

STAGE III REPORT - BEST VALUE REVIEW LEGAL AND DEMOCRATIC SERVICES

1.0 **INTRODUCTION**

1.1 **The Service**

1.1.1 **Service Purpose**

This is defined as: -

"To enable the Council to be efficient, open and transparent, to advance and protect its interests, implement its decisions, be sensitive to its special situation as a public authority, act with propriety and provide services to the public to the highest possible standards."

1.1.2 The service is made up two teams comprising 12 full time staff (including 2 job sharing 1 post).

(A) Democratic Services team - covering the following areas:

- (i) Committee Administration: the team provides services which include agenda organisation, minute taking and publicity for full Council, all the Council's policy and regulatory committees and sub-committees, support for Overview and Scrutiny function and provision of decision lists. It supports the fundamental statutory function of how the Council makes its decisions.
- (ii) Member support and training - this includes general and daily advice and assistance to Members in carrying out their role as Councillors. With the introduction of Standards Board and the code of conduct for the Parish Councils advice given on behalf of the Monitoring Officer will extend to Parish Councils. This part is a statutory function. Member training includes the provision of courses on relevant issues both in-house and by external providers and fundamental induction training for new Members.
- (iii) Electoral Registration - this includes organising canvassers at the annual canvass and administering rolling registration, both statutory functions.
- (iv) Elections - these include organising polling stations and volunteers to run them, administering the whole process including the receipt of nomination papers and organising postal voting and the count. This is a statutory function and covers Parish, District, County, General and European elections and referenda as appropriate.
- (v) Quasi legal and administration - this includes administrative support for hearings and enquiries (mainly planning) and for service, consultation and confirmation of statutory orders such as TPOs and footpaths. Again these are statutory functions.

(B) Legal Services team - covers the following:

- (i) Legal work - this includes such things as drafting documents, conveyancing, Planning (S106) Obligations, contracts for works and services; prosecutions, debt collection, advice to committees, advice to Members and officers outside of committee, attending Court. Virtually all the above are statutory functions in their own right whilst the others will be ancillary to the powers and functions of the authority. Part of the legal service is to ensure that the Council acts within its powers and not ultra-vires. Legal work also means undertaking research and providing general advice on issues relating to any of the powers or functions or roles of the Council. At times we also act for or advise Parish Councils.
- (ii) Local Land Charges - maintaining and facilitating public access to the local land charges register. We now deal with over 3,000 searches per annum. This is a statutory function.
- (iii) Licensing including the licensing of private hire and hackney carriage vehicles, drivers and operators. Licensing of street trading and charity collections. All of these are statutory functions.
- (iv) Asset Management (part) includes maintaining records of Council land ownership and involvement in land transactions. This is a fundamental part of supporting the statutorily required Asset Register and Asset Management Plan.
- (v) Negotiating Section 106 Planning Obligations - providing the lead officer for these negotiations and co-ordinating the requirements of other departments. This is a statutory function.

1.2 Budget and Staffing Structure

1. Budget

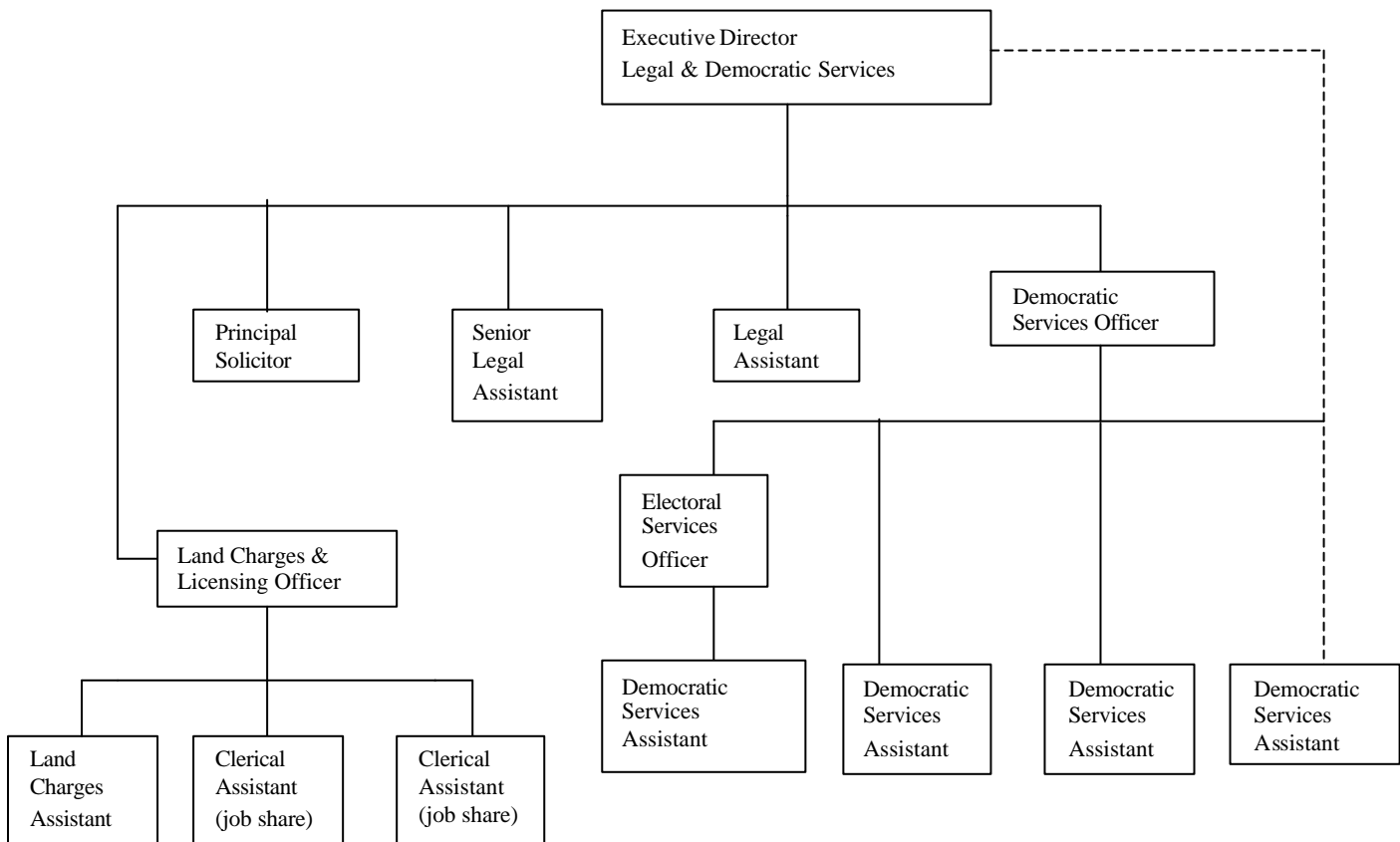
| | Actual 1999-2000 £ | Actual 2000-2001 £ | Actual 2001-2002 £ | Estimate 2002-2003 £ | |
|-----------------------------------|--|--------------------------|--------------------------|----------------------------|-----------------------|
| CO3 - Members* | 600,252 | 684,963 | 717,549 | 652,428 | expenditure |
| D01 - Electoral Registration | 60,128 -1,240 | 50,528 -1,932 | 52,296 -1,068 | 29,860 -691 | income expenditure |
| DO2 - Cost of Elections | 69,751 -633 | 43,026 0 | 49,635 -3 | 42,696 | expenditure income |
| D24 - Land Charges | 64,318 -180,042 | 62,108 -183,378 | 74,476 -339,437 | 219,900 -397,351 | expenditure income |
| D73 - Licensing | 21,906 -20,505 | 23,783 -22,333 | 28,195 -21,936 | 19,605 -14,544 | expenditure income |
| G73 - Legal excl. recharge | 181,819 -6,927 | 193,847 -52,277 | 193,282 -88,988 | 194,733 -166,831 | expenditure income |
| G45 - County Council Elections | All recoverable from Cambridgeshire County Council | | | | |

