

**Report of the Managing Director**

**Authorisation to represent the council at court**

**1 Purpose of Report**

To authorise Sophie Greenham, to represent the Borough Council of Wellingborough, in proceedings before a magistrates' court.

**2 Executive Summary**

To represent the Borough Council or Wellingborough in proceedings before a magistrates' court, an officer is required to be a qualified solicitor or have been authorised by the council.

**3 Appendices**

None

**4 Proposed Action:**

**The committee is invited to RECOMMEND that Sophie Greenham is duly authorised to represent the Borough Council of Wellingborough in proceedings before a 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 Sophie Greenham was appointed to the post of Technical Revenue Officer on 1st November 2016.

6.2 Part of the duties of the Technical Revenue officer is to deputise for the Senior Revenue Officer and Revenue Court Officer in any court proceedings should they be required.

**7 Legal Powers**

7.1 Section 223 of the Local Government Act 1972 states that an officer of a local authority can represent the local authority and conduct proceedings provided they have been authorised by 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 were not utilised for court proceedings, the council would need to use a qualified solicitor who has a right of audience to the court. This would be resource intensive and would substantially increase operating 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

None

## 11 Implications for Stronger and Safer Communities

None

## 12 Implications for Equalities

None

## 13 Author and Contact Officer

Nigel Robinson, Principal Revenue and Benefits Manager /  
Richard Watson, Senior Revenue Officer

## 14 Consultees

Nigel Robinson, Principal Revenue and Benefits Manager

## 15 Background Papers

None