

**LEGAL & DEMOCRATIC SERVICES SERVICE DIVISION
SERVICE PLAN 2003/04**

1.0 SERVICE DESCRIPTION

1.1 The division provides a range of general administrative and support functions to Members and direct services across the Council.

□ **Democratic Services**

This unit is responsible for the management and administration of the Council's committee process which has been recently modernised, pursuant to the requirements of the Local Government Act 2000. The structure now consists of:-

- three policy committees (Finance & Management Committee, Housing & Community Services Committee and Environmental & Development Services Committee)
- two regulatory committees (Development Control Committee and Licensing & Appeals Committee)
- three scrutiny committees (Corporate Scrutiny, Community Scrutiny and Overview)
- a Standards Committee to oversee the conduct of District and Parish Councillors as part of the new ethical framework
- six Area Meetings, designed to improve community involvement in decision-making and provide a continuous liaison with members of the public, Parish Councils/Meetings, the voluntary and business sectors and other public utilities and bodies

An external audit has been undertaken on the implementation of the new political management arrangements, culminating in the formation of an action plan relating to the Council's constitution. The issues contained in this plan are to be progressed by the reconvened Modernising Local Government Working Panel.

The unit is also responsible for the following functions:-

- the preparation, dissemination and despatch of reports, agendas, Minutes and action sheets for the Council and its various committees, sub-committees, Working Panels and Area Meetings
- the arrangement of all Committee Meetings, including the preparation of the annual cycle of Meetings
- duties involving associated law and administrative procedures arising from decisions of the Council, including the making and service of various Orders, Notices and Regulations
- the tendering of advice to ensure compliance with the Council's constitution and the law and procedure of meetings
- the provision of assistance to the Monitoring Officer on the new ethical framework introduced by the Local Government Act 2000 by the tendering of advice to Members and Parish Councils on the new Members' Code of Conduct, including declarations of interest and the registering of gifts and hospitality.

- the Council's representation on outside bodies
- the maintenance of the Register of Tenders received
- the administration of the computer based Minute Retrieval system shortly to be made available throughout the authority
- the placement of agendas and Minutes on the Council's website for access by the general public.

The unit provides support for the Chief Executive and Members of the Council, in particular the Chair and Vice-Chair of the Council in the civic role of the organisation. This is achieved by the co-ordination of various civic functions and events and by ensuring that the Chair and Vice-Chair are fully briefed and conveyed to civic functions in a timely and appropriate manner.

□ **Elections and Electoral Registration 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. In particular, the section is responsible for the following functions:-

- carrying out a canvass of the District and compiling, publishing and maintaining a Register of Parliamentary and Local Government Electors on 1st December each year for use at all elections
- processing and determining applications through monthly rolling registration to enable the Register to be updated on a continual basis
- registering special category electors e.g. Overseas, European and Service Electors and renewing such registrations annually
- processing and determining applications for absent voters and maintaining a list for use at all elections – this area has seen an enormous increase since the introduction of postal votes on demand

□ **Land Charges**

The Land Charges section maintains all parts of the Local Land Charges Register in accordance with the requirements of various statutes and deals with a wide variety of ancillary activities, which are set out below:-

- Ensures that all Land Charges entries are checked and inputted onto the Register using, where appropriate, specialised Information Technology software;
- Checks the accuracy of all Local Search Enquiries and ensures they are accompanied by the appropriate fee;
- Liaises with the various Service Units of the Council, the County Council, Highways Agency and the Environment Agency in response to Local Search Enquiries;
- Ensures that the Service Units and Agency responses are received in a timely manner and that the information supplied is sufficient to enable the completion and return of the Local Search Form within the period prescribed in the statutory guidelines (currently 10 working days);
- Deals with Personal Search enquiries made by Solicitors, members of the public and agents/companies;

- Compiles statistical data on a monthly/annual basis relating to the numbers of Searches received and processed within the statutory guidelines;
- Processes payments, refunds and accounts received from individuals, Solicitors, Derbyshire County Council and various agencies and checks all amounts for accuracy.

□ **Legal Services**

Work is undertaken in relation to the broad range of Council functions and activities. Although each Officer has an area of specialism, the demands placed upon the Section mean that Officers are required to demonstrate a broad base of knowledge and a considerable degree of flexibility in their work. Both the Solicitors and Legal Officer often deal with time consuming and complex matters for which there is no set of established precedents and practices. They all carry a large caseload, in addition to providing a responsive and accessible advice service to Members and Officers.

CATEGORIES OF SERVICE

The services provided can be divided into three main categories:

- A. Contentious work (litigation, enforcement, advocacy etc.);
- B. Non-contentious work (conveyancing, agreements, contracts etc.);
- C. Legal and administrative advice.

These categories are not exclusive. Both contentious and non-contentious work require the giving of advice. Non-contentious work can become contentious, for example when there is a dispute over a contract.

A. Contentious Work

The principal areas of contentious work are:-

- 1. Civil Litigation
 - a) Debt recovery
 - b) Actions for possession of property
 - c) Actions protecting or promoting the Council's rights
 - d) Applications for Anti-Social Behaviour Orders
- 2. Criminal Litigation
 - a) Prosecutions for breaches of legislation where the Council is the enforcing authority
 - b) Defending the Council should it be prosecuted
- 3. Enforcement
 - a) Planning
 - b) Environmental Health
 - c) Building Control

- d) Housing
- 4. Tribunals & Inquiries
 - a) Planning Appeals
 - b) Public Inquiries
 - c) Industrial Tribunals
 - d) Appeals in the Magistrates Court

Contentious work can range from routine matters (recovery of sundry debts, rent arrears, etc) through regular but individual matters (environmental health prosecutions, planning appeals) to major one-off matters (Local Plan Inquiry, Judicial Reviews, Planning Inquiries of several weeks).

