

Legal

Service Manager: Nicola Mathiason
Contact: nmathiason@westwiltshire.gov.uk

This service plan covers a range of functions and they include:

- Legal services
- Local land charges

Service objectives

The objectives of the service are as follows:

- To ensure the Council acts lawfully
- The interests of the Council and its service users are protected and advanced
- Community aspirations for local improvements are delivered through the lawful use of planning obligations
- That Council targets are delivered by supporting 'front line' services
- To develop the management of the local land charges register to provide an electronic service which is accurate and speedy
- Develop and support the role of the standards committee

Risk assessment

Service	Legal Services	Local Land Charges
Financial risk rating	Medium	Medium
Service risk rating	Low	Low

Legal Service: The key risks to the Council are the size of the budget of client services and the possibility of unusual or unexpected litigation. This may require the Council to engage external lawyers. The client Service will then incur legal costs beyond those budgeted. By ensuring the Council's actions are lawful the risk of such litigation is reduced but not entirely avoided. The residual risk is minimised by close liaison with senior management and the accounting team to warn of any impending litigation likely to exceed existing budgets.

Local Land Charges: The key risks to the Council from this service are in three areas. First, the Local Authority's market share of searches has been decreasing rapidly for some time due to competition from Personal Search Agents who are able to offer a quick cheap electronic service. Secondly, inaccurate search replies could result in a claim for compensation based upon the value of the property searched against. In an area of high property prices such a claim could cost many thousands of pounds. The introduction of Home Information Packs on 1 June 2007 has led to increased competition from the Personal Search agents. It will also result in changes to the fee levels that the Service can charge and the way that information is accessed.

Equalities

Equalities Assessment carried out and Equalities Action Plan produced - carry out a review of the Equalities Assessment for 2008 -09

Main achievements in 2007-08

Legal

1. Implemented areas of good working practice identified through the LEXCEL accreditation
2. Closely monitored external legal expenditure and put in place arrangements with Client Services to clarify responsibilities
3. Actively managing resources and demands
4. Implement on-line legal research tools

5. Implemented change to the role of Standards Committee

Local Land Charges

1. Produce second stage of Business Plan to take Local Land Charges forward and Implemented Business Plan to deal with loss of income and compete with personal search companies and increase market share
2. Monitored and responded to new legislation and government guidelines affecting the delivery of the service

Priorities not met during 2007-08

Legal

1. Procedures for dealing with planning agreements not streamlined
2. Performance indicators and targets not set as system for data collection was not put in place

Land Charges

1. Second stage of Business Plan not produced
2. Business Plan not implemented in full

Specific priorities for 2008-09

LGR Work

1. Legal Services Project Group - designing and putting in place the Legal Services Team for the One Council
2. Working with the Project Group to implement the Vanguard Systems Thinking review in the new service
3. Managing vacancies and recruitment during the transition period
4. Land Charges - joint working with the Land Charges project group to ensure smooth transition to the Land Charges service for the One Council

Council Work

Legal

1. Complete Vanguard review
2. Put in place changes to working practices and staff structure as a result of Vanguard systems thinking review
3. work closely with Development Control to streamline procedures for dealing with planning agreements
4. actively manage resources and demands in the approach to LGR

Land Charges

1. Monitor performance and implications of implementing the Business Plan
2. Manage vacancies to ensure service provision during transition period
3. Promote new fee structure for searches and monitor its effect on number of Local Authority /personal searches

Local Agreement for Wiltshire

- To standardise and develop good practice on s106 agreements

Key statistics

	2006-07	2007-08
Net income per search		
Number of Local Authority Searches carried out	3,123	2,532
Number of personal Searches carried out	1,282	1,719

Performance indicators and targets

Ref	Description of indicator		02-03	03-04	04-05	05-06	06-07	07-08	08-09
BV 226c*	Advice and guidance services: direct provision	Target				Nil	Nil	Nil	Nil
		Actual				Nil			
BV 179	The percentage of standard searches carried out within ten working days (Deleted for 2006-07)	Target	100%	95%	95%	100%			
		Actual	100%	100%	98.2%	98.4%			
		Median	-	99.5%	99.7%				
		Best 25%	100%	100%	100%				
		Worst 25%	80%	93%	96.1%				
LCO 0/5	The percentage of standard searches carried out within ten working days	Target					99%	99%	99%
		Actual					94%	42%	
LCO 0/4	Average number of working days taken to complete a standard search	Target	5	3	3	1	2	4	4
		Actual	5	3	6.9	2.65	5.4	9	
		Target							
		Actual							
		Target							
		Actual							

* BV 226c - The Audit Commission have confirmed that this indicator is not applicable to Legal Services as advice and guidance is not provided directly to the public. It must still however be included but with a nil return.

Actions to improve performance against targets

Legal

Following the completion of the Vanguard review put in place a number of new measures to evaluate performance

Put in place a method of collecting the information once measures have been set up

Ensure adequate resources to meet demand for legal work

Land Charges

Ensure adequate staff resources to achieve consistent turnaround times

Increase number of electronic searches carried out

Market the reduced fee for Local Authority searches to customers - solicitors, estate agents and developers

Continue to carry out a cost recovery exercise each year to ensure a competitive fee within the search market place

