

## CONSTITUTION PART 4 - Table 4.07 – Legal, Democratic and Procurement

| LEGAL, DEMOCRATIC AND PROCUREMENT       |                                                                                                                                                                                                                                           |                                 |                                                                                                                 |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------------------------------------------|
| 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                         | [Assistant Director of Legal, Democratic and Procurement Services] /<br>[Principal 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 Finance and Enabling                         |
| 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 | [Principal 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                         | [Principal Democratic Services Officer], following consultation with relevant Members                           |
| Petitions                               | To respond to Petitions, in accordance with the approved Protocol.                                                                                                                                                                        | Council                         | [Monitoring Officer]/<br>[Chief Executive]/<br>[Deputy Chief Executive] / Directors / Relevant Officers         |

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| <b>2. <u>Democratic Services - Members</u></b> |                                                                                                                                                                                                                                                                    |                                          |                                                                                                           |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>Subject</b>                                 | <b>Detail</b>                                                                                                                                                                                                                                                      | <b>Delegated by:</b>                     | <b>Delegated to:</b>                                                                                      |
| Members Allowances                             | To keep, maintain, and operate the Scheme of Allowances to Members.                                                                                                                                                                                                | Exec.                                    | [Principal 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 / [Principal 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 & 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 & Resources]                                                                  |

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| <b>3. <u>Legal Services</u></b> <i>(See also separate delegations in other Sections)</i> |                                                                                                                                                                                                                             |                                         |                                                                                                                                                      |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject</b>                                                                           | <b>Detail</b>                                                                                                                                                                                                               | <b>Delegated by:</b>                    | <b>Delegated to:</b>                                                                                                                                 |
| 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                                 | [Assistant Director of Legal, Democratic and Procurement 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 [Assistant Director of Legal, Democratic and Procurement Services] or [Principal Solicitor] or other person authorised by them. |
| 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 [Assistant Director of Legal, Democratic and Procurement Services] or [Principal Solicitor].                                    |

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| Subject:                             | Detail:                                                                                                                                                                                                   | Delegated by:                 | Delegated to:                                                                                                                        |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Contracts                            | to sign or seal any document, Order or Notice on behalf of the Council and to serve or receive any documents on behalf of the Council to include contracts falling under the Contract Procedure Rules     | Council                       | [Assistant Director of Legal, Democratic and Procurement Services] and [Principal Solicitor]                                         |
| Independent Person Selection         | To make any future appointments to the role of independent person.                                                                                                                                        | Council / Standards Committee | [Assistant Director of Legal, Democratic and Procurement Services] / [Principal Solicitor] / [Principal 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  | [Assistant Director of Legal, Democratic and Procurement 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.                                                               |                               | [Assistant Director of Legal, Democratic and Procurement Services] or nominee(s).                                                    |

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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                                                                                             | [Assistant Director of Planning, Regeneration and Leisure Services]                             |
| 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] |