



**LEGAL SERVICE PLAN
2021 – 2024**

LEXCEL ACCREDITED

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INTRODUCTION

The progress of this service plan will be monitored in the following ways:

- Through regular discussion at departmental management team (DMT) and Section Heads meetings and logged in the version control section of this document
- Performance indicator monitoring by the Council's Corporate Management Team on a quarterly basis
- By Committee reports twice a year (at the end of quarters two and four)

Service Plans will be formally updated on an annual basis, taking into account internal and external influences arising from monitoring arrangements throughout the year.

SECTION 1: INPUTS

1.1 Budgets

	2021/22	2022/23	2023/24
	Latest	Latest	Latest
	£	£	£
Net Cost of Service (Direct cost / Income Only)	372,740	376,350	378,770

Further financial analysis can be found [by using this link](#)

1.2

Human Resource Management

Business Continuity and Single Points of Failure

Job title of SPOF: Solicitor to the Council and Monitoring Officer

Succession Planning for this post	Risks, Skills required,	Knowledge and Networks	Impact on Service	Future options for providing the services
One of Principal Solicitors would be suitable for progression to this post	Loss of extensive knowledge of Three Rivers as current post holder has been in post for some time.	Governance, dealing with Members	Post holder has significant experience of Three Rivers and legal services, committee services, and governance arrangements	Recruit Internally/externally. There have been significant issues around recruiting to legal positions in recent years Outsourcing this role is not recommended

Job title of SPOF: Principal Solicitor (contracts)

Succession Planning for this post	Risks, Skills required,	Knowledge and Networks	Impact on Service	Future options for providing the services
None. Structure is so flat all professional officers are specialist in their own discrete areas of law with little overlap or opportunity of sharing the work	Loss of knowledge of projects and contracts such as Herts building Control and Lead authority arrangements. Work balance of this post is extremely wide and fairly specialist Understanding of way TRDC has operated over the years will be lost	Wide mix of knowledge and work undertaken by this post. FoI, data protection, procurement, contracts, employment, property. Acts as deputy MO	Widespread as many Clients rely on this post holder for advice, may have to outsource at a cost	Significant issues around recruiting to legal positions in recent years. Recruit externally. Issues over being so close to London. Covid 19 implications unknown at this time Little in the way of resilience or ability to grow in house Some form of shared service a possibility Covid 19 might impact on recruitment with benefits of home working

Job title of SPOF: Principal Solicitor (Planning)

Succession Planning for this post	Risks, Skills required,	Knowledge and Networks	Impact on Service	Future options for providing the services
None. Structure is so flat all professional officers are specialists in their own discrete areas of law with little overlap or opportunity to share the work	Loss of significant knowledge and experience of TRDC planning policies and procedures. Knowledge of long term projects such as Leavesden will be lost	Wide ranging knowledge of planning law and policies Good contacts with HCC, District and London authorities, Counsel and external Solicitors	If cannot fill the post will have to go externally for the advice at a cost. May also be issues over ability to provide the advice as and when needed and to react to situations	Recruit externally Significant issues over recruitment to legal vacancies over recent years. This is a specialist post and many authorities struggle to recruit especially so close to London. Little in the way of resilience and without increasing establishment no ability to grow in house Some form of shared service a possibility Covid 19 might impact on recruitment with benefits of home working

Job title of SPOF: Principal Solicitor (Civil Litigation)

Succession Planning for this post	Risks, Skills required,	Knowledge and Networks	Impact on Service	Future options for providing the services
None-the legal apprentice can and will pick up some routine county court litigation type work but the more specialist work needs to be undertaken by a specialist in this area of law	Loss of significant knowledge. Increase in amount of ASB work that needs legal input so essential there is sufficient resource to provide the support. Housing challenges around increased	Wide ranging knowledge of civil litigation homelessness legislation and licensing.	If cannot fill the post will have to go out externally for advice at a cost. May be issues over ability in those cases to advise promptly.	Recruit externally. Significant issues over recruitment to legal vacancies over recent years. This is a specialist post and many authorities struggle to recruit especially so close to London. Some overlap with licensing

	homelessness has impact on service			but this is a part time post so difficulties over resources Some form of shared service a possibility Covid 19 might impact on recruitment with benefits of home working
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Job title of SPOF: Principal Lawyer (Criminal Litigation)

