

ROCHDALE METROPOLITAN BOROUGH COUNCIL SERVICE PLANNING 2010/11

Legal & Democratic Services

SERVICE PLAN UPDATE

Brief Description of the Service

We provide an extensive range of in-house services across the Council; Rochdale Boroughwide Housing (in relation to Right to Buy work and miscellaneous property matters); Rochdale Development Agency/Pennine Land when they are acting as the Council's agents; IMPACT in relation to a wide variety of matters requiring legal input, including all property transactions relating to the Council's asset portfolio and dealings with highways and the Coroner on an ad hoc basis. Our services include Legal Services, incorporating Support Services for Members and the Team, Committee Services, Electoral Services and Civic and Ceremonial Services. In addition the Team offers more than legal advice; it offers the added value of a Team Rochdale approach to any project or query. The teams often extend beyond the traditional role and in many instances offer management skills to client services.

Legal & Democratic delivers the priorities and aims set out in Pride of Place II. Our Service and Head of Service play a key corporate role and make a vital contribution to supporting the delivery of that vision and those priorities by other Services.

Overall responsibility for the delivery of these services lies with the Borough Solicitor and Head of Legal & Democratic Services, Linda Fisher, who has been in post since July 2009.

In addition to her role as the Council's Borough Solicitor, Linda Fisher is also the Council's Monitoring Officer. This is a statutory appointment carries with it the responsibility for the Council Constitution and for making sure the Council acts lawfully and for advising and guiding Members and Officers on ethical governance and propriety issues. The Democratic Services Team and Monitoring Officer have responsibility for the Local Assessment of complaints against Councillors.

With regard to the local assessment of standards complaints, this is an increasing role for the Borough Solicitor and her Deputies.

Description of the Service

The Legal Services Team has been successfully delivering quality legal services to Rochdale Metropolitan Borough Council and its associated organisations for a number of years. Headed up by the Monitoring Officer who leads the change on ethical governance, the Constitution and ensuring the legality of the Council's decision making by advising at Cabinet, Council and through a number of other channels.

The Team is made up of 4 Divisions which include Litigation, Property, Adults & Children and Land Charges & Support Services.

The aim of the Legal Services Team is to provide high quality legal services in order to meet the requirements of the Council and its Services. Every member of staff within the Team has an important part to play in the delivery of legal advice to the Council. The success of the Department rests on the collective and individual abilities to provide a high standard of service to clients/customers.

We aim to deliver our mission through the following key activities:-

- Providing timely, efficient, cost-effective and client-focused legal services.
- Acting as legal adviser and Monitoring Officer to the Council, and maintaining the Council's Constitution.
- Maintaining a strong governance and probity framework within the Council and promoting high standards of corporate and community governance across RMBC and its partnerships.
- Delivering a proactive Rochdale Team focused approach to all aspects of the Council's decision-making process.
- Contributing to the Council's efficiency agenda and a Team Rochdale approach.

Democratic Services – Introduction

The Democratic Services Team comprises of a team of staff with expertise in matters of governance and decision

making. The Team provides:-

- Procedural and administrative services to meetings of the Council, the Cabinet and all Committees of the Council, as well as to a range of local Charities and other bodies.
- Support and development for Councillors to carry out their respective roles effectively and efficiently.
- Timely, efficient and cost-effective electoral services, Administration of the Borough, Parliamentary and European Elections. Maintenance of the electoral register.
- Timely, efficient and cost-effective organisational and administrative support to the Mayor and Deputy Mayor.

Broad Service Objectives

The Vision/mission of Legal & Democratic Services is:-

To provide a proactive “can do” Legal and Democratic Service Team approach to meeting the current needs of our clients. To produce advice which is both value for money and with added value due to our extensive Local Government experience.

PART A - Review of the Year

Achievements and Headlines 2009/10

Corporate Priority Projects

The Service continues to provide key Legal & Democratic advice to a number of high profile, major projects for the Council. This involves key lawyers advising at the Project Board meetings highlighting any legal issues to the Chief Executive and Executive Leadership Team.

These projects include:-

- Building Schools for the Future (“BSF”)
- Rochdale Town Centre Regeneration
- Housing Market Renewal Project Work
- Supporting the New Municipal Offices project team
- BASE Artisan (East Central Rochdale Housing Market Renewal)
- The joint Oldham and Rochdale PFI Street-lighting project.

The Head of Legal & Democratic Services is the lead Head of Service for Use of Resources. This year we have implemented strategies to reduce the amount of external legal expenditure by our clients. This will contribute to the Council’s efficiency agenda and priorities. Any external instructions must now proceed through the Borough Solicitor.

We provide Legal representation on the Municipal Office Board, Town Centre Executive Board, Equal Pay Board, Efficiencies Officer Board, Rochdale Boroughwide Cultural Trust Limited and the Asset Working Group.

Contribution to the Council’s efficiency agenda

This year the Service has met all the efficiency targets requested of it. This has been a significant achievement from the Senior Management Team and all the Legal and Democratic Services Team. We have met all the requests for non essential spend reductions and targets. Efficient budget monitoring by the Business Manager has been a vital part of the delivery of these savings and the support of staff in appreciating that efficiencies must be made.

The Team will continue to challenge the way we use our resources and ensure that we meet the Council priorities in this area.

Equal Pay and Single Status

The Service provides strategic corporate advice on the management of this high profile, challenging matter, including:-

- Advising on current litigation.
- Making preparations for potential future litigation.
- Provides strategic corporate advice on the implementation of single status.
- Head of Legal & Democratic Services is a Member of the Pay and Grading Board.
- Senior staff and the Head of Legal & Democratic Services have assisted with the appeals process for pay and grading as requested by Executive Leadership Team.

