

POLICY & RESOURCES CABINET BOARD

4TH SEPTEMBER 2008

DIRECTORATE OF FINANCE & CORPORATE SERVICES

**REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES
– D. MICHAEL**

INDEX OF REPORT ITEMS

Doc. Code: PRB-040908-REP-FS-DM

SECTION B – MATTERS FOR INFORMATION		
Report Item	Page Nos.	Wards Affected
1. Officer Urgency Action - Authorisation for a Legal Officer to appear in the Magistrates' and County Courts.	2-3	All

ITEM 1 PART 1 SECTION B

The following officer urgency action has been determined by the Head of Legal and Democratic Services in consultation with the requisite Members for immediate implementation.

This matter is for information only.

AUTHORISATION FOR A LEGAL OFFICER TO APPEAR IN THE MAGISTRATES' AND COUNTY COURTS

1. Purpose of Report

To inform members of the urgency action undertaken to authorise Janette Stewart to appear in the Magistrates' and County Courts on behalf of Neath Port Talbot County Borough Council.

2. Background

- 2.1. The Authority's trainee solicitor Christopher Francis has gone to the National Assembly for four months as part of an exchange agreement with a trainee solicitor with the Assembly. Janette Stewart has come to the Authority thus enabling both to gain wider experience during their period of training.
- 2.2. The bulk of legal officers who appear in the Courts on behalf of the Authority have right of audience in that they are either Solicitors or Barristers.
- 2.3. In order to make best use of staff time and in order to provide training opportunities to more junior staff the authority has had a general practice of granting statutory authorisations to legal executives and other "paralegals" to undertake suitable court work on your behalf. In respect of trainee solicitors it also gives them excellent experience of appearing in Court which they would not obtain if they had a training contract in private practice.
- 2.4. Under Section 223 (1) of the Local Government Act 1972 it is possible for a local authority to authorise an officer to appear on its behalf in the Magistrates' Court.
- 2.5. As far as the County Court is concerned, under section 60 of the County Courts Act 1985 it is possible for a local authority to authorise an officer to appear on its behalf in relation to house possession cases and related rent matters.

2.6. On the 11th January 2008 Cabinet Board granted authorisation for Christopher Francis to appear in the Magistrates' and County Courts. While Christopher is with the Assembly authority is also sought for Janette Stewart to be similarly authorised.

3. **Officers Decision**

3.1. That Janette Stewart:

- (a) be authorised to represent Neath Port Talbot County Borough Council in the cases within section 60 (2) of the County Courts Act 1984 in the County Court
- (b) her authorisation to represent Neath Port Talbot County Borough Council in the Magistrates' Court pursuant to section 223 (1) of the Local Government Act 1972 in Child Care matters be extended to an authorisation to represent the authority in all types of cases it has in that Court.

for the period that she is with the Authority under the exchange agreement.

4. **List of Background Papers**

None

5. **Wards Affected**

All

6. **Officer Contact**

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