Succession Planning for this post	Risks, Skills required,	Knowledge and Networks	Impact on Service	Future options for providing the services
None other than shared area of work in licensing matters	Knowledge of Court processes and procedures Advocacy experience in the Magistrates and Crown Court	Widespread knowledge of judiciary and court systems Work with other litigators on occasion	Delay in advice, no ability to advise clients on next steps in cases. Buy in services at a cost	Recruit externally. This post was vacant between June and December 2019 and it took 3 attempts to fill the vacancy reflecting what is said above about difficulties recruiting to legal posts This is a part time post so difficulties over resources Some form of shared service a possibility Covid 19 might impact on recruitment with benefits of home working Additional funding for ASB work from Community Partnerships

				team as the current hours are insufficient to meet the needs –some consideration to be given to make this a more permanent arrangement
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Job title of SPOF: Legal officer (Property)

Succession Planning for this post	Risks, Skills required,	Knowledge and Networks	Impact on Service	Future options for providing the services
None. Specialist area of law. Flat structure and specialisms in key areas does not provide adequate cover or resilience for this role.	In depth knowledge of property and land related law including advice on landlord and tenant. Impact on Councils own portfolio in the absence of professional advice Councils desire to improve resources through property transactions impacted. Post in reality requires a very experienced and competent property lawyer given level of work undertaken.	Widespread knowledge of Landlord and tenant, CPO, boundary disputes, Land Registry matters and ability to draft complex legal documentation External Solicitors, other Hertfordshire authorities	If advice not available will have to source externally and at a cost	Recruit externally. This post was vacant for 2 years and filled by part time agency workers until recruitment in February 2019. The postholder left in February 2020 and it was not until August 2020 that the post could be filled by a suitably qualified conveyancer. This evidences the difficulty in recruiting to specialist legal roles so close to London. This post actually requires and currently is filled on a temporary basis by a qualified solicitor with significant property experience, yet it is

				graded only at Legal Officer level Some form of shared service a possibility Covid 19 might impact on recruitment with benefits of home working
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Job title of SPOF: Legal apprentice

Succession Planning for this post	Risks, Skills required,	Knowledge and Networks	Impact on Service	Future options for providing the services
This is part of succession planning. This role was created to take over responsibilities from a long serving colleague who left in 2019				If post holder obtains legal qualification it is possible she could develop further and take on additional duties as appropriate

Job title of SPOF:

Succession Planning for this post	Risks, Skills required,	Knowledge and Networks	Impact on Service	Future options for providing the services

