

Commercial Services - Summary

2012/13

Service Name: Commercial Services

Service Contact: Anne-Marie Bond

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For further information please contact 01803 207227.

Introduction

The Commercial Services business unit is made up of a number of technical and specialist services. These include:

- Coroner
- Information Compliance (Information governance, Insurance, Claims)
- Land Charges
- Legal Services
- Procurement
- Registrars

Coroner:

What is provided? Why is it provided?	Torbay is the r Coroner, whose parts of the Score The Coroner deliver inquiries into causes (e.g. Police, Local Au	dden or unexplained death, or death whilst in custody. responsible first tier authority for the Torbay and South Devon se geographical area includes (in addition to Torbay) large buth Hams and Teignbridge Districts and the Isles Of Scilly. rs a statutory judicial function delivering justice, answering of death. The service works with a wide number of partners ithority, Hospitals, Pathologists, Forensic Experts, Mortuaries, d Registrars), in the delivery of it's function.
	Employee". The Corc local authority (Torba	dependent judicial post holder not strictly a "Torbay Council oner is an office holder and appointed by the relevant first tier by) and for the need to retain independence cannot be termed egulations governing Coronial appointments are set down in
	Statutes	Example of Requirements
	Coroner	
	The Devon (Coroners) Order 1998	 There shall be a single coroner's district for the county of Torbay (which county comes into existence on 1st April 1998 by virtue of article 6(3) of the 1996 Order) and for so much of the county of Devon as is included in the existing Torbay and South Devon Coroner's District.

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vices / Reported
Inquests
v much Whole cost s it cost provide? Departmen
Coroner (Charges)
at is the nand? V much s it cost provide? Coroner

Information Compliance:

What is provided?	Information Governance Complaints Whistle Blowing Communications Standards / Restricted contact Freedom of Information (FOI) Requests Environment Information Regulations (EIR) Requests Subject Access Requests 							
	brokers fees,Corporate po	surance costs including external premiums, actuarial and licy excesses on claims relating to all the councils activities lic and employer's liability insurance and premises insurance.						
	Rules. Legal advice 	egal Liability Claims in accordance with the Civil Procedure and general risk management to all Council departments nools) to mitigate potential legal liability/financial risk.						
Why is it	Statutes	Example of Requirements						
provided?	Information Gove	rnance						
	Freedom of Information Act 2000	 When a public authority receives a request for information they have two duties under the Freedom of Information Act: 1) The duty to inform the requestor whether or not they hold the requested information, 2) and if they do hold the information, the duty to provide the information to the requestor. 						
	Data Protection Act 1998 – Subject Access Request	When an individual makes a subject access request the Council is required to inform them about the personal information we hold about them, and to provide them with a copy of that information within 40 calendar days of receiving it.						
	The Environmental Information Regulations 2004	If information being requested by a customer falls under the definition of environmental information then the Council must adhere to the provisions of disclosure in the legislation.						
		Insurance – Fidelity Guarantee obligations to Insurers – compliance with policy conditions.						
	Claims Handling							

	withir	rence with a set time 21 days to 90 days to ractual obliq	e perio o ackr o resp	d:- lowledg ond upo	je reco on the	eipt o ques	f claim stion of	legal	liability.		
Who uses the	Information	n Governar	nce								
services /				20	009/10)	20	10/11		2011/12	2
what is the demand?	FOI & EIR							738		799	
demand :	Corporate referred to	complaints Ombudsm:	an		5			41		30	
	Corporate							00			
	completed							92		33	
	Claims Employers L	-									
	Tatal na	06/07	07/0)8	08/09		09/10		0/11		
	Total no Claims	12	8		10		5	3	•	38	
	Total Numl Claims	per of	06/	07	07/08 12)8/09 120	09/1		<i>,</i>	
	Insurance										
				06/07	07	7/08	08/0	9 (09/10	10/11	
		ims Receiv	ed	113	1	31	111		55	26	
	Property C Received	Claims		15		10			3	5	
	Note: Motor transferred t			wef July	y 2010) whe		of the			eet
How much	Staff:										
does it cost to provide?	Headcount	of 9 resultin	ng in 8	3.34 Ful	l Time	Equ	ivalents	s (FTE).		
	Budget:										
			200 £'00	9/10 00		010/ 000	11	2011/ £'000		2012/13 £'000	3

Disclaimer: These reviews provide a snapshot of council services and activities at the time they were carried out, as we have tried to represent as far as we can the detail of what is provided.