B. Non-Contentious Work

The principle areas of non-contentious work are:-

- 1. Conveyancing
 - a) Buying and Selling Land
 - b) Leases
 - c) Right-to-Buy Sales
 - d) Licences
- 2. Contracts
 - a) Construction and Works
 - b) Supply of Goods and Services
- 3. Miscellaneous
 - a) Service Level Agreements
 - b) Planning Agreements
 - c) Development Agreements
 - d) Adoption Agreements eg. Highways & Public Open Spaces

The range of matters again varies from the routine (right-to-buy sales, lease renewals) through regular but individual matters (land sales, section 106 planning agreements) to major one-off matters (sale of major development sites, partnership development agreements).

C. Legal Advice

This is the hardest area of work to categorise. Inevitably a great deal of advice is given as part of or preparatory to both contentious and non-contentious work and should properly be included within those definitions (eg advice on whether a debt can be recovered, whether a prosecution is likely to succeed or what can or cannot be included in an agreement). There are however areas of advice outside those categories arising largely because of the nature of the Council as a statutory body. The areas included in this category are:-

- 1. Probity
 - Members and Officers interests and how they should be dealt with.
- 2. Compliance
 - ensuring compliance with statutes, regulations, standing orders, policy etc.

3. Powers and Duties - ensuring awareness of powers and duties and the distinction between them
- ensuring the Council achieves its corporate aims and objectives whilst acting lawfully within its statutory powers
4. Procedure and Decisions - ensuring proper procedure is followed and decisions arrived at on proper grounds; particularly important where the Council is acting in a quasi-judicial capacity.

□ **Public Relations**

- To oversee the public relations and media functions of the authority.
- To advise and assist Members and Officers of the Council on all aspects of public and media relations.
- To answer enquiries from the media on behalf of the Council by providing a speedy and reliable service for journalists.
- To help research articles for journalists on the work of the Council.
- To provide a service to data sources who wish to publicise the Council.
- To publicise the work of the Council's Committees, Members and Officers.
- To encourage media coverage of the Chair and Vice-Chair of the Council's public engagements.
- To be involved in the production of internal communications.
- To provide professional advice and support on media training.
- To research, write and distribute news releases and feature articles on Council activities and achievements.
- To organise photocalls for events involving the Council.
- Providing a press cuttings service on the intranet and using hard copies.
- To assist in developing a high standard of plain English in written communications from the Council.
- To provide advice on design, presentation and distribution of Council publications.
- To provide support and advice on advertising, including copy writing and media purchasing.

1.2 The service is provided to a wide range of internal and external customers including Members, officers, the electorate, central government, all levels of local government, national newspapers and publications, national and local broadcasts media and the local press and others including the general public, specifically people buying houses, those involved in legal disputes with the Council, suppliers and contractors.

1.3 Statutory duties include

- **Democratic Services**
To ensure that the Council complies with its obligations under the Local Government Act 1972, as amended, the Local Government (Access to Information) Act 1985 and the Local Government Act 2000.
- **Elections and Electoral Registration Service**
To ensure that the Council complies with the provisions of the Representation of the People Acts and associated Regulations in maintaining a register of electors on a rolling basis, administering Parish, District, County, Parliamentary and European elections and referenda and undertaking boundary and polling district reviews when necessary.
- **Land Charges**
Maintain the Land Charges Register and answer requests for information submitted on form LLC1, in accordance with the Local Land Charges Act 1975.
- **Legal Services**
To ensure that the Council complies with current legislation at all times.
- **Monitoring Officer**
The Legal & Democratic Services Manager is the Monitoring Officer appointed in accordance with the provisions of the Local Government & Housing Act 1989.

1.4 The Service is responsible for producing the following strategy:-

Strategy	*	Date Produced	Review Period	Next Review
The Constitution (including Rules of Procedure and Codes of Conduct)	S	07/01	Yearly	Ongoing **

* Denotes whether a plan is Statutory (S), Discretionary (D), or on Government Guidance (G).

**Subject to continuous review

2.0 PURPOSE / OBJECTIVES

2.1 Generally, all services are provided in accordance with the guiding principles and key aims of the Chief Executive's department. These are:-

- providing a reliable and responsible level of administrative and professional advice and support to all internal and external customers
- developing and supporting partnerships within other Councils and organisations in the public, private and voluntary sectors to bring additional resources to South Derbyshire and to provide high quality, value for money services.
- ensuring the Council is accountable to the people of South Derbyshire for its decisions through effective arrangements for corporate governance, based on open and transparent decision making.
- Having effective personnel policies and procedures which ensure that people are treated fairly and which promote equality of opportunity in employment.
- Progressing towards the Investor in People standard which is an external validation of how employees are valued and the essential role they play in service provision.

2.2 The specific purposes/objectives vary depending upon the function:-

- **Democratic Services**

To manage and administer the Council's committee process efficiently and effectively in accordance with the Constitution.

To support and advise Members in the exercise of their committee and constituency functions.

To maximise the involvement of the Chair and Vice-Chair of the Council in the local community and to support them in the performance of their civic functions during their year of office.

To continue to improve public access to Committee agendas and Minutes through the ongoing development of the Council's website.

To monitor performance against indicators for key areas of work, to improve performance where targets are not being met and to identify new targets which could improve the responsiveness of the unit.

- **Elections and Electoral Registration Service**

To maintain an accurate rolling Register of Electors, involving an annual canvass of the District.

To organise the election processes in an efficient and effective manner.

□ **Land Charges**

To deliver an efficient, effective and “Best Value” range of Land Charges services to the Council, the County Council, Highways Agency and the Environment Agency in response to Local Search Enquiries.

To work co-operatively and creatively with all the above bodies to ensure compliance with its statutory duties .

To maintain an up-to-date knowledge of developments in the realm of Land Charges and to disseminate this knowledge to the relevant bodies, where appropriate.

To monitor performance against indicators for key areas of work, to improve performance where targets are not being met and to identify new targets which could improve the responsiveness of the section.

□ **Legal Services**

To deliver an efficient, effective and “Best Value” range of legal services to all service departments and Members of the Council for the benefit of the community.

To work co-operatively and creatively with all service Department towards the common aim of delivering the Council’s Policy Framework.

To recognise that the Section’s staff are its main and most important resource without which it will not function, and to make every effort to maintain good staff motivation and morale.

To maintain an up to date knowledge of legal developments and to disseminate this knowledge to service departments, arranging training sessions where appropriate.

To continue to monitor performance against indicators for key areas of work, to improve performance where targets are not being met and identify new targets which could improve the responsiveness of the section.

To maintain the current training programme for staff in the section and monitor its effectiveness, to ensure all staff meet their continuing professional training requirements.

To prepare for the Section’s Best Value Review, potentially in conjunction with work towards LEXCEL accreditation.

□ **Public Relations**

To inform the public of the work of the Council, its Members and Officers through proactive media coverage.

To try to ensure that the way the Council operates is presented in a fair way in the media.

To help to show that the Council operates in a fair, balanced and open way.

To raise the profile of the Council through the media and through Council publications, conferences and events.

3.0 OPPORTUNITIES AND CHALLENGES

3.1 The Government has introduced a range of new legislation and guidance that will have a significant impact on the Division. This includes the Local Government Act 2000 (Part II – Modernisation and Part III – Conduct) and the Freedom of Information Act 2000.

3.2 The **Corporate Related Challenges** that impact on the Division are as follows:-

□ **Corporate governance**

The fundamental principles of good corporate governance are openness, integrity and accountability. The challenge will be to ensure that these principles are reflected in the Council's relationship with the local community, in service delivery arrangements, in structures and processes, and in the conduct of councillors and employees. The Division will have a key role in supporting and monitoring this approach.

□ **Political Management Arrangements**

In May 2002, the new political management structure was confirmed and an Action Plan agreed to strengthen these arrangements and finalise the Constitution. The Division will have a key role in now progressing this issue.

Following the election of a new Council in May 2003, there will be a need to ensure that all Members receive effective induction and awareness training in how the organisation operates and the responsibilities that are placed on them as councillors.

□ **Comprehensive Performance Assessment**

Preparing for the Council's Comprehensive Performance Assessment, currently scheduled for winter 2003 by contributing to the development of an Action Plan to guide the preparations.

□ **Equality of Opportunity and Valuing Diversity**

To ensure that equality and diversity considerations are integrated in all aspects of service planning and delivery.

□ **Better Services to Citizens**

Public expectations about the quality of services provided by their Council have increased. To meet these expectations, it will be necessary to set clear service standards; to consult with, and focus more, on the needs of the customer; and to develop a strategic approach to the procurement of goods and services.

- **Responding to New Legislation**
The Division has a significant role in assessing the impact of new legislation and developing an appropriate response.

3.3 The **service related challenges** are as follows:-

- **Other ways of Delivering Services**
Challenging the way that we deliver services including looking at closer working/ partnerships with other councils/ the private sector to share knowledge and expertise
- **Raising Staff Morale**
Working to keep staff informed and involved in the provision and development of services within the division.
- **Democratic Services**
The service related challenges will encompass the various corporate key tasks contained in the Plan.

- **Land Charges**
The Land Charges section is heavily involved in the development of 'E-government', which involves a number of new initiatives, namely:-

National Land Information Service (NLIS) – the transfer of all land and property information and registrations onto a national database to provide, electronically, a one-stop shop for conveyancing searches.

Geographical Information Service (GIS) – Plotting areas of land affected by Land Charges issues – information captured can be stored online allowing easier access to previous searches.

The production of a 'Sellers' Pack' by summer 2003 – proposed implementation date of 2005.

- **Legal Services**

To assess the costs and benefits of pursuing the Law Society's "LEXCEL" accreditation. If the benefits are sufficient, identify work which needs to be undertaken and an action plan for carrying out that work. The production of an Office Procedures Manual would need to be undertaken as part of the work towards accreditation. It should be acknowledged now that the time consuming nature of this project may mean that external consultancy assistance may need to be employed.

Investigate/assess the cost/benefits of the introduction of an affordable and effective computerised case management system into the Section.

For each member of staff to have an individual Work Meeting, on a regular basis, with their immediate line manager to discuss their work, development and general requirements.

To undertake a review of the 'Right to Buy' procedure – part of which is currently undertaken by external solicitors – and consider the benefits of a re-organisation of the Legal Services Section with a view to returning this function in-house, provided there are adequate staffing resources.

To send out draft contracts within 15 working days of receipt of proper detailed instructions.

To send out draft shop leases to prospective tenants or their solicitors within 15 working days of receipt of proper detailed instructions.

Within 25 working days of receipt of an initial instructing memorandum requesting the initiation of Prosecutions, to confirm to the instructing officer that their instructions are adequate, or to advise as to what further information or action is required.

For the two new members of the Legal Services Section to undertake an audit of outstanding issues requiring action by Legal Services.

To provide a litigation service to the Council in compliance with all the limits and orders of the Court.

To consult with Service users, by way of questionnaires and focus groups, as well as increasing communication with instructing/client divisions within the Council.

□ **Elections and Electoral Administration**

To manage the rolling register of electors.

To organise the District and Parish Elections in May 2003.

□ **Public Relations**

To continue to raise the profile of the Council through increased public relations resources.

To re-define the role of the press office.

To provide balanced publicity of the work of the Council in Partnerships.

Opportunities

- 3.4 Most of the challenges identified in the previous sections will provide independent opportunities to deliver and develop more focused and cost-effective services. However, the key opportunity is that greater flexibility will enable the organisation to consider a wider range of options for service delivery.

