

**COUNCIL**

Wednesday, 21 February 2017

**AUTHORISATION OF OFFICERS: MAGISTRATES' COURT**

**EXECUTIVE SUMMARY**

1. To recommend that Thereza (Terri) Lawson, Jak Miller, Caroline Greig, Gillian Juby, Peter Seeley and Steven Oxborough be authorised to represent Waveney District Council in the Magistrates' Court in accordance with Section 223 of the Local Government Act 1972. To remove Holley Rowley from the list of approved officers.

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	All Wards in the District
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<b>Cabinet Member:</b>	Councillor Bruce Provan Cabinet Member for Resources
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<b>Supporting Officer:</b>	Homira Javadi, Chief Finance Officer 01394 444529 <a href="mailto:homira.javadi@eastsoffolk.gov.uk">homira.javadi@eastsoffolk.gov.uk</a> Hilary Slater, Head of Legal and Democratic Services 01394 444336 <a href="mailto:hilary.slater@eastsoffolk.gov.uk">hilary.slater@eastsoffolk.gov.uk</a>
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## **1 INTRODUCTION**

- 1.1 Section 223 of the Local Government Act 1972 allows local authorities to authorise officers who do not necessarily have legal qualifications (as solicitors, barristers or legal executives) to represent the Council in the Magistrates' Court.
- 1.2 The Section 223 power is used very widely by local authorities; in particular most district and unitary authorities have been using this power for many years to authorise recovery officers to appear in the local Magistrates' Courts in Council Tax and Business Rate enforcement cases.
- 1.3 Caroline Greig is an employee of Waveney District Council. She has experience of representing Waveney District Council in the Magistrates' Court at Great Yarmouth, having been authorised by that council under this power. In accordance with Section 113 of the 1972 Act she is to retain her authorisation to appear in court under section 223.
- 1.4 Jak Miller is an employee of Waveney District Council and was appointed to the role of Assistant Team Manager (Revenues) Court and Appeals Officer on 22 January 2018. In accordance with Section 113 of the 1972 Act he will be put at the disposal of Waveney District Council, and it is therefore possible for this council to authorise him to appear under section 223.
- 1.5 Gillian Juby is an employee of Suffolk Coastal District Council. She has previous experience of representing Suffolk Coastal District Council in the Magistrates' Court at Ipswich. In accordance with Section 113 of the 1972 Act she is also being put at the disposal of Waveney District Council, and it is therefore possible for this council to authorise them to appear in court under section 223.
- 1.6 Thereza (Terri) Lawson is an employee of Waveney District Council. She has previous experience of representing Waveney District Council in the Magistrates' Court at Ipswich. In accordance with Section 113 of the 1972 Act she is to retain her authorisation to appear in court under section 223 and represent Waveney District Council.
- 1.7 Peter Seeley is an employee of St Edmundsbury Borough Council. Waveney District Council is one of seven authorities which form part of the Anglia Revenues Partnership. The Partnership operates under a Partnership Agreement approved by the council. Peter has previous experience of representing St Edmundsbury Borough Council, Forest Heath District Council, Fenland District Council and East Cambridgeshire District Council in the Magistrates' Court at Bury St Edmunds, Cambridge and Peterborough and has been authorised by these councils under this power. In accordance with Section 113 of the 1972 Act he is also being put at the disposal of Waveney District Council, and it is therefore possible for this council to authorise him to appear in court under section 223.
- 1.8 Steven Oxborough is an employee of Breckland District Borough Council. Suffolk Coastal District Council is one of seven authorities which form part of the Anglia Revenues Partnership. The Partnership operates under a Partnership Agreement approved by the council. Steven has previous experience of representing St Edmundsbury Borough Council, Forest Heath District Council, Fenland District Council and East Cambridgeshire District Council in the Magistrates' Court at Bury St Edmunds, Cambridge and Peterborough and has been authorised by these councils under this power. In accordance with Section 113 of the 1972 Act he is also being put at the disposal of Waveney District Council, and it is therefore possible for this council to authorise him to appear in court under section 223.

- 1.9 Holley Rowley has current authority to represent the council in the Magistrates' Court. Holley left the Council's employment on 22 November 2017 she will no longer represent the council and therefore her approval is to be withdrawn.
- 1.10 As part of the shared services arrangements between the two councils and the Anglia Revenues Partnership in order to improve the flexibility and efficiency of local tax enforcement it is proposed that these officers be authorised under section 223 to represent this Council in the Magistrates' Court.

## **2 HOW DOES THIS RELATE TO EAST SUFFOLK BUSINESS PLAN?**

- 2.1 Financial self-sufficiency is one of the three prongs of the Councils' strategy, in the Business Plan, to achieve its Vision for both Suffolk Coastal, and Waveney. Reviewing how we deliver our services and becoming more business-like in our approach, will assist. Therefore, to have a number of officers authorised to appear in court will provide resilience and effective cover, thus improving our ability to recover Council Tax. In this way, what is suggested meets with the strategy of financial self-sufficiency, set out in our Business Plan.

## **3 FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 3.1 None save for those identified above.

## **4 OTHER OPTIONS CONSIDERED**

- 4.1 None.

## **5 REASON FOR RECOMMENDATION**

- 5.1 To authorise Caroline Greig, Jak Miller, Gillian Juby, Thereza (Terri) Lawson, Peter Seeley and Steven Oxborough to appear in the Magistrates' Court for Waveney District Council. To remove Holly Rowley from the list of approved officers.

### **RECOMMENDATION**

That Caroline Greig, Jak Miller, Gillian Juby, Thereza (known as Terri) Lawson, Peter Seeley and Steven Oxborough be authorised to appear on behalf of the Council in the Magistrates' Court. To remove Holly Rowley from the list of approved officers.

### **APPENDICES – None**

### **BACKGROUND PAPERS – None**