

Quarterly Performance Report – Legal & Democratic Services

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Report Period Quarter 4: 1st January 2012 to 31st March 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)

RAG Status

RED equates to a position of under-performance, downward trend, non-achievement of target, non-achievement of action milestones.	
AMBER equates to a mid position where improvement may have been made (i.e. improved trend) but the target for the year is unlikely to be reached, or where action milestones have been deferred or narrowly missed.	
GREEN equates to a position of positive trend on performance, meeting target and achieving action milestones.	

1. Foreword

Report highlights for this quarter: -

<p>Corporate Governance</p>	<p>During this quarter the Corporate Governance Officer Working Group submitted a report to CMT. The first part of this report covered the annual update of the Code of Corporate Governance which was subsequently referred to the Constitution Committee meeting of the 28 March and the various updates agreed. The second part of the report to CMT concerned new arrangements for undertaking Corporate Governance self-assessments by all Heads of Service to inform the preparation of the Annual Governance Statement. This was agreed by CMT and the questionnaires sent out on the 22 March for completion and return by the 22 April.</p>
<p>Members</p>	<p>Preparations are continuing for the County Council/Town & Community Council elections on the 3 May and for subsequent induction arrangements. These include for County Council Members formal and informal briefings, Member mentoring, regional training events and the Your Council event following the annual meeting.</p> <p>The results of the pilot on the Member use of electronic devices was reported to the Member Development Working Group on the 10 February 2012 when it was decided that for various reasons there should be a further pilot of different technology later in the year.</p>
<p>Standards and Ethical Framework</p>	<p>The Monitoring Officer and the Chair of the Standards Committee attended the North Wales Standards Committee Forum on the 13 February. The content of the meeting and the topics discussed were relayed to the full Standards Committee on the 20 February.</p> <p>The Standards Committee met once during this quarter.</p> <p>No further updated guidance has been received concerning the Members' Code of Conduct or Local Resolution Protocol from the Public Services Ombudsman's office. This is still awaited.</p> <p>The long running Adjudication Panel matter (in respect of a complaint concerning a County Councillor) sat only once, on 23 February to complete the evidence of a particular witness. The Hearing has not resumed thereafter and there are no further scheduled dates for resumption.</p> <p>A separate Adjudication Panel sat between 24 –27 January inclusively to adjudicate on a complaint regarding a Town Councillor who was also a County Councillor. The complaint concerned his Town Council role. The Panel concluded that there had been a breach of the Members' Code by the Councillor and suspended him from his Town Council role until the expiry of his term of office in May.</p> <p>The Council was notified by the Ombudsman of one complaint made against a County Councillor relating to the Code of Conduct.</p>

The Standards Committee sat in an adjudication capacity in respect of a matter which had previously been referred to them by the PSOW's office regarding a Town Councillor. The Committee concluded that the Councillor had been in breach of the Member's Code, however no sanctions were imposed. A Notice of Decision was issued and disseminated in accordance with the relevant legislative provisions.

Other highlights by service area are as follows: -

Legal Services

- 0 new Employment Tribunal claims, 1 former claim settled.
- 546 existing equal pay claims made against the Council
- 33 parking prosecutions, 21 concluded and 12 ongoing.
- 8 new benefit fraud prosecutions, 6 concluded and 24 ongoing.
- 0 education prosecutions re non attendance, 1 concluded, 0 ongoing.
- 2 ongoing litigation cases involving antisocial behaviour. 1 listed for trial on 30 April but was adjourned by the court for the first available date after the 2 July due to pressures in the courts' timetable and one listed for 14 May 2012. A possession order was successfully obtained in relation to another case relating to antisocial behaviour, which has now been enforced by execution of a warrant for possession. 2 without notice applications for injunctions made by the council against a council tenant and another resident who is not a council tenant (in respect of antisocial conduct) and both applications have been granted by the court. One of the defendants has applied to have the injunctions set aside and a hearing has been listed to have the application heard on the 13 June and appropriate directions ordered. There has been an appeal to the county court against a review decision of the Council in respect of the suitability of accommodation offered to a homeless applicant which was upheld by the court on the basis that there had been a procedural irregularity in the decision. 4 four possession orders made in respect of trespassers (unauthorised gypsy/traveller encampments) and there is a further claim for an order in progress.
- 5 new prosecution cases: 2 Planning enforcement prosecutions, 2 Trading Standards prosecutions and 1 private nuisance litigation (defending). 3 ongoing cases: 1 Health and Safety prosecution, 1 Health and Safety appeal (defending) and 1 Planning enforcement prosecution. 3 cases were closed: 1 noise abatement prosecution (dismissed in favour of FCC), 1 Planning enforcement prosecution (convicted) and 1 Licensing appeal (concluded and resolved in court by way of consent order).
- 7 school admission appeals were held, 1 withdrew.
- 7 new child protection cases on file.
- Voluntary registration of Council land with HM Land Registry – 25 applications for first registration.

