

Quarterly Performance Report – Legal & Democratic Services

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Report Period Quarter 1: 1st April to 30th June 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:-

Corporate Governance	<p>During this quarter the Corporate Governance Officer Working Group considered the responses from Heads of Service to the Corporate Governance Self-Assessment questionnaires sent out in March. Where appropriate the evaluations received light touch challenge from the Working Group. Results of this exercise informed the preparation of the Council's Annual Governance Statement. The Working Group prepared the draft Annual Governance Statement and then obtained the observations of the Chief Executive, Section 151 Officer and the Monitoring Officer on it. A report was then prepared for consideration by the Audit Committee at its meeting on 17 July.</p>
Members	<p>The County Council, Town and Community Council elections were held on 3 May. The elections were smoothly run and received praise from candidates. On 4 May all County Council Members were provided with a Members' bag containing information needed to undertake the role and various forms for completion and return, including those relating to membership of political groups and to enable payment of members' allowances. On 7 May the new legal regime concerning the payment of members' allowances came into effect as a result of the December report of the Independent Remuneration Panel for Wales.</p> <p>The annual meeting was held on 15 May when the new Council Chair, Vice Chair and Leader were elected. The Member induction programme commenced including the 'Your Council' event held immediately after the annual meeting.</p>
Standards and Ethical Framework	<p>The Monitoring Officer and Chair of the Standards Committee attended the North Wales Standards Committee Forum on 23 April to hear a presentation from Peter Tyndall, Public Services Ombudsman for Wales (PSOW). He reported that numbers of ethical complaints continue to rise, 49% higher in 2011/12 (412 complaints) and 83% have their initial assessment of whether to investigate within 4 weeks.</p> <p>Revised guidance on the Code of Conduct was issued by PSOW and a copy has been given to all Members. A procedure was also introduced whereby if the PSOW finds a breach of the Code but decides to take no action, then he will ask the Monitoring Officer if he/she wishes the matter to be referred for local action. To date one such referral has been offered and declined.</p> <p>No cases were reported to the PSOW regarding Code of Conduct complaints during the first quarter.</p>

Other highlights by service area are as follows: -

<p>Staff Appraisals</p> <p>Legal Services</p>	<p>Annual staff appraisals were carried out during the quarter.</p> <ul style="list-style-type: none"> • 3 new Employment Tribunal claims. • 558 existing equal pay claims made against the Council. • 51 new parking prosecutions, 27 concluded and 36 ongoing. • 12 new benefit fraud prosecutions, 12 concluded and 24 ongoing. • 0 education prosecutions re non attendance. • 1 new Health & Safety case. • Agency work for Wales Illegal Money Lending Unit - 1 new case - 1 concluded • 2 Planning enforcement prosecutions • Ongoing prosecutions: 2 Trading Standards prosecutions, 1 Health and Safety prosecutions, 2 Planning Enforcement prosecutions, 1 Private nuisance litigation (defending) • Closed prosecution: 1 Health and Safety appeal (withdrawn in favour of FCC) • 57 school admission appeals were received, 47 have been heard. • 9 new child protection cases on file. • Voluntary registration of Council land with HM Land Registry – 10 applications for first registration were completed. There are currently 50 applications outstanding at Land Registry. <p><u>Waste Partnership:</u> Detailed Solutions were received from all three participants and these have now been evaluated against the published methodology. A Joint Committee has been set for the beginning of August at which the three Bidders will be reduced to two. Further dialogue sessions are then to be set for August and September to progress matters with the remaining two Bidders.</p> <p><u>North Wales Authorities Legal Services Collaboration:</u> The Project Team continues to meet on a monthly basis, and a joint Project Team and Project Board meeting is scheduled for 25 June. The bid made by the Project for European Social Fund grant aid was successful, albeit for a full-time Project Manager, rather than part-time as envisaged by the Project Team. This has necessitated the resubmission of the bid, with the consequent knock-on effect on the recruitment timetable. It is therefore anticipated that the new Project Manager is unlikely to be in post until sometime in the autumn. In the meantime, the current Project Manager, Ian Simpson, has continued to assist in moving the project forward, and he has agreed to arrange a hand-over to the new Project Manager when he/she is appointed. Meetings of all of the special interest groups, across the six subject areas identified at the staff meeting in Llandudno on 22 February, have now taken place.</p>
<p>Democratic Services</p>	<p>Committee Services: Following the elections on 3 May a survey was sent to all Members seeking their views on the timing of meetings and how they wish to receive their agendas and reports. In the interim agendas and reports were sent to Members both electronically and in paper format pending the evaluation of the responses to the questionnaire.</p>

1st Quarter Meetings: 23 meetings of the Council, Cabinet, Informal Cabinet, Overview and Scrutiny Committees and other committees.

Electoral Registration and Elections: The main focus of this quarter was the Local Government Elections. Flintshire County Council and Community / Town Council elections were successfully managed. There were 159 candidates that stood for the County Council elections and 396 candidates that stood for the Community / Town Council elections. There were 48 contested County electoral divisions and 25 Community/Town Wards. Over 37, 000 electors voted and the overall percentage turnout was 38%.

