

## APPENDIX 1 LEGAL, DEMOCRATIC AND PROCUREMENT

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

#### 1. Democratic Services - General

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] / [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.	[Assistant Director of Legal, Democratic and Procurement Services Chief Executive] following consultation with Portfolio Holder for Performance, Engagement and Governance for Finance and Enabling
Committee Membership	To accept nominations and fill vacancies which arise in any Council-approved Committee membership.	Various Council / Executive Committee	[Assistant Director of Legal, Democratic and Procurement Services Chief Executive] following consultation with [Leader] / Group Leaders
Outside Bodies	To appoint Officer representatives to outside bodies.	Council	[Chief Executive] following consultation with [Leader] / Group Leaders
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 committee chairs, leader of the council and group leaders.
Petitions	To respond to Petitions, in accordance with the approved Protocol.	Council	[Monitoring Officer]/ [Chief Executive]/ [Deputy Chief Executive] / Directors / Relevant Officers

Commented [JS1]: Why not the PH for Governance?

Commented [SS2R1]: Changed to governance

Commented [JS3]: I think we need to be specific.

Commented [SS4R3]: Agreed - see changes

Formatted: Font: Not Bold

Formatted: Position: Horizontal: Left, Relative to: Column, Vertical: In line, Relative to: Margin, Horizontal: 0 cm, Wrap Around

Commented [SS5]: Officers to look into this further to establish what outside bodies it covers before considering changing the wording in Column 4. Likely to be linked to professional disciplines of officers concerned e.g. HR.

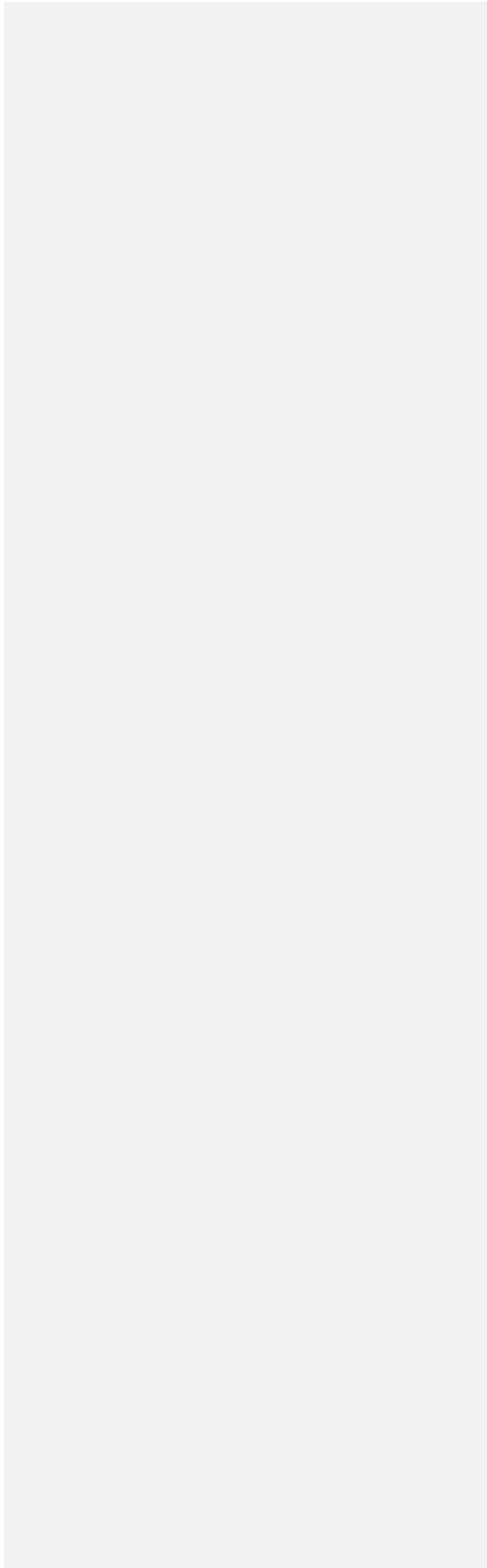
Commented [SS6]: Accept additional wording - in practice this should be happening already

Commented [JS7]: Does this include consultations?

Commented [SS8R7]: This does not relate to consultations but Petitions submitted by members of the public - link to website : -Petitions

RBC March May 2026

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



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

<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.	<del>Exec.</del> Executive	[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], 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 of Finance]
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 of Finance]

Commented [JS9]: No abbreviations please

Commented [JS10]: Is this the most recent update?

Commented [SS11R10]: Officers will need to look into this query and report back to Members at a later date.

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

<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].

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

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.
<u>Authorised Officer – Miscellaneous Provisions</u>	<del>To act as an authorised Officer for the purposes of paragraph 14 of schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982.</del>	<del>?</del>	<del>[Assistant Director of Legal, Democratic and Procurement Services] or nominee(s).</del>

**Commented [JS12]:** Who has authorised this delegation?

**Commented [SS13R12]:** This provision has been repealed so this section can be deleted. It related to authorising officers for the purposes of Licensing which is now covered by WRS under the Licensing Act with the delegation to the Head of Regulatory Services.

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

Miscellaneous delegations	1) Where an Officer has delegated powers to issue legal proceedings, they are also authorised to take action to enforce any judgment obtained.	Council / Executive / Planning / Licensing Committees	Various [ Any officer of the level of Assistant Director or above in consultation with the legal team.
	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.	Council / Executive / Planning / Licensing Committees	Various Officers, [ Any officer of the level of Assistant Director or above in consultation with the legal team and following consultation with [relevant Portfolio Holder]
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, Leisure and Culture Services]

**Commented [JS14]:** We need to be specific about the officers' level of seniority here.

**Commented [SS15R14]:** Agreed - see expanded definition

**Commented [JS16]:** And here

**Commented [SS17R16]:** Same as above

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

<b>4. Monitoring Officer</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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]