| | | | | | |
|--|-----------------|------------------|------------------|-------------------|-----------------------|
| G85 - Committee Services** excl. recha Z63 - General Elections | 150,404 -528 | 82,834 -1,365 | 86,737 -9,746 | 18,437 -24,302 | expenditure income |
| All recoverable from Home Office | | | | | |

* includes expenditure and income and includes areas outside remit of Legal & Democratic Services

** includes expenditure and income

2. Staffing Structure



1.3 **Context**

1.3.1 Principal Drivers

- Legislative framework for committees, decision making, access to information
- Electoral calendar - registration and elections
- Local land charges legislative regime
- Licensing legislative framework
- Manifesto commitments on open and participative government

1.3.2 Key Partners/"Customers"

- Government Departments - Home Office, DTLR, Lord Chancellors Dept.
- Internal Council Departments
- Cambridgeshire County Council - Highways, Legal, Corporate Finance
- Members
- Parish Councils
- External customers e.g. the public directly or indirectly via solicitors, developers, contractors or by enforcement/prosecution or by voting or accessing ECDC decision making.

1.3.3 Corporate Objectives

Statement of Overall Purpose:

"The Council aims to provide quality services and to work in partnership with the local community. "

Particularly relevant among the Council's Corporate Objectives to the Legal and Democratic Services function are:-

- "2.1 To conserve the distinctive character of the built and natural environment, to involve the local community in planning decisions, and to manage development whilst extending the provision of affordable housing."
- "3.2 To foster a unified, participating and informed community."
- "4.1 To invest and motivate our staff to maximise their knowledge, skills, commitment and morale."
- "4.2 To promote accessible, speedy and open decision making conducted to the highest standards of probity."
- "4.3 To promote equal access to service delivery through the activities of licensing, regulation and enforcement under a variety of legislation intended to safeguard the rights of the individual and to protect public health and the environment."
- "4.4 To promote equal opportunity in the employment of staff and the delivery of services."
- "5.1 To ensure the adequate funding of services through the effective and efficient use of resources."

"5.2 To improve access to information and services through the effective use of IT within local communities."

"5.3 To ensure the Council and its staff takes full advantage of IT to provide better and more efficient services."

1.4. **Authority**

1.4.1 The majority of the services are support services either providing a public interface (e.g. car park enforcement) or support to the internal organisation. The majority are statutory functions (see above).

1.5. **Performance Indicators**

1.5.1 There were two Best Value Performance Indicators for this service area:-

BV6 - the percentage turnout for local elections

BV179 - the percentage of standard local land charges searches carried out within 10 working days

Both have been dropped this year but the search turnaround indicator has been kept as a local indicator.

1.5.2 Our annual service plan sets our current performance measures. For the year 2002/3 these included:-

- numbers of members of the public attending committee meetings
- not less than 98% standard local land charges searches to be returned within 10 working days of receipt
- numbers of agenda and decision lists not produced on time.

1.6. **Views of the Public and Users**

1.6.1 Legal Services conducts regular internal Customer Satisfaction surveys - last one undertaken in April/May 2002. This year questions relating to democratic services, legal services, land charges and licensing have also been included on the Citizens Panel survey. Views were sought from external users of departmental services, including solicitors firms.

1.6.2 A private practice lawyer from a large regional firm was a member on the review team as was an external local government head of legal and democratic services.

1.6.3 Staff within the teams undertook a SWOT analysis of their own services and Management Team, having consulted their staff, have provided a robust SWOT analysis of the Legal and Democratic Services. Details are set out below.

