

Quarterly Performance Report – Legal & Democratic Services

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Report Period Quarter 2: July - September 2012

Introduction

The report is produced on a quarterly basis and provided to Executive members for review and assurance and will be available for Overview and Scrutiny Committees as part of their Forward Work Programmes.

The report consists of an overview of the key messages to highlight across all work streams in Legal & Democratic Services, which is followed by highlights from each service area. Parts 2 and 3 of the report include an assessment of performance in the quarter from the following sources:

- Improvement Plan Monitoring
- Strategic Assessment of Risks and Challenges
- Performance Indicators and Outcome Measures
- Improvement Target Action Plan Monitoring
- Key Actions from Service Plan Monitoring
- Internal and external regulatory reports
- Customer satisfaction and feedback
- Awards and accreditations
- Resource Management (HR, ICT, Finance, Assets)

1. Foreword

Report highlights for this quarter:-

<p>Corporate Governance</p>	<p>At its meeting on 17 July the Audit Committee approved the draft Annual Governance Statement with two minor amendments. Subsequently no amendments were requested by the Wales Audit Office and the final version was signed by the Chief Executive and Leader and agreed at the Council meeting on 25 September.</p>
<p>Members</p>	<p>The Democratic Services Committee met for the first time on 24 July when the Democracy & Governance Manager was appointed as Head of Democratic Services required under the Local Government (Wales) Measure 2011. That meeting also considered a report on the statutory guidance relating to training and development of members and the Democratic Services Committee which had recently been issued. It also considered the results of the member survey which was subsequently reported to the Council meeting on 11 September and reports relating to member development and training.</p> <p>At the Council meeting on 11 September consideration was given to consultation by the Independent Remuneration Panel for Wales on its proposed report for 2014/15. The representations agreed at the Council meeting have been submitted to the Panel.</p>
<p>Standards and Ethical Framework</p>	<p>A further revision to guidance on the Code of Conduct was issued by the Ombudsman following the “Calver” decision. Due to the protection afforded to political expression under the Human Rights Act the Ombudsman is now less likely to investigate allegations of disrespect between councillors. The guidance has been sent to all councillors for information.</p> <p>A separate guide to the Code of Conduct specifically for town and community councillors has also been issued by the Ombudsman. This has been distributed to all clerks.</p> <p>There were no referrals to the Ombudsman in respect of councillors during quarter 2. The Adjudication Panel for Wales hearing in respect of Councillor Heesom resumed on 17 September, and concluded taking oral testimony on 12 October. It sat for 14 days during that period.</p>

Other highlights by service area are as follows: -

<p>Legal Services</p>	<ul style="list-style-type: none"> • 2 new Employment Tribunal claims. • 570 existing equal pay claims made against the Council. • 89 new parking prosecutions, 114 concluded and 11 ongoing. • 14 new benefit fraud prosecutions, 19 concluded and 17 ongoing. • 0 education prosecutions re non attendance, 1 case concluded. • Health & Safety – Ongoing: 1 case, New: 1 case. • Agency work for Wales Illegal Money Lending Unit - 1 new case -
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	<p>1 concluded</p> <ul style="list-style-type: none"> • Planning enforcement – closed: 2 convicted, 1 withdrawn and resolved by alternative dispute resolution in favour of FCC. Ongoing: 1, New: 2 cases. • Prosecutions: closed: 1 Trading Standards – convicted. Ongoing: 1 Trading Standards and 1 private nuisance (defending) • 1 new and 1 other ongoing possession claim for anti-social behaviour. 1 ongoing claim disposed this quarter (by consent). ASB Injunctions were granted on a without notice urgent basis and a final order made for them to continue with powers of arrest attached on the return date. • A new civil claim (small claims court - not housing related) is also in progress. • 37 school admission appeals were heard • 12 new child protection cases on file. • Voluntary registration of Council land with HM Land Registry – 23 applications for registration in the last quarter, however one application can in fact contain numerous deed packets (eg over 30 deed packets in the case of a street in Flint). The Land Registry have approximately 50 applications outstanding. <p><u>Waste Partnership:</u> As scheduled, on the 1 August 2012 the NWRWTP Joint Committee made the decision to de-select one bidder so that two bidders (namely Sita UK and Wheelabrator) now remain in the competitive dialogue process. Legal, technical and financial dialogues have taken and continue to take place with the two remaining bidders to advance the proposals with a view to a call for Final Tenders taking place in the new year.</p> <p><u>North Wales Authorities Legal Services Collaboration:</u> The Project Team has continued to meet on a monthly basis. Whilst the resubmitted bid made by the Project for European Social Fund grant aid for a full-time, rather than part-time, Project Manager was approved in July, written confirmation is still awaited. Once that is received, Gwynedd Council (as the bidding authority) will be able to begin the recruitment process. In the meantime, the current Project Manager, Ian Simpson, continues to assist the project on an ad hoc basis.</p> <p>A week of training courses for staff from each of the six North Wales authorities, facilitated by ADAPT funding through Welsh Government, was held in Llandudno during the week beginning Monday 17th September. The training had been identified by the individual special interest groups set up as part of the project and proved to be very successful.</p>
<p>Democratic Services</p>	<p>Committee Services: At its meeting on 11 September the Council agreed that at the present time agendas and reports should be sent to Members either electronically or in paper format depending upon their individual wishes.</p>

