

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet
2.	Date:	19 th December 2012
3.	Title:	Delegation of Powers - Revenues
4.	Directorate:	Resources

5. Summary

To authorise postholders to appear in the Magistrates' Court on behalf of the Council on cases relating to recovery and enforcement of Council Tax, Non-Domestic Rates and related issues.

6. Recommendations

That the persons named in recommendation (3), being the holders of the posts of Service & Development Manager, Operational Managers – Account Management and Local Taxation, Team Leaders – Account Management and Local Taxation, Senior Technical Officers – Account Management and Local Taxation, Technical Officers – Account Management and Local Taxation, be authorised:-

- (1) Under the provisions of Section 101 and 223 of the Local Government Act 1972, to institute, carry on, prosecute and defend proceedings in relation to the recovery of Council Tax, Community Charge, National Non-Domestic Rates and General Rates which the Council, as Billing, Charging, Collecting and formerly Rating Authority, is itself authorised to institute, carry on, prosecute and defend.
- (2) To act on behalf of the Billing, Charging and Collecting Authority in proceedings undertaken at the Valuation Tribunal in respect of Council Tax, Community Charge and National Non-Domestic Rate Appeals.
- (3) The authorised persons for the purposes of recommendations (1) and (2) are:
 - Mr Robert Cutts
 - Mr Steven Ward
 - Mrs Rachel Humphries
 - Mrs Melanie Kennedy
 - Mrs Sharon Coombes
 - Mrs Gill Leivers
 - Mrs Julie Chapman
 - Mrs Sally Olivia
 - Miss Suzanne Styring
 - Mrs Diane Woolley
 - Mrs Nicola Green
 - Mrs Christy Ward
 - Mrs Sarah Bennett

7. Proposals and Details

At present certain named officers have delegated authority from the Council to undertake proceedings in relation to the recovery of Council Tax, Community Charge, National and Non-Domestic Rates and General Rates which the Council, as bill, charging, collecting and formerly rating authority is itself authorised to institute, carry on, prosecute and defend.

The officers are further authorised to act on behalf of the Council in proceedings undertaken at the Valuation Tribunal in respect of Council Tax, Community Charge and National Non-Domestic Rate Appeals.

From time to time fresh resolutions need to be passed as staff leave and new staff are appointed. Accordingly, the Cabinet Member is requested to reaffirm existing appointees and authorise new appointee(s), i.e. the officers named in recommendation (3) to this report, to represent and act on behalf of the Council in relation to the functions mentioned in recommendations (1) and (2).

8. Finance

The delegation of powers to officers enables the Council to respond quickly when Court proceedings are necessary and thus assists with the prompt collection of Council Tax and National Non-Domestic Rates.

9. Risks and Uncertainties

The lack of sufficient officers with delegated powers to represent the Council in proceedings for recovery and enforcement of Council Tax and Non-Domestic Rates would have an adverse effect on the Council's cash flow and performance.

10. Policy and Performance Agenda Implications

The Council is empowered by resolution to authorise officers to appear in legal proceedings before a Magistrates' Court and to conduct any such proceedings, although not a solicitor hold a current Practising Certificate.

Contact Name : Jacqueline Collins,
Director of Legal and Democratic Services
Tel 55768. **e-mail:** jacqueline.collins@rotherham.gov.uk