

LEGAL, EQUALITIES & DEMOCRATIC SERVICES

Assets Management & Facilities		Detail	Delegated by:	Delegated to:
	Applications for Planning Consent	To submit planning applications on behalf of the Council where necessary for any project	Council	Corporate Property Officer
	Erection of Structures on Council land	To determine applications for consent for the erection of structures on land/properties on any land owned or managed by the Council, erection of which requires (under a covenant on the sale or lease of the properties), consent by the Council	Cabinet	Corporate Property Officer
	Leasehold Reform Act Notices	To serve notices and counter notices, institute proceedings and take any other necessary action under the Leasehold Reform Act 1967	Cabinet	Corporate Property Officer
	Leases and Tenancies	To agree terms for, and accept the surrender of, leases or tenancies of properties allocated to his/her charge, in accordance with Council policy and the relevant legislation	Cabinet	Corporate Property Officer
	Management of Land	To manage, maintain and undertake relevant negotiations in respect of the Council's properties allocated to his/her charge, in accordance with the Assets Management Plan and relevant legislation	Cabinet	Corporate Property Officer
	Minor Matters affecting land	To deal with minor matters affecting lands and to authorise the signing or sealing of any related documents	Cabinet	Corporate Property Officer

	Notices relating to Land	<p>1. To give notice to quit and other notices for formal demands which are required in the interests of the Council</p> <p>2. To sign and serve notices and counter notice,:-</p> <p style="padding-left: 40px;">(a) determining leases, tenancy agreements and licences to occupy (except residential premises held under Part V of the Housing Act 1957) and</p> <p style="padding-left: 40px;">(b) under Part II of the Landlord and Tenant Act 1954 when the Council wishes to grant or oppose the grant of a new lease, tenancy or licence</p>	Cabinet	<p>1. Corporate Property Officer</p> <p>2. Corporate Property Officer</p>
	Purchase of Land	<p>1. To agree terms for the acquisition of land or individual properties required for an approved scheme after consultation with Chief Officers concerned complete the purchases where a capital scheme for the acquisition has been approved by the Council</p> <p>2. To buy buildings or land at the best price reasonably obtainable in accordance with the Assets Management Plan and relevant legislation</p>	<p>1. Cabinet</p> <p>2. Cabinet</p>	<p>1. Corporate Property Officer</p> <p>2. Corporate Property Officer</p>
	Repurchase of Former Council Houses	To waive the right to repurchase former Council houses under the pre-emption clauses and to substitute the discount provisions contained in the	Cabinet	Corporate Property Officer

		Housing Act 1980		
	Recreational Land	To decide on arrangements for the leasing of recreational land or facilities to parish councils and to determine any applications for consents required under such leases	Cabinet	Corporate Property Officer
	Right to Buy – Postponement of Statutory Charge	To determine requests for the postponement of the Council’s statutory charge on property sold under the Right to Buy scheme	Cabinet	Corporate Property Officer
	Sale of Land	1. To determine applications for the purchase and lease of small areas of land owned by the Council unless the Corporate Property Officer considers that the decision might be controversial or create an important precedent	1. Cabinet	1. Corporate Property Officer
		2. To sell buildings and land at the best price reasonably obtainable in accordance with the Assets management Plan and relevant legislation	2. Cabinet	2. Corporate Property Officer
	Spadesbourne Suite	To grant to local charitable organisations free use of the Spadesbourne Suite on up to 4 occasions per year	Cabinet	Corporate Property Officer
	Temporary Use of Land	To take up any offer received from the Department of the Environment for the temporary use of properties acquired for road schemes provided that terms offered are satisfactory	Cabinet	Corporate Property Officer
	Use of Council facilities	To approve the use of the Conference Room,	Cabinet	Corporate

	by the public	Committee Room, Council Chamber and Spadesbourne Suite by external organisations and the public		Property Officer
	Use of Land	To determine applications for the use of small areas of land owned by the Council	Cabinet	Corporate Property Officer

Legal Services		Detail	Delegated by:	Delegated to:
	Appeals	To appeal on behalf of the Council against decisions of courts, tribunals or other decision-making bodies	Council	Senior Solicitor
	Dedications	To approve dedications of cycleways, bridleways, footways, footpaths and highways where no objections to the proposal have been received.	Cabinet	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 Senior 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	1. Planning Committee 2. Planning	1. Senior Solicitor 2. Head of

		errors to the definitive footpath maps and to comment on proposals to stop up or extinguish existing footpaths or to create new footpaths	Committee	Planning & Environment 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	Senior 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 (as appropriate)	Senior Solicitor
	Low Cost Housing Transactions	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 1. Head of Planning & Environment Services 2. Senior Solicitor 3. Head of Legal, Equalities & Democratic Services, Head of Planning & Environment

