



## AGENDA ITEM:

### SUMMARY

Report for:	Finance and Resources Overview & Scrutiny Committee
Date of meeting:	4 July 2017
PART:	1
If Part II, reason:	

Title of report:	<b>Quarter 4 Performance Report – Legal Governance and Democratic Services</b>
Contact:	<p>Cllr Neil Harden, Portfolio Holder for Residents and Corporate Services</p> <p>Author/Responsible Officers:</p> <p>Mark Brookes (Solicitor to the Council)</p> <p>Jim Doyle, Group Manager (Democratic Services)</p>
Purpose of report:	To provide Members with the performance report for quarter four in relation to 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'	<p><u>Value for Money</u></p> <p>Monitoring Performance supports the Council in achieving Value for Money for its citizens.</p>
Risk Implications	Risk Assessment completed for each service area as part of service planning and reviewed quarterly.
Equalities	Equality Impact Assessment completed for each service area

Implications	as part of service planning and reviewed quarterly.
Health And Safety Implications	None
Consultees:	Cllr Neil Harden, Portfolio Holder for Residents and Corporate Services
Background papers:	Annex 1: Quarter 4 Performance Report Annex 2: Quarter 4 Operational Risk Register

1. Members will find attached to this report the Corvu performance data for Legal Governance and Democratic Services, together with the Operational Risk Register, in relation to quarter 4 of 2016/17.
2. Members will also note that the only Operational Risk which falls within this area is CE\_R01 Failure to deliver successful elections.

## **LEGAL GOVERNANCE**

### **The Legal Team**

3. The Legal team frequently represent the Council in the courts and tribunals, leading on injunctions, prosecutions and defending employment tribunal cases and judicial review proceedings. In the last quarter the Legal team :-
  - Successfully defended a Judicial Review claim relating to the proposed Berkhamsted Multi Storey Car Park and obtained all of our legal costs incurred in defending the proceedings.
  - Successfully prosecuted Rainbow Travel, a local taxi company, after a complaint that they had refused a booking from a disabled passenger with a guide dog – an offence under the Equalities Act 2010. Company director Imtiaz Ahmed pleaded guilty to the offence at St Albans Magistrates Court on 26 April 2017, and was sentenced to pay more than £900 in fines, costs and surcharges.
  - Assisted the Planning team in successfully defending a planning appeal for a proposed gypsy site at land in Bovington.
  - Obtained injunctions against persons aggressively begging in the town centre outside WHSmiths and KFC and against a person who has been camping in the water gardens car park.

4. The team have been active completing a number of conveyancing transactions bringing significant income into the Council. The following land transactions were particularly noteworthy in the last quarter:
  - Land sale at Goldcroft, Hemel Hempstead - £849,018.54 received
  - Land sale at Juno Road, Hemel Hempstead - £855,755 received
  - Land sale at West Dene, Gaddesden Row for affordable housing £40,000
  - 15 Right to Buy sales (Total income £2,406,180).
5. The Legal team have recruited their first trainee Barrister who will be commencing work in early July. The team have also recruited a new part-time (20 hours per week) Litigation Solicitor who will also be commencing work in early July.

### **The Licensing Team**

6. As set out in the Legal update above, working with the Legal team, the team successfully prosecuted Rainbow Travel, a local taxi company, after a complaint that they had refused a booking from a disabled passenger with a guide dog – an offence under the Equalities Act 2010. The company's directors have since appeared before the council's Licensing Sub-Committee, who, after hearing about disability awareness training which their staff are now undertaking, have issued a strong warning to the company as to its future conduct.
7. Enforcement operations continue to try and detect taxi drivers licensed in other areas who illegally ply for hire within Dacorum. A prosecution is now being brought against an Uber driver, who lives in Hemel Hempstead but is licensed in London, who illegally picked up test purchasers without a booking during a licensing enforcement operation in Hemel Hempstead. The recent influx of London-licensed Uber drivers is a particular concern for Dacorum's taxi and private drivers, and we are working with the local trade to try and resolve these concerns. However, as the law stands there is nothing preventing private hire companies licensed in other parts of the country from taking bookings for taxi journeys starting and ending in Dacorum without any form of authorisation or vetting by Dacorum Borough Council, and there are a small number of cases where individuals who have been refused licences locally have successfully obtained licences elsewhere which allow them to come back and work lawfully in this area. This would require new national legislation to prevent – current taxi laws are now 170 years old, and are widely considered to be unfit for purpose in this modern day.
8. We were sorry to report that three Dacorum taxi drivers have been the victims of assaults in recent weeks, with two sustaining serious injuries after being attacked with knives during robberies. We have worked closely with police to reassure the taxi trade, and were pleased to learn that an individual has been arrested and charged in connection with the two knife incidents.
9. In a joint operation with Regulatory Services, and following information received from the RSPCA, the Council recently served its first improvement notice on a licensed pet shop under the Animal Welfare Act 2006, over concerns about a marked deterioration in accommodation and cleanliness

