

## Appendix 3

### Part 1(9) Finance Contracts and Legal Matters

#### 9.3 Legal Proceedings

The Head of Paid Service or any other officer authorised by them has authority to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interest, or otherwise where permitted at law subject to prior consultation with the Monitoring Officer.

With regard to the settlement of any legal proceedings concerning members of staff, where the settlement terms include the payment of a 'special severance payment' as defined in statutory guidance issued under Section 26 of the Local Government Act 1999, such payment shall be approved as follows:

- (i) The full Council must approve any special severance payments of £100,000 and above; and
- (ii) The approval of the Head of Paid Service and the Leader of the Council must be obtained and recorded for any payments of £20,000 or above but below £100,000 (alongside the approval of any other officers who have approved the payment).

Advice should be sought on a case-by-case basis as to whether a payment constitutes a 'special severance payment' however, redundancy payments and associated pension strain costs, payments ordered by a court or tribunal and payments agreed through judicial or non-judicial mediation are not special severance payments.

The statutory guidance does not apply to staff employed in maintained schools.

## Part 2(10) Delegations to Officers

### 10.1 Chief Executive

CHIEF EXECUTIVE or their nominees			
	Powers and duties	Statutory Reference	Function Type
22	<p>To institute, prosecute or to defend, to settle (save in the case of special severance payments of £100,000 or above) or to appear in any legal proceedings or prospective legal proceedings and to approve jointly with the Leader of the Council any special severance payments where such payment is £20,000 or above but below £100,000.</p> <p><u>Advice should be sought on a case-by-case basis as to whether a payment constitutes a 'special severance payment'.</u></p>	<p>Section 222, The Act of 1972 and any other enactment conferring powers on the council</p> <p>Guidance made under Section 26, Local Government Act 1999 relating to special severance payments</p>	Executive or non-executive depending on the context

### 10.2 Executive Director for Resources

EXECUTIVE DIRECTOR FOR RESOURCES or their nominees shall have the following powers and duties other than those of the Monitoring Officer in Article 7.3			
Governance			
	Powers and duties	Statutory Reference	Function Type
10	<p>To institute, prosecute or to defend, to settle (save in the case of special severance payments of £20,000 or above) or to appear in any legal proceedings or prospective legal proceedings.</p> <p><u>Advice should be sought on a case-by-case basis as to whether a payment constitutes a 'special severance payment'.</u></p>	<p>Section 222, The Act of 1972 and any other enactment conferring powers on the council</p> <p><u>Guidance made under Section 26, Local Government Act 1999 relating to special severance payments</u></p>	Executive or non-executive depending on the context