The new pay and grading structure will be implemented from 1st April 2010.

The Service has recently appointed a trainee solicitor and we will ensure that employment law, which is likely to be an area of increasing workload over the next few years, is covered within the training contract and to support the

Service business continuity in this area.

“Going Local” - Local Assessment by Standards Committees

In May 2008, the national “Going Local” agenda in relation to local determination of complaints against Councillors was formally adopted and successfully implemented by the Council. This has resulted in a significant increase in the workload of the Standards Committee, the Monitoring Officer/Deputy Monitoring Officer and the Democratic Services Section. The Council also approved an increase in the size of the Standards Committee to ensure that the three stages of local determination (Assessment, Review and Investigation/Hearing) can be accommodated effectively, and to this end a further three Independent Members of the Standards Committee have successfully been recruited. All Members of the Standards Committee have also had the opportunity to participate in internally and externally run training sessions on the new arrangements, the former being delivered by the Council's Monitoring Officer.

The new Head of Legal & Democratic Services, having won the Standards Award while at a previous Authority, has brought forward a very detailed and focused work programme for the Standards Committee. This is bringing forward considerable improvements.

Legal Services - General

- On the 1st February 2010 Legal Services implemented a new Case Management System, which was on time, to budget and without any loss of Service to Clients.
- The development of this system will increase the efficiency of Legal Services, in terms of providing detailed procedures for staff to work to, the principal of “input information once - use several times” and all documentation being stored electronically in one place.

Legal Services - Litigation

- In partnership with the Council's Fraud Team, securing the Council's first convictions in respect of disabled badge fraud and with Environmental Health under the smoke free legislation.
- Concluding other successful Council prosecutions, for example, illegal adverts and prosecution of a landlord for benefit fraud and a number of benefit fraud matters jointly with the DWP.
- Providing legal advice to Committee in numerous licensing act hearings relating to issues such as under age sales, the Kandy Klub, Oxford Hotel and local nuisance/crime hotspots.
- In partnership with Trading Standards, securing the Council's first order under the Proceeds of Crime Act (which will result in income for the Council).
- Progressing the highway closure re Belfield Road-key to completion of district health centre project.
- Responding successfully to the judicial review proceedings relating to Birch Hill.
- Supporting the BSF project - section 278 Agreements at Hollingworth BEC and Siddall Moor Sports College.
- Successfully concluding numerous employment tribunal hearings in-house and provision of advice on a number of employment related matters e.g. swine flu - arranging terms of secondment for Council staff to assist with admin of vaccine distribution.
- Providing commercial contract advice on numerous matters including Adult Care - Domiciliary Care Contracts and PPQ process.
- Producing, in conjunction with the School Safety Team, a booklet providing guidance on effectively tackling anti-social behaviour on school premises.
- Successfully leading the Council through the 2009 RIPA inspection by the Office of the Surveillance Commission.
- Providing training for Members and Offices on a number of topics, including bias and pre-determination, licensing and investigational prosecution offences. Providing training for GMP in respect of the Licensing Act 2003.
- Providing training for Heads of Service (with PMS) on new changes in power to dismiss.

Legal Services - Property

- Meeting all targets and deadlines imposed by clients in respect of legal work required in land and property matters.
- Carrying out legal work in respect of the development of the new Municipal Offices and Town Centre regeneration.
- Contributing to the BSF project.
- Contributing to Housing Market Renewal and other regeneration projects.
- Contributing to the Middleton Arena project, Heywood Sports Village and Entwisle Road Leisure Centre.
- Carrying out the legal work in respect of sales pursuant to Right to Buy legislation.
- Carrying out ongoing legal work in respect of St Anne's Academy.
- Carrying out legal work in respect of the Boots acquisition in Heywood and the Partnership Agreement.
- Carrying out legal work with AGMA authorities re: East Lancashire Railway.
- Lease/land disposals involving Heywood, Middleton & Rochdale Primary Care Trust e.g. Queens Drive Kirkholt, Rochdale. This is connected to the regeneration of Kirkholt (the gateway into Kirkholt).
- Working on Highways Agency compensation claims as a result of highway work project including Kingsway/Queensway/Oldham Road Junction Road Improvements.

- Carrying out legal work with regard to disposal of land to Brighter (Horizons) Rochdale Ltd to provide affordable housing.
- The Property Team is focused on achieving a high level of customer care and this is reflected in the feedback received from clients.

Legal Services – BSF Solicitor

- Legal Services assisted the BSF Project Team to deliver this high profile project within record timing. Financial close was reached within a four month time period and Rochdale BSF Project was the first Project to close in Waive 4.
- Legal Services performed a valuable role as part of the BSF Project Team and provided robust legal advice to the Team on internal governance and general public law.

Legal Services - Local Land Charges

- The income received so far in 2009/10 for Local Land Searches has remained static compared with that of 2008/09 year, but that was a significant decrease compared with previous years.
- There are signs that the market has started to pick up, however, the level of searches being received is still far short of those received prior to 2008/09.
- The Service has been reduced in staff to accommodate this shortfall in income by the deletion of two posts.
- The Service Restructure will assist with more of a team approach to land charges knowledge assisting with business continuity.

