



Corporate Services Overview and Scrutiny Committee

Date:	Monday, 12 January 2009
Time:	6.00 pm
Venue:	Committee Room 1 - Wallasey Town Hall

Contact Officer: Andrew Mossop
Tel: 0151 691 8501
e-mail: andrewmossop@wirral.gov.uk
Website: <http://www.wirral.gov.uk>

AGENDA

1. DECLARATIONS OF INTEREST / PARTY WHIP

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they are.

Members are reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they are subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

2. MINUTES (Pages 1 - 6)

To receive the minutes of the meetings held on 2 and 17 December, 2008.

3. UPDATE ON LISCARD HALL (Pages 7 - 10)

4. UPDATE ON CORONER'S BUDGET (Pages 11 - 16)

5. ASSET MANAGEMENT - OFFICE ACCOMMODATION COSTS (Pages 17 - 20)

6. LEGAL SECTION AND EXTERNAL LEGAL FEES (Pages 21 - 24)

7. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR

CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 2 December 2008

Present:

Councillor L Fraser (Chair)

Councillors C Meaden
C Tegg
J Crabtree

K Wood
P Southwood
J Keeley

31 **DECLARATIONS OF INTEREST/PARTY WHIP**

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement. No such declarations were made.

32 **MINUTES**

Resolved – That the minutes of the meeting held on 3 September, 27 October 2008 which were received by Council on 3 November, 2008 and the minutes of the meeting held on 6 and 10th November 2008, be received.

33 **STRATEGIC ASSET REVIEW**

With the permission of the committee this item was withdrawn for consideration at a special meeting.

Resolved – That arrangements be made for a special meeting of this committee on Wednesday 17 December 2008 to consider this matter.

34 **UPDATE ON MANAGING WORKFORCE CHANGE**

The Director of Law, HR and Asset Management, submitted a report providing an update on the on-going management of Workforce Change and outlining progress to date on the successful redeployment of employees throughout the Council in support of the efficiency programme.

To date a total of 344 people had been placed on the corporate redeployment register. Of the total number of people, 312 people have been placed on the register as part of the continued process of change throughout the authority, and 32 people as a result of ill-health.

Of the total number of employees placed on the register 257 people had been redeployed or had had their at risk status resolved in other ways. The report included a breakdown of numbers of people redeployed / resolved.

To date there were 87 people on the redeployment register who would require redeployment or alternative options. Every effort was being made to identify solutions for these affected employees. It was envisaged that within the next few months approximately 20 individuals would complete their trial periods and be successfully redeployed into a post, and therefore removed from the register, leaving 67 employees at risk.

The report outlined the training initiatives and workshop sessions which were being provided to develop different skills and assist the redeployment process.

The Director reported that work was currently underway to assess the maximum number of employees departments envisage that would be displaced in the next financial year in order for them to meet their efficiency targets. This would allow for proactive options to be considered for those affected employees by identifying effective resolutions and ensure that the Council and HR Efficiency team in working through the 3 year efficiency programme would, through workforce planning, identify which groups of employees would come to be at risk and when, therefore assisting in the proactive redeployment of employees.

Resolved - That the report be noted.

35 **QUARTER 2 SCRUTINY PERFORMANCE MONITORING REPORT**

The Director of Corporate Services submitted a report providing an overview of progress against performance indicators and key projects which were relevant to the Corporate Services overview and scrutiny committee.

Resolved – That the committee note the contents of this report.

CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 17 December 2008

<u>Present:</u>	Councillor	L Fraser (Chair)	
	Councillors	C Tegg J Crabtree K Wood	P Southwood J Keeley
<u>Deputies</u>	Councillors	J Salter (In place of C Meaden)	
<u>Apologies</u>	Councillors	C Meaden	

36 DECLARATIONS OF INTEREST/PARTY WHIP

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Councillor L Fraser declared a personal interest in respect of minute 37 Strategic Asset Review by virtue of her membership of the Liscard Community Centre Joint Management Committee.

Councillor J Keeley declared a personal interest in respect of minute 37 Strategic Asset Review by virtue of his membership of the Liscard Community Centre Joint Management Committee.

