BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

15 SEPTEMBER 2021

REPORT OF THE INTERIM CHIEF OFFICER - FINANCE, PERFORMANCE AND CHANGE

REPRESENTATION AT THE MAGISTRATES' COURT

1.   Purpose of report

1.1   The purpose of the report is to seek approval to amend the Scheme of Delegation of Functions to authorise Revenue Officers to attend the Magistrates' Court on behalf of the Council in respect of recovering unpaid Council Tax and National Non-Domestic Rates.

2.   Connection to corporate well-being objectives / other corporate priorities

2.1   This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015:**

   • **Smarter use of resources –** to ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3.   Background

3.1   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.

4.   Current situation/proposal

4.1   There is currently only one member of the Recovery Section within the Revenues Team that is authorised to attend the Magistrates' Court. Approval is therefore required for other Revenue Officers to attend Valuation Tribunal Hearings and Magistrates' Court hearings on the Council's behalf for the recovery of Council Tax and National Non-Domestic Rates to ensure the effective performance of the day to day operation of the Service.

4.2   It is proposed that the Scheme of Delegation of Functions be amended to insert the following function to the Chief Executive at Scheme B2:

2.20	To authorise Revenue Officers to appear on behalf of the Council in Valuation Tribunal Hearings and in Magistrates' Court proceedings in accordance with Section 223 of the Local Government Act 1972.

4.3　The proposed delegated power would then circumvent the need to take a report to Council for every individual officer change. Any authorisations made under the delegation will ensure that the officer is appropriately qualified, trained and experienced and the function to be exercised is within that officer's area of responsibility. The authorisation will be recorded in writing and shall be provided to the Monitoring Officer within 5 working days.

5　Effect upon policy framework and procedures rules

5.1　The Scheme of Delegation of Functions will be updated accordingly if the resolution is passed.

6.　Equality Act 2010 implications

6.1　The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7.　Well-being of Future Generations (Wales) Act 2015 implications

7.1　The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8.　Financial implications

8.1　There are no financial implications as a result of this report.

9.　Recommendation

9.1　It is recommended that Council approve the amendment to the Scheme of Delegation of Functions as set out at paragraph 4.2.

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Background documents: None