



**DRAFT PORTFOLIO HOLDER DECISION NOTICE**

**PROPOSED INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR PERFORMANCE AND ORGANISATIONAL DEVELOPMENT**

**TOPIC – LEGAL SERVICES DIVISION BUSINESS PLAN 2010/11 ONWARDS**

**PROCEDURAL INFORMATION**

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Corporate Director (Governance), the Chief Executive and the Head of Finance are consulted together with Chairman and Vice Chairman of the Principal Scrutiny Committee and all Members of the relevant Scrutiny Panel (individual Ward Members are consulted separately where appropriate). In addition, all Members are notified.

Five or more of these consulted Members can require that the matter be referred to Cabinet for determination.

**If you wish to make representation on this proposed Decision please contact the relevant Portfolio Holder and the following Committee Administrator by 5.00pm on Monday 19 April 2010.**

**Contact Officer:**

Howard Bone, Head of Legal Services, Tel 01962 848 552,

Email: <mailto:hbone@winchester.gov.uk>

**Committee Administrator:**

Nancy Howarth, Tel: 01962 848 235, Email: [ngraham@winchester.gov.uk](mailto:ngraham@winchester.gov.uk)

**SUMMARY**

Approval is sought to the detailed Business Plan for this Division. The Business Plan sets out the key actions that the Division will undertake over the coming five year period, with SMART (Specific, Measurable, Agreed, Resourced and Timed) targets (both through actions and performance indicators) by which progress will be measured and monitored. The Plan also gives additional information about the role of the Division, the resources allocated to it (in terms of both staff and budgets) and the key risks that are being addressed through its work.

Key actions to be undertaken in this Division are:

- Joint Waste Contract – agreement with East Hampshire District Council and work on tendering exercise.
- River Park Leisure Centre Contract
- Customer Excellence Award implementation
- Implement Electronic Document and Records Management System (EDRMS) in Legal Division.
- Review of Street Trading in Winchester (including legislative basis and extent of controls)

The Head of Division is satisfied that the actions put forward in this Business Plan will work towards the Council's objectives, as set out in the Sustainable Community Strategy 2009-14 and Corporate Business Plan or otherwise ensure that the Council meets the statutory obligations put on it by central Government. Other than where indicated, these actions can be achieved within the resources available. Plans are in place, or will be developed, to ensure that targets shown for key performance indicators can be achieved in the timescales shown

### **PROPOSED DECISION**

That the Business Plan for the Legal Services Division be approved as attached at Appendix A.

### **REASON FOR THE PROPOSED DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Business Plans form an important part of the Council's performance management process as they set out the key actions for the coming year. The Business Plan put forward for adoption sets out the actions that will best help the Council achieve the outcomes as set out in the Sustainable Community Strategy and meet its statutory obligations within the resources available to it.

The Resources Scrutiny Panel has been consulted on the Business Plan and raised the following issues:

None.

### **FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE**

N/A

**DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED**

None.

**DISPENSATION GRANTED BY THE STANDARDS COMMITTEE**

N/A

**Approved by: (signature)**

**Date of Decision**

**Councillor Stephen Godfrey - Portfolio Holder for Performance and Organisational Development**

# Legal Services Division Business Plan 2010 - 2015

## ***GOVERNANCE GROUP – LEGALSERVICES DIVISION***

### **1. Brief Description of the Service and its Purpose**

The main functions of the Legal Services Division are:

Legal Services; Land Charges; Local Licensing; Cemeteries in Winchester Town; Public Health Act Burials; Data Protection and Freedom of Information.

The Division's purpose is:

“To achieve professional and operational excellence through the efficient provision of legal and administrative services that are customer orientated, responsive, flexible and cost effective.”

The core of the Division's business is supporting other Divisions in delivering outcomes to the community. However, significant elements of the Division's work (Licensing and Registration, Land Charges, and Cemeteries) are delivered directly to the Community. The Licensing and Registration function in particular directly supports the Corporate Strategy priorities “Safe and Strong Communities” and “Economic Prosperity”.

