

Service Delivery Plans- six month monitoring template (Quarters 1 and 2 2015)

Service area:- Legal Services

Brief overview of service area-

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 and services to the Council, Services, Committees and Members on a variety of subject areas:

Corporate/Corporate Government

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

Planning & Development

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

Property

- Acquisition of land and public open spaces.
- Database support.
- Sale of Assets at market value.
- Commercial and residential related conveyancing: leases, easements or licences, release of restrictive covenants.

Criminal & Civil Litigation

- Bringing or defending proceedings for the Council covering the range of Council functions, 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 and Committee for Licensing, Planning and Asset Development.

Local Land Charges Searches

Legal Services Manager/Monitoring Officer

- Statutory role under the Local Government and Housing Act 1989
- Provides 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.

Performance measures linked to the Five Strategic Outcomes

Owner- Legal Services Manager (LSM)

Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes/outputs achieved to date	Variance
<i>Detail each performance measure separately</i>	<i>Colour code accordingly</i>	<i>What were the targets against each measure?</i>	<i>What outputs/outcomes have been achieved against target?</i>	<i>+ or - % variance</i>
Maximising Legal costs recovery – request 100% of costs and fees		95%	100% requested 95% recovered	

Notes (if there is any variance then please detail this below)

All contributions to legal costs have been paid prior to completion of matters – legal costs received for miscellaneous deeds e.g. s106 Agreements total £6,295.50 for the period 1/05/2015 to 30/11/2015

An application to the court for full costs has been made in all cases which go to court – these are more frequently in respect of car parking matters (detailed below) or in respect of one off enforcement cases, for example a food safety prosecution which went to court in February 2015.

Performance measures linked to the Five Strategic Outcomes				
Owner- Legal Services Manager (LSM)				
Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
Car Parking – Recovery of income – request 100% of payments due, plus costs if prosecution proceeds		95%	100% requested 95% recovered	
<p>Notes (if there is any variance then please detail this below)</p> <p>An application to the court for full costs has been made for all cases – we request costs of £90 for each car parking prosecution and have been awarded that amount for each case that has appeared at court within the specified timescales for the purposes of this report.</p> <p>Unfortunately we cannot know precisely the percentage of court costs that have not been recovered as once awarded the recovery of costs, fines and surcharges, recovery of this is undertaken by the courts and their bailiffs. They also make agreements with those who owe the costs that they can pay in small amounts over a period of months/years. We are still receiving payments for costs from 2 or 3 years ago and therefore a snapshot of 7 months is not going to give a clear indication of costs recovery. A report on the total costs recovered by Legal can be obtained from Finance under LG005 9320, but this does not separate the car parking and general legal costs.</p> <p>Finance has provided a figure of £4,733.33 for the costs recovered for car parking in the period requested.</p>				

Performance measures linked to the Five Strategic Outcomes				
Owner- Legal Services Manager (LSM)				
Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
Sundry Debts – Recovery of revenue – 100% of instructions from finance acted upon within 14 days		100%	100%	
Notes (if there is any variance then please detail this below) The total sum recovered for the sundry debtor invoices passed to legal which have been paid in full on a first letter during the period 1 st May to 30 th November 2015 is £59,044.81. The figure for older sundry debts paid during the same period is an additional £12,718.25 – these would not necessarily have been paid on the first letter, as court proceedings have been issued in a number of cases, which have achieved instalment plans.				

Performance measures linked to the Five Strategic Outcomes				
Owner-				
Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
Ensure smooth transition of Land Registry takeover of Land Charge Service		By 2016	Target Date now 2017 confirmed by Land Registry	
Notes (if there is any variance then please detail this below)				

Performance measures linked to the Five Strategic Outcomes

Owner- Legal Services Manager (LSM)

Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
Assist and facilitate the Corporate Priorities		100% provision of advice, assistance and direction	100%	

Notes (if there is any variance then please detail this below)

(2) Support delivery of the first Land Trust homes in Stretham.

- Instructed to take forward the s106 Agreement for the CLT on land at Newmarket Road, Stretham. Continue to support trusts in Swaffham Prior, Soham and Stretham and Wilburton.
- Negotiated and completed the s106 Agreement for the CLT in Swaffham Prior .

(3) Deliver the cinema and leisure centre on Downham Road, Ely.

- Engrossed agreements have been sent to ECFC, The Clarke Trustees, Ely Squash Club and EOSA for signature.
- Engrossment of the Memorandum of Understanding with the risk assessment appended sent out for signature by EOSA.

