

Minutes

Partnership Development Scrutiny Committee

13th October 2021 at 7.15pm



Present

Councillors	Present	Councillors	Present
J Baugh	Yes	Mrs J Pell	Yes
G Courtauld (Vice-Chairman)	Yes	Mrs J Sandum	Yes
A Hensman	Yes	P Thorogood	Yes
Mrs M Cunningham (Chairman)	Yes	Mrs L Walters	Yes
T McArdle	Yes		

9 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

10 **MINUTES**

INFORMATION: There were no questions asked, or statements made.

11 **PUBLIC QUESTION TIME**

DECISION: The Minutes of the meeting of the Partnership Development Scrutiny Committee held on 21st July 2021 were approved as a correct record.

12 **SCRUTINY REVIEW INTO ENFORCEMENT PROCEDURES – FOURTH EVIDENCE GATHERING SESSION**

INFORMATION: The Chairman introduced Rachel Penn, Assistant Revenues and Recovery Manager at the Council, to the Committee. Rachel was in attendance at the meeting in order to provide Members with an overview of her role and further detail about the Council's partnership arrangements in relation to enforcement around debt recovery matters. It was explained that Rachel's role encompassed three key areas of work: Council Tax, Non-Domestic Rates and Recovery/Sundry Debtors.

A power point presentation was provided in order to support Members with building their evidence portfolio for the Scrutiny Review. Copies of the full presentation slides were supplied to Members prior to the meeting.

The full presentation slides and discussion by Members may be viewed on the Council's YouTube Channel via the following link:-

<https://www.youtube.com/watch?v=SKXRuesnwF8>

Members were invited to ask their questions throughout the presentation. In response to the questions raised, the following information was provided:-

- Members were advised that for the purposes of Council Tax, the Council used the Magistrate's Court at the appropriate stage of recovery action. A Liability Order would then be passed to the Enforcement Agent (previously known as a Bailiff). High Court Sheriffs could only be utilised through a County Court. It was stressed that the Enforcement Agents used by the Council were all certified with the necessary training to conduct their roles in accordance with the introduction of the Taking Control of Goods (Fees) Regulations 2014 (the Regulations 2014). It was added that although in most incidences the Council would need to contact the Court in order to arrange for an Enforcement Agent to become involved with the recovery of a debt, specific legislation could be used by the Council in some circumstances which allowed it to utilise an Enforcement Agent directly.
- Charging Orders, Bankruptcy and committals had separate legal processes which were instigated by the Council. The Enforcement Agency acted upon the Council's instructions in order to implement enforcement action on a debt by working directly with the customer in order to make payment either in full or under an arrangement. If the debt was returned, the Authority would then explore alternative recovery action available to the Council under the Regulations 2014. An Enforcement Agent was one form of recovery action that the Council could undertake through partnership working in respect of Council Tax and Non-Domestic Rates. Charging Orders and Bankruptcy were examples whereby the Court was used directly as a partnership to undertake enforcement action.
- Recovery action in respect of the collection of Council Tax and Non-Domestic Rates was undertaken through the criminal system via the Magistrate's Court, as such debts related specifically to tax. Other, non-tax related debts were undertaken with the County Court.
- As the Authority tasked with the collection of Council Tax and Non-Domestic Rates, the District Council was able to utilise the Magistrate's Court in order to obtain a Liability Order and thus secure a debt via an Enforcement Agency. Other Authorities did not have this capacity.
- Where a Reminder Notice or a Pre-Summons Notice had been issued to a customer, no charges would be made on their account; however, once an official Summons had been issued, a charge of £65 would then be payable. In the event of a Court Hearing, a further charge of £30 would also be payable towards the Liability Order. It was reported that both of these charges were in line with those of the Essex Revenues Partnership Group and with the Magistrate's Court. The Summons charge also applied if the customer then elected to repay the debt via a Special Arrangement over a longer period of time, although the time frame for this was dependent on the individual circumstances. During such instances, the Council sought to support its customers by referring them to bodies such as the Citizen's Advice Bureau.
- Members were informed that the Recovery Team at the Council consisted of three Recovery Officers and one Officer whose role was divided between that of a Collections Officer and Welfare Officer. The Welfare Officer was in regular communication with bodies such as the Citizen's Advice Bureau, Step Change, Food

Banks, and also submitted cases for Hardship Funds where customers met this particular criteria.

