



## Legal Services Delivery Plan 2024 to 2025

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### Overview of the service

Many of the services provided within the service are statutory (for example, Local Land Charges, FOIA, EIR and GDPR/DPA). The main purpose of Legal Services is to provide a responsive, timely, cost effective and professional legal service, providing quality legal advice to the Council which proactively assists and enables the Council to deliver. The advice given covers a variety of subject areas which include, but are not limited to, the following:

#### **Corporate/corporate governance**

Constitutional review, political changes, efficiency, effectiveness and economy, policy reviews/audit.

#### **Corporate Plan 2023 to 2027**

Proactively assist and enable other departments to deliver the Corporate Plan 2023 to 2027 by the provision of timely, cost effective, good quality legal advice and assistance.

#### **Planning and development**

- planning, committees, Community Infrastructure Levy (CIL) developments and appeals.
- negotiation, drafting and completion of planning obligations under s106 Town and Country Planning Act 1990 (as amended) and any related Nomination Agreements
- planning appeals: conducting or supporting external barrister and Planning officers
- Planning Enforcement and Tree Preservation Orders

#### **Property**

- acquisition of land and public open spaces
- database support
- enforcement of the s106 Agreement process
- sale of assets at market value
- commercial and residential related conveyancing; leases, easements or licences, release of covenants, redemption of charges and mortgages

## **Criminal and civil litigation**

- bringing or defending proceedings for the Council covering the range of Council functions, for example, food safety, taxi licensing or planning
- car parking enforcement, logging DVLA searches, letters before action, appeals, prosecutions - summonses, witness statements and attendance at court
- sundry debt recovery and any associated litigation for defended matters

## **Contracts**

- preparation and completion of contract documentation in compliance with the Council's Contract Procedure Rules
- review of the Council's Contract Procedure Rules
- provision of procurement advice in liaison with Finance and LGSS (under Service Level Agreement)

## **Freedom of Information, Environmental Information Regulations, General Data Protection Regulations/Data Protection**

- management and recording of freedom of information requests to ensure compliance with the Freedom of Information Act
- management and recording of data protection requests and reporting to ensure the Council complies with the Data Protection Act/General Data Protection Regulations
- oversee requests and co-ordinate responses
- monitor compliance
- maintenance of central registers
- development of policies and procedures
- training of officers and members and provision of advice and assistance

## **Quasi-judicial committee support**

- reviewing reports, attending and advising at Council and Committee for Licensing, Planning, Finance and Assets Committee and Audit Committee

## **Local Land Charges searches**

- The Infrastructure Act 2015 became law in February 2015 and confirmed that H M Land Registry ("HMLR") will take over responsibility as the sole registering authority for the Local Land Charges ("LLC")
- the act will enable HMLR to hold and maintain a composite register for England and Wales and be the sole provider of LLC1 official search results; HMLR will only take the register, which will leave local authorities with the more complicated CON29 questions
- the Council have been working with HMLR and the project completed on 17 November 2022 and went live on 5 December 2022; the Council is responsible for the registration of all those items raised by East Cambridgeshire District Council

departments and it will remain the Council's statutory function to make sure it is correct; HMLR will just use the Council's information

- the Council's departments will continue to send items to be entered onto the register to the Local Land Charges department and HMLR will come into our system and upload the information on a daily basis; one major difference is that all other organisations who wish to register items on the LLC register will send them directly to HMLR; to date, 60 local authorities have migrated their LLC register to HMLR

### **Monitoring Officer**

- the Director Legal also acts as the Council's Monitoring Officer, which is a statutory role under the Local Government and Housing Act 1989 and is also a member of the Council's Corporate Management Team
- as Monitoring Officer, the Director Legal provides advice and training to members, parish councils, advice to members on the Member Code of Conduct, Ethical Governance, member interests, investigations into member complaints and any subsequent determinations and attends committee meetings to provide advice as necessary

### **How does the service link in with the Corporate Plan?**

Legal Services provide ongoing legal support, advice and assistance to all services across the Council and the local authority trading companies (if needed). The team have been involved with key projects in the Corporate Plan and this will continue into 2024 to 2025 with more projects coming up.

By providing support to all Council services, this provides opportunities to ensure that the Council is making East Cambridgeshire an even better place to live, work and visit.

Legal Services helps to ensure that the Council continues to be customer driven with a pro-business approach and meetings its legal requirements.

By providing legal support to the local authority trading companies (as required) and offering a high quality and cost effective land charges service to the general public, the team contribute to the Council being commercially focussed.

### **Cost of service**

The estimated net cost of running the Legal Services department in 2024 to 2025 is £156,337. This includes income received for Local Land Charges searches carried out and income from legal services for fees charged externally, for example, for drafting and negotiating s106 Agreement.

