



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

# ***Legal Services Department***

**SERVICE PLAN - 2021 / 22**

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## **Foreword**

At the start of 2020, Northern Ireland faced the spread of the global Covid-19 pandemic, which in turn has impacted on the way, Mid Ulster District Council delivers its services to communities. The Council's initial response was to protect frontline services, support the vulnerable in the community and ensure continuity of services.

On the Council's road to recovery and reinstatement of services, we have established 'Recovery Activities' that will enable the Council to learn from the impacts that Covid 19 caused, i.e. the new and emerging challenges that services face and the opportunities that have emerged from new ways of working. These 'Recovery Activities' will support the Council's Corporate Plan and this Service Plan will also support the delivery of these higher level objectives and associated outcomes for the residents of the District.

To make sure that we are transparent in what we are aiming to achieve, there is a series of activities outlined within the Service Plan. It should be noted, that it is proposed, that this will be a dynamic service plan, in light of Council's ongoing response to the Pandemic, reflecting the changing context within which it has been developed. Any changes that need to be made to the service plan (i.e. new actions added, or actions removed) will be reported to the Director of the Department as well as being reported as part of our 'business as usual' performance monitoring activity through committee papers during 2021/22.

## **1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE**

### **1.1 Purpose and Scope of the Service**

The service is responsible for the management and the provision of a comprehensive legal advice and support service to the Council across the Council's wide range of functions and responsibilities. The aim of the service is to provide high quality, proactive and timely advice and innovative solutions to the Council in order to assist it operating within the wider legal landscape.

### **1.2 Responsibilities**

The service is specifically responsible for the following:

- The provision of proactive, accurate, innovative and timely professional legal advice on matters relating to the functions and the exercise of the powers and duties of the Council;
- The drafting and settling of legal documentation;
- The provision of training and information on legal and quasi legal matters to officers and Elected Members, as required;
- The instigation and defence of claims, actions, applications and other legal proceedings, including representation, as required on behalf of the Council;

To liaise with other legal professionals, the courts, government departments, statutory bodies and other organisations in relation to legal matters pertaining to the Council.

### **1.3 Customers & Stakeholders**

<b>Customers &amp; Stakeholders</b>
• The Council; officers; and Elected Members
• Other members of the legal profession, including solicitors and barristers
• The judiciary and court officials
• Individuals residing in and businesses and organisations operating within the district
• Other government departments and agencies
• Other councils; including statutory bodies

#### 1.4 Performance Overview in 2020/21

The following table provides a progress summary and the impact made by last years' Service Plan (2020-2021). It also details key successes, a summary of the end of year progress, remaining challenges for the Service and how it made a difference.

2020/2021 Performance Response/ Overview (What we achieved- Measured Activities)	End of Year Progress Status: Activity was - Completed /Commenced/ Other
<ul style="list-style-type: none"> <li>• Training delivered for Planning Officers by way of a Workshop on Planning Case Law and Material Considerations. Resulted in tangible improvements for the planning decision making process.</li> </ul>	<p>Completed prior to Dec 2020 Training to be tailored for members and rolled out.</p>
<ul style="list-style-type: none"> <li>• Involved in cross-departmental Collaboration Project regarding Capital Programme delivery with a view to streamlining processes, embedding best practice and ensuring compliance.</li> </ul>	<p>Ongoing and continued engagement with relevant Directors. Monthly meeting and training workshops to continue to review and develop procedures and best practice, ensuring compliance and overall engagement and delivery of service, in line with corporate plan and community plan.</p>
<ul style="list-style-type: none"> <li>• External legal services contract is working well for the most part. Some challenges persist in relation to particular aspects of work, which are currently under review.</li> </ul>	<p>Ongoing. External legal support is required to provide timely support on particular expert areas of law.</p>
<ul style="list-style-type: none"> <li>• Implications of COVID19 for the service area may have delayed the service provision for the start of the year, due to limited Court functions etc. However, throughout this time a high quality legal advice service has continued with the Legal Services Department remaining fully functional while staff worked from home in accordance with Public Health Authority guidance, attending the office only as necessary to securely retrieve and/or return retrieve files, original documents or attend online Court Hearings which required officer attendance.</li> </ul>	<p>Ongoing.</p>
<ul style="list-style-type: none"> <li>• The Legal Services Department continues to be subject to the unpredictability of workflow, work type and caseload, making it difficult to</li> </ul>	<p>Kept under review.</p>

accurately budget and allocate resources (particularly in relation to third party legal fees, which are generally case specific).	
<ul style="list-style-type: none"> <li>Continued participation in and assistance with the development of an Estates Strategy and Asset Management Plan to provide strategic direction on the management, maintenance, acquisition and disposal of Council property and assets.</li> </ul>	Ongoing.
<ul style="list-style-type: none"> <li>Increase staff awareness and knowledge in in areas prone to legal challenge as follows: <ul style="list-style-type: none"> <li>(i) Planning (Councillors); and</li> <li>(ii) Prosecutions (Officers)</li> </ul> </li> </ul>	Ongoing

