



**LEGAL SERVICE PLAN
2020 – 2023**

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 Management Board 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.

[Link to Strategic Plan, Service Plans and Performance Indicators Folder](#)

SECTION 1: INPUTS

1.1 Budgets

Budgets will be added by Finance and Performance and Projects Manager, after budgets are agreed at Council in February

	2020/21 Latest £	2021/22 Latest £	2022/23 Latest £
Net Cost of Service (Direct cost / Income Only)			

Further financial analysis can be found by using this link

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

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. Little in the way of resilience or ability to grow in house

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
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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
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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 homelessness has impact on service	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 but this is a part time post so difficulties over resources

Job title of SPOF: Principal Solicitor (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	Widespread knowledge of judiciary and court systems	Delay in advice, no ability to advise clients	Recruit externally. This post was vacant between June and

	Advocacy experience in the Magistrates and Crown Court	Work with other litigators on occasion	on next steps in cases. Buy in services at a cost	December 2019 and it took 3 attempts to fill the vacancy reflecting what is said above about difficulties recruiting to legal posts
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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	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. This evidences the difficulty in recruiting to specialist legal roles so close to London. It is intended to develop the role and the post holder with a view to building up some resilience

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 Cilex 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

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1.2.1 Summary of Team Skills/Qualifications

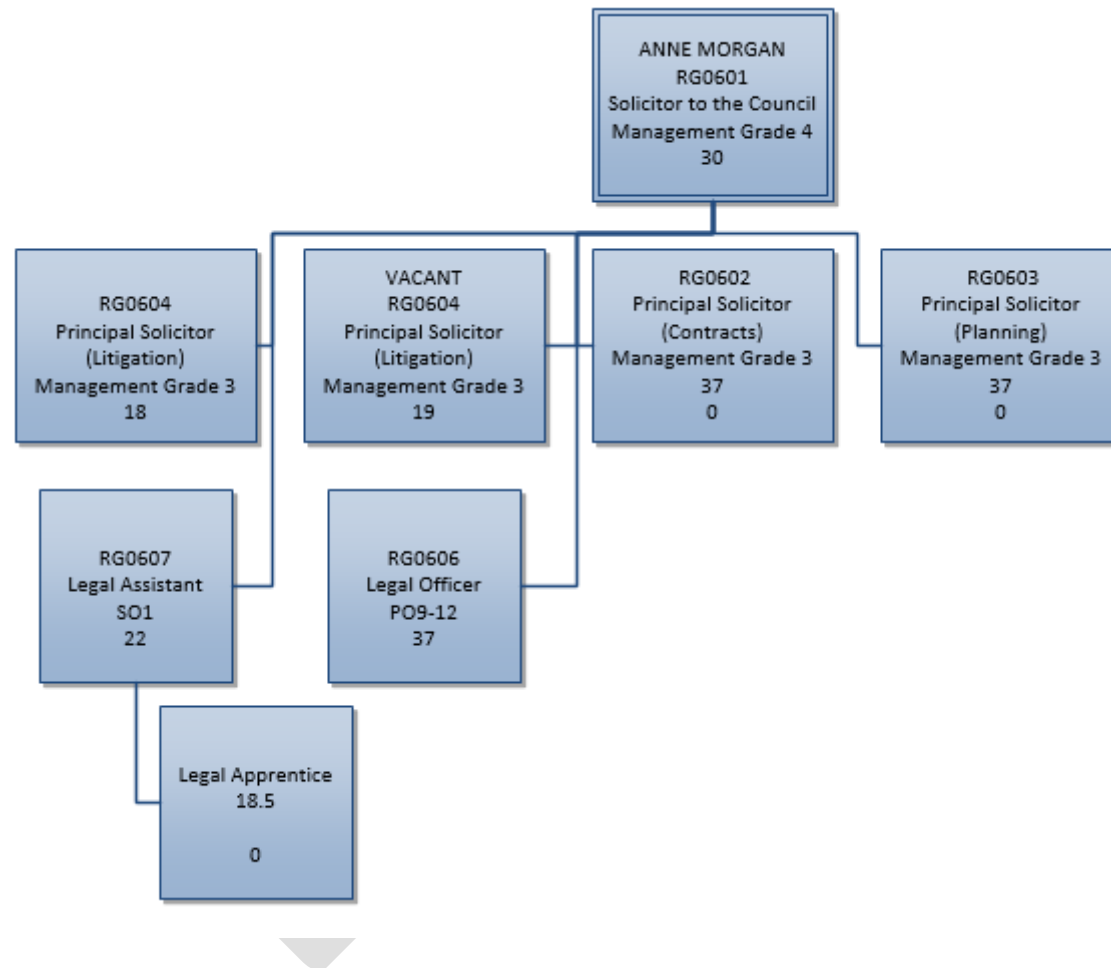
Please provide a summary of the Skills and Qualifications you require in order to provide your service to your customers.