Legal Services - Child and Adult Care Team

Child Care

- The impact of the Public Law Outline (PLO) for case management of child care proceedings and pre-proceedings cases continues to be felt.
- The PLO has increased the workloads of the Child Care lawyers. As at the end of 2009 there are approximately 50 cases in the pre-proceedings phase of the PLO.
- Proceedings are now much more focused on preparation work prior to the case being issued and this continues to place greater demands on the in house team in terms of resources and in providing guidance to our Client Children Services.
- In our response to the PLO, we have improved our own work flow methods and have given guidance to our Client Services to ensure that the Authority can comply with the demands of the PLO.
- The Team operates a dual allocation policy for care proceedings which ensures that legal officer time is used in the most efficient manner and enables high volumes of complex advocacy to be conducted in house.
- In 2009, 88.6% of all advocacy was undertaken by RMBC Legal Officers, at a consequent cost saving to the Authority and retention of knowledge and experience within the Service.
- 2009 has seen a significant increase in volumes of case work in this area and public law work is now accounting for twice as much volume as was noted 4 years ago.
- In 2009 the Team conducted 677 Court hearings/Court directed appointments. Case numbers are likely to remain at this level or even increase further in the coming year.
- This Service objective has been met in 2009 and Client satisfaction with our Service continues to be good.
- Legal Officers attend all Initial Child protection Case Conferences and the input we provide is valued by the Safeguarding Unit.
- The Principal Solicitor has conducted a major piece of work in analysing work demands/volumes in 2009 and the Service now has a clear picture of the demands placed upon it and is thereby in a better position to respond to forthcoming challenges and to identify areas of risk.
- The Senior Child Care Solicitors continue to conduct difficult and lengthy Court hearings themselves and are presently engaged in three High Court matters of considerable complexity.
- The Team has handled some complex and voluminous requests in 2009 for access to sensitive Client records in the context of criminal proceedings.
- The Team has delivered multi-disciplinary training to Child Care professionals across a wide range of disciplines in 2009 in Court Room Skills, Safeguarding after the 'Baby P' case and on the issue of neglect in childhood.
- The Principal Solicitor has drafted a Protocol for the Courts in Greater Manchester to address Court requests for S7 and S37 Children Act reports from CSC which is shortly to be adopted.
- Over the Last year CSC have sought to involve Legal Services at an earlier stage when cases are of concern. This has led to a considerable increase in attendance by Legal Staff at Child Protection Strategy Meetings and Case Conferences.
- Legal Services attend and give advice to all strategy meetings convened under the Allegations Management Framework in respect of cases of suspected professional abuse.
- The PLO has also led to the attendance of Legal Services at all Gateway Meetings held by CSC where consideration is given to whether children's circumstances meet the threshold under the Children Act for public law intervention. In 2009 there were 98 such meetings attended by the Service where advice was given and confirmed in writing thereafter.
- The Team continues to provide specialist legal advice to the Authority's Fostering and Adoption Panels and

legal advice is given in writing in advance of matters being considered. These meetings now have high volumes of business to conduct and last a whole day.

- The Team has continued to operate a Duty Lawyer Rota within office hours and provided emergency legal advice to both Adult and Child Care outside normal office hours and at weekends and bank holidays. This is an essential requirement placed upon the Local Authority by Lord Laming. This is added value advice offered to our clients
- The Team has in 2009 improved the statistical information it can make available to CSC and this information is valued by our Clients. Regular meetings occur with Senior Management in Social Care; in order to look at practice issues and to consider service improvements and efficiencies across the board. However this does mean the Service is, to some extent, performance managing the client and the Principal Solicitor and Head of Service are seeking to address this.

Adult Care

- The Team continues to provide specialist advice to the Authority's Adult Care Services. Key areas of activity in this field are advice in respect of continuing health care funding and the Senior Solicitor with responsibility for this work has lead on this issue in seeking Counsel's opinion for the national body of finance officers.
- Advice is provided to various committees' charged with the Safeguarding of Vulnerable Adults and the implementation of new legislation in this area such as Deprivation of Liberty Safeguards, Safeguarding of Vulnerable Groups Act etc.
- There has been again a significant increase in the provision of services to Adult Care and in attendance at case conferences.
- The Senior Solicitor with responsibility in this area continues to attend the AMHPS Forum, the Direct Payments Forum and the Learning Disabilities Care Plan Forum, these are all improvements in the service offered to our Clients.
- In the field of Adult Care we have worked with our Clients to increase their understanding of when and how to make contact with Legal Services. This has improved overall service delivery and as a 'knock on' effect has increased demands upon our Service.
- The Mental Capacity Act 2005 continues to have an impact on our services as it raises complex issues of capacity and individual choice. More use is now being made of Legal Services to advice on issues of capacity in all areas of work with adults.
- During 2009 the Senior Adult Care Solicitor has been instrumental in re-establishing a specialist forum for adult care lawyers across Greater Manchester to share ideas and knowledge.
- The past year has seen unprecedented demands for our services which have been met within existing resources. Recent Government initiatives to enable people returning to work have been support by the Team; to mutual advantage. The stresses that this work can bring and the increasingly high pressure turnover of cases are acknowledged.

