

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] / [Senior Democratic Services Officer]
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] following 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] following 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 Committee	[Senior Democratic Services Officer] following 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	[Senior Democratic Services Officer], following consultation with relevant Members
Petitions	To respond to Petitions, in accordance with the approved Protocol.	Council	[Monitoring Officer]/ [Chief Executive]/ [Deputy Chief Executive] / Directors / Relevant Officers

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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.	[Senior Democratic Services Officer]
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 / [Senior Democratic Services Officer]
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	To maintain and amend a list of external bodies and organisations to which Members have been appointed by the Council.	Council	[Monitoring Officer], in following consultation with the [Leader]
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] / [Senior Democratic Services Officer]
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.		[Head of Legal, Equalities & Democratic Services] 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 Services] or [Principal Solicitor], following 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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Miscellaneous delegations	<p>1) Where an Officer has delegated powers to issue legal proceedings, they are also authorised to take action to enforce any judgment obtained.</p> <p>2) To pursue such urgent legal action when required in the future, in cases where existing authority is not sufficient, where the proposed action is not politically controversial, or in conflict with current decision, policy and practice, and where there are no other circumstances which, in the view of the Officer concerned or the Portfolio Holder, might suggest the need for a full Committee (or Council) decision.</p>	<p>Council / Exec / Planning / Licensing Committees</p> <p>Council / Exec / Planning / Licensing Committees</p>	<p>Various</p> <p>Various Officers, following consultation with [relevant Portfolio Holder]</p>
Local Land Charges	To keep and maintain the Register of Local Land Charges. To respond to applications for Searches on the Register, and to co-ordinate answers in respect of CON 29 and associated questions.	Executive Committee	[Head of Planning and Regeneration]
RIPA	See Chief Executive's / Corporate Delegations	-	-

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4. Monitoring Officer			
Subject	Detail	Delegated by:	Delegated to:
Constitution and Scheme of Delegation – amendments	1. To make amendments to the Scheme of Delegation and other areas of the Constitution in order to reflect changes in legislation or regulations, job titles and the reallocation of functions of the Council between departments, provided that the amendments do not extend or reduce the existing delegations or other powers and duties currently listed in the Constitution	Council	[Monitoring Officer]
	2. To make amendments to that part of the Constitution which comprises the Management Arrangements to the extent that such amendment reflects either a change in personnel or changes to the corporate structure which have been agreed by Council	Council	[Monitoring Officer]