

POLICY AND RESOURCES

CABINET BOARD

16TH OCTOBER 2008

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

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ITEM No. 1

PART 1 SECTION A

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. Legal and Democratic Services have recently appointed a new trainee solicitor, Marcus Craig Griffiths.

2.2. The bulk of legal officers who appear in the Courts on behalf of the Authority have automatic rights of audience in that they are either Solicitors or Barristers.

2.3. 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.

2.4. 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.

2.5. 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 trainee solicitors, 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.

3. **Recommendations**

3.1. That Marcus Craig Griffiths:

- (a) be authorised to represent Neath Port Talbot County Borough Council in the County Court
- (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 of his trainee contract which ends on the 31st August 2010.

4. **Reason for proposed decisions**

- 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**

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COMPLIANCE STATEMENT

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

(a) Implementation of Decisions

The decisions are 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

(c) Other Impacts

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

ITEM No. 2
PART 1 SECTION B

THE PROVISION OF INDEMNITIES TO COUNCILLOR ARWYN WOOLCOCK AND MR. DAVID STIENS

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.

1. **Purpose of Report**

- 1.1. To inform Committee that on the 4th of September 2008 the Council provided indemnities to Councillor Arwyn Woolcock and Mr. David Stiens in relation to their role as Trustees of the Association for Public Service Excellence such indemnity to be in a form to be prepared by the Head of Legal and Democratic Services.

2. **Background**

- 2.1. Councillor Arwyn Woolcock and Mr. David Stiens, the Council's Highways and Engineering Manager, represent the Authority on the Association for Public Service Excellence (APSE). Councillor Woolcock and Mr. Stiens are due to be appointed as APSE's National Chairman and National Secretary respectively at APSE's Annual General Meeting which is to be held on Wednesday the 10th of September. They will hold these appointments for a period of one year. In their capacity as National Chairman and National Secretary Councillor Woolcock and Mr. Stiens are also to be appointed as Trustees of APSE and will jointly with two other officers of APSE hold the leasehold interest in APSE's office in Manchester on behalf of APSE. As Trustees they will be personally liable for the observation of the tenants obligations contained in the lease.

3. **Officer Decision**

- 3.1. The Council indemnify Councillor Arwyn Woolcock and Mr. David Stiens in relation to their roles as Trustees of the Association for Public Service Excellence such indemnity to be in a form to be prepared by the Head of Legal and Democratic Services.

4. **List of Background Papers**

Legal File.

5. **Wards Affected**

All.

6. **Officer Contact**

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