Councillor J Crabtree declared a personal interest in respect of minute 37 Strategic Asset Review by virtue of his membership of the Birkenhead St James Trust Management Committee.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement. No such declarations were made.

37 TRANSFORMING WIRRAL - STRATEGIC ASSET REVIEW

Further to minute 33 (2/12/08) the Director of Law, HR and Asset Management, gave a presentation comprising an overview of the report "Delivering the Strategic Asset Review" which set out proposals for the strategic consolidation of the Council's asset base across the Borough, and was agreed in principle by Cabinet on 27 November, subject to public and staff consultation as described in the report, with results of that consultation brought back to a further meeting of Cabinet on 15 January.

The Directors of Law, HR and Asset Management, and of Regeneration, responded to questions from members regarding proposals for the Pacific Road Theatre, Leasowe Recreation Centre, The Grange and the Warren Golf Course, and the future of the Guinea Gap site as part of a potential regeneration scheme involving the use of existing land and buildings around Wallasey Town Hall to promote the regeneration of the 'Seacombe/ Egremont Corridor.'

The Director of Regeneration reported upon the current position regarding the staffing implications associated with the SAR insofar as they affect his department. He reported that every effort was being made to minimise the impact on staff and the Council had a good record in managing workforce change through its redeployment and EVR schemes.

The Directors of Corporate Services and of Law, HR and Asset Management, reported that the review of office accommodation was in progress and further reports would be presented to Cabinet on more detailed proposals for accommodation change, including centralisation of current facilities management arrangements.

There was a general discussion concerning the consultation process and ways of engaging people in the Strategic Asset Review.

The Director of Corporate Services responded to questions concerning the consultation process. He explained that arrangements had been made to implement the Cabinet resolution and take the consultation process forward through four special area forum conferences which would give people the opportunity to find out more about the SAR proposals.

It was moved by Councillor Southwood and seconded by Councillor Crabtree that

"This committee recognises the importance of having an asset base which fulfils the needs of the local community. It also recognises the high and increasing costs of maintaining the current buildings.

We welcome the fact that Council has conducted an Asset Review, as this is something that this committee has itself highlighted the need for, and look forward to the review being extended to cover office buildings. However, we recognise the feelings of uncertainty that have resulted amongst service users and impacted staff.

We call on Cabinet to ensure that the proposed consultation ensures that these concerns are addressed and that the needs of the communities continue to be met.

Finally, we welcome the considerable and wide-ranging efforts that Cabinet is making to bring the budget under control and minimise council tax charges to local people".

The motion was put and carried (4:3).

It was moved by Councillor Fraser and seconded by Councillor Wood that

"We do not agree in principle, or in any other way, with the recommendation of the Strategic Asset Review and therefore recommend that Cabinet withdraws its closure programme and any future proposals.

The motion was put and lost (3:4).

It was moved by Councillor Fraser and seconded by Councillor Wood:

That Cabinet be requested to consider the following recommendations;

- (1) Where any future regeneration proposals involve the possible closure of council buildings, those proposals be brought to the appropriate scrutiny committee before public consultation commences.
- (2) No building will be closed and no service removed until such time that the alternative provision is operational and available to the people of Wirral.
- (3) That staff and user organisations be consulted over a realistic timescale on the understanding that future proposals should not entail reductions in the levels of service and accessibility.

The motion was put and lost (3:4). (Councillors Fraser, Keeley and Wood dissenting).

Resolved (4:3)

This committee recognises the importance of having an asset base which fulfils the needs of the local community. It also recognises the high and increasing costs of maintaining the current buildings.

We welcome the fact that Council has conducted an Asset Review, as this is something that this committee has itself highlighted the need for, and look forward to the review being extended to cover office buildings. However, we recognise the feelings of uncertainty that have resulted amongst service users and impacted staff.

We call on Cabinet to ensure that the proposed consultation ensures that these concerns are addressed and that the needs of the communities continue to be met.

Finally, we welcome the considerable and wide-ranging efforts that Cabinet is making to bring the budget under control and minimise council tax charges to local people.