2nd Quarter Meetings: During the 2nd quarter there were 30 meetings of the Council, Cabinet, Informal Cabinet, Overview and Scrutiny Committees and other committees serviced by the Committee Team.

Electoral Registration and Elections: The main focus in this quarter was the annual canvass to prepare the electoral register. Preparation has started in organising Police & Crime Commissioners to be held on 15 November and for which the Chief Executive is the Police Area Returning Officer.

Civic and Members' Services: The Chair was pleased to welcome Flintshire's Olympic and Paralympic heroes to the meeting of the Council on 24 September, before which a civic reception was held.

Other notable events during the quarter have been the 'Just Desserts' afternoon at the Corus Club in Shotton which raised £652 and the Chair's sponsored walk along all of the Flintshire section of the Wales Coastal path which raised £1000. In addition, the Chair has attended 108 events which have included civic services, agricultural shows, the Eisteddfod, North Wales Armed Forces day, several 100th birthdays; citizenship ceremonies; a civic reception for the Japanese Youth Exchange; school visits; the opening of Mold Food & Drink Festival as well as a number of Royal British Legion events. The Royal British Legion is the Chair's charity of the current municipal year.

The annual Best Kept Communities event, with two and a half days of judging in July and an awards evening in September, proved to be as popular as ever. There has been a change in emphasis to promote sustainability and the three new judges have made many suggestions for improvements to the 2013 competition.

Member and Support Development: During the period September to December phase 2 of the member induction programme is being delivered. There have also been other member training events covering planning, health and safety and data protection.

Two information workshops – on empty properties and gypsies and travellers – were organised and were well received. Fourteen Members of the Council attended the North Wales Councillor Induction Event which was held on 7 September at Venue Cymru in Llandudno. This was organised on behalf of the six North Wales authorities by the Member Engagement Manager and the feedback has been excellent.

Overview & Scrutiny: Whilst the 2nd quarter includes the August recess, there has still been a significant level of Overview & Scrutiny activity. In addition to formal committee meetings, three forward work programme work shops have been held. By holding bespoke workshops, Members are afforded a greater opportunity to determine the work programme than they are in the item which features at the

	<p>end of every overview & scrutiny agenda.</p> <p>A joint meeting of the Housing and Social & Health Overview & Scrutiny Committees was held to consider progress on disabled facilities grants. In addition, a special meeting of Social & Health was held to consider the Betsi Cadwaladr University Health Board proposals for changes in the National Health Service in North Wales. Given the significance of this topic, all Members of the council were invited to attend and contribute to the meeting.</p> <p>Samantha Roberts, the facilitator to the Environment and Housing Overview & Scrutiny committees left in mid September.</p> <p>RIPA: During this quarter there was one investigation authorised under the Regulation of Investigatory Powers Act. The Council also received a favourable report from the Office of Surveillance Commissioners on the way the Council complies with RIPA. This was reported to the Audit Committee meeting on the 25 September.</p>
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2. Performance Summary

2.1 Improvement Plan Monitoring

Council Priority	Target Date	Progress RAG	Outcome RAG	Commentary
There are no improvement priorities for which this service is the lead.				

2.2 Strategic Assessment of Risks and Challenges (SARC)



The table below summarises the position of SARCS at the end of the reporting period.

KEY

R	High Risk
A	Medium Risk
G	Low Risk

Commentary is included in section 3 for those SARCS: -

- that are showing a Red RAG status
- where the RAG status has changed since the last reporting period
- where the Green Predictive Date has changed since the last reporting period
- where there has been considerable change or additions of secondary risks and activity

SARC	Previous RAG Status	Current RAG Status	Amber Predictive
CG23 Breach of the Data Protection Act by the Council			March 2013

2.3.1 Performance Indicators and Outcome Measures

There are no improvement targets for this service at present.