4.0 BEST VALUE

4.1 The table below details how and when the services provided by this Division will be reviewed as part of the Best Value Process.

Reviews to be commenced

Review Title	Start Date (yr)	Services Covered
Democratic Renewal	4	Democratic services, including the Council's civic role and elections
Legal Services	5	Legal Services

5.0 KEY TASKS 2003/04

Corporate Key Tasks

	Critical Success Factor	Action	Timescale
A1	Put in place arrangements for good corporate governance	<ul style="list-style-type: none"> <input type="checkbox"/> Continue to develop the role of Members as leaders of their communities <input type="checkbox"/> Establish and develop the role of the Monitoring Officer within the organisation and the local community <input type="checkbox"/> Ensure that the Standards Committee has a 'visible' presence in promoting high levels of probity in both Parishes and the District 	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>
A2	Monitor and revise (if necessary) the new political management arrangements	<ul style="list-style-type: none"> <input type="checkbox"/> Implement the Action Plan agreed by Council following the review of the new political management arrangements conducted by the District Auditor and the Overview Committee 	Ongoing
A3	Develop management competencies	<ul style="list-style-type: none"> <input type="checkbox"/> Contribute to corporate initiatives 	03/04
A4	Develop a vision for the organisation and ensure that it is communicated to all stakeholders	<ul style="list-style-type: none"> <input type="checkbox"/> Assist the Corporate Management Team to develop a vision for the organisation <input type="checkbox"/> Assist in developing a robust communications strategy <input type="checkbox"/> Contribute to corporate initiatives 	03/04 03/04 03/04
A5	Develop a more outward looking focus	<ul style="list-style-type: none"> <input type="checkbox"/> Identify local, regional and national networks to which departmental services can relate 	Ongoing

Critical Success Factor		Action	Timescale
C1	Improve morale	<ul style="list-style-type: none"> <input type="checkbox"/> Contribute to corporate initiatives 	03/04
C2	Improve communication with employees	<ul style="list-style-type: none"> <input type="checkbox"/> Hold regular team meetings (in accordance with corporate guidance) <input type="checkbox"/> Support corporate initiatives to improve communication with employees 	Ongoing Ongoing
C3	Support and promote team working	<ul style="list-style-type: none"> <input type="checkbox"/> See C2 above 	Ongoing
C4	Establish training and development plans for employees and Members	<ul style="list-style-type: none"> <input type="checkbox"/> Use PDR process to support employee development <input type="checkbox"/> Develop and implement an induction programme for the new Council elected in May 2003 in conjunction with the Personnel and Development Division <input type="checkbox"/> Develop and 'roll out' a development programme for Members in conjunction with the Personnel and Development Division 	09/03 09/03
C5	Promote health and safety in the workplace and undertake all relevant risk assessments	<ul style="list-style-type: none"> <input type="checkbox"/> Ensure the required risk assessments and procedures are in place and that they are updated on a regular basis 	Ongoing
C9	Work towards Investors in People accreditation	<ul style="list-style-type: none"> <input type="checkbox"/> Contribute (as required) to the implementation of the project plan 	Ongoing

	Critical Success Factor	Action	Timescale
C11	Develop an awareness amongst Members and employees of how the organisation operates	<ul style="list-style-type: none"> <input type="checkbox"/> Ensure that effective induction arrangements are in place for Members <input type="checkbox"/> Publicise and promote the services provided by the Division to Members and employees 	09/03 01/04
D2	Develop and implement proposals for e-government	<ul style="list-style-type: none"> <input type="checkbox"/> Support the development and implementation of proposals for electronic service delivery in line with the IEG Statement 	03/04
E2	Develop a strategy for identifying and managing business risks	<ul style="list-style-type: none"> <input type="checkbox"/> Contribute to the development of the corporate approach to risk management 	Ongoing
F2	Monitor and review complaints to the Council both generally and also in relation to 'serviced delivery failures'	<ul style="list-style-type: none"> <input type="checkbox"/> Contribute to the proposed review of the Council's Complaints Procedure <input type="checkbox"/> Monitor and produce regular reports on complaints made to the Ombudsman 	03/04 03/04
F4	Improve on current levels of customer satisfaction	<ul style="list-style-type: none"> <input type="checkbox"/> Monitor and report on customer satisfaction 	03/04
G2	Reduce levels of sickness absence	<ul style="list-style-type: none"> <input type="checkbox"/> Implement corporate policy and procedures for monitoring and managing sickness absence 	06/03
H1	Develop and implement Codes of Conduct for Members and employees and review the protocol covering Member/employee relations	<ul style="list-style-type: none"> <input type="checkbox"/> Monitor the operation of the Code of Conduct for Members and report regularly to the Standards Committee <input type="checkbox"/> Contribute to the review of the current protocol covering Member/employee relations <input type="checkbox"/> Ensure that Members continue to be aware of their responsibilities under the Code of Conduct 	05/03 12/03 09/03

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	Critical Success Factor	Action	Timescale
H2	Develop and implement policies to promote equal opportunities	<ul style="list-style-type: none"> <input type="checkbox"/> Contribute to the review of the Council's Equal Opportunities Policy Statement and the development and delivery of a Racial Equality Scheme <input type="checkbox"/> Ensure the services provided by the Division are compliant with corporate equality guidance 	Ongoing
I1	Achieve at least 70% of the targets set for Best Value and Audit Commission performance indicators	<ul style="list-style-type: none"> <input type="checkbox"/> Achieve all locally set targets in 2002 and 2003 	Ongoing
I2	Improve performance in the areas where the Government has set national standards and targets	<ul style="list-style-type: none"> <input type="checkbox"/> Achieve all national targets by 2005 at the latest with compatible annual targets 	03/04

