

BROMSGROVE DISTRICT COUNCIL

COUNCIL

27 FEBRUARY 2007

DELEGATION

Responsible Portfolio Holder	Councillor Mrs Spencer
Responsible Head of Service	Claire Felton

1. SUMMARY

1.1 To consider approving the proposed delegated power detailed in the report.

2. RECOMMENDATION

2.1 That the Head of Legal and Democratic Services be given delegated powers to select and authorise officers to prosecute or defend on the Council's behalf and to select and authorised officers to appear on the Council's behalf in proceedings before a Magistrates' court.

3. BACKGROUND

3.1 Following the restructuring of the legal half of the Legal and democratic services department it has become apparent that the Head of Legal and Democratic Services requires greater flexibility to be able to select appropriate officers to attend court on behalf of the Council. At present the moment only solicitors holding a practicing certificate have a right to appear on the Council's behalf in prosecution cases. This restricts the number of officers who are able to represent the Council and consequently cases which could be prosecuted on behalf of the Council may be delayed.

4. FINANCIAL IMPLICATIONS

4.1 None

5. LEGAL IMPLICATIONS

5.1 Section 223 of the Local Government Act 1972 relates to who may represent a local authority in legal proceedings.

6. CORPORATE OBJECTIVES

6.1 Improvement- Customer Service.

7. **RISK MANAGEMENT**

- 7.1 If the delegation is not approved there is a risk that the Council may not be able to prosecute all necessary cases in court in a timely manner.

8. **CUSTOMER IMPLICATIONS**

- 8.1 None.

9. **OTHER IMPLICATIONS**

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 None
Policy None
Environmental None
Equalities and Diversity None

10. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Acting Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	Author
Head of Financial Services	No
Head of Legal & Democratic Services	Author
Head of Organisational Development & HR	No
Corporate Procurement Team	No

11. **APPENDICES**

None

12. **BACKGROUND PAPERS**

None

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