

Legal Services Delivery Plan 1st April 2014 – 31st March 2015

Overview of Legal Services

The Legal Services team comprises 1 Principal Solicitor, 3 full-time Solicitors, 1 Local Land Charges & Senior Legal Support Officer, 1 Data Protection & Legal Support Officer and 1 Information and Legal Support Officer.

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.

Requests for Legal Advice/work:

March 2012 – April 2013:	1214
March 2013 – April 2014:	1053
Current year to August 2014:	278

In addition to the above, the team has also spent considerable time providing advice & support in delivering the Council's Corporate Priorities. In 2013/14 this enabled the delivery of the Superfast broadband to the district, establishing a new restaurant operator at the Maltings, progress development of the Cinema at Downham Road, provide extensive advice on development at Angel Drove and implementation of the recycling service changes.

FOI/EIR & Data Protection requests: The number of requests had increased considerably. The following numbers of requests were handled:

FOI/EIR		DPA	
April 2012 – March 2013:	822	April 2012 – March 2013:	158
April 2013 – March 2014:	934	April 2013 – March 2014:	161
Current year to August 2014:	464	Current year to August 2014:	43

Local Land Charges Searches:

It has been confirmed by the Government that Land Registry should proceed with the proposal to extend its current legal service with the provision of information and register services relating to land and other property. Land Registry will take over responsibility as the sole registering authority for Local Land Charges (LLC) to enable it to hold and maintain a composite register for England and Wales and be the sole provider of LLC official search results. **They are only taking the register, which leaves us 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.

The number of official searches carried out were:

April 2012 – March 2013:	1534
April 2013 – March 2014:	1830
Current year to August 2014:	864

Parking Enforcement:

The enforcement of parking remains an integral part of the service and as with other parts of the service administration of car parking enforcement has increased over the last few years. The number of tickets issued:

April 2012 – March 2013:	714
April 2013 – March 2014:	937
Current year to August 2014:	276

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

Proposed date of decision	Item	Service Area	Service Delivery Champion	Committee
November 2014	Revised Corporate Enforcement Policy	Legal Services	Cllr Chris Morris	Corporate Governance and Finance
2014 – 2016	Transfer of Local Land Charges service to Land Registry	Local Land Charges	Cllr Chris Morris	N/A

Strategy map



Measuring Performance

Best Value Performance Measure	Target	Actual
Maximising Legal costs recovery	95%	
Car Parking – Recovery of income	95%	
Sundry Debts - Recovery of Revenue	100%	

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

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

Staff Performance Measure	Target	Actual
Ensure staff comply with Continuous Professional Development	100% by 31 October 2015	
100% appraisals completed on time	100% by 31 May 2015	
Service awareness briefings for Member Champion	2	

Legal Services Performance Measure	Target	Actual
Ensure requests comply with timescales	95% within 20 working days	
Car Parking Enforcement	95%	

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	
FOI/EIR - Ensure requests comply with statutory timescales	100% acknowledged within 5 working days and response in 20 working days	
Managing the Open Data page and Disclosure Log on the website	100%	

Local Land Charges Performance Measure	Target	Actual
Ensure matters comply with statutory timescales	100% searches in 10 working days	

Delivering the service

Name	Maximising legal cost recovery
Owner	Principal Solicitor
Co owners	Solicitors
Purpose	To maximise the recovery of legal costs & fees i.e. court costs 7 fees, contribution to legal costs & disbursements,
Links	Car Parking Orders, Statutory requirements
Formula	Request 100% of costs and fees
Source of Data	Agresso/Finance Department/Internal recording
Frequency	Quarterly
Target	95%
Rewards/Penalties	Dependent on cost award by court
Who measures?	Principal Solicitor & Solicitors
Who acts on the data?	Legal Team
What will be done	<ol style="list-style-type: none"> 1. Always make an application to the court for full cost 2. Ensure contribution to costs received prior to completion 3. Provide full costs information prior/on commencement of matter. 4. Recover all fees and Disbursements.
Feedback	Quarterly Performance Report
Notes	Need to ensure carry out accurate recording