1.2.1 Summary of Team Skills/Qualifications

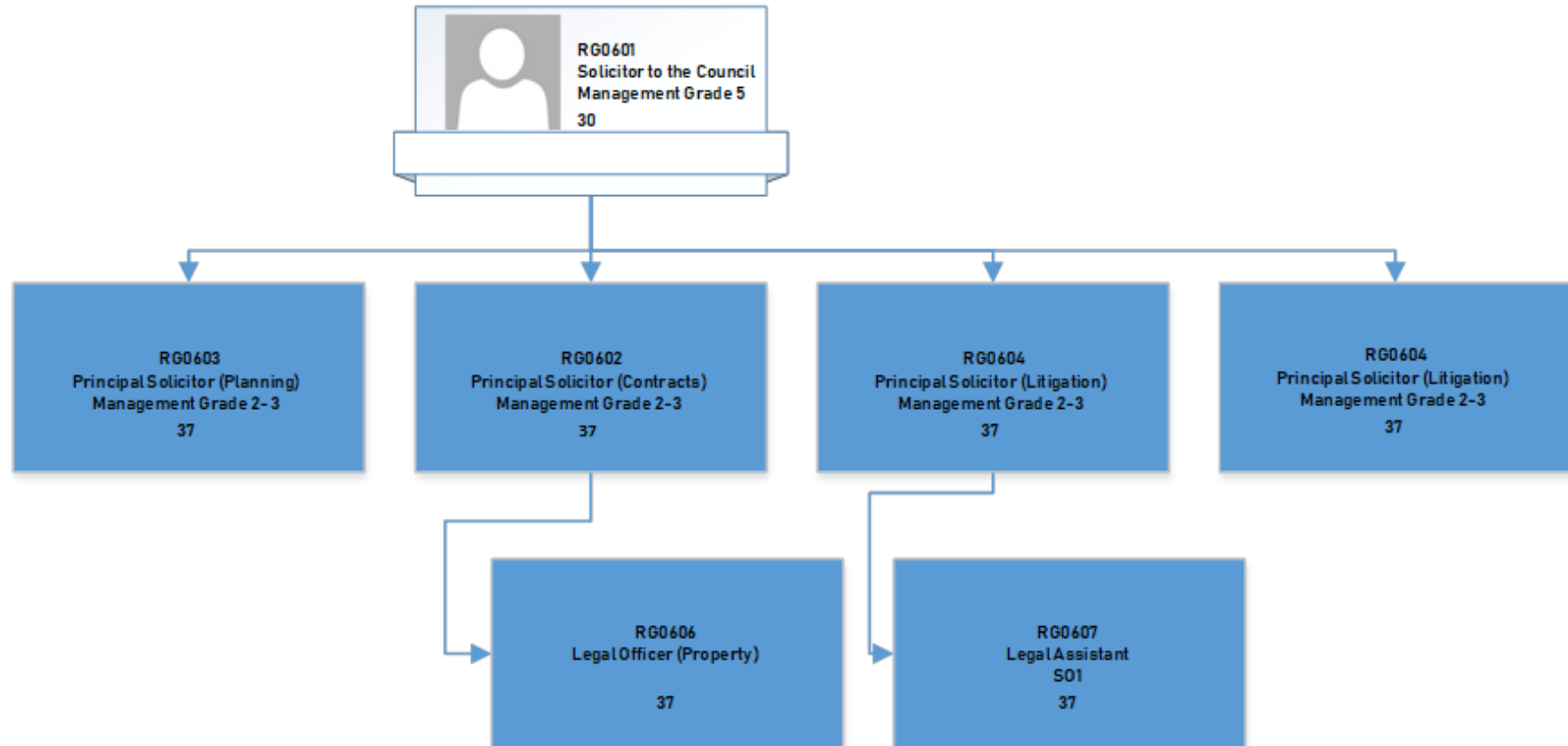
Please provide a summary of the Skills and Qualifications you require in order to provide your service to your customers.

Job Title	Qualification	Continuing Professional Development required?
Solicitor to the Council and Monitoring Officer (P/T) 30 hours pw	<p>Qualified Solicitor/Barrister Significant experience in Local Government law across all areas This post holder is the statutory Monitoring Officer and requires significant experience of governance and constitutional arrangements. Ability to supervise and manage the Legal and Committee team Confidence to advise at Council and at meetings on the law and procedure</p>	Y (Professional requirements by Solicitors Regulation Authority/Bar Council)
Principal Solicitor (contracts)	<p>Qualified Solicitor/Barrister with significant experience in contracts, procurement, employment law freedom of Information and data protection as it affects Local Government. Post holder acts as Company Secretary for the Councils property company. Ability to deal and advise on investment opportunities and strategies for the Council including vires, state aid, public procurement Post holder is Deputy Monitoring Officer so requires significant governance experience and knowledge</p>	Y(Professional requirements by Solicitors Regulation Authority/Bar Council)
Principal Lawyer (criminal litigation) P/T 19 hours pw	<p>Qualified Solicitor/Barrister with criminal litigation and criminal advocacy experience. Ability to advise on and draft proceedings in Court as part of a multi-disciplined enforcement team across the Council dealing with a wide range of different areas of the law. Post covers Anti Social Behaviour and community protection. Post holder is also required to have the knowledge and experience to cover Licensing advice and to sit as Legal adviser on Licensing hearings (shared with civil litigation role)</p>	Y(Professional requirements by Solicitors Regulation Authority/Bar Council)

