

## Head of legal and democratic

(Democratic services, elections, legal, local land charges, licensing, community safety, CCTV, and information governance)

HEAD OF LEGAL AND DEMOCRATIC		
Ref	Function	Consultation (where applicable)
1.0	LEGAL	
1.1	To authorise the commencement, continuation, defence, discontinuance or settlement of any <b>legal proceedings</b> and to deal with all related matters.	Relevant head of service
1.2	To authorise the commencement, continuation, defence, settlement or discontinuance of any <b>legal proceedings</b> for the prosecution of any alleged offences following the service of any notice issued by the council or relating to any breach of the advertisement regulations or the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990.	Head of planning
1.3	To prepare any <b>agreements, orders, directions, notices and other documents</b> for the council.	
1.4	To accept service of any <b>legal proceedings</b> commenced against the council and any pleadings, notices and other documents relating to such proceedings.	
1.5	To <b>instruct counsel or outside solicitors</b> to represent or otherwise assist the council in any <b>legal proceedings in court, public inquiries, tribunals and similar hearings</b> .	
1.6	To <b>instruct counsel or outside solicitors</b> to advise or otherwise assist the council in connection with <b>any legal work</b> of the council.	
1.7	To make <b>road closure orders</b> under the Town Police Clauses Act 1847.	
1.8	To authorise and make orders for the <b>temporary closure</b> of streets during public processions. (S.21 TPCA 1847).	
1.9	To grant <b>wayleaves, easements, licences and other rights of use</b> in respect of council property.	
1.10	To document <b>rent reviews</b> .	
1.11	To enter into <b>agreements</b> with developers in relation to proposed foul sewerage systems for estates.	

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1.12	To enter into other <b>legal agreements</b> .	Relevant head of service
1.13	To initiate proceedings for the <b>recovery of all sums</b> due to the council.	
1.14	To institute proceedings for making <b>anti-social behaviour orders</b> .	
1.15	To make orders and make temporary <b>appointments to parish councils</b> as required under the powers in Section 91(1) of the Local Government Act 1972.	
1.16	To be responsible for the <b>authentication of any council documents</b> .	
1.17	To be <b>responsible for the common seal and for sealing any documents</b> on behalf of the council.	
1.18	To organise, administer and <b>monitor the collection and recovery of sundry debts</b> owed to the council, including penalty parking charges and to authorise the issue and service of all notices and demands concerning the same.	
1.19	To make an order under Section 109 of the Local Government act 1972 <b>to grant, on request, powers to parish meetings</b> .	
2.0	<b>DEMOCRATIC</b>	
2.1	To make any necessary <b>amendments to the Constitution</b> to give effect to any council decisions.	
2.2	To <b>update the Constitution</b> to reflect changes in staff responsibilities.	
2.3	To make appointments to <b>outside bodies</b> , occurring during the period of appointments, where they arise as a result of vacancies or new appointments.	Group leaders
2.4	To <b>approve attendance of councillors</b> at seminars and conferences, training courses and any other events.	
2.5	To <b>appoint members</b> to task groups and panels.	Group leaders

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2.6	To approve and make amendments to the <b>calendar of meetings</b> .	Group leaders
2.7	To approve up to two consecutive three-month <b>periods of non-attendance</b> at meetings by councillors with the agreement of group leaders.	Group leaders
2.8	To <b>change committee memberships</b> in accordance with the wishes of the group leader.	Group leader
3.0	LOCAL LAND CHARGES	
3.1	To be responsible for <b>local land charges and any registration or searches</b> in accordance with the local land charges legislation.	
3.2	To <b>negotiate and agree with enquirers fees</b> for supplementary enquiries when the standard fees are inappropriate.	
4.0	DATA PROTECTION	
4.1	To adopt future versions of the <b>Information Commissioner's Standard Publication Scheme</b> .	
4.2	All <b>responsibilities under the Freedom of Information Act 2000 and Environmental Information Regulations 2004</b> , mainly maintain a publication scheme for the proactive release of information; confirm or deny to applicants whether the council holds information not covered by the publication scheme and disclose the information to applicants, providing it is not exempt under the Act.	Head of legal and democratic
4.3	To act as the council's <b>data protection officer</b> under the UK General Data Protection Regulation (UK GDPR).	
5.0	INFORMATION GOVERNANCE	
5.1	To act as the council's <b>senior information risk owner</b> .	
6.0	HIGHWAYS	
6.1	To authorise the making of an agreement for the <b>adoption of highways</b> on behalf of the Highway Authority. (S.38 HA 1980).	

