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Examinations pass list, December 2005

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The most significant period of consultation with local government for over 40 years has started. The Minister for Communities and Local Government, David Miliband, has been inviting council leaders in England to take part in face-to-face discussions on the issue of local government reorganisation during a series of eight 'Regional Roundtables'. It is said ministers have taken no decisions about whether or not to go for reorganisation of the two tier structure of local government, but as part of a wider debate about governance in the 21st century, they are seeking views on the best arrangements regarding this matter. After many years of mixed service delivery it is surprising that there is no blueprint. Surely by now experience from the fragmented restructuring of recent years has produced enough evidence for decisions to be made that would deliver effective units of local government? Sir Michael Lyons in his interim report uses a series of responses from the public to frame key questions about the road map to achieving a local government structure that would deliver cohesive communities. Whatever the final decision it is essential we have municipalities with the capacity to deliver effective services. These municipalities must also have a strong thread of fiscal independence, so it is important there is a basket of buoyant independent revenue sources which will deliver the Lyons agenda. The IRRV aims to enter this debate with vigour. Not only will we deliver the final conclusions of our own Committee of Inquiry, the Institute will also use its Annual Conference in Brighton as an opportunity for the Government and both opposition parties to state their objectives for the future of local government. Central government must recognise that a strong independent local government is an essential component of our democratic process. Local government is at a crossroads. Now is the time for strong leadership. All of those in the decision making process must not fail the citizen. Let us make sure there is a positive response to the minister’s challenge, contained in a recent press release: “We are having a mature discussion with local government; this offers a real opportunity for debate and we look forward to hearing all views on this issue”. The time has come for democracy to deliver.

IRRV PERFORMANCE AWARDS 2006

The IRRV is calling for entries to its prestigious Performance Awards scheme. The nine awards will be presented at IRRV’s Gala Dinner, to be held on 12 October 2006 during the Annual Conference in Brighton. Organisations wishing to enter the Awards scheme must make their submissions by 2 June 2006. Finalists in each category will be announced early in September.

The Team Awards are:
- Revenues Team of the Year
- Benefits Team of the Year
- Anti-Fraud Team of the Year
- Valuation Team of the Year

The five Awards for excellence are:
- Excellence in Customer Care
- Excellence in Debt Management
- Excellence in Education, Training and Development
- Excellence in Social Inclusion
- Excellence in the Use of IT

The Awards Panel will draw up a short list of organisations in each category that will be inspected by independent teams of experts. The finalists will exhibit at the Performance Awards village during the IRRV Annual Conference and will be invited to a reception prior to the dinner. Category sponsors include IBS, HBOS, Experian, Meritec, Comino, Nelson Croome and Northgate, who are also overall sponsor. For full details on the Performance Awards scheme go to www.irrv.org.uk or contact Gary Watson by calling 01376 329721 or emailing gary@hayeswater.ndo.co.uk.
The Government has recently completed a programme of engagement on the future of local governance, including the issue of local government reorganisation. Minister for Communities and Local Government David Miliband organised a series of eight ‘Regional Roundtables’ in March. All council leaders in shire England were invited to take part in these face-to-face discussions. The views of other local stakeholders were also represented at ‘County Dialogue’ events. Ministers say they have taken no decisions about whether or not to proceed with reorganisation of the two tier structure. They are seeking views on the best arrangements for localities, as part of a wider debate about governance in the 21st century. The dialogue covered county and districts, unitaries and neighbourhoods, the role for parishes and ward councillors and the nature of leadership within any new unitary authority. The eight Regional Roundtables were hosted by ministers from the Office of the Deputy Prime Minister (ODPM). Mr Miliband said: “We are having a mature discussion with local government; the series of events offers a real opportunity for debate and we look forward to hearing all views on this issue. We will make our position on reorganisation clear in the local government white paper in the middle of this year. This will deliver a clear vision for the long term future of local government, including the crucial issue of structure.”

Scottish Water Discounted

Thousands of low income households in Scotland are set to benefit from a new water and sewerage charge reduction scheme to help keep their water bills down. Some households, which currently receive council tax benefit, will see up to 25 per cent cut from their water bills. The new permanent scheme came into force on 1 April and replaced similar temporary arrangements. The deputy environment minister Rhona Brankin said reduced charges would help ensure water services were “affordable to all”. The scheme will be similar to the single person households discount. The cost of the new scheme will be met through the abolition of water and sewerage charges discounts for second homes and other empty dwellings.

Rubbish

Local authorities in England issued an average of just 56 fines each for environmental offences such as littering and dog fouling last year – and only around half of them were paid, according to Minister for Local Environmental Quality, Ben Bradshaw. Details of the fixed penalty notices issued in 2004/05 for littering, dog fouling, graffiti and fly-posting are now available on the Defra website for every local authority. Mr Bradshaw said he was “disturbed” to hear that of the 20,000 fixed penalty notices (FPNs) issued in 2004/05, 8,000 (or 40 per cent) were never paid. “People will only take these fines seriously
Northern Ireland ministers have unveiled a package of protections, which guarantees eligible low income households will spend no more than three per cent of their income on water and sewerage charges.

New charges are being introduced in the province, and there have been fears pensioners and low income households will not be able to afford the extra liability. Regional Development Minister Shaun Woodward said the new income-based affordability tariff showed the Government had listened to these concerns.

He said as many as 200,000 households in Northern Ireland, who presently qualify for rates rebate, housing benefit or the new special rates relief scheme, would benefit. The scheme will also extend to all 16 to 17 year old householders and to children leaving care up to the age of 21.

“For those on low incomes, no one will pay more than £180 regardless of the value of the property in which they live,” Mr Woodward said. “I want to go further and give extra help to people who may be living in lower value houses or flats. For those living in these households we will introduce two further tariffs. Houses valued up to £70,000 will pay £90 (a 1.5 per cent income cap) while houses valued between £70,000 and £100,000 will pay £135 (a 2.25 per cent income cap). For people in these households that means bills will be a maximum of £90 and £135 respectively.

“I am very concerned we need to help people prepare for these charges, even though people in Northern Ireland will pay no more than the average paid by everyone else in the United Kingdom. Because we want to help people we will phase the charges in over three years. I can tell people now who qualify for this protection that when their first bills arrive in April 2007 the most they will have to pay will be £60 and many will pay as little as £30 in that first year.”

Measures to identify those who will be eligible for paying their water and sewerage bills went out for consultation last month. The draft Water and Sewerage Charges (Information Sharing) (NI) Order will allow information to be shared to set up a billing system for water and sewerage charges and ensure automatic assistance for low income householders. There will be a 12 week period of consultation for the draft legislation.
The IRRV Scottish Association AGM took place in February. An excellent turn-out heard Andrew Davis from Experian and IRRV Director, David Magor give speeches. The following office bearers were elected:

President – Ian Ballance; 
Vice President – Hillary Wilson; 
Secretary and Treasurer – Paul Evans; 
Education Liaison Officer – Janette Proud; 
Membership Officer – Les Robertson.

