

Scrutiny Committee 20 January 2014

Draft Report of the Legal Services Working Group

Why the Working Group was formed

In May 2013 the Scrutiny Committee resolved to establish a task and finish group comprising of Councillors, A V G Griffiths, M R Lee and Mrs J Roach to address concerns raised by Members. Specifically, some Members had expressed deep concern regarding the Chairman of the Council and the Planning Committee Chairman being left in a vulnerable position over questions of legality that had occurred during full Council and Planning Committee meetings. It was felt that legal representation ought to be at the highest possible level and that Members and Committee Chairmen should be able to feel fully supported.

Methodolgy used

1. An interview with each member of the Legal Services team asking them the following questions:
 - a) Do you have any concerns yourselves, if so, can you tell the WG what they are?
 - b) Where are the stress points and where is the strain coming from?
 - c) Do you feel the section is under staffed?
 - d) Do you need more time to complete certain jobs?
 - e) How long would it take to clear the backlog?
2. Meetings with the chief instructing officers from each service area asking them the following questions:
 - a) How quickly do you need your requests dealt with?
 - b) Are timescales adhered to?
 - c) Are you aware of the resource capacity within the Legal Services team?
 - d) Do you think the Legal Services Team would be more effective with another member of staff?
 - e) Do you feel satisfied with the service you receive from Legal Services, if not, why not?
 - f) Can you provide any other feedback regarding the service you receive from the Legal Services team?
3. A meeting in the Council Chamber to which all Members were invited.
4. Feedback sought from current and past Committee Chairmen including the Chairman of the Council.

Documents provided to the Working Group

- Budget and actual spend for Legal Services for 2012/13 External spend on legal consultancy for 2012/13 including details of why external support was obtained and who requested it
- Financial Monitoring reports
- Recharges from Legal to other services for 2012/13 and 2013/14
- Time and Motion data

Conclusions

The following summarises the concerns of the Working Group:

- i. Greater resource is needed within the Legal Services team particularly in relation to Planning and Constitutional law. This is particularly necessary given the future increase in workloads, e.g. development of Junction 27, increase in right to buy sales and introduction of CIL.
- ii. There has been no evidence of succession planning following the loss of trained legal staff in the last 5 years. Many of the concerns felt by the working group are a direct result of this.
- iii. Representation was made to the Legal Services Working Group by the Planning Committee as concerns had been raised regarding the capacity of staff in the Legal Services section to progress S106 agreements in a timely manner and the impact that this has on the performance of Planning Services in the time taken to determine applications. This must be addressed as a matter of urgency given the financial risk to the authority.
- iv. Greater support is needed for the Chairman at full Council. Advice has to be effective and immediate.
- v. There needs to be a recognition that there are occasions when there is a need to 'buy in' specialist legal advice.
- vi. The perception of the public particularly in Planning Committee when questions of legality are raised and there is no legal representation present.

Recommendations:

- 1) Opportunities should be seized following any staff leaving in the future to recruit somebody with the necessary advocacy skills (it is understood that the Head of Human Resources will be undertaking a review of the skills needed early in the new year).

Note:The working group would like to make the comment that this does not necessarily need to be a one full time officer and suggest that consideration be given to other flexible / innovative working arrangements such as job share or part time hours.

- 2) In advance of a permanent solution being found consideration be given to a temporary arrangement in order to fill some of the gaps in procedural knowledge provided to full Council, for example, approach an ex member of staff to act as a mentor in the short term?
- 3) Photocopier – the Working Group strongly recommend that the photocopier is returned to the Legal Services Office especially as this was originally purchased from their budget. There are confidentiality reasons as to why the Legal Services staff cannot leave the copier unmanned. Its current location is having a significant impact upon the amount of time spent copying documents and leads to a great deal of frustration within the team.
- 4) Consideration be given to using funds from the Housing Revenue Account to fund specialist housing legal expertise.
- 5) Service Level Agreements be drawn up with Parish and Town Councils when a request is made for the District Council to provide legal advice.