

CONSTITUTION – PART 3 – TABLE 3.06

LEGAL, EQUALITIES AND DEMOCRATIC			
1. <u>Democratic Services - General</u>			
Subject	Detail	Delegated by:	Delegated to:
Constitution	To make minor variations to the form, but not the substance, of the Council's Constitution and associated documents where errors or omissions (previously approved) are found, including those of a grammatical and typographical nature.	Council	Head of Legal Equalities & Democratic Services / Democratic Services Manager
Scheme of Delegation	To make any necessary minor administrative amendments to the Scheme of Delegation, subject to report in due course to the relevant parent body.	Council / Executive Committee.	Chief Executive in consultation with Portfolio holder for Corporate Management
Committee Membership	To accept nominations and fill vacancies which arise in any Council-approved Committee membership.	Various	Chief Executive in consultation with Leader / Group Leaders
Outside Bodies	To appoint Officer representatives to outside bodies.	Council	Chief Executive
Calendar of Meetings	To set the annual Calendar of Meetings, provided that existing agreed patterns and frequency of meetings are observed.	Council and Executive	Democratic Services Manager, in consultation with relevant Chairs
Variations to the Calendar of Meetings	Within the municipal year, to set and vary dates for Council / Committee meetings, in accordance with relevant statutory and constitutional provisions.	Various	Democratic Services Manager, in consultation with relevant Members
Overview and Scrutiny budget	To approve expenditure from Overview & Scrutiny Budgets, to assist with scrutiny reviews.	Executive	Democratic Services Manager in consultation with Chair of O&S Cttee

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2. <u>Democratic Services - Members</u>			
Subject	Detail	Delegated by:	Delegated to:
Members Allowances	To keep, maintain, and operate the Scheme of Allowances to Members.	Exec.	Demo S's Manager
Outside Bodies - Members	To fill vacancies on outside bodies where there is no contest for places.	Council	Chief Executive in consultation with Leader / Group Leaders Democratic Services Manager
Outside Bodies - Members	To confirm nominations of Council representatives to outside bodies when any issues of liability have been satisfactorily resolved.	Council	Chief Executive
Outside Bodies - Indemnity insurance	To issue forms of indemnity (to be agreed by Chief Executive) and to arrange insurance of any of the Council's Members or Officers in relation to work in connection with Outside Bodies (whether by attending meetings or otherwise) where it is lawful to do so.	Council / Standards Committee – 02.02.05	Head of Finance & Resources
Indemnity insurance – other circumstances	To agree indemnities, issue forms of indemnity and arrange insurance of any of the Council's Members and Officers in other circumstances where it is lawful to do so.	Council / Standards Committee – 02.02.05	Head of Finance & Resources

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3. <u>Legal Services</u> <i>(See also separate delegations in other Sections)</i>			
Subject	Detail	Delegated by:	Delegated to:
Legal Proceedings	To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Executive and the Head of Legal, Equalities and Democratic Services consider that such action is necessary to protect the Council's interests.	Exec. Council	CX and Ho Legal Equalities & Democratic S's and
Legal Advice / Legal Proceedings	To provide, on behalf of the Council, legal advice and to take all necessary action in relation thereto, including the institution and defending of proceedings in the courts and other tribunals.	Executive Committee Council	Principal Solicitor
Proceedings and prosecutions	To sign any document required as part of any court procedure including statutory demands or bankruptcy petitions.	Council	Principal Solicitor
Proceedings and Prosecutions - Authorising officers to appear in the Magistrate's Court	To authorise officers to appear on the Council's behalf in Court proceedings, including RIPA matters	Council	Head of Legal, Equalities and Democratic Services
Signature of Documents	To sign any document necessary to any legal procedure or proceedings on behalf of the Council (- unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person).	Council	Chief Executive or Head of Legal, Equalities & Democratic S's or Principal Solicitor or other person authorised by them.

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Signature of Contracts	To sign any contract entered into on behalf of the local authority in the course of the discharge of an Executive Committee function or made under the common seal of the Council attested and duly attested.	Council (Constitution – Article 14.04).	Chief Executive or Head of Legal, Equalities & Democratic Services or Principal Solicitor.
Independent Person Member Selection	To undertake the Independent Person Member selection process for the Standards Committee, in consultation with an elected Member Appointment Panel.	Council / Standards Committee	Head of Legal, Equalities & Democratic Services/ Principal Solicitor /Democratic Services Manager
Standards Committee Procedure	<i>Together with the Standards Committee, to administer the Standards procedures and processes relating to the Code of Conduct and arrangements for managing Standards complaints as adopted by the Council.</i>	<i>Council/ Standards Committee</i>	<i>Head of Legal, Equalities and Democratic Services</i>
Affidavits etc.	To make Affidavits, Declarations, Statements of Truth and such other statements as may be required in connection with legal and other proceedings on behalf of the Council. To authorise Officers to sign statements of truth, Statutory Declarations and Affidavits on behalf of the Council.	Council	Head of Legal, Equalities & Democratic Services / Principal Solicitor, or their nominees duly authorised by them in writing.
Authorised Officer – Misc Provisions	To act as an authorised Officer for the purposes of paragraph 14 of schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982.		H o Legal, Equalities & Democratic S's or nominee(s)
Prohibition of Drinking Byelaw	To conduct prosecutions of offences under the Prohibition of Drinking in Designated Places Byelaw.		Principal Solicitor

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Subject	Detail	Delegated by:	Delegated to:
House Purchase Advances	To make and to accept repayments and to authorise transfer of house purchase advances.	Council	Principal Solicitor, in consultation with Chief Executive
Proceedings for Possession	To institute proceedings for possession following mortgage default (but no warrant of eviction to be issued without Executive Committee sanction).	Executive	Principal Solicitor, in consultation with Chief Executive
Proceedings - Access to Neighbouring Land	To institute proceedings to seek an Order under the Access to Neighbouring Land Act 1992, where such proceedings are required urgently.	Council	Head of Legal, Equalities & Democratic S's or Principal Solicitor, in consultation with relevant Portfolio Holder
Enforcement Action - Planning	To take enforcement action, including the instigation of legal proceedings if necessary, in respect of breaches of Planning Control, namely the display of any advertisement paraphernalia, without the express consent of the Local Planning Authority.	Council	Head of Legal, Equalities & Democratic Services in consultation with Head of Planning and Regeneration
Common Seal	To affix the Common Seal when necessary in connection with any items delegated to Officers. <i>In accordance with Article 14.5 (part 2 of the Constitution)</i> to decide to which documents the common seal should be affixed and to attest the affixing of the common seal.	Council	Chief Executive/ Executive Director Finance and Resources / Head of Legal, Equalities & Democratic Services / Principal Solicitor / Mayor or, in his/her absence, the Deputy Mayor

SCHEME OF DELEGATION TO OFFICERS

Subject	Detail	Delegated by:	Delegated to:
RIPA - Authorisations	To grant authorisations, subject to approval by the Magistrate's Court, under the Regulation of Investigatory Powers Act (RIPA) 2000 to conduct covert surveillance.	Council	H o Legal, Equalities & Democratic S's and her/his nominees, duly authorised by her/him in writing to be designated persons for the purposes of the RIPA
RIPA <i>Duplication</i>	To authorise surveillance in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA) and in accordance with the policy reported to Executive Committee on 25 February 2004.		H o Legal, Equalities & Democratic S's / Designated Officers).
RIPA	To carry out all necessary action to ensure that the Office of Surveillance Commissioners is satisfied with the Council's Policy and Procedures in respect of RIPA.		H o Legal, Equalities & Democratic S's