Democratic Services

- The Section continued to provide support to the Council's decision making processes, meeting all legal and procedural requirements over a year with a significant number of ad hoc Committee meetings required to specific timescales.
- The Head of Service is introducing new Committee templates to include a section on legal advice and other decision making improvements.
- Completion of member role descriptions.
- Delivery of training on bias and predetermination and standards matters
- Development and significant improvement of web based information about the Council's decision making processes including
 - Introducing a dedicated webpage for all corporate governance information, improvements in the information held on the Elections and registration to vote.
 - Developing a dedicated webpage for the Standards Committee, detailing the work it does and providing links to related agencies (e.g. Standards for England and the Local Government Ombudsman).
 - The publishing of all public Committee reports to encourage the engagement of the public in decision making.
 - Publish executive minutes within five working days of meetings and non-executive minutes within five working days of meeting.
- Ongoing implementation of 'Going Local' and arrangement of meetings of the Standards Committee's Sub-Committees to consider complaints received. All complaints have been considered by the Assessment Sub-Committee within the Standards for England's recommended period of 20 working days.
- All Members of the Standards Committee (elected and Independent Members) have received appropriate training in how to deal with complaints.
- The introduction of a work programme for the Standards Committee and delivery of tasks outlined.
- Delivery of the modernization plan.
- Undertook consultation arrangements on the revised governance arrangements as required by the Local Government and Public Involvement in Health Act 2007 leading to a decision by the Council on 9th December 2009.
- Continues to support the Sub-Committee and hearings arrangements for Standards and Licensing, both of

which showed increases over the year.

- The Head of Service assisted with the drafting and carried out an extensive consultation with Members and partners on the City Region Governance scheme to be submitted to the Secretary of State.
- The drafting of a service improvement plan.
- Significant progress on the implementation of the Modern.gov system with a go live date of the beginning of April 2010.

Elections

- The Electoral Services Section carried out a successful European Election and continued to provide a high quality, cost effective service despite increasing pressures caused by new statutory requirements, including:-
 - signature verification.
 - personal visits.
 - increase in the number of voters in the Borough.
 - increased to in excess of 20,000 which represents approximately 15% of eligible voters within the Borough opting to vote by postal ballot.
- The annual canvass process commenced at the beginning of August and culminated with the publication of the electoral register on 1 December 2009. The process involved:-
 - canvassers hand-delivering registration forms to all households in the borough (approx 93000) at the beginning of August, September and October,
 - Followed by personal canvassers visiting properties that have not responded to the previous requests at the beginning of November.
 - As a Team, our duties will include:-
 - ❖ Liaising with the printers throughout the process/proof-reading forms and ensuring the correct documentation is prepared.
 - ❖ Collating stationery and equipment for use by the canvassers.
 - ❖ Receiving incoming mail, opening, sorting and scanning of forms and then making all the necessary amendments to the software system.
 - ❖ Publication of register of electors and distribution of it to all appropriate organisations/individuals (with fee payable if applicable).
 - ❖ Dealing with 'special' category electors – overseas, service personnel, European Union citizens, asylum seekers etc.

Members Secretariat

- Provided effective secretarial support for 59 Members of Council, together with dedicated secretarial support to Leader/Deputy Leader of the Council.
- Recent change over of Leadership went smoothly, now new Leader/Deputy Leader are up and running.
- Providing cover for secondment with no additional staff.
- Assisting with Legal/Committee work as and when required.

Civic and Ceremonial

- The new Mayor has delivered a very busy work programme. The singing Mayor has raised the profile of the Mayoralty and the Council by performing his 'Rat Pack' style act at many events and raising money for his chosen charities.
- Events delivered include -
 - British Armed Forces Day - the first ever flag raising was held on 22 June.
 - The annual Police Long Service and Gallantry Awards.
 - Visits by The High Sheriff of Greater Manchester, HRH and Countess of Wessex.
 - Remembrance Day with thousands of people attending.
 - The Homecoming of the Lancashire Fusiliers – a welcome home for the soldiers. The Mayor was able to thank the soldiers on behalf of the Borough.
 - At the Rochdale switch-on of the Christmas lights, the Mayor sang a song or two and later in the evening X-Factor's Jamie Archer made a guest appearance.
 - Delivery of the Annual Civic Carol Service and other Carol Services.
 - In January the Mayoral Lamps, which had been in storage for 5 years, were reclaimed and are now back in the safe hands of the Council.
 - The annual Holocaust Memorial Service in the Phoenix Centre in Heywood, also rededicating the Memorial Stone in the gardens. It was a particularly poignant event and made even more so by having young people from a local school doing the readings.
 - The Mayor hosted his Charity Ball in the Town Hall on Saturday 6 February which was a complete sell out. The High Sheriff, all the AGMA Mayors, local MP's and other dignitaries attended on the night.
 - The Civic Tour of Rochdale took place on the 9 February. The High Sheriff and the AGMA Mayors were treated to an insight into Rochdale and its history at Touchstones and the Co-op Museum.
 - A small reception was held in the Parlour on 17 February for two local gentlemen that have been awarded an OBE an MBE; Ken Davies and Ghulam Shahzad.

- To date, the Mayor has attended around 450 engagements and raised almost £15,000 for his chosen charities and we hope that this amount will increase significantly before his year is over.
- The Heywood Mace and Chain repaired.

PART B - Key Changes to Service Plan proposed for 2010/11 – we will continue to deliver on many of the matters outlined above

Aiming High 2007 – 2010

Legal & Democratic Services are part of the wider team supporting Aiming High targets by being part of the team which delivers the Aiming High objectives. We contribute to the following aiming High objectives:-

Increasing jobs and prosperity

- Working with the Property Team/Land Charges and other Council Services to promote the use of the enforced sales process to help increase recovery of Council debts.
- Providing legal advice in the Municipal Office Project, East Central Rochdale, Inner Rochdale, Middleton, Kingsway and other development schemes.
- Working in partnership with the RDA and Pennine land on Rochdale Development Projects, e.g. Town Centre East Redevelopment.
- Carrying out a variety of prosecution, e.g. Fraud.
- Being part of the team advising on the new Central Leisure Centre working with Link4Life.

Making sure every child matters

- Working closely with education welfare to promote the use of a wider variety of enforcement measures to secure school attendance.
- Supporting Childcare Service in the protection of children doing all associated court work.

