



## AGENDA ITEM:

### SUMMARY

<b>Report for:</b>	<b>Finance and Resources Overview &amp; Scrutiny Committee</b>
<b>Date of meeting:</b>	<b>4<sup>th</sup> June 2013</b>
<b>PART:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Performance Report Quarter 4 – Legal Governance and Democratic Services</b>
Contact:	<p>Cllr Neil Harden, Portfolio Holder for Residents and Regulatory Services (in respect of Legal Governance)  Cllr Andrew Williams, Leader of the Council (in respect of Democratic Services)</p> <p>Author/Responsible Officers:</p> <p>Steven Baker, Assistant Director (Legal, Democratic &amp; Regulatory)</p> <p>Mark Brookes, Group Manager (Legal Governance)  Jim Doyle, Group Manager (Democratic Services)</p>
Purpose of report:	To provide Members with the performance report for quarter 4 in respect of Legal Governance and Democratic Services.
Recommendations	That Members note the report.
Corporate objectives:	Resources and Value For Money; Optimise Resources and Implement Best Practice.
Implications:	<u>Financial</u>  None.
'Value For Money Implications'	<u>Value for Money</u>  Monitoring Performance supports the Council in achieving Value for Money for its citizens.

Risk Implications	Risk Assessment completed for each service area as part of service planning and reviewed quarterly.
Equalities Implications	Equality Impact Assessment completed for each service area as part of service planning and reviewed quarterly.
Health And Safety Implications	None
Consultees:	Cllr Neil Harden, Portfolio Holder for Residents and Regulatory Services
Background papers:	Annex 1 : Quarter 4 Performance Report Annex 2: Quarter 4 Updated Operational Risk Register

1. Members will find attached to this report the performance data for Legal Governance and Democratic Services and the Operational Risk Register in relation to the final quarter of 2012/13. Generally speaking the data does not reveal any major issues for concern. Set out below is some additional information about the performance of the services during quarter 4 which may be of interest to Members of this Committee.
2. The Council's Licensing Team, which deals with taxi/private hire, alcohol, entertainment, gambling, animal welfare and a range of other licensing matters across the Borough was moved to the Legal Governance Group from Regulatory Services in May 2012. Historically, the Licensing Team has reported to the Housing and Community Overview and Scrutiny Committee. However, in order to align the Licensing Team with the rest of the Legal Governance Group the functions and performance of the Licensing Team will now be reported to Finance and Resources.

#### Legal Governance

3. Legal Governance continues to be heavily involved in many of the Council's critical projects. In particular, significant legal support is being provided in relation to the Public Service Quarter project, the strategic procurement of Housing Maintenance (now referred to as the Total Asset Management contract), the outsourcing of the Customer Service Unit and the Council's New Build Housing project.
4. Key developments in relation to the above projects during the last quarter include:
  - The completion of the conditional contract for the sale of the Civic Centre site to West Herts College and Morrisons.
  - The acquisition of the Magistrates Court and 39 The Marlowes to facilitate the decant and the regeneration of the Civic Zone.
  - The acquisition of St Peter's Church, Galley Hill and 183a London Road to facilitate the New Build project.

- The development and legal audit of procurement documentation required to commence the procurement process for the selection of a development partner for the Civic Zone regeneration.
5. The Council has seen a significant increase in the number of Right to Buy transactions during 2012/13 following the increase in the available discount from £34,000 to £75,000 in April 2012. The year-end figures evidence total sales of 48 houses and 12 flats compared to 4 houses and 4 flats in the previous year. The Legal Team deal with all the conveyancing transactions for these sales, which has meant a significant increase in workload. However, the team have continued to progress the sales in an efficient and timely manner bringing in total receipts of over £6.5m for the Council.
  6. The Legal Team support many important and strategic development projects and in the last quarter completed S.106 agreements on three important development sites within the Borough at Farm Place, Berkhamsted, Manor Farm, Markyate and the Rose & Crown Hotel, Tring. The agreements secured important community benefits including affordable housing and commuted sums to meet infrastructure requirements.
  7. The Legal Team frequently represent the Council in the courts and tribunals, leading on injunctions, prosecutions and defending employment tribunal cases. Key cases to note from the last quarter include:
    - 2 anti-social behaviour injunctions
    - 1 food safety prosecution relating to a rat infestation in a retail shop
    - 1 successful defence of an employment tribunal claim alleging racial discrimination.
  8. The Licensing Team has made excellent progress under the guidance of their team leader Ross Hill in the last 12 months particularly with regard to policy and procedure development. Key developments to highlight include:
    - Approval and publication of a revised Gambling Act Statement of Principles
    - Approval and publication of a revised Licensing Enforcement Policy
    - Review and setting of a new fee schedule for all licensing fees. The fee review is projected to bring in an additional income of £30,000 for 2013/14.
    - Approval and publication of new expanded guidelines on considering the fitness and propriety of applicants for taxi driver licences (replacing previous guidelines covering convictions only)
    - Various updates to taxi licensing policies and procedures, including new application forms for vehicles, and consultation and preparatory work for further changes to vehicle, driver and operator licensing over the coming year
    - Replacement of the printed newsletter with a new electronic newsletter for the licensed taxi trade, saving £500 per issue and allowing for more frequent and timely communication with the trade
    - Introduction of new style ID badges for taxi drivers, delivering a more professional looking product for 35% less cost (shortly to be extended to personal alcohol licence badges)
    - Introduction of an electronic driving licence verification service, to reduce delays in processing taxi driver licence applications