- With regard to Sundry Debtors, enforcement action could not be implemented in the same way that it could for matters concerning Council Tax and Business Rates; for example, the Court could not be approached in order to obtain a Liability Order. Instead, 'Debt Collectors' were deployed by Enforcement Agents who would make contact with the customer in question by way of a letter, text, e-mail or door-knock. A commission of 10% was chargeable to the Council for this service.
- Members were advised that where an Enforcement Agent was unable to collect the required debt from a customer, the matter would be returned to the Council, who would then explore alternative means of debt collection. In exceptional circumstances, the Council did have a provision for 'write-offs' of debt; however, ultimately, the Authority had a statutory duty to collect Council Tax and Non-Domestic Rates and would therefore employ proportionate measures to deal with non-payments.
- Under the Essex Revenues Partnership Group, the Council was able to examine the collection statistics of other Authorities, and it was reported that the Council's figures were largely in line with that of other Authorities. Furthermore, ideas were regularly shared between Authorities as to how improvements could be made to debt collection methods. Before the emergence of the Covid-19 pandemic, one such method that the Council had adopted was to allow some Recovery Officers to conduct door-knocks on properties in order to engage the customer. It was stressed that in such circumstances, the Council would try to encompass as many organisations as possible to try and assist customers with repaying debts.
- Ultimately, it was an individual's responsibility to pay their Council Tax or Business Rates; however, it was emphasised that the Council would always try to work with its customers in order to support and assist them as much as possible, such as through regular telephone calls and referrals to advisory bodies such as the Citizens Advice Bureau and money advice services.
- Members were reminded to refer to the Terms of Reference for the Scrutiny Review into Enforcement Procedures when giving consideration to the evidence gathered thus far and any potential recommendations.
- Members were informed that residents in receipt of certain types of benefits were entitled to claim Local Council Tax Support, although the level of support received depended on their financial circumstances.
- A potential recommendation that Members might wish to give consideration to as part of their Scrutiny Review regarded information being shared with Members around Council Tax functions and schemes in order to allow Members to effectively signpost residents where they had any questions or were experiencing difficulty with meeting payments.
- A leaflet was available which aimed to help engage and signpost residents in respect of any queries or concerns they had around Council Tax. It was added that the leaflet had been designed to be user-friendly for those with dyslexia. A copy of this leaflet would be made available to Members outside of the meeting.

Further the presentation, the Chairman thanked Members for their questions and expressed her gratitude to Rachel for her attendance and the wealth of information that she had provided. Rachel was then invited to leave the meeting if she so wished.

Further to a query raised outside of the meeting by Councillor Mrs Sandum, the Committee was advised that Governance Officers were awaiting further information from the Council's Landscape Services Team on areas of enforcement such as hedgerow removal and the partnership working arrangements around this. An update was due to be provided at the next meeting of the Committee on 17th November 2021.

In response to a query from a Member which regarded enforcement in the Licensing function, Members were reminded that they had received information relating to 'enforcement partnerships' in both the Licensing and wider Environment Health function at the meeting of the Committee on 31st March 2021. During that meeting, Daniel Mellini, Food, Health and Safety and Licensing Manager and Colin Batchelor, Environmental Health Officer were in attendance to answer questions from Members and support the Committee's evidence gathering. Much of the information provided was in relation to the 'barriers' to increased partnership working (e.g. with Essex Police) and how these had improved over recent years, particularly in light of the impact of Covid-19.

13 **SCRUTINY REVIEW INTO ENFORCEMENT PROCEDURES – RESPONSES TO SCRUTINY ENQUIRY**

INFORMATION: Members were advised that following the meeting of the Partnership Development Scrutiny Committee on 31st March 2021, a series of queries were raised by the Chairman of the Committee, Councillor Mrs Cunningham, in respect of the information that was provided by officers in the Council's Environmental Health Service: the officers were Colin Batchelor (Environmental Health Manager) and Dan Mellini (Environmental Health Manager, Food, Health and Safety and Licensing). Responses to the queries raised by the Chairman had subsequently been provided and the Committee Members were requested to note these.

DECISION: Members of the Partnership Development Scrutiny Committee noted the responses provided by Officers in the Council's Licensing and Environmental Health teams in response to questions raised by the Chairman, Councillor Mrs Cunningham.

REASON FOR DECISION: To ensure that the evidence base of the Partnership Development Scrutiny Committee is as robust and informative as possible, thus enabling Members to draw appropriate recommendations for submission to the Executive following the conclusion of the Scrutiny Review.

The meeting commenced at 7.15pm and closed at 8.42pm.

Councillor Mary Cunningham
(Chairman)