

Report to Leader of the Council

Subject: Revenues Services Representation in the Magistrates' Court

Date: 3rd November 2021

Author: Revenues Manager

Wards Affected

All

Purpose

The purpose of this report is to seek authorisation for Cara Brown, Revenues Services Team Leader, to appear on behalf of the Council in proceedings in the Magistrates' Court relating specifically to the obtaining of liability orders and the undertaking of committal proceedings in relation to council tax and business rates.

Key Decision

This is not a key decision.

Recommendation(s)

THAT:

- 1) Cara Brown is authorised to appear on the Council's behalf in proceedings in the Magistrates' Court, specifically in relation to the obtaining of liability orders and the undertaking of committal proceedings in relation to council tax and business rates, as allowed by section 223 of the Local Government Act 1972.**

1 Background

- 1.1 Cara Brown currently holds the post of Revenues Team Leader in the Council's Revenues Services team. Cara is a Technician Member of the

Institute of Revenues, Rating and Valuation (IRRV), and as such does not have independent rights of audience in the Magistrates' Court.

- 1.2 Cara has shadowed the Council's Revenues Manager, and the Council's other Revenues Services Team Leader, at the Magistrates' Court on a number of occasions and has a technical qualification in the law of Council Tax and National Non-Domestic Rates which would be the primary matters dealt with under this proposed delegation.
- 1.3 Under section 223 of the Local Government Act 1972, any member or officer of a local authority who is authorised by that authority to prosecute or defend on their behalf, or to appear on their behalf in, proceedings before a Magistrates' Court shall be entitled to prosecute or defend or to appear in any such proceedings, and to conduct any such proceedings.

2 Proposal

- 2.1 It is proposed that Cara Brown is authorised to represent the Council in proceedings in the Magistrates' Court relating specifically to the obtaining of liability orders and the undertaking of committal proceedings in relation to council tax and business rates.

3 Alternative Options

- 3.1 The alternative to the proposal would be not to authorise Cara Brown to represent the Council in the Magistrates' Court. This would mean continued strains on senior members of the Revenues Services team and would not be an effective or efficient use of resources.

4 Financial Implications

- 4.1 There are no financial implications arising from this report.

5 Legal Implications

- 5.1 Under section 223 of the Local Government Act 1972, any member or officer of a local authority who is authorised by that authority to prosecute or defend on their behalf, or to appear on their behalf in, proceedings before a Magistrates' Court shall be entitled to prosecute or defend or to appear in any such proceedings, and to conduct any such proceedings.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

8.1 Appendix 1 – IRRV Level 3 Certificate – Cara Brown

9 Background Papers

9.1 None

10 Reasons for Recommendations

10.1 Cara Brown's delegation to represent the Council in the Magistrates' Court will share the administrative burden of the exercise with other staff who currently act for the Council in such proceedings as well as creating staffing resilience in this vital function.

10.2 It is felt that Cara is an officer with relevant experience and qualification to execute the proposed delegation.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer