

# Quarterly Performance Report – Legal & Democratic Services

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**Report Period** Quarter 3: October - December 2012

## Introduction

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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><b>Corporate Governance</b></p>	<p>During this quarter the Corporate Governance Working Group revised the corporate governance self-assessment questionnaire to be completed by each Head of Service in the light of feedback received to last year's questionnaire. This year's questionnaire should be easier to complete. It was sent to Heads of Service in mid December, together with a revised guidance note on its completion.</p>
<p><b>Members</b></p>	<p>Phase 2 of the Member induction training programme was completed between September and December. During this quarter the annual Member development programme included training on Health &amp; Safety and Data Protection. At its meeting on the 24 October 2012 the Democratic Services Committee agreed the Council's response to consultation documents issued by the Welsh Government relating to joint Overview &amp; Scrutiny Committees and annual reports by Members. The final versions of these documents are awaited from the Welsh Government.</p>
<p><b>Standards and Ethical Framework</b></p>	<p>During this quarter the Adjudication Panel for Wales finished hearing oral evidence in respect of one Councillor. It also received representations as to what findings of fact it should reach from the evidence. It did not reach a final decision on the case, which is expected to conclude in Spring 2013.</p> <p>One new complaint was submitted during this quarter, and one existing complaint was dismissed by the Ombudsman at the first stage of the process.</p> <p>The Standards Committee held its joint meeting with Town and Community Councils, which was hosted by Buckley Town Council. 10 Councils attended and debate was focussed on the Public Services Ombudsman's Guidance around Calver. It was agreed to make representations to the PSOW about the guidance which was duly actioned.</p>

Other highlights by service area are as follows: -

<p><b>Legal Services</b></p>	<ul style="list-style-type: none"> <li>• 2 new Employment Tribunal claims.</li> <li>• 574 existing equal pay claims made against the Council.</li> <li>• 21 new parking prosecutions, 11 concluded and 11 ongoing.</li> <li>• 16 new fraud prosecutions, 17 brought forward from last quarter, 10 concluded.</li> <li>• Closed cases - 1 Trading Standards - convicted (42 weeks prison sentence); 1 Planning Enforcement – convicted; 1 Planning Enforcement - resolved by alternative resolution</li> <li>• Ongoing cases - 2 Health and Safety, 1 Private nuisance (defending), 1 Planning Enforcement.</li> <li>• New cases - 1 Health and Safety and 1 Planning Enforcement.</li> </ul>
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	<ul style="list-style-type: none"> <li>• 3 possession claims pending. 1 application for leave to enforce an order was granted and the request for a warrant of possession of land issued; 1 claim went part heard with the second part of the hearing in January 2013; 1 case management conference was heard with directions in the claim agreed.</li> <li>• 1 Civil claim was determined in favour of the Council and judgment debt paid.</li> <li>• 18 school admission appeals were heard</li> <li>• 1 new child protection cases on file.</li> <li>• Voluntary registration of Council land with HM Land Registry – 10 applications for registration were submitted during the quarter with 45 applications still outstanding at the Land Registry.</li> </ul> <p><u>North Wales Authorities Legal Services Collaboration:</u> Amanda Brookes, currently Programme and Project Manager with Denbighshire County Council has been seconded as the full-time Project Manager for the Project until the end of December 2014. Amanda is expected to start work by the end of February. Amanda will work closely with the Project Team which will continue to meet on a monthly basis.</p>
<p><b>Democratic Services</b></p>	<p><b>Committee Services:</b>  <b>3<sup>rd</sup> Quarter Meetings:</b> During the 3<sup>rd</sup> quarter there were 38 meetings of the Council, Cabinet, Informal Cabinet, Overview and Scrutiny Committees and other committees serviced by the Committee Team (Oct 14, Nov 13, Dec 11).</p> <p><b>Electoral Registration and Elections:</b>  During this quarter the Register of Electors was published on 16 October. The percentage of households that registered by telephone, internet, SMS, returned the form by post or information was obtained by a canvasser was 95%. The total number of electors registered as at the 16 October was 118, 609.</p> <p>A self assessment form was submitted to the Electoral Commission in order for them to publish performance standards for Electoral Registration Officers and statistical information was returned to the Office of National Statistics and the Electoral Commission following the publication of the Register.</p> <p>The first Police and Crime Commissioner Elections took place on 15 November. The Commissioner is responsible for holding the Chief Constable and North Wales Police accountable and oversees how crime is tackled in the area. Colin Everett was also appointed the Police Area Returning Officer for the area responsible for the overall conduct of the election including taking nominations, ensuring the election is administered consistently across all six Council areas and calculating and announcing the result.</p> <p>There was a low turnout in Flintshire at just 13.3% and the turnout across North Wales was 15.2%</p>

**Civic and Members' Services:**

The team have supported the Chair and Vice Chair to attend a number of significant events which have included Toyota UK's celebration ceremony of the 20<sup>th</sup> Year Anniversary of Production; the Ordination of Third Bishop of Wrexham; "Last Night of the Proms" at the Gwynedd School, Flint; many school visits; Civic Services- Anglesey, Conwy, St Asaph; City of Chester and Deeside College Charity Balls; Mold Food and Drink Festival; Civic Receptions for Olympian Jade Jones and Paralympians Beverley Jones, Amy Brierley and Scott Robertson; the sponsored walk along the Flintshire Coastal Path, Flintshire Business Week, many presentation evenings including The Pride of Flintshire Awards Ceremony and renaming the Flint Leisure Centre in honour of Olympian Jade Jones, the 'Charity Casino Night' and Remembrance Sunday services.