Executive Members: Alison Barrett, Kevin Fraser, Alan Henry, Jim McCafferty, Jacek Nowak, Mike Peterson, Allan Traynor, and Alistair Wood.

A presentation was made to Ron Skinner MBE, who has retired from the Executive after years of sterling work.

In Plymouth, environmental improvements carried out as part of the BID programme were seen first hand by ODPM Minister Jim Fitzpatrick in February.

The Plymouth BID is one of 20 pilot schemes across England and includes 500 retailers in the city centre. It will receive £2.1 million of investment in the next five years to attract back shoppers who have deserted Plymouth for competing centres.

Plymouth BID’s achievements to date include: creation of a one hour rapid response clean team; the introduction of City Centre Wardens scheme; a graffiti removal service; four major regional events, including a big screen for Wimbledon fortnight and ‘Flavour Fest’, the South West’s largest food and drink festival; decorative lighting; mobile CCTV cameras; and regional marketing.
LEGAL UPDATE PART 3 JANUARY – DECEMBER 2005

This year the update follows broadly the same format as previous years. Every attempt has been made to include as wide a subject area as possible, but given limitations on space it is only possible to give a brief indication of the main area of coverage of any one case. Regrettably, further details will not be available to members as Professional Update will not be published this year.

TOWN AND COUNTRY PLANNING

HUMBER SEA TERMINAL LTD V SECRETARY OF STATE FOR TRANSPORT [2005] EWHC 1259

Birds, EC law, environmental statements, habitats, harbours, planning control, public interest, special protection areas (QBD)

LAND AND PROPERTY LTD V RESTORMEL BC [2004] RVR 303

Business parks, compensation, modification, planning permission, valuation (LT)

PATEL V BRENT LBC (NO.3) [2005] EWCA CIV 644

Delay, deposits, discharge, planning obligations, repudiation, road works, section 106 agreements, variation (CA)

R. (ON THE APPLICATION OF HART AGGREGATES LTD) V HARTLEPOOL BC [2005] EWHC 840

Breach, commencement, conditions precedent, development, interpretation, planning conditions, time limits (QBD)

R. (ON THE APPLICATION OF MARTIN GRANT HOMES LTD) V WEALDEN DC [2005] EWHC 453

Abandonment, local authorities powers and duties, local plans, transitional provisions (admin. Ct.)

R. (ON THE APPLICATION OF PERSIMMON HOMES (SOUTH EAST) LTD) V SECRETARY OF STATE FOR TRANSPORT [2005] EWHC 96

Airports, ministers powers and duties, planning permission, residential development, transport policy (QBD)

WILLIAM TRACEY LTD V SCOTTISH MINISTERS 2005 S.L.T 191

Abandonment, consideration, lawful development certificates, nursing homes, Scotland; second division

ADMINISTRATION

LAND SECURITIES GROUP PLC V NORTH LANARKSHIRE COUNCIL 2005 S.L.T. 849

Appeals, competence, local authorities powers and duties, planning applications, Scotland (OH)

KYTATOS VS GREECE (41666/98) [2005] 40 E.H.R.R. 16

Delays, planning, right to fair trial (ECHR) (ECHR)

SWALDE BC V FIRST SECRETARY OF STATE [2005] EWHC 280

Administrative decision making, barn conversions, enforcement notices, findings of fact, lawful development certificates, planning inspectors, residential development (QBD)

R. (ON THE APPLICATION OF SANDWORTH LBC) V SECRETARY OF STATE FOR TRANSPORT [2005] EWHC 20

Administrative decision making, airports, consultation (Admin. Ct.)

ADVERTISEMENTS

R. (ON THE APPLICATION OF MAGAURAN) V FIRST SECRETARY OF STATE [2005] EWHC 1751

Freedom of expression, judicial review, locus standi, recognition, tourism (QBD)

CHANGE OF USE

KEMNAL MANOR MEMORIAL GARDENS LTD V FIRST SECRETARY OF STATE [2005] EWCA CIV 835

Cemeteries, crematoria, green belt, inappropriate development, planning policy guidance (CA)

CARAVANS

MALDON DC V HAMMOND (NO.2) [2005] EWCA CIV 1001

Contempt of court, injunctions, mobile homes, suspended communal orders, variation (CA)

SOUTH CAMBRIDGESHIRE DC V FIRST SECRETARY OF STATE [2004] EWHC 2933

Caravan sites, development plans, gypsies, planning inspectors, planning permission, planning policy (QBD)

SIMMONS V FIRST SECRETARY OF STATE [2005] EWHC 287

Caravans, Evidence burden, Green belt, Gypsies, Need, Planning permission, Special landscape areas, Very special circumstances (QBD)

SOUTH BEDFORDSHIRE DC V PRICE [2005] EWHC 2031

Caravans, committal orders, enforcement notices, green belt, injunctions, mobile homes (QBD)

CONSERVATION AREAS

R. (ON THE APPLICATION OF ORANGE PCS LTD) V ESINGTON LBC [2005] EWHC 963

Conservation areas, development orders, permitted development, planning permission (QBD)

DEVELOPMENT PLANS

COUNCIL FOR NATIONAL PARKS LTD V PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY [2005] EWCA CIV 888

Development plans, material considerations, national parks, planning policy (CA)

CRANAGE PARISH COUNCIL V FIRST SECRETARY OF STATE [2004] EWHC 2499

Development plans, interpretation, planning permission, reasons, right to respect for home (QBD)

ENFORCEMENT

EXMOUTH MARINA LTD V FIRST SECRETARY OF STATE [2004] EWHC 3166

Condition enforcement notices, issue estoppel, planning appeals, planning control (QBD)

MCKELLER V ABERDEEN CITY COUNCIL (NO.2) 2005 S.C. 186

Enforcement, locutory judgments, local authorities powers and duties, Scotland (OH)

WORING BC V KEENAN Magistrates, reasons, stop notices, sufficiency of evidence, witnesses (QBD)

ARUN DC V FIRST SECRETARY OF STATE [2005] EWHC 538

Change of use, enforcement notices, planning conditions, service, time (QBD)

FAIRSTATE LTD V FIRST SECRETARY OF STATE [2005] EWCA CIV 283

Accommodation, enforcement notices, material change of use, planning control (CA)

EXMOUTH MARINA LTD V FIRST SECRETARY OF STATE [2004] EWHC 3166

Conditions, enforcement notices, issue estoppel, planning appeals, planning control (QBD)

GYPSEYS

R. (ON THE APPLICATION OF BASILDON DC) V FIRST SECRETARY OF STATE [2004] EWHC 2759

Change of use, green belt, planning permission, very special circumstances (QBD)

