

**POLICY AND RESOURCES**

**CABINET BOARD**

**8<sup>TH</sup> OCTOBER 2009**

**FINANCE AND CORPORATE SERVICES**

**URGENT REPORT OF THE HEAD OF LEGAL AND  
DEMOCRATIC SERVICES**

**INDEX OF REPORT ITEMS**

**Part 1 - Doc. Code: PRB-081009-REP-FS-DM-U**

<b>SECTION A - MATTER FOR DECISION</b>			
<b>Report Item</b>		<b>Page Nos.</b>	<b>Wards affected</b>
1.	Authorisation for a legal officer to appear in the Magistrates' and County Courts.	2-4	All

## **SECTION A**

### **ITEM 1**

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

##### **1. Purpose of Report**

1.1. To obtain authorisation for a legal officer to appear in the Magistrates' and County Courts.

##### **2. Background**

2.1. One of the Authority's trainee solicitors Helen Eynon has gone to the National Assembly for four months from the beginning of September 2009 as part of an exchange agreement with a trainee solicitor from the Assembly. Siwan Daniel 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 rights 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 trainee solicitors 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. Cabinet Board has granted authorisation for its trainee solicitors to appear in the Magistrates' and County Courts. While Helen Eynon is with the Assembly authority is also sought for Siwan Daniel to be similarly authorised.

3. **Recommendation**

3.1. That Siwan Daniel:

(a) be authorised to represent Neath Port Talbot County Borough Council in the County Court and

(b) be authorised to represent Neath Port Talbot County Borough Council in the Magistrates' Court pursuant to section 223 (1) of the Local Government Act 1972.

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

4. **Reason for proposed decision**

4.1. To enable the named officer to represent the authority in the County Court and in the Magistrates' Court.

5. **List of Background Papers**

None

6. **Wards Affected**

All

7. **Officer Contact**

Mr. David Michael – Head of Legal and Democratic Services.  
e-mail [d.michael@npt.gov.uk](mailto:d.michael@npt.gov.uk). Tel: 01639 763368

## COMPLIANCE STATEMENT

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

#### (a) Implementation of Decision

The decision is proposed for implementation after the three day call in period.

#### (b) Sustainability Appraisal

##### **Community Plan Impacts**

Economic Prosperity	-	no impact
Education & Lifelong Learning	-	no impact
Better Health & Well Being	-	no impact
Environment & Transport	-	no impact
Crime & Disorder	-	no impact

##### **Other Impacts**

Welsh Language	-	no impact
Sustainable Development	-	no impact
Equalities	-	no impact
Social Inclusion	-	no impact

(c) There has been no requirement under the Constitution for external consultation on this item.