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| REPORT TO: | FINANCE AND MANAGEMENT COMMITTEE | AGENDA ITEM: 10 |
| DATE OF MEETING: | 24 TH NOVEMBER 2005 | CATEGORY: DELEGATED/RECOMMENDED |
| REPORT FROM: | CHIEF EXECUTIVE OFFICER | OPEN: |
| MEMBERS' CONTACT POINT: | ANDREA MCCASKIE: 595831 | DOC: |
| SUBJECT: | Authorisation of Officer to attend Magistrates Court and County Court on behalf of South Derbyshire District Council | REF: |
| WARD(S) AFFECTED: | ALL | TERMS OF REFERENCE: FM04 |

1.0 Recommendation

1.1 That the Committee resolve that Ardip Kaur be authorised;

To prosecute or defend on the Council's behalf, or appear on it's behalf in proceedings before a Magistrates Court in accordance with the provisions of Section 223 of the Local Government Act 1972.

1.2 That the Committee resolve that Ardip Kaur be authorised;

To appear in the County Court on behalf of the Council for the purpose of the recovery of debts, Possession Proceedings, in accordance with the provisions of Section 60 of the County Courts Act 1984.

To appear in Chambers appointments in the County Court in relation to Applications for Injunctions, Anti Social Behaviour Orders/Injunctions, and any other proceedings allocated to her by the Head of Legal and Democratic Services.

2.0 Purpose of Report

2.1 To authorise Ardip Kaur, the Council's Legal Officer, to appear at the Magistrates Court and the County Court on behalf of the Council to represent the Council during the course of her employment with South Derbyshire District Council.

3.0 Detail

3.1 To enable the Legal Officer to appear on behalf of the Authority. The Committee is requested to authorise her under the Local Government Act 1972 and the County Courts Act 1984.

3.2 Section 223 of the Local Government Act 1972 states that any 'officer of a local authority who is authorised by that authority to prosecute or defend on their behalf, or to appear on their behalf in proceedings before a Magistrates Court shall be entitled to prosecute or defend or to appear in any such proceedings'

- 3.3 Section 60 of the County Courts Act 1984 outlines rights of audience;
'where an action is brought in a County Court by a local authority for either of the following or both of the following –
(a) the recovery of possession of a house belonging to the authority;
(b) the recovery of any rent, mesne profits, damages or other sum claimed by the authority in respect of the occupation by any person of such a house,
then, in so far as the proceedings in the action are heard by the registrar, any officer of the authority authorised by the authority in that behalf, may address the registrar'
- 3.4 To authorise Ardip Kaur, the Council's Legal Officer to appear in Chambers on appointments, in relation to Applications for Injunctions, Anti Social Behaviour Orders/Injunctions, and any other proceedings allocated to her by the Head of Legal and Democratic Services.

4.0 Financial Implications

- 4.1 None

5.0 Corporate Implications

- 5.1 As set out in the report

6.0 Community Implications

- 6.1 None

7.0 Background Papers

- 7.1 None