38 ANY OTHER BUSINESS

In response to a question from the Chair, the Director of Corporate Services agreed to investigate a problem which had arisen with a recent press release when the normal procedure for emailing councillors simultaneously had not been followed.

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WIRRAL COUNCIL

CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE
12TH JANUARY 2009

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

LISCARD HALL, CENTRAL PARK, LISCARD

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to advise Members of the Committee of the current position in respect of Liscard Hall.

2. Background

2.1 On 16th October 2008 the Cabinet considered a report regarding Liscard Hall, which had to be demolished in the interests of public safety on 7th July 2008, following an arson attack.

2.2 The report outlined 4 options for the future of the cleared site of the property and also took into account the Central Park Depot buildings, which Members will recall were included as part of the original Development Brief for the Hall.

2.3 Option 1 was to leave the cleared site of the Hall to become absorbed into Central Park as an additional grassed area.

2.4 Option 2 was to expose the external and basement walls as features to show the original structure and physical footprint of Liscard Hall.

2.5 Option 3 and 4 were to look at whether the site could be redeveloped in isolation or in a larger scheme that would include the existing depot buildings.

3. Planning Application for Listed Building Consent

3.1 Officers are currently compiling the necessary information to submit a planning application to the Secretary of State for retrospective consent to demolish the Hall, as it was a Listed Building. It is clear that the opinion of English Heritage, with regard to the Council's actions, will be paramount in enabling the Secretary of State to reach a decision. Accordingly, additional information is being assembled in respect of all of the 4 options outlined above, as well as the evidence of how the Council had tried to get the building refurbished, by means of the Development Brief and a tendering process.

3.2 When the planning application has been determined, the merits of the respective options will be addressed again in light of any suggestions or recommendations made by the Secretary of State arising from his decision on the Council's Listed Building planning application. These will then form part of a future report to Cabinet. In any event, the Liscard Hall Steering Group will be consulted further with regard to any possible alternative uses for the site and the depot buildings.

4. Financial Implications

- 4.1 **The Insurance claim.** The Council has received a report, via its Loss Adjustors, who engaged DTZ of Liverpool to provide an independent valuation of the building, in its condition immediately prior to the fire.
- 4.2 Director of Law, HR and Asset Management is reviewing the details of this valuation, with the Director of Finance, to see if it forms an acceptable basis to settle the outstanding insurance claim.

5. Staffing implications

- 5.1 None

6. Equal Opportunities implications

- 6.1 None

7. Community Safety Implications

- 7.1 The building had to be demolished because it was unsafe and could not be made safe as a standing structure and the site has now been cleared of materials and left safe.

8. Local Agenda 21 implications

- 8.1 None

9. Planning implications

- 9.1 Central Park is designated as Urban Greenspace in the Unitary Development Plan and any future planning application for development at the former Liscard Hall site would be assessed against Policies GRE1 and GR1 'The Protection of Urban Green Space'.
- 9.2 Facilities for visitors, sport or play can be permitted under the terms of this policy, other types of development could only be considered if suitable compensatory measures can be put in place to provide equivalent community benefit elsewhere. This normally requires provision of open space elsewhere in the area. The policy also allows for the existing buildings to be converted for other suitable uses.
- 9.3 As the main listed building has been demolished, the case for any substantial enabling development has diminished any other enabling development would have to be proportionate to securing their long term future under the terms of Policy CH1.
- 9.4 There is a statutory requirement to determine applications in accordance with the Unitary Development Plan unless it can be demonstrated that material considerations indicate otherwise. A planning application at this site which departs from the adopted planning policy would need to be referred to the Secretary of State before planning permission could be granted.

10. Anti-poverty implications

10.1 None

11. Human Rights implications

11.1 None

12. Social Inclusion implications

12.1 None

13. Local Member Support implications

13.1 This report will be of interest to Ward Members in New Brighton, Wallasey, Liscard and Seacombe.

14. Background Papers

None

15. RECOMMENDATION

That a further report is submitted to Cabinet and this Committee, following the determination of the Listed Building planning application.