Improving community safety

- Supporting Development Control as the Council's attempts to secure the future of Tonge Hall and other listed buildings in the Borough.
- Progressing a number of high profile traffic orders including Pilsworth HGV and South Parade experimental orders.
- Working with partners/RBH to secure ASBOs.
- Taking necessary legal action, e.g. fly tipping/litter, to ensure we protect community safety/deal with community safety issues.
- Working towards the successful completion of the planning injunction proceedings relating to Collop Gate Farm etc.

Creating a cleaner, greener environment

- Many of the schemes outlined under jobs and prosperity contribute to this objective also.
- Continuing to contribute to the Council's priorities through numerous successful prosecutions for littering, dog fouling, fly-tipping and trading standards offences.

Improving health and well-being

- Many of the schemes outlined under jobs and prosperity contribute to this objective also.
- Supporting Child and Adult Care Services in care and well being proceedings.
- Supporting the delivery of the Adult Care efficiency agenda will be a key area of work for next year.
- Work will be very much client focused as the client Service seeks to make efficiencies and a team approach working with the Litigation Solicitors will be required as projects overlap the respective teams.
- There is a need for business continuity to be addressed with legal advice in the Adult Care. At present we have one specialist and there is a need for this to be addressed.
- The Legal Team will consider our use of the well being power to maximum effect.

Democratic Services Contribution – Democratic Services support the Democratic process which in turn supports all of the above targets proposed activity in this area in 2010/11 are:-

- Implementation of revised governance arrangements and executive arrangements as required by the Local Government and Involvement in Health Act 2007 from May 2010 onwards.
- Implementation of the of the Modern.gov Committee Management package to make the Council's decision making processes more transparent and accessible, with associated training for elected Members and Officers.
- Implementation of other requirements of the Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act such as e-petitioning.
- Organisation of combined parliamentary and Local Elections on 6th May.

- Organising and delivery of cost effective/efficient local election.
- The repeat of the annual canvass process commences at the beginning of August and culminates with the publication of the electoral register on 1 December 2010.
- Leading awareness of Local Democracy Week organising events, subject to budget.
- In accordance with the LAA target, contributing to the indicator to increase the performance figure for % of people we feel they can influence local decision making.
- Civic and Ceremonial
 - The Mayor Elect, Councillor Zulfiqar Ali, will be in place on 19 May.
 - Next year the Team will continue to support the mayoralty and will work on modernisation of systems and procedures to further improve efficiency and effectiveness. We will also achieve this as we now have a new Central Admin Team as of 1 April 2010.
 - The main events scheduled in the diary for next year are Remembrance Sunday, The Civic Carol Service and the Holocaust Memorial Service.
- For Legal Services in addition to the above, we will be embedding a Corporate Procurement approach.
- Working with our partners – Impact, RDA, and Link4Life on governance issues.
- Re-launching the Governance Board.
- A review of the Constitution will take place this year.

Stepping Up

Maximising the potential of our people

Workforce Planning and Development

Workforce planning is vital in helping the Service to tackle problems such as staff shortages and staffing costs. It can help to ensure the delivery of quality and timely services, and saves money by cutting costs associated with high vacancies and turnover. Due to the ageing workforce within the Service careful consideration of the age profile of the Service is required over the next few years to ensure that skills gaps will not have to be met through costly interim measures, such as high numbers of agency staff. Longer term workforce planning provides the opportunity to link training and development with future skills needs and devise strategies to meet these needs.

All staff within Legal & Democratic Services have appraisals twice a year where training and development requirements are discussed and appropriate training agreed as part of the Performance & Development Review (“PDR”)

In addition, the majority of staff within Legal Services are required, by their professional bodies, to gain a minimum number of Continuous Professional Development points over a twelve month period. This requirement ensures that staff continue to participate in training and development opportunities and are able to continue to deliver high quality legal services.

To support these requirements, monthly in-house training sessions are delivered by staff within the Service which have been accredited by the Law Society and which are more cost effective for the Council than external courses. A proactive approach by the Head of Legal & Democratic Services has ensured that we obtain something back as a Team from the use of external legal firms. This has resulted in the Team having access to a legal advice helpline.

There are also a number of staff within Legal Services who are working within career development roles, which by the nature of the role ensures continuous development. Within the last 2 years, 7 Legal Officers from the Litigation Team and 1 Legal Officer from the Property Team have progressed up the career grade and 3 Solicitors have progressed to Senior Solicitors.

The use of external lawyers is an area of concern highlighted by the new Head of Service, while it is accepted that there is a need sometimes to engage private practice we have as a Service been remote from engaging the external lawyers. Client departments have instructed firms themselves and partners have done the same. This is not an efficient use of resources. More disappointingly the Team have not benefited from the development opportunity that working with private practice creates. Precedent documents have not been requested and learning has been minimal. This is now being addressed so the use of private practice is done with the idea of developing staff to be in a position to do the piece of work the next time round.

Also working with other Councils to build capacity is another area of focus for the next year.

Service Restructure

Workforce planning and business continuity is an area in which the Service is looking to develop a more rigorous and consistent approach over the coming year. Linked to issues of business continuity, the Head of Service will be looking at the structure in the early part of the next municipal year.

The Service has introduced staff briefings on changes affecting the Council and our Service. The opportunity to

feedback to SMT has been provided via the all Service areas having a team meeting. The Council also communicates to all staff by delivering the Core Brief ensuring corporate messages are understood. The Head of Service attends frequent Staff Consultation Group meetings with the trade unions representatives for the Service.

