

**Service Delivery Plans- Quarterly monitoring****June 2015-November 2015 (Quarters 1 and 2 2015/2016)****Service area:- Legal Services****Brief overview of service area-**

**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 advice/services, local land charges and Ethical Governance.

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 Committees 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)- Maggie Camp

Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
<b>Best Value for money through the Service delivery</b>		To maximise the recovery of legal costs and fees. i.e. court costs and fees, contribution to legal costs and disbursements.  95% Number of cases; Legal costs recovered in £	95% recovered equalling £6,295.50	*Variance explained below
		To ensure the recovery of court costs and fees attributable to parking fines.  95% summons issued/costs recovered in £	100% summons issued equalling £4,733.33	** Variance explained below
		To ensure the recovery of outstanding debts owed to the Council. 100% instructions for recovery: costs recovered in £	100% of instructions from finance for recovery are carried out.  £71,763.06	*** Variance explained below

**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.

\*\* An application to court for full costs has been made in 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.

Unfortunately we cannot know precisely the percentage of court costs that have been recovered as once awarded, the recovery of costs, fine and surcharges is undertaken by the courts and their bailiffs. They also make agreements with those who owe the costs that they may 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. However, finance have provided a figure of £4,733.33 for the costs

\*\*\* 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<sup>st</sup> May to 30<sup>th</sup> 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. Total recovered £71,763.06

**Performance measures linked to the Five Strategic Outcomes**

**Owner- Legal Services Manager- Maggie Camp**

<b>Performance Measure</b>	<b>Link to Strategic Outcomes (colour code accordingly)</b>	<b>Target</b>	<b>Outcomes</b>	<b>Variance</b>
<b>Support the property market</b>		To ensure the smooth transition of Land Charges Service by 2018	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)- Maggie Camp**

Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
<b>Provide a comprehensive and qualitative legal service</b>		<p>To deliver a better than minimum service standard performance in relation to internal legal instructions from clients.</p> <p>65% within 10 working days and 35% within 20 working days. Requests/Average days to respond</p> <p>Requests days to respond                      0-5 days= %                      6-10 days=%                      11-15 days = %                      16-20 days = %                      20+= %</p>	<p>85% within 10 working days and 95% within 20 working days</p> <p>0-5 days= 62.3%                      6-10 days=22.27%                      11-15 days = 10.9%                      16-20 days = 2.6%                      20+= 1.8%</p>	*Variance explained below
		<p>To provide legal support for committees when necessary</p> <p>100% Requests/Attendance</p>	<p>100% Attendance when requested</p>	

		<p>To ensure car parking appeals and enforcement comply with advertised and statutory timescales.</p> <p>100% appeals responded to in 10 working days and First letters in 29 working days.</p> <p>Appeal/average days to respond</p>	<p>100% appeals responded to in 10 working days &amp; first letters in 29 working days</p> <p>Average days to respond: 5 days</p>	
		<p>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</p> <p>100% annually or quarterly or quarterly for Datasets and as soon as completed for disclosure log and officer decisions.</p> <p>Requests/Compliance</p>	<p>100% compliance</p>	

		<p>To deliver an FOI/EIR service that is better than the statutory requirement.</p> <p>60% of responses in 10 days. 40% of responses in 20 working days.</p> <p>Requests days to respond; 0-5 days= % 6-10 days=% 11-15 days = % 16-20 days=% 20+ days=%</p>	<p>72.8% responses in 10 days. 97% of responses in 20 working days</p> <p>0-5 days= 58% 6-10 days=15% 11-15 days = 16% 16-20 days=9% 20+ days=2%</p>	
		<p>To ensure that DPA requests comply with statutory timescales.</p> <p>100% in 40 working days Requests/Average days to respond</p>	<p>98% responded to within 40 working days</p>	
		<p>To ensure the provision of the Local Land Charges responses</p> <p>100% of searches within 10 working days 95% within 5 working days Search requests: Average days to respond</p>	<p>100% of searches sent out within 5 working days. 100% of searches sent out in 10 working days Average days to respond: 4 days</p>	
<p><b>Notes (if there is any variance then please detail this below)</b></p> <p>*variance- The figures are higher than expected as the service is working more efficiently and we are turning around requests quickly. In addition, we are working in partnership with Peterborough City Council who is currently supporting Legal Services; this support has provided extra resource.</p>				



## Performance measures linked to the Five Strategic Outcomes

**Owner- Legal Services Manager (LSM)- Maggie Camp**

Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
<b>Assist and facilitate with the Corporate Priorities to enable a better environment for the District</b>		<p>To working proactively with services across the Council to offer legal advice to support the implementation of the Corporate Priorities.</p> <p>100% requests/Average days to respond</p>	<p>100% provision of advice, assistance and direction</p> <p>100% of requests responded to</p>	

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

A Customer driven efficient Council with a “can do” attitude and pro business approach and commercially focused to ensure financial self sufficiency for the taxpayer;

- Engaged LGSS Procurement team to provide procurement advice and assistance to Council officers and Members with a view to overhauling the Council’s contract procedure rules and ways of working, with the aim of making the process more transparent and less onerous for officers and also for businesses wishing to do business with the Council.

Genuinely affordable housing by local people for local people;

- 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 .

Making East Cambridgeshire an even better place to live;

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
- Provide officers with advice and assistance regarding procurement for the new leisure centre..

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.

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.

Supporting the Council in role as Monitoring Officer – providing advice and assistance to Members as and when required and training on the Member Code of Conduct for Members and Parish Councils

## Performance measures linked to the Five Strategic Outcomes

**Owner- Legal Services Manager (LSM)- Maggie Camp**

Performance Measure	Link to Strategic Outcomes (colour code accordingly)	Target	Outcomes	Variance
<b>Ensure that staff have the required skills and knowledge to provide a comprehensive service</b>		To ensure staff have up to date training as appropriate to their role 100% compliance: 16 hours: Average hrs PFE	100%	*(explanation of training below)
		100% appraisals completed by June 2016	Will be completed by June 2016	
		Service briefing for each quarter for our Service Delivery Champion 4 briefing sessions	4	

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

**\*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

<b>Source of Data – please list below where the data was gathered</b>
<ul style="list-style-type: none"> <li>• Excel spreadsheets</li> </ul>

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

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

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