Legal & Democratic Services Division

Ref	Departmental Key Task	Action	Timescale
CE1	Democratic Services	<ul style="list-style-type: none"> <input type="checkbox"/> Make further progress in the implementation of an effective Minutes retrieval system <input type="checkbox"/> Review the accommodation and support provided to Members <input type="checkbox"/> Explore the opportunities for Members to make more use of ICT to improve the quality of service they provide to their constituents <input type="checkbox"/> Encourage more members of the community to attend Council/Committee meetings 	03/04 07/03 12/03 Ongoing
CE2	Land Charges	<ul style="list-style-type: none"> <input type="checkbox"/> Achieve National Land Information Service (NLIS) Stage 3 requirements <input type="checkbox"/> Upgrade systems to achieve e-compliance and links with National Land and Property Gazetteer (NLPG) 	03/04 12/03
CE3	Elections and Electoral Registration	<ul style="list-style-type: none"> <input type="checkbox"/> Prepare for and manage arrangements for the 2003 Elections <input type="checkbox"/> Develop proposals to improve electoral turnout 	05/03 04/03
CE4	Legal Services	<ul style="list-style-type: none"> <input type="checkbox"/> Develop a strategy, practices and procedures to address the implementation of the Freedom of Information Act across the Council. <input type="checkbox"/> To monitor new legislation and assess the implications for Council services <input type="checkbox"/> Review the Right to Buy procedure, whereby part of the work is dealt with by external solicitors, with a view to returning the function in-house, provided there are adequate staffing resources 	03/04 Ongoing 07/03

Service/Ongoing Key Tasks

Legal & Democratic Services Division

Service Key Task	Action	Timescale
<p>Implement new Departmental and Service Planning Framework</p>	<ul style="list-style-type: none"> □ Service Plans to be in place for all Divisions □ Improve on current levels of customer satisfaction by the establishment of focus groups and questionnaires to service users to assess the level of support required 	<p>11/03 10/03</p>
<p>Land Charges:- The development of E Government, though a number of new initiatives, namely:- National Land Information Services (NLIS) Geographical Information Service (GIS)</p>	<ul style="list-style-type: none"> □ The transfer of all land and property information and registrations onto a national database to provide, electronically, a one-stop shop for conveyancing searches □ Plotting areas of land affected by Land Charges issues – information captured can be stored online allowing easier access to previous searches. □ The production of the “Sellers Pack” . 	<p>Ongoing Ongoing 08/03</p>
<p>Legal Services “LEXCEL” accreditation</p>	<ul style="list-style-type: none"> □ To assess the costs and benefits of pursuing the Law 	<p>Ongoing</p>

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<p>Case Management System</p> <p>Improving communication with staff</p> <p>Processing workloads efficiently</p>	<p>Society's "LEXCEL" accreditation.</p> <ul style="list-style-type: none"> □ To assess the costs and benefits of a computerised Case Management System for Legal Services with a view to improving response times across all its work. □ To introduce an individual Work Meeting to each member of staff, on a regular basis, with their immediate line manager to discuss their work, development and general requirements □ For the two new members of the Section to undertake an audit of outstanding issues requiring action by Legal Services 	<p>Ongoing</p> <p>Ongoing</p> <p>06/03</p>
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5.0 (Continued)

KEY DEVELOPMENT NEEDS FOR LEGAL AND DEMOCRATIC SERVICES

Service Plan Reference	Key Development Need
Corporate Key Task	Time to undertake research, legislation updates, attendance at network and support meetings
Service Development Key Tasks	Time to undertake research, attendance at network meetings and conferences. Improving skills on existing use of IT. Raise awareness of divisional issues. Continuing professional development training. Legislation updates.

6.0 PERFORMANCE INDICATORS AND TARGETS

Best Value Performance Indicators

6.1 The table below shows the Best Value Indicators that relate to the service provided within this division.

Best Value Indicator	Actual 2000/0 1	Actual 2001/0 2	Estimate 2002/3 3	Target 2003/4 4	Government Target 2004/5
The %age of standard searches carried out in 10 working days	88.00	84.36	90.00	95.00	

Local Performance Indicators

6.2 The table below shows the local indicators that the Division has developed to measure its performance.

No.	Local Indicator	Estimate 2002/3	Target 2003/04
	Democratic Services		
L.1	% of agendas despatched 5 clear days before meeting	100	100
L.2	% of decisions that are recorded accurately in Minutes	99	100
L.3	To provide public notice of all Council Meetings and make available agendas for the public	100	100
L.4	% of decision/action sheets issued within deadlines	95	100
L.5	To make Tree Preservation Orders within 5 working days of receipt	90	95
L.6	% of events where the Chair arrives punctually	100	100
L.7	% of civic invitations responded to within 5 working days	95	95
	Elections and Electoral Registration		
L.8	% of households returning the Electoral Registration Form	99	100
L.9	Compliance with prescribed election timetables	N/A	100
L.10	User satisfaction – lack of election petitions/complaints	N/A	Nil
	Legal Services		
L.11	% of draft contracts sent out within 15 working days of receipt of proper detailed instructions	85	90
L.12	% of draft shop leases sent out to prospective tenants or their solicitors within 15 working days of receipt of proper detailed instructions	85	90

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	85	90
L.14	% of written communications responded to within 10 working days	97	97
	Public Relations		
L.	Increase press/ media coverage of the services/ functions undertaken by the Council to average 4 press releases per week while bearing in mind that preventing adverse publicity cannot always be measured	4	5

7.0 STAFFING STRUCTURE AND WORK ORGANISATION

7.1 The Legal & Democratic Services Division is part of the Chief Executive's department.

7.2 The Division is managed by the Legal & Democratic Services Manager and is divided into 5 main sections as follows

- Elections and Electoral Registration Service
- Land Charges
- Legal Services
- Democratic Services (including civic functions)
- Public Relations

7.3 An organisation chart is attached at Annexe A.

7.4 Such is the nature of the services provided that all teams within the division rely on working with staff across the Council.

