



**LEGAL SERVICES SERVICE PLAN
2022 - 2025**

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INTRODUCTION

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

- Through regular discussion between, service heads, managers and their teams and logged in the version control section of this document
- Performance indicator monitoring by Corporate Management Team on a quarterly basis
- Through Committee reports when necessary
- Through the projects and policy registers which are monitored regularly by Corporate Management Team.

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: THE SERVICE CONTEXT

1.1	Service Overview
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The Role of the Service

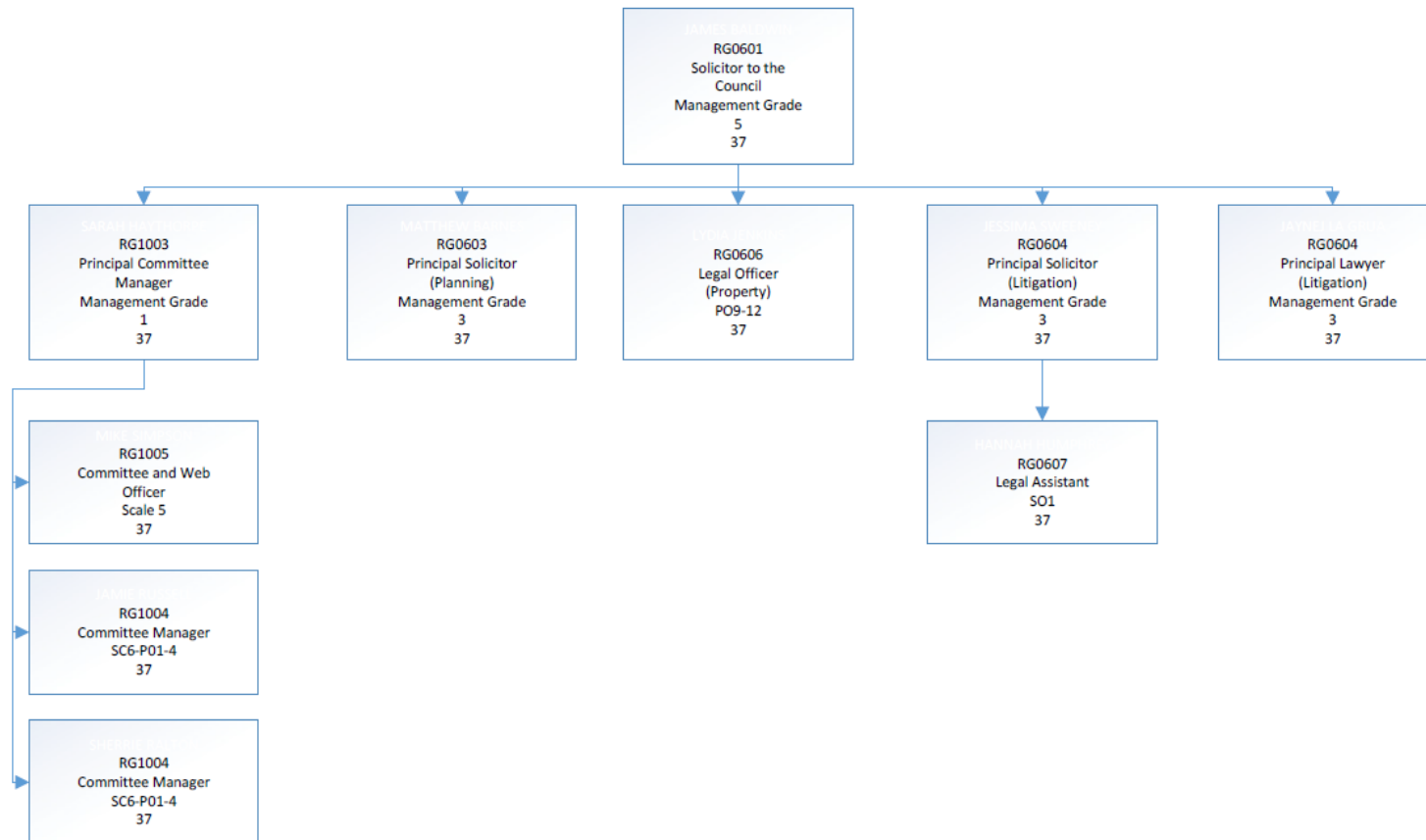
Job Title	Qualification
Solicitor to the Council and Monitoring Officer	Qualified Solicitor/Barrister Significant experience in Local Government law across all areas This post holder is the statutory Monitoring Officer and requires significant experience of governance and constitutional arrangements. Ability to supervise and manage the Legal and Committee team Confidence to advise at Council and at meetings on the law and procedure
Principal Lawyer (criminal litigation) Current post holder is deputy MO, but this can be another Principal Solicitor post	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/contracts role). Deals with legal advice on corporate complaints and Information law advice and is responsible for updating and reviewing RIPA policy and returns.
Principal Solicitor (civil litigation and contracts)	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) role now includes all contracts work and procurement
Principal Solicitor (Planning)	Qualified Solicitor/Barrister with significant experience in and knowledge of planning law (CIL, Enforcement, Clopuds, 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
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). Attends Property Investment Board and Shareholder and Commercial Ventures Panel
Legal Apprentice.	Working towards Law Degree and qualification as solicitor. Knowledge of working in a legal office, ability to daft legal documentation including court proceedings for charging orders and other debt recovery. Training includes assisting on property and litigation matters and other tasks assigned by supervisor or Solicitor to the Council.

