

UPDATE ON THE RECOMMENDATIONS FROM THE LEGAL SERVICES WORKING GROUP

Background

In January 2014, a report was presented to the Scrutiny Committee from the Legal Services Working Group. The Working Group consisted of Councillors Griffiths, Lee and Roach and was set up to consider concerns raised by Members. The report is attached as Appendix 1

In March 2014, the Head of Human Resources and Development produced and presented a response to the recommendations made by the Scrutiny Committee. This update is attached as Appendix 2.

In September 2014, the Head of Human Resources and Development provided the Scrutiny Committee with an interim progress report. This update is attached as Appendix 3.

Since the last update the Head of Communities and Governance has become the Head of Service for Legal Services.

Update

The workload of the Legal Service has been extremely heavy over the last 6 months and this does not show any signs of reducing.

Some examples of the work undertaken by Legal Services include:

- Dealing with complex legal issues arising from the redevelopment of the Town Hall site in Tiverton
- Purchase of 32/34 Fore Street and Market Walk, Tiverton
- Premier Inn development
- Review of community leases and Council's industrial and commercial portfolio
- Illegal slaughter and cutting up of animals case including an application under the Proceeds of Crime Act
- High profile planning enforcement cases including the Harlequin Valet and Manor House in Cullompton
- Planning appeals and inquiries (2 recently, Sunshine Corner, Lapford and Hackpen Stables, Blackborough)
- Commercial fly-tipping case
- Heavy demand for legal advice in housing law in the areas of ASB, flexible tenancies, possessions and injunctions
- Assisting Monitoring Officer
- Providing advice regarding large contracts

Since the last update Johanna Ayres, Principal Solicitor has left the Council.

In terms of a replacement for Johanna, we have employed a temporary member of staff, Mary Dolley. Mary has considerable expertise in property law and has been invaluable in projects including the Town Hall site and the purchase of Market Walk.

When considering the level of work in terms of property and assets, it is clear from the Estates business plan that this is only going to increase and as a result of this we have made the decision to make the Principal Solicitor post permanent.

Also since the last update the member of staff that had been dealing with the backlog of S106's and covering the maternity leave of the Legal Executive has left the Council.

The Legal Executive returns from maternity leave at the end of June 2015. In the interim the Trainee Paralegal Officer has been seconded to this role in order to assist as well as growing his training and development needs.

Once the member of staff has returned from maternity leave the team will be having an 'away day' to consider what Legal Services needs to look like in the future. This will focus on anticipated future workloads and how we resource these.

Succession planning is an important part of the plan going forward and opportunities to develop the Legal Executive and Trainee Paralegal Officer will form part of this plan.

The team will also be considering the most efficient and effective way of working going forward. We will focus on the requirements of the team in terms of digital transformation. This will include the scanning of all of the records in the deeds room.

A Service Level Agreement (SLA) for Town and Parish Councils has been drafted but currently due to the workload of the team they are not able to assist Town and Parish Councils with legal queries at the current time.