- Efficient and timely processing of taxi, premises and other licence applications, which are critical to support the Borough's economy and well-being.
9. Licensing officers have also responded to national legislative consultations, in particular the Law Commission's review of taxi and private hire licensing laws, and the Home Office's proposed amendments to alcohol and entertainment licensing laws. Preparatory work has also been undertaken for the imminent commencement of a new, more robust licensing system for scrap metal dealers and vehicle breakers.

#### Operational Risk Register

10. At the last meeting of the Finance and Resources Overview and Scrutiny Committee on 30<sup>th</sup> January 2013 the question was asked what justification was there for reducing the risks on the report as in previous reports there had been no change. A detailed explanation for the changes was provided to Members in March. In the main, the residual risk scores were changed following a review undertaken in conjunction with the relevant Group Manager and largely reflected the completion of the risk control measures.
11. The opportunity was taken to carry out a further review of the risk register as a result of which other changes have been made since the meeting in January. The updated risk register is annexed to this report and the justification for any changes to the risk scores are incorporated in the register.

#### Democratic Services

12. During Quarter 4 Member Support managed and organised the following:
- Published 51 agenda
  - Completed 41 sets of minutes
  - Spent 5 hours at daytime meetings
  - Spent 50 hours at evening meetings
  - Processed 22 public speakers at Committee
  - Processed 10 Portfolio Holder Decisions
13. This means that the totals for the year 2012/13 were:
- Published 151 agenda
  - Completed 126 sets of minutes
  - Spent 33 hours at daytime meetings
  - Spent 155 hours at evening meetings
  - Processed 130 public speakers at Committee
  - Processed 67 Portfolio Holder Decision

#### Member Development

14. There were two training sessions for members provided during the final quarter and 34 councillors attended on the following topics:
- Information Security
  - Scrutiny Training

15. In total, for the year 2012/13, Councillors attended 13 internal sessions and nine councillors attended external sessions. In total there were 226 attendances at training sessions. Some of these sessions were provided by external providers and most received very positive feedback from those Members who attended.

The target set for Member training was for each Councillor to attend 3 training sessions in the financial year. In fact this year member attendance has averaged 4.4 sessions per councillor and the target has been exceeded.

#### Overview & Scrutiny Review

16. The Overview & Scrutiny function was reviewed as part of the Democratic Services Service Plan 2012/13. We enlisted the support of an external agent to carry out the research and analysis part of the review. He attended Overview & Scrutiny Committees throughout January/February of 2013 and then held workshops with Members and Officers to seek opinions and suggestions. To conclude his part of the review, Nigel Smith provided the Council with suggestions for an improvement plan and carried out a Member training session in March 2013.

Implementation of the improvement plan is to be considered by the Corporate Management Team in June 2013 and the Overview and Scrutiny Committees Chairs Group in July.

#### Electoral Services

17. Postal Vote Signifiers Renewal

Throughout January till March 2013, Electoral Registration reviewed and renewed the database of signatures and Dates of Birth (DOB) used during elections to confirm the validity of Postal Votes. They wrote to 6,795 Postal Voters, asking them to renew their signatures and confirm their DOB for our records. Just over 90% returned details which were then scanned into our election database.

Those who did not respond to the first letter were contacted again with a reminder. The final step was to send a last reminder letter giving them an opportunity to reply and alerting them to the fact that if they did not provide these details they were no longer be eligible for a postal vote.

The number of Postal Voters was closely monitored during the run up to the County Council elections in May and was found to be at the expected levels, which would suggest that the renewal exercise was successful in cleansing and updating the postal voting element of the electoral register.

18. Due to the scheduling of the Police and Crime Commissioner Election in November 2012, the Annual Canvass had to be carried out throughout the summer of 2012 instead of in the autumn, as usual.

#### Elections

19. In the space of one year Democratic Services have organised and overseen two major elections:

In November 2012 the Police and Crime Commissioner election took place. Reduced turnout and general voter apathy aside, this election still required the same amount of effort to organise and conduct as any other election and in addition was conducted using a voting system new to the electorate and the elections team; giving those involved the opportunity to participate in the centralised count for all of Hertfordshire.

Hertfordshire County Council Elections took place on 2 May 2013, but the work and preparations involved commenced in earnest in January 2013. The elections team met on a regular basis over the intervening months to ensure the conduct of a successful, smooth running election.

A review of the conduct of the election is underway and the views of those involved; Parties, candidates, participants and Agents, is being solicited in order to identify good practice and lessons learned for future elections.

20. In addition to the above the team have also run a County By-election in June 2012 and three other Borough by-elections in Woodhall, Adeyfield and Watling Wards.