome(s)	To ensure that DPA requests comply with statutory timescales.
Links	Data Protection Act 1998.
Source of data	Iken/Case Management Spreadsheet.
Frequency of reporting?	Monthly.
Who measures?	Data Protection and Legal Support Officer.
Please list processes briefly	<ul style="list-style-type: none"> All data protection requests will be checked fully and acknowledged. Further information and/or proof of identification and payment will be requested when necessary. All relevant departments will be contacted for a response. A full response will be given within 40 calendar days.
Reporting timescale	Quarterly monitoring report of SDP to committee.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	Named officers from Elections, Housing and ARP are notified when a request is received and provide a response to the DPA officer.

<ul style="list-style-type: none"> Performance Measure - Provide a comprehensive and qualitative legal service 	
Owner	Principal Solicitor.
Co owner(s)	Local Land Charges & Senior Legal Support Officer.
Output/Outcome(s)	To ensure the provision of the Local Land Charges responses.
Links	Provide a comprehensive and qualitative legal service. Local Land Charges Act 1975 and Rules of 1977.
Source of data	ECDC - Development Control, Environmental Services and Building Control. Cambridgeshire County Council. Conveyancers' requests for official searches.
Frequency of reporting?	Daily.
Who measures?	Local Land Charges & Senior Legal Support Officer.
Please list processes briefly	Reports to Principal Solicitor on an Annual Basis. Report to Principal Accountant to enable fee calculations.
Reporting timescale	Quarterly monitoring report of SDP to Committee.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	Planning & Environmental Services provide information responses within 3 working days.

<ul style="list-style-type: none"> Performance Measure- Assist and facilitate with the Corporate Priorities to enable a better environment for the District 	
Owner	Principal Solicitor
Co owner(s)	Solicitors/Lawyers, Local Land Charges & Senior Legal Support Officer, Information & Legal Support Officer, Data Protection & Legal Support Officer.
Output/outcome(s)	To work proactively with services across the Council to offer legal advice to support the implementation of the corporate priorities.
Links	Corporate Priorities List.
Source of data	Council Members and Corporate Priorities List.
Frequency of reporting?	As required by Instructing Departments.
Who measures?	Solicitors/Lawyers, Local Land Charges & Senior Legal Support Officer, Information & Legal Support Officer, Data Protection & Legal Support Officer.
What will be done? Please list processes briefly	The provision of legal advice and assistance.
Reporting timescale	Quarterly monitoring report of SDP to Committee.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	

<ul style="list-style-type: none"> Ensure that Staff have the required skills and knowledge to provide a comprehensive service 	
Owner	Principal Solicitor
Co owner(s)	Local Land Charges & Senior Legal Support Officer, Solicitors and Information and Legal Support Officer, Data Protection and Legal Support Officer .
Output/outcome(s)	To ensure all staff within legal services have up-to-date training as appropriate to their role.
Links	Staff Accountabilities/Legislative and other developments.
Source of data	Regulating Professional Authorities.
Frequency of reporting?	When training attended.
Who measures?	Local Land Charges & Senior Legal Support Officer, Solicitors and Information and Legal Support Officer, Data Protection and Legal Support Officer .
What will be done? Please list processes briefly	Attendance at relevant and if available offer free training in order to reduce cost to Authority.
Reporting timescale	Quarterly monitoring report of SDP to Committee.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	Joint training between services to be held where possible

<ul style="list-style-type: none"> Ensure that Staff have the required skills and knowledge to provide a comprehensive service 	
Owner	Principal Solicitor
Co owner(s)	Local Land Charges & Senior Legal Support Officer, Solicitors and Information and Legal Support Officer, Data Protection and Legal Support Officer .
Output/outcome(s)	100% appraisals completed by June 2016.
Links	HR Policy and Procedure.
Source of data	HR, Principal Solicitor, Local Land Charges & Senior Legal Support Officer and Staff member.
Frequency of reporting?	Yearly/Mid term .
Who measures?	Principal Solicitor and HR .
What will be done? Please list processes briefly	<ul style="list-style-type: none"> Time frame set by HR. Principal Solicitor and Local Land Charges & Senior Legal Support Officer to book appraisals with staff. PS and LLCSLSO to issue staff with paperwork to complete (giving enough time in which to do so) Staff members to complete appraisee's comments and return to PS and LLCSLSO. Appraisal conducted by PS and LLCSLSO and PS and LLCSLSO comments to be added to paperwork. Completed paperwork to be passed to Staff member for review and final signatures. Completed appraisals to be sent to HR.
Reporting timescale	Quarterly monitoring report of SDP to Committee
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	

<ul style="list-style-type: none"> Ensure that Staff have the required skills and knowledge to provide a comprehensive service 	
Owner	Principal Solicitor.
Co owner(s)	Legal Services Team.
Output/outcome(s)	Service briefing for our Service Delivery Champion.
Links	Service Delivery Plans.
Source of data	Regular feedback from Members and CE.
Frequency of reporting?	Quarterly.
Who measures?	Principal Solicitor.
What will be done? Please list processes briefly	<ul style="list-style-type: none"> Identify Service Delivery Champion. PS to invite those members to regular meetings. Invite Members to shadow the team if they wish. Invite members to attend HOT meetings. Include Members in the distribution of quarterly performance reports.
Reporting timescale	Quarterly monitoring report of SDP to Committee.
What resources are needed to ensure success?	Case Management system with time recording.
Are there opportunities for cross-service working?	