

WELWYN HATFIELD BOROUGH COUNCIL
CABINET– 12 JULY 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

AUTHORISATION OF OFFICERS TO REPRESENT THE COUNCIL IN
PROCEEDINGS AT THE MAGISTRATES' COURTS AND COUNTY COURTS

1 Executive Summary

- 1.1 Under the direction of the Head of Law and Administration, a number of legal officers are employed by the Council to conduct legal proceedings and enter appearances on behalf of the Council at both the magistrates' and county courts.
- 1.2 The Head of Law and Administration is requesting that Cabinet authorise the officers named below to represent the Council in these courts.
- 1.3 The Head of Law and Administration is also seeking a general delegation to directly appoint appropriately qualified staff in the future.

2 Recommendation(s)

- 2.1 That Cabinet authorise the following officers to prosecute or defend or appear in any proceedings, and to conduct any such proceedings on its behalf before a Magistrates' Court and to appear before a district judge in a County Court in any housing related proceedings:
 - Teresa Campion, Senior Litigation Officer
 - Noucha Blackman, Litigation Officer
- 2.2 That delegated authority is given to the Head of Law and Administration to appoint suitably experienced and qualified staff to appear in appropriate proceedings on behalf of this Council, before a Magistrate's Court and a County Court (in any housing related proceedings).

Implications

3 Financial Implication(s)

- 3.1 There are no direct financial implications.

4 Link to Corporate Priorities

- 4.1 I confirm that the subject of this report is not linked to a council corporate priority because it is a statutory requirement to ensure that council officers are duly authorised in court proceedings.

5 Legal Implication(s)

- 5.1 Under Section 223 of the Local Government Act 1972, an officer may be authorised by the Council to prosecute or defend or appear in any proceedings, and to conduct any such proceedings on its behalf before a magistrates' court.
- 5.2 Under Section 60 of the County Courts Act 1984, where an action is brought in a county court by the Council for any proceedings related to any housing owned by the Council and/or the recovery of any rent, mesne profits, damages or other sum claimed by the Council in respect of the occupation of any such housing, an officer may be authorised to enter an appearance before a district judge.

6 Risk Management Implications

- 6.1 The Council could be challenged by litigants on the basis that the Council officers are not properly authorised. This report seeks to mitigate that risk.

7 Explanation

- 7.1 The Council's in-house legal service deals with and conducts litigation on behalf of the Council. This includes legal proceedings in both the magistrates' and county courts.
- 7.2 A number of officers are employed by the Council to deal with this area of work under the supervision of the Head of Law and Administration.
- 7.3 Due to staffing changes, the Head of Law and Administration has conducted a review of the authorisations required and is seeking authorisation to appoint the officers named in this report.
- 7.4 The Head of Law and Administration is also seeking delegated authority to appoint suitably qualified staff in the future, should the need arise due to staff changes.

8 Equality and Diversity

- 8.1 I confirm that an Equality Impact Assessment (EIA) has not been carried out in connection with the proposals that are set out in this report as this report deals solely with the authorisation of staff for court appearances. All Council staff are recruited in compliance with the Equality Act 2010 and all other relevant statutory requirements.

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Date	21 April 2016

Background papers to be listed- None