

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **POLICY AND RESOURCES SCRUTINY COMMITTEE**

31 March 2016

### **Report of the Head of Legal Services**

**Matter for Monitoring**

**Wards Affected:** All

### **Legal Services Report Card 2015/2016**

#### **Purpose of the Report**

1. To provide members of the Scrutiny Committee with information to assist them in scrutinising the performance of the Legal Services Section.

#### **Background**

2. During 2014/15 the Council introduced a revised Performance Management Framework of which one of the features is the production of report cards by service managers. These report cards are intended to assist members in the scrutiny of the service concerned. The report card is attached as the appendix to this report.
3. Corporate Service Report Cards have been developed to illustrate the performance achieved for the resources invested in service areas. The report card also refers to various corporate themes and is arranged in that fashion.
4. There are a number of comments which I have to make about the process and its particular features when dealing with Legal Services. The provision of legal advice and services is effectively determined by the

work which comes in from the internal clients on a daily basis. Whereas it would be preferable if services could be developed in a planned and methodical fashion there are many outside influences which make that difficult. Changes in legislation, statutory guidance and decisions of the Courts will inevitably have an impact on service delivery. The central feature of all public administration now is the financial situation and much of the work which comes in is dependent upon that. More pressure is being placed on service delivery to individuals and that increases the likelihood of judicial review and general pressure on litigation services and complaints. Equally, the transformation of services which local authorities are compelled to embrace in the current financial circumstances also places an increased, variable and sometimes unpredictable load on Legal Services.

5. Many of these factors feature in relation to other services but they are particularly prevalent in relation to Legal Services.
6. A two year budget programme for Legal Services is something which would be preferable in terms of what service planning can be achieved. This must be a priority for the next financial year.
7. Data protection issues have already been reported to Members and complaints and compliments will be reported and brought up to date in the corporate report for this Directorate and the Chief Executive's Department.

## **Appendix**

8. Legal Services Report Card

## **Background Papers**

9. The Head of Legal Services Business Plan 2015/16.

## **Financial Impact**

10. None required

## **Equality Impact Assessment**

11. None required for this monitoring report.

## **Workforce Impacts**

12. None

## **Legal Impacts**

13. None

## **Risk Management**

14. None

## **Consultation**

15. This is not required in this case.

## **Officer Contact**

David Michael - Head of Legal Services

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### Brief description of the service

Whilst the Legal Services is generally associated only with the provision of legal services to the Council, it is in fact a diverse unit providing many different services. The Head of Legal Services is the Council's statutory Monitoring Officer and there are three legal teams, Property, Litigation, and Child Care. Support Services provide support to Legal Services and to the Council generally in terms of payment of accounts, mail handling and the statutory land charges function. One joint report card is being provided for these teams. A separate report card has been prepared for the Licensing Team, which is also part of legal services. A separate business plan is being developed for the Registration Service for the financial year 2016 – 2017.

As one might expect, the aims and objectives of the service are many and varied but may be summarised as follows: –

#### **Probity and Legality:**

This includes ensuring that the Council maintains high standards of conduct and compliance with legal duties. The register of members' interests is maintained and advice provided to members on the statutory Code of Conduct. The Monitoring Officer services the Council Standards Committee. Advice is provided on the law as it applies to local government.

#### **Defending the Council's interests:**

In all the transactions which it handles and in all its court work the section seeks to maintain and defend the interests of the local authority which are, in effect, the interests of the community.

#### **Achieving the Council's objectives:**

Legal Services contributes towards the achievement of the Council objectives by the provision of services to the Council's Directorates. Its activities are service driven and follow the priorities of the departments concerned. Much of the Council's transformative work in implementing different methods of working is dependent on the provision of legal services.

### **Structures for decision-making and co-operation:**

Local authorities are required to co-operate with other local authorities and public bodies in the delivery of services. In order for those co-operations to work properly and in a regulated manner proper legal structures must be put in place.

### **Direct service delivery:**

Whereas Legal Services generally provide support services to the Council it also provides some direct services to the public such as land charges. Those services should be provided in an efficient and reliable fashion.

## **What we did in 2014-2015 - Service Performance (Internal)**

The activities of Legal Services are analysed under the headings specified in the Business Plan which follow the Council's own objectives.

### **Improving outcomes for children in need and looked after children**

Contracts have been put in place for provision of early intervention and preventative services. The Legal Services Child Care Team provides a comprehensive service for child protection.

