

Legal Services- Service Delivery Plan 2019-2020

Overview of Service

Overview

The Legal Services team currently comprises: 1 Legal Services Manager, 1 Planning Lawyer (pt), 1 Local Land Charges Officer & Paralegal (pt) and 1 Information Officer. The team are shortly going out to recruit for the positions of full time Planning Lawyer to replace the part time post, 1 Legal Assistant/Senior Legal Assistant (career grade) and a Paralegal in addition to the existing members of the team.

Costs of running the Service

The estimated net cost of running the Legal Services department in 2018/19 is £136,249. This includes 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 2017/19

- Proactively assist and enable other client departments to deliver the Corporate Plan 2017/19 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, Asset Development and Shareholder Committees.

Local Land Charges Searches:

The Infrastructure Act 2015 became law in February 2015 and 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 LLC1 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; we will still be responsible for the Local Land Charges Register and it will remain the Council's statutory function to make sure it is correct; HMLR will just use it. It 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 download the information expecting 100% accuracy from the information that has been put into our systems.

The Land Registry's Full Business Case to the Government has been approved, but they have only secured funding for Phase 1 (viability and preparation) of the project. Phase 2 of the project is the actual migration of the data and live working. The Land Registry were expecting that 12 local authorities would be migrated by March 2019 but to date, only 4 local authorities have had their information migrated. These 4 local authorities are not yet fully live and are running duplicate searches on both the local authority system and the Land Registry system. The Land Registry do not expect that the programme will be complete until 2023 at the earliest.

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 Resources and Finance Committee (Assets & Finance) on the Member Code of Conduct, Ethical Governance, Member interests, investigations into complaints against Members and any subsequent determinations.

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 and the Local Authority Trading Companies. The team have been involved with key projects in the Corporate Plan and this will continue into 2019/2020 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.

By also providing legal support to the Local Authority Trading Companies and offering a high quality and cost effective land charges service to the general public, the team contribute to the Council being commercially focussed.

Strategy Map 2019-2020



Commitments towards our Vision

Legal Services- Service Delivery Plan 2019-2020



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	Delivering a financially sound and well managed Council	Ensure the recovery of court costs and fees attributable to parking. 95%- Summons issued/ costs recovered in £	94% costs awarded, £3,780 requested - £3,550 awarded by the court N.B. This figure is dependent on the Magistrates choosing to award fewer costs or no costs. ECDC are not able to influence this decision.	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 £	74 instructions received, 74 Letters before action sent – 41 instructions settled to 12.3.2019 – 55% recovered	Maggie Camp- Legal Services Manager Paula Holmes- Local Land Charges Officer & Paralegal
Assist and facilitate the Council's Corporate Priorities to ensure that East Cambridgeshire continues to be a fantastic place to live, work and visit.		Proactively assist all services across the Authority with issues related to legal requirements. 90% within 10 working days 100% within 15 working days 0-5 days = % 6-15=% 16-20=% 20+=%	93% within working 20 days 88% within 10 working days 0-5 days = 84.8% 6-15= 6.9% 16-20= 1.16% 20+= 6.9%	Maggie Camp- Legal Services Manager Tim Driver – Planning Lawyer (pt)
Support the local property market.		Ensure continuous service delivery for the Local Land Charge Service <ul style="list-style-type: none"> 100% of Local Land Charge searches within 10 working days; 95% within 5 working days 	97% of searches within 10 working days. 73% of searches responded to within 5 working days. Average days to respond – 5 working days	Maggie Camp- Legal Services Manager Paula Holmes- Local Land Charges Officer & Paralegal Victoria Higham - Information Officer
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 Tim Driver – Planning Lawyer (pt)

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		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	91% of appeals responded to within 10 working days. 100% within 20 working days.	Maggie Camp- Legal Services Manager Paula Holmes – Local Land Charges Officer & Paralegal
To provide a comprehensive and qualitative legal service	Delivering a financially sound and well managed Council	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.	97% annually or quarterly for datasets and as soon as completed for disclosure log and officer decisions.	Maggie Camp- Legal Services Manager Victoria Higham – Information Officer
		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)	93% responses in 20 working days 69% responses in 10 working days Requests: 495 to 13/03/2018 Days to respond: 0-5 = 57% 6-10 = 12% 11-15 = 6% 16-20 = 18% 20+ = 5% Clarification = 2%	Maggie Camp- Legal Services Manager Victoria Higham - Information Officer Paula Holmes – Local Land Charges Officer & Paralegal
		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 100% of appraisals completed by June 2018	The service continues to meet with the professional and statutory requirements for CPD. 100% of appraisals completed.	Maggie Camp- Legal Services Manager Tim Driver – Planning Lawyer (pt) Victoria Higham - Information Officer
Ensure that staff have all the necessary skills to maximise their input service delivery				
Ensure that the Council's corporate risks are managed effectively and mitigations are put in place to reduce impact.	Delivering a financially sound and well managed Council	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	All front facing aspects of GDPR implemented by 25.5.18 Full compliance by May 2021	Maggie Camp- Legal Services Manager Tim Driver – Planning Lawyer (pt) Paula Holmes – Local Land Charges Officer & Paralegal Victoria Higham – Information Officer