Name	Car Parking recovery of income
Owner	Amanda Apcar
Co owners	Local Land Charges & Legal Support Officer
Purpose	To maximise the recovery of parking penalty notices fees and any costs incurred by prosecution
Links	Corporate Strategy Finance Outcome, Car Parking Orders
Formula	Request 100% of payments due, plus costs if prosecution proceeds
Source of Data	Copies of parking penalty notices issued by the Town Centre Rangers
Frequency	Daily
Target	95%
Rewards/Penalties	£50 if parking penalties paid within 14 days, £60.00 if paid later, costs at court dependant on magistrate
Who measures?	Paula Holmes
Who acts on the data?	Paula Holmes with Mary Cooper providing cover and bi-monthly issuing of summonses

What will be done	<ol style="list-style-type: none"> 1. Determine & respond to any appeals within 10 working days of receipt 2. Request information from DVLA on the 28th day from the date the ticket was issued 3. Prepare & issue court summonses & witness statements no later than 6 months from date ticket issued 4. Engage with members of the public regarding queries & appeals 5. Ensure personal data is destroyed within Data Protection principles
Feedback	Produce monthly and half yearly reports for the Town Centres Team
Notes	

Name	Sundry Debts recovery of revenue
Owner	Principal Solicitor
Co owners	Data Protection & Legal Support Officer
Purpose	Ensure outstanding sundry debts are requested and enforced within procedure timescales
Links	Legal Services Sundry Debts Procedure
Formula	Request payment, liaise with debtor, arrange payment plans, proceed with further enforcement action where necessary
Source of Data	Finance Department/Iken/Sundry Debts spreadsheet
Frequency	Monthly
Target	100% of instructions from Finance to be acted upon within 14 days
Rewards/Penalties	Outstanding monies recovered are increased revenue to the Council.
Who measures?	Data Protection and Legal Support Officer
Who acts on the data?	Data Protection and Legal Support Officer and Principal Solicitor
What will be done	<ol style="list-style-type: none"> 1. Ensure letters to debtors are sent within 14 working days. 2. Liaise with debtor and arrange payment plans where required. 3. Proceed to further enforcement action when necessary. 4. Report to Finance on an annual basis.
Feedback	Annual Report to Finance and Monthly Reports to Principal Solicitor
Notes	

Name	Support the Local Property Market
Owner	Amanda Apcar
Co owners	Local Land Charges & Legal Support Officer
Purpose	Ensure smooth transition of Land Registry takeover of Local Land Charges Service
Links	Support the Local Property Market
Formula	Facilitate a smooth transition of information to HMLR, co-ordinating with other departments as necessary
Source of Data	Department for Business Innovation & Skills, HM Land Registry and Local Land Charges Institute
Frequency	As required by HMLR processes
Target	Phased approach to local authorities from HMLR starting April 2015
Rewards/Penalties	Eventual loss of income to ECDC, supporting departments will need to cleanse their data to comply with HMLR requirements
Who measures?	Amanda Apcar & Paula Holmes
Who acts on the data?	Chief Executive, Amanda Apcar & Paula Holmes
What will be done	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
Feedback	Keep Chief Executive and Amanda Apcar informed of all information regarding the takeover
Notes	

