

POLICY AND RESOURCES

CABINET BOARD

23RD SEPTEMBER 2010

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

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SECTION B
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' Court.

2. **Background**

2.1. The Authority's trainee solicitor Laura Williams who is currently with the Joint Child Care Team, has asked if she could represent the Authority in the Magistrates' Court in one of the cases she has been dealing with. The case is a Neath Port Talbot child care case and was listed for the 26th August 2010. The Senior Child Care Lawyer agreed that this is a suitable case for Laura Williams to conduct before the Magistrates and would be good experience for her.

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.

3. **Decision**

3.1. That Laura Williams:-

- (a) 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 in Child Care proceedings [a copy of the Urgency Action is attached to this report].

4. **Reason for proposed decision**

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

5. **List of Background Papers**

None

6. **Wards Affected**

All

7. **Officer Contact**

Mr. David Michael – Principal Solicitor and Monitoring Officer.
E-mail d.michael@npt.gov.uk. Tel: 01639 763368

COMPLIANCE STATEMENT

1. Authorisation for a legal officer to appear in the Magistrates' Court

(a) Implementation of Decision

The decision is proposed for immediate implementation.

(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



TO: Chief Executive

From: Director of FINANCE AND CORPORATE SERVICES

OFFICER EXECUTIVE URGENCY ACTION

Please arrange consultation with relevant Members in accordance with the Council's approved urgency delegation arrangements to officers, this being an urgent matter, where any delay would prejudice the Council's or the public's interests.

SUBJECT:

Authority for named person to conduct legal proceedings on behalf of the Authority

REPORT AND REASON FOR URGENCY:

(continue on a separate sheet if necessary)

That the undermentioned Council's trainee solicitor who is currently with the Joint Child Care Team be duly authorised to represent the Neath Port Talbot County Borough Council in Child Care proceedings in the Magistrates' Court only pursuant to Section 223 (1) of the Local Government Act 1972.

Laura Williams

The reason for the urgency action is so that Laura Williams can represent the Authority in a Neath Port Talbot Child Care case listed in the Magistrates' Court on the 26th August 2010.

OFFICER'S RESOLUTION:

Laura Williams be authorised forthwith to represent Neath Port Talbot County Borough Council in Child Care proceedings in the Magistrates' Court.

Note: This matter ~~is~~ / is not* a private exempt item. ~~If private exempt Para No.*~~ (* delete as appropriate/insert Para No. as appropriate)
This matter is not subject to 'call-in'.

Signed: Derek Nicholas Date: 6th August 2010.

CONSULTATION	#Tel. Consult.	SIGNATURE	DATE (please complete)
*Leader	<input checked="" type="checkbox"/>	<u>A.H. Woodcock</u>	<u>9/8/2010</u>
*Relevant Cabinet Member (*or in absence, any other two Cabinet Members)	<input checked="" type="checkbox"/>	<u>P.A. Keen</u>	<u>9/8/2010</u>
#Relevant Scrutiny Chair	<u>yes</u> <input checked="" type="checkbox"/>	<u>Dw.Dennis</u>	<u>9/8/2010</u>

The above Chair agrees / does not agree that the decision may proceed for implementation as a matter of urgency.
(# or in absence Vice Chair)

CEX/022J