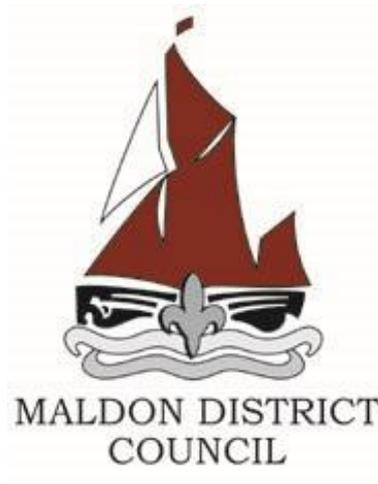


Maldon District Council



CORPORATE DEBT RECOVERY STRATEGY

Version control

<u>Issue</u>	<u>Date</u>	<u>Purpose</u>	<u>Author</u>
1	July 2015	New Policy for review	Sue Green
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CORPORATE DEBT RECOVERY STRATEGY

Part 1 - Introduction

- 1.1.** Maldon District Council provides various goods and services to the residents and businesses within its district. In return we receive payment for these goods and services in the form of Council Tax, Business Rates, fees and charges and sundry debtor income. We are also responsible for the payment of housing benefit and local Council Tax support and the recovery of any valid overpayment. This strategy is concerned with creating a corporate debt recovery plan, whilst recognising the different legislation and processes that apply to each type of debt.
- 1.2** Efficient and effective collection of the income due to the Council supports our Corporate Goal of being an organisation that delivers good quality, cost effective and valued services in a transparent way. It also supports the high level desired outcome of being a creative organisation that maximises the use of its resources and provides value for money.
- 1.3** Strong and prompt inward cash flow has a direct impact on our financial situation, enabling us to minimise our reliance on our financial reserves and maximise investment income, which in turn supports the overall budget and reduces the level of Council Tax required.
- 1.4** It also enables us to be seen as an efficient, cost effective, fair and equitable organisation, both in our dealings with external customers and our internal administration procedures.
- 1.5** We strive to achieve high collection rates for all debts. Targets for the collection rates for the two main income streams, Council Tax and Business Rates are set as part of the annual Business Planning process and are agreed by Members. They are monitored as part of the Corporate Performance Management process, with performance reports being reviewed by the Corporate Leadership Team (CLT) and Members regularly.
- 1.6** Whilst we set stretching collection targets we also recognise that we have a duty of care to all of our customers, particularly those who are vulnerable. We balance the importance of supporting our vulnerable customers whilst increasing our income and streamlining our processes.
- 1.7** This strategy covers each of the main types of income and the processes that will apply to those specific types of debt. The strategy also recognises that the Director of Resources is the officer with overall responsibility for the administration of the Council's financial affairs for the purposes of Section 151 (S151) of the Local Government Act 1972. However various delegation arrangements apply for the different types of debt under both the Committee Terms of Reference and Schemes of Delegation and the Financial Regulations.

1.8 Strategy Aims

- To maximise income for the Council
- To ensure that all customers will be treated consistently and In line with Customers Strategy.
- Achieve an equitable share of income available to pay across all Council debts
- Advise and assist customers to avoid debt issues before they arise
- Make pro-active contact by email and telephone to ensure early intervention and payment
- Provide payment options which are cost effective and support prompt payment
- Share knowledge, information and expertise across the Council and other agencies.
- To comply with the GDPR.
- Collect and recover all debts in an economic, effective and efficient manner, in accordance with legislation and best practice.

Part 2 - Policies and Processes

General Provisions

2.1. Billing and Invoicing

We will ensure that all bills are issued promptly. In line with our data quality principles and policy, high quality data is essential for reliable performance and financial information to support decision making.

2.2. Appeals

As a general principle bills that are subject to challenge by the customer will remain payable whilst under dispute.

2.3. Payment Options

The Council will streamline the number of available payment methods and improve self-serve options to reduce processing costs and minimise onerous administration for outdated methods.

The Council's preferred methods of payment are:

- Direct Debit
- BACS
- Online payments
- Automated telephone payment

2.4. Reminders

Reminders should be sent to customers where the original bill remains unpaid. We will issue reminder notices at least 7 days of the bill becoming due and will clearly state the action we will take if payment is not received.

2.5. Debt Advice

When recovery action takes place for any debt we will ensure that, where appropriate, customers are provided with information about where they can go for further free help and advice.

We will encourage customers to engage with our social prescribing partners to access lifestyle advice.

2.6. Income Maximisation

We will provide customers with information to ensure that they are claiming any discounts/reductions which they may be entitled to. This could include seeking money or benefit advice from the Citizens Advice Bureau or accessing additional support or advice services.

This information is also available on our website.

