



**Cabinet**  
11 February 2019

**Report from the Strategic Director  
of Resources**

**Contingency Planning: Authorisation of Third Parties to  
Make Decisions for Council Tax Functions**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Margaret Read – Operational Director Resources <a href="mailto:Margaret.read@brent.gov.uk">Margaret.read@brent.gov.uk</a> Tel: 0208 937 1521

**1.0 Purpose of the Report**

1.1 This report seeks agreement for the provision of cost-effective resilience for Brent’s Council Tax Service during a period of potential instability caused by the Council Tax service transferring back to direct Brent Council provision from Capita Business Services Ltd. This will enable a small proportion of Council Tax work to be undertaken by a third party, if required, to mitigate against the risk to the Service in the event that the required numbers and skills of staff needed to provide the service, should not transfer to the Council under the TUPE provisions. Cabinet is therefore asked to authorise for decisions on Council tax matters to be made by a third party service provider within the scope of the recommendations set out in Section 2.0 below and as further set out within this report.

**2.0 Recommendation(s):**

That Cabinet:

2.1 Authorise a third party service provider to make decisions relating to Council Tax matters for the purposes set out within this report where the appropriate approvals have been obtained in compliance with Council Standing Orders and Financial Regulations.

- 2.2 Delegate authority to the Strategic Director of Resources in consultation with the Lead Member to authorise a third party service provider to make decisions relating to Council Tax for any other specific and ad-hoc purposes that may arise subsequent to the circumstances set out within this report subject to the appropriate approvals being obtained in compliance with Council standing orders and financial regulations.

### **3.0 Detail**

- 3.1 The Revenues and IT Support contract expires on 30<sup>th</sup> April 2019. At that time, the Council Tax and associated IT Support service shall transfer back to direct Council provision. As far as reasonably practicable, the knowledge and skills needed to provide the service shall be obtained by ensuring effective knowledge transfer arrangements are undertaken prior to the service transfer date and by recruitment and / or training, as appropriate. However, it is not possible to predict with certainty the precise number of personnel (and hence associated knowledge and skills) that will transfer to the Council.
- 3.2 In order to mitigate against the above, it is proposed that resilience arrangements be established to provide contingency, should it be needed and to mitigate against any potential risks that could otherwise arise as a consequence.
- 3.3 Brent Customer Services would like to be able to access a framework agreement to procure any potential support that may be needed, as referred to in paragraph 3.2 above. A framework arrangement with an offsite provider would permit a short term contingency plan to be effected, should the need arise, and permit a timely and cost-effective response to any resource shortage that might occur.
- 3.4 Council Tax matters are a function generally reserved for Local Authorities. However, the Deregulation and Contracting Out Act 1994 and The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996, as amended, provides that such a function may also be exercised by such persons as the authority may authorise.
- 3.5 Under the Brent constitution, such an authorisation referred to in paragraph 3.4 above, is a matter reserved for Cabinet decision and in order to facilitate the use of third party assistance to process Council Tax matters, prior Cabinet approval is required.
- 3.6 The recommendations set out within this report do not extend to an approval to access and use the relevant framework agreement referred to in paragraph 3.3 above, which is instead subject to separate delegated authorities to specified officers under the Brent constitution.

### **4.0 Financial Implications**

- 4.1 There are no financial implications arising from the recommendations proposed within this report, as these concern a general permission for third parties to make decisions concerning Council Tax. The call off of any services required from the framework agreement referred to in paragraph 3.3 above will have financial implications that will be considered as part of the contract award approval process under Officer delegated powers.

## **5.0 Legal Implications**

- 5.1 The provisions regarding Council Tax decision making are regulated by virtue of the Deregulation and Contracting Out Act 1994 and The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996, as amended.
- 5.2 These provide in general terms that aside from some specified statutory obligations reserved exclusively for a Local Authority, decisions on Council Tax matters, may be exercised by such persons as the authority may authorise.
- 5.3 Brent Council's constitution provides that the authorisation of such persons to make decisions on Council Tax matters, as referred to in paragraph 5.2 above, is a matter that is reserved for Cabinet decision.

## **6.0 Equality Implications**

- 6.1 There are no equality implications arising from the recommendations set out within this report.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 As this report affects all wards, consultation with specific ward members has not been conducted. As service delivery will remain unchanged for Brent residents, consultation with Brent stakeholders has not been conducted.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 There are no HR implications arising from the recommendations set out within this report.

**Report sign off:**

**ALTHEA LODERICK**  
Strategic Director of Resources