1.2

Service Structure Chart

Legal & Democratic Service



SECTION 2: SERVICE DELIVERY

2.1.1 Contribution to the Councils' Strategic Aims and Objectives

Corporate Framework Priority theme	Corporate Objectives	Service contribution to the Corporate Themes
Housing and Thriving Communities	<ul style="list-style-type: none"> • We will work on a local plan to deliver sufficient housing and adopt that plan by 2025 • Through our joint ventures and partnerships we will take all available practicable action to increase the supply of affordable homes in the district • We will seek to maintain 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>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. We continue to be involved in the Council's development projects through joint venture with partner organisations-further details below.</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> <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 and ongoing</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> <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 and involved enforcement notices issued in time. Few successful appeals. Prosecutions or other action where failure to comply. Covid affected Court hearings have largely returned to normal since October 2021.</p>
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<p>Sustainable Environment</p>	<ul style="list-style-type: none"> • We will deliver the Climate Emergency and sustainability Strategy and action plan • We will continue to improve the energy efficiency of the council's buildings and local housing. • We will deliver and implement a Cycling and Walking Strategy • We will seek to maintain our position as one of the highest recycling authorities in Hertfordshire and England. 	<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> <p>Provide advice on making tree preservation orders, including advice on breaches of TPO and prosecutions. Climate change will require more specific legal advice as the strategy is implemented. There is some specialist knowledge within the service but training will be needed on specialist areas and we will make use of some outside body memberships.</p>
<p>Successful Economy</p>	<ul style="list-style-type: none"> • We will produce an Economic Strategy and implement the associated action plan. • 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 	<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 any joint committee arrangements for the Herts Growth Board and West Herts Crematorium, if relevant and keep the legal implications under review.</p> <p>Give appropriate advice on Community Infrastructure levy (CIL) as and when necessary. Legal continue to advise on grant agreements and implications.</p>

	<ul style="list-style-type: none"> • 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 have advised regularly on matters related to the studios and will continue to do so.</p>
<p>High Performing, Financially Independent Council</p>	<ul style="list-style-type: none"> • We will generate enough income to continue to provide services for the district • 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 Experience 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>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 including ongoing effects of pandemic and regulations revoked or applicable.</p> <p>Provide advice on legal powers and vires to enable the Council to undertake new investment opportunities including legal support for the Shareholders and Commercial Ventures and Panel, which reports to P & R.</p> <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 as well as forming part of project team on other property investment matters including advising on vires and legal options</p> <p>Achieve Lexcel accreditation (where relevant in event of a shared legal service) 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 and regularly participate in the Governance Group meetings with senior management and Internal Audit.</p>

		<p>Monitor and encourage high standards of behaviour and ethics amongst Councillors. The new LGA Code of Conduct was adopted by Council in May 2021 and Member training carried out.</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 and on an ongoing basis with updates agreed by Council in May 2021.</p> <p>A decision to approve in principle subject to a satisfactory business case has been made with regard to a possible shared legal and procurement service project with Watford and St Albans. If the project is to be proceeded with, this service plan will need to be updated to cover likely impact on other departments.</p>
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2.1.2 Performance indicators

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.

Key Performance Indicators (KPIs) supporting the Corporate Framework

Ref	Description	2020/21 Actual	2021/22 Target (Current year)	2022/23 Target (Next Year)	2023/24 Target	2024/25 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%

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

Project details				Project Manager: James Baldwin Project Sponsor: Joanne Wagstaffe	
Project title				Proposed outcome	
Online case management system such as IKEN.				Fully digitised case management and improved service efficiency. Essential if service moves to a shared service	
2022/23 Milestones				2023/24 Milestones	2024/25 Milestones
Quarter 1	Quarter 2	Quarter 3	Quarter 4		
Dependent on shared service decision	Not yet known	Not yet known	Not yet known	Not yet known.	

Project details				Project Manager: Project Sponsor:	
Project title				Proposed outcome	
2022/23 Milestones				2023/24 Milestones	2024/25 Milestones
Quarter 1	Quarter 2	Quarter 3	Quarter 4		

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	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

Risk Description				Residual Likelihood Score	Residual Impact Score	Residual Risk Score
Insufficient staff	2	1	2	3	2	6
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						

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
1.1	14/10/2021	First Draft	JB
1.2	18/10/2021	Formatting	GG
1.3	02/11/2021	Second draft	JB
1.4	07/02/2021	Third draft	JB