Principal Solicitor (civil litigation) P/T 18 hours pw	Qualified Solicitor/Barrister with civil litigation and civil litigation advocacy experience. Must be able to deal with High Court challenges such as Judicial review proceedings. Good working knowledge of housing and homelessness law is required. This post holder is also required to have the knowledge and experience to cover Licensing advice and to sit as Legal adviser on Licensing hearings(shared with criminal solicitor role)	Y(Professional requirements by Solicitors Regulation Authority/Bar Council
Principal Solicitor (Planning)	Qualified Solicitor/Barrister with significant experience in and knowledge of planning law (CIL, Enforcement, Cloups, Cleuds, Section 106 planning obligations, and local plan advice) as it affects Local Government. Must be able to give high level advice and draft complex documents	Y(Professional requirements by Solicitors Regulation Authority/Bar Council
Legal Officer (Property)	Qualified Solicitor/Barrister/Legal Executive with significant property experience given the Council's desire to maximise use of its own portfolio and to develop the opportunities to invest in property more widely –(joint ventures, loans)	Y(Professional requirements by Solicitors Regulation Authority/Bar Council/Cilex
Legal Apprentice.	Working towards Law Degree. Knowledge of working in a legal office, ability to draft legal documentation including court proceedings for charging orders and other debt recovery	Y undertaking qualification through university

1.3

Service, Organisational Chart



SECTION 2: OUTPUTS AND OUTCOMES

2.1	Performance management
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2.1.1 Contribution to the Councils' Strategic Aims and Objectives

Corporate Framework Priority theme	Corporate Objectives	Service contribution to the Corporate Themes
<p>Housing and Thriving Communities</p>	<ul style="list-style-type: none"> • We will work on a local plan to deliver sufficient housing and adopt that plan by 2023 • Through our joint ventures and partnerships we will take all available practicable action to increase the supply of affordable homes in the district 	<p>Advice on wording for Planning conditions to be given in timely manner and section 106 obligations to be drafted within statutory period to be monitored by measuring performance through PI</p> <p>Legal will secure through Section 106 planning obligations drafted and completed within 8 and 13 week deadlines to ensure provision of affordable housing deadlines monitored on quarterly basis through PI LP03</p> <p>Alternatively will advise on use of appropriate planning conditions to secure affordable homes. Meet service level standards agreed.</p> <p>Agreements negotiated and drafted (e.g. nominations agreements with Housing Associations) in timely manner to meet any contractual deadlines</p> <p>Review of tenancy agreements</p>