1.7. **Current Problems/Issues**

1.7.1 SWOT analyses carried out both by the team themselves and by Management Team has confirmed that the current problems/issues are:

Strengths

Committee – Helpful
Interactive
Flexible

Electoral – Politically neutral
Efficient

Legal – Accessible & helpful
Expert knowledge
Comprehensible
Value-for-money
‘On-side’
‘Can-do’ approach

Land Charges – Fast
Fee income
Satisfied customers
Flexible

Licensing – Efficient

S106 negs – Team approach

Opportunities

Committee – Develop role in O & S
More proactive role
Re-develop role of Council

Electoral - Changes in legislation

Legal – ICT – case management systems
Outsourcing

Land Charges – ICT – CAPS/GIS

Licensing – ICT

Weaknesses

Inexperienced
Minutes still too long

Slow to respond
No strength in depth
Retention issues re qualified & experienced staff
No case management systems
Apparent lack of urgency
Apparent lack of prioritization
Lack of info to Client on
Case-holder & progress

Not enough resilience to cope with staff absences

No robust inspection service
Licensing Committee

Slow
Problems with ‘chinese wall’
Client understanding of negs

Threats

Changes to legislative framework

Changes in legislation
Continued recruitment problems – polling & count staff

Resourcing ICT
Retention of experience staff
Slow/unrealistic instructions
Outsourcing

ICT – CAPS/GIS
ICT functioning
Ability to cope with staff absences
Loss of ability to use fees
County fee increase

Resourcing increased enforcement

S106 negs – MT involvement in major cases

Perception of under-achievement

Legislative changes

Legislative changes

1.7.2 There are issues of retention of experienced staff and IT resources, but the review concentrated on areas where improvements could be made within existing resources.

1.8 **The Review Team**

The Review Team comprised:-

Councillor Philip Lewis (Chair)
 Councillor Sheila Friend-Smith
 Councillor Philip Warren
 Councillor Ann Tuite
 Eleanor Hoggart - Executive Director (Legal & Democratic Services) - ECDC
 The Legal & Democratic Services Team - ECDC
 David Archer - Executive Director (Development Services) - ECDC
 Trevor Bowd, Internal Auditor - ECDC
 Joy Postings (Head of Legal - Cambs CC)
 Beverly Firth (Partner - Mills & Reeve, Solicitors)

2.0 **THE 4 "C's"**

2.1 **Consult**

2.1.1 This section of the report covers the consultation exercises undertaken as part of the review. Following extensive consideration by the review team, the consultation exercises undertaken as part of this Review were as follows:

| Service | Consultation |
|-------------------------|--|
| Asset Management (part) | None proposed - service recently reviewed separately |
| Committee Service | Questionnaire to Members, PC's & internal depts Selective legal practice questionnaire Citizen's panel questions |
| Electoral Services | Questionnaire to Members, PC's & internal depts |
| Legal | Questionnaire to internal depts Selective legal practice questionnaire Citizen's panel questions |
| Licensing | Annual taxi consultation meeting 13.06.02 |
| Local Land Charges | Questionnaire to those submitting searches Selective legal practice questionnaire |

| | |
|-------------------|---------------------------------|
| | Citizen's panel questions |
| Member Support | Questionnaire to Members |
| S106 Negotiations | Questionnaire to internal depts |

2.1.2 The consultation exercises were carried out in the period 13th March to 13th June 2002.

2.2 **Consultation Exercises**

2.2.1 The following consultation exercises were carried out.

The Citizens Panel Survey was undertaken in late May 2002.

Questionnaires were sent out as follows:-

- "Customer questionnaire" on arrangements for meetings etc was sent to all Parish Councils, District Council members, internal departments and persons attending meetings
- Questionnaires were sent to 6 legal practices with whom we recently had dealings. We selected 1 very large firm, Paisner Berwin Leighton in London, 2 medium sized firms, Taylor Vinters in Cambridge and Eversheds in Norwich, 2 small firms, Archer and Archer and Bendall Roberts both in Ely and 1 in-house legal department, Bovis Homes and suggested a follow-up interview with Councillor Lewis and the Executive Director (Legal & Democratic Services) to discuss the issues further.
- A questionnaire on the Local Land Charges service was sent out with returned search forms (checked to ensure no forms sent to the same firm twice)
- A questionnaire on Member support services was sent to Members, Parish Councils and internal departments.
- A customer satisfaction survey of the Legal Service's clients to this report was sent out to internal client departments in April 2002.

The annual taxi consultation meeting held on 13th June 2002, also covered this element of the review. This meeting is held to allow taxi drivers and proprietors the opportunity to discuss issues of concern to them with Members.

2.3 **Results of Consultation Exercise**

2.3.1 **Committee Service**

- Citizen's Panel Survey - Most of the respondents (97%) had not been to a District Council Committee meeting in the previous 12 months. The reasons given were:-
 - did not know they could (29%)
 - did not know how to find out (17%)
 - not interested (17%)

Customer Questionnaires

A questionnaire of Members showed:

| | District Councillors |
|--|---|
| General staff attitudes | Excellent (60%) Satisfactory (40%) |
| Staff reliability | Excellent (60%) Good (40%) |
| Accessibility of staff | Good (64%) Excellent (29%) Not answered (7%) |
| Staff knowledge | Good (80%) Excellent (20%) |
| Time to respond to queries | Good (67%) Excellent (22%) Satisfactory (11%) |
| Quality of advice at meetings | Good (78%) Excellent (22%) |
| Accuracy of minutes | Good (89%) Satisfactory (11%) |
| Quality of agendas | Good (100%) |
| Content of "Councillors and Committee meeting dates" booklet | Excellent (33%) Good (67%) |

The Parish Council responses were similar with the following additional responses:-

| | |
|--|-------------------|
| Are you aware of the opportunities to ask questions at meetings | 85% Yes 15% No |
| Are you aware of the opportunities to submit petitions to meetings | 100% Yes |

Questionnaires sent to internal departments revealed:-

| | |
|---|---|
| General staff attitudes | Excellent (64%) Good (33%) Satisfactory (3%) |
| Quality of help | Good (71%) Excellent (23%) Satisfactory (3%) Not answered (3%) |
| Adequate reminders of deadlines | Yes (74%) No (13%) Not answered (13%) |
| Responses to urgent queries | Excellent (57%) Good (40%) Satisfactory (3%) |
| Use of the Intranet for Committee information | Yes (54%) No (43%) Not answered (3%) |

The questionnaire of selected legal practices revealed:-

Need to find out about Council decisions - Yes 100%

Do you know how to find out what is being discussed and when - Yes 50% No 50%

Do you know how to find out when a decision has been made and what it was - Yes 75% No 25%

Do you know what schemes the Council run to encourage access to decision making.

