



Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
Telephone 01572 722577 Facsimile 01572 758307 DX28340 Oakham

Ladies and Gentlemen,

A meeting of the **GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY PANEL** will be held in the Council Chamber, Catmose, Oakham on **Thursday, 13th September, 2018** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/my-council/have-your-say/

A G E N D A

1) RECORD OF MEETING

To confirm the records of the meetings of the Growth, Infrastructure and Resources Scrutiny Panel held on 12 April 2018 and 14 June 2018 (previously circulated).

2) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are invited to declare any personal or prejudicial interests they may have and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Act 1992 applies to them.

3) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions received from Members of the Public in accordance with the provisions of Procedure Rule 217.

The total time allowed for this item shall be 30 minutes. Petitions, declarations and questions shall be dealt with in the order in which they are received.

Questions may also be submitted at short notice by giving a written copy to the Committee Administrator 15 minutes before the start of the meeting.

The total time allowed for questions at short notice is 15 minutes of the total time for 30 minutes. Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

4) QUESTIONS WITH NOTICE FROM MEMBERS

To consider any questions with notice from Members received in accordance with the provisions of Procedure rule No. 219 and No. 219A.

5) NOTICES OF MOTION FROM MEMBERS

To consider any Notices of Motion from Members submitted in accordance with the provisions of Procedure Rule No. 220.

6) CONSIDERATION OF ANY MATTER REFERRED TO THE PANEL FOR A DECISION IN RELATION TO CALL IN OF A DECISION

To consider any matter referred to the Panel for a decision in relation to call in of a decision in accordance with Procedure Rule 206.

7) OAKHAM TOWN TASK AND FINISH GROUP UPDATE

To receive Report No. 172/2018 from the Independent Chair of the Oakham Town Task and Finish Group.
(Pages 5 - 12)

8) MEDIUM TERM FINANCIAL PLAN

To receive a presentation from the Strategic Director for Resources.

9) CORPORATE DEBT POLICY

To receive Report No. 130/2018 from the Strategic Director for Resources.
(Pages 13 - 54)

10) QUARTER 1 FINANCE MANAGEMENT REPORT

To receive Report No. 135/2018 from the Strategic Director for Resources.
(Report circulated under separate cover)

Please note this report was considered by Cabinet on Tuesday 21 August 2018.

11) REVIEW OF FORWARD PLAN AND ANNUAL WORK PLAN 2018-2019

To consider the current Forward Plan and identify any relevant items for inclusion in the Growth, Infrastructure and Resources Scrutiny Panel annual work plan, or to request further information.

Copies of the Forward Plan will be available at the meeting, and can be found on the website using the following link:

<https://rutlandcounty.moderngov.co.uk/mgListPlans.aspx?RPId=133&RD=0>

12) ANY OTHER URGENT BUSINESS

To receive any other items of urgent business which have been previously notified to the person presiding.

13) DATE AND PREVIEW OF NEXT MEETING

Special Scrutiny Panel

St George's Barracks – (Date: TBD)

Normal Scrutiny Panel

Thursday 15 November 2018 at 7pm

---oOo---

DISTRIBUTION

MEMBERS OF THE GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY PANEL:

Mr B Callaghan (Chairman)

Mr E Baines

Mr O Bird

Mr W Cross

Mr J Dale

Mrs J Fox

Mr A Mann

OTHER MEMBERS FOR INFORMATION

This page is intentionally left blank

GROWTH, INFRASTRUCTURE AND RESOURCES

SCRUTINY PANEL

13 September 2018

OAKHAM TOWN TASK AND FINISH GROUP - UPDATE

Report of the Independent Chair of the Oakham Town Task and Finish Group

Strategic Aim:	Sustainable Growth	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Resources (other than Finance and Communications)	
Contact Officer(s):	Natasha Taylor, Governance Team Manager	01572 720991 ntaylor@rutland.gov.uk
Ward Councillors	Mr R Alderman - Oakham South West Mr O Bird – Oakham South West Mr B Callaghan – Oakham South East Mr J Dale – Oakham North East Mr R Gale – Oakham North West Mr A Mann – Oakham North West Mr A Lowe – Oakham South East Mr A Walters – Oakham North East	

DECISION RECOMMENDATIONS

That the Panel:

1. Approves the appointment of Mr O Bird to the Rutland County Council vacancy and notes revisions to membership detailed in Paragraph 3;
2. Notes the progress made in the meetings held in June, July and August 2018;
3. Endorse the direction of travel of the Oakham Town Task and Finish Group and provide any feedback in order to support the progress of the review.

1 PURPOSE OF THE REPORT

- 1.1 To provide a summary of the meetings held since the last update in June 2018 and update the Scrutiny Panel of progress made and next steps.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 RCC Full Council resolved to set up a Task and Finish Group to consider the future regeneration of Oakham Town at its meeting on 15 January 2018. A link to this meeting can be found below:

<http://rutlandcounty.moderngov.co.uk/ieListDocuments.aspx?CId=145&MId=1652>

- 2.2 The terms of reference for the group were agreed by the Growth, Infrastructure and Resources Scrutiny Panel on 22 March 2018.

- 2.3 A website page has been created to provide updates and information on the work of the group, including a link to the terms of reference, and can be found at:

<https://www.rutland.gov.uk/my-community/roads-and-highways/oakham-town-centre/>

- 2.4 The dates of the meetings, agenda's, presentations, reports and minutes can be found at:

<http://rutlandcounty.moderngov.co.uk/ieListMeetings.aspx?Committeeld=358>

3 MEMBERSHIP

- 3.1 The resignation of Mr R Clifton in May 2018 created a vacancy for a Rutland County Councillor on the Task and Finish Group. Mr Bird was originally nominated to take a place on the Group but was unable to take this place due to a conflict of interest. Mr Bird has indicated that this conflict no longer exists and has expressed that he would now like to take the place on the Group. The Growth, Infrastructure and Resources Scrutiny Panel are asked to approve the appointment of Mr Bird to the Task and Finish Group.

- 3.2 There have also been changes to co-opted members due to changes of membership within stakeholder groups/organisations. Revised membership is therefore detailed below:

- Mr Daniel Bottomley (Oakham Town Council)
- Mr Alf Dewis (Oakham Town Partnership)
- Mr Paul Dowse (Oakham Neighbourhood Plan Steering Group)
- Mr Tim Norton (Business Representative/OK2Way)
- Mr O Bird (Ward Member – Oakham South West)
- Mr Ben Callaghan (Ward Member – Oakham South East)

- Mr Jeffrey Dale (Ward Member – Oakham North East)
- Mrs June Fox (Ward Member – Exton)
- Mr Richard Gale (Ward Member – Oakham North West)
- Mr Alastair Mann (Ward Member – Oakham North West)
- Mrs Joy Clough (Oakham Residents Group)

4 TIMETABLE AND MILESTONES

4.1 An outline timetable is included below:

DATE	EVENT
19 September 6 – 8pm 3 October 2018 6pm - 8pm June - September 2018	Task and Finish Group Meetings Survey work and evidence gathering/launch of online survey and Facebook page
13 September 2018	Update - GIR Scrutiny Panel Meeting
18 October 2018	Task and Finish Group Meeting to agree final report
15 November 2018	Final Report - GIR Scrutiny Panel Meeting
December 2018/January 2019	Final Report - RCC Council approval

5 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

5.1 The update from the Independent Chairman (Appendix A) provides a summary of the issues discussed and work done so far, as well as information regarding next steps which will include analysis and publication of survey work, further engagement work and development of an initial forward framework. The Growth, Infrastructure and Resources Scrutiny Panel are asked to note the update and provide feedback to the group.

6 BACKGROUND PAPERS

6.1 There are no additional background papers.

7 APPENDICES

7.1 Appendix A - Update from the Independent Chairman of Oakham Town Task and Finish Group.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

This page is intentionally left blank

Oakham Task & Finish Group



UPDATE FROM THE CHAIRMAN OF OAKHAM TOWN TASK AND FINISH GROUP

INTRODUCTION

The Oakham Task and Finish Group is making good progress once again following delays due to purdah and volunteer capacity in July. The Group is laying the foundations for future improvements and building a good understanding and joint working between its partners and the wider community. In its June and August meetings the Group has covered the following issues:

RESEARCH AND EVIDENCE SUB GROUP

The Group's Research and Evidence Sub-Group has used a handbook and templates provided by the Chair to devise surveys and a research process that has ran over the summer. This process has collected the following data:

- Town Centre Users' perceptions
- Town Centre Visitors' perceptions
- Business Confidence
- Visitors to the County perceptions
- Visitor Origins through post code collection
- Data on car park usage
- Footfall counts
- Business Audit
- Online Users/Non-Users' perceptions

The period of purdah caused a delay in in the Business Confidence, Visitor Origins and online survey though all three are due to be completed and analysed by the next Task and Finish Group on September 19th. This is a substantial piece of work and impressively has been undertaken completely by local volunteers.

A key distinction is that this approach is not one of consultation on pre-conceived issues or on a proposed scheme; rather it is a first stage in wider community engagement to help understand issues before seeking to develop solutions.

