

CONSTITUTION – PART 5 – TABLE 5.06

| 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. | Democratic Services 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 | Executive Director Finance & Corporate 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 | Executive Director Finance & Corporate 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 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 Services or Principal Solicitor or other person authorised by them. |

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| Subject: | Detail: | Delegated by: | Delegated to: |
|--------------------------------------|---|---|---|
| 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 Selection | To undertake the Independent Person 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 | 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. | Council/ Standards Committee | Head of Legal, Equalities and Democratic Services |
| Affidavits etc. | To authorise Officers to sign statements of truth, Statutory Declarations and Affidavits on behalf of the Council. | Council | 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) |

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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 | In accordance with Article 14.5 (part 2 of the Constitution) 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 |

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| 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 | Head of Legal, Equalities & Democratic Services and her/his nominees, duly authorised by her/him in writing to be designated persons for the purposes of the RIPA |
| 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. | | Head of Legal, Equalities & Democratic Services |