Waste Partnership: The three Bidders involved in the North Wales Residual Waste Project have now submitted their Detailed Solutions (on the basis of a combined road and rail mode of transport which was chosen at the last Joint Committee) which are to be evaluated against the published Evaluation Criteria. After the deselection of one of the bidders, the announcement of the identity of the two remaining Bidders to proceed in the competitive dialogue process will be made in June/July 2012. Thereafter once finalised, the call for Final Tenders will be made in or around November of 2012.

North Wales Authorities Legal Services Collaboration: The Project Manager, Ian Simpson, has continued to drive forward the above project, although his contract will end at the end of April. A very successful meeting of legal services staff from all six North Wales authorities was held at Venue Cymru, Llandudno, on 22 February, when the aims and objectives of the project were explained to staff, and special interest groups, initially across six subject areas, were established. The project has been operational since 1 April, initially on the basis that, before any authority contracts with a private sector supplier, we will always check whether a neighbouring council in the collaboration can help, keeping a record of all the good examples we put into practice and the saving that this brings. Further progress is dependent upon the outcome of a bid made by the Project for European Social Fund grant aid. The outcome of the bid is anticipated on 24 April. In the meantime, the North Wales Support Services Programme Board at its meeting on 30 March endorsed the work carried out so far by the Project Team and Project Board.

Democratic Services

Committee Services: The new Committee Administration System, Modern.gov, went live on 17 March. Positive feedback has been received from Members on the new look and format of agendas. Following the elections on 3 May, all of the new Members' details will be input into the system.

4th Quarter Meetings: 66 meetings of the Council, Executive, LSG, Overview and Scrutiny Committees and other committees. (Jan 26, Feb 18, March 22).

Electoral Registration and Elections: The team have been busy coordinating the County, Town & Community Council elections for the 3 May 2012.

Civic and Members' Services: The focus for this quarter was undoubtedly the arrangements for the Civic Dinner, which was held on 30 March at Deeside College. Working closely with the Chair of Council, Cllr Hilary McGuill, the team introduced a number of changes to the dinner this year which proved to be popular and resulted in some excellent feedback.

The Chair in her speech set an ambitious fund raising target for the evening of £2,000. The table raffle raised £1,167 and the auction £1,090, so the target was exceeded by over £250.

During the quarter, the Chair and Vice-Chair attended over 70 external functions, representing the County.

Member and Support Development: Following on from the positive feedback in 2008 about regional induction events, arrangements have been made for two events which have been organised by a group of officers from across the North Wales Authorities, led by our Chief Executive and co-ordinated by the Member Engagement Manager. These will take place in June and September, with a further session in November from the Welsh Local Government Association. We have also liaised with the Betsi Cadwaldr UHB about the induction training which they propose to offer to Members.

Cllr Neville Phillips as Chair of the Member Development Working Group and the Member Engagement Manager attended the joint meeting of Members Champions and Member Support Officers Networks which was held in Rhyader in March.

Overview & Scrutiny: The budget process continued with a sequence of Overview & Scrutiny Committees considering how the proposals would impact upon the service areas within their respective remits. Whilst the process is labour intensive, it provides a high level of transparency and reassurance.

