



St Edmundsbury
BOROUGH COUNCIL

C35

Council 28 June 2011

Council's Constitution: Revenues and Benefits Service

On 28 September 2010 Council approved that the Revenues and Benefits Section join the Anglia Revenues Partnership as a full partner from 1 April 2011 (minute 53 refers). This decision has necessitated an update to the Scheme of Delegation to Officers as contained within Part 3, Responsibility for Functions, of the Council's Constitution.

Attached as Appendix A is a copy of the current Scheme of Delegation to Officers contained within the Constitution and Appendix B attached details the proposed revisions. In summary, because of the working arrangements at the Anglia Revenues Partnership (ARP) it is felt to be more expedient that the Borough Council's Chief Finance Officer becomes 'authorised to appoint appropriately qualified staff employed within the Anglia Revenues Partnership' to undertake the functions previously listed in the Constitution. The Chief Finance Officer has responsibility 'To manage the benefits function.', as contained within Section E1(a)12 of Part 3, Responsibility of Functions, in the Council's current Constitution.

The Council is recommended to **APPROVE** the amendments to the Council's Constitution as detailed in Appendix B to Report C35.

For further information please contact:-

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Council's Constitution
Part 3: Responsibility for Functions

Current Scheme of Delegation to Officers: Section E1(b)2

2. Revenues and Benefits Section

- (a) Revenues and Benefits Manager, Chief Revenue Officer and staff of the Revenue and Benefits Division: To make complaints to and appear before a Magistrates' Court in connection with summonses for non-payment of Community Charge, Council Tax and National Non-Domestic Rates and to take all steps and appear before a Magistrates' Court in connection with applications for the issue of warrants committing Community Charge, Council Tax and National Non-Domestic Rates debtors to prison.
- (b) Revenues and Benefits Manager, Chief Revenue Officer and staff of the Revenue and Benefits Division: To appear before any Valuation Tribunals held under the Local Government Finance Acts 1988 and 1992.
- (c) Revenues and Benefits Manager, Chief Revenue Officer and staff of the Revenue and Benefits Division. To appear before a County Court for the issue of a charging order under Sections 50 and 51 of the Council Tax (Administration and Enforcement) Regulations 1992.
- (d) Revenues and Benefits Manager to write off as irrecoverable any bad debt up to £500.
- (e) Benefits Manager (Post RES 0132), the Senior Rebates and Benefits Officer (Post RES 151) and the Enquiry Officer (Post RES 0128) be authorised to issue a formal caution and administrative penalty relating to Housing Benefit or Council Tax Benefit fraud.
- (f) The Senior Benefits Enquiry Officer (Post No. RES 151) and the Enquiry Officer to exercise Section 109B and 109C powers under the Social Security Act 1992 (power to obtain information in relation to benefit fraud) and, under Section 110A of the same Act, the Chief Finance Officer to authorise further officers to exercise such powers.
- (g) The Benefits Manager (Post No. RES 0132) as an authorised person to obtain information, following consultation with the Chief Finance Officer and Deputy Finance Officer, relating to benefit fraud under the Social Security Fraud Act 2001.

Council's Constitution Part 3: Responsibility for Functions

Proposed Scheme of Delegation to Chief Finance Officer: E1(a)12

12. Revenues and Benefits Section

The Chief Finance Officer to manage the Revenues and Benefits function, including being authorised to appoint appropriately qualified officers employed within the Anglia Revenues Partnership to:-

- (a) make complaints to and appear before a Magistrates' Court in connection with summonses for non-payment of Council Tax and National Non-Domestic Rates and to take all steps and appear before a Magistrates' Court in connection with applications for the issue of warrants committing Community Charge, Council Tax and National Non-Domestic Rates debtors to prison;
- (b) appear before any Valuation Tribunals held under the Local Government Finance Acts 1988 and 1992;
- (c) appear before a County Court for the issue of a charging order under Sections 50 and 51 of the Council Tax (Administration and Enforcement) Regulations 1992;
- (d) write off as irrecoverable any bad debt up to £500;
- (e) issue a formal caution and administrative penalty relating to Housing Benefit or Council Tax Benefit fraud;
- (f) exercise Section 109B and 109C powers under the Social Security Act 1992 (power to obtain information in relation to benefit fraud) and, under Section 110A of the same Act, the Chief Finance Officer to authorise further officers to exercise such powers; and
- (g) obtain information, following consultation with the Chief Finance Officer and Deputy Finance Officer, relating to benefit fraud under the Social Security Fraud Act 2001.