## 2.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2021/22

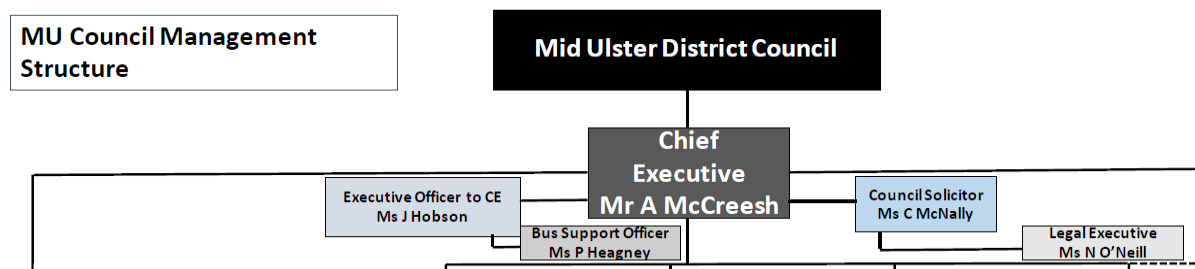
The following tables confirm the resources, financial and people, which the Service has access to throughout 2020-21 to deliver its actions, activities and core business.

### 2.1 Budget 2020/21

Service Budget Headings	£
Legal Fees & Subscriptions	129,497
Salaries and mileage	133,487
Gross Budget	262,984
Income	0
Net Budget for 2020/21	262,984

### 2.2 Staffing Complement - 2020/21

Prior to the Council's recent organisational restructuring, the Legal Services Department was positioned as below within the Council's organigram.



The recent organisational restructure has resulted in the Legal Services Department falling within the Corporate Service/Finance Directorate. Although a revised organigram is yet to be prepared, the staffing complement remains as in previous years, i.e. 1 number Solicitor and 1 number Legal Executive.

Staffing	No. of Staff
Head of Service	1
Managers	
Officers	1
Remaining Team	
<b>Total</b>	<b>2</b>

## 2.3 Service Work Plan - 2020/21

The Covid-19 pandemic has been one of the most significant challenges that Mid Ulster District Council has ever faced. It has required sudden and dramatic changes to the way we work, as Councillors and officers. The previous year has saw Council hold fast with front line service delivery and the section below outlines; our response during 2020 to 2021 i.e. what we achieved, the remaining challenges, and how our service made a difference.

### SERVICE WORK PLAN 2020/21

<b>Service Objective (What do we want to achieve?):</b>		Providing recognising diverse service areas, some further ahead than others, particularly in light of the Council's imminent directorate reform/integration.		
<b>Link to Community Plan Theme:</b>		<b>Align to Corporate Plan Theme</b>		
<i>CMP 3.1 Education &amp; Skills - Our People are better qualified &amp; more skilled</i>		<i>Service Delivery: 2.2 We will invest in our people to create a customer-focused, purposeful, skilled, high performing, engaged, healthy and safe work space.</i>		
<b>What are the key 'Business as Usual' activities we will deliver (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How will we know? (Measures)</b>
(i) Ongoing and regular engagement with stakeholders; further refinement and utilisation of legal instruction format/template; and further development and utilisation of case management system. Reminders/follow-ups to be issued to relevant staff regarding process of instruction and ongoing case management	Ongoing	CMN, KD & NON	More efficient and effective briefing of Legal Services team and relevant stakeholders.  Better understanding of key issues to ensure timely and tailored advice.	Baseline figure for usage of request for legal support (instructions) form – together with measure of increased usage during 2021/22.  Reminder information/brief (regarding usage of legal instruction format/template) forwarded to staff by end of Q2