In the last quarter of the Council's life there is an inevitable feeling of things winding down as it is not feasible to start new pieces of work. However, it should be emphasised that work on such major topics as Streetscene have continued. In the last week of March, a joint meeting of Lifelong Learning & Social & Healthcare was held to consider Children's Services issues. That week also saw representatives of the Betsi Cadwaladr University Health Board attend a meeting for an in-depth examination of progress being made.

At the last meeting of the Corporate Resources Overview & Scrutiny Committee, the point was made that there had been an under-spend on out of county placements for seven consecutive months. It was felt that both the Corporate Resources and Lifelong Learning had contributed to this reduction, with a very well worthwhile workshop having been held to examine all of the issues.

RIPA: 3 covert surveillance authorisations were granted under the Regulation of Investigatory Powers Act. These were all issued by Trading Standards to establish compliance with various legislation.

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)

At present there are no SARCs for which Legal & Democratic Services is primarily responsible.

2.3.1 Performance Indicators and Outcome Measures

There are no improvement targets for this service at present.

Management Information

Freedom of Information Requests: Legal & Democratic Services advise on a considerable number of FOI requests received by the Council.

Total number of FOIs received by FCC, by month January to March 2012

Directorate	January	February	March	Total
Chief Executive's	1	2	1	4
Environment	24	12	16	52
Finance	13	14	8	35
Housing	6	4	4	14
Human Resources	4	6	6	16
ICT Services	6	0	8	14
Legal & Democratic Services	4	2	6	12
Lifelong Learning	7	14	15	36
Social Services	7	7	12	26
TOTALS	72	61	76	209

Total Number of FOIs responded to by FCC between Jan-March 2012

Lead Directorate	Number of request received in period Jan-March	Number of requests determined within 20 day response time	Therefore % determined within the 20 day response time *
Chief Executive's	4	4	100%
Environment	52	49	94%
Finance	35	30	86%
Housing	14	13	93%
Human Resources	16	12	75%
ICT Services	14	12	86%
Legal & Democratic	12	12	100%
Lifelong Learning	36	32	89%
Social Services	26	24	92%
TOTALS	209	188	90%

FOI Requests 1.10.09 – 31.12.11:

	1.10.09 to 31.12.09	1.1.10 to 31.3.10	1.4.10 to 30.6.10	1.7.10 to 30.9.10	1.10.10 to 31.12.10	1.01.11 to 31.3.11	1.04.11 to 30.6.11	1.07.11 to 30.9.11	1.10.11 to 31.12.11
Number of requests received	155	154	127	167	161	211	170	181	186
Number of requests determined within time	129	118	102	135	129	200	164	168	165
% of requests determined within time	83%	77%	80%	80%	80%	95%	96%	93%	88%

Total number of EIRs received by FCC, by month Jan-March 2012

Directorate	January	February	March	Total
Chief Executive's	0	0	0	0
Environment	33	27	53	113
Finance	0	0	0	0
Housing	0	0	0	0
Human Resources	0	0	0	0
ICT Services	0	0	0	0
Legal & Democratic Services	0	0	0	0
Lifelong Learning	0	0	0	0
Social Services	0	0	0	0
TOTALS	33	27	53	113

Total Number of EIRs responded to by FCC between Jan-March 2012

Lead Directorate	Number of request received in period Jan-March	Number of requests determined within 20 day response time	Therefore % determined within the 20 day response time *
Chief Executive's	0	0	
Environment	113	109	96%
Finance	0	0	
Housing	0	0	
Human Resources	0	0	
ICT Services	0	0	
Legal & Democratic	0	0	
Lifelong Learning	0	0	
Social Services	0	0	
TOTALS	113	109	96%

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.
To implement a new Electoral Registration and Election Management System	✗	See 3.1 below
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	Final – see 3.2 below
There were no regulatory reports for Legal and Democratic Services during the 4 th quarter.		

3. Exception Reporting

3.1 Electoral Registration and Election Management System

A joint tendering exercise undertaken by Conwy CBC, Wrexham CBC and Flintshire proved abortive. Subsequently an exemption has been sought and granted under Contract Procedure Rules to secure a system from another supplier.

3.2 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