Yes 50% No 50%

The Citizens Panel exercise showed that 97% of respondents had not been to a District Council meeting in the last 12 months, the majority because they either did not know they could or did not know how to find out about them.

When asked what would encourage them to come, the majority of respondents replied they would do so if more issues affecting their local area were discussed.

If respondents want to know what decisions the Council has made on a specific issue, almost half say they would find out from the local newspaper, where just under a quarter would ring the Council Offices.

2.3.2 Electoral Services

The Citizens Panel showed that 85% of respondents had voted in the last District Elections. No-one interviewed felt access to the polling system or lack of information on voting had any effect on their ability to vote.

A Members questionnaire indicated very good levels of awareness of e.g.

- how to obtain copies of the Electoral Register
- understanding of rolling electoral registration

for both District and Parish Councillors

2.3.3 Legal

- Internal Customer questionnaire - 63 questionnaires were sent out to Departmental Heads and other staff with whom we regularly deal. We achieved a 46% return rate and the survey produced the following results, or questions asking client departments to rate.

Q1. Staff Attitudes - Excellent 19, Good 37, Satisfactory 37, Poor 4, Not Answered 4
Comments:

- "perhaps a more serious/focused ambience" (a planner)
- would like to see "empathy with what officers are trying to do!"

Q2. Quality of Work - Excellent 11, Good 48, Satisfactory 33, Poor 0, Not Answered 7
Comments:

- would like to see "more speedy turnaround, clear target dates for work taken up, referral to outside solicitors if insufficient capacity to progress in a reasonable turnaround timescale"

Q3. Quality of Response - Excellent 11, Good 41, Satisfactory 41, Poor 4, Not Answered 4
Comments:

- "bit more scope for discussion before and after responses would be helpful - mixed bag - some better than others and some responses can be a little legalistic in style"
- would like to see "summons issued in plainer English on occasions"
- would like to see "Empathy with what officers are trying to do - you have the legal point of view and then you have reality!"
- "case farmed out to private solicitors who gave poor advice"
- "I like the fact that [] can understand what your aim is and give appropriate advice - most unusual for a council solicitor!! Previously I've spent time and ruses not to involve legal who I'd perceived as preventing me from doing my job"

Q4. Timescale - Excellent 7, Good 22, Satisfactory 30, Poor 37, Not Answered 4

Comments:

- "case management poor"
- "generally need to chase but probably similar in every service as all are stretched"
- "many times excellent/good but sometimes have been slow"
- "would like "some indication of the time a response may take"
- "may be that timescales should be agreed when request made"
- "requests for quick, short urgent responses usually met but long delays experienced with S106s - not enough staff?"

Q5. Inform of Progress - Excellent 7, Good 22, Satisfactory 75, Poor 44, Not Answered 11

Comments:

- "S106 blackhole needs tracking process"
- would like to see "more updates on progress or slippage, and in the case of the latter, discussion with the client"
- "would like to be kept informed rather than have to ask"
- "IT should help in this area"
- "to be informed of progress does not mean progress is satisfactory!"
- "need to prompt for S106 progress - again staffing resources"

Q6. Response Urgent Requests - Excellent 22, Good 37, Satisfactory 15, Poor 15, Not Answered 11

No comments

Q7. Available for Instant Advice - Excellent 19, Good 37, Satisfactory 30, Poor 7, Not Answered 7

Comments:

- "availability is excellent, but advice may take time to follow"
- "especially [] who seems happy to run through options informally before proceeding"
- "usually"

Q8. Value for Money - Excellent 7, Good 33, Satisfactory 30, Poor 19, Not Answered 11

Comments:

- would like to see "monitoring/tracking of work in hand"
- would like "some guarantee of response/or indication of time to request being dealt with"
- "don't know what we pay"

Q9. Service Change over last 12 months - Improved 15, Stayed the Same 70, Deteriorated 11, Not Answered 4

Comments:

- "instant advice dealt with quickly, but one case left for action resulted in no action being taken because of delays"
- "no noticeable gains in extent or expertise of resources available"

- "S106s taking longer"

Q10. Suggestions for New Work

Comments:

- "in view of the pressure of work , is it practical for the service to engage in new areas.
- "more timely responses to questions would generate/encourage engaging legal team in more day-to-day events/items"

Selective Firms Questionnaire

This identified:

| | | |
|---------------|---|---|
| Strengths | - | dedication to the public sector ethos |
| | - | knowledge of local government |
| Weaknesses | - | resourcing |
| | - | occasional lack of focus/urgency |
| | - | inadequate backup facilities |
| Opportunities | - | need to establish SLAs with elected members and service departments |
| Threats | - | privatisation |
| | - | budgets |

In response to the question:

"Do you think the contributions to our legal fees we levy are:

Too high About right Could be higher

Both responded "About right".

- Selected Legal Practice Survey - of the 6 firms consulted, only 2 responded. Both were interviewed.

- 2.3.4 Licensing - the 2nd annual taxi consultation meeting took place on 25th July 2002 in the Council Chamber. Councillors Valerie Leake, Neil Morrison and Ian Allen attended as did County Councillors Hearne-Casapieri and Mair. Inspector Carter also attended.

The majority of issues raised were in connection with driver safety (following a recent attack on a taxi driver) and the locations of taxi ranks.

The taxi drivers and proprietors appreciate the liaison role the Council performs in helping to provide a means for them to get their views across to other agencies.

