

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

POLICY AND RESOURCES SCRUTINY COMMITTEE

8 MARCH 2017

Report of the Head of Legal Services

Matter for Monitoring

Wards Affected: All

Legal Services Report Card 2016/2017

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. The Council has undergone one of the routine periodic inspections by the Surveillance Commissioner to examine use of investigatory techniques. The outcome of that inspection will be reported to a future meeting.
7. As a consequence of cuts in expenditure under the Forward Financial Plan the Section will lose posts in the Legal Services Child Care Team. This is the first time that posts have been lost other than by ER/VR and has required the use of the Management of Change Policy. Further experience has been lost in the Property and Contracts Team, with the retirement of the Principal Solicitor leading that team. He has been replaced by Gareth Griffiths from within the team. Further retirement will take place shortly and the team will have to be substantially rebuilt.

Appendix

8. The Report Card.

Background Papers

9. The Head of Legal Services Business Plan 2016/17.

Financial Impact

10. None required

Equality Impact Assessment

11. None required for this information report.

Workforce Impacts

12. None

Legal Impacts

13. None

Risk Management

14. None

Consultation

15. This is not required in this case.

Officer Contact

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Section 1: 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.

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.

Section 2: What we did in 2015-2016 - 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.

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. Extensive work has been undertaken on the new transport hub. 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 16 prosecutions to date with another 15 pending 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. 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.

Section 3: Service priorities identified for 2016/17				
Priority	Actions to deliver priority	Team responsible	Timescale	Evidence
P1. Development of Western Bay Agreements including Adoption Service, Independent Family Service and Substance Misuse.	Negotiation and drafting	Property and Contract	March 2017	Conclusion of Agreements
P2. Adoption of new Members' Code of Conduct	Statutory process	Monitoring Officer	July 2016	Adoption of Code
P3. Inter Authority arrangements for supporting people Wallich project	Negotiation and drafting	Property and Contract	August 2016	Conclusion of Agreements
P4. Processing of outstanding Rights of Way matters.	Employment of temporary member of staff. Statutory process.	Litigation	March 2017	Processing of matters, reports to Cabinet Board

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Appendix

Priority	Actions to deliver priority	Team responsible	Timescale	Evidence
P5. Process changes to Local Searches and Enquiries system as a result of revision of Con 29	Revision to computer systems	Support Services	July 2016	Establishment of system
P6. Establishment of toolkit for recovery of costs for Environment Information Requests	Organisational and financial analysis	Support Services and Litigation	September 2016	Production of Toolkit
P7. Development of contracts with transport providers for Home to School Transport	Preparation of contracts and advice on implementation	Property and Contract	September 2016	Production of Contracts
P8. Development of Collaborative arrangements for South Wales Trunk Road Agency	Negotiations and drafting	Property and Contract	September 2016	Conclusion of Agreement
P9. Preparation of contract documentation for domiciliary care through a dynamic purchasing system	Drafting and advice	Property and Contract	October 2016 depending on instructions	Concluding draft documentation

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Priority	Actions to deliver priority	Team responsible	Timescale	Evidence
P10. Preparation of documentation for the tendering of community centres and letting of community assets	Drafting and advice	Property and Contract	March 2017	Concluding draft documentation in some cases and concluding agreements in others
P11. Promote % of waste recycled by prosecution of waste offences	Prosecution	Litigation	To March 2017	Number of success rates of prosecutions
P12. Implement paper light working in Child Care Legal Team	Implementation of administrative change and use of ICT	Child Care	To March 2017	Reduction in use of paper materials
P13. Develop competence in Social Services and Well-being (Wales) Act 2014	In house and collaborative training	Child Care	To March 2017	Incorporation of Act Regulations and statutory guidance into work practices

Section 4: Service Performance 2016-17

Priority 1 - Western Bay Agreements

Western Bay Agreements have been executed for adoption and for the independent family service with a further agreement due for execution in relation to the latter next year. The agreement for substance misuse has largely been agreed but financial issues have arisen which may delay execution. Extensive work has been undertaken in relation to the Regional Partnership Board and discussions are underway with regional colleagues about the requirement to have a pooled fund in place to cover residential care.

Priority 2 - New Members' Code of Conduct

The new Members' Code of Conduct has been adopted by the Council and copies of the Code have been provided to all Members. Advice and assistance has been provided to Town and Community Councils in adopting similar arrangements.

Priority 3 - Inter authority arrangements - Supporting People

The form of agreement has been concluded and officers are waiting for progress from other regional partners.

Priority 4 - Outstanding Rights of Way matters

Funding was secured for 2016-2017 to retain a temporary member of staff to work on these files. A number of rights of way matters have been brought to a conclusion including extensive rights of way network connecting Groll Country Park with adjacent residential areas.

Priority 5 - Renewal to Land Charges System and implementation of new CON29

The new CON29 form of enquiries to local authorities has been introduced which required reconfiguration of the Land Charges computer system and revised methods of working with internal clients. This process has been complicated by the fact that HMRC has now introduced VAT on local enquiries which will come into operation at the end of the financial year.

Priority 6 - Tool Kit for recovery of costs Environmental Information Requests

This activity has not been brought to a conclusion during the financial year due to pressure of other work. It will be undertaken in the forthcoming financial year.

Priority 7 - Contracts for Home to School Transport

New documentation has been developed for this service and a new tendering exercise will now commence.

Priority 8 - Collaborative arrangements South Wales Trunk Road Agency

Draft documentation has been provided during negotiations with local authority partners and the Welsh Government. The documentation is awaiting final agreement with the parties concerned.

Priority 10 - Documentation for letting of Community Centres and other community assets

The section has completed the execution of agreements and leases for bowls pavilions, playing fields, libraries, community centres, a golf course and visitors centres at Pontneddfechan and Afan Argoed.

Priority 11 - Prosecution of Waste Offences

16 offences have been prosecuted and we understand that a further 15 cases will be referred to us for prosecution.

Priority 12 - Implement paper light working in Child Care Legal Team

All case papers are now uploaded to an electronic portal thus reducing the requirement to print copies for solicitors acting for other parties. Swansea Civil Justice Centre is likely to have full wifi access by July 2017 which will facilitate remote working. A propriety system pdfDocs has been used to undertake electronic redaction of documents i.e. the removal of information which should not be disclosed. Problems have been encountered with this system and compensation obtained.

Priority 13 - Competence in Social Services and Wellbeing (Wales) Act 2014

All solicitors in the team have now received external training. This has been supplemented by internal training events some of which have been organised on a regional basis.

Section 5: Financial 2016-17

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 Bridgend and 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 for 2016/17 were achieved by the use of the one off income 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 - £852,169. Legal Services Child Care - £889,659. Support Services - £118,482

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Section 6: Employee Quadrant 2016-17				
Measure	2014-15 Actual (Full Year)	2015-16 Actual (Full Year)	2015-16 QTR. 3 (cumulative)	2016-17 QTR. 3 (cumulative)
Corporate Measure (CM04): Average FTE (Full time equivalent) working days lost due to sickness absence				
All Legal Services (except Licensing)- Total Service FTE working days lost in the period	678.3	482.3	354.8	359.1
Average FTE working days lost per employee.	10.5	7.9	5.8	6.2
Directorate: Corporate Services: Average FTE working days lost per employee.	8.0	6.0	4.1	5.4
Council: Average FTE working days lost per employee.	9.4	9.7	6.8	7.3

**Section 7:
Customer 2016-17**

For the last complete year 2015/2016 there were no complaints in relation to Legal Services.