The new counting method, count venue at Deeside College and the election results displayed live throughout the night using Modern.gov received positive feedback.

The team have implemented a new Electoral Registration and Election Management System. The Xpress system went live at the end of May and it hoped the system will streamline electoral processes and provide an integrated improved functional computer system.

The team are now busy coordinating the annual canvass of properties which through legislation has been brought forward and registration forms will be sent in early July.

The team are also organising the election of Police and Crime Commissioners for which the Chief Executive is the Police Area Returning Officer.

Civic and Members' Services:

Preparations for the Annual Meeting and the transition from Councillor McGuill to Councillor Minshull as the new Chair went smoothly. Councillor Minshull has the benefit of experience, having previously held the office of Chair of the County Council in 2007/8.

Councillor McGuill's fund raising for charity went very well, with her chosen charities - Great Ormond Street Hospital and McMillan Nurses - sharing equally in the £8,900 which was raised. Councillor Minshull has chosen the Royal British Legion as her charity.

The Chair's Civic Sunday was held at the Rivertown United Reform Church in Shotton on 17 June and was well attended.

Member and Support Development:

Member Induction :

The 'Your Council' event which was held for the first time in the Alyn & Deeside Room was the culmination of a great deal of work undertaken by a cross-directorates team of officers led by the Corporate Training Manager and the Democracy & Governance

Manager. This event was well attended and favourable feedback was received from Members. The Democracy & Governance manger also led a smaller team of officers from Corporate Services in co-ordinating all of the member development and induction events following on from the elections.

In addition, the Member Engagement Manager led a team of officers from the six North Wales Authorities in organising a 'North Wales Councillors' Induction event which was held at Venue Cymru in Llandudno on 15 June. The Chief Executive was one of the speakers, delivering a key note presentation on the importance of collaboration within local government.

Overview & Scrutiny:

Each of the Overview & Scrutiny Committees has commenced work in the new Council by receiving reports on their terms of reference and by identifying their forward work programmes.

Choosing and prioritising topics is crucial to the effectiveness of Overview and Scrutiny. Overview & Scrutiny Committees have limited time and resources so work plans need to be manageable. It is not realistic to try to include every topic suggested by Members, Directors, Heads of Service or members of the public.

It is also important that the Forward Work Programme is Member-led and focussed on areas of weaker performance, or major issues which concern the wider community and where scrutiny can make a difference. Successful Overview & Scrutiny is about looking at the right topic in the right way and Members need to be selective whilst also being able to demonstrate clear arguments in favour of including or excluding suggested topics.

One Overview & Scrutiny Member Development Session was held on 22 May and was well received, and was attended by seven Members. The afternoon and evening development sessions were cancelled due to lack of numbers, as only one Member indicated that they would attend the afternoon session and none for the evening: The Member Development Working Group had previously decided, at its meeting in February, that sessions should not be held for fewer than six members.

RIPA: No authorisations were granted during this period under the Regulation of Investigatory Powers Act.

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)

SARC – CG23 - Breach of the Data Protection Act by the Council is identified as a red risk in SARC. The Data Protection Team led by the Democracy & Governance Manager gives corporate advice and continues to meet on a monthly basis. It has recently updated the Council's Data Protection Policy and Statement of Practice to include recommendations on data protection training contained in this year's data protection internal audit.

Arrangements have also been made for Member training on data protection in the autumn. Data Protection news items continue to be regularly distributed on the Council's infonet.

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 April to June 2012

Directorate	April	May	June	Total
Chief Executive's	1	4	1	6
Environment	13	15	15	43
Finance	8	10	8	26
Housing	4	2	5	11
Human Resources	4	9	4	17
ICT Services	0	3	4	7
Legal & Democratic Services	4	4	3	11
Lifelong Learning	9	9	11	29
Social Services	7	13	5	25
TOTALS	50	69	56	175

Total Number of FOIs responded to by FCC between April-June 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	6	6	100%
Environment	43	39	91%
Finance	26	22	85%
Housing	11	9	82%
Human Resources	17	17	100%
ICT Services	7	6	86%
Legal & Democratic	11	11	100%
Lifelong Learning	29	28	76%
Social Services	25	25	100%
TOTALS	175	163	93%

FOI Requests 2010 to date:

	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	01.01.12 to 31.03.12
Number of requests received	154	127	167	161	211	170	181	186	209
Number of requests determined within time	118	102	135	129	200	164	168	165	188
% of requests determined within time	77%	80%	80%	80%	95%	96%	93%	88%	90%

Total number of EIRs received by FCC, by month April-June 2012

Directorate	April	May	June	Total
Chief Executive's				
Environment	46	56	39	141
Finance				
Housing				
Human Resources				
ICT Services				
Legal & Democratic Services				
Lifelong Learning				
Social Services				
TOTALS	46	56	39	141

Total Number of EIRs responded to by FCC between April-June 2012

Lead Directorate	Number of request received in period April-June	Number of requests determined within 20 day response time	Therefore % determined within the 20 day response time *
Chief Executive's			
Environment	141	138	98%
Finance			
Housing			
Human Resources			
ICT Services			
Legal & Democratic			
Lifelong Learning			
Social Services			
TOTALS	141	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)	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

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>		Sept 2012