The Service has currently 8 staff who are employed under the Future Jobs Fund and we have accommodated 2 apprentices over the last year. We have also accommodated someone who wanted legal work experience and who now is a member of the team via the future jobs fund. This has assisted the team in building capacity and allowed us to maintain the flexibility of the workforce to address the flow of work and negate the need for agency staff. We provide regular work experience for local pupils and students.

The Pay and Grading review has had a significant impact within Legal & Democratic Services, with the percentage of staff with reduced pay levels significantly higher than the Council average. Going forward, this may well create recruitment and retention difficulties within the Service. Nevertheless, senior managers continue, sensitively, to manage the implementation of pay and grading within Legal & Democratic Services, including supporting the Council's consultation process.

The Service has utilized locums in the delivery of legal advice support. However, while cost effective, it does mean that training and development benefits the locum and not the service as a whole. This year has seen a full compliment of permanent staff in the Adult and Child Care Team rather than reliance on locums as previously. The Litigation Team have used a locum and we are seeking to address the service skills gaps in litigation by way of a DDM process shortly. Opportunities to act up will be offered as a member of staff retires.

The Service offers a generous worklife balance arrangement which all staff appreciate and use. The Service need to accommodate a move to the new municipal offices and a Pilot Home working project will be implemented in this regard. Some of the Service occupy rooms which are far from ideal for team working. Until the move to the new offices occurs we need to manage this as best we can. However the move to the new offices is an opportunity for the Service.

In relation to absenteeism, the Head of Service has been requested to attend the Council Overview and Scrutiny Committee as a result of one Teams poor performance in this area. The Head of Service has reviewed all processes and procedures for dealing with sickness absence. This has resulted in 3 staff being placed into interviews for hitting trigger levels on sickness. Prior to this the Democratic Service Team had no effective management process for dealing with absence. The Head of Service has requested that a training session with the trade unions and all Legal and Democratic Service Managers takes place to reinforce the messages regarding the importance of attendance but also the need to support staff that are ill.

Workforce planning/succession planning in areas such as employment law/planning/adult care/mayoralty will be addressed over the next year with business continuity issues identified.

From April 2010 the Typing and Admin for the Service which is currently dispersed across the service will be brought together as one team to give the Service a more efficient approach to supporting both Members and Officers. This will give the opportunity to review the current working practices in this area.

The Mayor's Officer and Attendant are attending advanced driving courses and all our managers will attend refresher management training in areas identified through the personal development plan process.

Customer Focus

We have regular client meetings at all levels with our partners and clients, including Head of Services, with all clients and partners to develop close working and have a single team approach to all our work.

In addition, customer satisfaction surveys are carried out on a regular basis with clients (including Members). Generally the results of these are very positive but if any areas of concern are identified, these are swiftly addressed in close consultation with the client, and the Property Services Team have received numerous compliments over the course of year.

Below are two examples of how we have changed the Service due to comments received:-

- The use of nameplates at Committee meetings.
- The development of web based information relating to Committees and providing access to Committee agenda, reports and minutes.

Next year will see the reporting of such customer feedback to SMT for action and feedback on the Local Assessment of complaints process.

Value for Money

The new case management system will see more active reporting on performance within Legal & Democratic Services. Performance measures will be introduced on matters such as how many days taken to open a file/how often the client was kept informed and updated on action/ lack of action and time taken to close a file on completion of the matter. Time recording and gaps in time recording will be monitored by SMT.

Democratic Services new system Modern.gov will bring similar performance management tools. From days taken to publish minutes to time taken to publish reports onto the website. Efficiencies will be made and measured by the Team.

The Team are working hard to increase income and reduce reliance on external lawyers. Protocols have been introduced on the engagement process with external lawyers. The centralising of the budget for HR legal advice will assist in this regard.

We are working with clients to develop new areas of work e.g. Trading Standards Licensing renewals, Enterprise Act Applications, Proceeds of Crime which if successful should result in VFM improvements for the Council.

We also deliver in-house training for clients and our own staff across all areas of the Service which is more cost effective than obtaining external training and improves the efficiency and effectiveness of Legal & Democratic Services and our clients.

The development of the new Case Management System in Legal Services will increase the efficiency of Legal Services, in terms of providing detailed procedures for staff to work to, the principal of "input information once - use several times" and all documentation being stored electronically in one place.

Also the implementation of the Modern.Gov Committee Management package to make Council's decision making processes more transparent and accessible, will provide efficiencies within Democratic Services.

The Service is looking at reviewing all income in all service areas, and a review of all subscriptions across the service will take place.

Finally, the significant complex and lengthy advocacy provided in house by the Child & Adult Care and Litigation Legal Teams saves the Council external legal fees and improves joint working.

Performance Management 2010-2011

- To set 100% of files opened within 5 days of receipt of full instructions.
- Cost of Legal Services as % of total organisation costs.
- The cost of in house function and external legal spend on a % of total spend.
- % of files using the Case Management Procedures.
- % of files with no movement within the last 3 months.
- % of eligible population on the electoral register.
- Numbers of members of the public attending meetings.
- Working towards Lexcel accreditation for Legal Services.
- To agree SLAs with all clients by March 2011.
- Cost of training on a % of overall legal services spend.
- Total number of complaints per officer.
- Legal precedent database completed by March 2011.
- Implement an equality and diversity action plan by March 2011.
- Publication of minutes of Executive and non-executive meetings within 5 working days of the meeting.
- New Performance Standards for the Elections will be agreed based on the Electoral Commission advice.