Bill Norman

Ref. AM/SH/

This report has been prepared by Sam Hird who can be contacted on 0151 691 8463

Bill Norman

Director of Law, HR and Asset Management

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WIRRAL COUNCIL

CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE – 12 JANUARY 2009

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

CORONER'S SERVICE

1. **Executive Summary**

This report has been produced as a result of the request of the Chair of the Committee for a further report on the Coroner's Service and its budget. The report sets out the current position regarding the budget for the coroner's service.

2. **Background**

2.1 The Coroner is an independent judicial officer presiding over a Court of Record within the English Judicial system and discharges his or her duties in accordance with the Coroners Act 1988, the Coroners Rules 1984 (as amended in 2005), and other relevant legislation. Although appointed and paid by local councils, the Coroner is not a local government officer but holds office under the Crown.

2.2 Coroners are required under section 2 of the 1988 Act to have a general qualification within the meaning of Section 71 of the Courts and Legal Services Act 1990, or be a legally qualified medical practitioner - in either case of not less than 5 years standing. Aldermen and Councillors of local authorities are not eligible for appointment as Coroners in their county or district, nor for 6 months after they cease to be one.

2.3 A Coroner's duties are:

- to investigate the circumstances of the deaths of all persons whose bodies are lying within his or her jurisdiction where he or she has reason to believe that the death was violent, unnatural or of unknown cause
- to decide whether a post mortem examination is necessary for the purpose of his or her investigation and, if so, to give directions to an appropriate medical practitioner
- to hold an inquest, with or without a jury, where he or she is satisfied that he or she is required to do so in accordance with section 8 of the 1988 Act
- to notify the Registrar of Deaths of the findings of the inquest, or, if no inquest is held, of the fact that the death reported to him or her does not need to be subject to an inquest
- to pay the relevant fees and allowances to witnesses and jurors, and to submit accounts to the relevant Council
- to make annual returns to the Secretary of State in connection with the inquests held and deaths he or she has enquired into

- to appoint a Deputy Coroner, and, if required, an Assistant Deputy Coroner.
- 2.4 This committee considered a report on 6 June 2007 highlighting certain budget pressures within the Coroner's budget. The Committee resolved (minute 11 refers):
- (1) That the report be noted.
- (2) That a further report be brought to a future meeting of this Committee setting Wirral's expenditure on a Coroner's service in context with other authorities' expenditure around the country and also providing a more detailed breakdown of expenditure.
- 2.5 The Cabinet considered a report on the Coroner's budget on 10 January 2008 (Minute 436 refers). Cabinet resolved:
- That the increase in the Coroner's Service budget for 2008/9 of £150,000 be agreed, and incorporated within the budget projections for 2008/09.
- 2.6 This committee considered a further report on the issue on 22 January 2008. The committee resolved (minute 37 refers);
- (1) That Mr Johnson be thanked for his attendance at the Committee.
- (2) That officers from both Corporate Services and Finance Departments hold discussions with Mr Johnson regarding the Coroner's budget.
- 2.7 After that meeting officers met with the Coroner and discussed the arrangements for the budget this year. The current budget position for the service and that in recent years is summarised in Appendix 1.

3. **Budgetary Issues**

- 3.1 The Coroner's budget forms part of the local authority's funding (RSG). There is no separate or specific budget allocated to the Coroner in the RSG and therefore the Coroner's budget has to be treated as part of the departmental budget.
- 3.2 On 21 October 2008 the Head of Legal and Member Services attended a seminar in Manchester arranged by the Home Office for local authority officers responsible for the coroner's service. The purpose of the seminar was to share best practice and consider the proposals for Coroner's reform.
- 3.3 A number of key messages on budget issues were set out at the seminar which are summarised below;
- The Coroner's system as it is today is a quirk of history
 - It is an independent judicial role. However, uniquely funding responsibility rests with the local authority
 - The funding responsibility will remain with local authorities following any reform;
 - Nationally the trend has been for an increase in post-mortems and inquiries
 - There has also been an increase in expensive specialist reports
 - Budget pressures have risen proportionally as a result

- Many of the significant areas of expenditure are fixed nationally e.g. coroners' pay, juror and witness expenses, post-mortem fees.
- Therefore, local authorities ability to control expenditure is minimal
- Virtually all authorities represented reported significant budget issues as a result of these factors.

