

REPORT OF: FINANCIAL SERVICES MANAGER

TO: SCRUTINY MANAGEMENT TEAM

DATES: 19th JULY 2016

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ENFORCEMENT AGENTS – DRAFT LOCAL CODE OF PRACTICE

INTRODUCTION

1. The purpose of this report is to present a draft local code of practice for consideration in support of the Council's use of civil enforcement agents.

RECOMMENDATIONS

2. The Scrutiny Management Team is asked to consider and comment on the draft local code.

REASONS FOR RECOMMENDATION

3. To help regulate the Council's working arrangements with civil enforcement agents for the collection of local taxation debts.

ISSUE

4. The Council's council tax and non-domestic rate 'billing, collection and enforcement policies' were reviewed in 2014 with revised policies formally adopted by Council in December 2014. The policies included the requirement for enforcement agents to follow a strict code of practice to be agreed with the Council. A copy of the relevant policies agreed in 2014 are available on-line at: <http://www.pendle.gov.uk/meetings/meeting/1818/council> (item 14 refers).
5. Enforcement activity is governed by government legislation, regulation and a code of practice for members of the Civil Enforcement Association and it is intended to support this with the adoption of a 'local' code of practice. The use of enforcement agents (formerly bailiffs) by local authorities has been a topic highlighted in the media recently as illustrated by the following article: <http://www.bbc.co.uk/news/business-36193490>.
6. A draft local code of practice is provided at **Appendix A** for use in relation to the enforcement of council tax and non-domestic rate debts. This has been prepared with regard to current legislation and guidance including the "Taking Control of Goods: National Standards" document published by the Ministry of Justice in April 2014.

7. The draft document has also been prepared following consideration internally by colleagues in Liberata who provide the Council's services in respect of the billing, collection and recovery of council tax and business rates. The document has also been reviewed by the current firms that provide debt recovery services, via Liberata, to the Council (i.e. JBW <http://www.jbwgroup.co.uk/> and Phoenix <http://www.phoenixcommercial.co.uk/>).
8. This report is the initial stage leading to the development of a local code of practice. The Scrutiny Management Team is asked to consider the draft local code and advise of any feedback it may have or any revisions that it would like to see made. In due course a report will be presented to the Executive seeking approval for the adoption of a local code of practice once this has been finalised.

Policy

9. There are no new policy implications arising from the content of this report. The proposed local code outlines the arrangements for enforcement activity within the framework of legislative and regulatory guidance.

Financial

10. There are no financial implications arising from the content of this report.

Legal

11. There are no new legal implications arising from the content of this report.

Risk Management

12. There are no new risk management issues arising directly from the content of this report.

Health and Safety:

13. There are no Health and Safety implications arising directly from the content of this report.

Sustainability:

14. There are no sustainability implications arising directly from this report.

Community Safety:

15. There are no community safety issues arising directly from the content of this report.

Equality and Diversity:

16. There are no equality and diversity issues arising from the content of this report.

APPENDICES

Appendix A – Enforcement Agents – Draft Local Code of Practice