8.0 OTHER RESOURCES

Revenue Expenditure

The table below shows the committee spending controlled by the Head of this Division.

Division	Gross Spending	Income	Net Spending
Total Committee Costs	£321,550	£305,000	£16,550

Central Departmental Costs – recharged to committees

The Council has a system of central establishment charges. This means that costs related to this division are charged first to a holding code and then recharged to committees. The table below summarises these costs which are controlled by the head of this division and then recharged to services.

Division	Gross Spending	Income	Net Spending
Total Central Support Costs	£510,500	0	£510,500

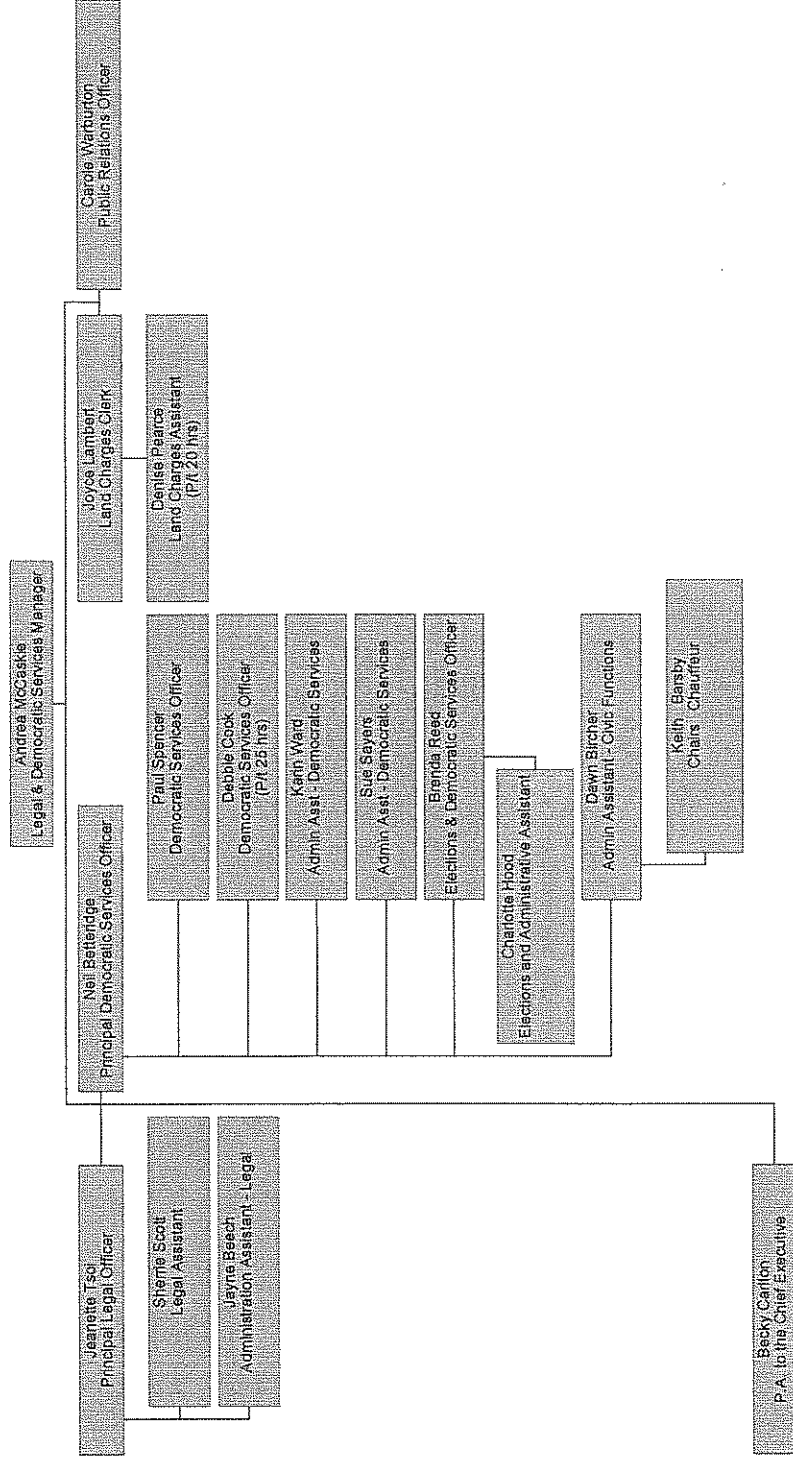
Capital Expenditure

The capital programme does not include any schemes for the Legal & Democratic Services Division.

Assets

The Legal & Democratic Services Division controls no assets

LEGAL & DEMOCRATIC SERVICES DIVISION



LEGAL & DEMOCRATIC SERVICES DIVISION SERVICE PLAN 2002/2003

MONITORING REPORT

SERVICE DESCRIPTION

1.1 The Division is responsible for: -

- **Democratic Services**
The management and administration of the Council committee process. It also includes 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 request for residents of the District when they purchase new property. A fee is charged for this service.
- **Legal Services**
To advise the Council on all legal matters e.g. contractual arrangements, employment matters and to represent the Council in courts and tribunals. It also advises on human rights issues, the provision of information and ensuring that the new constitution is followed and kept up to date.
- **Public Relations**
To oversee the public relations and media relations functions of the authority.

ACHIEVEMENTS

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

- **Governance**
Following a trial period of one year, the new political management arrangements were agreed by the Council for adoption. From October 2002, the publicity requirements for agendas and reports were increased from 3 days to 5 days which has necessitated changes in working practices. The new Ethical Framework was also implemented and training sessions were held for District and Parish Councils on the new Code of Conduct.