COMMUNICATIONS AND ENGAGING STAKEHOLDERS

Following earlier agreement by the Group about the importance of communications, Communications and Community Engagement Plan was agreed and a corresponding sub-group was established with vital officer support from Holly Bremner. It was agreed that delivery would be through a variety of mediums including a Facebook page, use of council newsletter and surgeries as necessary to

ensure residents have ample opportunity to participate in surveys, understand research findings and engage in future project development.

The Group had agreed that key stakeholder groups would be invited to present their views to the June and July Task and Finish Groups though this was not possible during Purdah; instead it will be built in to follow-up engagement to discuss survey findings from the autumn. This is a long-term process that will stretch beyond the life of the Task and Finish Group and that is establishing good principles and ways of working.

As a first step the Facebook page has gone live backed by a protocol for managing and supported by volunteer moderators who have received training from RCC's communications team. Naturally a social media presence will receive a variety of comments and it will be important that these are responded to and suitably managed.

OFFICER SUPPORT AND RESOURCES

As Task and Finish Group Chair, Mr Chris Wade is genuinely impressed by the work of volunteer Task and Finish Group members and the thoroughness of the approach being taken. He also further acknowledges the support of Mrs Natasha Taylor in facilitating the workings of the Group; the invaluable communications guidance from Holly Bremner and the experience and strategic support offered by Steve Ingram as Strategic Director for Places.

TIMETABLE AND MILESTONES

The Group is now working hard to have all the survey work completed and results analysed in time to report back to its September 19th meeting. Further engagement work and planning on projects can then begin. At this time the availability of officer support to help facilitate project development is likely to become increasingly important and needs to be factored in to the recommendations.

Ahead of the last meeting the Chair in conjunction with Natasha Taylor and Steve Ingram outlined a process and timetable for the medium-term (12-16 weeks) based on experiences elsewhere. This addresses organisational development beyond the Task and Finish Group's scheduled life; community engagement and project development.

The Chair tabled a proposed recommendation that the Task and Finish Group aims to produce an initial Forward Framework for the town. This would be based on the methodology in the recently published Local Government Association Handbook on Revitalising Town Centres. It comprises:

- i. Factual evidence base of key performance indicators and user/non-user/business perceptions of issues and priorities.
- ii. Analysis and agreement on priority issues and monitoring indicators to guide project planning by partners and wider stakeholders
- iii. An ongoing communications and engagement plan for broadening understanding, support and involvement of stakeholders
- iv. An outline partnership structure including coordinating group, theme-based delivery sub-groups, partners and responsibilities

v. An initial statement of future resourcing needs for partnership development and project delivery

In comparison to the Chair's experiences in other places, the production of such a framework would represent a significant achievement and there still remains a considerable amount of work to achieve this within the previously determined timeframe. The intention is that this initial 'Forward Framework' would form the basis of a report and recommendations in November for discussion and agreement with RCC and all Task and Finish Group partners.

This page is intentionally left blank

INFRASTRUCTURE AND RESOURCES SCRUTINY PANEL

13th September 2018

CORPORATE DEBT POLICY

Report of the Strategic Director for Resources

Strategic Aim:	Sound Financial and Workforce Planning	
Key Decision: No	Forward Plan Reference: FP/050718	
Reason for Urgency:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor Gordon Brown, Deputy Leader and Portfolio Holder for Regulatory Services, Waste Management, Planning Policy & Operations, Property Services, Finance including Revenues & Benefits and Internal Audit	
Contact Officer(s):	Mr Saverio Della Rocca, Strategic Director for Resources	01572 758159 sdrocca@rutland.gov.uk
	Andrea Grinney, Revenues & Benefits Manager	01572 758227 agrinney@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That the Panel

1. Notes the Corporate Debt Policy detailed at Appendix A and provide comments to Cabinet.
2. Note the Council Tax Protocol detailed at Appendix B and provide comments to Cabinet.

1 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to seek views and comments from the Panel for the revised Corporate Debt Policy detailed at Appendix A and for the adoption of the Council Tax Protocol detailed at Appendix B.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The current Corporate Debt Policy was approved in January 2013 (Report 14/2013). The policy and the appendices detail numerous processes and procedures which have changed significantly over time. It is therefore sensible to review our approach to debt collection and adopt a new corporate debt policy at this time for a number of reasons:

- The existing policy was approved over 5 years ago and is now out of date and is quite rigid and inflexible;
- Members considered debt and our approach to recovery when undertaken the Poverty Review. We said we would focus on providing help and advice and encourage customers to seek early intervention;
- When the existing policy was written we were not collecting commercial rents from tenants of Oakham Enterprise Park or The Kings Centre so we need to include a bespoke approach for collecting commercial rents;
- The existing policy doesn't include reporting levels of debt to members. Reporting is currently limited to seeking approval for the write off irrecoverable debts once a year, which doesn't reflect the overall position;
- There have been a number of challenges to the approach councils take when recovering debts that have brought about a change in working practices which aren't reflected in the current policy. i.e. how we calculate and charge costs;
- There have been significant changes in the way civil enforcement agents (former known as bailiffs) operate and the fees they can charge following the introduction of the Taking Control of Goods Regulations 2013;
- Local Council Tax Support replaced Council Tax Benefit from April 2013 which resulted in many working age claimants having to pay Council Tax for the first time, along with other welfare reforms, often means that Council Tax can be difficult to collect from customers on low incomes;
- The Local Government Association (LGA) and Citizens Advice Bureau (CAB) have devised a Council Tax Protocol which promotes working together, early intervention and best practice in debt collection; and
- The Ministry of Justice have introduced a Pre-Action Protocol which helps debtors to settle their debt or dispute before an application for a County Court Judgement can be made.

3 OUR PRINCIPLES

- 3.1 We have reviewed our principles to make sure that our approach to debt collection

is robust and fair.

3.2 The following table details our principles and how we achieve and measure our success where possible.

Principle	How we will achieve the principle
Collect debts due to us in a timely manner	Request payment up front whenever possible to avoid creating debt in the first place. Issue bills, invoices and notices promptly or as soon as possible.
Recover and enforce debts in accordance with relevant legislation and guidance	Officers trained to achieve expertise, skills and knowledge Processes, procedures and IT systems comply with legislation and regulations
Make it easy for customers to pay	Offer a range of payment options and communicate these on documents and our website Use plain language
Encourage customers to contact us as soon as they have a problem with paying a debt	Include a written notice on all documents encouraging contact
Encourage self-help by signposting customers to advice and support agencies	Signpost to Rutland Citizens Advice in the first instance. If appropriate, make seeking advice a condition of agreeing a payment plan
Work with customers in debt to set payment plans that they can afford and review payment plans as and when their circumstances change	Officers trained to achieve expertise, skills and knowledge of payments plans Clear documentation for customers detailing any conditionality, reporting changes in circumstances and failure to pay consequences etc.
Explain the recovery process to ensure that customers understand their obligations and what could happen if they don't pay	Clear documentation Information on our website
Take a firm stance when customers evade paying their debts	Clear documentation Information on our website

4 OVERVIEW OF THE POLICY

4.1 The Council collects income from a wide variety of sources such as Council Tax, Business Rates, overpaid housing benefit, commercial rent, sundry debts and Penalty Charge Notices for parking contraventions. Every effort is made to collect monies due to us in the most appropriate and effective way.

4.2 The Council has a good track record of collecting debt, but in some cases recovery action has to be taken to enforce payment. The enforcement action we can take is different for each type of debt and this is addressed in separate sections of the policy and this is summarised below.

4.3 Council Tax and Business Rates

4.3.1 The recovery process is defined in legislation and a set process must be followed. Instalments are due on the 1st of each month. For example, the first instalment is due on the 1st April, if this instalment is not paid a reminder letter would be issued mid-April, if the instalment remains unpaid a Summons will be issued mid-May, if the sum due is not paid the Council would be able to obtain a Liability Order to take enforcement action towards the end of June. If a Liability Order is obtained a number of measures can be taken to recover the debt which include attachment to earnings, attachment to benefits, referral to enforcement agents, bankruptcy and placing a charge on the property.

4.3.2 There is always a small number of 'difficult to collect debts' where the statutory process has been largely exhausted. Officers are left with three choices a) we monitor and continue to pursue as best we can b) we pursue committal action (but this can result in the debt being expunged if a prison sentence is given so this is only used as a last resort) and finally c) we write off the debt (we only consider this if we have tried everything else or the debtor is bankrupt). We have a recovery Lead Officer who is dedicated to tackling the 'difficult to collect debts'.

4.3.3 The Council Tax Protocol has been developed by Citizens Advice Bureau and the Local Government Association. It provides good practice guidance for local authorities, enforcement agencies and debt advice agencies when working with customers in debt. The aim of the protocol is to ensure that council taxpayers receive help and can access debt advice when they need it. The revised corporate debt policy has been written to work alongside this guidance. It is therefore recommended that the Council adopt the Council Tax Protocol at Appendix B.

4.4 Sundry Debts, Overpaid Housing Benefit and Miscellaneous Income

4.4.1 The recovery process for collecting these debts requires the Council to follow a defined process in order to comply with County Court rules. Where possible the Council will request payment 'up front' for services. If this isn't possible we will issue an invoice which should be paid in full within 30 days. If the amount due is not paid then reminder letters are sent and ultimately we can apply for a County Court Judgement which allows us to taken enforcement action.