3.4 Officers continue to monitor the Corner's budget. However, for the reasons set out above the scope for identifying any efficiencies or savings is extremely limited.

4. **Financial and Staffing Implications**

4.1 These are set out in detail in the body of this report and the Appendix. An additional £150,000 was added to the budget in 2008/9 as unavoidable growth. The expenditure for this financial year is currently forecast to be in line with the budget. However, this forecast is based on a straight line projection of spending. Therefore, this will need to be monitored for the remainder of the year in case there is any upward trend in expenditure over the remainder of the financial year.

5. **Local Member Support**

There are no implications for individual wards arising directly from this report.

6. **Equal Opportunity Implications**

There are none arising directly from this report.

7. **Human Right Implications**

There are none arising directly from this report.

8. **Local Agenda 21 Implications**

There are none arising directly from this report.

9 **Community Safety Implications**

There are none arising directly from this report.

10 **Planning Implications**

There are none arising directly from this report.

11 **Background Papers**

No background papers have been used in the preparation of this report other than reports referred to and papers from the seminar referred to which are available from the report author.

12. **Recommendations**

- (1) That members note the report.

Bill Norman
Director of Law, HR and Asset Management

Coroner's Service

Dec-08

Year	2005/06		2006/07		2007/08		2008/09		2008/09
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Forecast
Employee Costs	81,300	87,103	84,200	92,029	86,300	103,522	115,000	89,348	116,988
Car Allowance	1,800	1,860	1,800	2,055	1,800	1,960	2,000	1,343	1,791
Deputy Coroner Allow	4,200	4,848	4,300	5,083	4,300	5,793	6,000	4,462	5,950
Prof Fees - General	600	2,760	600	10,825	600	3,192	0	0	0
Mortuary Fees	74,700	96,519	74,700	91,497	74,700	93,830	97,000	31,277	93,830
Post Mortems	78,000	158,083	78,000	137,065	78,000	180,203	160,000	108,419	162,628
Other Fees & Expenses	7,800	33,808	7,800	34,407	7,800	26,435	24,800	15,731	23,597
Misc Expenditure	0	10,304	0	3,467	0	3,573	4,000	3,012	4,016
Support Service Costs	17,100	17,036	17,800	17,388	18,000	17,703	18,200	0	18,200
Transfer from Reserve	0		0	-10,825	0	-2,888	0	0	0
TOTAL	265,500	412,321	269,200	382,991	271,500	433,322	427,000	253,593	427,000
OVERSPEND		146,821		113,791		161,822			

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WIRRAL COUNCIL

CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE - 12 JANUARY 2009

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

ADMINISTRATIVE ACCOMMODATION STRATEGY AND ASSET MANAGEMENT

1.0 EXECUTIVE SUMMARY

This report responds to a request for an explanation of how the council intends to achieve a 20% reduction in administrative accommodation by 2011.

2.0 BACKGROUND

On 27 November 2008 the Chief Executive reported to Cabinet with proposals arising from the Strategic Asset Review for the consolidation of the Council's asset base. Part of his report dealt with administrative accommodation. This advised members that, with a programme of workspace change, it would be reasonable to expect to save at least 20% of the council's annual expenditure on office accommodation.

3.0 ACHIEVEMENT OF SAVINGS

3.1 This figure of 20% represents a reasonable estimate of savings that would be delivered through a change programme that would include the following elements:

- The initial vacation and disposal of seven identified administrative assets
- The more intensive use of core properties, which would allow the relocation of staff and the subsequent vacation and disposal of additional (at this stage unspecified) properties
- The widespread adoption of agile working, which would allow a further reduction in the number of buildings required, and
- Savings in facilities management costs

3.2 The report made clear however that for this to happen there will need to be:

- Central control and management of administrative accommodation and FM budgets
- Consistent compliance with the corporate space planning standard of 10sq.m. per person
- Co-ordination of property, IT and HR inputs focused on delivering workplace change, and
- A roll-out of agile working, underpinned by substantial investment in IT and a strong programme of workplace change

3.3 It also made clear that for this scale of savings to be achieved significant initial investment will be required, both to create new and more efficient working environments and to provide the necessary IT infrastructure and equipment.

