

Law & Administration Service Report

1. Introduction

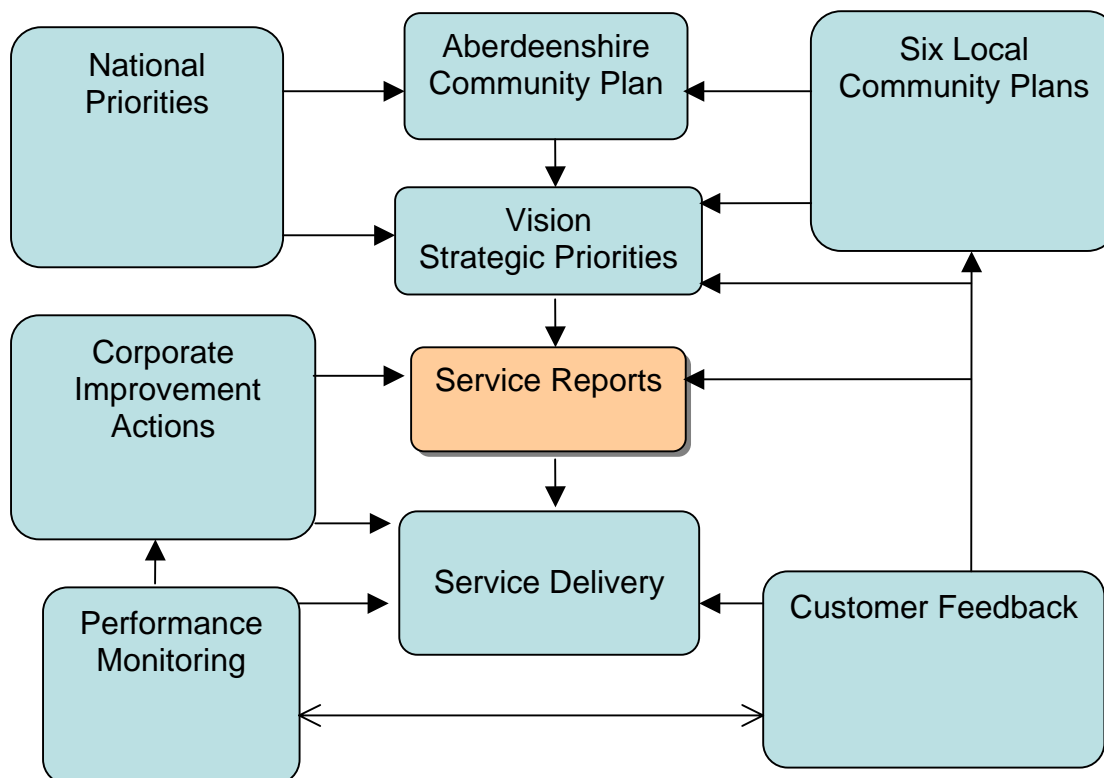
This is the Law & Administration Service Report for April 2009 to March 2010. The Service Report is a strategic document intended for:

- a. Policy & Resources Committee
- b. Law & Administration Management Team
- c. Law & Administration key stakeholders and partners.

Further information relating to the Law & Administration Service can be found on the Aberdeenshire Council Website: www.aberdeenshire.gov.uk

2. Setting the Scene

This report forms part of the suite of reports that together allow Services and the Council as a whole to monitor and report on progress towards the achievement of the Council's longer-term vision and strategy.



The focus of this Report is Service performance and contributions to strategic and corporate plans.

The Report includes an overview of service performance during the previous year and a summary of the Service's priorities and anticipated challenges for the forthcoming year. The Report also includes detailed information on Service responsibilities and agreed action to ensure the delivery of the following Council plans:

- Strategic Priorities
- Best Value Audit Improvement Plan
- Employee Survey and Stress Survey Improvement Plan
- Residents Survey Improvement Plan
- AIM Action Plan
- Equalities Action Plans

In most cases the actions listed will form part of longer-term programmes.

In addition the Service Report includes actions that the Service will be undertaking during 2009/10 to contribute to the delivery of the local outcomes contained within the Single Outcome Agreement.