2.7. Payment Arrangements

We will always aim to collect outstanding debts in full, however where this is not possible, due to a customer's financial situation, we will consider exercising discretion and may offer a payment arrangement. The number of instalments and amount payable will depend on the debt type and amount outstanding.

2.8. Enforcement

We will endeavour to recover all outstanding debts and will include details of the subsequent enforcement action that will be taken when any reminders are issued. The sanctions available to us will depend upon the type of debt, but could include action through the Courts and the use of external collection agencies. Further details of the specific remedies available to us are contained in the specific debt policies below

2.9. Complaints

Any complaints about the provision of service, or the billing and collection process will be dealt with under our Feedback process. We will aim to resolve complaints informally as soon as we become aware of the issue. However we recognise that there will be times when an informal resolution is not possible and the Feedback process set out clearly the way in which complaints will be dealt with, the timescales for providing customers with a full response to their complaint and the process for escalating the complaint should the customer remain dissatisfied.

2.10 Use of External Collection Agencies

We will use external collection agencies where we can demonstrate that this provides good value for money. The appointment of collection agents will be subject to our procurement rules and performance will be monitored at a service and corporate level to ensure that we are achieving best value. We will ensure that as a minimum we will have a service level agreement with the external collection agency and will meet to review performance at least quarterly. We recognise that we remain responsible for the actions of our appointed collection agents and will ensure that the Service Level Agreement sets out the service standards that we expect to meet.

2.11 Vulnerable Customers

We recognise that some members of the community may be considered to be more vulnerable and therefore, may require additional support in dealing with their financial affairs. We MDC will work alongside third sector organisations, adopting best practise and signposting customers for debt advice.

Vulnerability does not mean that a person will not be required to pay amounts they are legally obliged to pay. However, where a person is recognised to be vulnerable consideration should be given to;

- Allowing longer to pay or breathing space,
- Postponing enforcement action,
- Assisting the person to maximise their income by claim benefits, discounts or other entitlements, or to review their financial position with a recognised partner such as the Citizens Advice Bureau,
- Providing information in an accessible format,
- Alleviate Poverty and prevent homelessness,
- Helping customers through personal crises, severe or exceptional circumstances and difficult life events,
- A temporary payment arrangement with lower repayment than would normally be agreed,
- Using the Council's Safeguarding processes to raise any concerns regarding the debtor's safety or welfare,

The cause of vulnerability may be temporary or may be permanent in nature and the degree of vulnerability will vary widely. The following list will be used as a guideline for both MDC staff and their agents and identifies some of the characteristics of persons who could be considered vulnerable however each case must be taken on its own merits:

- **Disabled Persons** – Where the disability affects the person’s ability to deal with their financial affairs.
- **Serious illness** - Where the debtor or partner appears to be suffering from any condition which is serious or life threatening, including mental illness.
- **Mental Impairment or Learning Difficulties** – Where it is evident the debtor is suffering from mental impairment or learning difficulties.
- **Persons in receipt of Benefits** – If the debtor is in receipt of benefits or in serious financial difficulties due to loss of employment or is suddenly unable to meet their existing financial commitments.
- **Language Barriers** – Where a person does not understand spoken or written English.
- **Age under 18** – Anyone aged less than 18 years should automatically be considered to be vulnerable.
- **Elderly Persons** – Who are frail, confused and or ill and have limited income.
- **Recently Bereaved** – For example a bereavement of a close relative.
- **Lone Parents** – In particular those with very young children who find it difficult to take up employment and rely on welfare benefits.
- **Late Stages of Pregnancy** – Who may find dealing with serious financial issues stressful, particularly if they are not supported by a partner
- **Difficulty reading and writing** – They are likely to have difficulties understanding written notices and should be dealt with in a sensitive manner.

This list is not exhaustive and each case should be considered on an individual basis. Particular care must be taken when instructing Enforcement Agents where the debtor is known to be vulnerable.

MDC will seek to work in partnership with local advice agencies and refer people who may have complex financial circumstances.

2.12 Equality Duties

The Equality Act 2010 places a number of duties on the Council and these will be considered when considering the appropriateness of action taken to recover a debt.

2.13 Bad Debts

The Council, like any organisation, whose business involves the recovery of monies due, will inevitably encounter "bad debts".