Name	Assist and facilitate the Corporate Priorities to enable a better environment for the District
Owner	Principal Solicitor
Co owners	Solicitors/Lawyers, Local Land Charges & Information Officer, Information & Legal Support Officer, Data Protection & Legal Support Officer
Purpose	The provision of legal advice and assistance to instructing Departments to achieve the Corporate Priorities as determined by Council Members
Links	Corporate Priorities List
Formula	Allocating Corporate Priority to appropriate Legal Officer to provide advice and assistance to Instructing Departments as and when required
Source of Data	Council Members and Corporate Priorities List
Frequency	As required by Instructing Departments
Target	100% provision of advice, assistance and direction
Rewards/Penalties	The delivery of the Corporate Priorities
Who measures?	Instructing Department/Members?
Who acts on the data?	Principal Solicitor and Solicitors when allocated a Corporate Priority to provide advice and assistance to the Instructing Department
What will be done	The provision of legal advice and assistance
Feedback	Reports to Management Team and Chairman's Briefing as and when work is progressed
Notes	Corporate Priorities may change with budget constraints & member input

Name	Ensure staff comply with Continuous Professional Development
Owner	Principal Solicitor
Co owners	Local Land Charges Information Officer, Solicitors and Information and Legal Support Officer, Data Protection and Legal Support Officer
Purpose	To ensure that all Staff members receive relevant and adequate continuing professional development to comply with professional organisations requirements.
Links	Staff Accountabilities/Legislative and other developments
Formula	All staff members need to be able to provide accurate and up to date professional advice, receiving relevant and adequate training will assist in providing accurate advice.
Source of Data	Regulating Professional Authorities
Frequency	As required
Target	100% of professional organisation requirements
Rewards/Penalties	Prosecution, Government or Enforcement Body fines
Who measures?	Principal Solicitor and Assistant Director of Support Services
Who acts on the data?	Principal Solicitor Local Land Charges Information Officer, Solicitors and Information and Legal Support Officer, Data Protection and Legal Support Officer
What will be done	Attendance at relevant and if available free training in order to reduce cost to Authority
Feedback	Quarterly performance report
Notes	Relevant cost effective courses being available

Name	Appraisals completed annually and on time
Owner	Principal Solicitor
Co owners	Local Land Charges Information Officer, Solicitors and Information and Legal Support Officer, Data Protection and Legal Support Officer
Purpose	To ensure that all staff appraisals be completed annually and within the time frame set by HR.
Links	HR Policy and Procedure
Formula	To arrange in and complete all staff appraisals within time frame set by HR ensuring that all staff have enough time to complete their comments and for Principal Solicitor and Local Land Charges Information Officer to complete appraisal and agree with staff member before signing. Identify training needs. Opportunity to discuss what has gone well and what needs improving and aspirations for the future.
Source of Data	HR, Principal Solicitor, Local Land Charges and Information Officer and Staff member
Frequency	Yearly/Mid term
Target	100%
Rewards/Penalties	Staff will be unaware of their progress throughout the year, would not know what areas to improve upon therefore not providing the best service possible to the clients. Effect on staff morale.
Who measures?	Principal Solicitor and HR
Who acts on the data?	Principal Solicitor, Local Land Charges Information Officer, Solicitors and Information and Legal Support Officer, Data Protection and Legal Support Officer
What will be done	<ol style="list-style-type: none"> 1. Time frame set by HR 2. Principal Solicitor and Local Land Charges and Information Officer to book appraisals with staff 3. PS and LLCIO to issue staff with paperwork to complete (giving enough time in which to do so) 4. Staff members to complete appraisee's comments and return to PS and LLCIO 5. Appraisal conducted by PS and LLCIO and PS and LLCIO comments to be added to paperwork 6. Completed paperwork to be passed to Staff member for review and final signature. 7. Completed appraisals to be sent to HR.
Feedback	1:1, Mid Term appraisal
Notes	Any discussion at appraisals should not come as a surprise; issues that arise regarding performance should be dealt with in a timely manner