MID-BEDFORDSHIRE DC V BROWN [2004] EWCA CIV 179

Caravan sites, green belt, injunctions, planning control, suspension (CA)

R. (ON THE APPLICATION OF EVANS) V FIRST SECRETARY OF STATE [2005] EWHC 149

Green belt, planning control, planning inspectors (QBD)

R. (ON THE APPLICATION OF GREEN) V FIRST SECRETARY OF STATE [2005] EWCA CIV 691

Caravans, material considerations, planning permission (QBD)

PLANNING PERMISSION

R. (ON THE APPLICATION OF HAMPSON) V WIGAN MBC [2005] EWHC 1656

Delay, development, material considerations, planning policy, sports and leisure facilities (QBD)

R. (ON THE APPLICATION OF BOKHARI) V FIRST SECRETARY OF STATE [2005] EWHC 913

Grounds for refusal, reasons (QBD)

R. (ON THE APPLICATION OF GILMAN) V RUTLAND CC [2004] EWCA CIV 2792

Protection of property, tree preservation orders (QBD)

KEET V FIRST SECRETARY OF STATE [2005] EWHC 2280

Decisions, planning inspectors, reasons (QBD)

R. (ON THE APPLICATION OF NEWSLM) V WELSH ASSEMBLY [NO.2] [2005] EWCA CIV 538

Consultation, habitats, protected species, special areas of conservation (QBD)

FOSTER’S APPLICATION FOR JUDICIAL REVIEW – Re [2004] NJ 248

Northern Ireland, objections, reasonableness, right to independent and impartial tribunal Northern Ireland

AERLINK LEISURE LTD (IN LIQUIDATION) V FIRST SECRETARY OF STATE [2004] EWHC 3198

Building operations, commencement date, development, time limits (QBD)

PROCEDURE


Judicial review, jurisdiction, Northern Ireland, notices, planning appeals, planning control, statutory appeals (QBD)

PERSIMMON HOMES (THAMES VALLEY) LTD V STEVENAGE BC [2005] EWCA CIV 1365

Conformity, local authorities powers and duties, local plans, reasonableness, statutory interpretation, structure plans (CA)

R. (ON THE APPLICATION OF NUNN) V FIRST SECRETARY OF STATE [2005] EWCA CIV 101

Breach, objections, planning authorities, planning permission, remedies, right to fair trial, telecommunications masts (CA)

R. (ON THE APPLICATION OF SAINSBURY’S SUPERMARKETS LTD) V FIRST SECRETARY OF STATE [2005] EWCA CIV 520

Planning inspectors, planning permission, reasons, secretaries of state, supermarkets (CA)

SECTION 106 AGREEMENTS

WILTSHIRE CC V CREST ESTATES LTD [2005] EWCA CIV 1097

Highway authorities, indemnity clauses, injurious affection (CA)

PATEL V BRENT LBC (NO.3) [2005] EWCA CIV 644

Delay, deposits, discharge, planning obligations, repudiation, road works, variation (CA)
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Orders must be placed before 28th April 2006
These days I exist on the fringes of the local government world, thus my comments on reorganisation are those of someone not intimately involved in the situation. I do have a vague recollection, however, of reorganisation being a good time for consultants. But I'll let that pass.

I find the current situation fascinating as I am not quite sure who knows who is doing what. When talking about local government structure to those not closely involved, I always advise them not to look for any logic. The structure has evolved over time with no one bothering to look at it as a whole.

My experience of reorganisation has mostly been gained from the one carried out in London in 1965. Three or four authorities merged together to make a larger borough council, due to a need for economies of scale. As far as I know, no subsequent study convincingly assured us that the pain and upheaval of this process led to quantifiable economies of scale.

A few months ago it was said that funding and function should determine structure. But the Lyons interim report clearly states the remit needs to be widened and funding recommendations need to be based on, “a clear understanding of the expectations and responsibilities of local government”. Sir Michael also asked for a wide public debate on this and other issues, but where does this fit in the timetable for reorganisation?

The journals report that a number of councils have passed resolutions saying they want to retain their borders and become unitary authorities. This stance lacks any form of strategic view. The Minister is quoted as saying that unitary authorities bring economies of scale, but at the same time there is much talk of functions and finances being devolved to neighbourhoods. Deputy Prime Minister John Prescott has said authorities should be able to have a ballot, making it their choice whether to ‘go unitary’ or not. Local authorities are assured nothing has been decided yet, but they do not believe this for a moment.

The very thought of authorities passing resolutions about what sort of authority they want to be is an interesting one. What would happen if a district and a county authority both decide they would like to be unitary authorities? Would the residents be able to sort it out by ballot?

There are other issues as yet unresolved and undiscussed. It is not yet clear if, after reorganisation, there will be an expectation of shared services – currently a feature of Gershon savings in government departments. It has also been mentioned that authorities may not have tax collection powers, merely tax setting ones, with regional centres responsible for tax collection. There is a proposal at present for all 33 London authorities sharing their collection duties.

The Home Office’s attempt to persuade police authorities to merge has achieved only partial success. There was a view that the 2007 local elections would be postponed in order to accommodate a 2008 reorganisation, although this idea has now been withdrawn.

I can’t help feeling the Government should wait for Sir Michael and see if his deliberations provide a helpful guide to the way forward. His interim report has structure and suggests a number of areas for discussion and debate. Once a strategic decision has been made about the size and nature of authorities I cannot see any substitute for central direction as to how to achieve this, although we should not rule out scope for agreement among authorities as happened in the Berkshire area on the last occasion. No doubt all will become clear – eventually.

Richard Harbord is a member of the IRRV Council and is Operational Director of Public Sector Consultants
The pressure is on public sector bodies to use technology to transform their business processes, increase internal efficiency, deliver better services to citizens and, most of all, achieve the savings outlined in Sir Peter Gershon’s Efficiency Review.

In its ‘transformational government’ strategy, the Cabinet Office e-government unit identified shared services as one of the key means of achieving these goals. Shared services involve the consolidation of the administrative functions of multiple departments or agencies into a single unit. The idea is that if public-sector bodies centralise and share functions – and the underlying processes and technologies that support them – they will realise efficiencies and be able to release resources from back-office operations into front line services.

The shared service agenda has been given additional momentum by its high profile in the new government IT strategy, but shared services are nothing new. They are one of the key components of the Treasury’s Efficiency Review to achieve £21.5 billion savings across the public sector by 2007/08. Central government examples include NHS Shared Business Services, a joint venture between the NHS and Xansa to provide financial services to multiple NHS trusts from service centres in Bristol and Leeds (this has been up and running in various incarnations since June 2001); and a centralised human resources (HR) service across the Army, Royal Navy and RAF run by outsourcing partner, EDS.