Job Title	Qualification	Continuing Professional Development required?
Solicitor to the Council and Monitoring Officer (P/T) 30 hours pw	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	Y (Professional requirements by Solicitors Regulation Authority/Bar Council)
Principal Solicitor (contracts)	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	Y(Professional requirements by Solicitors Regulation Authority/Bar Council)
Principal Solicitor (criminal litigation) P/T 19 hours pw	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 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)	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, Clouuds, 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 CILEX (Legal executive qualification) over 3 year period. Knowledge of working in a legal office, ability to daft legal documentation including court proceedings for charging orders and other debt recovery	Y undertaking Cilex qualification through West Herts College

1.3

Service, Organisational Chart



SECTION 2: OUTPUTS AND OUTCOMES

2.1 Performance management

2.1.1 Contribution to the Councils' Strategic Aims and Objectives

Strategic Plan Priority theme	Strategic Plan objective (inc. ref)	Service contribution to the Strategic Priorities
<p>Housing and Thriving Communities</p>	<p>-</p>	<p>Enforce Public Space Protection Order 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</p> <p>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>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>Effective enforcement of breaches of planning where Green Belt Deed land involved</p> <p>Enforcement notices issued in time. Few successful appeals. Prosecutions or other action where failure to comply</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> <p>Preparation and advice on new Nominations agreements Legal work involved in the acquisition of property to use as TA</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</p> <p>Advice and drafting on children/ vulnerable adults safeguarding contracts including data sharing arrangements</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>Legal will secure through Section 106 planning obligations drafted and completed within 6 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>Continue to advise on the new Leisure contracts</p> <p>Advise on homelessness challenges and deal with judicial review applications and other appeals in a timely manner</p>
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<p>Sustainable Environment</p>	<p>-</p>	<p>Advice on wording for Planning conditions with the necessary emphasis on sustainability 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 –open spaces, trees, parks and woodland</p> <p>Provide advice on making tree preservation orders, including advice on breaches of TPO and prosecutions</p>
<p>Successful Economy</p>	<p>-</p>	<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>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</p> <p>Form part of project team on other property investment matters advising on vires and legal options</p> <p>Give appropriate advice on Community Infrastructure levy (CIL) as and when necessary</p>
<p>High Performing, Financially Independent Council</p>	<p>-</p>	<p>Provide timely advice on policies and procedures and on reports to meet committee deadlines.</p>

		<p>Ensure the Council meets its legal and constitutional obligations and acts within the law and in accordance with its governance arrangements</p> <p>Provide advice on legal powers and vires to enable the Council to undertake new investment opportunities</p> <p>Wholesale review of bylaws and implementation of up to date bylaws for the District part live in 2019/20</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.</p> <p>Keep the Council's Constitution under review to ensure it is up to date and fit for purpose</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 in the Strategic Plan.

Ref	Description	2018/19 Actual	2019/20 Target (Current year)	2020/21 Target (Next year)	2021/22 Target	2022/23 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%
	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[See the Project Management Framework for further details](#)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	
2020/21 Milestones				2021/22 Milestones	2022/23 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

[Risk Management Registers](#)

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

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 2019	AEM added 1 st draft	AEM

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