

Legal Services

Presentation to Resources & Governance Scrutiny
Committee

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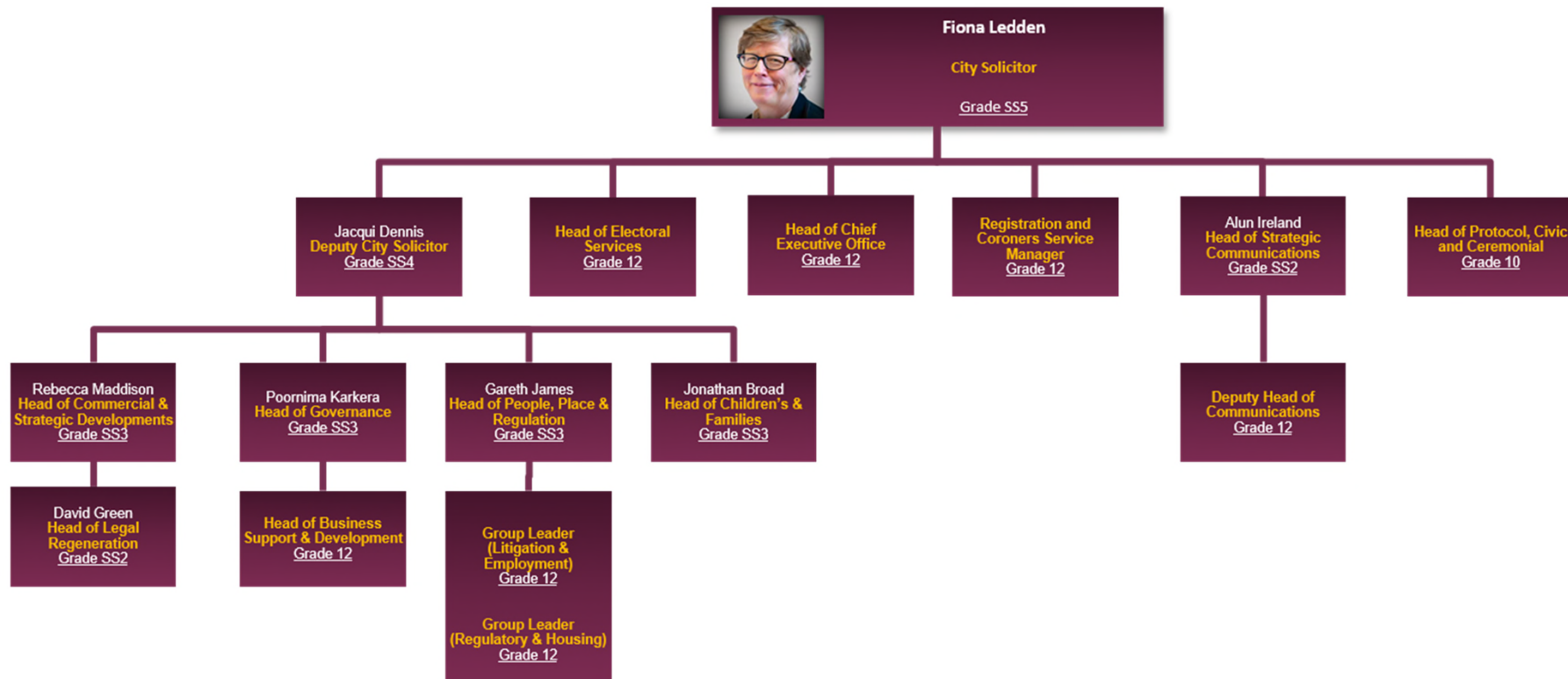
Legal Services Structure & Teams



MANCHESTER
CITY COUNCIL



Legal Services- Senior Structure Chart



City Solicitors/Legal Services

Teams that work within the Legal Services

Legal Services:

- Children & Families
- People Place & Regulation
- Regeneration
- Governance

City Solicitors:

- Strategic Communications
- Elections Team
- Civic & Ceremonial
- Coroners & Registrars

Legal Services : Our Teams

Children & Families

- Pre proceedings team
- Court team
- Advocacy unit
- Disclosure team
- FTE - 64

People Place & Regulation

- Litigation & debt recovery,
- Employment
- Regulatory and enforcement
- Housing
- Community services
- FTE - 61

Legal Services : Our Teams

Regeneration

- Commercial
- Property
- Physical infrastructure group (Planning and highways)
- FTE - 51

Governance

- Democratic legal services
- Governance and scrutiny support
- Executive and Members Services
- FTE - 58

What do legal services do?



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What work do the teams do?

People Place and Regulation

Where judicial review proceedings against councils are contemplated or commenced, e.g. by a letter of claim challenging the decision not to accommodate. We are able to provide technical support throughout: the generation of documents and pleadings, leading to representation at court.

We have a number of experienced and knowledgeable solicitors and legal officers in this area of work with a mix of local government and private practice experience. We act for a number of housing trusts as well as councils and their own ALMOs. We are highly skilled at identifying and separating the genuine cases from the speculative, defending the speculative and bringing genuine cases to a cost-effective and speedy conclusion.

The team deals with a variety of estate management issues, including applying for injunctions for access for repairs, as well as annual gas inspections and maintenance of properties, in particular the upkeep of gardens to a reasonable standard. We send warning letters and letters of claim, and issue court proceedings where necessary.

Much the required advocacy in the County Court and the Magistrates' Court is undertaken by the team in-house, avoiding fees for barristers whenever possible.

What work do the teams do?

People Place and Regulation

Litigation

We defend all litigation claims brought against the authority from highways trips and slips claims to high value complex cases for example historic mesothelioma cases

We are one of few local authorities to conduct high value claims in house - we are independently audited annually by our Insurers - this allows us to provide a cost effective in house service and employ specialist high level senior Litigators

What work do the teams do?

Community

- All aspects of Adult social care. Court of protection, mental capacity matters, ordinary resident disputes.
- Protecting the most vulnerable adults - advise the Adults safeguarding Board
- Judicial review
- Inquest support and advice
- Children with SEN
- Child to adult transitional issues
- Cases with individuals with no recourse to public funds

What work do the teams do?

Employment

The team works closely with HROD and other Council departments. It provides advice and representation to the Council and to schools on the following areas.

- Strategic advice to directorates on employment advice and restructuring of departments
- TUPE
- Dismissal
- Employment contracts
- Discrimination
- Equal Pay
- Disciplinary and grievance procedure
- Defence of tribunal claims

What work do the teams do?

Housing and Neighbour Nuisance

Provides legal advice, assistance and representation on the following areas:

- General housing
- Housing
- Anti-social behaviour
- Possession
- Housing Disrepair
- Homelessness

The team provides advice to Council departments and external clients, including RSLs.

What work do the teams do?

Regulatory

- Advice to Licensing Committee and subcommittees/licensing panel meetings
- Formulation of policy across all regulatory areas including licensing and gaming policies, taxi and street trading regulation
- Environmental crimes - Prosecuted for fly tipping and littering offences
- Prosecutions for breaches of trading standards legislation counterfeiting, toy safety, taxi offences, non attendance at school, blue badge misuse, animal welfare, building and planning enforcement HMO regulation
- Advocacy retained in house

What work do the teams do?

Governance Group

Democratic legal team provides legal support to the Council's decision making and democratic processes, and advises on all constitutional matters and under takes the annual review of the constitution.

The Group also advises on information governance, including Data Protection, Freedom of Information and RIPA matters. It supports the standards Committee.

Provision of legal support to the delivery of elections

It supports Records Management corporately.

Also in this group is the Governance and scrutiny Support Unit, Members services, Executive Members services and Leaders Office.

What work do the teams do?

Regeneration Group

Regeneration (Legal) provides a focus for legal work on economic regeneration across the city. It incorporates the following teams:

- Commercial
- Physical Infrastructure
- Property

Combining all the legal work which deals with property, planning, highways and commercial projects under one management arrangement will ensure that Legal Services can provide a coherent, project based response to major issues on a more flexible basis.