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6.2	To authorise and serve any notice relating to the <b>removal of structures from highways.</b> (S.143 HA 1980).	
6.3	To authorise and serve any notice relating to the <b>enlargement of gates across highways or bridleways.</b> (S.145 HA 1980).	
6.4	To authorise and serve any notice relating to the <b>maintenance of stiles, gates or other works.</b> (S.146 HA 1980).	
6.5	To authorise the <b>erection of stiles, gates or other works on footpaths or bridleways.</b> (S.147 HA 1980).	
6.6	To authorise and serve any notice requiring the <b>removal of things deposited on highways</b> and authorise the removal of the same with or without a Disposal Order. (S.148 HA 1980).	
6.7	To authorise and serve any notice and take any other action relating to any <b>dead, diseased, damaged, insecure or overhanging hedges, trees or shrubs.</b> (S.154 HA 1980).	
6.8	To authorise and serve any notice for the <b>prevention of water flowing onto highways.</b> (S.163 HA 1980).	
6.9	To authorise and serve any notice and take any other action to require the <b>removal of barbed wire near a highway.</b> (S.164 HA 1980).	
6.10	To authorise and serve any notice and take any other action relating to <b>dangerous land, forecourts and retaining walls near streets.</b> (S.165-167 HA 1980).	
6.11	To require the <b>removal of obstructions</b> and the filling in of excavations on streets. (S.174 HA 1980).	
6.12	To issue consents for the <b>construction of vaults, arches or cellars under streets.</b> (S.179 HA 1980).	
6.13	To issue consents for the <b>control of openings and works on a street to provide access, air or light to premises.</b> (S.180 HA 1980).	
6.14	To determine applications for Licences relating to <b>apparatus in or under highways.</b> (S.181 and 182 HA 1980).	

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6.15	To require payments and determine liability and amounts of payments under the <b>Advance Payments Code</b> (S.219 and 220 HA 1980).	
7.0	ELECTIONS	
7.1	To <b>declare a vacancy</b> if a councillor fails to attend a meeting of the authority for six months without the prior approval of Council.	
8.0	LICENSING	
8.1	To determine all matters (including applications, variations, transfers, suspensions, terminations and revocations), exercise all statutory powers and carry out all functions for which the service is responsible in relation to <b>licensing and registration</b> as specified in Regulation 2 and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto.	
8.2	To appoint new <b>hackney carriage ranks</b> following the statutory consultation process (S63 LG(MP)A 1976).	Cabinet member for legal and democratic and local ward councillor(s)
8.3	To apply on behalf of the council relevant powers in connection with provisions of the Road Traffic Act 1988 (RTA 1988) and Road Safety Act 2006 (RSA 2006).	
8.4	To exercise the council's powers and duties under the <b>Licensing Act 2003</b> to take enforcement action, review licences, carry out inspections, exercise powers of entry, and appoint inspectors.	
8.5	To serve a counter notice in respect of <b>temporary event notices</b> .	
8.6	To determine applications for <b>personal licences</b> where there are no police objections and no unspent convictions.	
8.7	To determine applications for <b>premises licences/club</b>	

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	<b>premises certificates</b> , including variation and transfer applications where there are no valid representations.	
8.8	To determine applications for <b>designated premises supervisors</b> , including variations (and removal requests) where there are no police objections.	
8.9	To deal with applications for <b>interim authorities</b> where there are no police objections.	
8.10	To decide whether a <b>complaint</b> is irrelevant, frivolous, vexatious, repetitious etc.	
8.11	To decide whether a <b>representation</b> is a valid representation.	
8.12	To decide on behalf of the authority that a <b>hearing</b> is not necessary when all relevant persons so agree.	
8.13	To determine applications for <b>gambling premises licences</b> , including variation and transfer applications where no representations have been received or representations have been withdrawn.	
8.14	To determine applications for <b>provisional statements</b> where no representations have been received or representations have been withdrawn.	
8.15	To determine applications for <b>club gaming / club machine permits</b> where no objections have been made or objections have been withdrawn.	
8.16	To cancel licensed premises <b>gaming machine permits</b> .	
8.17	To determine applications for <b>other permits</b> .	
9.0	COMMUNITY SAFETY AND ANTI-SOCIAL BEHAVIOUR	
9.1	To authorise expenditure in connection with the funding of projects from specific government funding streams provided for <b>community safety initiatives</b>	
9.2	To issue <b>community protection notices</b> and <b>fixed penalty notices</b> , to make <b>public spaces protection orders</b> , to issue	

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	<b>closure notices</b> and make applications for <b>closure orders</b> under the Anti-Social Behaviour, Crime and Policing Act 2014.	
9.3	To exercise the council's powers and duties under the <b>Anti-Social Behaviour Act 2003</b> and the <b>Anti-Social behaviour, Crime and Policing Act 2014</b> including taking enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
10.0	SAFEGUARDING	
10.1	In the absence of the deputy chief executive – transformation and operations, to <b>make reports of safeguarding concerns</b> in accordance with the council's safeguarding policy.	