3.4 A recommendation from the Strategic Asset Review was that the Director of Law, HR and Asset should report to a future meeting of Cabinet on more detailed proposals for accommodation change, including the centralisation of current facilities management arrangements.

4.0 **NEXT STEPS**

4.1 The proposals arising from the Strategic Asset Review are currently subject to consultation and it is intended that they will be the subject of a further report to Cabinet on 15 January 2009. If the proposals relating to office accommodation are agreed, a detailed programme will be developed to deliver the targeted savings.

5.0 **FINANCIAL AND STAFF IMPLICATIONS**

None arising directly from this report.

6.0 **EQUAL OPPORTUNITIES IMPLICATIONS**

None

7.0 **COMMUNITY SAFETY IMPLICATIONS**

None arising directly from this report.

8.0 **LOCAL AGENDA 21 IMPLICATIONS**

None arising directly from this report.

9.0 **PLANNING IMPLICATIONS**

None.

10.0 **ANTI-POVERTY IMPLICATIONS**

None.

11.0 **SPECIAL INCLUSION IMPLICATIONS**

None.

12.0 **LOCAL MEMBER SUPPORT IMPLICATIONS**

None.

13.0 **RECOMMENDATION**

That a further report is submitted to this committee following a Cabinet decision on the implementation of the Strategic Asset Review and the development of an implementation programme for accommodation change.

BILL NORMAN

Director of Law, HR and Asset Management
MISC\ADMINISTRATIVE ACCOMMODATION STRATEGY

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WIRRAL COUNCIL

CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE – 12 JANUARY 2009

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

LEGAL SERVICE

1. **Executive Summary**

This report has been produced as a result of the request of the Chair of the Committee for a report on the funding of the Council's legal service.

2. **Background**

2.1 The Council's legal service is based within the Legal and Member Services section in the Department of Law, HR and Asset Management. The service provides advice to the council, councillors and council officers. It provides representation in court hearings and tribunals on behalf of the Council both prosecuting and defending cases.

2.2 The Department employs of 12 qualified solicitors (including the Director of Law, HR and Asset Management and the Head of Legal and Member Services). 2 of the solicitors work part time so this amounts to 10 Solicitor FTEs within the legal section itself (including the Head of Legal and Member Services). It also employs another 11 non-solicitor fee earners (10FTE) some of whom have legal qualifications as legal executives.

2.3 The section is broadly divided in to 4 teams:

Team A – this provides services in relation to the Council's planning, highways, licensing, Streetscene, environmental and trading standards functions;

Team B – this provides services in respects of contracts, employment, debt recovery and general litigation support;

Team C – this provides services in respect of the social services, education and housing functions.

Conveyancing Team – this provides services in respect of all property issues

2.3 Each team has a small amount of dedicated administrative support.

2.4 The Council's legal team is LEXCEL accredited. This is the quality standard operated by the Law Society. The Council's legal team has held this accreditation since 2003. It was last inspected in July 2008 and passed with no non-compliances. The section continues to work with departments to conduct litigation successfully in the areas of licensing, child care, anti-social behaviour, streetscene prosecutions amongst many other pieces of work. It continues to provide good quality services in the face of increasing work levels. For example the liquor licensing function was transferred to the Council from the Magistrates' Court in 2003. Many authorities increased the resources in their

legal sections to reflect this extensive new area of work. Wirral absorbed this heavy workload within its existing resources. In the area of anti-social behaviour the Wirral Anti-social Behaviour Team has increased its complement of Enforcement Officers from 4 in 2003 to 8 currently. The Council has an impressive track record in using legal proceedings to effectively tackle anti-social behaviour. This success and an increase in the capacity to investigate cases have inevitably led to an increased demand for legal action. However, there has been no equivalent increase in resources in the legal section to meet this increased demand.