Name	Service awareness briefings for Service Delivery
-------------	---

Champion	
Owner	Amanda Apcar
Co owners	Principal Solicitor
Purpose	To update Service Delivery champions with progress within the Legal Services team, how the service is being operated and budgetary updates. Service Delivery Champion to act as critical friend.
Links	Service Delivery Plans
Formula	To include Service Delivery Champions in all aspects of the running of Legal Services to promote transparency and good partnership working. Members will be able to understand the everyday running of the department and will be able to offer assistance where required.
Source of Data	Regular feedback from Members and CE.
Frequency	As required
Target	100%
Rewards/Penalties	Members need to have an awareness of the service in order for it to move forward. They will act as a critical friend and their role is to understand the service delivered by Legal Services. They will challenge and promote what we do. They will report to the Council on their activities and respond to questions and enquiries.
Who measures?	Principal Solicitor and Assistant Director Support Services
Who acts on the data?	Amanda Apcar & Legal Services Team
What will be done	<ol style="list-style-type: none"> 1. Identify Member Champion 2. PS to invite those members to regular meetings 3. Invite Members to shadow the team if they wish 4. Invite members to attend HOT meetings 5. Include Members in the distribution of quarterly performance reports.
Feedback	Quarterly Performance report
Notes	Availability of Member Champion

Name	Ensure matters comply with timescales
Owner	Amanda Apcar
Co owners	Solicitors and Data Protection and Legal Support Officer
Purpose	Ensure requests comply with corporate/legislative/court procedure timescales
Links	Provide a comprehensive and qualitative legal service to all Instructing Departments and Council Members on standard issues within the District Council
Formula	To provide a comprehensive and up-to-date Legal Service in accordance with corporate and statutory time requirements
Source of Data	Iken/Case Management Spreadsheet
Frequency	Daily
Target	95% Standard work responded to within 20 working days
Rewards/Penalties	Complaints / Appeals / Judicial Review
Who measures?	Principal Solicitor and Assistant Director of Support Services
Who acts on the data?	Principal Solicitor Solicitors and Data Protection and Legal Support Officer, Instructing Departments
What will be done	<ol style="list-style-type: none"> 1. Work allocated and acknowledged within 3 working days 2. Response for standard work provided within 20 working days 3. Ensure that prosecutions are laid within 6 or 12 months from the date of offence depending on the statutory requirements
Feedback	Corporate Finance & Governance Committee
Notes	Advice requests may be required to be provided earlier than the timescales provided above and this will be complied with as far as resources allow. Receipt of clear and timely instructions.

Name	Car Parking Enforcement
Owner	Amanda Apcar
Co owners	Local Land Charges & Legal Support Officer
Purpose	Ensure parking enforcement complies with 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
Formula	Request payments and proceed matters to court within the prescribed timescales
Source of Data	Copies of parking penalty notices issued by the Town Centre Rangers
Frequency	Daily
Target	95%
Rewards/Penalties	Obtaining either £50 or £60 for each ticket issued, or proceeding to court to obtain costs (currently averaging £95.00)
Who measures?	Paula Holmes
Who acts on the	Town Centres Team Leader

data?	
What will be done	<ol style="list-style-type: none"> 1. Determine & respond to any appeals within 10 working days of receipt 2. Request information from DVLA on the 28th day from the date the ticket was issued 3. Prepare & issue court summonses & witness statements no later than 6 months from date ticket issued
Feedback	Produce monthly and half yearly reports for the Town Centres Team. Produce monthly figures for PPlus with regard to numbers of Appeals, Appeals determined within 10 working days, 1 st letters, company letters, DVLA checks, DVLA checks over 28 days, summonses to court
Notes	

Name	DPA - Ensure requests comply with statutory timescales
Owner	Principal Solicitor
Co owners	Data Protection and Legal Support Officer
Purpose	To ensure Data Protection requests are complied with within statutory timescales
Links	Data Protection Act 1998
Formula	Acknowledge requests, request additional information if necessary and provide a full response within 40 days.
Source of Data	Iken
Frequency	Monthly
Target	100% of requests to receive a full response within 40 days.
Rewards/Penalties	Fine/Prosecution/Enforcement Notice by the Information Commissioner
Who measures?	Data Protection and Legal Support Officer
Who acts on the data?	Principal Solicitor
What will be done	<ol style="list-style-type: none"> 1. All data protection requests will be checked fully and acknowledged. 2. Further information and/or proof of identification and payment will be requested when necessary. 3. All relevant departments will be contacted for a response. 4. A full response will be given within 40 calendar days.
Feedback	Six-Monthly Report
Notes	