4.4.2 The Ministry of Justice introduced a new step in the process called a Pre Action Protocol. This step is intended to give debtors the opportunity to resolve disputes, negotiate or settle the debt before it goes to Court and can be a useful part of the process when debtors are willing to engage with us.

4.4.3 One key type of sundry debt is adult social care fees for care and support. People are often vulnerable i.e. have a learning disability, have dementia, are in and out of hospital. It is often difficult to contact the person to discuss payment of invoices and sometimes family members have on take on the responsibility of managing the person's finances either informally or formally by Power of Attorney. If there are no family members or there are signs of financial abuse we apply for deputyship which takes a long time to obtain.

4.4.4 The Council has a duty of care and we cannot simply stop providing care even if people do not pay their invoices. Debt can accrue quickly e.g. £500 a week for residential care fees if unpaid for only 2 months can quickly accrue to a debt of £4,000. The process of recovering unpaid social care debts therefore is not easy.

4.5 Commercial Income

4.5.1 Another key area relates to council owned business units. The Council's position, as indicated in its standard lease terms is quite clear. If payment of rent is 28 days overdue, even if it is not billed, then the tenancy is subject to forfeiture. There are some challenges to applying this strictly including:

- The Council tends to work with businesses and there are many examples whereby tenants fall behind with their rent but then catch up- we want to support businesses rather than exasperate the situation
- By evicting tenants, the Council effectively creates a void unit with no income coming in- where there is no demand, giving the tenant more time to pay doesn't worsen the Council's position.
- The position can change quickly making decision-making about when to take action difficult.

4.5.2 The Council has strengthened its position in the policy by requesting a deposit in advance, insisting on payment by Direct Debit and taking prompt action if eviction is the best remedy.

5 MEASURING AND MONITORING

5.1 Key performance indicators will be reported to members quarterly or annually. This will include:

- The in-year collection rates for Council Tax and Business Rates (Quarterly).
- The percentage of customers paying their Council Tax by Direct Debit (Annually).
- The amount of debt that remains outstanding for previous financial years which is still outstanding at the end of each financial year, and the amount collected against the debt at the end of the next financial year (Annually).
- The percentage of overpaid Housing Benefit debt and Sundry Debts being recovered against the percentage that we have nothing in place for (Annually).

- The percentage of debt that has been referred to a civil enforcement agent or debt collection service to collect and their success rate (Annually).
- Write off requests will be reported to Cabinet along with a summary of overall performance and highlighting any 'difficult to collect' debts (Annually).
- The number of Compliments, Comments and Complaints received.

6 CONSULTATION

6.1 Consultation is not required for any decisions being sought in this report, however Rutland Citizens Advice Bureau have been consulted and they have indicated that they support the policy and agree to adopt the Council Tax Protocol.

7 ALTERNATIVE OPTIONS

7.1 The Council can chose not to update its existing policy. This is not recommended for the reasons outlined at point 2.1.

8 FINANCIAL IMPLICATIONS

8.1 There are no direct implications but failing to collect income can reduce resources available to meet spending plans.

9 LEGAL AND GOVERNANCE CONSIDERATIONS

9.1 There are no legal and governance implications arising from this report. The policy will be presented to Council for approval following comment from Cabinet.

10 DATA PROTECTION IMPLICATIONS

10.1 A Data Protection Impact Assessments (DPIA) has been completed. No adverse or other significant risks/issues were found. A copy of the DPIA can be obtained from Andrea Grinney.

11 EQUALITY IMPACT ASSESSMENT

11.1 An Equality Impact Assessment questionnaire has been completed and there are no specific issues arising.

12 COMMUNITY SAFETY IMPLICATIONS

12.1 There are no community safety implications arising from this report.

13 HEALTH AND WELLBEING IMPLICATIONS

13.1 There are no health and safety implications arising from this report.

14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

14.1 It is timely to review our approach to debt collection and adopt a new policy at this time because of the reasons outlined at 2.1.

15 BACKGROUND PAPERS

15.1 Report 14/2013 Corporate Debt Policy (Cabinet 22.1.2013)

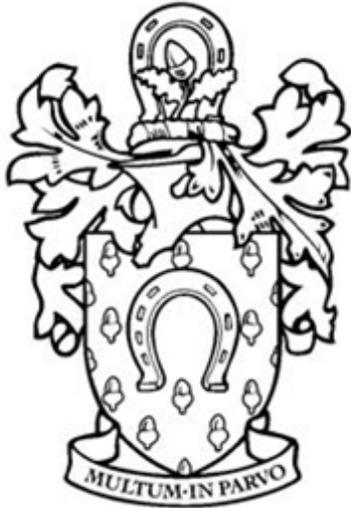
16 APPENDICES

16.1 Appendix A – Corporate Debt Policy (with appendices)

Appendix B – Council Tax Protocol

A Large Print Version of this Report is available upon request – Contact 01572 722577.

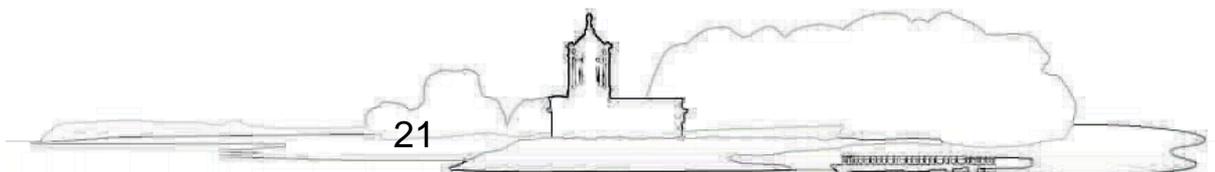
This page is intentionally left blank



Rutland County Council

CORPORATE DEBT POLICY

Version & Policy Number	Draft V 1.0
Guardian	Andrea Grinney, Revenues & Benefits Manager, 01572 758 227
Approved by Scrutiny	13 th September 2018
Approved by Cabinet	16 th October 2018
Approved by Full Council	12 th November 2018



Summary of document

This policy sets out how we will work with customers to collect debt. It details our approach and action we will take to recover debt.

Contents

		<i>Page</i>
1.0	Purpose of the Corporate Debt Policy	4
2.0	Key principles	4
3.0	Scope	4
4.0	Definitions	5
5.0	Prioritising Debts	5
6.0	Customer Care	6
7.0	Vulnerability	7
8.0	Help and advice	8
9.0	Recovery of Council Tax and Business Rates	9
10.0	Recovery of Sundry Debt, Overpaid Housing Benefit and Miscellaneous Income	10
11.0	Recovery of Commercial Income	11
12.0	Recovery of Penalty Charge Notices	11
13.0	Payment Plans	12
14.0	Evasion and fraud	13
15.0	Review and continuous improvement	13
16.0	Measuring Performance	14
17.0	Complaints, disputes and mistakes	14
18.0	Provision for write off	14
19.0	Data Protection	14
Appendix A	Council Tax Protocol	
Appendix B	Council Tax recovery flow chart	
Appendix C	Sundry Debt recovery flow chart	
Appendix D	Overpaid Housing Benefit recovery flow chart	
Appendix E	Penalty Charge Notices recovery flow chart	

1.0 Purpose of the Corporate Debt Policy

- 1.1 We have a duty to all residents and businesses to collect all sums due to the Council promptly and efficiently. Delays in collection or non-recovery of debts can lead to higher administrative costs, increased borrowing and potentially reduced resources for the provision of essential services.
- 1.2 We have developed this policy to support the maximisation of debt collection through adopting a fair, proportionate and consistent approach coupled with a firm and efficient manner taking personal circumstances into account.

2.0 Key Principles

- 2.1 We aim to adhere to the following key principles when raising and collecting debt:
 - We will raise debt and collect those due to us in a timely manner
 - We will recover and enforce debts in accordance with relevant legislation and guidance
 - We will make it easy for customers to pay
 - We will encourage customers to contact us as soon as they have a problem with paying a debt
 - We will encourage self-help by signposting customers to advice and support agencies such as Citizens Advice Bureau and online services
 - We will work with customers in debt to set payment plans that they can afford and review payment plans as and when their circumstances change
 - We will explain the recovery process to ensure that customers understand their obligations and what could happen if they don't pay their debt
 - We will take a firm stance when customers evade paying their debt

3.0 Scope

- 3.1 This policy relates to all debts owed to us including:
 - Council Tax
 - Non-Domestic Rates (Business Rates)
 - Overpaid Housing Benefit
 - Accounts Receivable (Sundry Debt Invoices)
 - Commercial Income
 - Ground rent and all other rent
 - Penalty Charge Notices (Parking Contraventions)
 - Adult Social Care charges
 - Green waste collection service
 - Planning and Building Control fees

- Miscellaneous fees and charges

4.0 Definitions

4.1 The following definitions apply to this policy:

- **Debt/Arrears** – a sum that is due to be paid to us, has not been paid and the date on which payment was due has passed
- **Customer/Debtor** – a person(s), organisation or other legal entity that owes a debt to us
- **Recovery Action** – a process that prompts payment; as recovery action escalates it allows us to apply a number of remedies to recover the debt if it remains unpaid. Costs incurred can also be added to the debt
- **Enforcement Action** – An enforcement agent may take control of goods and charge fees that are set out in legislation (previous remedy was known as bailiffs and levying distress)
- **Vulnerable Person** – a customer who has difficulty in paying or dealing with their debt(s) because of their personal circumstances and they require assistance to help them. Further details regarding vulnerability are provided at Section 7.0

5.0 Prioritising debts

- 5.1 There are many types of debt, but those considered as a priority are those owed to creditors who can take the strongest recovery action against debtors who do not pay.
- 5.2 We expect customers to pay their priority debts first in preference to other debts. For example, we do not want debtors to pay off Council debts but leave themselves vulnerable to eviction. We would rather work with customers to see how we can help them to resolve their situation.
- 5.3 Customers who indicate that they have a problem with managing or paying their debts will be signposted to seek debt advice from agencies such as Citizens Advice Bureau.
- 5.4 The table below details the order of priority debt and the seriousness of the recovery action that can be taken. In addition to recovery action, court costs and legal fees can also be added which can increase the debt owed.