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compliance (Info Governance)	12 0000	nto of the			aubiaat t		
structuring (with sta	aff sitting	within Info	ormation C	Sovernand	ce, Risk M	lanageme	
Information Gover	rnance						
Title			-			1/12	
Number of days	Target	Actual	Target	Actual	Target	Actual	
to respond to Ombudsman enquiry letters	28	26.1	28	27.2	28	25.2	
Requests fulfilled within	100%	100%	100%	100%	100%	100%	
FOI requests fulfilled within 20 days	100%	99%	100%	98%	100%	92%	
EIR requests fulfilled within 20 days	100%	100%	100%	100%	100%	100%	
Claims							
Title	200	9/10	201	0/11	201	1/12	
	Target	Actual	Target	Actual	Target	Actual	
Legal liability admitted or denied with justifications within the relevant time	90%	92%	95%	94%	90%	98%	
	Governance) # From 09/10 – 12/ structuring (with sta Governance and la Information Gover Title Number of days to respond to Ombudsman enquiry letters Subject Access Requests fulfilled within 40 days FOI requests fulfilled within 20 days EIR requests fulfilled within 20 days Claims Claims	Governance)# From 09/10 – 12/13 elemesstructuring (with staff sitting of Governance and latterly as a covernance and latterly as a covernanceInformation GovernanceInformation Governance<	Governance)	Governance) # From 09/10 – 12/13 elements of the service h structuring (with staff sitting within Information C Governance and latterly as a combined service Information Governance Subject Access Requests fulfilled within 100% 20 days Information Informatin Information	Governance)Image: structuring (with staff sitting within Information Governance Governance and latterly as a combined service within Comparison Governance and latterly as a combined service within Comparison GovernanceInformation GovernanceImage: structuring (with staff sitting within Information Governance Governance and latterly as a combined service within Comparison GovernanceInformation GovernanceImage: structuring (with staff sitting within Information Governance Governance and latterly as a combined service within Comparison GovernanceInformation GovernanceImage: structuring (with staff sitting within Comparison Governance Governance and latterly as a combined service within Comparison Governance)Information GovernanceImage: structuring (with staff sitting within Comparison Governance)Image: structuring (with staff sitting within Governance)Image: structuring (with staff sitting within Comparison Governance)Image: structuring (with staff sitting within figure (with staff sitting within	Governance) Image: constraint of the service have been subject to structuring (with staff sitting within Information Governance, Risk M Governance and latterly as a combined service within Commercial Information Governance Information Governance Z009/10 2010/11 201 Information Governance Z009/10 2010/11 201 Information Governance Zoug/10 2010/11 201 Information Governance Zoug/10 2010/11 201 Information Governance Zoug/10 2010/11 201 Number of days to respond to Ombudsman enquiry letters Z8 26.1 28 27.2 28 Subject Access Requests fulfilled within 400 days 100% 20 days 20 days 20 days 20 days 20 dov 20 dov	

Land Charges:

What is provided?	 Providing prospective purchasers of land and buildings with information to tell them what they can or cannot do with the property Researching and interpreting data to produce Official Local Land Charges Searches and replies to Local Authority Enquiries within a maximum timescale of five working days Maintaining the Register of Local Land Charges. Providing private search companies with data about property in a Personal Search format within a maximum timescale of three working days 								
Why is it provided?	Statutes Local Land Charges Act 19 and the LLC Rules 1977 (+ various regulation and guidance) The (Charge for Property Searches) Regulations 200 (+ various guidance)	75 	Example of RequirementsRequirement to maintain the Local Land ChargesRegister and carry out searches of that register toprovide "Official Certificates of Search" at a cost thathas regard for the costs involved in dealing with theenquiries.Regulations for calculating the cost of providingaccess to property records and also requires theauthority to provide replies to a set of questions (calledthe "Con 29R enquiries) at a cost as referred to above.						
Who uses the services / what is the demand?	Year 2009/10 2010/11 2011/12 An average of 50 companies each	2695 2344 2759 00 pers			d out on beha	If of private			
How much does it cost to provide?	Staff: Headcount of 3 r Budget: Cost of service	esultir	ng in 3 Full Time 2009/10 £ 175,000	Equivalents (2010/11 <u>£</u> 213,000	FTE). 2011/12 £ 213,000	2012/13 £ 213,000			

How well are we providing	Title	Title 2009/10 2010/				0/11 2011/12		
it?	Title	Target	Actual	Target	Actual	Target	Actual	
	Provision of local searches within 10 working days	98%	100%	98%	100%	100%	100%	

Legal Services:

What is provided?	The Legal services team is broken down into the following areas of activity:
	 Children's & Adult's Services Descente & Environment
	Property & Environment
	 Litigation & Licensing Manitaring Officer Function
	Monitoring Officer Function
Why is it	Litigation & Licensing Team support:
provided?	 Community Safety Client Department
	 Attendance Improvement Service Client Department
	 Revenue & Benefits (Finance) Client Department
	 Natural Environment (Public Rights of Way) Client Department
	Children & Adults Services Team support:Child Protection
	A de de Opéranse andre a
	 Education Disclosure of records to police / CPS
	 Disclosure of records to police / CPS Deputy Monitoring Officer Role
	Property & Environment Team support:Spatial Planning Client Department
	Education Client Department
	 Highways/Parking Client Department
	 Harbour and Marine Services Client Department
	 Residents and Visitor Services Client Department
	Estates Client Department
	Monitoring Officer Function:
	 A separate and statutory function that sits with the Senior Solicitor within this team. The Council Monitoring Officer advises the Council and Members on Governance and Constitutional Matters and performs a central role within the complaints process.
Who uses the services / what is the demand?	All of the functions and organisations listed above.

How much does it cost to provide?	Staff: Headcount of 20 resulti Budget:			ime Equiv	alents (F	TE).	
		2009/10 £'000		2010/11 £'000	2011/ £'000		2012/13 £'000
	Legal Services	2.000		813	879		707
How well are							
we providing	Title	200	9/10	201	0/11	20 ⁻	11/12
it? Key	The	Target	Actual	Target	Actual	Target	Actual
achievements in the last 2 years	Advice and representation to safeguard adults and children within 10 working days	100%	100%	100%	100%	100%	100%
	Advice and representation in property matters within 20 working days	80%	88%	80%	88%	80%	86%
	Advice and representation to reduce nuisance, ASB and achieve prosecutions within 20 working days	80%	83%	80%	92%	90%	100%
	Advice and representation in planning matters within 20 working days	80%	85%	80%	89%	90%	91%
	Advice and representation in civil litigation matters within 20 working days	80%	100%	80%	100%	80%	90%

Procurement:

What is provided?	 The Procurement Section is responsible for ensuring the efficient, cost effective & legally compliant procurement of goods & services throughout the Council, including: Corporate Contracts and Framework Agreements Financial Regulations and Contract Standing Orders Contracts Register Procurement Guidance Electronic Procurement Complying with EU legislations and UK procurement law Undertaking effective contact audit and reporting Identification of future contracts Maintaining an effective contract register Develop suitable e-procurement initiatives to aid compliance and governance Ensure governance arrangement are supported and advocated Reduce risk by mandating procurement best practice
Why is it provided?	Statutory: • EU Law Compliance (EU Directives (inc OJEU returns) • UK Law Compliance (Public Contracts Regulations) • Compliance to Contract Standing Orders / Financial Regulations • Supplier / contractual compliance to Statutory requirements • Delivery of National / Regional / Local Procurement initiatives (SME's / CSR / Big Society / Localism / Client Based Approach (Construction sector)) • Support against Corporate / Statutory objectives (AES /Risk / H&S / E&D / FOI) • Training and development (EU / Legislation / CIPS) • Supporting People (ensuring compliance to statutory requirements for SP) • Mon-Statutory: The non-statutory services are all linked to the statutory services above and are all part of the ongoing deliver of Procurement for the Council. These include: • Management of Service Areas procurement needs • Commissioning / Strategic Governance / Business Planning • Collaborate in procurement and shared working to deliver better services • E-Procurement / Commerce • Documentation / Templates / Best practice • Training and development (Non EU / Legislation)

Who uses the services / what is the demand?	The procureme	The procurement team support all business units across the Council.							
How much does it cost to provide?	Staff: Headcount of 5 Budget:	resulting	g in 5 Full	Time	Equiva	alents (F	TE).	
			2009/10 £'000		2010 £'00			11/12)00	2012/13 £'000
	Procurement		213		207 20			1	186
How well are									
we providing	Title	2009/10)	2010)/11			2011/12	
it?		Actual	Target	Actu	lal	Target	t	Actual	Target
	Delivering efficiency targets	3%	3%	4%		4%		4%	4%
	Percentage of Small and Medium- sized Enterprises Tendering for Contract	61.89 %	60.00 %	61.5	3%	60.00%	6	63.19%	60.00%

Registrars:

What is provided?	 Registration of birth, deaths and marriages in accordance with the statutory
	requirements.
	 Statutory and non-statutory ceremonies. Keeping records and archives
	Providing Certificates
	Licensing of all non CoE marriages etc

