



## REPORT TO CYNGOR GWYNEDD CABINET

<b>Item title:</b>	Performance Report of the Cabinet Member for Corporate Support and Legal - Legal Services
<b>Cabinet Member:</b>	Councillor Llio Elenid Owen
<b>Relevant officer:</b>	Iwan Evans - Head of Legal Services
<b>Date of meeting:</b>	11 February 2025

### 1. Decision Sought

To accept and note the information in the report.

### 2. The reason why the Cabinet needs to make the decision

In order to ensure effective performance management.

### 3. Introduction and Rationale

3.1 The purpose of this report is to update my fellow members on what has happened in the areas for which I am responsible as Cabinet Member for the Corporate Support and Legal Departments. The report will include an outline of what has happened on Legal Services projects and progress on performance measures.

3.2 I would like to remind you that all issues have already been discussed and scrutinised by me at a meeting with the Management Team on 13 January.

3.3 I am pleased with the projects being led by the Service, together with the day-to-day performance of the Service and recognise the key contribution they make to support the work of the Council.

### 4. LEGAL SERVICE

4.1 The performance of the Service is being monitored by seeking feedback from the Departments who receive a service. Views are evaluated against a scale from 1-5 in the form of a simple e-mail and the monitoring process has improved. (Scale of, 5 = Very Satisfied, to 1 = Completely Dissatisfied). It is also possible for departments to add comments about a score. Since the beginning of the financial year, the score on the whole is very high with 100% being very satisfied with the service. Transferring to a new electronic system has had an impact as technical problems affect the number of questionnaires. However, the situation has now been resolved.

In terms of the response that has been received, it is encouraging that a number of additional comments are being placed on the questionnaire with a response saying:

"Very happy with the standard and timing of the service"

"Very Satisfactory - thank you very much"

"quick work with no problems to report. Very happy."

2024													
Score	%	April	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Very Satisfied 5	100%	6	1	*	*	*	6	4	7				17
Satisfied 4	0%												
Reasonably Satisfied 3	0%												
Dissatisfied 2													
Very Dissatisfied 1													
Total questionnaires returned		6	1				6	4	7	0			
Number sent out		7	2				63	25	65	39			201

#### **4.2 We will continue to develop the Legal Team to create resilience within the Team.**

##### **What has been achieved?**

The department has been involved in Cynllun Yfory for some years and has benefited from employing a trainee who has then progressed to qualifying and working within the department as a solicitor. It is a pleasure to note that the trainee newly qualified this August also accepted a position within the department filling a vacancy. (A position previously filled by locum)

Further, the department has also taken advantage of the apprenticeship scheme and hired the department's first paralegal apprentice. This works well and the apprentice has started her Paralegal qualification.

There is currently one vacancy dedicated to planning and employment. Discussions have taken place as to how to fill this position and at the moment the intention is to create an employment and general litigation post ensuring that the planning role is carried out by an in-house member of staff with some change in their job description. A local locum solicitor has been appointed to carry out Planning Committee work in the short term while changes are afoot. The employment work will be done by locum In addition a number of the Authority's more complex matters have been sent to external solicitors.

**Next steps**

An employment and litigation lawyer position is being advertised. The work is consistent and if not carried out correctly or in a timely manner is an element of significant risk to the Authority. The costs of locum and/or external lawyers will be much higher than recruiting a permanent position. It is intended to ensure support for the members of the team who develop their skills whether through work experience or by working on a qualification.

**Risks**

The biggest risk is failure of appointment but it will be necessary to investigate the job and employment market to assess if there is a risk where an appointment is not possible. Secondly there is a risk of locum costs returning after a fairly stable period. This will have to be watched closely.

**Timetable**

Apprentice schedule is 2 years. An open timetable for developing a resilience within the team.

Advertising schedule with consent and appointment if successful – up to 6 months.

**4.3 We will look to complete Lexcel post work for maintaining SRA proprietary systems****What has been achieved?**

The department has now incorporated a new case management system and is in a position to look more broadly at greeting features of the Lexcel accreditation that would be beneficial for the unit. We are looking specifically at arrangements of maintaining similar standards through feedback and "peer review" review systems. There is no intention to seek the Lexcel accreditation as a whole, (it is not directly relevant to a large part of the work of an in-house lawyer ("in house") and its cost) is not intended to be sought but rather to use some or principles to develop the way of working and to strengthen systems.

**Next steps**

The processes are due to be implemented in the New Year.

**Risks**

Nothing to highlight

**Timetable**

The work to be in place within the next few months and underway within the department.

**5. PROPRIETY**

## DEPARTMENT PLANS

### **5.1 We will continue to support and advise on the functions of the Council in terms of ensuring constitutional, legal and administrative propriety.**

#### **What has been achieved?**

This work is continuous but specifically a series of "Penderfyniadau Da" seminars were planned" from October onwards. The objective of the courses is to explain the basics of decision making in public bodies together with the constitutional and regulatory framework regarding this area. A pilot has been carried out and responded Tto positively.