To commence the construction of the new District Leisure facility.

- Progressing the sale of land at Barton Close Witchford.
- Attend project board officer meetings on progress of leisure centre and provide advice & assistance.

(4) Making it easier to get around the District and do business.

- to develop Littleport – completion of the variation of s106 Agreement and progress of the transfer of land at the Paddocks to Littleport Town Council.
- Attend project board officers meetings on proposed extension to Littleport railway station and provide advice & assistance.

(5) To ensure appropriate development throughout the District by planning well for infrastructure (including alternative means of transport) employment and high quality design, utilising North Ely as an exemplar project.

- Progress towards completion of the s106 agreement with the Church Commissioners.

Training:

- Monitoring Officer training to Members
- Delivery of DPA/FOI induction training
- Committee training
- New way of working for Local Authorities – Local Authority Trading Companies
- Data Protection Act

Performance measures linked to the Five Strategic Outcomes

Owner- Legal Services Manager (LSM)

Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
Ensure staff comply with Continuous Professional Development		100% by 31 October each year	100%	

Notes (if there is any variance then please detail this below)

Performance measures linked to the Five Strategic Outcomes				
Owner- Legal Services Manager (LSM)				
Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
Ensure staff comply with 100% appraisals completed on time		100% by May 2015	100%	
Notes (if there is any variance then please detail this below)				

Performance measures linked to the Five Strategic Outcomes				
Owner- Legal Services Manager (LSM)				
Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
Service Awareness briefings for Member Champion		2	2	
Notes (if there is any variance then please detail this below)				

Performance measures linked to the Five Strategic Outcomes

Owner- Legal Services Manager (LSM)

Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
Ensure legal requests comply with timescales		95% within 20 working days	96.1%	+1.1%

Notes (if there is any variance then please detail this below)

Previously 90% which equated to a -5% variance due to loss of staff member – now +1.1% variance – less instructions/different types of instructions.

Performance measures linked to the Five Strategic Outcomes				
Owner- Legal Services Manager (LSM)				
Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
Car Parking Enforcement – request payments and proceed to court within prescribed timescales		95%	100%	
<p>Notes (if there is any variance then please detail this below)</p> <p>Payments have been requested and received within the fixed penalty notice timescales. Summons have been issued to enforce non payment at court within prescribed timescales.</p> <p>This has recovered the total sum of £35,210 for the period 1/5/2015 to 30/11/2015.</p>				

Performance measures linked to the Five Strategic Outcomes				
Owner- Legal Services Manager (LSM)				
Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
DPA – Ensure requests comply within statutory timescales		100% within 40 days	98%	
Notes (if there is any variance then please detail this below) Resignation of the Data Protection Officer has impacted on the performance timescales as being covered by Legal Services Manager				

Performance measures linked to the Five Strategic Outcomes				
Owner- Legal Services Manager (LSM)				
Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
FOI/EIR – Ensure requests comply with statutory timescales		100% acknowledged within 5 working days and response in 20 working days	100% acknowledged 97.6% complaint	+ 0.6%
Notes (if there is any variance then please detail this below) FOI have provided the required acknowledgement within the timescales. Client departments were unable to send out responses to FOI requests on time even though 2 reminders prior to the date of compliance are sent to them by FOI.				

Performance measures linked to the Five Strategic Outcomes				
Owner- Legal Services Manager (LSM)				
Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
Managing the Open Data page and Disclosure Log on the website.		100%	100%	
Notes (if there is any variance then please detail this below)				

Performance measures linked to the Five Strategic Outcomes

Owner- Legal Services Manager (LSM)

Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
Local Land Charges – ensure matters comply with statutory timescales		100% searches sent out in 10 working days	100%	

Notes (if there is any variance then please detail this below)

For the requested period of 1/2/2015 to 30/11/2015, we received requests for 1,226 property searches.

Source of Data – please list below where the data was gathered

- Excel spreadsheets

Performance measures linked to the Five Strategic Outcomes			
Performance measure	Link to Strategic Outcomes (colour code accordingly)	Target	Any additional resources needed? (please list below)
N/A			

Equality Impact Assessments	
Are there any Performance measures which require the Council to devise an Equality Impact Assessment? Please list any below;	
Performance measure	Equality Impact Assessment (Please attach them underneath against each Performance measure)
None required	

Forward plan dates for Member Champions linked to Performance measures		
Date	Activity	Member Champion
By 2017	Transfer of Local Land Charges service to the Land Registry	Cllr Mark Hugo