The Service Report does not include detailed planning and performance information relating to all activity within the Service.

3. Our Vision, Values and Aims

Serving Aberdeenshire from mountain to sea – the very best of Scotland.

Supporting Aberdeenshire Council's vision to be the best Area and the best Council by providing high-quality legal advice and excellent professional support to the Council and its Community Planning Partners.

Working together for the best quality of life for everyone in Aberdeenshire by ensuring that our actions improve all Aberdeenshire citizens' ability to access our services and working to eradicate all factors that create a barrier to this.

4. How are we doing?

This section provides a high level statement of service performance during 2009/10. More detailed information relating to service performance can be found in the service performance indicator report that is presented to Policy & Resources Committee on a 3 monthly basis.

4.1 Achievements in 2008/09

The Law & Administration Service provides legal and administrative support to front-line Council Services and (where appropriate) Community Planning Partners in delivering the Strategic Priorities generally. The Service is not directly responsible for any specific Strategic Priority Key Actions so the alignment of achievements to Strategic Priorities in this section should be seen in that context.

4.1.1 Community Wellbeing

- **Licensing:** substantial progress in implementing premises and personal licences under the Licensing (Scotland) Act 2005, contributing to improving the safety and environment for those living in our communities, tackling anti-social behaviour and problems caused by the misuse of alcohol and drugs.
- **Anti Social Behaviour:** the provision of legal advice, and working with client service and other partner agencies in applying for and obtaining Anti Social Behaviour Orders where appropriate.
- **Looked After Children:** the provision of legal advice and assistance to the Social Work Service in relation to various issues and proceedings concerning the protection and well being of children.
- **Adults with Incapacity :** the provision of legal advice and assistance to the Social Work Service in relation to various issues and proceedings concerning the protection and well being of vulnerable adults.
- **Planning Gain:** significant involvement nationally in the Scottish Government's Revision of Circular 12/1996: Planning Agreements. This supports the Strategic Priorities generally, and particularly supports and encourages diversity in housing supply.
- **Registration:** completion of electronic capture of birth, death and marriage data across Aberdeenshire.
- **Improvement Grants:** Legal Services play an important role in the processing of grants thereby assisting in the improvement of the housing of various residents including the disabled and elderly.

4.1.2 Jobs and the Economy

- Registration: raising profile of Ancestral Tourism by distribution of leaflets, presentations to community groups and presence at “Wedding Fayres” and similar events.
- Business Loans: to ensure that funds awarded under the “Support for Aberdeenshire Business” scheme administered by Economic Development reach local businesses as quickly as possible, Legal Services has provided the Client Service with the necessary legal documentation within 14 days from receipt of instructions in all cases.
- Industrial and Commercial Leasing: the Council is the biggest commercial landlord within the Council area. Legal Services are instrumental in processing the leasing of industrial and commercial properties.

4.1.3 Lifelong Learning:

- The provision of legal advice and assistance to the ELL Service in relation to “Additional Support for Learning” and also in relation to the education system and running of schools.

4.1.4 Sustainable Environment

- Printing: implementation of the new photocopier contract across all offices, contributing to reduced use of printers, toners and paper.
- Traffic Orders: these are processed by Legal Services. In line with Scottish Government guidelines 20 mph speed limit schemes have been systematically implemented at the vast majority of Aberdeenshire schools in the past year. This additional workload has been achieved without detriment to the normal level and quality of service provided to the T&I Service.
- Planning Inquiries: the provision of legal advice and assistance in relation to sustainability issues relevant to Planning Appeals and Public Local Inquiries
- Environmental Health: the legal advice provided to the Environmental Health Service and the Environmental Planning Team contributes to maintenance of a sustainable environment.
- Planning Gain: Legal Services is closely involved in the negotiation and preparation of Section 75 Agreements which involve securing payment to the Council by developers of substantial contributions towards affordable housing, community facilities, transportation projects, educational facilities, road improvements, artwork etc.

