

Quarterly Performance Report – Legal & Democratic Services

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Report Period Quarter 4: January – March 2013

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>During this quarter the Corporate Governance Working Group has considered the responses it has received to the Corporate Governance Self-Assessment Questionnaire. Where appropriate the group has challenged some of the answers given in the self-assessment questionnaire seeking evidence to justify this assessment or for the assessment to be amended. The results of this process form part of the preparation of the draft Annual Governance Statement which the Working Group are currently pursuing.</p>								
<p>Members</p>	<p>In accordance with the requirements of the Local Government (Wales) Measure 2011 during this quarter all Members have had the opportunity to have a personal development meeting with their Group Leader or other experienced Members. This follows briefings given on the process during January. The Democratic Services Committee at its meeting on 30 January agreed updating changes to the Member Development Strategy and decided that in future the Council would meet the costs of individual notifications made by Members to the Information Commissioner's Office pursuant to the Data Protection Act.</p>								
<p>Standards and Ethical Framework</p>	<p>During this quarter 1 complaint was made to the Ombudsman in relation to a Town Councillor (who is also a County Councillor) which the Ombudsman decided not to investigate. 1 outstanding complaint was resolved. Overall totals for the year are as follows:</p> <table data-bbox="424 1234 1150 1608"> <tr> <td>Number of complaints submitted</td> <td>4*</td> </tr> <tr> <td>No. complaints where there was no breach/ complaint not covered by Code</td> <td>2</td> </tr> <tr> <td>No. complaints where there was a breach but no further action</td> <td>2*</td> </tr> <tr> <td>No. complaints where there was a breach and referred for an investigation</td> <td>0</td> </tr> </table> <p>(*2 complaints refer to the same matter)</p>	Number of complaints submitted	4*	No. complaints where there was no breach/ complaint not covered by Code	2	No. complaints where there was a breach but no further action	2*	No. complaints where there was a breach and referred for an investigation	0
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No. complaints where there was a breach and referred for an investigation	0								

Other highlights by service area are as follows: -

<p>Legal Services</p>	<ul style="list-style-type: none"> • 2 Employment Tribunal claims concluded, 1 successfully and 1 settled, no new claims during the quarter. • 548 existing equal pay claims made against the Council. • Ongoing cases - 3 Health and Safety (1 H&S prosecution concerning a fatality has resulted, after protracted litigation, in the defendant pleading guilty to H & S offences on terms favourable
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	<p>to the prosecution, including significant costs to be paid to FCC; sentencing hearing will take place in the summer months), 1 Private Nuisance case, 1 Planning Enforcement</p> <ul style="list-style-type: none"> • 1 new Trading Standards prosecution. • Parking prosecutions – 20 brought forward from the last quarter, 37 new cases, 13 concluded, 44 carried forward • Fraud – 23 cases brought forward from the last quarter, 12 new cases, 11 concluded, 26 carried forward • 2 possession claims were determined with possession orders granted and warrants of possession successfully executed by the council. 1 Possession claim is pending with the trial of the claim to heard in May 2013. • 25 school admission appeals were arranged, 24 were heard • 4 new child protection cases on file. • Voluntary registration of Council land with HM Land Registry – 26 applications for registration were submitted during the quarter. <p><u>North Wales Authorities Legal Services Collaboration:</u> Amanda Brookes has now begun her work as the full-time Project Manager for the Project. She has attended monthly Project Team meetings; has met (together with Project Team members) all of the Chairs of the Special Interest Groups; and will be meeting the Project Board in May to discuss the overall project vision.</p>
<p>Democratic Services</p>	<p>Committee Services: 4th Quarter Meetings: During the 4th quarter there were 51 meetings of the Council, Cabinet, Informal Cabinet, Overview and Scrutiny Committees and other committees serviced by the Committee Team (Jan 23, Feb 13, Mar 15).</p> <p>Electoral Registration and Elections:</p> <p>Absent Voter Signature Refresh Notice During this quarter the team wrote to 8644 absent voters who were required to provide a fresh specimen of their signature because records indicated it was five years old. 7402 absent voters correctly completed and returned their notice and remain an absent voter. 1257 absent voters did not renew their details because of the following reasons - either they didn't complete the notice, cancelled their absent vote or had moved or died.</p> <p>Individual Electoral Registration Following the passage of the Electoral Registration and Administration Act 2013 which introduces Individual Electoral Registration (IER) a fundamental change to the way we register to vote,</p> <p>The following two regulations have been made – The Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013 which will delay the publication of the register to 10 March 2014 for Wales and EROs will not be able to start any canvass activity until 1 October 2013.</p>

The Electoral Registration (Disclosure of Electoral Registers) Regulations 2013 which make provision to support the transition to IER by enabling information held by the ERO, including electoral registers, to be compared against DWP data for the purposes of carrying out a dry-run of confirmation data-matching process.