**2. Links between Community strategic priorities and services**

<b><i>Strategic priority</i></b>	<b><i>Divisional responsibility</i></b>
All Key Service Areas	<ul style="list-style-type: none"> <li>• The provision of Legal and Administrative Services to assist Members and other Divisions in achieving their objectives.</li> </ul>
Health and Well Being	<ul style="list-style-type: none"> <li>• Legal advice and services to relevant projects led by other Divisions.</li> </ul>
Safe and Strong Communities	<ul style="list-style-type: none"> <li>• Administration of local licensing (increase feelings of safety).</li> </ul>
Economic Prosperity	<ul style="list-style-type: none"> <li>• Provision of effective Land Charges Services to aid land transfers (housing and economy)</li> <li>• Administration of local licensing (effect on the local economy).</li> </ul>
High Quality Environment	<ul style="list-style-type: none"> <li>• Management of Cemeteries</li> <li>• Provision of advice and services to Planning Management Division.</li> </ul>
Inclusive Society	<ul style="list-style-type: none"> <li>• Supporting provision of affordable housing through Planning Management, Strategic Housing and Landlord Services.</li> <li>• Provision of relevant information on Division's functions through the website.</li> </ul>
An Efficient and Effective Council	<ul style="list-style-type: none"> <li>• Improvements in efficiency (including Land Charges Computerisation).</li> <li>• Implementation of Retriever EDRMS system throughout Legal Services</li> <li>• Input into modernisation projects (e.g. IT projects).</li> <li>• Improvements to provision of information to customers.</li> </ul>

### **3. Summary of Progress in 2009/10**

Licensing issues – Retriever has been implemented in the Licensing Team and is operating successfully. The Services Directive required various applications to be capable of submission online by December 2009, and this was successfully completed by the deadline with assistance from IMT. The Gambling Policy was reviewed and rolled forward for a further three year period until January 2013

Land Charges – Following introduction of Home Information Packs in 2007, the proportion of searches carried out by personal search agents has increased. New Regulations on fees came into effect to take account of this in 2009, and charges for 2010/11 have been revised in the light of experience of operating new access arrangements for personal searches. Data cleansing remains a major issue to be resolved, in order to achieve maximum benefits from the computerised systems now being operated.

Major Contracts – Detailed discussions with East Hampshire District Council on waste collection and grounds work have continued, with a view to joint contracts being tendered for these two areas in 2010/11. Work on an inter-authority agreement, and tender/contract documentation has commenced, and will continue throughout this year. Negotiations have taken place with a view to agreeing an extended contract for the management of River Park Leisure Centre. In addition, advice on procurement and contractual issues in connection with the Guildhall catering facilities has been given.

Major Projects – A development agreement was finally concluded for a new community building at Knowle Village.

Land Transactions – three development agreements have been dealt with for the provision of new affordable housing on housing land held by the Council.

Regulation of Investigatory Processes Act 2000 (RIPA) – the Council was inspected by the Office of Surveillance Commissioners in January. Changes to the policy and a programme of training will be undertaken as a result.

General Legal Work – many cases which would previously have been outsourced to external legal firms have been dealt with in-house, in order to reduce the Council's external spending. These include 5 public inquiries, a Standards Committee report, two prosecutions the legal work in relation to a major lease, and agreements for the three housing developments referred to above. The total value of this work had it been outsourced in the usual way would have been some £55,000.

4. Service Priorities 2010/15 – Key PrioritiesA) Significant Areas of Work and Projects for 2010/11 (*Top Ten Priorities*)

Priority	Code	What will we do	Why are we doing this?	Planned Start Date	Milestones	Milestones Due Date	Action Due Date	Expected Outcome	Who's Accountable
1	ENV/PROJ/001ba	Joint Waste Contract - Legal contribution to setting up Inter Authority Agreement and contract for joint tender with East Hants District Council	<b>Corporate Outcomes</b> Developing partnerships to deliver, Being more efficient	22 Jan 2010	IAA to be completed	22 May 2010	01 Oct 2011	Contract in place by 1/10/11	Howard Bone
2	LEG/LEG/015	Renewal of River Park Leisure Centre Contract 2011	<b>Corporate Outcome</b> Developing partnerships to deliver	01 Apr 2009	Report to Cabinet on proposal from DC Leisure	09 Dec 2009	31 Mar 2011	Contract renewed on time and without challenge	Howard Bone
3	CSC/PROJ/001i	Customer Service Excellence - Legal Services	<b>Corporate Outcome –</b> Building in Customer Excellence	01 Sep 2009	Initial CSE meeting	10 Sep 2009	31 Jul 2010	Improved customer service	Paul Wood
					Legal services CSE away-day	21 Sep 2009			
					Begin preparation of self-assessment	01 Oct 2009			
					Complete written submission	30 Jun 2010			
					On-site assessment	31 Jul 2010			
					PQQ completed	23 May 2010			
					OJEU notice issued	24 May 2010			