	<ul style="list-style-type: none"> • We will complete the delivery of the main and learner pools and refurbishment to the leisure venue at South Oxhey • We will seek to increase the number of Green Flag accredited parks and open spaces • We will work towards reducing inequalities, prevent homelessness and encourage healthy lifestyles • We will continue to work with partners to tackle crime and anti-social behaviour and secure investment in priority interventions. 	<p>Continue to advise on the new Leisure contracts</p> <p>Legal will secure through Section 106 planning obligations drafted and completed within 8 and 13 week deadlines to ensure provision of open spaces or commuted sums and undertake any necessary conveyancing work associated with the provision of open spaces 8 and 13 week deadlines monitored on quarterly basis through PI.</p> <p>Wholesale review of bylaws and implementation of up to date bylaws for the District part live in 2020.</p> <p>Preparation and advice on new Nominations agreements Legal work involved in the acquisition of property to use as TA Advise on homelessness challenges and deal with judicial review applications and other appeals in a timely manner Advice and drafting on children/ vulnerable adults safeguarding contracts including data sharing arrangements</p> <p>Enforce any Public Space Protection Orders in force and utilise Community Protection Notices (CPN) with issue of proceedings for breaches and advice on use of and wording for CPN generally</p> <p>Issue proceedings for offences (e.g. fly tipping/graffiti) in 15 working days of full instructions to be reported annually to members via MIB COVID 19 has had implications for court hearings and this will be kept under review Advice on use of community protection warnings, community protection Notices and use of Fixed penalty notices to reduce the impact of fly tipping</p>
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		<p>Provision of advice on, use of and training on powers under the Anti-Social Behaviour Crime and Policing Act 2014 to obtain remedies such as Closure orders, Public Spaces Protection orders. Some issues around prioritisation of such hearings at Court due to Covid 19</p> <p>Advice on legislation and interpretation. Assistance with interviews under caution. Drafting and issuing court proceedings where offence have been committed. Applications for food closure orders.</p> <p>Effective enforcement of breaches of planning where Green Belt Deed land involved Enforcement notices issued in time. Few successful appeals. Prosecutions or other action where failure to comply. Covid has affected Court hearings in 2020/21 and this will have to be kept under review with virtual hearings a possibility in the future</p>
<p>Sustainable Environment</p>	<ul style="list-style-type: none"> • We will produce and deliver a Climate Change Strategy and action plan • We will continue to improve the energy efficiency of the Council's buildings • We will deliver and implement a Cycling and Walking Strategy • We will seek to maintain our position as the highest recycling authority in Hertfordshire. 	<p>Advice on wording for Planning conditions with the necessary emphasis on sustainability and reduction /changes in transport /parking arrangements to be given in timely manner and section 106 obligations to be drafted within statutory period to be monitored by measuring performance through Performance indicators</p> <p>Appropriate advice on Community Infrastructure levy (CIL) will be provided as and when necessary</p> <p>Review of contract terms and conditions to ensure the Council achieves its objectives around sustainability</p> <p>Appropriate use of legal remedies such as cautions, prosecutions, FPN where there are offences reported to try to reduce incidences affecting the environment –fly tipping open spaces, trees, parks and woodland</p>

		Provide advice on making tree preservation orders, including advice on breaches of TPO and prosecutions
Successful Economy	<ul style="list-style-type: none"> • We will undertake a review of the Council's role in relation to the economy and agree an economic strategy • We will continue to participate in the Hertfordshire Growth Board and South West Herts Partnership and engage the Hertfordshire Local Enterprise Partnership to support the economy • Three Rivers will be recognised as a great place to do business • We will continue to improve our relationship with the local business community • We will continue to support Visit Herts and promote Three Rivers as the home of the internationally significant Warner Bros Studios. 	<p>Legal will secure financial contributions through Section 106 planning obligations drafted and completed within 8 and 13 week, monitored on quarterly basis through PI LP03</p> <p>Advise on joint committee arrangements for the Herts Growth Board and keep the legal implications under review.</p> <p>Give appropriate advice on Community Infrastructure levy (CIL) as and when necessary</p>
High Performing, Financially Independent Council	<ul style="list-style-type: none"> • We will generate enough income to continue to provide services for the district 	<p>Provide timely advice on policies and procedures and on reports to meet committee deadlines including income generating initiatives.</p> <p>Continue to give advice as necessary around any changes in legislation/regulations affecting Council services as a result of Covid 19</p> <p>Provide advice on legal powers and vires to enable the Council to undertake new investment opportunities</p>

	<ul style="list-style-type: none"> • We will develop and deliver an improved Property Investment Strategy to maximise income from our assets and support the Commercial Strategy • We will progress our Customer Service Strategy that provides a range of contact channels for customers and sets out corporate expectations of how they should be treated • We will produce an Organisational Development Strategy to support the Council in delivering its priorities and objectives. 	<p>A Legal Officer will continue to act as Company Secretary for Three Rivers wholly owned housing company –Legal officers will form part of project team on future joint developments for affordable housing and housing for sale Form part of project team on other property investment matters advising on vires and legal options</p> <p>Achieve Lexcel accreditation an independent assessment by the Law Society on legal practices</p> <p>Meet PI objectives consistently</p> <p>Work with the auditors on the annual governance review</p> <p>Monitor and encourage high standards of behaviour and ethics amongst Councillors and arrange any necessary training. Look to adopt new code of conduct in 2021</p> <p>Ensure the Council meets its legal and constitutional obligations and acts within the law and in accordance with its governance arrangements. Virtual meetings and new arrangements covered</p> <p>Work as part of internal governance group</p> <p>Keep the Council's Constitution under review to ensure it is up to date and fit for purpose –reviewed in October 2020</p>
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2.1.2 Performance indicators