- 2.5 The budget for the section is contained within the overall budget for legal and member services. The bulk of the budget is made up of staffing costs. The staffing budget for the legal section is £1.16 million. This includes the management of the section which also covers member services. There is limited benchmarking available across comparative spending by similar authorities. However, anecdotal evidence would suggest that the legal section in Wirral has comparatively fewer staff than similar authorities. The caseload of the child care litigation solicitors has historically been higher than that of other authorities and steps have been recently taken to address that through the recruitment of an additional solicitor. However, in the wake of the Baby P case that is an area which needs to be monitored closely.
- 2.6 I was recently contacted by the newly appointed Borough Solicitor for the Cheshire East authority. This is currently a shadow authority which will take over the responsibilities for the area from 1 April 2009 from the existing Districts and County Council. It will be slightly larger than Wirral in terms of its total population. He is seeking comparative information from other authorities on budget and structure. I have indicated that I would be keen to share any information to benchmark across other authorities as the current comparative information available is very limited. This will enable comparisons with other authorities to be made more easily.
- 2.7 In the past as a result of short term funding arrangements and recruitment difficulties the council has used a number of "locum" (temporary) solicitors. These placements tend to be very costly compared to permanent staff. This is due to the higher pay locums receive and the agency fees. In 2007/8 a total of £202,284 was paid for locums. The section has sought to replace locums with permanent staff and currently no locum solicitors are engaged within the service.
- 2.8 In line with most other authorities the Council's legal section is staffed to deal with the normal day to day legal activities experienced by a local authority legal department. It is necessary to externalise some areas of work which come outside of this or where there is a lack of internal capacity and/or expertise. The principal areas where this expenditure arises are;
- 1) the use of barristers; and
 - 2) the use of external solicitors on major projects.

The budget for counsels' fees for 2008/9 is £305,000. The current expenditure for 2008/9 is £228,263. The major expenditure arises from child care cases. The Council employs 3 solicitors who are principally engaged on child care cases (however, 1 of these solicitors only took up post on 5 January 2009). In addition the manager of the team conducts child care cases. Child care cases

all commence in the Family Proceedings Court which is part of the Magistrates' Court. The Council's in-house solicitors conduct all advocacy in this court. The more serious and complex cases are transferred to the County Court or in the most serious or complex cases the High Court. In respect of these more serious and complex cases which are transferred to the County Court or High Court barristers are engaged to conduct the advocacy. Although there is no benchmarking evidence available, discussions with neighbouring authorities suggests that this is common practice. As indicated above, particularly in the light of the Baby P case, it is important to ensure that legal advice and advocacy of an appropriate calibre is provided in child care cases. Barristers are also used in respect of planning inquiries, anti-social behaviour litigation and in defending judicial review applications.

In dealing with particular complex commercial transactions involving property or contracts the Council has engaged external solicitors to advise the Council. The Council is a member of the North West Consortium for Legal Services together with Sefton, Knowsley, Halton, West Lancashire and Warrington. This means that we have access to large firms with a range of expertise at rates which have been the subject of competitive tendering. As a result of the lack of in house capacity and expertise the use of external solicitors has been required on a number of key projects in recent years. The projects which are being or have been dealt with by external solicitors in the past 12 months are;

Development of Oliver Street Car Parks;
Hoylake Golf Resort Procurement;
Development of Europa Boulevard;
MIS Contract procurement
HMRI development Agreement with Lovells

The expenditure on external solicitors for 2008/9 to date amounts to £94,965. In some cases these costs have been met by other parties and not the council. This represents the actual amount incurred there are further amounts committed which means that the amount is likely to increase to the region of £150,000 by the end of the financial year. In some circumstances the Council is obliged to pay the legal costs of third parties for example the solicitors costs of individuals selling properties to the Council under the HMRI scheme. These costs are not included in this figure.

3. Financial and Staffing Implications

3.1 These are set out in detail in the body of this report.

4. Local Member Support

There are no implications for individual wards arising directly from this report.

5. Equal Opportunity Implications

There are none arising directly from this report.

6. Human Right Implications

There are none arising directly from this report.

7. **Local Agenda 21 Implications**

There are none arising directly from this report.

8 **Community Safety Implications**

There are none arising directly from this report.

9 **Planning Implications**

There are none arising directly from this report.

10 **Background Papers**

Departmental budget reports.

11. **Recommendations**

(1) That members note the report.

Bill Norman
Director of Law, HR and Asset Management