

Legal, Equalities and Democratic Services

1. Legal

Subject	Detail	Delegated by:	Delegated to:
Appeals	To appeal on behalf of the Council against decisions of courts, tribunals or other decision-making bodies	Council	Principal Solicitor
Dedications	To approve dedications of cycleways, bridleways, footways, footpaths and highways where no objections to the proposal have been received.	Executive/ Leader	Head of Legal, Equalities & Democratic Services
Documents, Orders and Notices (other than contracts falling the Contracts Procedure Rules)	To sign or seal any document, Order or Notice on behalf of the Council and to serve or receive an documents on behalf of the Council	Council	Head of Legal, Equalities & Democratic Services Or Principal Solicitor
Footpaths	1. To deal with all matters relating to public footpaths where no objections to the proposal have been received 2. To comment on consultation to correct know errors to the definitive footpath maps and to comment on proposals to stop up or extinguish existing footpaths or to create new footpaths	1. Planning Committee 2. Planning Committee	1. Principal Solicitor 2. Head of Planning and Regeneration
Formation of Companies	To undertake the formation of limited companies where this is calculated to facilitate or is conducive to the discharge of any of the Council's functions	Executive/ Leader	Principal Solicitor
Legal Advice and Assistance	To provide legal advice, support and guidance (including the conduct of court proceedings) on behalf of external clients, including local authorities or other bodies to which the Council is empowered by legislation to provide legal advice	Council/ Executive/ Leader (as appropriate)	Principal Solicitor

**PART 3
(PART D)**

<p>Low Cost Housing Transactions</p>	<p>1. To administer the Council's Low Cost Housing Scheme, including the making of nominations and the sale of the Council's interest in dwellings</p> <p>2. To take all necessary action, including the institution of legal proceedings to recover deferred payments from the purchases of low cost homes who are in breach of covenants made in the purchase of these homes</p> <p>3. To revise fees in relation to low cost housing transactions</p>	<p>1. – 3. Executive/ Leader</p>	<p>1. Head of Planning</p> <p>2. Principal Solicitor</p> <p>3. Head of Legal, Equalities & Democratic Services, Head of Planning and Regeneration and Head of Resources in consultation with the relevant Portfolio Holders</p>
<p>Planning Consultants</p>	<p>1. To engage the services of consultants to advise officers and given evidence at public local enquiries</p> <p>2. To engage the services of consultants in such cases as may be considered appropriate in appeals on planning and planning enforcement issues</p>	<p>1. Executive/ Leader</p> <p>2. Executive/ Leader</p>	<p>1. & 2. Principal Solicitor or Head of Planning and Regeneration</p>
<p>Proceedings and Prosecutions</p>	<p>1. To commence any proceedings/prosecutions considered necessary in relation to frauds or attempted frauds against the Council</p> <p>2. To prosecute or defend or to appear in or make arrangement for the Council to be represented in any proceedings before any court or tribunal and to deal with</p>	<p>1. Council</p> <p>2. Council</p>	<p>1. Principal Solicitor</p> <p>2. Principal Solicitor</p>

**PART 3
(PART D)**

	all procedural aspects of court proceedings		
3.	To authorise officers to sign statements of Truth, Statutory Declarations and Affidavits on behalf of the Council	3. Council	3. Principal Solicitor
4.	To act as informant in the laying of an information to commence proceedings before the Magistrates Court	4. Council	4. Head of Legal, Equalities & Democratic Services
5.	To sign indictments in appropriate Crown Court proceedings	5. Council	5. Head of Legal, Equalities & Democratic Services
6.	To sign any document required as part of any court procedure including statutory demands or bankruptcy petitions	6. Council	6. Principal Solicitor
7.	To select and authorise officers to prosecute or defend on the council's behalf (subject to 9 below)	7. Council	7. Principal Solicitor
8.	To select and authorise officers to appear on the Council's behalf in proceedings before a Magistrates' Court (subject to 9 below)	8. Council	8. Principal Solicitor
9.	To select and authorise officers to appear before Magistrates Courts and Tribunals to:	9. Council	9. Principal Solicitor or Head of Resources
(a)	represent the Council in the recovery of Council Tax and non-domestic rates monies due to the Council;		
(b)	represent the Council before a Valuation Tribunal in consideration of any appeals which may arise concerning		

**PART 3
(PART D)**

	<p>Council Tax and non-domestic rates</p> <p>10. To prosecute or defend in respect of all environmental health related statutory provisions listed in Appendix EH1 of this scheme</p> <p>11. To take such action (including but not limited to the institution of criminal or civil proceedings, or the prosecution or defence of proceedings, judicial review and any proceedings under section 222 of the Local Government Act 1972) as is considered appropriate, or to effect the wishes of the Council or to protect the interests of the Council</p> <p>12. To take all necessary action, including the institution of legal proceedings, to recover deferred payments from the purchasers of low cost homes who are in breach of covenants</p> <p>13. To institute proceedings relating to contravention of bye-laws</p> <p>14. To lodge and prosecute applications to, and the defence of, proceedings in any statutory and administrative tribunal in connection with the employment of an officer or a servant of the Council.</p>	<p>10. Council</p> <p>11. Council</p> <p>12. Council</p> <p>13. Council</p> <p>14. Council</p>	<p>10. Principal Solicitor</p> <p>11. Principal Solicitor</p> <p>12. Principal Solicitor</p> <p>13. Principal Solicitor</p> <p>14. Principal Solicitor</p>
<p>Processions and Assemblies</p>	<p>To apply to the Secretary of State under section 14A of the Public Order Act 1896 for consent to make an order prohibiting the holding of all trespassory assemblies in the district or a part of it and for such period of time as may be specified in the application</p>	<p>Executive/ Leader</p>	<p>Head of Legal, Equalities & Democratic Services</p>

**PART 3
(PART D)**

<p>Regulation of Investigatory Powers Act</p>	<ol style="list-style-type: none"> 1. To review revise and update the Council's RIPA policy 2. Under the provisions of Part 1 chapter 2 of the Regulation of Investigatory Powers Act 2000 relating to the Accessing of Communications Data, to appoint officers to act as SPOCs (Single Point of Contact) 3. In relation to requests for Directed Surveillance, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation 4. In relation to any request for surveillance where it is considered likely that confidential information will be obtained, to sign all necessary documents and forms whether by way of Authorisation, Review or Cancellation 5. In relation to requests for Covert Human Intelligence Sources where the source is aged under 18, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation. 6. In relation to requests for Urgent Oral Authorisations 	<p>1. – 7. Council</p>	<ol style="list-style-type: none"> 1. Head of Legal, Equalities and Democratic Services 2. Head of Legal, Equalities and Democratic Services 3. Directors, Heads of Service or Senior Managers authorised to do so under Appendix 2 of the RIPA policy 4. Chief Executive or in his absence the Deputy Chief Executive 5. Chief Executive or in his absence the Deputy Chief Executive 6. Directors, Heads of Service or senior managers authorised to do so under Appendix 2 of the RIPA policy
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**PART 3
(PART D)**

	7. To maintain the central record of authorisations		7. The Data Protection Officer under the supervision of the Head of Transformation.
Road Closures - Temporary	To determine requests to make Orders under section 21 of the Town and Police Clauses Act 1847	Executive/ Leader	Principal Solicitor In consultation with Head of Environment
Seal	To decide to which documents the common seal should be affixed and to attest the affixing of common seal	Council	Principal Solicitor
Section 106 Agreements – Fees	To determine the fee to be charged to commercial organizations for legal work undertaken in respect of Section 106 Agreements to which a commercial organization is a party	Executive/ Leader	Principal Solicitor
Trespassers and Unauthorised Encampments	<ol style="list-style-type: none"> 1. To take action including the institution of legal proceedings in relation to trespass or unauthorized encampments on any land or premises owned by the Council 2. To take action including the institution of legal proceedings in relation to trespass or unauthorized encampments on any land or premises in the District insofar as the Council is empowered to do so 3. To give directions under section 77 of the Criminal Justice and Public Order Act 1994 4. To institute proceedings for an Order requiring the removal of any vehicle or other property on land within the District and any person residing in such vehicle in contravention of a direction given under section 77 of that Act 	<ol style="list-style-type: none"> 1. – 4. Executive/ Leader 	1. – 4. Principal Solicitor

**PART 3
(PART D)**

2. Elections			
Subject	Detail	Delegated by:	Delegated to:
Fees for Election Duties	To set within the approved budget the fees for various election duties and to make payments to those employed by the Returning Officer to carry out the duties related to an election	Electoral Matters Committee	Returning Officer
Re-organisation of Community Governance	To make Orders under section 86 of the Local Government and Public Involvement in Health Act 2007 or any subsequent or amending legislation	Electoral Matters Committee	Head of Legal, Equalities and Democratic Services
Proper Officer	To be designated: <ul style="list-style-type: none"> a. Electoral Registration Officer under section 8 of the Representation of the People Act 1983; b. Returning Officer for elections of Councillors of the district and for elections for Councillors of parishes within the District under section 53 of the Representation of the People Act 1983 	Council	Chief Executive

3. Democratic Services			
Subject	Detail	Delegated by:	Delegated to:
Programme of Council and Committee meetings	To agree the programme of Council and Committee meetings	Council	Head of Legal, Equalities & Democratic Services in consultation with the Executive/Leader and relevant Portfolio Holder
Members'	1. To administer payments made	1. Council	1. Democratic

**PART 3
(PART D)**

Expenses	<p>under the Members' Allowance Scheme</p> <p>2. To approve attendance at and payment of expenses for Members at conferences organised by external bodies in accordance with the Council's agreed policy and criteria</p>	2. Council	<p>Services Manager</p> <p>2. Democratic Services Manager</p>
Recordings of Meetings	To determine requests for permission to listen to and copy tape recordings of Council and Committee meetings	Council	Democratic Services Manager
Remuneration Panel Members	To undertake all the administrative arrangements, including short-listing of candidates, in respect of the recruitment of members to the Independent Remuneration Panel	Council	Democratic Services Manager