[See Data Quality Strategy for further details](#)

Performance indicators are used to aid the decision making process as well as assess the efficiency and effectiveness of service delivery. The data that we use must be accurate, reliable and timely. To meet these requirements we have adopted the Audit Commission's Standards for Better Data Quality. Further details of the Council's commitment to data quality can be found via the link above.

Service Performance Indicators (PIs)

Ref	Description	2019/20 Actual	2020/21 Target (Current year)	2021/22 Target (Next year)	2022/23 Target	2023/24 Target
LP01	% draft enforcement notices prepared for planning department within 5 working days	100%	95%	95%	95%	95%
LP02	% certificates of lawfulness drafted for issue within the 8 week statutory period	100%	95%	95%	95%	95%
LP03	% of Section 106 obligations completed within the 8 or 13 week period	100%	95%	95%	95%	95%
LP04	% of action for housing possession cases & civil litigation commenced within 15 working days	100%	95%	95%	95%	95%
LP05	Contract Oversight (new contracts)		New PI	75%	80%	85%
LP06	Satisfaction with Legal Services			85%	85%	85%
	Cost and efficiency To keep hourly rates at least 25% less than comparable private Solicitors hourly rates Our hourly rates are £75 (Sols) £45 unadmitted staff	100%				

The Solicitor to the Council is responsible for the source data, data entry and checking the data. The purpose of collating this data is to ensure that our services improve.

2.2 Project Management

Add the following information for Each of your projects

Project details				Project Manager: Anne Morgan Project Sponsor: Joanne Wagstaffe	
Project title				Proposed outcome	
Online case management system such as IKEN as we move to paperless offices				Fully digitised case management and reduction in files and improved service efficiency	
2021/22 Milestones				2022/23 Milestones	2023/24 Milestones
Quarter 1	Quarter 2	Quarter 3	Quarter 4		
Research other local authorities	Procurement exercise	On-site visits	Choice of provider	Procure product.	

2.3

Contracts

[See the Contracts Register for your contracts.](#)

Information for this section can be taken from the Contracts Register, hyperlink above

Title of Agreement	Service Area	Service Contact	Description of the goods and / or services being provided	Supplier Name	Contract Sum £	Start Date	End Date	Review Date	Option to extend and length of extension
Legal publications and research on-line 79140000	Chief Executive Legal	Anne Morgan/James Baldwin	Reference law books and research facilities (Practical law, Westlaw) on line and some print subscriptions via Public Law Partnership to achieve savings across multiple users	Thomson Reuters re Westlaw UK Services	11,446 plus VAT	April 2019	April 2022	December 2021 (3 yr'ly Subscription)	

2.4

Risk Management

As identified in the Risk Management Register for your Service. Simply add the information below

Risk Description	Residual Likelihood Score	Residual Impact Score	Residual Risk Score
Insufficient staff	2	1	2
Total failure of ICT systems	2	2	4
Loss of accommodation	2	2	4
Fraudulent activity	1	2	2
Loss of key staff	2	2	4
Covid 19	2	2	4

Very Likely ----- Likelihood ----- Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
Impact -----> Unacceptable				

Impact Score	Likelihood Score
4 (Catastrophic)	4 (Very Likely (≥80%))
3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

Version Control

Version No.	Date	Reason for Update / Significant Changes	Made By
V1	October 2020	AEM added 1 st draft	AEM
V2		Corporate Objectives, performance Indicators and Budgets added	GG
V3		Final	AEM