LEGAL, DEMOCRATIC AND PROCUREMENT 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.	Cabinet/Leader.	Assistant Director of Legal, Democratic and Procurement Services.
Documents, Orders and Notices (other than contracts falling under the Contracts Procedure Rules).	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.	Council.	Assistant Director of Legal, Democratic and Procurement 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. Assistant Director of Planning, Leisure and Cultural Services.
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.	Cabinet/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/Cabinet / Leader (as appropriate).	Principal Solicitor.
Low Cost Housing Transactions.	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. 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. 3. To revise fees in relation to low cost housing transactions.	1. – 3. Cabinet/ Leader.	1. Assistant Director of Planning, Leisure and Cultural Services. 2. Principal Solicitor. 3. Assistant Director of Legal, Democratic and Procurement Services, Assistant Director of Planning, Leisure and Cultural Services and Financial Services Manager in consultation with the relevant Portfolio Holders.

Planning Consultants.	1. To engage the services of consultants to advise officers and given evidence at public local enquiries. 2. To engage the services of consultants in such cases as may be considered appropriate in appeals on planning and planning enforcement issues.	1. Cabinet/ Leader. 2. Cabinet/ Leader	1. & 2. Principal Solicitor or Assistant Director of Planning, Leisure and Cultural Services.
Police and Crime Panel – budget	To approve the budget for the administration of the West Mercia Police and Crime Panel, providing no financial contribution is sought.	Council	Assistant Director of Legal, Democratic and Procurement Services following consultation with the Leader of the Council.

Proceedings and Prosecutions.	1. To commence any proceedings/prosecutions considered necessary in relation to frauds or attempted frauds against the Council.	1. Council.	1. Principal Solicitor.
	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 all procedural aspects of Court proceedings.	2. Council.	2. Principal Solicitor.
	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. Assistant Director of Legal, Democratic and Procurement Services.
	5. To sign indictments in appropriate Crown Court proceedings.	5. Council.	5. Assistant Director of Legal, Democratic and Procurement 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: (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 Council Tax and non-domestic rates.	9. Council.	9. Principal Solicitor or Assistant Director Finance and Customer Services.
	10. To prosecute or defend in respect of all environmental health related statutory provisions listed in Appendix EH1 of this scheme.	10. Council.	10. Principal Solicitor.

	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. 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. 13. To institute proceedings relating to contravention of bye-laws. 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.	11. Council. 12. Council. 13. Council. 14. Council.	11. Principal Solicitor. 12. Principal Solicitor. 13. Principal Solicitor. 14. Principal Solicitor.
Processions and Assemblies.	To apply to the Secretary of State under section 14A of the Public Order Act 1986 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.	Cabinet/Leader.	Assistant Director of Legal, Democratic and Procurement Services.
Regulation of Investigatory Powers Act.	See Under Corporate Delegations	-	-

Road Closures - Temporary.	To determine requests to make Orders under section 21 of the Town and Police Clauses Act 1847.	Cabinet/Leader.	Principal Solicitor In consultation with Assistant Director of Environmental Services.
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.	Cabinet/Leader.	Principal Solicitor.
Trespassers and Unauthorised Encampments.	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.	1. – 4. Cabinet / Leader.	1. – 4. Principal Solicitor.
	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.		
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.	Assistant Director of Legal, Democratic and Procurement Services.
Alteration of Polling Places	To alter polling places outside compulsory review periods.	Electoral Matters Committee	Returning Officer following consultation with the Portfolio Holder and ward members.
Proper Officer.	To be designated: 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 S53 of the Representation of the People Act 1983.	Council.	Assistant Director of Legal, Democratic and Procurement Services
Councillor post vacancies	To declare the office of Councillor vacant immediately after a person has ceased to be a Councillor where they have not attended a Council or Committee meeting for six months or more.	Council	Chief Executive as Proper Officer

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.	Assistant Director of Legal, Democratic and Procurement Services following consultation with the Executive/Leader and relevant Portfolio Holder.
Members' Expenses.	1. To administer payments made under the Members' Allowance Scheme. 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.	1. Council. 2. Council.	1. Principal Democratic Services Officer. 2. Principal Democratic Services Officer.
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.	Principal Democratic Services Officer.