What is relatively new is that the Government is putting political weight and resources behind shared services. David Myers, former IT director at DEFRA, took up his post as shared services director at the e-government unit in September 2005. Myers and his team have been charged with defining demand based on government sectors, developing best practice models and advice and engaging with the supplier community. They are also involved in a number of pathfinder projects to develop shared services across central government departments, focusing on finance and HR. These are the areas where the biggest wins are envisaged.

There are currently 1,300 government bodies in the UK, running separate HR and finance functions. A recent report published by the Buy IT Shared Services Advisory Group, which has been contracted by the Cabinet Office to run a best practice forum incorporating executives from the public and private sectors, estimated the Government could save £40 billion over the
It is envisaged councils differing political objectives could make it corporate functions problematic. Secondly, organisations with different management the complexity of engaging multiple Ovum identified three key issues. Firstly, organisations may be running different systems and processes,” says John O’Brien, public sector analyst at Ovum, and author of the July report. “If they have no financial resources to consolidate systems, they won’t be able to achieve the efficiencies they desire.”

IT issues aside, moving towards shared services involves major change, which in turn demands strong leadership and stringent project management skills. “Transforming how you run HR or finance affects everyone; it isn’t like changing your stationery supplier,” says Raggett. “There is a need to drive the initiative and to get everyone behind it to make it successful. This requires leadership and a good project management team. It isn’t just about technical expertise for an enterprise resource planning system or rationalising business processes.”

Experts warn against seeing shared services as a quick route to cost savings. “They require a lot of care and hard work to put them together,” says Evans. “They also require changes in ways of working to reap the benefits and this costs money. Shared services shouldn’t be seen as a simple cost-cutting measure.”

Public sector organisations would do well to learn from the mistakes of the private sector. “You need to balance the projected cost savings with improved service levels,” says O’Brien. “If you see shared services purely as a cost-cutting exercise, you will fail.” Meanwhile, Raggett advises making fast but gradual change, rather than the big bang approach.

Public-sector shared services are in their infancy and it will be interesting to see whether they can avoid the mistakes of the private sector, particularly ensuring customer service isn’t compromised for the benefit of cost savings. However, shared services have the potential to change the very face of public sector IT. As the Ovum report concludes, “If the programme is successful it will change the nature of IT in government (the way it is designed, procured, implemented and operated) and in the process provide a basis for a long-term transformation in the efficiency of public services.”

Julie Hill is a freelance journalist specialising in e-government

next ten years by sharing services in these key areas. The report also identified legal services, procurement, estates management and IT as potential areas for shared services. But what about local government? It is envisaged councils will evolve and adopt shared services. Some current examples include customer and administrative support at Suffolk County Council and Mid Suffolk District Council in partnership with BT; and Liverpool Direct, run by Liverpool City Council and BT.

What is interesting about the local government examples is the increased emphasis on customer-facing functions, as well as back-office processing. “It is a question of scale,” says Tom Raggett, director of consulting at the Best IT Practice network, which runs the Buy IT Shared Services Advisory Group. “Back-office functions need to reach a certain critical mass before they become efficient. In a local authority, you might have two or three people running payroll, and it is harder to realise efficiency savings. The opportunities are more in sharing front-office services such as call centres.”

Local government shared services are likely to be on a smaller scale and focused around geographic proximity and existing relationships. However, it is important councils spread their net beyond the local government sector, says Glyn Evans, director of business solutions and IT at Birmingham City Council, and a member of the CIO Council. “Councils should explore shared services within a geographical area,” says Evans. “But if we just create shared services in sub-sectors then we will miss the benefits.”

While shared services have been de rigueur in the private sector for some time (with varying degrees of success; witness the controversy over service levels in call centres), there are a number of issues particular to the public sector that could make them more challenging. In a report called The Future of Shared Services in the UK Public Sector, published in July 2005, IT analyst firm Ovum identified three key issues. Firstly, the complexity of engaging multiple organisations with different management and governance structures could make sharing corporate functions problematic. Secondly, differing political objectives could make it hard to agree common shared service goals. Thirdly, staffing issues. Laying off staff is doubly contentious in the public sector and is likely to attract union action and bad publicity.

If the shared service is run on an outsourced basis there will be TUPE negotiations, where those staff retaining their jobs in the outsourced service also retain the same working conditions.

There is also the not insubstantial issue of conflicting IT infrastructures. “Disparate organisations may be running different systems and processes,” says John O’Brien, public sector analyst at Ovum, and author of the July report. “If they have no financial resources to consolidate systems, they won’t be able to achieve the efficiencies they desire.”

IT issues aside, moving towards shared services involves major change, which in turn demands strong leadership and stringent project management skills. “Transforming how you run HR or finance affects everyone; it isn’t like changing your stationery supplier,” says Raggett. “There is a need to drive the initiative and to get everyone behind it to make it successful. This requires leadership and a good project management team. It isn't just about technical expertise for an enterprise resource planning system or rationalising business processes.”

Experts warn against seeing shared services as a quick route to cost savings. “They require a lot of care and hard work to put them together,” says Evans. “They also require changes in ways of working to reap the benefits and this costs money. Shared services shouldn’t be seen as a simple cost-cutting measure.”

Public sector organisations would do well to learn from the mistakes of the private sector. “You need to balance the projected cost savings with improved service levels,” says O’Brien. “If you see shared services purely as a cost-cutting exercise, you will fail.” Meanwhile, Raggett advises making fast but gradual change, rather than the big bang approach.

Public-sector shared services are in their infancy and it will be interesting to see whether they can avoid the mistakes of the private sector, particularly ensuring customer service isn’t compromised for the benefit of cost savings. However, shared services have the potential to change the very face of public sector IT. As the Ovum report concludes, “If the programme is successful it will change the nature of IT in government (the way it is designed, procured, implemented and operated) and in the process provide a basis for a long-term transformation in the efficiency of public services.”

Dave Meaden is Managing Director of Public Services for Northgate Information Solutions, sponsors of the 2006 IRRV Performance Awards
The Collection and Enforcement Conference has seen an increasing number of delegates and exhibitions over the last few years. It is now recognised as a unique opportunity for local taxation professionals, whether in the public or the private sector, to keep up to date with current issues, best practice and management techniques.

This year the programme will feature a strong set of plenary sessions and new series of three workshop streams covering collection, enforcement and service performance and delivery.

