

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL:

DRAFT SERVICE PLAN FOR LEGAL SERVICE 2009/10 TO 2011/12

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Portfolio Holder: Councillor Orgee

SERVICE PLAN OVERVIEW

1. Key Functions and Responsibilities

The service provides legal advice to the whole Council and legal support for the Council's regulatory committees and Full Council. The legal team provides expert support in all aspects of service delivery and prioritises work accordingly to achieve and support the Council's aims, approaches and actions and ensures that all Council decisions are lawful. Team members advise and advocate on an extensive range of legal matters likely to arise in the local authority context but there are occasions where it is necessary to procure specialist external legal support for example in relation to employment law and health and safety prosecutions. In addition, external specialist legal advice has been sought in relation to major corporate projects, for example, Housing Futures; the Northstowe Trust and the section 106 agreement for Northstowe. The team ensures the Council is represented at all levels before courts and tribunals and negotiates on behalf of the Council when necessary and as informed by instructions and/or policy.

The Principal Solicitor and one Senior Lawyer act as Deputy Monitoring Officers to the Council, which discharges a statutory role under the Local Government and Housing Act 1989. Supported by the legal team, they provide advice and training to Members and Parish Councillors and support the Standards Committee and liaise with the Standards Board for England on the Code of Conduct and ethical governance.

One of the team is the Council's Property Surveyor who undertakes survey work and plays a key role in the management of the Council Land Asset Register. She is working towards 100% voluntary registration of the Council's land holdings and deals with Land Registry requisitions and third party notices affecting them

2. Context

a) External Drivers

New legislation and changes to existing legislation particularly around the ethical framework in local government and the link into the Annual Governance Statement; and information and knowledge management, data protection and freedom of information. The need to ensure timely responses to legal or other legally related challenges against the Council from external sources, e.g members of the public, media, legal firms, central government, parish councils and other public bodies.

b) Internal Drivers

The need to secure reduction in budget to contribute towards corporate targets for efficiency savings. The legal team and the property surveyor are subject to fluctuating levels in instruction. The legal team need to be able to respond appropriately to the political ambitions of the authority whilst balancing legal constraints against corporate ambitions. The need to respond quickly to give clear and unambiguous legal advice to the Senior Management Team, Cabinet and other Members. The need to improve corporate awareness of legal implications of decisions by giving early warnings.

c) Key Partners

Colleagues in the Council;
Members;
Communities in Local Government;
Ministry of Justice;
Land Registry;
Parish Councils and Cambridgeshire and Peterborough Association of Local Councils;
Neighbouring Local Authorities;
Information Commissioner;
Standards Board for England
Local Government Ombudsman
Local MPs.

d) Strengths and Weaknesses

All posts within the legal team are now filled and there is an excellent range of experience and enthusiasm within the team. A high level of workload is constantly maintained and team members must be adept at balancing priorities in the face of competing demands. As a consequence, weaknesses are acknowledged around the response times for advice and production of documentation where there are particular pressures of competing work. There is always potential for high profile cases to absorb significant officer time that may impact on service levels.

3. Service Objectives

To support the Council's front line services to provide a first class service to all and enable the Council to make South Cambridgeshire a place in which residents can feel proud to work and live. To provide a comprehensive, responsive, professional and accessible legal and property survey service to the Council making use of private sector providers where appropriate. To work with the Housing Futures Project team, in the event of a vote for transfer, to secure a successful transfer and to assist managers in dealing with the conflicts of interest of staff and members involved in the process. To work with the Standards Committee to raise the profile of ethical governance inside the Council and within Parish Councils. To work with colleagues to

promote good information management processes across the authority to achieve efficiencies in Records Keeping, Information Sharing, public access to and re-use of information and data security, and at the same time ensuring the Council meets its legal obligations in these areas. To provide an excellent service to the planning and new communities teams (supporting the work of the senior planning lawyer in the new communities team).

4. Your Customers

The Council and partner authorities are working closely together on the growth agenda and the legal team supports this work. Now that the legal team is better resourced we will be able to look at introducing some customer service standards to improve the service offered to our internal customers. Proposals to address this are contained in the operational and improvement plans.

5. Progress/Performance Overview

The legal team has recruited to vacant posts during 2008 and was still struggling to perform throughout the 2007/2008. The benefits of the enhanced team will be seen in 2008/2009. Legal is not subject to any national PIs. The team will look at introducing appropriate local targets to improve performance in the next 3 years. The handling of complaints of breaches of the code of conduct have been very well managed by Legal, working in conjunction with Democratic Services, and the target timescales set by the Standards Board for England have been met for the SCDC local assessment process. The Senior Lawyer and Principal Solicitor have been working closely with the Chairman of the Standards Committee to raise the profile of the Committee's work within the Authority and training of both District and Parish Members, along with the Committee itself, is seen as a priority.

6. Resources

The outturn staffing figure for the legal section in 2007/2008 was £287,400 and the estimate budget for staffing the section in 2008/2009 is c£389,480 which reflects the increased salary costs resulting from the creation of, and recruitment to, the new posts of Lawyer and Assistant Lawyer post. The Senior Planning Lawyer salary cost is within the budget for New Communities. The other significant budgetary item is for the legal library, which is a vital resource for the whole team in supporting the provision of accurate and up to date legal advice.

7. Value for Money Overview

A benchmarking exercise has not been carried out but we are confident that the service provides value for money for the Council. Our client departments tell us that they prefer working with an in-house legal support team rather than external legal advisors because of the convenience, accessibility and knowledge of corporate business that comes with being on-site and very closely involved with the client.

8. Workforce Overview

The legal team is now appropriately staffed with excellent recruits to the Senior Lawyer, Lawyer and Assistant Lawyer posts. This enhanced staffing level has enabled the team to be able to respond well to the new Standards Local Assessment Regime, Freedom of Information and Data Protection Law and Guidance, and an increase in planning work including that resulting from the Growth Agenda. Additional capacity has also meant that benefit fraud prosecutions are being processed speedily which is welcomed by the Revenues and Benefits team.

9. Equalities Overview

It is planned to carry out an equality impact assessment on the legal service during 2008/2009.

10. Risk Overview

The risks on the legal risk register are being managed positively and the Principal Solicitor has submitted a joint bid with the Head of ICT for an Information Officer in respect of the risk around compliance with Data Protection and Freedom of Information legislation.