4.1.5 Developing our Partnerships

- Planning Gain: the securing of Service Level Agreements to undertake all Planning Gain assessment and calculation for Aberdeen City Council
- Registration: improved partnership working with other Ancestral Tourism organisations
- Development and monitoring of Service Level Agreements with the following partners/outside agencies:-
 - Grampian Police
 - Grampian Joint Valuation Board
 - Northern Community Justice Authority

4.1.6 Corporate Improvement

- Debt Recovery: Legal Services received a very favourable internal audit report (Report 0812 Debt Recovery Procedures) on debt recovery procedures in March 2008. All recommendations have been implemented ahead of schedule and the report demonstrates continuing satisfaction with the level and quality of service provided to Finance and the value the organisation attaches to the service provided by Legal Services. In partnership with Finance, Legal continues to actively participate in improvement initiatives not only in the context of debts passed to the Service for pursual but also in an advice/consultancy role in the wider context of corporate debt recovery.
- The Service also chairs the Property Debt Monitoring Group which includes Finance, Estates and Economic Development. The group monitors and agrees action for current and former commercial tenants.

Corporate and Cross-Service Working Groups and Initiatives:

- Legal Services is represented on the following groups and actively participates and contributes towards achieving their objectives resulting in significant improvements in many areas.
 - i-Procurement Project Group
 - Corporate Records Management Group
 - Corporate Asset Management Group
 - Arcadia Redevelopment Steering Group
 - Bodet Administrators Group
 - Corporate Absence and Accident Reporting Implementation Group
 - Scottish National Recruitment Portal Group
 - ICT Client Managers Group
 - Corporate Joint Consultative Committee
 - Corporate Review of Employee Development and Review Scheme
 - Work Style Transformation
 - Employee Survey Team
 - Think Tank Group

Personnel Policies: the provision of legal advice to the Personnel Service and other Client Services on draft policies and procedures and the legislation underpinning these.

4.2 Performance and Improvement

4.2.1 Performance

4.2.1 Performance

LA 1. District Court Administration

Transfer of the District Court function to Scottish Court Service was fully implemented 2 June 2008; this core activity is now deleted.

LA 2 Conveyancing

The Council's requirement to purchase, lease or sell heritable property is serviced promptly and satisfactorily

LA 3 Liquor and Civic Government Licensing

Licensing (Scotland) Act 2005: new performance indicators are in place. Currently 53 % of transitional applications are being determined within 6 months of lodging.

LA 4 Monitoring Officer

No exception Reports during the year

LA 5 Registration of Births, Deaths and Marriages

Legislation empowering Scotland-wide registration of births or deaths implemented; improved family history research facilities available locally

LA 6.1 Committee Support

Administration, support and advice continue to be timeously delivered to policy committees.

LA.6.2 Freedom of Information

Freedom of Information reviews are being processed timeously. The Scottish Information Commissioner has issued one Decisions on an Aberdeenshire Council application during the year, upholding the decision to withhold information.

LA.6.3 Elections

Election arrangements have been managed successfully and timeously.

4.2.2 Improvement

Conveyancing

A case management system was procured and implemented.

Continuous improvement of Council House Sales.

Liquor and Civic Government Licensing

Temporary staff have been recruited to assist with the additional workload involved.

Registration of Births, Deaths and Marriages

Further development and promotion Aberdeenshire's family history research facilities.

Elections

Improvements have been made following the Gould Report, with regard to contingency plans, and gathering performance information.

5. Looking Forward

5.1 Service Priorities

The Law & Administration Service is working to support the delivery of the Council's Strategic Priorities and the local outcomes contained within the Single Outcome Agreement. In addition, following analysis of external requirements, national and

local priorities, Service performance and customer feedback, the Service has identified a number of additional Service priorities for 2009/10. These are:

Conveyancing

Further development of case management system.

As part of Legal Services' commitment towards Continuous Improvement, we will be entering into a rolling programme of Service Level Agreements with our Client Services.

Liquor and Civic Government Licensing

Full implementation of the Licensing (Scotland) Act 2005 in September 2009.
Investment in resources to improve performance indicators.

