

# LEGAL & DEMOCRATIC SERVICES DIVISION SERVICE PLAN

## ANNUAL REPORT (2005-06)

### SERVICE DESCRIPTION

The Division is responsible for:

- ❑ **Legal Services** - To advise the Council on all legal matters e.g. contractual arrangements, housing, planning, environmental health, conveyancing, employment matters and to represent the Council in courts and tribunals. It also advises on human rights issues, the provision of information to Members, Officers and the public and ensuring that the Constitution is adhered to by Members and Officers and kept up to date.
- ❑ **Democratic Services** - The management and administration of the committee process, including support for the Chief Executive, Members and the civic functions of the Council, particularly the Chair.
- ❑ **The Elections Service** - Maintains and updates the register of electors annually and on a rolling basis and administers Parish, District, County, Parliamentary and European elections and referenda.
- ❑ **Land Charges** - Ensures that the Local Land Charges Register is maintained and provides searches on payment of a fee for residents of the District when they purchase new property.
- ❑ **Public Relations** - To oversee the public and media relation functions of the Council.

### THE YEAR IN CONTEXT

The main challenges and opportunities faced by the Division were:

- ❑ **Voluntary Registration** – the need to commence the registration with the Land Registry of the Council's numerous unregistered titles of its land holdings.
- ❑ **Liquor Licensing** – the requirement to deal with a large number of licensing applications in respect of public houses, restaurants and off-licences which were previously outside the Council's control, following the transfer of this function from the Magistrates' Courts.
- ❑ **Members' IT requirements** – the need to ensure adequate training for Members in the use of laptop computers and the provision of wireless-enabled Members' lounges.
- ❑ **Public Speaking at Development Control Committee** – the need to investigate the feasibility of providing this facility.
- ❑ **Long-term Absences** – the requirement to deal adequately with on-going workloads in spite of several long-term staff absences over the year for various reasons.
- ❑ **Elections** – the requirement to conduct Parliamentary and County Council elections in May, and preparation in March for a District Council by-election in April.
- ❑ **Local Land Charges** – the National Land Information Service (NLIS) Stage 3 requirement to transfer all land and property information and registrations on to a national database to provide, by electronic means, a "one-stop shop" for conveyancing transactions.
- ❑ **South Derbyshire District News** – the requirement to create, edit, design and distribute quarterly newsletters to every home and business within the District.

### ACHIEVEMENTS

Over the past 12 months, the Division's main achievements have been:

| ACTION                                 | OUTCOMES  |
|--|---|
| E-government                           | A significant contribution to the development of the Council's website and Intranet, involving the availability of Minutes, details of meetings and individual web pages for Members.   |
| Elections and Electoral Administration | Successful arrangements for the Parliamentary and County Council Elections in May, and initial preparations in March for a District Council By-election in April to fill a vacancy in the Swadlincote Ward. The annual canvass of around 37,000 properties started in August, the personal canvass of properties in October, and the publication of the Electoral Register in December. |

|   |  |
|---|--|
| Local Code of Corporate Governance        | The drafting of a Local Code of Corporate Governance, which was formally adopted by the Council in August.   |
| Scheme of Delegation to Officers          | The comprehensive review of the current Delegation Scheme, preparatory to a revised draft Scheme to be submitted for adoption by the Council in July 2006.   |
| Training for Members                      | Arrangements for and provision of internal and external training courses, seminars and conferences to enhance Members' professional skills.  |
| Parish Councils                           | Support and training to Parish Councils, particularly relating to the Members' Code of Conduct, Personal and Prejudicial Interests, the Register of Gifts and Hospitality, ethics and probity. Regular quarterly meetings facilitated between the Council and Parish Councils to improve communications and develop a shared understanding of local priorities.  |
| Members' Laptop Computers                 | Ongoing support to Members in their use of laptop computers and access to information on the Council's website and Intranet to ensure that Members are more accessible to their constituents through electronic channels. Focus groups held with Members to assess progress and ascertain future needs.  |
| Members' Representation on Outside Bodies | Draft Protocol to assist Members representing the Council on outside bodies prepared for consultation, prior to consideration at Annual Council in May 2006.   |
| Constitution                              | Constitution reviewed and amendments approved by Council in line with recommendations of Working Party established to review the operation and workings of Full Council.   |
| LGA Fourth Option Special Interest Group  | Support for Leader of the Council in his role as an Executive Member of the Local Government Association FOSIG, including hosting first Executive Meeting in July.   |
| Liquor Licensing                          | Following the transfer of this function from the Magistrates' Courts to the Council, around 30 meetings of the Licensing & Appeals Sub-Committee were convened at short notice to conduct hearings. Members' training, servicing and legal advice provided by the Division.  |
| Civic Support                             | Provision of civic support, including organisation of the Civic Service, Civic Dinner, and fund-raising events in aid of the Chair's Charity Appeal.   |
| Standards Committee                       | Support to Standards Committee in making recommendations (approved by the Council) on a review of the Members' Code of Conduct and the adoption of a Licensing Protocol and Procedure, adopting procedures for local investigations and hearings of complaints referred from the Standards Board for England, promoting standards and raising the profile of the Committee through the Council's website, approving the recruitment of a further two Independent Members on the Committee and agreeing its 2004/05 Annual Report and 2005/06 Work Programme. |
| Sale of Council Houses (Right to Buy)     | 65 council houses sold under the Housing Act 1985, the conveyancing work being provided in-house since January to provide a more cost-effective service than that previously provided by external solicitors.  |
| Legal Work                                | A large volume of legal work undertaken, including successful prosecutions of health & safety, environmental health and planning enforcement offences, planning agreements, property conveyancing, and adoption of open spaces from developers.  |
| External Communications                   | The first two quarterly editions of The South Derbyshire District News produced and distributed to homes and businesses throughout the District.   |
| Public Relations                          | Effective public relations in raising the profile of Council departments and publicising the work of the Chair of the Council.   |