### **Raise educational standards and attainment**

Contracts were put in place for Ysgol Bae Baglan and prepared for the 21st-century school programme. Advice is being provided on contract conditions for transport and advices been given in relation to learner travel duties. Legal support has been provided for the Schools Improvement Programme and the litigation team conducted successful defence of the judicial review of decisions made as part of that programme.

### **Maximise the number of adults who are able to live independently**

The legal team lead on the final conclusion of an agreement for the provision of intermediate care under Section 33 of the National Health Service (Wales) Act 2006. Legal advice and assistance has been provided in relation to home care contracts to achieve continuity of provision in difficult operational circumstances. Supporting people contracts have been extended. Legal support and advice is being provided in relation to direct payments to social services clients. Agreement had been executed in relation to the provision of training services to the Local Health Board. Work has been undertaken in relation to a Dynamic Purchasing System for implementation in the next financial year.

### **Support and promote economic growth and regeneration etc**

The leases for the former Tesco/Wilkinson's multi-storey car park site in Neath town centre have been surrendered to the Council and the lease to the new Wilkinson's store has been granted. Work continues on the acquisition of land and the payment of compensation as a result of the construction of the Port Talbot PDR. Grant agreements have been completed with Coastal Housing in relation to the residential development at Green Park Aberafan. The former Port Talbot police station site has been acquired together with other property in Station Road. As part of a programme of asset transfers and self-management arrangements, a large number of leases have been completed in favour of sports clubs, community councils and groups operating local libraries and other facilities.

### **Increase percentage of waste recycled**

Legal Services have continued to provide advice and assistance in the tendering of waste services. There have been 20 prosecutions for offences contrary to the Environmental Protection Act 1990.

### **Improve customer access to services and improve efficiency**

Contract procedure rules for the Council have been redrafted and that the draft is being considered by the project team. Internally in Support Services the remaining secretarial staff have been integrated into legal services and cost centres merged.

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## Appendix

Commons and Commons searches work has been undertaken in-house with a saving to the authority. Work is underway to reduce a backlog in right-of-way work which has also been taken in-house. More meaningful budget information has been provided for Legal Services. A one-off exercise to reduce the cost of the advertisement of public notices was led by the Head of Service and the saving was incorporated in the budgets of the relevant directorates. Further work on this would be undertaken outside the Section next financial year.

### Financial

During the current financial year legal services has achieved its Forward Financial Plan savings and is due to deliver a projected underspend. This is due to various factors including underspend in specific budget headings and income from providing child care related legal services to the City and County of Cardiff . The budget for the whole of Legal Services excluding Child Care legal Services has reduced by 16%. Performance against the Forward Financial Plan will be more difficult in the forthcoming two financial years. Budget reductions for 2016/17 will only be achieved by the use of the one off income that I refer to above and will have to be compensated for in the following financial year 2017/18.

The budget for each of the teams in this financial year was:-

Property/Litigation and Monitoring Officer - £870,045

Legal Services Child Care - £961,136

Support Services - £154,402

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### Employee/Staffing

The staffing for each of the teams in full time equivalents in this financial year was:-

Property/Litigation and Monitoring Officer - 16.00

Legal Services Child Care – 21-42

Support Services - 15.40

There are 78 employees in Legal Services in total (including Licensing and Margam Crematorium both of which are not covered by this report), 67% of whom are female. 42% of employees are aged over 50 with 13% aged between 55 and 59. These figures are distorted by the inclusion of casual staff used for cover at the register office and in Margam Crematorium. The overwhelming majority, 92%, are permanent employees.

Up until the last year or so sickness absence in Legal Services has been substantially lower than for the local authority overall. However, in recently we have had some instances of long-term sickness from unavoidable causes. The number of full-time equivalent days lost third employee in 2014/15 was 9.5. The cumulative quarter three figure for 2014/15 was 7.4 and the equivalent figure for this year is 5.9.

### Customer

For the last complete year 2014/2015 there were no complaints or compliments in relation to Legal Services.



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### Service Priorities for 2015-2016

#### What

1.	To deliver the savings allocated within the Council's Forward Financial Plan to the department and contain overall expenditure within the cash limit set for the department
2.	To maintain high levels of attendance in the Section
3.	To ensure departmental performance management arrangements are effective and in line with the Council's revised corporate framework
4.	To further develop staff communications, engagement and development arrangements across the department
5.	To maintain high standards of health and safety at work, ensuring all risk assessments are up to date and operational

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6.	To maintain an effective business continuity and emergency incident response across the functions and services within the portfolio and in particular to review business continuity arrangements at Margam Crematorium.
7.	To ensure Directorate service changes and improvements in FFP are delivered
8.	To support and ensure proper governance arrangements are in place re collaboration work