Township Devolution

Democratic Services support the Township Committee meetings but this additional work has been absorbed within existing resources. In addition the Head of Service supports the Township Teams in the provision of advice on decision making and probity issues.

A review of the Constitution and decision making will take place this year.

Financial Planning and Budget Update

LEGAL AND DEMOCRATIC

| 2009/10 REVISED ESTIMATE £' 000 | | 2010/11 ORIGINAL ESTIMATE £' 000 | 2011/12 ORIGINAL ESTIMATE £' 000 | 2012/13 ORIGINAL ESTIMATE £' 000 |
|--|---|---|---|---|
| | <u>Budget by Expenditure Type</u> | | | |
| 2,913 | Employees and related expenses | 2,909 | 2,948 | 2,992 |
| 27 | Premises related expenses | 27 | 27 | 27 |
| 39 | Transport related expenses | 39 | 40 | 40 |
| 256 | Supplies and services | 88 | 91 | 93 |
| 125 | Agency and contracted services | 125 | 125 | 125 |
| 26 | Depreciation | 26 | 26 | 26 |
| 0 | Management costs | 0 | 0 | 0 |
| 3,386 | Total Service Expenditure | 3,214 | 3,257 | 3,303 |
| 2,154 | Central departmental and support services | 2,154 | 2,154 | 2,154 |
| -4,938 | Less internal service departmental recharges | -4,938 | -4,938 | -4,938 |
| -2,784 | Net effect of internal service recharges | -2,784 | -2,784 | -2,784 |
| | | | | |
| 602 | Total Service Expenditure net of Internal Service Recharges | 430 | 473 | 519 |
| | <u>Income</u> | | | |
| -625 | Rents, Fees & Charges | -631 | -638 | -644 |
| | <u>Grants</u> | | | |
| 0 | Dedicated Schools Grant | 0 | 0 | 0 |
| 0 | Other Grants | 0 | 0 | 0 |
| -625 | Total Income | -631 | -638 | -644 |
| | | | | |
| 2 | Contribution to/-from a reserve | 2 | 2 | 3 |
| | | | | |
| -21 | Net cost of providing services to the Public | -199 | -163 | -122 |

Budget Issues

“Going Local” - Local Assessment by Standards Committees

In May 2008, the national “Going Local” agenda in relation to local determination of complaints against Councillors was formally adopted and successfully implemented by the Council. This has resulted in a significant increase in the workload of the Standards Committee, the Monitoring Officer/Deputy Monitoring Officer, the Monitoring Officer’s PA and the Committee Services Section. The Council also approved an increase in the size of the Standards Committee to ensure that the three stages of local determination (Assessment, Review and Investigation/Hearing) can be accommodated effectively, and to this end a further three Independent members of the Standards Committee have successfully been recruited. All members of the Standards Committee have also had the opportunity to participate in internally and externally run training session on the new arrangements, the former being delivered by the Council’s Monitoring Officer.

Contribution to the Councils efficiency agenda

The Team will continue to challenge the way we use our resources and ensure that we meet the Council priorities in this area. In particular collaborative working with other Councils and more control over external legal expenditure will contribute.

The Service has carried out a restructure of typing and administrative support which has contributed to efficiencies. The restructure will mean we have a more team focused approach to the delivery of typing and support services for members and officers.

Local Land Charges

The income received so far in 2009/10 for Local Land Searches has remained static compared with that of 2008/09 year, but that was a significant decrease compared with previous years. This is due to the fact that in line with the rest of the country, the housing market in Rochdale is slowing down significantly compared with previous years and we are seeing a reduction in the number of search requests received.

There are signs that the market has started to pick up, however, the level of searches being received is still far short of those received prior to 2008/09. In addition there is proposed changes in the category of the information used to compile searches which infers that information the Council can currently charge for will have to be provided to the members of the public / Personal Search Companies free of charge. Work is on going by the LGA to ascertain whether restrictions can be placed on the use of the information by the Personal Search Companies, i.e. they can have the information free of charge, but they are not allowed to sell the information to a third party. The forecast for income in 2010/11 is broadly in line with that received in 2009/10.

Improving Health and Well Being and Tackling Health Inequalities

- Being part of the team advising on the new Central Leisure Centre working with Link4Life.
- Contribute to added value to the new lease for Heywood Sports Village.
- The Service will be completing the Health and Well Being Peer Review in 2010/11.
- A series of health and well being initiatives will be launched across the Service.

Tackling Deprivation

Legal & Democratic Services are not individually responsible for any targets in Tackling Deprivation but we are part of the team delivering the Aiming High objectives which they are responsible for.

- Use of well being power – Assisting schemes and their delivery – e.g. development – Woodbine Street.
- Adult and Childcare legal advice – contribute directly.
- Regeneration- HMR Land pooling for development – Langley Estate/Dale Mill/Trafalgar Street/Arkwright Mill/East Central Rochdale.
- All HMR/grand funded work delivered by the Service.
- Assistance with Meanwhile Lease Scheme.
- Other schemes previously referred to in this Plan will support this objective.

Collaborative Working

Legal Services are looking at working with other Council Legal Services to provide a more cost effective service.

The Head of Service will be reporting to ELT on working with Greater Manchester Authorities on selection of external legal advisers.

In late March we held a Joint Training session with partners and Oldham Legal Department in Rochdale on Procurement Law.

The Single Equality Bill

As a Service we often check reports which are presented to Committee and we will need to ensure that the new duty has been considered.

A review will take place of the Service Equality action plan in particular around Elections and Democratic Services.