Generally some concern was raised about the level of fees charged by the Council for the licensing of taxis.

2.3.5 Local Land Charges - the general questionnaire produced the following results:-

58 QUESTIONNAIRES POSTED ON 17.04.02 - 12 REPLIES RECEIVED BY 26.04.02

| | | | | |
|--|------|----------|------|------------|
| What is your opinion of the speed of service provided? | | | | |
| Excellent | Good | Adequate | Poor | No Opinion |
| 1 | 6 | 4 | 1 | |

| | | | |
|---|------------|-------------|-------------------|
| What do you consider would be a reasonable time to complete a standard search, with no Part II enquiries? | | | |
| 3 – 4 Days | 4 – 7 Days | 7 – 10 Days | More than 10 Days |
| 2 | 5 | 5 | |

| | | | |
|---|------------|-------------|-------------------|
| What do you consider would be a reasonable time to complete a search with optional Part II enquiries? | | | |
| 3 – 4 Days | 4 – 7 Days | 7 – 10 Days | More than 10 Days |
| | 4 | 7 | 1 |

| | | | | |
|--|------|----------|------|------------|
| What is your opinion of the level of accuracy of the Local Land Charges Search you have recently received in relation to Local Land Charge Register (LLC1) and Enquiries of Local Authority (CON29)? | | | | |
| Excellent | Good | Adequate | Poor | No Opinion |
| | 11 | | 1 | |

| | | | | |
|---|------|----------|------|------------|
| If in the last three months you have had occasion to return a Local Land Charges Search for correction, how did you | | | | |
| Excellent | Good | Adequate | Poor | No Opinion |
| 1 | 2 | | | 9 |

| | | | | | | | |
|---|----|----------|----|------|---|--------------------------|---|
| How important to you or your clients are the following on a scale of 1-5 - being less important and 5 being more important? | | | | | | | |
| Turnaround Times | | Accuracy | | Fees | | Ability to apply On-Line | |
| 1 | | 1 | | 1 | | 1 | 1 |
| 2 | | 2 | | 2 | | 2 | |
| 3 | | 3 | | 3 | 4 | 3 | 4 |
| 4 | 1 | 4 | 1 | 4 | 4 | 4 | 1 |
| 5 | 11 | 5 | 11 | 5 | 4 | 5 | 6 |

| | | | | |
|--|------|----------|------|------------|
| If you have had occasion to telephone the Local Land Charges Section how would you describe the response in terms of : | | | | |
| <u>Courtesy</u> | | | | |
| Excellent | Good | Adequate | Poor | No Opinion |
| 3 | 6 | 1 | 1 | 1 |
| <u>Speed</u> | | | | |
| Excellent | Good | Adequate | Poor | No Opinion |
| 2 | 6 | 1 | 1 | 2 |
| <u>Satisfaction with info</u> | | | | |
| Excellent | Good | Adequate | Poor | No Opinion |
| 2 | 7 | 2 | | 1 |

Additional Comments Received

If you have had occasion to write to the Local Land Charges Section how would you describe the response in terms of :

Courtesy

| | | | | |
|-----------|------|----------|------|------------|
| Excellent | Good | Adequate | Poor | No Opinion |
| 3 | 5 | 2 | | 4 |

Speed

| | | | | |
|-----------|------|----------|------|------------|
| Excellent | Good | Adequate | Poor | No Opinion |
| 2 | 3 | 4 | 1 | 4 |

Satisfaction with info

| | | | | |
|-----------|------|----------|------|------------|
| Excellent | Good | Adequate | Poor | No Opinion |
| 2 | 5 | 2 | | 4 |

There is possibility a conflict between the Clients expectation of service and cost and our expectation. For many people the increase of 20% was a surprise and in many cases means the cost of all searches is 50% of the legal fees account. Computerisation and on-line service is essential.

High fee – long turnaround. Staff need to be more forthcoming and accommodating!

We are satisfied with the level of service.

A bit out of line on price with other authorities locally but with no obvious benefit on speed of turnaround.

It could save time if when requesting copy-planning documents they could be sent to us with an invoice to pay rather wait for us to send in the cheque.

Differential prices for NLIS would be an excellent idea.

Your service has been excellent but ruined by 2 searches arriving back in the office recently with unanswered questions.

The selected legal firms survey showed that, out of 'speed', 'accuracy', 'price' and 'on-line access', speed and accuracy were the most important factor for the firms as regards the Local Land Charges service, with speed being unanimously the most important issue for their clients.

The Citizens Panel questionnaire showed good levels of satisfaction with the Local Land Charges service in terms of speed of dealing with enquiries, helpfulness of staff, information provided and overall service levels.

2.3.6 Member support

The questionnaire sent to Members showed:-

- 67% felt the quality of training offered to Members was good (11 excellent and 22 satisfactory)
- 56% would like personal development plans for Members to be developed to end future training provisions
- 56% would find more advance information or training sessions useful

2.4 **Analysis of Consultation results to date**

2.4.1 **Committee Service**

No issues of concern arise out of the consultation and the Review Team decided to take a 'light touch' with this element.

2.4.2 **Electoral Service**

No issues of concern arose.

2.4.3 **Legal**

The internal customer survey has revealed generally good or satisfactory levels of satisfaction. However, there are 2 main areas of concern revealed - as anticipated by the Section themselves in the SWOT analysis -

- ie. 1. keeping clients departments satisfactorily informed of progress with cases.
44% of respondents felt that our performance in this area was poor.
- 2. Keeping to required timescales.
37% of respondents felt our performance in this area was poor.

2.4.4 **Licensing**

Other than the level of our fees, no issues of our practices or performance were identified.

2.4.5 **Local Land Charges**

Our service is generally rated excellent or good. Our average turnaround time for searches is within the general expectation of Solicitors.

2.4.6 **Member Support**

No issues of concern arose.