Priority	Code	What will we do	Why are we doing this?	Planned Start Date	Milestones	Milestones Due Date	Action Due Date	Expected Outcome	Who's Accountable
					Tender Documents completed	30 Sep 2010			
					Contract to be awarded	01 Apr 2011			
					Commencement of Contract	01 Oct 2011			
4	IMT/PROJ/003n	Implementation of Retriever across Legal Services to incorporate electronic workflow, filing and storage.	Efficient and Effective Council		Legal updating Right to Buy on EDRMS	01 Jun 2010	31 Mar 2011	Use of electronic workflow and storage of documents in Retriever	Howard Bone
					Legal updating Section 106 on EDRMS	31 Jul 2010			
					Legal updating Lawful Development Certificates on EDRMS	01 Sep 2010			
					All of Legal using EDRMS (all other Divisions' File Plans to have been agreed)	30 Mar 2011			
					Complete Roll Out	31 Mar 2011			
					Contract Agreed and signed	01 Jun 2010			
5	LEG/LIC/006	Review of Street Trading in Winchester (including legislative basis and extent of controls).	Efficient and Effective Council	02 Apr 2007	Report to L and R Committee	10 Jun 2010	30 Jul 2010	Review completed and necessary orders completed by finish date.	Howard Bone
6	LEG/LEG/019	Preparation and implementation of Action	Efficient and Effective	05 Apr 2010	Review RIPA Policy and update in light of	10 May 2010	30 Jul 2010	Recommendations of Inspection Report	Howard Bone



Priority	Code	What will we do	Why are we doing this?	Planned Start Date	Milestones	Milestones Due Date	Action Due Date	Expected Outcome	Who's Accountable
		Plan following January 2011 OSC Inspection (Regulation of Investigatory Powers Act 2000)	Council		Report recommendations			implemented	
					Training course for relevant staff	12 Jul 2010			
					Make orders to implement any revised scheme	05 Jul 2010			

**B) Other areas of work (including 'business as usual')**

Priority	Code	What will we do	Why are we doing this?	Planned Start Date	Milestones	Milestones Due Date	Action Due Date	Expected Outcome	Who's Accountable
1	LEG/LLC/023	Data Cleansing Programme for Land Charges (planning) data	Efficient and Effective Council	01 Jul 2010	Preparation of plan and business case	01 Jul 2010	31 Mar 2012	Planning and Land Charges Register information checked and matched in key areas, reducing time spent on verification	Howard Bone
2	LEG/LLC/022	Burials function - carry out Satisfaction Survey	<b>Corporate Outcome:</b> Engaging with our communities	05 Apr 2010	Design survey based on previous survey formats	19 Apr 2010	14 Jun 2010	High satisfaction rating from customers	Howard Bone
					Agree Scanning procedure for incoming documents	28 Feb 2011			
					Complete Roll Out	31 Mar 2011			
3	LEG/LEG/021	Model Section 106 agreement - Clear agreement produced and used without major changes in wording being sought.	Efficient and Effective Council	01 Sep 2010	Complete review of latest model draft	30 Sep 2010	31 Jan 2011	Clear agreement produced and used without major changes in wording being sought.	Howard Bone
				Circulate revised draft for comments	31 Oct 2010				
				Review comments and produce final version	13 Dec 2010				
				Publish Model Agreement and guidance notes on Council website	24 Jan 2011				
4	LEG/LIC/025	Consult and implement	Efficient and		Revised draft Licensing	10 Jun	03 Jan	Policy republished by	

Priority	Code	What will we do	Why are we doing this?	Planned Start Date	Milestones	Milestones Due Date	Action Due Date	Expected Outcome	Who's Accountable
		review of Licensing Policy 2008-2011	Effective Council		Policy to Licensing and Regulation Committee	2010	2011	due date without challenge	
5	LEG/LIC/020	Review standard licence conditions for drivers and vehicles	Safe and Strong Communities	03 May 2010			31 Dec 2010	Licence conditions up to date, appropriate and relevant.	Howard Bone
6	IMT/PROJ/003ff	Implementation of Retriever across Land Charges to incorporate electronic workflow, filing and storage.	<b>Corporate Outcome</b> – being more efficient	01 Dec 2010	Agree file plan (excluding Register Cards)	31 Jan 2011	31 Mar 2011	Use of electronic workflow and storage of documents in Retriever	
					Publish draft Policy for comments	11 Jun 2010			
					Revise policy in light of comments and submit to Licensing and Regulation Committee	05 Oct 2010			
					Revised Policy approved by Council	03 Nov 2010			
					sent survey out using Survey monkey/hard copy	19 Apr 2010			
					Review responses and finalise report	14 Jun 2010			
					Pilot Cleansing exercise	31 Dec 2010			
					Roll out across key selected areas within the District	03 Jan 2011			
7	LEG/LIC/024	Street Collections - Amendment of existing	Efficient and Effective	01 Apr 2010			01 Apr 2012	Licences being issued under new legislation	Howard Bone