## TASKS NOT ACHIEVED DURING THE YEAR

None.

## 2005/06 PERFORMANCE INDICATORS

The table in Annexe A shows the Best Value and Local Performance Indicators that relate to the services provided within this Division.

## **LOOKING FORWARD TO 2006/07**

All staff are to be involved in the Single Status Job Evaluation process commencing in June 2006.

A By-election is to be held on 13<sup>th</sup> July 2006 to fill the current vacancy in the Swadlincote Ward.

The Electoral Administration Bill is due to be introduced shortly, which will necessitate a re-design of the canvass form and will also have implications for postal voting.

It is expected that public speaking will be introduced at the Development Control Committee during the year and that the Division will be involved in its administration.

The Division will be heavily involved in implementing a system of distributing Committee agendas and reports to Members electronically, which will reduce printing and delivery costs substantially.

The voluntary registration of the Council's unregistered land titles at the Land Registry will result in greater efficiency when dealing with land ownership issues.

In-house processing of the Right to Buy conveyancing transactions will generate on-going cost savings to the Council, as external solicitors' fees will no longer be payable. The legal officer providing this service also deals with the voluntary registration work mentioned above as well as other conveyancing transactions, which addresses the problems of heavy workload and staff shortages experienced by Legal Services in recent years.

The next SX3 upgrade of the Local Land Charges software is due to occur by July 2006, which should ensure the continued day-to-day delivery of an excellent service.

## 2005/06 PERFORMANCE INDICATORS

| No.  | INDICATOR   | Actual<br>2004/05 | Target<br>2005/06 | Actual<br>2005/06 |
|------|---|-------------------|-------------------|-------------------|
|      | <b>Best Value Performance Indicators</b>  |                   |                   |                   |
|      | % of standard searches carried out in 10 working days   | 98.93             | 100               | 100               |
|      | <b>Local Performance Indicators</b>   |                   |                   |                   |
|      | <b>Democratic Services</b>  |                   |                   |                   |
| L.1  | % of agendas despatched 5 clear days before meeting   | 100               | 100               | 100               |
| L.2  | % of decisions that are recorded accurately in Minutes  | 99                | 100               | 99.67             |
| L.3  | To provide public notice of all Council Meetings and make available agendas for the public  | 100               | 100               | 100               |
| L.4  | % of decision/action sheets issued within deadlines   | 100               | 100               | 100               |
| L.5  | To make Tree Preservation Orders within 5 working days of receipt   | 90                | 95                | 91.67             |
| L.6  | % of events where the Chair arrives punctually  | 100               | 100               | 100               |
| L.7  | % of civic invitations responded to within 5 working days   | 95                | 95                | 95                |
|      | <b>Elections and Electoral Administration</b>   |                   |                   |                   |
| L.8  | % of households returning the Electoral Registration Form   | 98.8              | 100               | 98.9              |
| L.9  | Compliance with prescribed election timetables  | 100               | 100               | 100               |
| L.10 | User satisfaction – lack of election petitions/complaints   | Nil               | Nil               | Nil               |
|      | <b>Legal Services</b>   |                   |                   |                   |
| L.11 | % of draft legal agreements e.g. Deeds of Variation and Contracts sent out within 15 working days of receipt of proper detailed instructions  | 100               | 90                | 100               |
| L.12 | % of draft Agreements under s106 of the Town & Country Planning Act 1990 sent out to solicitors within 15 working days of receipt of proper detailed instructions   | 100               | 100               | 100               |
| L.13 | Within 25 working days of receipt of an initial instructing memorandum requesting the initiation of prosecution proceedings, to confirm to the instructing officer that their instructions are adequate or to advise what further information or action is required | 75                | 90                | 96.67             |
| L.14 | % of written communications responded to within 10 working days   | 96                | 97                | 94.33             |
| L.15 | Issue of a Decision Notice to Appellant within 5 working days of a Licensing & Appeals Hearing  | 100               | 100               | 100               |
|      | <b>Public Relations</b>   |                   |                   |                   |
| L.16 | Number of press releases issued per week (bearing in mind that preventing adverse publicity cannot always be measured)  | 6                 | 6                 | 4.67              |