Civic and Members' Services:

The team have supported the Chair and Vice-Chair in attending a number of significant events including visiting Glyndwr University for their annual (Fair Trade Breakfast) meeting, the Clwyd Community Awards evening at Ruthin, events forming parts of the Flintshire Artfest. At the invitation of the Chairman of Powys County Council touring the regimental museum of the Royal Welsh at Brecon. Meeting delegates from the Chinese Embassy visiting County Hall. Accompanying the Chief Executive on visits to local businesses and celebrating the 10th anniversary of the Walk About Flintshire scheme. On 8 March the annual charity dinner was held at Deeside College. Mr Robert Lee, the Head of the Royal British Legion's PR and Campaigns was an interesting speaker giving guests an insight into the work of the Royal British Legion, which is the Chair's chosen charity.

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

Overview & Scrutiny:

A series of budget consultation meetings were held in January and February to give Scrutiny Members an opportunity to consider the budget proposals for 2013/14. At the Lifelong Learning Overview & Scrutiny Committee budget meeting it was decided to set up a task and finish group to look at the funding options for summer playschemes due to concerns raised.

The Wales Audit Office Scrutiny Improvement Study has been progressed with Members of the Flintshire Peer Learning Exchange Team visiting Denbighshire to observe two Overview & Scrutiny Committees in action and to meet with the Chairs & Vice Chairs of the Scrutiny Committees. Similarly the Wrexham Peer Learning Exchange Team have observed both the Lifelong Learning and Environment Overview & Scrutiny Committees in Flintshire and have met with the Chairs and Vice Chairs of Overview & Scrutiny. The next stage of the study will be a North Wales regional workshop which is being organised by the Wales Audit Office when authorities will give and receive feedback on their experiences.

Ceri Owen joined the Scrutiny Team in February on a secondment from Committee Services and is facilitating the Housing and Lifelong Learning Overview & Scrutiny Committees.

RIPA: No RIPA authorisations were issued between January and March.

Annual Appraisals	Staff appraisals were carried out in April/May 2012 with six monthly reviews during October/November. Appraisals for 2013 will begin in April.
Sickness Management	There are no concerns regarding short-term sickness absences within the department as these are very moderate. There have been 4 instances of longer term sickness during the year, however, these are due to hospital treatment and recovery times.

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 Q4	Amber Predictive
CG23 Breach of the Data Protection Act by the Council			Mar 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 responded to by FCC, by month Jan to March 2013

Directorate	January	February	March	Total
Chief Executive's	2		1	3
Environment	8	15	20	43
Finance	8	8	16	32
Housing	3	5	6	14
Human Resources	5	4	0	9
ICT Services	3	3	7	13
Legal & Democratic Services	10	24	4	38
Lifelong Learning	6	7	12	25
Social Services	5	14	4	23
TOTALS	50	80	70	200

Total Number of FOIs responded to by FCC between Jan-Mar 2013

Lead Directorate	Number of requests responded to in period January to March 2013	Number of requests determined within 20 day response time	Therefore % determined within the 20 day response time *
Chief Executive's	3	3	100%
Environment	43	43	100%
Finance	32	27	84%
Housing	14	10	71%
Human Resources	9	6	67%
ICT Services	13	11	85%
Legal & Democratic	38	37	97%
Lifelong Learning	25	24	96%
Social Services	23	23	100%
TOTALS	200	184	92%

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	01.01.13 to 31.03.13
Number of requests received	164	168	165	189	163	174	144	184
% of requests determined within time	96%	93%	88%	90%	93%	81%	84%	92%

Total number of EIRs responded to by FCC, by month January to March 2013:

Directorate	January	February	March	Total
Chief Executive's	58	56	45	159
Environment				
Finance				
Housing				
Human Resources				
ICT Services				
Legal & Democratic Services				
Lifelong Learning				
Social Services				
TOTALS	58	56	45	159

Total Number of EIRs responded to by FCC, between January-March 2013

Lead Directorate	Number of request responded to in period January to March	Number of requests determined within 20 day response time	Therefore % determined within the 20 day response time *
Chief Executive's			
Environment	159	159	100%
Finance			
Housing			
Human Resources			
ICT Services			
Legal & Democratic			
Lifelong Learning			
Social Services			
TOTALS	159	159	100%

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.

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 – all recommendations made have been implemented

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>	<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>	<p>Sept 2012</p> <p>The audit by the Information Commissioner's Office in April 2013 justified changing the risk status to amber as previously predicted.</p>