**DELEGATE FEES**
- **Residential Plus – two nights accommodation** (for 10 and 11 May nights) £595 plus VAT (IRRV Members £350 plus VAT)
- **Residential – one night accommodation** (for 11 May night only) £495 plus VAT (IRRV Members £440 plus VAT)
- **Non Residential** 11-12 May (conference dinner included) £395 plus VAT (IRRV Members £340 plus VAT)
- **Day Delegate** £245 plus VAT (IRRV Members £220 plus VAT)
- **Commercial** £440 plus VAT

**HOW TO BOOK**
All bookings must be made in writing. For further information visit: www.irrv.org.uk/meetings.

For meetings enquiries contact the IRRV Conference Team on:
Tel: 020 7831 0881 or conference@irrv.org.uk

* if booked by 21st April 2006

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Details coming soon...
IRRUV Scottish Conference Golf Tournament – September 2006
IRRUV Annual Conference Golf Tournament – October 2006
ONCE UPON A TIME

YESTERDAY’S NEWS

What made headlines in past editions of April Insight? John Roberts investigates

Editor Brian Hill describes the green paper on rating reform as a, “ragbag of good and bad ideas”. He speaks of, “a thoroughly good tax [general rates] tragically replaced by a thoroughly bad one [poll tax]”.

President Leslie Hardy, who sadly passed away in 2005, visits the Association’s branches. Then, the IRRV was an association, and associations were branches!

The journal publishes the first of a regular feature, popular with those who didn’t get a special mention in dispatches, entitled: ‘Local Ombudsman cases’.

Cyril McCarthy writes of hitting a snag while revising the rating system in Sri Lanka, in the form of the absence of some duplicate posting strips. “Duplicate what?” say youthful professionals.

The Institute appoints Stuart Reid as Head of Policy and Research, as Moira Lee (now Hepworth) leaves the post to travel the world. While Stuart left the Institute a few years later, Moira of course returned from her travels!

The results of the 1996 Outsourcing Survey are published. Capita and CSL Group lead the way with 25 and 12 local authority contracts respectively.

Richard Harbord suggests the route to gaining an NVQ is, “incredibly complicated”, and “a whole industry has been created to talk about it”.

And finally, a retired member takes issue over the new style journal and its italic font. The journal has been revamped twice since then – have we got it right yet?!
As President, it is amazing how quickly you have to step into your role. I already had a number of events in my diary when I started in October 2005, but the first one I attended was a surprise.

I received a phone call from Harrow Council, inviting me to help them celebrate being awarded the Charter Mark and winning IRRV Benefits Team of the Year. The event coincided with the Indian festival of Diwali, so all the ladies dressed up in traditional clothes and the buffet was suitably themed. This was a fantastic way to recognise the success Harrow has achieved over the last year. Unfortunately for me it was also a slightly uncomfortable experience – my trousers split seconds before I was due to meet the minister in attendance, James Plaskitt!

My first luncheon was hosted by the Association of Chief Estate Surveyors in the magnificent Cardiff City Hall. It was great to be able to support their new President as she gave her first address. My first association event was a dinner dance held by my own East Midlands Association. This event has grown from 50 attendees in its first year, to over 150 in November 2005. Great fun was had by all and many have already pledged to return next year.

In November I also attended the Rating Surveyors Annual Dinner (where I had another sartorial mishap – I managed to forget the trousers to my fiancé Nigel’s dinner suit). John Bloor and Paul Sanderson were such good after dinner entertainment that David Magor and I used their material to entertain the East Midlands Association at the Christmas lunch in December.

Snow could not deter the Director and I from getting to Dumfries to attend the joint Scottish Association and Forum meeting. Many at that event took hours to get home because of the weather. The level of commitment shown by fellow professionals never ceases to amaze me!

Within weeks of becoming the National President I had travelled across the whole of the nation. I chaired the very first IRRV conference in Northern Ireland, where there was a huge attendance. A range of eminent speakers talked about rating reform in Northern Ireland, which took me back to my experiences of the changes from rates to community charge. I was reminded of all the uncertainty and excitement that goes with a major system reform.

In an attempt to show the Institute is not afraid to use every form of communication available, I found myself in front of a video camera making a recorded welcome for delegates to the Scottish Benefits Conference. After five takes – including one which would have been a great candidate for *It’ll be alright on the night* – we produced a short DVD,
which was sent up to the conference. Taking our lead, James Plaskitt also adopted the same method of making his address, as he too could not be there in person.

Close to Christmas I attended the Scottish President’s reception in the wonderful surroundings of Glasgow City Council. This time it was the Director who had the wrong trousers. He had to buy some new ones to match his jacket. January marked the start of my new employment with Bentley Jennison and I was delighted to find they have no hesitation in supporting my role as IRRV President. At the annual luncheon of the Institute of Taxation I found myself sitting between Quentin Davis, the MP for Grantham and Stamford, and the President of the Institute of Indirect Taxation. With recent announcements regarding the Child Support Agency review, the reform of benefits and the overall desire to make efficiency gains across the public sector, it is very useful to have a such a wide network of contacts with kindred organisations.

The Benefits Conference in early February 2006 was a tremendous success. 28 speakers, five generous sponsors, five supportive Council members chairing, and a huge range of exhibitors, combined to make a great event. My challenge to delegates was to make three new contacts while they were there. I hope they all achieved this goal! Making contacts is just the first step, using the network you have established and keeping in touch is the next part of the challenge.

In February meetings of the Leonardo Two project were held in Sofia, Bulgaria. The participation of the partners from across Europe is outstanding. A lot of work has been done already and the project is running to its timetable. Sofia was cold and sunny, but the warmth of welcome we got from our foreign partners more than made up for it.

My first quarter as President has taught me much, but one lesson I have learnt in particular is – always check that you have the right trousers!

Suzanne Dean is President of the IRRV

FACULTY UPDATE

BOARD GAMES

Moira Hepworth explains the ins and outs of the IRRV faculties system

The Faculties were the result of a wider restructuring of the IRRV’s governance framework. They are creatures of constitution. Each of the three professional strands has its own faculty and they are each managed by a board: the Benefits Faculty Board (BFB), the Local Taxation and Revenues Faculty Board (LTRFB) and the Valuation Faculty Board (VFB).

The day-to-day work of the Boards is to provide editorial input to the faculty magazines and in-house publications, give guidance and direction on topics for conferences, meetings, seminars and other events, formulate responses to consultation papers and identify and flag research issues for consideration by the Law, Research and Education Standing Committee. The work of all three Boards is co-ordinated by myself, as administrator. This gives the advantage of being able to bring together views on cross-faculty issues, so that rounded responses can be provided to consultation papers and the like. The VFB and BFB also benefit from having the input of a consultant advisor at their meetings.

The Boards meet between four and six times a year, outside the Council timetable. Some of the meetings are held by teleconference, others are face-to-face. The latter are generally held during the programme of another Institute event, such as a faculty-oriented conference, where several of the Board members will already be in attendance. Concerted efforts are made to keep the running costs of the Faculty Boards down to a minimum. The faculties have their own web pages within the Institute’s website. These contain the minutes of previous meetings, information on Board members, links to relevant consultation papers, electronic versions of the faculty magazines and links to other useful sites. From July, every member will receive the new quarterly magazine, Faculty Review, incorporating LTR and Benefit Practitioner.