- **E-government**
 The Division has made a significant contribution to the development of the Council's new website involving the availability of agendas and Minutes on the site. Progress has also been made on a Minute Retrieval system which will be made available throughout the authority following the necessary staff training.
- **Elections and Electoral Administration**
 A review of Polling Districts has been undertaken as a result of the Ward Boundary Review.
 A return of 99% was achieved on the annual canvass, despite a reduction in the canvass period and a limited level of support within the unit.
 New legislation relating to opt-out of electors was implemented, involving the publication of two versions of the Register instead of the one version previously required.
- **Debt Recovery**
 A review of current sundry debt cases has recently been completed with appropriate action being undertaken to pursue outstanding matters.
- **Prosecutions**
 Successful Magistrates Court prosecutions were carried out for a number of offences including health and safety, planning enforcement, and breach of a Tree Preservation Order resulting in a fine of £5,000.
- **Freedom of Information**
 The Council's draft publication scheme has been forwarded to the Information Commissioner within the statutory deadline.
- **Ombudsman**
 There have been no complaints over the year resulting in a finding by the Local Government Ombudsman of maladministration by the Council.
- **Public Relations**
 Producing press releases, features and photocalls to promote the work of the Council
 Liaising with local and national journalists to ensure that erroneous reports do not appear in the media
 Continued press coverage of the work of the Chair of the Council for the Chair's attendance at events, the Chair's initiatives for fund raising and civic events
 Producing a weekly Team Briefing document with CMT

AREAS FOR IMPROVEMENT

- 3.1 The following areas have been identified where there is scope for possible improvement in the delivery of the Division's services:-

- **Personnel Development Review (PDR) Interviews**
Not all staff within the Division have benefited from PDR interviews due to two senior management staff vacancies. These have recently been filled and the necessary training arranged to enable the issue to be progressed.
- **Minute Retrieval System**
Following the necessary staff training, this system will then be made available throughout the authority.
- **Members' Training**
The need for a structured programme of Members' training is recognised and this will be progressed in line with Members' requirements following the District Elections in May 2003.
- **Customer Satisfaction**
Service departments are to be consulted through focus groups and questionnaires to assess the level of support required.
- **Public Relations**
Re-defining the role of the press officer to work more strategically and to become more involved in internal communications.

SERVICE DEVELOPMENTS

4.1 The following service developments were introduced:-

- **Restructuring of Division**
Following the departure of two senior officers, a restructuring of the Division was approved in May 2002 as part of a recruitment and retention exercise.
- **Elections and Administrative Assistant**
This new post was approved and filled in November 2002, primarily to assist the Elections and Democratic Services Officer but also to provide administrative support to the Public Relations Officer and to the Division in general.
- **Land Charges Software**
Expenditure of £13,000 was approved for the provision of new land charges software.
- **Information Technology**
The Division has benefited from the upgrade of three new computers and a new printer for the Public Relations Officer. A scanner has also been purchased so that press cuttings can be made available on the Public Folders.

BUDGET REDUCTIONS

- 5.1 Small cuts have been made to the budget which will not unduly affect service delivery.

NEW/EMERGING ISSUES

- 6.1 New/emerging issues are as follows:-

- **Constitution – Action Plan**
The Modernising Local Government Working Panel will be reconvened to progress the outstanding issues contained in the Action Plan. The servicing of an increasing number of meetings has become necessary in connection with the new Constitution, which represents an additional workload and will require an assessment of whether further resources are necessary.
- **Ethical Framework**
Section 66 Regulations relating to local determinations are expected shortly.
- **Public Relations**
Providing even more information on the work of South Derbyshire District Council for the Burton Mail
Attempting to improve coverage of the work of the Council in the Derby Evening Telegraph
Increasing coverage in independent local radio stations including the new Saga station
- **Independent Remuneration Panel**
The appointment of a new Panel will be necessary to make recommendations on the level of Members' allowances, following the resignation of the previous Panel.
- **Minute Retrieval System**
Staff training is necessary to enable the system to be released for general use throughout the authority.
- **Regional Assemblies**
A referendum may be necessary on an elected assembly for the region.
- **Transfer of Liquor Licensing**
This function is to be transferred from the Magistrates' Courts, which will increase the Division's workload considerably due to the high number of public houses, restaurants and off-licences which are currently outside the Council's control.
- **Comprehensive Performance Assessment**
The development of an Action Plan to prepare for this Assessment will be necessary, which will involve the Division.

□ **Land Charges**

National Land Information Service (NLIS) – the need to transfer all land and property information and registrations onto a national database to provide, by electronic means, a one-stop shop for conveyancing transactions.

Geographical Information Service (GIS) – the plotting of areas of land affected by Land Charges issues and storing this captured information online, in order to allow easier access to previous searches.

A proposed “Sellers Pack” is to be produced by summer 2003, with a proposed implementation date of 2005.

□ **Legal Services**

An audit of issues outstanding (and requiring action) in Legal Services to be undertaken by the Legal and Democratic Services Manager and the Principal Legal Officer.

A review of the ‘Right to Buy’ procedure, part of which is currently undertaken by external solicitors, with a view to returning this function in-house, provided there is adequate staffing resources. This may require a re-organisation of Legal Services as it will significantly increase the current workload.

The introduction of regular individual Work Meetings for each member of staff with their immediate Line Manager to discuss their work, development and general requirements.

Proposed consultation with Service users, by way of questionnaires and focus groups, to assess the level of satisfaction with the Service.

Proposed consideration of an effective computerised case management system into the Service to enable the Service Manager to monitor all work in progress.

REVIEW OF PERFORMANCE

Best Value Reviews

The Division is not involved in any Year 1,2 or 3 Reviews.