## Staffing Information

The Legal Services team currently comprises of 1 Director Legal (and Monitoring Officer), 1 Senior Legal Assistant, 1 Legal Assistant, 1 Local Land Charges Officer and Paralegal, 1 Land Charges & Legal Support Officer (p/t) and 1 Information Officer. The post of Legal Assistant is currently vacant.

## Forward planning for Councillors

| Proposed item                      | Proposed date of decision | Committee          |
|------------------------------------|---------------------------|--------------------|
| Half year report 2024 to 2025      | November 2024             | Finance and Assets |
| End of year report 2024 to 2025    | March 2025                | Finance and Assets |
| Service Delivery Plan 2025 to 2026 | March 2025                | Finance and Assets |

## Legal Services Delivery Plan 2024 to 2025

This Service Delivery Plan describes what Legal Services will be doing to deliver continuous improvement (service objective). Each performance measure relates to the Council's strategic outcomes and Corporate Plan 2023 to 2027.

**Council's Strategic Outcome:** Maintain sound finances. Improve systems and practices.

**Legal Services' Strategic Objective:** Ensure that the Council offers best value for money.

**Link to Corporate Plan:** Sound financial management.

| Performance measure                                                                                                                                                                                                                                                                                                                                           | Target and reporting timescale                                 | Baseline/output from 2023 to 2024                                                                                                                                        | Owner and co-owners                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Maximise recovery of legal costs and fees; court costs and fees, contribution to legal costs and disbursements                                                                                                                                                                                                                                                | As identified, annually                                        | Legal Costs recovered £34,129.50 from 7 <sup>th</sup> March 2023 to 6 <sup>th</sup> March 2024.                                                                          | Director Legal<br>Senior Legal Assistant<br>Legal Assistant |
| Ensure the recovery of court costs and fees attributable to car parking - summons issued and costs recovered in £'s (costs recovered are dependent on the Magistrates' Court choosing to award the full amount of costs requested, fewer costs or no costs at all - ECDC are unable to influence this decision as we can only request full costs are awarded) | 100%, annually                                                 | 20% costs awarded, £1,430 requested - £290.00 awarded by the court. Court costs recovered £3,100.91 from 7 <sup>th</sup> March 2023 to 6 <sup>th</sup> March 2024.       | Director Legal<br>Local Land Charges Officer and Paralegal  |
| Ensure the recovery of outstanding debts owed to the Council                                                                                                                                                                                                                                                                                                  | 100% instructions for recovery: costs recovered in £, annually | 90 invoices received to chase (£51,082.96) 38 invoices paid (£25,228.42) = 42%<br>Invoices do not include aged debt or BEIS grants which have been chased and collected. | Director Legal<br>Local Land Charges Officer and Paralegal  |

**Council's Strategic Outcome:** Customers are at the heart of everything we do.

**Legal Services' Strategic Objective:** Provide a comprehensive and qualitative legal service.

**Link to Corporate Plan:** Sustainable Communities.

| Performance measure                                 | Target and reporting timescale                          | Baseline/output from 2023 to 2024 | Owner and co-owners                                         |
|-----------------------------------------------------|---------------------------------------------------------|-----------------------------------|-------------------------------------------------------------|
| Provide legal support for committees when necessary | 100% attendance at committees where necessary, annually | 100% supported.                   | Director Legal<br>Senior Legal Assistant<br>Legal Assistant |

| Performance measure                                                                                                                                                                                                               | Target and reporting timescale                                                                                                                                           | Baseline/output from 2023 to 2024                                                                                                                                                                                                                | Owner and co-owners                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <p>Ensure car parking appeals and enforcement comply with the following timescales:</p> <ul style="list-style-type: none"> <li>80% of appeals responded to within 10 working days</li> <li>100% within 20 working days</li> </ul> | As identified, annually                                                                                                                                                  | 100% of appeals responded to within 10 working days.<br>100% within 20 working days as 23 February 2024.                                                                                                                                         | Director Legal<br>Local Land Charges Officer and Paralegal                        |
| Ensure that the timescales set out in the Transparency Code are complied with and manage information data on the Council's website: open data, FOI disclosure log and officer decisions log                                       | 100% annually or quarterly for datasets. As soon as received for the FOI disclosure log and officer decisions, annually                                                  | 100% annually or quarterly for datasets. As soon as received for FOI/EIR disclosure log and officer decisions.                                                                                                                                   | Director Legal<br>Information Officer<br>Local Land Charges Officer and Paralegal |
| Deliver an effective, accurate and transparent FOI/EIR service                                                                                                                                                                    | 100% of responses within 10 working days (unless the FOI request involves further in-depth research but the service will ensure the customer is kept informed), annually | 94% responses in 20 working days.<br>69% responses in 10 working days.<br>Requests: 395 to 7 March 2024.<br>Days to respond:<br>0 to 5 days = 57%<br>6 to 10 days = 9%<br>11 to 15 days = 9%<br>16 to 20 = 17%<br>20+ = 6%<br>Clarification = 2% | Director Legal<br>Information Officer<br>Local Land Charges Officer and Paralegal |
| Deliver a comprehensive Data Protection request service ensuring full legal compliance and accurate responses                                                                                                                     | 100% within one calendar month, annually                                                                                                                                 | 76 requests to 7 March 2024.<br>99% responded to within one calendar month.                                                                                                                                                                      | Director Legal<br>Information Officer                                             |

