

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **COUNCIL**

**29 MARCH 2018**

### **JOINT REPORT OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES – MR H JENKINS AND THE HEAD OF LEGAL SERVICES – MR D. MICHAEL**

**Matter for Decision**

**Wards Affected:** All

### **CONFIRM APPOINTMENT OF NEW HEAD OF LEGAL SERVICES AS A PROPER OFFICER**

#### **Purpose of the Report**

1. To confirm the appointment of Proper Officers for Neath Port Talbot County Borough Council (“the Council”) for the purposes of Section 270 of the Local Government Act 1972.

#### **Background**

2. Article 4.01(10) of The Constitution of Neath Port Talbot County Borough Council (“the Constitution”) provides that it is the responsibility of full Council to appoint Proper Officers for the purposes of Section 270(3) of the Local Government Act 1972 to exercise particular functions of the Council. The role of the Proper Officer is varied, but includes amongst other things, determining documents disclosing exempt information which are not open to inspection by Members, certification of copies of photographic and copies of documents, certificate of byelaws and certifications in general.

3. Mr Marcus Craig Griffiths was appointed as Head of Legal Services on the 14<sup>th</sup> December 2017 and commences the appointment on the 1<sup>st</sup> April 2018 therefore there is a need to ensure that the appropriate designation is made in order to implement the requirements in paragraph 2 above.
4. Mr Michael Edward Shaw has recently been appointed as Temporary Principal Solicitor Litigation in the absence of the current Principal Solicitor Litigation and therefore to ensure that officers are available to undertake signing of documentation in accordance with the responsibilities identified in paragraph 2 above, it is also requested that Mr Shaw also be approved as Proper Officer.

### **Financial Impact**

5. There are no financial impacts associated with this Report.

### **Equality Impact Assessment**

6. There are no equality impacts associated with this Report

### **Workforce Impacts**

7. There are no workforce impacts associated with this Report

### **Legal Impacts**

8. S270(3) of the Local Government Act 1972 provides the Council the power to appoint Proper Officers to exercise certain functions. These functions are set out in the Constitution (Annex J) as being the following:
  - a. Determining documents disclosing exempt information which are not open to inspection by Members in accordance Section 100F(2) of the Local Government Act 1972 and Regulations 10 and 11 of the Local Authorities (Executive

Arrangements) (Decisions, Documents and Meetings)(Wales) Regulations 2001

- b. Certification of photographic copies of documents in accordance with Section 229(5) of the Local Government Act 1972;
- c. Authentication of any notices, orders or other documents in accordance with Section 234(1) and (2) of the Local Government Act 1972 –;
- d. Certification of byelaws in accordance with Section 238 of the Local Government Act 1972; and
- e. General Certification of documents in accordance with Section 41 of the Local Government (Miscellaneous Provisions) Act 1976

## **Consultation**

- 9. There is no requirement under the Constitution for external consultation on this item.

## **Recommendations**

- 10. It is recommended that:
  - 1) From the 1<sup>st</sup> April 2018, Marcus Craig Griffiths be designated a Proper Officer for the Council and that he be entitled to exercise the powers delegated to the role in The Constitution of Neath Port Talbot County Borough Council; and
  - 2) From the 1<sup>st</sup> April 2018, Michael Edward Shaw be designated a Proper Officer for the Council for the duration of his appointment as Temporary Principal Solicitor Litigation and that he be entitled to exercise the powers delegated to the role in The Constitution of Neath Port Talbot County Borough Council

## **Reason for Proposed Decision**

- 11. To ensure that suitable arrangements are in place to ensure that the Council can meet the obligations set out in paragraph 2 of this Report.

## **Appendices**

12. None

## **List of Background Papers**

13. The Constitution of Neath Port Talbot County Borough Council

## **Officer Contact**

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