
4C Functions in relation to Legal Services

No.	Function	Act or Statutory Instrument (where applicable)	Responsibility/Decision Maker
1.	To institute and defend in their own name all appropriate legal proceedings in any court, for and on behalf of the Council, where a decision has been made, whether under delegated authority of an officer or by Executive, Council or committee, and which relates to a regulatory or enforcement power.	n/a	Head of Legal Services
2.	Where the Council is engaged in any litigation, to have the conduct of the matter and full authority to receive any information in connection therewith and to settle or compromise any proceedings as they deem appropriate and expedient for the Council's interests.	n/a	Head of Legal Services
3.	Authority to instruct private practice solicitors or suitable counsel to undertake legal work when considered necessary or appropriate.	n/a	Head of Legal Services
4.	To prosecute any offence of obstructing staff in the course of their official duties.	n/a	Head of Legal Services
5.	Authority to obtain counsel's opinion provided that regular reports are made to Council on the costs of litigation.	n/a	Head of Legal Services

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6.	In consultation with the Chief Executive to set charges for legal work rechargeable to external persons or organisations.	n/a	Head of Legal Services
7.	Recovery matters - Authority to act on the Council's behalf in respect of attendance at the Magistrates Court and the County Court on all recovery matters, including applications for a committal warrant and attendance at valuation tribunals as appropriate.	n/a	Head of Legal Services
8.	Issue notices under the provisions of the Drainage Acts	n/a	Head of Legal Services
9.	Court Attendance	Section 223 of the Local Government Act 1972	Members of the Legal Services team may be authorised to prosecute or defend actions and/or cases, and to represent the Council, in any Magistrates' Court proceedings or County Court proceedings, valuation tribunals and planning inquiries as appropriate, subject to the Head of Legal Services being satisfied with their legal competence
10.	Authority to complete Planning Agreements	Section 106 of the Town and Country Planning Act 1990 and Section 38 and 278 of the Highways Act 1980	Head of Legal Services
11.	Power to apply the common seal of the Council and sign documents		Chief Executive, Director of Finance, Monitoring Officer, Director of Place

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			Head of Legal Services, Chair of the Council, Vice-Chair of the Council
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