standards since the licence was renewed. Officers are now following up on the improvements demanded, with legal action a possibility if the premises does not reach satisfactory welfare standards for the animals in their care.

## **DEMOCRATIC SERVICES**

### **Elections/Electoral Registration**

10. In March, after a rigorous review in conjunction with Hertfordshire County Council a revised Electoral Register was published to support the forthcoming HCC Elections. The team also concluded the annual rolling renewal of postal vote identifiers (PVI's), made up of the signature and D.O.B, for just less than 2000 of those registered to vote by post.

11. Much of Democratic Services efforts throughout the early part of 2017 involved the preparations for the Hertfordshire County Council election to be held in May. To this end the Electoral Registration Section and Member Support Services were engaged in:

- Compiling and producing the electoral register
- Organising Staffing for the Polling Stations
- Booking the Polling Stations
- Production, Issue and opening of almost 19,000 Postal votes.
- Procuring and amassing the necessary equipment and paperwork
- Booking the Count venue and
- Procuring and preparing the Count equipment and materials

12. In March, matters were greatly complicated by the announcement of a snap United Kingdom Parliamentary General Election to be held in June. Due to the close proximity and the overlapping of the two polls, organisation of the second election proved most challenging, and each of the above tasks was increased by a factor of two compressed into a period of seven weeks.

13. At the time of writing it is fair to say that the initiatives piloted in the HCC election; a revised, re-orientated floor plan, creation of allocated count teams; a concentration on 'mini counts', each responsible for its own verification and subsequent count; produced an outcome that was arrived at fairly and smoothly with a result acceptable to those involved.

14. The lessons learned from the above were then incorporated into the UKPGE which produced a smooth Count and a result produced in a timely manner.

### **Member Support Services**

15. During Quarter 4, in addition to the work involved in the two elections, Member Support managed and organised the following:

- Published 30 agendas
- Completed 28 sets of minutes

- Spent 55 hours at evening meetings
- Processed 58 public speakers at Committee
- Published 7 Portfolio Holder Decisions
- Published 5 Officer Decisions

### **Town & Parish Liaison**

16. Throughout the quarter the following visits to Town & Parish Councils (sometimes accompanying the Mayor) were carried out - Wigginton, Tring Rural, Markyate, Flamstead, Aldbury & Chipperfield.
17. In addition 5 Community Association meetings and 2 High Sheriff Tour planning meetings were organised. As a result we set up a Centre Managers meeting and a tour of the new Forum for the Town & Parish clerks and Cllrs and members of the Community Centre Committees

### **Member Development**

18. Four Member Development sessions took place during this quarter, with 39 attendances which equates to 0.8 average per councillor. Sessions included a Homelessness update, Effective Scrutiny, Safe & Confident use of Social Media and Understanding CIL arrangements, all provided as either a result of the member requests following the Personal Development Plans or were deemed appropriate/compulsory by the Member Development Steering Group.
19. During this quarter the following attendances were seen:
  - 29 councillors didn't attend any of the courses provided
  - 9 councillors attended 1 course
  - 9 councillors attended 2 courses
  - 4 councillors attended 3 courses
  - 0 councillors attended all 4 courses.

### **Mayoral Support**

20. Much of the focus of the early part of the year has been on arrangements for the Mayor's Civic Function. A substantial contribution towards the cost of the event was made as a result of the Mayor's efforts to organise sponsorship and involve local businesses and organisations.
21. The first Mayor to take up office in the new Forum was elected in April.