#### **Next steps**

Establishing a programme of seminars

#### **Risks**

This work is part of the Council's governance arrangements which receive the oversight of the Governance Group.

#### **Timetable**

The work is constant . Due to other requirements the intention to hold these seminars has slipped. However we are confident that the arrangements will be able to be in place by the end of the financial year.

### **5.2 We will work with the Standards Committee, Political Group Leaders and Members, together with relevant officials, to maintain and support high standards of behaviour among councillors.**

#### **What has been achieved?**

We will actively focus on collaborative work and support with the new incumbent on member behaviour with group leaders. In addition, reflecting a requirement highlighted by induction sessions Code of Conduct courses are planned for Council members in the last quarter of 23/24 and earlier if resources allow.

#### **Next steps**

A meeting was held between members of the Standards Committee and Group Leaders to promote and support the implementation of the new duties. As a result, agreement was reached on the proposed criteria and an arrangement for regular meetings between the Monitoring Officer and the Conductors to support the work.

#### **Risks**

Council reputational risks if the incumbent is not greeted.

#### **Timetable**

Due to the changes in the Council's leadership the delay of the meeting with the Standards Committee to be met in February. However, it is planned to arrange a briefing with the Chair of the Standards Committee once a Leader is in place.

### **5.3 We will review and secure adequate resources for supporting the requirements on the Service derived from regional work**

#### **What has been achieved?**

Resolving our recruitment situation means that it is now possible to move forward to plan how the regional requirements can be greeted. As the Northern Region Incorporated Joint Committee moves into operation there is an increase across the board in asking for resources. This remains a challenge but an issue that is recognised within the project. The current period is particularly challenging because a number of elements of the CBC's work become operational during the current quarter. In addition, the UK and Welsh governments have jointly imposed regional accountable body responsibility for the Investment Zone (Investment Zone) Counties of Flint and Wrexham) on the CBC

#### **Next steps**

Working as part of the CBC's no management to identify resources necessary to maintain the new authority. Working to claim a Welsh Government grant to contribute to the resource. The CBC Budget report before the 17th of January contains provision for the anticipated corporate support needed for 25/26. External legal resources have been commissioned to support the work on establishing the Flint/Wrexham investment zone.

#### **Risks**

Fail to ensure adequate resources and create the appropriate capacity to maintain the establishment of the Joint Committee. An increase in work across from a range of elements is creating a ton of parallel work right now. Additional requirements and weights derived from external reviews.

#### **Timetable**

It was intended that the functions of the Ambition Board should pass to the Joint Committee incorporated by November 1, 2024. But, this timetable has slipped to April 2025. A report before the CBC on 17 January opens the door to establishing an SLA across corporate support including legal and democracy.

### **5.4 We will complete the project on reviewing the Council's voting arrangements by 15 November 2024.**

#### **What has been achieved?**

It was reported to Full Council in December 2023 where it was decided to move to a consultation process. A consultation process was held in accordance with the Legislation and a Special Council was held on the 25th of October 2024 to determine the regime.

#### **Next steps**

The motion failed to reach the statutory margin of 'at least 46 votes in favour of moving to PSD. As a result, there can be no decision to change the regime for the 2027 elections.

#### **Risks**

With the decision of 24 October 2024 there are no specific follow-on steps or decisions or process to address.

### **Timetable**

There is no further action following a decision

## **5.5 We will complete a review of the Constitution by 31 December 2024, to ensure that it remains current and fit for purpose.**

### **What has been achieved?**

There are two elements to this, updates resulting from statutory changes and modifications that greet the needs of the current Council and potential improvements. The journey to a decision will vary according to the text but is scheduled to report to the Full Council in Sept. 1. However the Scrutiny Committees element will need to be delayed to have an opportunity to review a response to the Audit Wales report in this area. A review of the Staffing section will require further work and consultation along with updates to the Delegation Plan elements . While the process is ongoing discussions with some Departments have highlighted that communicating needs has not worked consistently in dealing with changes.

### **Next steps**

Complete delegation plan reviews and staffing Standing Order arrangements together and other resulting constitutional modifications.

### **Risks**

The current Constitution is key to the conduct of Council business and shortcomings can lead to uncertainty and delays in key decisions along with a risk of challenge. The review has not identified specific risks at this time that need to be prioritised

### **Timetable**

Completion of this work is anticipated to slip to March/May Council due to the pressure of other issues

## **5.6 We will support the Standards Committee to develop arrangements to implement its responsibilities towards Town and Community Councils by offering training sessions.**

### **What has been achieved?**

Although a pilot course has been available and ready a range of issues have meant that it was not possible to progress this training. The Standards Committee has surveyed the joint relationship with Town and Community Councils and identified the need to move to strengthen this partnership. While not a general reflection of all advice it is also statistically obvious that the vast thicket of complaints to the Ombudsman about a Code of Conduct stem from' sector here .

