

LEGAL SERVICES

Working for Cotswold, Forest of Dean and West Oxfordshire District Councils

SERVICE CATALOGUE - BUSINESS AS USUAL

Description of legal work undertaken – S101 Partnership Agreement (Schedule 1).

Whilst the legal work in this list will usually fall within the Section 101 Agreement, there may be occasions where, due to the nature of the matter, we will need to treat the matter as extraordinary work, subject to agreement with all parties.

Any changes made to this Service Catalogue will be subject to the agreement of the Head of Legal Services and in line with the governance process required by the Partnership Board.

LITIGATION AND GENERAL

Injunctions under general powers and Town and Country Planning Act 1990

Defence of Judicial Reviews

Criminal Prosecutions in all areas e.g., planning enforcement, environmental crime, revenue and benefits, animal welfare

Defending civil claims (non-insurance) brought against the Councils

Debt recovery

Court applications in relation to authorised occupation of council land

Defence of appeals in the Magistrates' Court against licensing decisions

Defence of appeals in the Property Tribunal against notices served on unfit housing

Advice on Council Tax, Business Rates and Benefits (inc. legal advice on legal challenges and appeals but excluding attendance at court for liability orders)

Advice on the interpretation of legislation in relation to Assets of Community Value

Advice on housing and homelessness

Legal advice in relation to Car Parking, Car Parking Orders/Variations of Orders (including statutory process for implementing Orders) and enforcement

Commercial Property Repossessions

PLANNING, CONSERVATION AND BUILDING CONTROL

Advising on and negotiating S106 Agreements and undertakings and arranging for preparation, approval, and amendment of drafts to execution.

Advice of the use of enforcement powers, including review of notices, prosecutions, injunctions, and the use of direct action.

Advice on Article 4 Directions

Legal advice on applications for certificates of lawfulness under ss 191 and 192

Instructing counsel in planning inquiries.

Legal advice on statutory orders to e.g., divert footpaths

Advice on Building Control and dangerous structures

Advice on Listed Building Control

Assistance with applications for warrants

General Advice on development control

ENVIRONMENTAL AND REGULATORY SERVICES

Advice on all matters under all legislation governing ERS, including, but not limited to: Public Health Acts, Environmental Protection Act 1990, Town Police Clauses Act 1847.

(When relevant) advice on enforcement of public health legislation and guidance in the event of a pandemic (includes cross-border matters for the Forest of Dean).

Advice on the Animal Welfare Act 1996

Advice on all licensing matters

Advice to Safety Advisory Group as requested

CONTRACTS AND PROCUREMENT

Drafting, negotiation and completion of contracts, except for major project work.

Consultancy Agreements

Professional Services Contracts including those associated with Construction Contracts

Construction Contracts, including JCT, NEC and associated Warranties

ICT Contracts and Software Licences

Goods Contracts

Reviewing Supplier Terms and Conditions

Advice on the use of Framework Agreements including setting up your own Framework or Calling Off from an existing Framework

Grant Agreements including giving and receiving of grant money

Advice on Subsidy Control

Advice on Procurement Law and practice

PROPERTY AND CONVEYANCING

Dealing with all aspects of core commercial and residential property transactions and/or development schemes entered into by the Council, including the approval and inspection of both freehold and leasehold title documents.

The preparation and completion of contracts for sale, agreements for lease, transfer documents, leases, and tenancy agreements.

Licences to occupy and consent to assignments, underletting, alterations, and changes of user

Rent Review Notices

Possession Notices

Preparation of easements

(CDC) Consents under s157 Housing Act 1985

Reports on title

Registration of Assets of Community Value against title with HM Land Registry

Registration of titles

Wayleaves

Deeds of Release

CORPORATE

Providing legal implications to reports

Attendance at Committees and briefings to provide legal advice and support

Legal advice and support to the MO/DMO including legal advice on constitution, governance, member investigations and member interests

Legal advice on elections

Legal advice on corporate complaints and ombudsman complaints

Legal advice on data protection and freedom of information

Advice to Management Teams of the three councils and attendance at meetings as needed.