				Services and Head of Finance Services in consultation with the relevant Portfolio Holders
	Planning Consultants	<ol style="list-style-type: none"> 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 	<ol style="list-style-type: none"> 1. Cabinet 2. Cabinet 	<ol style="list-style-type: none"> 1. & 2. Senior Solicitor or Head of Planning & Environment Services
	Proceedings and Prosecutions	<ol style="list-style-type: none"> 1. To commence any proceedings/prosecutions considered necessary in relation to frauds or attempted frauds against the Council 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 3. To authorise officers to sign statements of Truth, Statutory Declarations and Affidavits on behalf of the Council 4. To act as informant in the laying of an information to commence proceedings before 	<ol style="list-style-type: none"> 1. Council 2. Council 3. Council 4. Council 	<ol style="list-style-type: none"> 1. Senior Solicitor 2. Senior Solicitor 3. Senior Solicitor 4. Head of

		the Magistrates Court		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. Senior Solicitor
		7. To select and authorise officers to prosecute or defend on the council's behalf (subject to 9 below)	7. Council	7. Senior 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. Senior Solicitor
		9. To select and authorise officers to appear before Magistrates Courts and Tribunals to:	9. Council	9. Senior Solicitor or Head of Financial Services
		(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		

		<p>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. Senior Solicitor</p> <p>11. Senior Solicitor</p> <p>12. Senior Solicitor</p> <p>13. Senior Solicitor</p> <p>14. Senior Solicitor</p>
	Processions and Assemblies	To apply to the Secretary of State under section 14A of the Public Order Act 1896 for consent to	Cabinet	Head of Legal, Equalities &

		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		Democratic Services
	Regulation of Investigatory Powers Act	<p>1. To review revise and update the Council's RIPA policy</p> <p>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)</p> <p>3. In relation to requests for Directed Surveillance, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation</p> <p>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</p> <p>5. In relation to requests for Covert Human</p>	1. – 7. Council	<p>1. Head of Legal, Equalities and Democratic Services</p> <p>2. Head of Legal, Equalities and Democratic Services</p> <p>3. Heads of Service authorised to do so under Appendix 2 of the RIPA policy</p> <p>4. Chief Executive or in his absence the Executive Director of Services</p> <p>5. Chief</p>

		<p>Intelligence Sources where the source is aged under 18, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation.</p> <p>6. In relation to requests for Urgent Oral Authorisations</p> <p>7. To maintain the central record of authorisations</p>		<p>Executive or in his absence the Executive Director of Services</p> <p>6. Heads of Service and senior managers authorised to do so under Appendix 2 of the RIPA policy</p> <p>7. The Data Protection Officer under the supervision of the Head of Service for E Government and Customer Services</p>
	Road Closures - Temporary	To determine requests to make Orders under section 21 of the Town and Police Clauses Act 1847	Cabinet	Senior Solicitor in consultation with the Head of Street Scene and Community Services
	Seal	To decide to which documents the common seal	Council	Senior Solicitor

		should be affixed and to attest the affixing of common seal		
	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	Senior 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 	1. – 4. Cabinet	1. – 4. Senior Solicitor

Elections		Detail	Delegated by:	Delegated to:
	Fees for Election Duties	To set within the approved budget the fees for	Electoral Matters	Returning

		various election duties and to make payments to those employed by the Returning Officer to carry out the duties related to an election	Committee	Officer
	Parish Councils – Orders	To make Orders under section 17 of the Local Government and Rating Act 1997 or any subsequent or amending legislation	Electoral Matters Committee	Head of Legal, Equalities and Democratic Services
	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 section 53 of the Representation of the People Act 1983	Council	Chief Executive

Democratic Services		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 Leader and relevant Portfolio

				Holder
	Members' Expenses	<p>1. To administer payments made 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>	<p>1. Council</p> <p>2. Council</p>	<p>1. Committee Group Leader</p> <p>2. Committee Group Leader</p>
	Recordings of Meetings	To determine requests for permission to listen to and copy tape recordings of Council and Committee meetings	Council	Committee Group Leader
	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	Committee Group Leader