The team continues to provide a full range of support to the members of the County Council.

**Member and Support Development:**

During the quarter announcements were made for all Members to have the opportunity of an annual personal development meeting and briefing sessions arranged for January.

**Overview & Scrutiny:**

Apart from the formal meetings of the six overview & scrutiny committees, the team have organised visits to the contact centre, Alltami depot, workshop/seminars on capital, waste, civil parking enforcement, and private landlords.

In addition, there was a third North Wales induction event at Venue Cymru and the setting up of the Flintshire 'Learning Exchange Team' (LET) for the Wales Audit Office study on Overview & Scrutiny. The LET comprises Cllrs Carver, Richard Jones, Mackie and Mullin together with the Member Engagement Manger and is co-ordinated by the Overview & Scrutiny Facilitator who is responsible for liaison with the WAO and other North Wales authorities.

**RIPA:** On the 1 November 2012 new legislation came into effect limiting the extent to which local authorities can use RIPA and also requiring all such use to be authorised by a Magistrate. Training on RIPA was provided to officers of Flintshire and Wrexham by an expert trainer on the 31 October 2012. The Council's guidance and forms have been reviewed in the light of the change in the legislation. No RIPA authorisations were issued between October and December.

## 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

<b>R</b>	<b>High Risk</b>
<b>A</b>	<b>Medium Risk</b>
<b>G</b>	<b>Low Risk</b>

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
<b>CG23</b> Breach of the Data Protection Act by the Council			<b>April 2013</b>

### 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 October-December 2012

Directorate	October	November	December	Total
Chief Executive's	2	3	2	7
Environment	12	12	4	28
Finance	8	7	6	21
Housing	0	0	5	5
Human Resources	3	3	1	7
ICT Services	4	2	4	10
Legal & Democratic Services	7	26	6	39
Lifelong Learning	17	14	3	34
Social Services	7	8	6	21
<b>TOTALS</b>	<b>60</b>	<b>75</b>	<b>37</b>	<b>172</b>

### Total Number of FOIs responded to by FCC between Oct-Dec 2012

Lead Directorate	Number of request received in period October to December	Number of requests determined within 20 day response time	Therefore % determined within the 20 day response time *
Chief Executive's	7	7	100%
Environment	28	28	100%
Finance	21	17	81%
Housing	5	4	80%
Human Resources	7	6	86%
ICT Services	10	9	90%
Legal & Democratic	39	20	51%*
Lifelong Learning	34	32	94%
Social Services	21	21	100%
<b>TOTALS</b>	<b>172</b>	<b>144</b>	<b>84%</b>

\* The 20 day response time was extended for several requests by serving notice under Section 17 of the Act due to the complex issues raised by them.

### FOI Requests to date:

	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	1.7.12 to 30.9.12	01.10.12 to 31.12.12
Number of requests received	170	181	186	209	175	214	172
Number of requests determined within time	164	168	165	189	163	174	144
% of requests determined within time	96%	93%	88%	90%	93%	81%	84%

### Total number of EIRs received by FCC, by month Oct-Dec 2012

Directorate	October	November	December	Total
Chief Executive's				
Environment	54	52	29	135
Finance				
Housing				
Human Resources				
ICT Services				
Legal & Democratic Services				
Lifelong Learning				
Social Services				
<b>TOTALS</b>	<b>54</b>	<b>52</b>	<b>29</b>	<b>135</b>

## Total Number of EIRs responded to by FCC between Oct-Dec 2012

Lead Directorate	Number of request received in period October to December	Number of requests determined within 20 day response time	Therefore % determined within the 20 day response time *
Chief Executive's			
Environment	135	134	99%
Finance			
Housing			
Human Resources			
ICT Services			
Legal & Democratic			
Lifelong Learning			
Social Services			
<b>TOTALS</b>	<b>135</b>	<b>134</b>	<b>99%</b>

### 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	✓	The Rights of Way Team has recently produced a 3 year work programme. These need to be reviewed with a view then to agreeing the prioritisation of cases.
Registration of all housing revenue land by the date of the ballot of tenants	✓	Good progress continues to be made and a substantial number of applications for first registration have been sent to Land Registry. However, there is a delay at the Land Registry in

		completing some of these applications and some areas that are yet to be registered still need to be identified.
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## 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 (LD0160S1)	Members Allowances Final Report December 2012	Green (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 (LD0160S1) – Members Allowances

Recommendation	Management Comment	Implementation Date
Members who travel by taxi regularly should explore the possibility of paying by invoice to allow for VAT to be reclaimed - more cost effective. Cumulate mileage should be recorded by Member Services Staff to ensure that the correct mileage rate is paid A cumulative mileage box could be added to the travel and expenses claim form which should contain the revision number and date to ensure that the current claim form is used.	<p>Whilst this only relates to a few members, this recommendation will be explored with them.</p> <p>The cumulative mileage will be recorded by staff but not on the claim form as it is not cost effective to revise the form currently in use.</p>	1 March 2013
The date of receipt of claims should always be recorded in order to verify that claims have been submitted within the four month deadline.	This does normally happen	1 January 2013

### 3.3 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>	<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.</p> <p>The Information Commissioner's Office are undertaking an audit in April 2013 and it is hoped the results will enable the RAG status to change to amber.</p>	Sept 2012