(ii)	The continued provision of strategic legal advice and operational legal support across all Council functions and priorities (including: Local Development Plan, identification and development of key strategic sites, MSW Region Growth Deal, effective delivery of Capital programme, COVID19 related issues, etc. )	Ongoing	CMN, KD & NON	Identification and consideration of issues and options and development of relevant effective solutions will be accelerated and implemented/discounted at an earlier stage thereby enhancing strategic perspective and service delivery within an effective and efficient governance framework.	Increased stakeholder satisfaction with Legal Services contributions notably in relation to timelines associated with operational legal transactions.  Increased corporate assurance in relation to the elimination and/or mitigation of potential challenges against the Council's strategic and operational aspirations/plans/actions.
(iii)	To continue to assist in the development and implementation of an effective Estates Strategy and Asset Management Plan to provide strategic direction and operational support in relation to on the management, maintenance, acquisition and disposal of Council property and assets.	Ongoing	TS, CMN, KD & NON	Reliable central and easily accessible (to authorised individuals) database of Council's property and assets.  Documented procedure for dealing with Council's property and assets (to include consideration of potential acquisitions and disposals) to ensure consistency.	Formalisation of Estates Strategy and Asset Management Plan.
(iv)	Increase staff and member awareness and knowledge in areas prone to legal challenge as follows:  (i) Planning (Councillors); (ii) Prosecutions (Officers)	Ongoing	CMN, KD & NON	Reduce risk and financial or other impact of (successful) challenges against the Council.  Improve and increase staff and member knowledge.	Number and cost of successful challenges will remain low, or potentially reduce.  Increased efficacy in securing successful prosecutions,

			<p>Increased transparency and accountability in decision making.</p> <p>Increased public confidence in the Council's decisions and enforcement actions.</p>	<p>stemming from improved enforcement action, and leading to more robust statistics in this regard.</p> <p>Provision of internal and external advice as identified</p>
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What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How will we know? (Measures)
(i) Proactive engagement with relevant Council departments to support the Council's Transformation Agenda.	Ongoing	CMN, KD & NON	<p>Increase probability of successful identification of appropriate Transformation opportunities.</p> <p>Accelerate effective consideration of relevant aspects of potential opportunities to ensure that the Council has the necessary vires to advance the opportunities.</p> <p>Provision of timely, relevant and appropriate legal advice to ensure that Transformation opportunities are advanced as expediently and effectively as practicable having due regard to relevant risks, uncertainties and financial implications.</p>	<p>Positive stakeholder feedback</p> <p>Identification and advancement of potential Transformation opportunities to the Council (to include relevant legal briefing where relevant).</p>

## **2.4 RISK MANAGEMENT OF SERVICE**

The purpose of risk management is to manage the barriers which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

This table illustrates the risks identified to deliver the Services business in 2020-21.

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	<i>Failure to maintain effective corporate governance arrangements</i>	8	<i>Engagement with stakeholders to review current arrangements;</i> <i>Design a process to understand the various types of arrangements that exist; what arrangements should be in place; what harmonisation/standardisation can be achieved across arrangements;</i> <i>Develop a suite of documentation according to corporate needs;</i> <i>Provide training to various stakeholders on new process and documentation</i>
2.	<i>Implications of COVID19</i>	6	<i>Monitor the situation and respond accordingly;</i> <i>Proactively seek information and guidance;</i> <i>Proactively assist and advice across corporate services regarding legal issues and obligations during recovery and post recovery.</i>

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)

### **3.0 OUR STATUTORY CONSIDERATIONS**

In carrying out our responsibilities, the Service is cognisant of the statutory duties placed upon the council in the delivery of its services. Whilst the Service operates, under various obligations it is however mindful of the changing context in which it operates and endeavours to mainstream the equality and rural needs duties in the design and delivery of our functions.

#### **3.1 EQUALITY DUTY**

The council and by consequence our Service is committed to contributing towards its part in working towards fulfilling obligations under Section 75 of the Northern Ireland Act 1998 to ensure adequate time, staff and resources to fulfil our duties.

The Service will also work towards adherence to the council's Equality Scheme ensuring equality duties, together with promoting positive attitudes towards persons with a disability and the participation of people with a disability in public life when carrying out our functions.

#### **3.2 RURAL NEEDS DUTY**

The Service will be mindful of the rural needs of its customers when carrying out its functions and subsequent responsibilities, particularly in developing any new policies, plans or strategies throughout the year. In line with the Rural Needs Act (NI) 2016 we will give due regard to rurality in terms of needs in carrying out the activities within our Service.