Each Institute member has been allocated to one faculty as their ‘primary’ faculty, based on his or her primary area of professional interest. This does not of course prevent a member from joining another ‘secondary’ faculty; all that is required is a simple change to membership records. The Chairman and Vice-chairman of each Faculty Board are Council members, and all Council members automatically become members of the board of their own primary faculty, though they can choose to be members of additional faculty boards. The Chairmen serves for a maximum period of three years. The Boards co-opt non-Council members of the Institute to assist them in their work, and they are elected for renewable one-year periods. The Chairman of the Professional Services Committee is also an ex-officio member of each Faculty Board. You can contact with the faculties by emailing one of the following addresses: benefits@irrv.org.uk; ltr@irrv.org.uk; valuation@irrv.org.uk.

Benefits Faculty Board 2006

Ed Bowen; John Clark; Barbara Culverhouse; Carol Cutler; Suzanne Dean; Pat Doherty; Geoff Finney (adviser); David Graaff; Julie Holden (Chair); Claire Jenkins; Bill Lovell; Kerry Macdernott; Jim McCafferty; Alistair McNair; Heather Neate; Maureen Neave (Vice Chair); Ian Nisbet; John Roberts; Helen Robertson; Kevin Stewart; Angela Storey; Bob Traherm.

Local Taxation and Revenues Board 2006

Simon Bailey; Dave Chapman; Barbara Culverhouse; Carol Cutler; Suzanne Dean; Mark Earn; Richard Harbord; Carla Maria Heath; Caroline Hopkins; Margaret Humphreys; Ken A Jones; Bill Lovell; Kerry Macdernott (Vice Chair); John Roberts; Arthur Scott; Peter Scafron; Mike Shang; Chris Stewart; Roy Tilbury; Alan Titheridge; Alistair Townsend; Bob Traherm; Allan Traynor; Gary Watson (Chair); Helen White; Rob Wolfe.

Valuation Faculty Board 2006

John Berry; Ian Bromley-Derry; Peter Brown; Malcolm Buckland; Ian Charman; Nick Cooper; Tom Dixon; Geoff Fisher; Richard Guy; Jon Heard; John Hockley; Roger Messenger (Chair); Tony Prior; Eric Rose; Graham Ryall; Jerry Schurder; Peter Scafron (Vice Chair); Allan Traynor.

Moira Hepworth is the IRRV Policy and Research Projects Officer
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To find out more contact Paul Sharpe on 01604 885566 or email: info@equita.co.uk

Equita, 42/44 Honey Street, Northampton NN1 4BZ.

EQUITA
Your natural choice
President Suzanne Dean and the IRRV Council recently entertained members of the West and East Midlands Associations and colleagues from CIPFA by hosting a charity auction.

Sponsored by Equita, the event raised £2,180 to be shared amongst Cancer Research UK and the Big C Cancer Appeal.

Equita Ltd was delighted to sponsor the auction, particularly as the decision to support the Big C Cancer appeal was made in memory of Brian Dale, a former employee of the company. They announced they would match the amount raised, bringing the grand total to £4360. Melissa Evans, Sales and Marketing Manager for Equita, said:

“It was good to see so many people lending their support and also giving generously on the evening to such good causes”.

The proceedings were started with speeches of welcome from Barry Powell of Equita and IRRV President Suzanne Dean. A preparatory dinner then ‘softened up’ the audience for the main event. The guest auctioneers were drawn from: the professionals, represented by Roger Messenger, Richard Guy and Tom Dixon; the international representative was Mike Peterson; the newcomer was Judith Keech of Capita and the pretenders were Mike Corless of Equita and myself.

The auctioned items ranged from a weekend in Tuscany to a day’s labour from the Hapless Hands, a newly formed duo of versatile operatives. Suzanne Dean and her sister, Rachel Stamp, were also grateful to receive a cheque for £325 from Judith Keech of Capita. The money was raised by a very eventful table competition, organised by Judith for the Benefits Conference in Harrogate.

During her year as President Suzanne has chosen to support a variety of charities. On this occasion the money is being donated to the British Lung Foundation in memory of the President’s late mother.

A BIG HAND FROM THE AUDIENCE

SUZANNE (RIGHT) WITH HER SISTER RACHEL AND MARY HARDMAN (LEFT) FROM THE VOA, WHO WON THE COMPETITION TO CHOOSE THE BEST AUCTIONEERS

SUZANNE DEAN WELCOMES GUESTS

BARRY POWELL OPENS THE PROCEEDINGS

A BIG HAND FROM THE AUDIENCE

David Magor is Director of the IRRV
So far in this series of articles I have discussed the idea that the customer is king, emphasising the need for transformational leaders and the four things that matter are what you say, how you say it, what you do and how you do it. In this article I want to further explore the significance of these four factors, which develops into the notion of leading by example.

Although, if you remember, I was told on my first day at work: “Don’t do as I do, do as I say”, it is generally the case that actions speak louder than words. Lest we should forget the significance of Harry Potter in popular culture, in The Chamber of Secrets Professor Dumbledore says to the young wizard: “it is not our skills that make us what we are; it is our choices”. In other words, what we choose to do indicates to others what we stand for.

I think as a maxim for the individual this is very credible. However, as a leader you become responsible for the deeds of others. You need to demonstrate your commitment through actions, but you also need to be able to communicate your vision effectively. Without a clear vision, your team’s efforts may be at best unco-ordinated, at worst counterproductive or even destructive. Don’t take that risk!

Both words and deeds are crucial as a leader. I never cease to be amazed at how many managers propagate their own negative experiences. If they once felt mistreated as they fought their way up the hierarchical structure, so they exercise any power they gain in a similar way. It is not justifiable to abuse your child because you were abused as a child yourself, so why is it acceptable in the workplace to perpetuate negative conditions?

Leaders should follow the golden rule – treat others as you would treat yourself. It is essential to recognise how critical your role as a leader is in creating a positive environment where staff can flourish and benefit the whole organisation. As a leader you may need to change to achieve this. You may have to identify how effectively you manage your own stress. Stephen Covey describes this in his book, The Seven Habits of Highly Effective People, as: “a principle-centred, character-based, inside-out approach to personal and interpersonal effectiveness”.

Covey explains you can apply either the character ethic or the personality ethic. The former is the more deep-rooted and fundamental approach – applying integrity, humility, fidelity, temperance, courage, justice, patience, industry, simplicity, and modesty. The latter is a more superficial, quick-fix approach – image consciousness with a liberal application of human or public relations techniques, plus positive mental attitude.