Statutes	Example of Requirements
Registrars	
Marriage Act 1949 Section 46(A)1	Make provision for and in connection with the approval by local authorities of premises for the solemnization of marriages
Marriage Act 1949	To ensure all marriages are valid and correctly recorded.
Registrar of Marriages Regulations 1986 (SI1986/1442)	To ensure all marriages are correctly recorded
Reporting of Suspicious Marriages Civil Partnerships Regulation [2005]	To ensure all marriages and civil partnerships are valid and suspicious civil partnerships are notified to the authorities
Civil Partnership Act 2004	• To ensure that civil partnerships are genuine, available and correctly recorded.
Civil Partnership (Registration Provisions) Regulations 2005	To ensure that civil partnership documents are accurate and complete and that civil partnerships are genuine
Marriages and Civil Partnerships (Approved Premises)	To consider an application by the proprietor of a building to be approved for civil marriage and civil.
Regulations 2005	• To make the application available to members of the public and to provide them with the opportunity to object to the application
	 Grant the application if satisfied that it has been made in accordance with the regulations or not as the case may be.
	• Attaches standard conditions contained in schedule 2 such as the responsible person for the premises shall be available one hour prior to the proceedings, no religious services, no food or drink to be sold, public access allowed without charge etc
	 Reviews applications from aggrieved parties who have had their application, declined, revoked or have had additional conditions attached to the grant of approval.
	• Maintains the registers of approved premised within their local authority. Contains a full description of the rooms and details of the approval holder, including name and address and date of expiry of the grant of approval.
Births & Deaths Act [1953]	 To ensure all Births and Deaths registrations, corrections and re-registrations recorded as per provisions of the Act.

Who uses the services / what is the demand?	Internal: • Chairman's Office • Electoral Registration Team • Community Charge Services External: • Residents of Torbay • Non residents of Torbay wishing to use our services • Local ceremony venues • Funeral Directors • South Hams Community Charge Services								
						10/ ⁻			
	Number of Births regist					2,5		_	
	Number of Deaths regis Number of Marriages Premises	2,42 d 18							
	Number of Marriages re Oldway	^{n,} 10	1 111						
	Number of Civil Partner	rships reg	istered	in Torbay	,	16	6 18		
	Number of Marriages registered in Torbay - in the RegisterOfficeNumber of Non Statutory Ceremonies conducted in TorbayNumber of new British Citizenship candidates attending a ceremony in Torbay						1 374		
) 20		
							4 77		
	 <u>Website:</u> Our website received 56,518 hits between 1st April 2011 and 31st March 2012 (increased on previous year – 38,805) 1,615 hits were for certificate requests (decreased on previous year – 1725) 								
How much	Staff:	. = =				、			
does it cost to provide?	Headcount of 8 resulting in 5.03 Full Time Equivalents (FTE). Budget:								
		2009/10		2010/11	2011/	/12	2012/13		
		£'000		E'000	£'000		£'000		
	Registrars	78		33	105		48		
	Income	187	-	192 221			243		
How well are we providing		2009/10 201		0/11	20	11/12			
it?	Title	Targe Actua		-	Actual	Target			
	% of births registered within 42 days	99%	99.3 %	98%	99.9%	98%	98.6%		

	% of citizenship ceremonies taking			40001	10000	40000	40000	
	place within 3 months of successful application			100%	100%	100%	100%	
	% of deaths registered within 5 days	90%	84.8 %	90%	83.1%	95%	75.8%	
	% of stillbirths registered within 42 days	99%	100%	99%	100%	98%	100%	
	% of birth registration/declaratio n appointments offered within 3 working days	90%	99.1 %	99%	99.3%	95%	96.2%	
	% of civil partnership notice appointments offered within 5 working days	90%	100%	90%	100%	95%	100%	
	% of death registration/declaratio n appointments offered within 2 working days	90%	99.4 %	90%	99.5%	90%	99.1%	
	% of customers seen within 10 minutes of appointment time	95%	97.5 %	95%	97.9%	90%	96.8%	
	% of marriage notice appointments offered within 5 working days	90%	99.5 %	90%	98.5%	95%	99.8%	
	% of stillbirth registration/declaratio n appointments offered within 2 working days	90%	100%	90%	100%	95%	100%	
	% of applications for birth, death and marriage certificates processed within 5 working days					95%	100%	
	% of users satisfied with registration services	95%	100%	95%	97.8%	92.5%	98%	