Name	FOI/EIR - Ensure requests comply with statutory timescales
Owner	Amanda Apcar
Co owners	Information and Legal Support Officer
Purpose	To ensure Freedom of Information and Environmental Information Regulation Requests are complied with within statutory timescales
Links	Freedom of Information Act 2000
Formula	Acknowledge request within 5 working days, respond within 20 working days. Chase officers if response has not been received 7 days, 2 days and 1 day before due date. Officers are then reminded again on the due date.
Source of Data	Excel spreadsheet – New Freedom of Information Request Log
Frequency	Monthly
Target	100% of requests acknowledged within 5 working days and 100% of requests to be responded to within 20 working days.
Rewards/Penalties	If the council is to continually be not responding to requests within the statutory time scales then they can be monitored by the Information Commissioners Office who will then start enforcement proceedings which would start with a practice recommendation and follow with a mention in the commissioner's report to Parliament. If non compliance is still occurring then an enforcement notice could be served upon the authority.
Who measures?	Information and Legal Support Officer
Who acts on the data?	Amanda Apcar
What will be done	
Feedback	Finance and Governance Committee
Notes	

Name	Managing the Open Data page and Disclosure Log on the website
Owner	Amanda Apcar
Co owners	Information and Legal Support Officer
Purpose	Managing the Open Data page and Disclosure Log on the website
Links	Freedom of Information Act 2000, Code of recommended practice for local authorities on data transparency
Formula	Publish all requests and responses on our Disclosure Log. Chase officers for updated versions of Datasets that the officer/team hold and publish to our Open Data page when received.
Source of Data	Officers who answer requests Officers who hold the Datasets
Frequency	Requests and responses as soon as they are received. Datasets – Annually, Quarterly and monthly as agreed by officers
Target	100% of requests and responses published as soon as possible.
Rewards/Penalties	If datasets outlined as a requirement in the code of recommended practice for local authorities on data transparency are not published

	then we are not complying with the legislation.
Who measures?	Information and Legal Support Officers
Who acts on the data?	Amanda Apcar
What will be done	
Feedback	
Notes	

Name	Local Land Charges Performance Measure
Owner	Amanda Apcar
Co owners	Local Land Charges & Legal Support Officer
Purpose	Ensure requests comply with statutory timescales
Links	Provide a comprehensive and qualitative legal service. Local Land Charges Act 1975 and Rules of 1977
Formula	To maintain accurately and manage a comprehensive and up-to-date Local Land Charges Register, initiate and process inter-departmental enquiries and to complete and dispatch Official Searches and replies to Additional Enquiries within statutory and / or agreed performance timescales laid down in the Council's Service Guarantees, and in accordance with statutory requirements
Source of Data	ECDC - Development Control, Environmental Services and Building Control. Cambridgeshire County Council. Conveyancers' requests for official searches.
Frequency	Daily
Target	100% of searches out within 10 working days, 90% within 5 working days
Rewards/Penalties	Faster search response times lead to more conveyancers using our service, therefore more income. Longer response times will lead to more telephone queries, which takes more officer time, leading to even further delays. Information regarding the number of searches received annually is used to set the fees for the following year.
Who measures?	Local Land Charges & Legal Support Officer
Who acts on the data?	Local Land Charges & Legal Support Officer, Finance – to set the Local Land Charges Fees
What will be done	Reports to Principal Solicitor on an Annual Basis. Report to Principal Accountant to enable fee calculations.
Feedback	Finance & Governance Committee
Notes	