

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **COUNCIL**

**19<sup>th</sup> December 2018**

### **REPORT OF THE HEAD OF LEGAL SERVICES – MR C GRIFFITHS**

#### **Matter for Decision**

**Wards Affected:** All

#### **CONFIRM APPOINTMENT OF NEW PRINCIPAL SOLICITOR AS A PROPER OFFICER**

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

1. To confirm the appointment of a Proper Officer 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 S270(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 Michael Edward Shaw was appointed as Principal Solicitor Litigation on the 29<sup>th</sup> November 2018 and commenced the appointment on the 1<sup>st</sup> December 2018 therefore there is a need to ensure that the appropriate designation is made in order to implement the requirements in paragraph 2 above. Mr Shaw had previously been in the role of Interim Principal Solicitor and a delegation had been to him to act as Proper Officer for the duration of the interim appointment. In light of his permanent appointment there is a now a need to update this designation.

4. All Principal Solicitors within the Legal Section are Proper Officers for the purposes of S270(3) of the Local Government Act 1972.

### **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 Michael Edward Shaw 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.

## **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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