Registration of Births, Deaths and Marriages

Further development and promotion of Aberdeenshire's family history research facilities by "taster sessions"/open doors days & presence at Homecoming 2009 events.

Further promotion of Ancestral Tourism.

Subscribe to Book of Scottish Connections.

Freedom of Information

Statutory Publication Scheme due to be reviewed and renewed during the year.

Elections

Rolling contingency plan in place to manage any unscheduled elections that may arise. Specific arrangements are in hand for European Parliament Election in 2009.

Planning Gain

Current discussions with Cairngorms National Park and Moray Council, following the model used for the City of Aberdeen SLA.

Litigation

A Service Priority will be the negotiation and development of Service Level Agreements with our Client Services relating to litigation matters on a rolling programme.

5.2 Service Challenges

Over the next five years the service will need to confront the following challenges:

Liquor and Civic Government Licensing

The final phase of the Licensing (Scotland) Act 2005 requires all registered clubs to obtain liquor licences for the first time. This transition represents a radical change of culture for the clubs, and will entail additional work for licensing staff.

Elections

Implementation of the Gould recommendations will entail a rolling contingency plan to be devised and kept under constant review for all elections: Health Boards, Council, Scottish Parliament, UK Parliament, European Parliament, Referenda.

Boundaries Commission proposals for parliamentary constituencies may involve overlap with three other local authority areas, entailing new cross-border electoral arrangements.

Planning

Implementation of the new Planning legislation will involve the Service in supporting the new Strategic and Local Development Plans, and the Infrastructure Services Committee and Area Committees in delivering the new arrangements for householder applications.

5.3 Service Resources

The Service priorities will be largely contained within existing budget. However, there are potential budget pressures and workforce issues with Licensing to be addressed.

Action Plans

This section shows the strategic and corporate actions for which the Law & Administration Service are accountable during 2009/10. The Policy & Resources Committee will receive a progress report for the 2009/10 actions in October 2009.

Strategic Priorities

Strategic Priority	SP Identifier	Key Action	Senior Responsible Officer	Actions 2009/10
<i>None specifically actioned to Law & Administration</i>				

Community Planning Partnership Single Outcome Agreement 2009/10

The action plan below only includes local outcomes where service officers are named as the senior responsible officer. Our partners will be responsible for ensuring other local outcomes are achieved. Progress towards the achievement of all the Single Outcome Agreement (SOA) local outcomes is reported through the SOA monitoring report.

National Outcome	Local Outcome	Relevant Indicator	Senior Responsible Officer	Local Targets & Timescales	Actions 2009/10
<i>None specifically actioned to Law & Administration</i>					

Corporate Outcomes and Actions

The following are actions that are included in corporate action plans (Best Value Audit Improvement Plan, Inspection Action Plans, Employee Surveys Improvement Plan, Resident's Survey Improvement Plan, Aim Action Plan, Equalities Action Plan).

Intended Outcome	Action Required	Senior Resp Officer	Source Action Plan(s) <i>(The plans in which the action(s) are listed)</i>	Action milestones 2009/10
Consolidate and build on improvements in terms of leadership e.g. supporting staff, meaningful communication, building team spirit and increased visibility and availability of senior management.	Implementation of the Service Modernisation Review	Modernisation Review Project Manager	EMPLOYEE SURVEY IMPROVEMENT PLAN 2006:- Q2.4 - Working Together – Support From Colleagues Q.2.6 - Job Security Q2.6 - Career Opportunities Q4.2 - Team Briefs Q5.1 - Leadership Behaviours And Recognition	Review issued to staff for consultation.
1. Ensure employees receive disability awareness training appropriate to their duties. 22. 2 Develop and undertake a programme of disability equality impact assessments on policies, functions and procedures	Develop & monitor training programme	Neil McDowall, Director of Law & Admin	Disability Equality Scheme Action Plan	Improved awareness.
Determine whether changes in the way the council works could help more women seek election to the council in future.	Survey the views of women councillors	Director	Gender Equality Scheme Action Plan 2007 – 2010	Survey conducted