

REPORT OF: FINANCIAL SERVICES MANAGER

TO: EXECUTIVE

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Report Author: Vince Green

Contact Details: 01282 661867

E-mail: vince.green@pendle.gov.uk

ENFORCEMENT AGENTS – LOCAL CODE OF PRACTICE

INTRODUCTION

The purpose of this report is to present a Local Code of Practice for approval in support of the Council's use of civil enforcement agents.

RECOMMENDATION

The Executive is recommended to approve the Local Code of Practice as presented at [Appendix A](#).

REASON FOR RECOMMENDATION

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

ISSUE

1. 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 [here](#) (item 14 refers).
2. 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>.
3. A proposed 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.

4. 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 (e.g. JBW <http://www.jbwgroup.co.uk/> and Phoenix <http://www.phoenixcommercial.co.uk/>).
5. The proposed code has been considered by the Scrutiny Management Team at a meeting in July. The Committee discussed various aspects of enforcement action and the role of enforcement agents and resolved as follows per the draft Minutes of that meeting:

RESOLVED

That, whilst recognising further work was required on the document, the broad outline of the draft Enforcement Agent Code of Practice be recommended for approval.

6. The further work mainly entailed a reordering of the document structure to distinguish customer facing elements from arrangements between the Council and the enforcement companies. This has now been completed leading to the version presented with this report and the Executive is requested to approve the document at **Appendix A**.

Policy

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

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

Legal

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

Risk Management

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

Health and Safety:

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

Sustainability:

There are no sustainability implications arising directly from this report.

Community Safety:

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

Equality and Diversity

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

APPENDICES: **Appendix A** – Enforcement Agents – Draft Local Code of Practice