

**Report of the Section 151 Officer**

**TO AUTHORISE OFFICERS TO REPRESENT THE BOROUGH COUNCIL OF WELLINGBOROUGH IN THE MAGISTRATES' COURT**

**1 Purpose of Report**

To authorise officers to represent the Borough Council of Wellingborough in the Magistrates' Court.

**2 Executive Summary**

To represent the Borough Council of Wellingborough in the Magistrates' Court, an officer needs to be a qualified solicitor or have been authorised by a resolution of the council.

**3 Appendices**

None

**4 Proposed Action:**

**The committee is invited to RESOLVE to authorise Sophie Greenham, Cathy McKenzie, Nigel Robinson, Richard Watson and Victoria Williams to represent the Borough Council of Wellingborough in any proceedings in the Magistrates' Court**

**5 Background**

5.1 Legal proceedings for the recovery of unpaid Business Rates, Council Tax and levies charged for Business Improvement Districts are dealt with by the Magistrates' Court.

5.2 To represent the borough council, an officer needs to be a qualified solicitor or have been authorised by a resolution of the council.

**6 Discussion**

6.1 All the listed officers have these duties included in their job descriptions and some are already authorised to represent the Borough Council of Wellingborough in Magistrates' Court proceedings, but best practice determines these are reviewed by committee on a regular basis.

6.2 The officers and their job titles are:  
Sophie Greenham, Technical Revenue Officer  
Cathy McKenzie, Court Officer  
Nigel Robinson, Principal Revenue and Benefit Manager  
Richard Watson, Senior Revenue Officer  
Victoria Williams, Technical Revenue Officer (maternity cover)

## **7 Legal Powers**

7.1 Section 223 of the Local Government Act 1972 states that a local authority can be represented by a person who is not a qualified solicitor provided they have been authorised by a resolution of the council.

7.2 The principle legislation for recovering Business Rates is the Local Government Finance Act 1988, for Council Tax the Local Government Finance Act 1992 and for levies charged for a Business Improvement District the Business Improvement Districts (England) Regulations 2004

## **8 Financial and Value for Money Implications**

If officers of the authority are not used, the council would need to use a qualified solicitor each time a Magistrates' Court hearing is held which would substantially increase costs.

## **9 Risk Analysis**

<b>Nature of risk</b>	<b>Consequences if realised</b>	<b>Likelihood of occurrence</b>	<b>Control measures</b>
No recovery action undertaken to recover Business Rates, Council Tax or Business Improvement District levies	Drop in collection rates and income to the Borough Council of Wellingborough	High	Authorisation of officers to represent the Borough Council of Wellingborough in the Magistrates' Court

## **10 Implications for Resources**

None

## **11 Implications for Stronger and Safer Communities**

None

## **12 Implications for Equalities**

None

## **13 Author and Contact Officer**

Richard Watson, Senior Revenue Officer

## **14 Consultees**

Liz Elliott, Managing Director  
Shaun Darcy, Director of Resources  
Nigel Robinson, Principal Revenue and Benefits Manager

**15 Background Papers**

None

