

Report of the Head of Finance

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

1 Purpose of Report

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

2 Executive Summary

- 2.1 To represent the Borough Council or 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

- 3.1 None

4 Proposed Action:

The Committee is invited to RESOLVE to authorise Carol Jones, Cathy McKenzie, Nigel Robinson, Richard Watson and Jill Wilkinson 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 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:
Carol Jones, Recovery Officer
Cathy McKenzie, Recovery Officer
Nigel Robinson, Principal Revenue and Benefit Manager
Richard Watson, Consortium Business Rate Manager
Jill Wilkinson, Council Tax Supervisor

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

- 8.1 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

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
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

- 10.1 None

11 Implications for Stronger and Safer Communities

None

12 Implications for Equalities

None

13 Author and Contact Officer

Richard Watson, Consortium Business Rate Manager

14 Consultees

Nigel Robinson, Principal Revenue and Benefit Manager

15 Background Papers

None.