2.5 **Conclusion from Consultation Exercises**

Perhaps not surprisingly, the results of the consultation exercise largely reflected - particularly for the legal work area - the concerns identified in the teams own SWOT analysis.

3.0 **COMPARE/BENCHMARKING EXERCISE**

3.1 This section of the review looked at delivery of service in comparison with other similar service providers. Two main comparison exercises were undertaken.

3.1.1 Benchmarking of Committee Services

This revealed the following:-

3.1.2 Benchmarking of Legal Services

3.1.2.1 Other Local Authorities

Local authorities within this Council's "Audit Family Group" were approached to provide genuine comparable information on the services they supply in relation to cost, budget, number of fee earners, quality of outputs and quality of work undertaken in the last financial year.

Five other benchmark local authorities were selected on the basis of size and similarity of functions and from whom it was possible the necessary statistical information. These were:

Mansfield District Council
Stroud District Council
Kings Lynn and West Norfolk Borough Council
West Wiltshire District Council
Brighton and Hove Council

Brighton and Hove is a unitary authority and therefore perhaps not so relevant for comparison purposes. It has, however, won some significant professional awards including a previous "Local Authority Legal Team of the Year" and was included for this very reason.

Two of the professional bodies involved in our work areas (the Association of Council Secretaries and Solicitors and the Law Society's Local Government Group) have come up with a set of proposed benchmarking indicators for legal services.

While these are useful for setting some baseline information, they were far too detailed and far too 'output' based to be of real value for us. It was decided that the comparison exercise should try to look at quality of output rather than only quantity.

3.1.2.2 Other Service Providers

In addition, in order to ascertain any best practice elsewhere, a number of in-house legal teams for charities, public bodies and in commerce and industry were approached by a questionnaire.

These were sent to:

- Environment Agency
- Bovis Homes

For S106 negotiations, a questionnaire for family group authorities was sent out.

Using the matrix of services prepared for the review, a copy of our service plan, copies of our SWOT analysis and any other information they may need it is suggested they be asked to consider and review the provision of our services to the Council as currently undertaken and to identify:-

- if they would provide the service in a different way and if so how
- where improvements could be made and how.

3.3 A benchmarking club set up in the area has assisted however with the following information for Legal Services.

- our cost of Legal Services at under 3% of our net revenue budget make us the cheapest
- our actual spend on the Legal Services function is much lower than any of our comparators - on average £168,000 less per annum
- our number of legal staff is also below the average of those responding. (That said there is also a sizeable number of Legal departments within our family group which have only 1 or 2 in-house legal staff - for those authorities there would be a significant amount of expenditure on external legal services)
- there is no standard approach to what type of case information is recorded
- it appears that those Council's which record the most information also have higher case numbers and lower case times
- only 1 Council with a very large Legal department has gone for any kind of external quality accreditation (anecdotally because of the resource implications of embarking on such a process)
- our annual case turnovers are broadly similar to the others (insofar as we record them)

3.4 An opportunity for external scrutiny of our legal approach and processes arose - unexpectedly - during the review period:

His Honour Lord Colville, an Assistant Commissioner with the Office of the Surveillance Commissioners, has inspected the Legal Section's work in preparing the Council for the implementation of the Regulation of Investigatory Powers Act 2000. This Act imposes a new regime where surveillance is being undertaken, as it is for example by the Planning Enforcement section looking into breaches of Enforcement Notices, by the Environmental Services section investigating, e.g., noise nuisance complaints and by the Benefits Fraud team. Failure to comply with the requirements of the Act can leave the authority exposed to potentially very large compensation claims as well as bad publicity.

The preparatory work for the Legal team involved briefings with the teams affected, preparation of appropriate documentation etc and was a sizeable task, undertaken as part of our 'corporate legal health' work.

It is an indication of how serious those consequences can be that the Commissioners are ensuring compliance by inspection visits. Lord Colville was with us for a whole morning, inspecting our processes and paperwork and interviewing at length both the Executive Director Legal & Democratic Services and our Revenues Manager.

The Inspection revealed our work in this area to be 'Good' and the OSC do not intend to exercise their right to inspect us again.

It will be noted that there are few case recording figures for ECDC in the comparative analysis spreadsheet, since we do no formal case recording at the moment. However we have done as part of this Review some internal research on our case numbers. We selected a cross-section of our work areas - including some (like sundry debts and car parking) which are high-volume short-turnaround routine matters in the main, and others (like contracts or S106 obligations) where each matter is likely to be very different both in terms of time and complexity from the one before.

The analysis covered 3 years, as follows:

| Work Area | 1998/99 | 1999/00 | 2000/01 |
|--|---------|---------|---------|
| Conveyancing | 10 | 18 | 16 |
| Criminal prosecutions (including car parking) | 26 | 28 | 9 |
| Sundry debt action letters | 104 | 97 | 115 |
| Contracts | 15 | 20 | 7 |
| S106 Obligations | 20 | 20 | 23 |

Even from this fairly crude example it can be seen that our work patterns are changing - being a largely reactive service, there can be substantial knock-on effects for us from changes elsewhere in the Council.

Similarly the fall in the number of contracts, after 2 years of relatively steady figures, is undoubtedly in the main caused because the Council has a relatively limited base of contracts it lets out and, once these are let, it is likely to be a few years before they need to be relet.

Some other areas will also soon be seeing a number of changes, caused by outside changes - for example a sizeable amount of our debt collection work relates to chasing unpaid bills for the emptying of cesspools. This service is about to be outsourced so this element of that work will cease.

It is important to note that the figures do not take account of many other areas of work - such as legal advice, support to committees, assistance to Planning with appeals, representation at enquires.

3.5 Benchmarking the Land Charges and Licensing services revealed the following:-

Local Land Charges - ECDC

Comparison with Audit Commission Family Group and Neighbouring Authorities

Standard search fee ranges from £73 to £130 (at the time of the review). Our standard search fee is among the highest.