Priority	Code	What will we do	Why are we doing this?	Planned Start Date	Milestones	Milestones Due Date	Action Due Date	Expected Outcome	Who's Accountable
		licences and procedures to accord with new legislation (Note - no date yet fixed for legislation to come into force)	Council					and no complaints or challenges	

## 5. Resource Implications

### A) Financial

#### Divisional Summary

<i>Subjective Analysis</i>		<i>Actual 08-09</i>	<i>Original 09-10</i>	<i>Revised 09-10</i>	<i>Budget 10-11</i>
Expenditure	Employees	666,411	688,071	707,384	679,044
	Premises	109,948	122,514	121,621	124,405
	Transport	34,049	28,165	37,182	41,015
	Supplies & Services	123,255	123,613	135,613	149,313
	Third party payments	12,845	7,240	7,240	7,240
	Depreciation & Impairment Losses	10,319	13,085	10,318	10,318
	<b>Expenditure Total</b>	<b>956,828</b>	<b>982,688</b>	<b>1,019,358</b>	<b>1,011,335</b>
Income	Income	(680,214)	(756,069)	(691,069)	(780,069)
	Income (Internal)				
	<b>Income Total</b>	<b>(680,214)</b>	<b>(756,069)</b>	<b>(691,069)</b>	<b>(780,069)</b>
Support Services	(158,603)	(187,730)	(141,522)	(141,522)	
<b>Legal Services Total</b>	<b>118,011</b>	<b>38,889</b>	<b>186,767</b>	<b>89,744</b>	

#### Budget Book Line Summary

<i>Budget Book Line</i>	<i>Actual 08-09</i>	<i>Original 09-10</i>	<i>Revised 09-10</i>	<i>Budget 10-11</i>
Legal Business Unit	(0)	650	0	15,624
Land Charges	100,659	30,780	60,097	(25,725)
Cemeteries	35,407	49,510	75,253	52,037
Taxi & Private Hire	(22,678)	(20,470)	27,707	28,098
Licensing - 2003 Act	7,548	(19,898)	11,106	11,106
Licensing - Gambling Act	(11,053)	(4,627)	(56)	(4,056)
Licensing - Other	(8,065)	(7,458)	(1,568)	(1,568)
Public Health Act Burials	16,193	10,402	14,228	14,228
<b>Legal Services Total</b>	<b>118,011</b>	<b>38,889</b>	<b>186,767</b>	<b>89,744</b>

**B) Workforce**

KEY EXTERNAL DRIVERS	KEY INTERNAL DRIVERS
<ul style="list-style-type: none"> <li>• Calls for more enforcement of planning, licensing and taxi and legislation</li> <li>• Efficiency Targets</li> <li>• Possible Local Government Re-organisation</li> </ul>	<ul style="list-style-type: none"> <li>• Council Budget</li> <li>• Flexible working arrangements</li> <li>• Age profile of staff</li> <li>• Turnover of staff/recruitment difficulties</li> <li>• Land Charges Computerisation</li> </ul>
WORKFORCE IMPLICATIONS	
<ul style="list-style-type: none"> <li>• Council budget – managing vacancies where they arise could lead to a reduction in service, requiring re-prioritisation of workloads.</li> <li>• Turnover of Staff/Recruitment difficulties – continue development of existing staff, and ensure best possible recruitment package available, including flexible working arrangements.</li> <li>• Land Charges Computerisation – existing staff to be used to cleanse data as searches are undertaken.</li> <li>• Age profile - succession planning to be carried out to minimise impact of staff leaving.</li> <li>• Gershon efficiency savings - participate in partnership working with other authorities to secure discounted rates for work which needs to be outsourced.</li> <li>• Continue to use outsourced framework agreements to deal with peaks in workload demand.</li> </ul>	