Corporate Key Tasks

CSF Ref. No.	Proposed Action	Timescale	Progress to 31 st March 2002	Revised Timescale
A1	<p>Put in place arrangements for good corporate governance</p> <ul style="list-style-type: none"> <input type="checkbox"/> Revise the existing Codes of Conduct for employees and Members in the light of the new ethical framework for local government, and provide professional support in their implementation <input type="checkbox"/> Develop a protocol covering employee/Member relationships <input type="checkbox"/> Monitor and revise (if necessary) the new political management arrangements 	<p>04/02</p> <p>04/02</p> <p>04/02</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Achieved. New Code of Conduct for Members adopted by the Council on 21st March 2002. All Members signed to observe the Code <input type="checkbox"/> National guidance awaited – now likely in summer 2003 <input type="checkbox"/> External audit undertaken and Action Plan produced 	<p>12/03</p> <p>Ongoing</p>
C4	<p>Establish training and development plans for Members</p> <ul style="list-style-type: none"> <input type="checkbox"/> Finalise training strategy for Members' consideration <input type="checkbox"/> Modern Member Development Programme 	<p>01/02</p> <p>05/02</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Delayed due to key staff vacancies. To be undertaken in line with Members' requirements following the election of new Council in May 2003 	<p>09/03</p>

Corporate Key Tasks

CSF Ref. No.	Proposed Action	Timescale	Progress to 31st March 2002	Revised Timescale
	Public Relations <ul style="list-style-type: none"> □ Redefine the role of the Public Relations Officer to operate more strategically and to become more involved in internal communications 	10/01	<ul style="list-style-type: none"> □ Public Relations Officer operating more strategically and becoming more involved in internal communications 	10/03

Service/Ongoing Key Tasks

Key Aim	Service Key Task/Action	Timescale	Progress to 31 st March 2002	Revised Timescale
	Improving morale <ul style="list-style-type: none"> □ Improving communication with employees at service level □ To take responsibility in assisting with improving the morale of staff □ Promote a right first time ethos 	<p>Continuous</p> <p>Continuous</p> <p>Continuous</p>	<ul style="list-style-type: none"> □ Weekly team briefings are held, in addition to regular section meetings. The forthcoming PDR process will also support employee development 	03/04
	Ensuring people are treated fairly and equally <ul style="list-style-type: none"> □ Ensuring service delivery is compliant with corporate equality guidance 	Continuous	<ul style="list-style-type: none"> □ The Division will contribute to the review of the Council's Equal Opportunities Policy Statement and the development and delivery of a Racial Equality Scheme 	Ongoing

Service/Ongoing Key Tasks

Key Aim	Service Key Task/Action	Timescale	Progress to 31 st March 2002	Revised Timescale
	<p>Modernisation of Local Government – Improvements to Member Services</p> <ul style="list-style-type: none"> <input type="checkbox"/> To develop, implement and maintain modern systems, procedures and techniques to meet the administration needs of the Authority in the areas of civic functions, committee administration and Members' services <input type="checkbox"/> To implement a programme of structured training to meet Members' needs <input type="checkbox"/> To implement an effective Minutes retrieval system 	<p>06/01</p> <p>06/01</p> <p>10/01</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Delayed due to key staff vacancies, which have now been filled <input type="checkbox"/> As above. Programme to be developed in conjunction with the Personnel and Development Division following the election of the new Council in May 2003 <input type="checkbox"/> Staff training to be undertaken and system released 	<p>Ongoing</p> <p>09/03</p> <p>04/03</p>

Service/Ongoing Key Tasks

Key Aim	Service Key Task/Action	Timescale	Progress to 31 st March 2002	Revised Timescale
	Land Charges <ul style="list-style-type: none"> <input type="checkbox"/> To ensure further efficiencies in the operation of the Local Land Charges service <input type="checkbox"/> To increase awareness of Members of the Land Charges system 	02/02	<ul style="list-style-type: none"> <input type="checkbox"/> Expenditure of £13,000 was approved for the provision of new land charges software and improved working practices with internal Departments have been introduced <input type="checkbox"/> Report on this matter to be submitted to Council on 27/02/03 	Ongoing
	Elections and Electoral Administration <ul style="list-style-type: none"> <input type="checkbox"/> To provide increased support for Elections and Electoral Administration 	02/02	<ul style="list-style-type: none"> <input type="checkbox"/> New post approved and filled in November 2002 	
	Legal Services <ul style="list-style-type: none"> <input type="checkbox"/> To effectively perform council house sales legal work from within the team 	05/02	<ul style="list-style-type: none"> <input type="checkbox"/> To be reviewed with a view to transferring the function in-house, dependent on staff resources 	07/03

PERFORMANCE INDICATORS AND TARGETS

Best Value Performance Indicators

BPVI No.	Title	Government Target	Target 2002/04 (bold italic if new/revised)	Actual 2001/02	Estimate 2002/03	Actual 2000/01	Top Performing District Councils 2000/01
179	The % of standard searches carried out in 10 working days		95.00	84.36	90.00	88.00	100

Local Performance Indicators

Local Indicator	Target 2002/03 (bold italic if new/revised)	Actual 2001/02	Estimate 2001/02	Comments
Democratic Services				
% of items/reports not available 5 clear days before relevant meeting	5	5	5	
% Member attendance at meetings	95	90	90	
No. of members of the public speaking at Member meetings	20	5	10	
No. of Member training days provided	150	100	110	
% overall satisfaction immediately after internally provided Members' training	70	90	60	
No. of attendance by Chair and Vice-Chair at non-civic organised functions	350	290	300	
% of events where Chair arrives punctually	100	100	100	
% of replies to invitations to the Chair prepared and sent out within 3 working days of the invitation being received	90	90	85	
Elections and Electoral Administration				
% of households returning the Electoral Registration Form	99	99	99	
Legal Services				
% of written communications responded to within 10 working days	97	95	95	
Public Relations				
% increase in press/media coverage of the services/functions undertaken by the Council	20		10	Positive coverage on local radio and television stations has been increased but broadcast monitoring system would be expensive to operate.