19% have fully computerised systems
37% (including ECDC) are part computerised and part paper based
44% are wholly paper based

Average turnaround time ranges from 4 working days to 10 working days - ECDC's turnaround is 7 working days

Number of staff in the section averages 2 though those with the higher search numbers have 1 or 2 more

Number of searches per year ranges from 1,942 to 4,222. ECDC handle 2,837

Licensing - ECDC

Comparison with Audit Commission Family Group and Neighbouring Authorities

Analysis of Comparisons

General

66.6% of licensing is dealt with within one department - 60% being Environmental Services

33.3% of Licensing Officers do not have other duties

12.5% are responsible for other duties, but minor ones

One authority licensing section is responsible for another major area

3.6 Benchmarking of Committee Services

14 authorities with similar committee structures were checked revealing

No of Members - range from 58 (Salisbury) to 26 (Melton) - ECDC has 32

No of Committees etc - range from 39 (Kennett) to 9 (N. Shropshire) - ECDC has 12

No of staff in section - range from 9.5 (Swindon) to 1 (Melton) - ECDC has 3.5

No using computerised Committee paper management systems

75% Yes (including ECDC), 25% No

3.7 Conclusions from Compare Exercise

The Review Team were disappointed by the poor response rates from this section but felt it was necessary to keep to timetable rather than prolong this exercise. The Team felt the issues already identified could and should be properly addressed in any event on the information we had.

3.8 The results of the benchmarking show that for the legal team, we continue to receive value for money.

Our Local Land Charges and Licensing Section is shown to be efficient and effective as is our committee section. In both those areas we are shown to be 'ahead of the game' in using IT systems to support the work.

4.0 **"CHALLENGE"**

4.1 For the "Challenge" element of the review we:

4.1.1 Undertook an internal challenge of "why we do what we do" for certain services and

4.1.2 asked the "external" members of the review team to carry out a "critical friend" analysis of our service.

4.2 Internal Challenge

The review team looked as part of the review at the work areas carried out within the Section and considered whether

- the work needed doing at all
- if so, was legal the best place for it

The options appraisal shows areas identified in both those categories, for example

4.2.1. Legal work for Parish Councils.

It was felt by the Review Team that, although this can be very useful for Parish Councils – saving them expensive external legal fees and allowing them to tap into our internal legal expertise - the Council's in-house legal team should concentrate on Council legal work.

That said, the Review Team recognised that timely advice from our lawyers can often save Parish Councils time, effort and money.

Consequently the Review Team have recommended legal work for Parish Councils, beyond initial advice, should stop.

4.2.2 S106 Negotiations

The Review Team noted that this role was initially undertaken outside the Planning Department because of audit concerns of conflicts of interest. It had been felt a 'chinese wall' was necessary to ensure the grant of planning permission and the securing of community benefits via S106 remained appropriately separated. Since the Review established that most authorities do not keep this separation, with no apparent ill effects, we have recommended this work be transferred to the Planning Department.

4.3 "Critical Friend" Exercise

The external representation on the Review were asked to identify from their experience generally and of our departments

- if they would provide the service in a different way and if so how.
- where improvements could be made and how.

They concentrated on the legal section's work and responded - the strengths of our in-house legal team far outweighed any weaknesses. Weaknesses of casework throughput are best addressed, in their opinion, by having robust in-house systems rather than by systematic outsourcing. To retain a sufficient skill base in the in-house team, they recommended continuing but extending the

current arrangement – i.e. putting out certain work e.g. prosecutors or drafting S106 negotiations on the basis that the fees are recovered direct from the other side, not part by the Council – creation of a list of suitable suppliers, for use when in-house resources cannot meet the demands of the work.

- 4.4 Additionally, to test good practice, the Council has signed up recently to the East of England Legal Partnership Agreement - an agreement between a number of the Council Legal Departments at District and County level in Cambridgeshire, Suffolk, Essex, Bedfordshire, Norfolk, Buckinghamshire and Northamptonshire. It enables us to access the experience of other legal officers quickly and efficiently, to share documentation and expertise and to compare good practice.

There is no cost to membership of the agreement and it is already providing very useful in saving time on research.

5.0 **COMPETE**

- 5.1 The review team considered this element most particularly as regards the provision of legal services.

As part of the Review, a number of cases had been outsourced to external solicitors in order to give some idea of the issues that process could raise.

- 5.2 The types of case put out were:-

Prosecution – the specific instance was a housing benefit fraud investigation.

S106 Obligation Drafting and Completion – two cases were put out, one of which was complex and had time limit constraints.

For both types of work, the case were put out on the basis that the solicitors acting received their reasonable costs from the site party, not from the Council.

In the case of prosecutions, this puts the external solicitors even more at risk, since they not only have to win the case but also to persuade the court to make an order of costs in favour of the Council.

In the event that the case did not proceed, the external solicitor bear their own costs. The benefit of outsourcing on this basis means cases could be dealt with more quickly since external firms should be able to dedicate time to them, and at no extra cost to the Council.

- 5.3 Generally this limited experiment has been successful, with the following caveats:-

- cases are not in fact generally completed quicker than those run in-house.
- case must be taken not to “cherry-pick” cases such that only a 'rump' of non-stretching, routine work is kept in house (to keep development opportunities for staff)
- the contractor must be under detailed obligations – e.g. not to do work not yet requested, to report regularly and to keep clients informed.

5.4 Also considered under this element of the review were those areas of legal work which have in the past been outsourced as a traditional basis

e.g. Legal work in connection with the non-conveyancing elements of the Councils voluntary transfer of its housing in 1993.

e.g. Legal work in connection with the development agreement and associated negotiations and documentation for the creation of the Cloisters Shopping Mall.

e.g. Legal work in connection with the setting up of the systems for, land assembly, etc for the St Johns Innovation Park in Littleport

5.5 These outsourcing exercises brought up the same issues as those found during the Best Value exercise.

- even though the contract with the external solicitor may specifically state that they will only undertake work requested by the Council, care needs to be taken to ensure they do this.