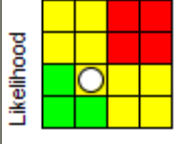
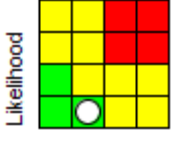
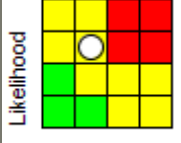
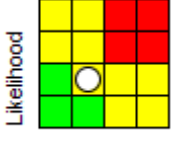
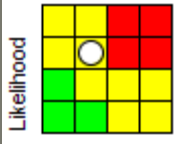
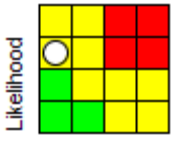
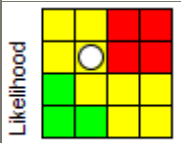

6. **Key Performance Indicators**

Code	Description	Managed By	How frequently is data gathered	2007/08	2008/09	2009/10		2010/11	2011/12
				Actual	Actual	Estimate	Target	Target	Target
LPI0077	Legal payment of undisputed invoices within 30 days of receipt	Howard Bone	Quarterly	96%	98%	98.8%	100%	100%	100%
LPI0078	% users satisfied with the overall level of Legal service	Howard Bone	Biennially	No Survey	No Survey	93.8%	75%	No Survey	95%
LPI0079	% users satisfied that Legal work is completed to the expected standards	Howard Bone	Biennially	No Survey	No Survey	100%	95%	No Survey	95%
LPI0080	% Legal letters responded to within 10 working days	Howard Bone	Quarterly	67%	71%	68%	80%	75%	80%
LPI0082	% TPO's for unprotected sites issued within 2 working days of receipt of satisfactory instructions	Howard Bone	Quarterly	100%	100%	100%	100%	100%	100%
LPI0083	Section 106 Agreements completed within 8 months or referred back to Committee	Howard Bone	Quarterly	70%	68%	65%	80%	85%	80%
LPI0085	% Licensing letters responded to within 10 working days	Howard Bone	Quarterly	82%	93%	95%	85%	95%	95%
LPI0809	Standard searches carried out in 10 working days	Howard Bone	Quarterly	100.00%	100.00%	93.25%	100.00%	100.00%	100.00%
LPI0810	% invoice collection rates Legal Services	Howard Bone	Annually	100%, 100%, 97%	80%, 100%, 97%	(to Oct 09) Gen – 76% Cemeteries 100% Drinks Licences 100%	100%	100%	100%

Code	Description	Managed By	How frequently is data gathered	2007/08	2008/09	2009/10		2010/11	2011/12
				Actual	Actual	Estimate	Target	Target	Target
LPI0811	Legal Services - payment of undisputed invoices within 15 days of receipt	Howard Bone	Quarterly	New Indicator	New Indicator	87.8%	100%	100%	100%
LPI0817	%age enforcement notices issued with 15 working days of receipt of satisfactory instructions	Howard Bone	Quarterly	88%	87%	100%	100%	100%	100%



6. Key elements of risk managementOperational Risks

Risk Number	Short Name	Risk Ownership	Cause	Consequence	Current Risk Matrix	Target Risk Matrix	Linked Strategic Risk
OP0041	Effective project planning	Howard Bone	Ineffective project planning and monitoring.	<ol style="list-style-type: none"> <li>1. Business objectives not met.</li> <li>2. Targets not met.</li> <li>3. Timescales not realistic.</li> <li>4. Cost overrun.</li> <li>5. Issues not identified.</li> <li>6. Missed opportunities.</li> <li>7. Legal challenge.</li> <li>8. Loss of staff confidence.</li> <li>9. Bad publicity.</li> </ol>			SR0024
OP0045	Land charges computerisation	Howard Bone	Ineffective control of information stored on system.	<ol style="list-style-type: none"> <li>1. Loss of key information.</li> <li>2. Incorrect searches resulting in possible legal action.</li> </ol>			SR0002
OP0048	Land Charges Legislation	Howard Bone	Possible reduction in income due to legislative changes to basis of fee collection	Loss of income - need for further savings to balance budget.			SR0009
OP0087	Legal Loss of Key Employees	Howard Bone	Key employees leaving Council's employment and not being replaced by equivalent level of staff.	<ol style="list-style-type: none"> <li>1. Loss of skills/knowledge.</li> <li>2. Impact on business continuity.</li> <li>3. Additional responsibilities/pressure on remaining staff.</li> </ol>			SR0016

Risk Number	Short Name	Risk Ownership	Cause	Consequence	Current Risk Matrix	Target Risk Matrix	Linked Strategic Risk
OP0088	Loss of Key Records through fire, theft or water damage	Howard Bone	1. Key records lost through fire/theft/water damage.	Loss of key records as valuable reference source and historical documents			SR0014