You may be able to massage your BVPI figures by applying the personality ethic in the short-term, but for long-term sustained success you have to apply the character ethic. He urges: “Change – real change – comes from the inside out. It doesn’t come from hacking at the leaves of attitude and behaviour with quick-fix personality ethic techniques. It comes from striking at the root – the fabric of our thought, the fundamental, essential paradigms, which give definition to our character and create the lens through which we see the world”.

It is Covey’s character ethic ideology that is at the core of what I am trying to say throughout this series. Particularly here, where I am seeking to explain the sheer enormity of the importance of infusing your words and deeds with integrity, sincerity and a hefty dose of professionalism.

The following examples illustrate what I mean by ‘professionalism’ – how a thoroughness in doing the right thing sends a strong message to those inside and outside your organisation.

The first example concerns dealing with the issue directly and communicating to staff how you have dealt with it. Staff get exasperated and deflated by managers who seek to address a problem (e.g. perpetual lateness) by instructing all staff rather than just the perpetrator.

Deal with the issue directly and communicate accordingly; for instance: “I have recently dealt with a member of staff for (insert problem); consequently I am (insert instruction)”. In this way, staff at least know that they haven’t been all tarred with the same brush.

The second example concerns appraisals or performance reviews. Once you set a date and time for a staff member’s review, never cancel it except in an emergency. For ‘emergency’, read ‘case of death’! By setting a date and time and then sticking to it, you send a very strong message to your staff that they are your most important consideration. Quite honestly, if you are asked by your boss, or the Chief Executive, or the leader of the Council to do something that would require you to change an appraisal appointment, you must be strong and explain to them why you can’t. If they don’t understand why, then they don’t deserve to have inspired staff working for them.

The third example concerns complaints. In local government complaints are plentiful – some justified, many not. However, have you ever picked up the complaints file and contacted past complainants to ask if they were satisfied with the outcome of their complaint and to see if they are satisfied now? Such actions send a strong message to customers that you mean it when you say they are important. It also helps remind staff that, not only is the customer king, but they need to be made to feel that they are!

Achieving all of this cannot happen overnight. It may take years of hard work and effort to instill confidence in your team and convince them of the depth of your conviction. But, for lasting success and to be a transformational leader, you must persevere! Next time I shall be discussing the importance of team work.
## IRRRV Examinations Pass List
### December 2005

### Technician, England and Wales

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<td>Sue Angell</td>
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<td>Judith Zajma</td>
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*Julie Friend is a Prize-winner for Housing and Council Tax Benefits Administration

### Level 1, England and Wales

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<td>Tracy McLorie</td>
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### Level 1, Scotland

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<tr>
<td>David Williams</td>
<td>City and County of Swansea</td>
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*Susan McArthur is a Prize-winner for Management*

### Level 3 Old Syllabus, England and Wales

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Jennifer Forster</td>
<td>Gateshead M B C</td>
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<tr>
<td>Barbara Shelley</td>
<td>Lewes D C</td>
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### Level 3, Scotland

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<th>Name</th>
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<tr>
<td>Lynn Brady</td>
<td>Perth and Kinross Council</td>
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<td>Moira Follan</td>
<td>Dundee C C</td>
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<td>Scott Reid</td>
<td>West Lothian Council</td>
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### VOA Part 1

<table>
<thead>
<tr>
<th>Name</th>
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<tr>
<td>Stephen John Deacon</td>
<td>Valuation Office Agency Assessment Centre</td>
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<tr>
<td>Ian Hutton</td>
<td>Valuation Office Agency Assessment Centre</td>
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DISTANCE LEARNING DISPATCH

This month we have taken a break from dealing with your assignments and modules and answering your emails to write the Dispatch.

For those of you who have applied to sit the examinations this June, don’t forget you can find past examination papers on the internet at www.irrv.net/examinationpapers.asp. You can download the papers and then submit them to us for marking – a very useful revision tool! Please allow sufficient time for them to be marked and returned prior to your examinations, the same applies for any module assignments. Also, please keep an eye on the Updates page of our website, http://lis.newport.ac.uk/dlc/IRRV/IRRVcurrent.htm, for any additional information your authors/tutors feel you should know.

It is worth keeping an eye on the website, especially the news section: http://lis.newport.ac.uk/dlc/IRRV/IRRVnews.htm to keep informed of all the latest news.

Please keep us informed of any changes to your personal details; changes of address, employer, email addresses etc. so we can update our records and keep you well informed throughout your studies.

For those of you who are attending the Keele revision course, be prepared to work hard, and play hard afterwards! Les will be there to keep an eye on you, and answer any questions you may have.

Angela Golledge is Administrative Assistant and Moira Voisey is Secretary Assistant at the IRRV Distance Learning Centre

STUDENT MEMBERS

| Gillian Beard | Quality and Development Officer | Sefton MBC |
| Jason Blaney | Senior Recovery Officer | North Tyneside C |
| Josephine Doe-Bruce | Council Tax Officer | L B of Hackney |
| Ben Hall | Benefits Assesor | Scarborough B C |
| Matthew Harrison | Local Authority Bailiff | Mertby Tydfil C B C |
| Ruth Jones | Revenues Assistant | Denbighshire C C |
| Philip Mundie | Overpayments Officer | Fareham B C |
| Modupe Olusanya | Customer Service Advisor | Post Office Ltd |
| Matthew Taylor | Benefits Advisor | Rugby B C |
| Victoria Waller | Benefits Assesor | East Lindsey D C |

CORPORATE MEMBERS

David Hackett Associate Director GL Hearn

MEMBERS’ MOVES

Brian Hill, former IRRV Secretary, has been appointed an honorary member of the RICS Rating Diploma Holders Section. This is only the second occasion on which such an appointment has been made. He has acted as a diploma examiner in the subject ‘Development of Local Taxation’ for more than 20 years.

Lawrence Kirkpatrick IRRV has retired after almost 40 years in local government revenues. He spent 18 years at Wakefield M DC, where he held the post of local taxation manager for the last eight years. He is a corporate member of the Institute, which he joined in 1970.

JUST DESERTS

The Institute depends on members who offer their commitment, knowledge and skills in return for little material reward. In order to recognise dedicated service, particularly at the local level, the Council has decided to award Certificates of Service. The certificates are intended to recognise the outstanding contribution made to the IRRV by members who have not sought national office, normally serving members of Association Executives or those who have worked in some other capacity for the Institute.

Council delegates the consideration of nominations to its Law Research and Education Committee, although final approval of awards lies with the full Council. Nominations will be considered annually; at the November Council meetings. No more than ten nominations will be considered each year. Associations are encouraged to make nominations annually, and to organise high-profile presentations for successful nominees. Associations may obtain nomination forms and further details from michael.hopkins@irrv.org.uk.