Priority	Debt type	Ultimate recovery action
1	Rent arrears	Eviction
1	Mortgage arrears	Repossession and Eviction
2	Council Tax	Imprisonment
3	Business Rates	Imprisonment / Bankruptcy
3	Secured loans	Repossession / Imprisonment

3	Income Tax and VAT	Imprisonment / Bankruptcy
3	Maintenance / Child support	Imprisonment
4	Fines / Compensation	Imprisonment
4	County Court Judgement (CCJ)	Bankruptcy / Enforcement Action
5	Overpaid Housing Benefit	Deduction from ongoing entitlement / CCJ
5	Fuel / Water rates	Disconnection / Enforcement action
5	Hire Purchase	Repossession of item
5	Penalty Charge Notices	Enforcement action
5	Other Council debts	CCJ

5.5 The table below details some non-priority debts:

Debt type	Debt type
Bank overdraft	Money borrowed from family or friends
Store card	Interest free Hire Purchase agreements
Credit card	Mail Order/Catalogue
Unsecured personal loans	Any other debt

6.0 Customer Care

6.1 We recognises that customers can and do experience financial difficulties from time to time and may need additional support or advice.

In order to help customers we will:

- Ask for payment before the service is delivered when possible
- Issue requests for payment promptly and accurately
- Provide bills and recovery action letters in plain language which clearly show what to pay, when and how
- Take recovery action promptly to avoid debts building up quickly
- Make it easy to pay by providing a range of payment methods
- Make it easy to contact us through a range of options including face to face, telephone, email or in writing
- Explain what could happen if the debt isn't paid including costs/fees that may be added to the debt
- Signpost customers to seek debt advice if appropriate
- Respond to enquiries promptly and efficiently in a sensitive and professional way

Customers will be expected to:

- Pay amounts due promptly on or before the date that the payment is due
- Follow payment instructions to make sure that the payment is allocated correctly

- Contact us promptly if a payment can't be made and be able explain why
- Seek advice when signposted to do so
- Be courteous to us
- Be honest
- Be realistic about expectations and what you can afford to pay

7.0 Vulnerability

7.1 We are committed to helping vulnerable customers who are in debt. For the purpose of this policy a vulnerable customer is defined at 4.1 above.

7.2 Vulnerability may be temporary or permanent and the reasons can be wide and varied. The list below is not exhaustive but it describes some characteristics or situations where a customer may be considered to be vulnerable:

Vulnerability	Brief description
Disability	a customer with a physical or mental disability
Learning Disability	a customer with a recognised learning disability
Mental Impairment	a customer with a recognised mental health impairment
Serious illness	a customer who has a serious and debilitating long term illness or medical condition
Terminal illness	a customer who is terminally ill
Low income	a customer who is on a low benefit income or low wage i.e. living in or close to poverty
Recent unemployment	a customer who has been made redundant and has immediate financial pressures and are unfamiliar with claiming benefit
Communication difficulties	a customer who has communication barriers and needs to be supported by translation services i.e. difficulty in understanding English Language
Limited literacy and numeracy skills	a customer who has difficulty in reading/writing and understanding bills and letters
Carers	customers with responsibility for caring for other family members over the age of 18
Care leavers	a young customer under the age of 25 who has left care and is establishing themselves in the community
Domestic abuse	a customer who are experiencing or have recently relocated due to physical, sexual, emotional or violent abuse
Lone parents	a customer who is the sole adult in the household and has a child or children who have difficulty in taking up employment due to their child care commitments

Pregnancy	a woman who is in the late stage of pregnancy (6-9 months) or has recently given birth (birth – 3 months) and is not being supported by a partner
Recently bereaved	a customer who has lost a close relative (spouse, child, parent) within the last 6 months
Older person	a customer who has reached their state retirement age and living on a fixed and limited income
Recently release from prison	a customer who has been released from prison within the last 12 months and is establishing themselves in the community
Addiction/substance misuse	a customer who has an addiction or substance misuse including recovering drug and alcohol users
Indebtedness	a customer with multiple debts and cannot meet their repayment obligations

7.3 Some customers may fall into the above categories and not be vulnerable i.e. an older person may not be vulnerable if they are fit, active, independent and financially secure.

7.4 Vulnerability doesn't mean that we will not collect the debt but we will have particular regard to:

- How vulnerability affects a customer's ability to pay
- If additional help is needed e.g. support to apply for benefits
- Signposting or referral to help and advice
- Offering flexible or lower payment plans whilst help and advice is sought
- The method of recovery action that may be used if it becomes necessary to do so
- Allowing extra time to seek advice and support by postponing recovery action if necessary

7.5 We will work with colleagues (internally) using their professional expertise and experience to tailor any action accordingly or determine whether individuals need further help.

8.0 Help and advice

8.1 We will signpost or refer customers to help and advice services when they indicate that they are experiencing problems with; ongoing benefit entitlement, complex benefit issues, a large debt, multiple debts, tenancy or mortgage debt, inability or lack of knowledge of budgeting.

8.2 In the majority of cases customers will be signposted or referred to Rutland Citizens Advice Bureau. There may be occasions when a customer expresses a preference for a different help and advice service

is another service is more appropriate i.e. Money Advice Service, Christians Against Poverty, Business Debt Line etc. in which case those details will be provided.

- 8.3 Officers will use the Standard Financial Statement; which is a tool used to summarise a person's income and outgoings along with any debts they owe, when assessing a customer's financial circumstances, as this is widely used by advice organisations and will ensure a consistent approach. Further information is available at <https://sfs.moneyadviceservice.org.uk/en/>

9.0 Recovery of Council Tax and Business Rates

- 9.1 This section covers billing, collection, recovery action and enforcement action for Council Tax and Business Rates.
- 9.2 The Council, Rutland Citizens Advice Bureau and our civil enforcement agents will sign up to the 'Collection of Council Tax arrears good practice protocol' - updated and published by Citizens Advice Bureau in 2017 at Appendix A.
- 9.3 We will follow the statutory process for billing and collection of Council Tax and Business Rates and any relevant guidance from central government. Appendix B provides a simple flow chart of the Council Tax recovery process.
- 9.4 We will consider customers vulnerability, if support and advice is needed and the option of payment plans when considering what recovery action to take.
- 9.5 We will consider taking the most appropriate recovery action that ensures the debt is paid in a timely way. We will refer the debt to enforcement agents if we are not able to pursue other options. We will consider:
- what we know about the customer. i.e. if we don't know where the customer works we can't apply for an Attachment to their Earnings
 - their previous payment history, i.e. if we have agreed payment plans in the past and whether or not this has been successful or adhered to
 - their level of communication and cooperation with us i.e. if this has been infrequent or non-existent
 - if the customer has evaded paying or committed fraud
 - their personal circumstances e.g. they are about to start work shortly

- 9.6 We may commence bankruptcy petition or obtaining a charging order on the property, if either of these are suitable. In considering these options we will consider:
- The likely outcome and success of pursuing this course of action
 - The costs for both the Council and the customer
- 9.7 If other options are unsuccessful, we will take action that could lead to imprisonment of the debtor. , At every opportunity the debtor will be encouraged to make a reasonable payment plan with us to avoid committal to prison proceedings continuing.
- 9.8 If a customer is committed to prison the debt outstanding; which is the subject of the committal order, will be written off as it is irrecoverable.
- 9.9 Recovery action can be taken against the person who is liable to pay the bill or anyone who is 'jointly and severally liable' to pay e.g. in the case of joint tenants we could attach the earnings of either debtor, in the case of a business partnership we could petition for insolvency of either partner.

10.0 Recovery of Sundry Debt, Overpaid Housing Benefit and other miscellaneous income

- 10.1 This section covers the billing collection and recovery of all sundry debts, housing benefit overpayments and miscellaneous income.
- 10.2 We will ask for payment 'up front' whenever possible to avoid a debt being created in the first place. e.g. bulky waste collection, green bin collection, room hire etc.
- 10.3 We will follow the legal debt recovery process and any other relevant guidance. Appendix C provides a simple flow chart of the Sundry Debt recovery process and Appendix D provides a simple flow chart of the Overpaid Housing Benefit recovery process.
- 10.4 Payments must be made upfront, where it is deemed uneconomical to raise and invoice for services, due to the low value.
- 10.5 The Budget Manager of the department raising the invoice is responsible for addressing any enquiries relating to the invoice and settling any disputes regarding the invoice. Sufficient evidence and supporting documents must be available to support the validity of the invoice.
- 10.6 In cases of non-payment where services continue to be provided, consideration will be given to suspending or cancelling the service until the debt is paid.

- 10.7 The debt may be referred to a debt collection agency for collection if other options have been unsuccessful or are not suitable.
- 10.7 When recovering overpaid Housing Benefit we will always make deductions from ongoing entitlement when possible and in certain circumstances we can also recover from the landlord.

11.0 Recovery of Commercial Income

- 11.1 This section covers what we call 'Commercial Income' e.g. commercial rents, service charges levied from tenants who rent/lease business units or space from the Council.
- 11.2 We aim to:
- Collect income in the most efficient way
 - Minimise the risk of debt accruing on an account
- 11.3 To achieve these objectives, we will operate as follows:
- Deposits - tenants will be required to provide 3 months deposit in advance which will be non-refundable in the event of damage or unpaid debts
 - Direct Debit - tenants will be required to pay by Direct Debit covering the rent, service charges and all other charges as a condition of their lease
 - Arrears - in the event of an unpaid or recalled Direct Debit, tenants may be evicted in line with their lease conditions
- 11.4 We are committed to supporting local businesses. If a local business is experiencing financial difficulty, we will consider how it can work with the business where possible. Any variation to the usual recovery action must be approved by the Strategic Director for Resources.

12.0 Recovery of Penalty Charge Notices to complete

- 12.1 This section covers Penalty Charge Notices (PCN)
- 12.2 We will follow the statutory process and operational guidance for recovering unpaid PCN's. Appendix E provides a simple flow chart of the recovery process.
- 12.3 The Parking Services Manager may consider representation from debtors who present extenuating circumstances. The Parking Services Manager will consider the circumstances and if upheld then the debt may be reduced or remitted in full. Each case is considered on its own merits. The debtor will be expected to co-operate and provide evidence when requested.

- 12.4 In some cases debtors do not make their representation within the statutory timescales. Again these representations will only be considered if there are extenuation circumstances or the representation is approved by senior management.

13.0 Payment Plans

- 13.1 Wherever possible customers are encouraged to contact us at the earliest opportunity to discuss payment of their debt. We can then consider the customers circumstances with an aim to agreeing a payment plan that avoids further recovery action being taken.
- 13.2 Customers will be required to fully co-operate with us and provide information when requested and to seek debt advice if signposted to do so.
- 13.3 When considering payment plans the following will be taken into account:
- Full payment will always be requested. However, if full payment is not possible a payment plan may be agreed, in most cases the debt should be fully paid up before the end of the financial year to which it relates.
 - Payment plans that go beyond the end of the financial year will only be made in exceptional circumstances, i.e. if the customer is vulnerable and an assessment of the customer's ability to pay has been undertaken by a debt advice agency or an officer using a Standard Financial Statement (SFS) provided by the Money Advice Service.
 - Payment plans should start with an initial payment being made within one month of the date of the agreement.
 - Payment plans may be conditional i.e. the customer will be expected to seek debt advice and provide evidence of this upon request.
 - Payment plans will be reviewed regularly (i.e. every 3,6,12 months) with an expectation that the customer is able to increase their payments as their personal circumstances improve.
 - Payment plans will not automatically prevent us from taking further recovery action to secure the ongoing recovery of the debt or prevent us from adding costs i.e. to obtain a Liability Order or CCJ.
 - Payment plans may be refused if we are likely to obtain a higher repayment from an attachment of earnings or benefits.
 - Payment plans may be refused if we have reason to believe that it will not be adhered to. i.e. the customer has a history of failed payment plans, the payment plan is unrealistic and will not clear the debt in a reasonable time.
 - Payment plans may be refused if the customer has sufficient assets which could use used to pay the debt but the customer is unwilling to do so i.e. savings or investments.

- Payment plans will usually be confirmed in writing so that the customer clearly understands, how much to pay, when payment is due, how to pay, the review date, and if there are any conditions attached.
- The customer is responsible for making their payments on time, reminders will not be issued.
- If the customer has an unexpected change of circumstances and can't make a payment on time, they should contact us immediately to explain the reason why. We will consider the customer's circumstances and may review or cancel the payment plan depending on; the reason, previous payment history, the amount of debt owed, any conditions attached being met.
- In the event of failure to pay, the payment plan will be cancelled and recovery action will commence or continue as previously notified without any further notice.

14.0 Omission, Evasion and fraud

- 14.1 Occasionally customers don't tell us about a change in their circumstances promptly i.e. an omission e.g. an award of Attendance Allowance that affects the financial assessment for care fees or another adult moves into a taxpayer's property that removes the single person discount for council tax. In such cases we will backdate the change to the actual date of the change which can increase the amount of a debt or create a new debt. We will consider how we recover the debt having regard to the individual's circumstances and why the omission occurred.
- 14.2 Evasion of payment and fraud reduces the financial resources available to us and has a direct impact on all residents and businesses that rely on us for their services. Evasion and fraud will not be tolerated and where identified we will take robust enforcement action to recover the debt as quickly as possible and may seek to impose further penalties or sanctions as the law allows.
- 14.3 If a customer vacates and doesn't provide us with a forwarding address we will try to trace them which may include the use of external specialist tracing agencies. If we are not able to trace debtors we will continue to take recovery action by issuing documents to their last known address.

15.0 Review and continuous improvement

- 15.1 We will follow best practice when recovering debt and have regard to good practice guidance issued by central government and other recognised organisations, e.g. Chartered Institute of Public Finance and Accountancy, Institute of Revenues, Rating and Valuation, Ministry of Justice, Local Government Ombudsman.

- 15.2 The Policy may be reviewed from time to time and refreshed as appropriate. Minor changes will be approved by the Assistant Director-Finance in conjunction with the Portfolio Holder for Resources.

16.0 Measuring Performance

- 16.1 We aims to collect debts in a timely and efficient manner, this is essential to enable us to deliver services to residents and businesses. We will measure our performance using performance indicators. Key performance indicators are reported to Members quarterly and published on our website.
- 16.2 Collection rates and levels of debt will be reported to members annually.

17.0 Complaints, disputes and mistakes

- 17.1 We recognises that mistakes in the billing, collection and recovery of debts can cause distress to customers and our aim is to get it right first time. If a genuine mistake is made and brought to our attention we will put it right and apologise. We will look at our processes to see if we can prevent the same mistake happening again.
- 17.2 Disputes raised by customers about matters covered in this policy will be investigated and responded to by a senior officer.
- 17.3 Complaints raised by customers about matters covered in this policy will be dealt with in accordance with the Councils Compliments, Comments and Complaints Policy.

18.0 Provision for Write off

- 18.1 Every effort will be made to collect debts, however in some circumstances it may be necessary to write off a debt if it becomes irrecoverable. e.g. the debtor is made bankrupt or small balances that are uneconomical to pursue.
- 18.2 Our Financial Standing Orders make provision for the Section 151 Officer to write off debts to a specified level, debts above this level require approval by Cabinet. A report detailing such debts is taken to Cabinet annually.

19.0 Data Protection

- 19.1 The Council will comply with the General Data Protection Regulations, further details are available on our website.

**A large print version of this document is
available on request**



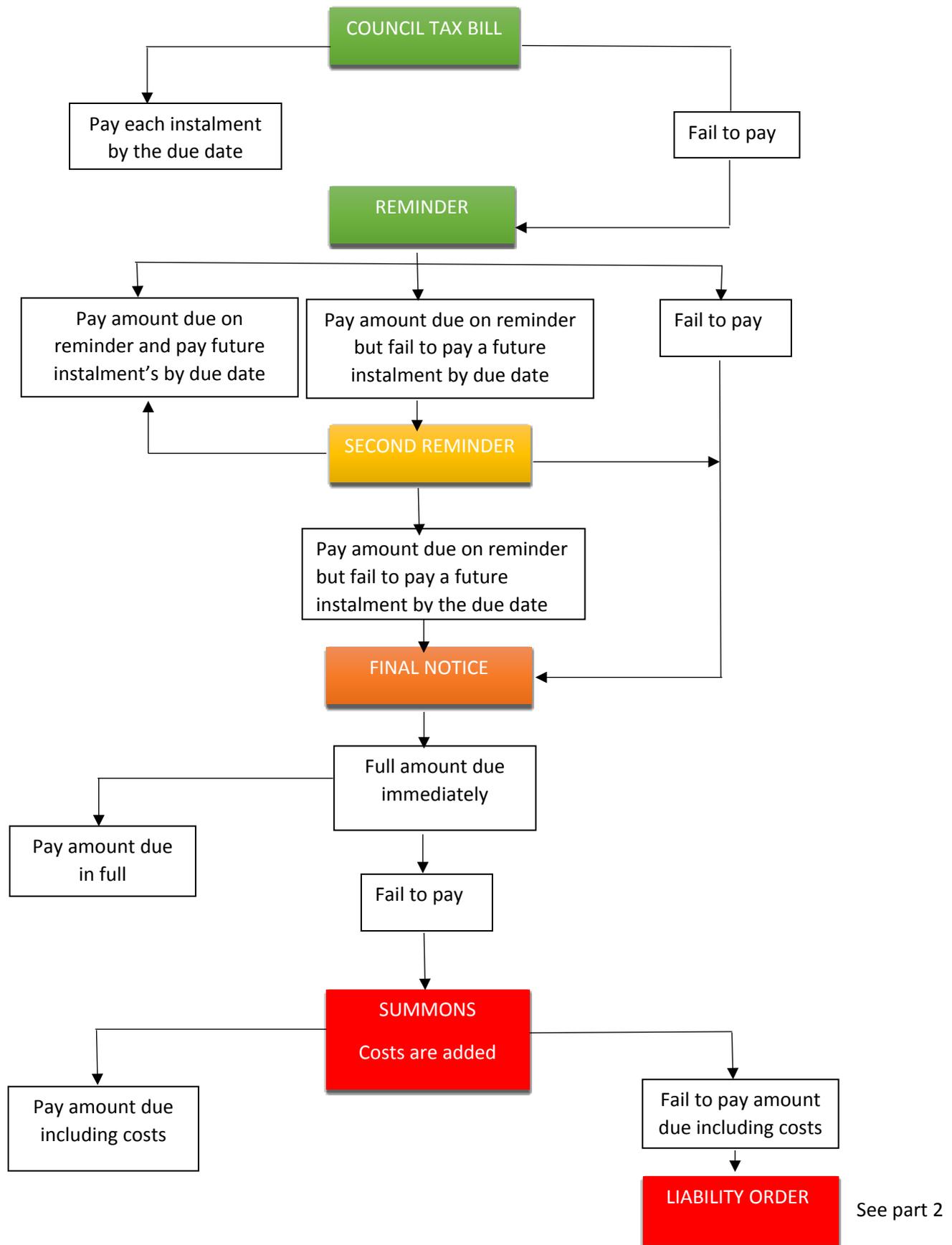
Rutland
County Council

Rutland County Council
Catmose, Oakham, Rutland LE15 6HP

01572 722 577
enquiries@rutland.gov.uk
www.rutland.gov.uk

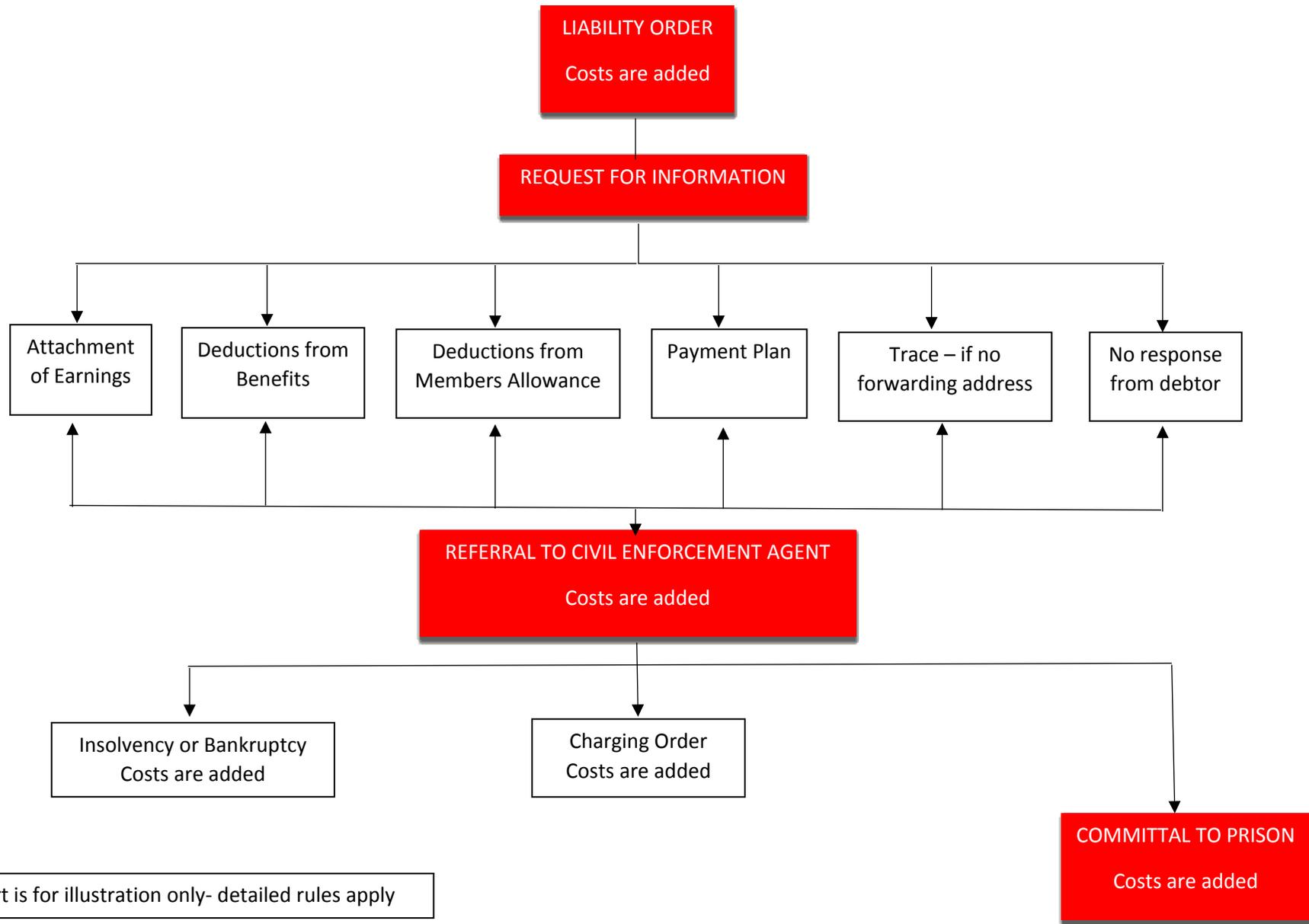
This page is intentionally left blank

Appendix B Council Tax Recovery Flow chart – Part 1



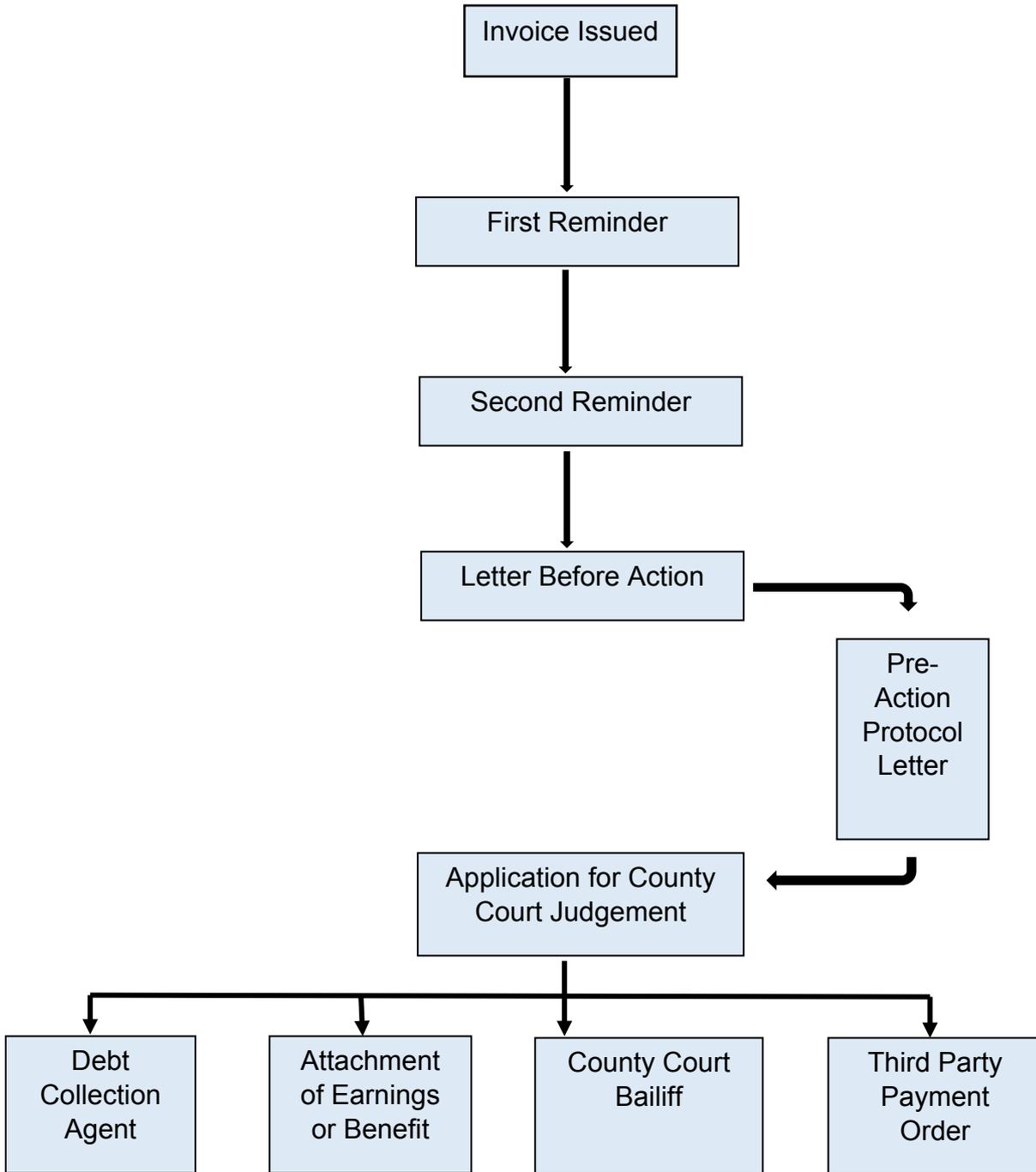
This chart is for illustration only – detailed rules apply

This page is intentionally left blank



This chart is for illustration only- detailed rules apply

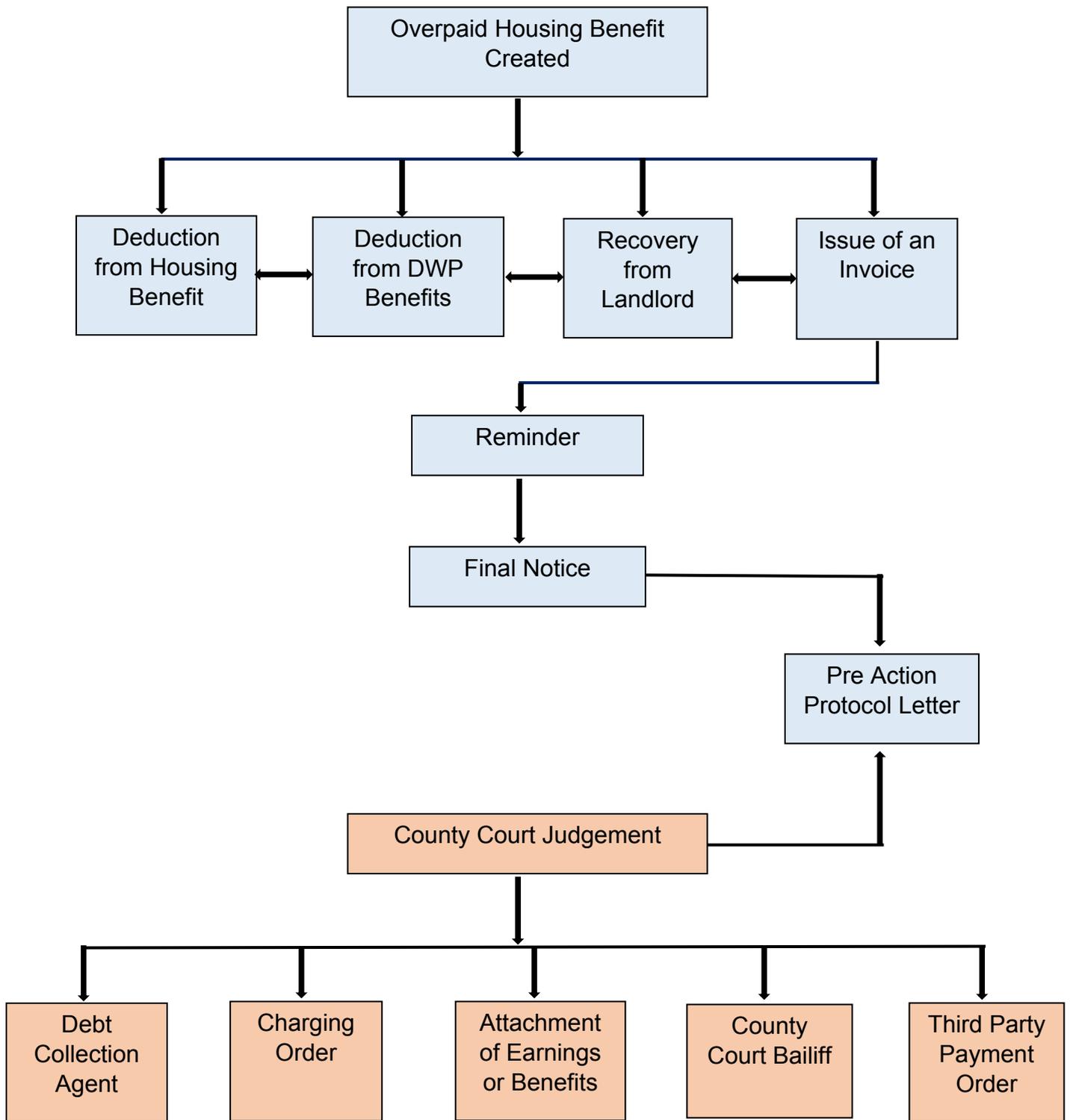
This page is intentionally left blank



This chart is for illustration only – detailed rules apply

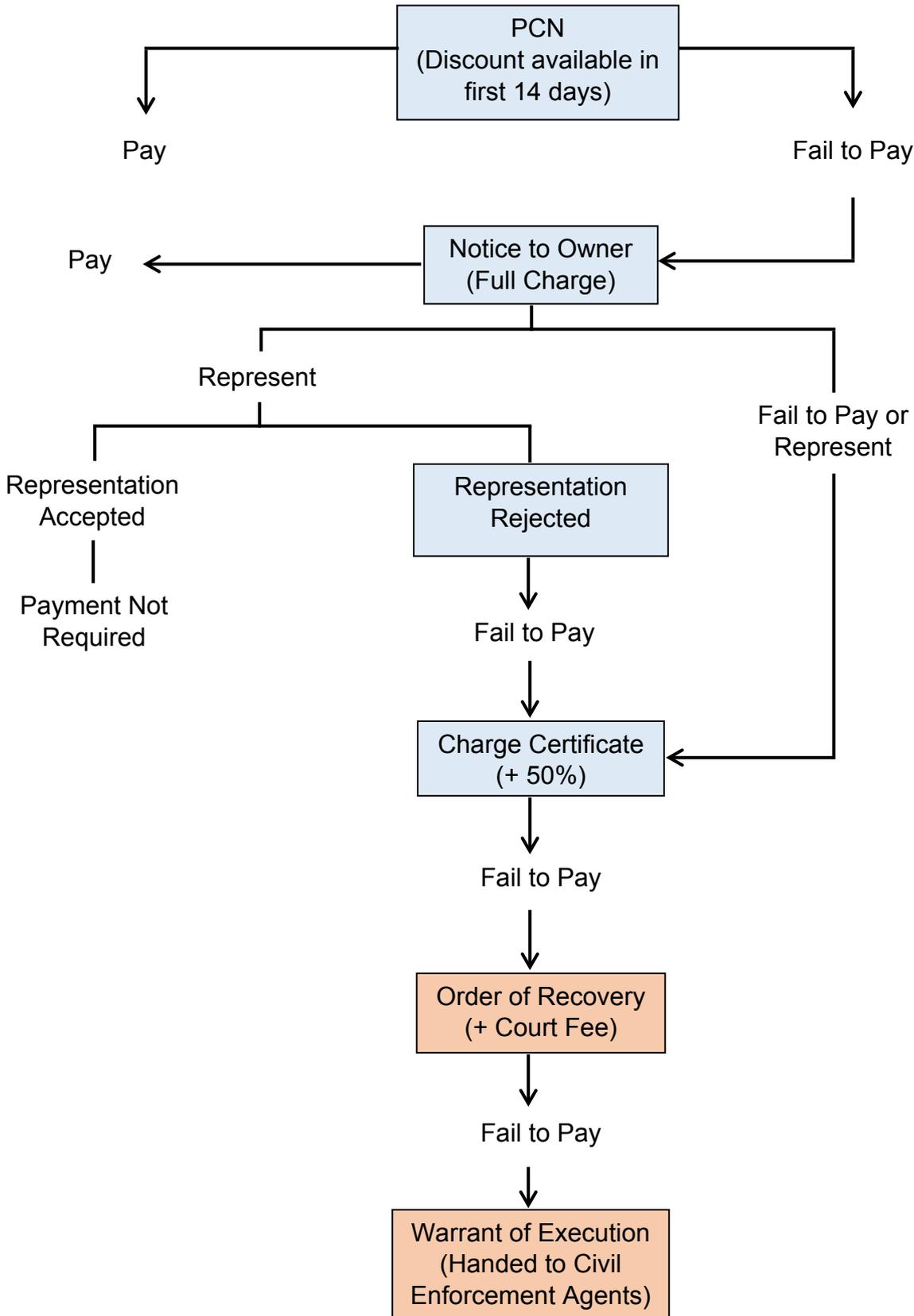
This page is intentionally left blank

Appendix D Housing Benefit Overpayment Recovery Process Flow Chart



This chart is for illustration only- detailed rules apply

This page is intentionally left blank

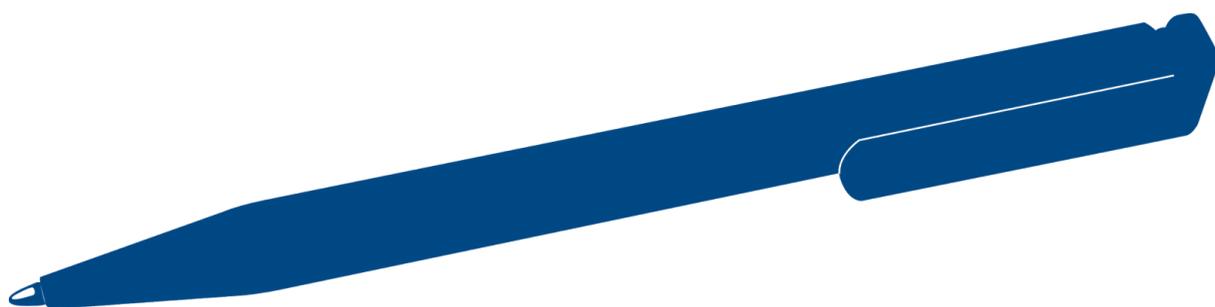


This chart is for illustration only –detailed rules apply

This page is intentionally left blank

Council Tax Protocol

Revised Collection of Council Tax Arrears Good Practice Protocol



Agreed by:

Citizens Advice, June 2017

Local Government Association, June 2017



Council Tax Protocol

We agree to adopt this protocol in
as our public commitment to its principles of fairness, partnership
working and transparency in local authority debt collection:

Signature

.....

Local authority representative

Signature

.....

Local Citizens Advice / advice
agency representative

Signature

.....

Enforcement agency
representative

(where relevant)¹

Signature

.....

External contractor
representative

(where relevant)¹

Date:

¹ Enforcement agents and external contactors may sign this protocol if they and the authority agree that it is appropriate.

Council Tax Protocol

Revised collection of council tax arrears good practice protocol

Council tax payers receive a better level of service when local authorities², enforcement agencies and debt advice agencies work closely together. Early intervention and proactive contact with people struggling with bill payments can help prevent them incurring further charges and help alleviate stress. It can also potentially help reduce both collection costs and calls on local public services, particularly mental health services.

This good practice protocol makes a number of suggestions on how local partnerships can be strengthened and residents better supported. Developed through partnership work between the national bodies representing advice agencies, local government and enforcement agencies throughout England and Wales, it builds upon the previous protocol, which government recommended local authorities adopt in their 2013 guidance. The protocol reflects best practice at local level and is intended to facilitate regular liaison on practices and policy concerning council tax debt collection. In setting down clear procedures and keeping them regularly under review, all parties can ensure that cases of arrears are dealt with appropriately whilst complaints are handled efficiently.

By signing the protocol and adopting the practices set out below, local authorities, enforcement agencies and advice agencies can help taxpayers pay their council tax bills while accessing debt advice when needed.

² Where we use the term 'local authorities', this should also be read to cover a local authority's external contractors, where the local authority has contracted out the administration of some or all of its council tax collection process.

Partnership

To foster more effective partnership working:

1. Local authorities, enforcement agencies and advice agencies should meet regularly to discuss practical and policy issues with a recommendation to meet quarterly at officer level and annually with elected members.
2. All parties should have dedicated contacts accessible on direct lines and electronically so that issues can be taken up quickly.
3. All parties should promote mutual understanding by providing training workshops, undertaking exchange visits and sharing good practice.
4. As local authorities are responsible for the overall collections process, they should ensure all their staff, external contractors and enforcement agencies receive the appropriate training, particularly on vulnerability and hardship.
5. Advice agencies, enforcement agencies and local authorities should work together to develop a fair collection and enforcement policy, highlighting examples of vulnerable people or those who find themselves in vulnerable situations, and specifying clear procedures in dealing with them. Contractual arrangements with enforcement agents should specify procedures for the local authority to take back cases involving vulnerable people.
6. Local authorities should consider informal complaints as debtors may be afraid to complain formally where enforcement agent activity is ongoing. Informal complaints received from advice agencies can indicate problems worthy of further investigation both locally by the local authority and by referral to national bodies.

Information

To improve the information supplied to council tax payers about the billing process, how to get support and debt advice and to promote engagement:

1. All parties should work together to produce letters that clearly and consistently explain how council tax bills have been calculated (including any Council Tax Support award). Council tax bills should make clear council tax is a priority debt and explain the consequences of not making payment by the date specified. As far as possible within the constraints of systems, where a taxpayer has council tax arrears, the letters should explain how the debt has been accumulated and over which time period, the layout and language of bills and letters should be easy to understand, with any letters including a contact phone number and email address. All information should also be made available online in a clear format.
2. Local authorities should consider reviewing payment arrangements and offer more flexible options, including, subject to practicality, different payment dates within the month, spreading payments over 12 months and, potentially, different payment amounts to assist those on fluctuating incomes. This can allow people to budget more effectively.
3. Local authorities and enforcement agents should publicise local and national debt advice contact details on literature and notices. Advice agencies can help by promoting the need for debtors to contact their local authority promptly in order to agree payment plans. Parties can work together to ensure the tone of letters is not intimidating but encouraging of engagement.
4. Local authorities should ensure that enforcement agencies have appropriate information about the council tax debts they are recovering, so they can put this in letters they send to debtors and answer any questions.
5. Local authorities should consider providing literature about concerns council tax debtors may have about enforcement agents and enforcement. Information could cover charges enforcement agencies are allowed to make by law, how to complain about enforcement agent behaviour or check enforcement agent certification and further help available from the local authority or advice agencies.
6. All parties should work together to review and promote better engagement by council taxpayers. This should include information on how bills can be reduced through reliefs, exemptions and council tax support schemes, advising taxpayers that they should contact the local authority if they experience financial hardship and the consequences of allowing priority debts to accumulate. Information and budgeting tools should be made available on local authority and advice agency websites, via social media and at offices of relevant agencies. This is an opportunity for joint campaign work.

Recovery

If a council tax bill is not paid, then the local authority's recovery process comes into play. While local authorities strive to make early contact with a debtor, the first point of engagement by a debtor often only occurs when an enforcement agent visits the premises. Greater effort should be made at or before the Tribunal Courts and Enforcement Act's compliance stage, including debt and money advice referrals and to assess whether vulnerability or hardship applies, so as to avoid escalating a debt. Therefore:

1. Local authorities and enforcement agencies should work in partnership with advice agencies on the content, language and layout of all documents, produced by the local authority and agents acting on its behalf which are part of the enforcement process. This should aim to ensure that the rights and responsibilities of all parties, particularly those of the debtor, are clearly set out.
2. Enforcement agents should provide the debtor with a contact number and email address should they wish to speak to the local authority.
3. Local authorities should keep all charges associated with recovery under regular review to ensure they are reasonable and as clear and transparent as possible and reflect actual costs incurred. Enforcement agents should only make charges in accordance with council tax collection and enforcement regulations, particularly the Tribunal Courts and Enforcement Act.
4. Local authorities should periodically review their corporate policy on debt and recovery, particularly what level of debt (inclusive of liability order fees) should have accrued before enforcement agent action, as enforcement will add additional costs to a debt.
5. As part of their corporate policy on debt and recovery, local authorities should have a process for dealing with cases that are identified as vulnerable, bearing in mind that different local authorities may have different definitions of a vulnerable person or household. Any local definition of vulnerability should be developed in consultation with advice agencies and enforcement agencies and, wherever possible, the local authority should aim to publish clear guidelines on what constitutes vulnerability locally. Where a local authority's vulnerability criteria apply, In these cases, debts should be considered carefully before being passed to enforcement agencies. Where enforcement agents or other parties identify a vulnerable household, recovery action will be referred to the local authority.
6. Local authorities should regularly review and publish their policies which cover hardship, including how these relate to council tax arrears.

7. Where a household is in receipt of Council Tax Support, the local authority should consider matters carefully and determine whether to pass such cases to enforcement agents, based on the individual circumstances of the case.
8. The debtor may have outstanding claims for Universal Credit, Council Tax Support or other benefit(s) which are contributing to their arrears. Local authorities can suspend recovery once it is established that a legitimate and relevant claim is pending.
9. Local authorities and their enforcement agents should consider offering a 28 days hold or “breathing space” on enforcement action if debtors are seeking debt advice from an accredited advice provider.
10. Procedures should exist for debt advisers to negotiate payments on behalf of the taxpayer at any point in the process, including when the debt has been passed to the enforcement agent. In some cases, the debtor may only contact an advice agency following a visit from the enforcement agent.
11. Local authorities and enforcement agents should consider accepting and using the Standard Financial Statement (SFS) or Common Financial Statement in assessing ability to pay as long as this is consistent with securing value for money for all council tax payers.
12. Each case should be examined on its merits and repayment arrangements need to be affordable and sustainable, while ensuring that the debt is paid off within a reasonable period. Where appropriate, local authorities should provide the flexibility to spread repayments over more than a year, including beyond the end of a financial year.
13. Local authorities should prioritise direct deduction from benefits or attachment of earnings in preference to using enforcement agents. This avoids extra debts being incurred by people who may already have substantial liabilities.
14. Clarity should be provided to the debtor and enforcement agency as to which debts are being paid off, in what amounts and when, especially where a debtor has multiple liability orders. Where appropriate, debts should be consolidated before being sent to enforcement agents.
15. Local authorities should publish a clear procedure for people to report complaints about all stages of recovery action. Local authorities will regularly monitor and, subject to requirements of commercial confidentiality and the Data Protection Act, publish the performance (including complaints) of those recovering debts on their behalf and ensure that contractual and legal arrangements are met.

Free, confidential advice. Whoever you are.

We help people overcome their problems and campaign on big issues when their voices need to be heard.

We value diversity, champion equality, and challenge discrimination and harassment.

We're here for everyone.



citizensadvice.org.uk

Published June 2017

Citizens Advice is an operating name of The National Association of Citizens Advice Bureaux.

Registered charity number 279057.