

TEESDALE DISTRICT COUNCIL

**Report To: EXECUTIVE COMMITTEE
7 April 2008**

From: Lead Member for Resources: Councillor G K Robinson

Ward Member: All

**Subject: APPEARANCE OF OFFICERS IN LEGAL PROCEEDINGS IN
RELATION TO COUNCIL TAX AND NON-DOMESTIC RATES**

1.0 SUMMARY

1.1 To request authority for the officers' named in the recommendation to attend Magistrate's Court to act on behalf of the Council in accordance with Section 223 of the Local Government Act 1972.

2.0 RECOMMENDATION(S)

2.1 It is recommended that

2.1.1 **The following officers are authorised to prosecute, defend or appear on behalf of the Council in proceedings before a Magistrates' Court, in order to collect and recover amounts of Council Tax or Non-Domestic Rates:-**

2.1.2 **Brenda Rowell (Revenues Manager)
Emma Raine (Revenues Officer)
Lynsey Wood (Revenues Officer)
Julie Dowson (Recovery Manager WVDC)
Sharon Paley (Recovery Officer WVDC)
Anne Gristwood (Recovery Officer WVDC)**

3.0 LINK TO CORPORATE OBJECTIVES/KEY PRIORITIES

- 3.1 Priority: Improving Together
- 3.2 Ambition: Maximising Resources
- 3.3 Outcome: Improved service delivery

4.0 BACKGROUND

4.1 Section 223 of the Local Government Act 1972 provides that any member or officer of a local authority who is so authorised shall be entitled to prosecute or defend, or to appear, in proceedings before a Magistrates Court. The member or officer may conduct proceedings although he/she is not a solicitor holding a current certificate.

5.0 **STATUTORY CONSIDERATIONS**

5.1 Financial Implications:

5.2 Risk:

Risk	Category	Implications
An officer appearing in proceedings before a Magistrates Court is not authorised to do so	Financial Reputation Legal	The court may not make a liability order if the statutory procedure has not been followed

5.3 Equality and Diversity: None

5.4 Human Resources: None

5.5 Community Safety: None

5.6 Legal Issues: The officer representing the billing authority must be duly authorised under Section 223 of the Local Government Act 1972.

Background papers:

1. None

Author: Brenda Rowell
Revenues Manager
01833 696233