IMPORTANT ANNOUNCEMENT

In view of the late changes to the format of benefit regulations, the Examinations and Assessment Board has agreed that, when answering June 2006 examination questions, candidates may refer to the old format if they wish, without penalty. Candidates may, of course, refer to the new system if they prefer to do so.
Since going freelance on a full time basis some seven years ago, I have learned a good deal about how many local authorities operate, both from the authority’s perspective and also from that of the client ratepayer or council tax payer. In some instances the situation does not look good. Some of the technical queries I receive via the IRRV website leave me wondering what training is given to local authority staff and even what level of learning the ‘experts’ in council tax or non-domestic rates (NDR) within each local authority have.

There seem to be so many issues over which staff, working in a revenue department of a council, seem to have a misguided view of the law.

Take council tax exemptions, for example. How many times have I heard local authority staff say that any furniture present within a dwelling will deprive the owner of a class A or C exemption? Yet in both classes the requirement is that the dwelling is vacant, which is defined in article 2(2) to SI 1992/558 as being where the dwelling is ‘unoccupied’ and ‘substantially unfurnished’. Unoccupied is defined as ‘no-one lives there’ (note this is less than being someone’s sole residence or main residence). It is clear ‘substantially unfurnished’ does not mean ‘completely unfurnished’. In order to make a determination as to whether or not a particular dwelling is or is not substantially furnished or unfurnished depends, firstly, upon the size of the dwelling, and, secondly, assessing the quantity and nature of the furnishings present in that dwelling. Thereafter, a determination as to whether the quantity of furniture is sufficient to consider that dwelling to be ‘substantially’ furnished needs to be undertaken.

Also, some practitioners do not seem to understand that there can be entitlement to both carer discounts and disabled band reduction with respect to the same property simultaneously.
Very few practitioners know how to calculate how many instalments should be provided for on a first demand notice issued after 1 May in a financial year. Instead, they leave the calculation to wrongly programmed computer systems.

It seems amazing to me that the designers and programmers of IT systems used for billing for council tax and NDR not only allow the wrong number of instalments to be calculated in a good many cases, but actually default to the wrong number.

For those who are uncertain as to how minimum instalment numbers should be calculated, it is the number of whole months remaining in the financial year, minus one. Thus a demand issued on 18 July with respect to the current financial year should give seven instalments, even if there is a fixed payment date of 1 July, so instalments could extend to 1 March in appropriate cases. Also, don’t forget about the minimum of 14 days between the date of issue of the demand and the first instalment becoming due (see Schedule 1 to SI 1988/1058 and 1992/613). Revenue is therefore lost for both council tax and NDR.

Even when completion notices are served, they are often incorrectly served and are thus ineffective. I have had instances where rating list entries have had to be deleted by the Valuation Office, because an incomplete new hereditament was the subject of an invalid notice.

The problem is that back in the good old days (yes, I am now old) before the dreaded community charge (1990 for those who don’t know or remember) all local authorities, no matter how small they were, had staff who were qualified corporate members of the IRRV, who prided themselves on their level of knowledge of revenue law. Since then, fewer and fewer revenue staff have been prepared to devote four (or now three) years of study to achieving qualified corporate member status (those of us with ‘IRRV’ after our name). Thus, professionalism has declined.

Because taxpayers, ratepayers and agents have trusted the local authority officer to know what they are talking about, when advice is given or a decision made which is later found to be incorrect in law, the credibility of practitioners everywhere is undermined. Ultimately, no-one will trust the local authority officer in what they say.

This is really poignant.

Many staff do work towards NVQs or IRRV technician status and these are good ways of achieving a basic grounding in revenue law and practice. However, the sustained, in depth study undertaken by those taking the full professional examination, develops this knowledge and understanding to a much greater level.

So much of society is now focussed on short term gains and quick fixes, that years of study seem to provide benefits too far ahead to be regarded. Yet without investment in study the professionalism and competence of the past will gradually disappear for ever, as will the consequential motivation of the individual.
**THE ‘A’ WORD**

When is an appeal not an appeal?

David Hendy considers

Recently, I have been discussing with local authority (LA) colleagues the merits and best practices operating under the new decision making and appeals (DMA) process. As it’s been with us since July 2001 you could say it’s passed its settling-in period and all the rough edges should have been identified and rubbed away. However, one question still keeps coming up: “When is an appeal, not an appeal?”

This is easy to answer if you look at the decisions and appeals regulations. Expressions such as, “not duly made” or “out of jurisdiction” are used, which suggest proper appeals need to be:

- in writing, in a form approved by the LA and probably designed for the purpose by the benefits section;
- signed by the person who has the right to appeal i.e. the claimant, appointee, receiver etc;
- delivered to the relevant LA’s office;
- contain the grounds upon which it is made;
- contain sufficient detail to identify the decision under appeal to be identified.

But the real issue here is not the legality of appeals, but the practical difficulties involved in best serving the customer and not creating lots of unnecessary work for the LA.

In the past (pre-DMA) we used the ‘A’ word (appeal) as our get out of jail free card. It was great. Many a dissatisfied or angry customer could be placated with a friendly smile and the useful phrase: “Don’t worry, you can always appeal our decision!” But that was when the whole process, including the somewhat banging my door down. However, most benefits appeals officers want to help the customer avoid an unnecessary appeal. If we keep the claim under the control of the LA, up to and including the reconsideration stage, then the officer can change the decision/pay the benefit immediately and the customer gets instant satisfaction.

Appeals that stray outside the zone can mean hours, sometimes days worth of work in writing submissions. This is then followed by having to wait for the Appeal Service (TAS) to arrange the hearing, not to mention possible adjournments and delays even beyond TAS’ control.

Please don’t think I want to take away basic human rights – I’m all for them! But equally, I think within LAs it is possible to serve the customer better by trying to differentiate between those cases which are relevant for hearing by TAS and those which can be sorted out legally and efficiently in-house.

How do we go about this? A novel idea I heard of is an ‘A’ word swear box for customer service staff. In essence the solution is far simpler – believing in what works best for the customer and the council.

It is important to encourage the use of good quality written statements that include explanations of complicated decisions. If the customer is still unhappy, encourage a review, perhaps using a reconsideration form or an interview. The appeals stage should be left until last for those cases where, despite your best efforts, there is nothing you can do to help the customer further.

I have steered deliberately away from the rather interesting question raised recently in circular A2/2006, about whether termination decisions are open to appeal. But don’t worry, I feel another article coming on...!

David Hendy is a consultant and trainer.
Have you got the Basics?

..... If so, go Pro!

Euclidian Benefits Pro, the new advanced level online training programme is available to purchase from the IRRV from April 2006. We also have a sample module of the programme that you can ‘try before you buy’!

Contact us today for more information by calling 020 7691 8984 or by emailing euclidianbenefits@irrv.org.uk [Please quote Ref: IRRVInsight]
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