



FULL COUNCIL

Wednesday, 28 September 2022

Subject	Authorisation of Officers: Attendance at Magistrates' Court
Report by	Councillor Maurice Cook Cabinet Member with responsibility for Resources
Supporting Officer	Chris Bing Monitoring Officer & Head of Legal and Democratic Services chris.bing@eastsoffolk.gov.uk 01394 444408

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable.
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To recommend that Steven Oxborough, Lucy Talbot, Peter Seeley, Rachel Marsden, Michael Cartwright, Nigel Adams and Kieran Kingston-Miles be authorised to represent East Suffolk Council in the Magistrates' Court in accordance with Section 223 of the Local Government Act 1972.

Options:

No other options were considered.

Recommendation/s:

That Steven Oxborough, Lucy Talbot, Peter Seeley, Rachel Marsden, Michael Cartwright, Nigel Adams and Kieran Kingston-Miles be authorised to represent East Suffolk Council in the Magistrates' Court in accordance with Section 223 of the Local Government Act 1972.

Corporate Impact Assessment

Governance:

None.

ESC policies and strategies that directly apply to the proposal:

None.

Environmental:

None.

Equalities and Diversity:

None.

Financial:

None.

Human Resources:

None.

ICT:

None.

Legal:

Officers will be authorised to represent East Suffolk Council in the Magistrates' Court in accordance with Section 223 of the Local Government Act 1972.

Risk:

None.

External Consultees:	None.
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected? 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.			

Background and Justification for Recommendation

1 Background facts	
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.

2 Current position	
2.1	East Suffolk Council is one of five authorities which form part of the Anglia Revenues Partnership. The Partnership operates under a Partnership Agreement approved by the council.
2.2	The officers currently listed in East Suffolk Council's Constitution as being authorised by East Suffolk Council to appear in the Magistrates' Court are Thereza Lawson, Paul Montgomery and Joanna Andrews. Paul and Joanna no longer work for the Council and so their names can be deleted from this list.

3 How to address current situation	
3.1	Steven Oxborough is an employee of Breckland District Borough Council. In accordance with Section 113 of the 1972 Act he is also being put at the disposal of East Suffolk Council, and it is therefore possible for this council to authorise him to appear in court under section 223.
3.2	Lucy Talbot is employee of West Suffolk Council. In accordance with Section 113 of the 1972 Act she is to obtain authorisation to appear in court under section 223 and represent East Suffolk Council.
3.3	Peter Seeley is an employee of West Suffolk Council. In accordance with Section 113 of the 1972 Act he is also being put at the disposal of East Suffolk Council, and it is therefore possible for this council to authorise him to appear in court under section 223.
3.4	Rachel Marsden is employee of East Suffolk Council. In accordance with Section 113 of the 1972 Act she is to obtain authorisation to appear in court under section 223 and represent East Suffolk Council.
3.5	Michael Cartwright is employee of Breckland District Borough Council. In accordance with Section 113 of the 1972 Act he is to obtain authorisation to appear in court under section 223 and represent East Suffolk Council.
3.6	Nigel Adams is employee of Fenland Council. In accordance with Section 113 of the 1972 Act he is to obtain his authorisation to appear in court under section 223 and represent East Suffolk Council.
3.7	Kieran Kingston-Mills is employee of West Suffolk Council. In accordance with Section 113 of the 1972 Act he is to obtain his authorisation to appear in court under section 223 and represent East Suffolk Council.
3.8	As part of the shared services arrangements between East Suffolk Council 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.
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4 Reason/s for recommendation

4.1	To authorise Steven Oxborough, Lucy Talbot, Peter Seeley, Rachel Marsden, Michael Cartwright, Nigel Adams and Kieran Kingston-Miles to appear in the Magistrates' Court for East Suffolk Council.
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Appendices

Appendices:

None.

Background reference papers:

None.