Projects

The team acts on behalf of the Council in the deliver of major regeneration, commercial and strategic projects including Public Finance Initiative and Public Private Partnerships. We provide advice in relation to special purpose vehicles, joint ventures, partnering arrangements and strategic outsourcing/contracting out of services.

What work do the teams do?

Commercial Team

The team advises all departments of the Council in relation to commercial and procurement issues.

- Major projects - how we structure projects to ensure they are legally compliant
- We act in the negotiation and preparation of a wide range of contracts for goods, works and services (including framework agreements, construction contracts, ICT contracts and licences, consultancy agreements and other professional appointments etc).
- Work covered also includes advice in relation to company law
- Construction law
- Local Government powers and duties
- State aid
- Grant agreements
- Loans
- TUPE and pensions
- Intellectual Property law
- Advice in relation to and the formation of bodies corporate (including companies, trusts and charities).

The team also plays a role in the Council's overall strategy and procedures, including reviewing the Council's Procurement Rules, Standard Terms and Conditions and procurement/commercial policy generally.

What work do the teams do?

Physical infrastructure Group

The Group provide advice on all planning and highway matter including advice and attendance at planning Committee -

- Planning applications, including EIA matters, report drafting and associated constitutional matters;
- Drafting and negotiating s106 agreements;
- Planning appeals including advocacy at hearings and public inquiry management;
- Planning enforcement;
- Special controls (e.g. listed buildings, tree preservation);
- Regeneration schemes and highway improvement schemes involving site assembly and compulsory purchase;
- Housing Stock Transfers
- Compensation claims arising from compulsory purchase;
- Appropriation and acquisition of land for planning purposes;
- Agreements and licences under the Highways Act 1980;
- Creation, diversion and stopping up of highways;
- Traffic Regulation Orders, including report drafting and advice in relation to making, modifying or revocation of such Orders;
- Parking and Bus Lane contravention notices, general parking and bus lanes' legal related matters, parking adjudicators' submissions and hearings.

What work do the teams do?

Property Team

- Compensation Payments pursuant to Compulsory Purchase Orders
- The Voluntary Registration of Titles for Manchester Council
- Right to Buy sales and Property work on behalf of Manchester and Salford Councils
- General Manchester and Salford property transactions including:
- GMP property based transactions
- Enforced sales
- Development Agreements and Leases
- The purchase of property by Agreement
- Disposals of property
- Property documentation relating to Manchester Airport
- General Manchester and Salford property transactions including:
- Enforced sales
- Development Agreements and Leases
- The Purchase of property by agreement

What work do the teams do?

Children's & Families

- All legal issues relating to safeguarding and child protection
- Pre proceedings advice and guidance
- Care and Supervision Orders
- Emergency Protection
- Secure Accommodation
- Forced Marriage
- Female Genital Mutilation
- Reporting Restrictions
- Wardship and Inherent Jurisdiction
- Deprivation of Liberty relating to Children
- Child Arrangement Orders
- Local Authority Support for Children and Families

We have an in house advocacy unit which operates in a similar way to a Barristers Chambers - this allows us to undertake longer more complex hearings in house

What work do the teams do?

Children's & Families

- Adoption
- Private proceedings with local authority involvement
- Age Assessments
- Child to Adult transition (16/17 year olds)
- Children with disabilities relating to s17 Children Act 1989
- Criminal Injuries Compensation Scheme
- Advice to Local Safeguarding Children Boards (Manchester & Salford)
- Multi Agency working on Safeguarding and Child Protection
- Support with the formulation of policies and procedures
- Legal Advice to Domestic Homicide Panel
- Public Interest Immunity

Disclosure of Information to third parties

- Disclosure to third parties of children's adult's social care records
- Disclosure to third parties of education records



Legal Services

Legal Services - What we are proud of

Provision of a quality in house service to the Council - Our mission statement is:

“Delivering innovation and excellence in public sector legal services”

Our business plan has five objectives -

- Delivering, innovative and excellent legal services that provides value for money
- Our People – Valuing, developing and listening to our people
- Build and grow effective business relationships
- Deliver service efficiencies
- Improving Health & Well-being

Audits

- Annual independent audit by the Law Society - we hold the Lexcel quality mark
- Annual audits by our insurers
- Annual Client survey