**Council's Strategic Outcome:** Safe, vibrant and inclusive communities. Community sustainability.

**Legal Services' Strategic Objective:** Assist and facilitate the Council's corporate priorities to ensure that East Cambridgeshire continues to be a fantastic place to live, work and visit.

**Link to Corporate Plan:** Sustainable Communities.

| Performance measure                                                                          | Target and reporting timescale                                          | Baseline/output from 2023 to 2024                          | Owner and co-owners                                         |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------|
| Proactively assist all services across the Council with issues related to legal requirements | 90% within 10 working days,<br>100% within 20 working days,<br>annually | 95% within 10 working days.<br>86% within 20 working days. | Director Legal<br>Senior Legal Assistant<br>Legal Assistant |

**Council's Strategic Outcome:** Safe, vibrant and inclusive communities. Community sustainability.

**Legal Services' Strategic Objective:** Support the local property market.

**Link to Corporate Plan:** Sustainable Communities.

| Performance measure                                                  | Target and reporting timescale                                                                 | Baseline/output from 2023 to 2024                                                                                                                                                                                                                                                                      | Owner and co-owners                                        |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| Ensure continuous service delivery for the Local Land Charge service | 100% of Local Land Charge searches within 10 working days, 95% within 5 working days, annually | 99.83% of searches within 10 working days.<br>85.18% of searches responded to within 5 working days.<br>Average days to response – 4.81 working days (85.18% of searches returned after 5 days due to other departments answering late. New personnel within departments have been trained to answer.) | Director Legal<br>Local Land Charges Officer and Paralegal |

**Council's Strategic Outcome:** Be an excellent employer.

**Legal Services' Strategic Objective:** Ensure that staff have all the necessary skills to maximise their input to service delivery. Ensure that the Council's corporate risks are managed effectively and mitigations are put in place to reduce impact.

**Link to Corporate Plan:** Sound Financial Management.

| Performance measure                                                                                                                                                                                                                                                               | Target and reporting timescale | Baseline/output from 2023 to 2024                                                                                                                                   | Owner and co-owners                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Support the continued professional development of the team to ensure that they are meeting with personal and professional career development opportunities                                                                                                                        | As identified, annually        | The service continues to meet with the professional and statutory requirements for CPD.                                                                             | Director Legal<br>Senior Legal Assistant<br>Legal Assistant<br>Information Officer<br>Local Land Charges Officer and Paralegal |
| Regularly review corporate risks associated with the Council's legal requirements; the current risks to the Authority are as follows: <ul style="list-style-type: none"> <li>compliance with the General Data Protection Regulations</li> <li>Data Protection Act 2018</li> </ul> | As required, annually          | In full compliance with GDPR (UK) and Data Protection Act 2018. Internal audit 2022 scored green: There are minor/minimal control weaknesses that present low risk. | Director Legal<br>Information Officer                                                                                          |

**Council's Strategic Outcome:** A clean, green and attractive place.

**Legal Services' Strategic Objective: Undertake activities which help to mitigate/adapt to climate change.**

**Link to Corporate Plan:** Cleaner Greener East Cambridgeshire.

| <b>Performance measure</b>                                                                  | <b>Target and reporting timescale</b> | <b>Baseline/output from 2023 to 2024</b>                                                               | <b>Owner and co-owners</b>                                                                |
|---------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>Undertake activities which help to mitigate/ adapt to climate change</b>                 | As identified, annually               | Local Land Charges Officer and Paralegal part of the Council's Green Team and Courtyard Working Party. | Cross Council activity. All Legal Services team to take part in Carbon Literacy Training. |
| <b>Legal Services staff to actively seek to reduce paper usage via electronic solutions</b> | 5% paper reduction by March 2025      | New performance measure.                                                                               | Director Legal<br>Legal Services team                                                     |