Management Information

Total number of FOIs received by FCC, by month July to September 2012

Directorate	July	August	September	Total
Chief Executive's	2	6	3	11
Environment	20	17	22	59
Finance	12	7	6	25
Housing	0	2	5	7
Human Resources	9	1	5	15
ICT Services	4	6	3	13
Legal & Democratic Services	7	5	9	21
Lifelong Learning	11	10	16	37
Social Services	8	9	9	26
TOTALS	73	63	78	214

Total Number of FOIs responded to by FCC between July - September 2012

Lead Directorate	Number of request received in period July to September	Number of requests determined within 20 day response time	Therefore % determined within the 20 day response time *
Chief Executive's	11	9	82%
Environment	59	48	81%
Finance	25	16	64%
Housing	7	7	100%
Human Resources	15	8	53%
ICT Services	13	7	54%
Legal & Democratic	21	20	95%
Lifelong Learning	37	34	92%
Social Services	26	25	96%
TOTALS	214	174	81%

FOI Requests to date:

	1.01.11 to 31.03.11	1.04.11 to 30.6.11	1.07.11 to 30.09.11	1.10.11 to 31.12.11	1.1.12 to 31.3.12	1.4.12 to 30.6.12	1.7.2012 to 30.9.2012
Number of requests received	211	170	181	186	209	175	214
Number of requests determined within time	200	164	168	165	189	163	174
% of requests determined within time	95%	96%	93%	88%	90%	93%	81%

Total number of EIRs received by FCC, by month July - September 2012

Directorate	July	August	September	Total
Chief Executive's				
Environment	47	47	46	140
Finance				
Housing				
Human Resources				
ICT Services				
Legal & Democratic Services				
Lifelong Learning				
Social Services				
TOTALS	47	47	46	140

Total Number of EIRs responded to by FCC between July – September 2012

Lead Directorate	Number of request received in period July-September	Number of requests determined within 20 day response time	Therefore % determined within the 20 day response time *
Chief Executive's			
Environment	140	138	98%
Finance			
Housing			
Human Resources			
ICT Services			
Legal & Democratic			
Lifelong Learning			
Social Services			
TOTALS	140	138	98%

2.3.2 Improvement Target Action Plan Monitoring

Benchmarking/Improvement Targets

The Division has no improvement targets to measure against but data is being collected on an all Wales basis to compare a number of key features relating to Legal Services. This information will be analysed and published during 2012/13.

2.4 Key Actions from Service Plan Monitoring

Key - ✓ on track, ✗ behind schedule, C completed

Improvement Area	On-track?	Commentary
Monitor implementation of the Commons Act 2006 procedures in relation to common land	✓	Further announcement is awaited from Welsh Government as to the implementation of the 2006 Act.
Rights of Way Cases	✗	Prioritisation of cases has not yet been agreed with the Assets and Transportation Section. The Streetscene review may be continuing to impact upon the Rights of Way Section.
Registration of all housing revenue land by the date of the ballot of tenants	✓	Good progress continues to be made and a number of applications for first registration have been sent to Land Registry. However, some areas that are yet to be registered still need to be identified.
Plan and organise the Police and Crime Commissioner Elections in November 2012	✓	

2.5 Internal & External Regulatory Reports

Undertaken By	Title & Date Report Received	Overall Report Status
Internal Audit Report (CS0130R1)	Community Services Follow Up – Charges on Clients Properties October 2011	Overall Opinion – Good Progress Final – see 3.1 below
Internal Audit Report (LD0220R2) SARC CG23	Data Protection Audit Final Report – June 2012 A report commissioned by the Data Protection Team was undertaken by Internal Audit making recommendations in relation to directorates ensuring staff have appropriate Data Protection training.	Overall Opinion - Adequate See 3.2 below

3. Exception Reporting

3.1 Internal Audit Report (CS0130R1) – Charges on Client Properties

Recommendation	Management Comment	Implementation Date
3.1.2 Legal Services and Community Services should endeavour to recover the monies owing to FCC as a result of client's property being sold before the costs of the individual's case had been deducted from the proceeds of the sale.	Legal Department will continue to chase to recover the monies due and which is protected by the registration of a charge.	Ongoing
The Charges on Client Properties meetings that are held between the Community Services and Legal Departments should continue to be undertaken twice a year. Action Points arising from each meeting should be documented and progress against these actions should be monitored at the next meeting.	Meetings are arranged between departments and minutes will be taken accordingly.	Immediate
The Legal Service database should be kept up to date to ensure that Community Services have access to the latest developments with each case.	This is part of ongoing case management and will be relayed to all individual officers.	Immediate

3.2 Internal Audit Report (LD0220R2) – Data Protection Audit – SARC CG23

Recommendation	Management Comment	Implementation Date
<p>Directors and Heads of Service should consider identifying posts that require DP staff training to be made mandatory and the processes in place to manage this accordingly. Develop and implement a risk based data protection programme.</p> <p>A consistent and comprehensive message should be delivered by Directors and Heads of Service to all staff handling personal data. Formal refresher training and follow up procedures should be introduced (on a risk basis) to ensure that mandatory training is completed.</p>	A revised Data Protection policy and procedure has been approved by CMT incorporating audit recommendations. This has been sent to Heads of Service and is on the infonet.	Sept 2012