

KENNET DISTRICT COUNCIL

RESOURCES EXECUTIVE COMMITTEE 29TH AUGUST 2006

REPRESENTATION IN COURT PROCEEDINGS

REPORT BY MARIA MEMOLI, SOLICITOR TO THE COUNCIL

1. PURPOSE OF REPORT

To update the list of officers authorised to represent the authority in court proceedings, valuation tribunals and housing benefit fraud prosecutions.

2. FINANCIAL, STAFFING AND RISK IMPLICATIONS

Failure to approve an up to date list of officers authorised to represent the Council may leave the council at a disadvantage in Court and Tribunal proceedings.

3. LEGAL IMPLICATIONS

The Council can only be represented in court proceedings and tribunals by officers that have a specific authority from Council under Section 223 of the Local Government Act 1972 or have rights of audience as Solicitors or Barristers.

4. BACKGROUND

The list of officers authorised to represent the authority in court proceedings and valuation tribunals was last updated in 1998. Subsequent staff turnover and restructuring has made it necessary to update the list, so that there is adequate officer cover for representing the authority.

5. RECOMMENDATION

It is proposed that the new list of officers authorised to represent the Council in court proceedings and valuation tribunals take the form of a list of authorised posts, rather than named individuals, to remove the need for future reports.

Recommendation

That the following posts be authorised to represent the Council in court proceedings, valuation tribunals and housing benefit prosecutions:

Court Proceedings:

Chief Executive
Solicitor to the Council
Head of Legal Services
Trainee Solicitors
Head of Revenues and Benefits
Revenues Recovery Manager
Revenues Billing Manager

Valuation Tribunals

Head of Revenues and Benefits
Revenues Recovery Manager
Revenues Billing Manager
Property Valuation & Inspection Officer

Housing Benefit Fraud Prosecutions

Head of Legal Services
Benefits Investigation & Verification Manager
Benefits Investigation Officer

Maria Memoli
Solicitor to the Council

Background Papers – none
03.08.06