6.0 CONCLUSION

6.1 The improvement proposals set out below have been promulgated by the Review Team as a result of and arising out of the consideration undertaken during the review.

Where practicable, this has included options where the use of IT could make service improvements.

The options appraisal includes, where possible,

- the benefits the improvement could provide
- any weaknesses associated with the proposal
- any resourcing implications of the proposed
- the links to the corporate objectives

5.0 **PROPOSED SERVICE IMPROVEMENT OPTIONS**

5.1 The Review Team proposed a draft Service Improvement Options set out below:

SERVICE: LEGAL

| Improvement Option | Key Actions | By whom | Timescale | Key Benefit(s) (1) Risk(s)/Weaknesses (2) | Resources |
|--|--|--|---|--|--|
| LEGAL | | | | | |
| 1.1 Acquire and implement an ICT based case management system for legal work | <ol style="list-style-type: none"> 1. Set specification (output and technical) 2. Identify potential suppliers 3. Visit sites using suitable systems 4. Procure 5. Install and train 6. Fully implement 7. Monitor and review | ED (L&DS) ED (HR & IT) SOCITM Consultants | <p>By 31.12.02</p> <p>By 1.4.03</p> <p>By 1.4.03</p> <p>By 30.9.03</p> <p>By 30.9.04</p> <p>By 31.12.04</p> <p>After 31.12.04</p> | <p>Key Benefit(s) (1) Improved speed of throughput Improved client information Improved Management information</p> <p>Risk(s)/Weaknesses (2) Insufficient time Other priorities Insufficient people resource No IEG2 funds</p> | <p>IEG2 funding</p> <p>L & DS team</p> <p>(Systems exist on the market already and range from c£6000 to c£33,000 depending on the levels of complexity required)</p> |
| <u>Relevant Corporate Objectives</u> 4.1, 4.2, 5.1, 5.3 | | | | | |

PROPOSED SERVICE IMPROVEMENT STRATEGY

SERVICE: LEGAL

| Improvement Objective LEGAL | Key Actions | By whom | Timescale | Key Benefits (1) Risks/Weaknesses (2) | Resources |
|--|--|--|--|--|-------------|
| 1.2 Set practice standards for legal work <u>Relevant Corporate Objectives</u> 5.1 | 1. Agree practice standards with departments 2. Monitoring and review | L & DS team Client Depts L & DS team | 31.12.02 <i>From 31.12.02 and at time intervals of 6 months</i> | Key Benefits (1) Improved client understanding of work Setting of measurable targets for team Risks/Weaknesses (2) Lack of commitment Insufficient people resources Non-endorsement Lack of people and budget resources | L & DS Team |

PROPOSED SERVICE IMPROVEMENT STRATEGY

SERVICE: LEGAL

| Improvement Objective LEGAL | Key Actions | By whom | Timescale | Key Benefits (1) Risks/Weaknesses (2) | Resources |
|---|---|----------------|------------------|--|------------------|
| 1.4 Set more realistic fees for legal work <u>Relevant Corporate Objectives</u> 5.1 | 1. Review current fees. 2. Set new fees. 3. Monitor and review. | L & DS team | 01.04.03 | Key Benefits (1) Improved fee income more aligned with real costs Risks/Weaknesses (2) Fees not recovered | L & DS team |

PROPOSED SERVICE IMPROVEMENT STRATEGY

SERVICE: LEGAL

| Improvement Objective LEGAL | Key Actions | By whom | Timescale | Key Benefits (1) Risks/Weaknesses (2) | Resources |
|--|---|---|---|---|------------------|
| 1.5 Prepare standard precedent S106 deed and include within planning application documentation <u>Relevant Corporate Objectives</u> 4.2, 5.1 | 1. Prepare standard procedure. 2. Place with Development Services for inclusion in planning applications packs. 3. Keep up-to-date. | Legal Team Legal Team Development Services Team Legal Team | 30.11.02 31.12.02 Ongoing | Key Benefits (1) Better understanding of S106 issues from applicants Risks/Weaknesses (2) Standard draft becomes out-of-date | Legal Team |

PROPOSED SERVICE IMPROVEMENT STRATEGY

SERVICE: LEGAL

| Improvement Objective LEGAL | Key Actions | By whom | Timescale | Key Benefits (1) Risks/Weaknesses (2) | Resources |
|--|--|---|---|--|--|
| 1.7 Restrict legal work for Parish Councils to preliminary advice only <u>Relevant Corporate Objectives</u> 4.2, 5.1 | 1. Advise Parish Council's of change 2. Implement recommendation 3. Liase with CALC over alternative sources of advice and assistance 4. Write article for CALC newsletter | Legal Team Legal Team Legal Team Legal Team | 31.12.02 30.03.03 31.12.02 31.12.02 | Key Benefits (1) Free up time in legal team Risks/Weaknesses (2) Parishes may delay taking necessary legal advice | Legal Team Legal Team Legal Team |

PROPOSED SERVICE IMPROVEMENT STRATEGY

SERVICE: LEGAL

| Improvement Objective 4. DEMOCRATIC SERVICES | Key Actions | By whom | Timescale | Key Benefits (1) Risks/Weaknesses (2) | Resources |
|---|--|-----------------------------|-----------|--|---|
| 4.1 Consolidate all administration of the Members Allowances system <u>Relevant Corporate Objectives</u> 4.2, 5.1 | 1. Identify work areas concerned. | ED (L&DS) ED (F) PDSO | 01.02.03 | Key Benefits (1) More cohesive service Risks/Weaknesses (2) Availability of resources | Democratic Services Team and Finance Team |
| | 2. Identify resource to receive work in Democratic Services. | ED(F) | 01.02.03 | | |
| | 3. Transfer | ED (L&DS) PDSO ED (F) | 01.04.03 | | |
| | 4. Monitor and review | ED (L&DS) | 01.09.03 | | |