Corporate Plan Priorities

Zero carbon Manchester

- Legal services are supporting the development of the a full action plan for the city by March 2020, setting out how the ambition will be met
- We will work with other services to embed the actions from the climate action plan by way of contractual changes and procurement approaches
- Our staff are in the process of receiving carbon literacy training
- Advice and assistance in relation to the GM Clean Air plan

Young People

- Working and providing a cost efficient legal services to schools across Manchester
- Working with the Director of Children's services and Education to meet their aims from ensuring children are protected to commercial advice regarding building schools

Corporate Plan Priorities

Healthy well cared for people

Support those who need it most, working with them to improve their lives:

- Legal advice regarding the new care models - integration of health and social care
- Working with homeless families to ensure that we meet our statutory duties and also to ensure that schemes to purchase and lease property are legally supported

Housing

- Accelerate and sustain the delivery of more housing - Provision of legal advice to the Housing and capital strategy Boards and sub groups. Working to ensure that the city can deliver its affordable housing strategy, joint working between commercial, property, planning and highways teams. Consideration of legally compliant delivery structures.

Well-managed Council

Enable our workforce to be the best they can be through the Our People Strategy and Our Manchester behaviours

- Work with all services to ensure that budget proposals are lawful, participation in the Our Transformation project.

Corporate Plan Priorities

Neighbourhoods

- Enable clean, safe, vibrant neighbourhoods - Advising on policy and bring a wide range of environmental enforcement before the Courts.

Connections

- Connect Manchester people and places through good-quality roads, sustainable transport and better digital networks
 - Legal services has supported a range of transport projects including work on the HS2 proposals

Growth that benefits everyone

- Support good-quality job creation for residents, and effective pathways into those jobs - Innovative work with Health innovation Manchester, creation and the delivery of jobs. Incorporating social value in all arrangement
- Facilitate economic growth of the city - development of commercial sites and redevelopment of existing sites. For example North Gateway

Legal Services - What we are proud of

Health Integration project

We have been closely involved in health and social care integration in Manchester from the outset. We had advised on GM devolution previously.

We have a virtual team led by the Head of People, Place and Regulation, Legal Services. The team draws on staff from the Commercial, Community, Democratic Services, Employment and Property teams. CFLG staff will increasingly come on board as integration progresses.

The virtual team is linked into developments at GM and national level.

Legal Services has absorbed the cost of the legal work associated with integration from the outset (over £400K to November 2019, calculated on internal charging rates).

There has been an increase in multi disciplinary cross group working in order to support complex projects. Large scale projects including the development of new delivery models with Health to deliver adult social care, public health and childrens functions have led to the formation of project team across groups with increased matrix management to support the delivery of those projects.

Legal Services - Our successes

- Legal Services Staff have worked on a number of high profile projects supporting regeneration of the City and on projects to alleviate homelessness.
- We've supported 3 elections this year so far and worked hard to protect vulnerable children and adults taking action to protect 348 Manchester children.
- The Regulatory team has successfully introduced the single justice procedure in Manchester. This has led to service efficiency by reducing the need for advocates to attend court. The team is promoting the use of the procedure across Greater Manchester Authorities, some of whom have expressed an interest in how we have introduced the scheme in Manchester.
- Neighbourhood Services achieved successful outcomes in a number of high profile cases.
- The Regulatory team concluded a long-running case involving the illegal import of puppies into the UK for sale through a puppy farm. The convicted defendant has been apprehended abroad pursuant to a European arrest warrant. The team succeeded in obtaining a substantial proceeds of crime order in the same case.
- The Community team has successfully resolved an extremely sensitive case in the Court of Protection, which had attracted national media attention.

Legal Services - Our successes

- The establishment of the **Northern Gateway** joint venture with an investment and development partner to secure investment of over £1 billion in developing the Northern Gateway of Manchester - a true 'place-making' project to deliver new homes, health and social care, schools together with connected public spaces and travel links, to create a series of new neighbourhoods.
- Advising the Greater Manchester Authorities in relation to their ownership interests in the **Manchester Airport Group** - a key regional asset which generates jobs and revenue for the region as well as providing dividend income to the local authorities.
- The establishment of the **Mayfield Development Partnership** whose ambitious plans are to create a new £850m mixed-use community, transforming the area into a high quality urban neighbourhood in the heart of the city.
- Working in partnership with the private sector to create the **Manchester Civic Quarter Heat Network** which will provide a highly efficient, environmentally-friendly heat and power solution for some of Manchester's most iconic buildings, making significant carbon reductions

Legal - Our successes

The **Heron** **House** project which required RLG to work not only with client teams, professional advisors and contractors but also a significant government departments. This work involved extensive and at times demanding negotiations around complex property and commercial agreements, whilst respecting the confidentiality required for this strategic project. RLG worked together to determine the best way of approaching this challenge. By bringing a central government department into Manchester City Centre RLG has contributed to Manchester's image as a great place to live and work.

The Team has done significant work this year to completely revise FOI Guidance for our clients this year and have updated our RIPA Policy and intranet pages. We have led on Procurement of a new tool for logging FOI and Data Protection Requests and produced a 'Very Short Guide to Our Constitution' which will form part of corporate induction and be part of the Council's tool kit of good governance assurance measures. Our Corporate Records Manager successfully concluded framework procurement for offsite storage and scanning and another team member has obtained a Data Protection Practitioner qualification (with distinction). In terms of the wider Group we have drawn up and are implementing a new Member Development Strategy.

Legal - What we are proud of

The President of the Family Division has publicly referred to the relentless and remorseful increase of children in the family justice system. Awaiting decisions from clients as to how they want to respond to the increases the Group has externalised s31 Children Act 1989 Care Proceedings. This has been carefully controlled with an audit mechanism put into place with the private practice solicitors we are working in partnership with to endeavour to a safe, effective and efficient legal service continues.

The Group has led discussions with the Family Designated Judge of Greater Manchester (DJF) in respect of the health and wellbeing of all those working in the family justice system. This continues to be work in progress with the DFJ yet to formalise proposals.

The Group has successfully supported clients in the changes arising in GDPR in the disclosure of social care records to Police and CPS in the investigation and prosecution of those abusing vulnerable children and adults. This has been successful in avoiding significant delays.

Whenever a major project commences, or is proposed, a Project Group together with relevant sub-groups is identified with senior client officer representatives and appropriate Legal representatives. A detailed programme of meetings, milestones, tasks, risks etc. to manage the project is then implemented e.g. Barnardo's Leaving Care transition and Salford Care Commissioning Review.

Legal Services - What our Clients say

Here's what some of our clients said about us in our 2019 client survey:

- *"Great knowledge and experience"*
- *"Straight forward advice, ability to describe the advice in an understandable and accessible way"*
- *"Helpful and extremely knowledgeable with reference to relevant legislation and case histories. High level of understanding of our needs. We often have complex issues to discuss and we are always offered a range of possible solutions and an analysis of the risks and practicalities associated with them. Good knowledge of historical aspects of the Council's position in relation to complex structures - e.g. Joint Ventures and partnerships"*
- *"Approachable, professional, responsive and a great understanding of the complex environment / legal frameworks relating to the services for which I am responsible"*
- *"The ability to understand the client's needs as a Local Authority"*
- *"Being able to respond in a clear and detailed manner to my queries"*
- *"Have to deal with a range of requests and are able to adapt to the situation, whilst still protecting the interests of the Council"*

Legal Services - What our Clients say

- *The breadth of knowledge is excellent”*
- *“Being able to explain legal issues in plain English and offer solutions to issues that we encounter”*
- *“Knowledge of our area and generally providing options rather than reasons not to”*
- *“Very approachable, helpful, providing excellent service, good understanding of the client needs and timescales”*
- *“Staff take time to understand the issues; good knowledge of local government and service issues. Quick and thorough responses”*
- *“Provide a really good service and address my requirements/instructions in a timely manner”*
- *“Helpful and knowledgeable staff”*
- *“Very pleasant people, very approachable and knowledgeable”*
- *“Good understanding of the service, a willingness to help and largely solution focussed”*