Legal & Democratic Services are currently working towards achieving excellence (level 3) of the new Equality Framework for Local Government. The equality framework for local government provides a framework to integrate equality into employment and the delivery of services. The Equality Framework for Local Government builds on and develops the work the Council has done on the Equality Standard for Local Government. We contributed to the development of the Equality Standard for Local Government by collecting equality data, staff training on matters such as sex discrimination, adopting various practices and procedures in support of equality and diversity such as Equality Impact Assessments and so on.

We participate in the Council's Service Equality Contacts Forum which meets monthly to discuss equality issues and feedback to SMT.

We attend the Council's Annual Listening Event. This event is attended by members of the public and forms part of the Council's equality and diversity policy. We also attend the Council's Annual Performance Board to update on key achievements etc.

Legislative Changes

The Local Government and Public Involvement in Health Act 2007 and the Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act 2009 may introduce further provisions that impact on the Council's decision making arrangements. The consideration of a petition regarding the City Region Governance proposals being given ongoing consideration as at March 2010 are included in this area.

An amendment to the Licensing Act 2003 has extended the definition of 'interested parties' that may make representations to with regard to certain liquor licensing issues and appear subsequently at Licensing hearings considering those representations. This will include all elected Members. Training for all Members is planned for June 2010.

A consultation exercise is being undertaken by the Standards Board for England with regard to the Going Local arrangements. The outcome of this exercise may require the re-consideration of administrative and procedural matters relating to standards issues.

- The Policing and Crime Act 2009
- The Climate Change Act 2008
- The Procurement Remedies Directive
- Equality Act 2010
- Planning Act 2008
- Supporting the Total Place
- Combined Authority Governance
- Employment Law Changes
- Bribery Act 2010
- Crime & Security Act 2010
- Children, Schools & Families Act 2010
- The Equalities Act 2010
- Personal Care at Home Act 2010
- Autism Act 2009

Key Improvement Activity 2010/11

From the 1st April 2010 the Typing and Admin for the Service, which is currently dispersed across the service, will be brought together as one team to give the Service a more efficient approach to supporting both Members and Officers.

A review of the Democratic Services structure and parts of Legal Services will take place.

On the 1st February 2010 Legal Services implemented a new Case Management System, the development of this system to implement work flows for Legal Staff will increase the efficiency, both in terms of providing detailed procedures for staff to work to, the principal of "input information once - use several times" and all documentation being stored electronically in one place.

Democratic Services are also in the final processes of introducing a new system Modern.gov. All elements of the system to be operational by March 2011.

Communication to our customers and the public about what we do and the services we provide will be a feature of next year.

Democratic Services are to assume responsibility for the servicing of the Local Public Service Board and the five Priority Partnerships during 2010, introducing a common servicing arrangement for Council and Local Strategic Partnership structures.

A Legal & Democratic Services improvement plan will be produced by June 2010 and delivered this year.

Performance Management will be an area of focus this year with all Managers attending training and being responsible for inputting data. Performance figures on action taken will be reported to Performance Scrutiny Committee (6 monthly). Data Quality and Security Action Plan required by September 2010.

The Team are keen to contribute to the Council "ask once" project.

We will deliver training to Councillors to support their roles.

All legal Services precedents and workflow to be in place by March 2011.

We will deliver training for Officers and Members on Decision Making/Member/Officer Protocol.

We will deliver training on the Code of conduct/Chairing Committees and other matters.

The provision of a more efficient project team legal approach when matters cross over between for example Property/Litigation and Adult Care matters.

All land and property owned by the Council has been registered at HM Land Registry, making dealings with the legal ownership of its land more straight forward as well as being able to participate in the commencement of electronic conveyancing being proposed by HM Land Registry. Registration of its land also makes possessory title claims against the Council harder to achieve. The Council was one of the first Authorities in the local area to have completed the registration of all its land holdings.

Asset Management

Legal Services, especially the Property Services Team, have a major role to play both with Council Services and both the Housing Market Renewal and BSF projects to ensure that Council assets are acquired and disposed of in an efficient manner. In the main, this support can be provided within existing resources, however, a dedicated BSF solicitor was appointed in May 2008, for the duration of this high profile project, to provide legal advice and assistance to the BSF project.

A member of SMT attends the Asset Management Working Group.

The Head of Service, through the Governance Board, inputs into the Council's use of resources.

This will have a large impact on the Service. We will need to prepare for the move to the Municipal offices. A corporate approach to scanning and file management is required, linked to an effective retention and destruction policy. A Legal & Democratic Services Sub Group to prepare for this move will be established in 2010/11. We are working closely with the Municipal Offices Project Team.

As part of the preparation for the move to the new Municipal Offices, this year will hopefully see a Pilot on Home working.

Sustainable Development

Living within environmental limits is one of the key drivers of sustainable development.

The UK sustainable development principles identify that respecting the limits of the planet's environment, resources and biodiversity are necessary to improve our environment and ensure that natural resources needed for life are unimpaired and remain so for future generations.

The Council is committed to the above principles and therefore all services will ensure that when making decisions about spending and service delivery, they consider the effects purchases and service delivery have on the environment and the depletion of natural resources. There is also an intention to reduce services' reliance on carbon based products e.g. electricity, gas, fuel and oil and make progress in reducing the carbon footprint in line with the Carbon Reduction Commitment.

Any Other Comments

The team delivered significant improvements this year. The workforce has responded well to the pay and grading and efficiencies agenda.

The Service is embracing change and contributing positively to the corporate priorities.

| | |
|------------------------------|--------------|
| Approved by Portfolio Holder | Cllr Thirsk |
| Opposition Member | Cllr Godson |
| Opposition Member | Cllr Holly |
| Head of Service | Linda Fisher |