### **Next steps**

Offer a programme of virtual courses for Town and Community Councils.

### **Risks**

Failure to address These issues particularly so where specific councils and problems increase work and demands on the Proprietary Team.

### **Timetable**

We will present two virtual training sessions before the end of 24/25

## **5.7 We will complete the training of Gwynedd Council members in Code of Conduct matters by offering detailed training sessions on the Code to members who have not attended.**

### **What has been achieved?**

Although courses have been held this year, there is an application to group leaders and a clear message in the annual report there is still a gap in the number of members who have attended. Whether 6 or 20 members in a course the officer time commitment remains the same. All membership have received a short course at the beginning of term but there is only sufficient information for new members here in the basics of the Code and how not to transgress in the early days.

### **Next steps**

A further evening course has been undertaken for December 2024 which will be recorded and available to members.

### **Risks**

There are risks to members and the reputation of the authority if members are found guilty of breaching the Code. This is part of the challenge about members' core courses.

### **Timetable**

The full course was held during December and has been recorded for entry for members who continue without attending the full training.

## **6. ELECTIONS AND ELECTORAL REGISTRATION**

### **DEPRATMENT PLANS**

### **6.1 We will work in support of the Returning Officer and the Electoral Registration Officer, specifically greeting:**

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1. **Complete implementation of Elections Act 2022 changes relating to postal votes.**
2. **Preparing for Welsh Parliament Electoral changes**
3. **Participation in the Welsh Government's 'automatic' registration pilot**

### **What has been achieved?**

We have held the Police Commissioner Election and then the UK Parliamentary Election which was called at short notice. This meant that the new arrangements introduced by the Elections Act 2022, and the cross-border arrangements put in place with Conwy and Denbigh councils due to boundary changes, had to be implemented in practice for the first time. The Count was also held in Porthmadog for the first time.

### **Next steps**

Implement the work programme.

### **Risks**

Failure to fulfil the requirements for elections but the risk assessment shows that there is an acceptable status to fulfil these requirements.

#### **Timetable**

In accordance with the schedule in the work programme.

### **6.2 We will undertake a Statutory Community Review process collecting data, conducting initial engagements and reporting to the Council the results of the process, with recommendations**

#### **What has been achieved?**

Following initial information collection and extraction and engagement a report was submitted to the Full Council which approved the intention and terms of reference to undertake a community review and review of electoral arrangements in parallel.

#### **Next steps**

The first consultation period has ended. We are stockpiling the responses to develop draft proposals.

#### **Risks**

Failure to conduct a review in accordance with the statutory requirement but the risk assessment shows that there is an acceptable status to fulfil these requirements.. There is a slip as a result of the General Election in July this year but it is anticipated that this will not affect our ability to complete the process in a timely manner.

#### **Timetable**

A report with draft proposals will be submitted to the Full Council in March 2025 before those proposals are consulted. It is intended to submit the final recommendations for approval by the Full Council in July 2025.

### **6.3 We will conduct a Polling Place Review.**

#### **What has been achieved?**

Polling place review is an ongoing process and each election gives us the opportunity to assess the suitability of our stations and consider if more suitable locations are available. However, a statutory review is required every five years. The most recent review took place between September and November 2024 and a report was submitted to Full Council in December 2024, which approved the outcome of the review.

### **6.4 Welsh Government Auto Registration Pilot Scheme**

#### **What has been achieved?**

We have volunteered to be one of the authorities taking part in the scheme. Following delays due to the elections negotiations have resumed between the authorities, The Welsh Government and providers of the electronic electoral systems to create the pilot scheme.

#### **Risks**

While the basic project element (data matching and registration) seems achievable at the moment, the data source engagement and development elements would require an additional



staff resource. Funding is available from the Welsh Government but we will not proceed with the full scheme without assurances of a suitable resource. The scheme is also dependent on changes to existing legislation.

### **Timetable**

The Welsh Government intends to run the pilot between January and December 2025.

## **7. CORONER'S SUPPORT**

### **7.1 We will continue to provide resources to support and enhance the support available to the Coroner**

What we've been doing, examples :

1. Strengthen admin support by increasing the issues that Admin Tim can deal with
1. Change of payment of jurors and witnesses at inquests
1. Preparing a risk assessment for inquests and the work of the Coroner in general
1. Set up a process to transfer documents to the Council Records Centre and then to the Archives.

## **8. Risk/Service Position**

- Contributing to regional work, recognising that this risk situation is subject to further review

## **8. Views of the Statutory Officers**

### **8.1 Chief Finance Officer**

*"I forecast that the net expenditure of the services will be within their budget this year. I have no further comments from the perspective of financial propriety."*

### **8.2 Monitoring Officer**

Author of the report