For the purposes of this policy a "bad debt" is classified as:

1 Money due when there is little or no likelihood of recovery

Examples of this are:

- The debtor has absconded and despite attempts to locate the debtor, their current address is unknown
- The debtor resides outside the UK and is unlikely to return.
- The debtor has been declared bankrupt/ insolvent and the debt in question forms part of the insolvency proceedings
- A company that has ceased trading
- The debtor has died and there is insufficient equity in the estate to cover the debt

2 Money due where it is uneconomic or inefficient to recover the sum involved

Examples of this are:

- A small balance outstanding.
- A balance outstanding where the expenses of recovery in terms of fees, staff time and other charges, balanced against the likelihood of recovery (including all additional expenses and charges) outweigh the prospect of full or partial success.
- Where enforcement of the debt involves an arguable point of law and for that reason enforcement action could fail, with the imposition of costs or charges upon the Council.

3 Money due where the Council does not wish to pursue recovery because the circumstances of a case would attract well-founded adverse publicity or public reaction, or the concept of natural justice would be compromised

- All decisions on individual debts are decided on the circumstances that exist, at the time.

2.14 Write-Offs

All write-offs must be processed according to the Council's constitution and a Scheme of Delegation will be in place to determine the authorisation levels for individual staff.

Authorisation for a write-off includes the responsibility to ensure that all appropriate methods of recovery have been considered or used, suitable research has been undertaken, the logic used to reach any conclusion is sound and the circumstances and evidence are appropriately documented and sufficient.

The cumulative total of debts written off will be monitored to ensure that the incidence of bad debt remains consistent with the Council's estimates and projections

Debts written off do not prevent future action being taken to recover or to resurrect the debt, if further information comes to light.

2.15 Bad Debt Provision

We will make suitable and adequate provision for the incidence of bad debts in its accounts to accord with Chartered Institute of Public Finance and Accountancy (CIPFA) recognised best practice and Audit Commission recommendations.

We aim to minimise the incidence and impact of bad debt and will use all means at our disposal to achieve this objective.

Bad debts will be identified in the Council's accounts. This is to ensure that accurate records are maintained, which reflect recoverable revenue and both accounting and statistical information, which may be used for reporting and management purposes.

Part 3- Specific Debts

Council Tax and Business Rates

3.1 Billing

There is a legal duty placed on the Council to bill for Council Tax and Non Domestic Rates in accordance with legislation.

3.2 Arrangements

We recognise that Council Tax and Business Rate payers may find themselves in difficult financial or personal circumstances and may not be able to pay their Council Tax or Business Rates on the due date.

We will encourage early contact so that mutually acceptable arrangements may be made and any issues regarding liability discussed with the aim of resolution at the earliest possible opportunity.

Arrangements will be entered into at our discretion and will take into account (but not limited to) the following

1. The amount of the Council Tax/ Business Rate Debt,
2. Previous payment history,
3. Other priority debts,
4. The financial circumstances Council Tax payer or the company.

3.3 Appeals

The various types of appeal and the processes to be followed are:

- Property banding appeals – These appeals should be made directly to the Valuation Office and generally need to be made within six months of becoming liable, or of the entry in the Valuation List.
- Appeal against the Rateable Value – Any appeal should be made directly to the Valuation Office. A ratepayer may appeal once within the lifetime of the valuation list (generally 5 years) on any of the specified grounds of appeal.
- Appeal against a Completion date – The appeal is made directly to the Council. If an agreement cannot be reached the Liable Person or the owner can appeal directly to the Valuation Office within 4 weeks of the notice being served
- Appeal against an Exemption, Discount, Liability, Disabled Reduction, Penalty or Council Tax Support - The appeal is made directly to the Council. If an agreement cannot be reached the Liable Person or the owner can appeal directly to the Valuation Tribunal.
- Appeal against a Transitional Certificate – An appeal can be made directly to the Valuation Office against the value of the certificate, but not against the decision not to issue a certificate.

Council Tax and Business Rates remain payable even if an appeal has been submitted and payment should be made in accordance with the demand notice. In

very exceptional circumstances, we may consider suspending recovery action for a period of time to enable the appeal to be dealt with.

3.4 Reminders

A legal document when an instalment is overdue.

3.5 Final Notices

Where a Council Tax or Business Rate account has not been brought up to date and the right to pay by instalments is lost and the whole balance becomes payable

3.6 Summons

- A summons will be issued if the liable person or Rate payer has not made payment in accordance with the reminder or final notices.
- A summons is issued against the liable person following an application to the Magistrate's Court and at this stage reasonable costs will be charged.
- The debtor is summonsed to attend a hearing at the Magistrates Court where the Court will consider making a Liability Order.

3.7 Liability Order

An order made by the Magistrates where they are satisfied the Council Tax is outstanding. The Liability Order gives the Council further powers to enforce payment. The main options are:

- Deductions from earnings benefits, or members allowance.(Council Tax only)
- Instruct an Enforcement Agent to take control of goods.
- Bankruptcy/Winding up proceedings
- Charging Order (Council Tax Only)
- Committal to prison

3.8 Request for Information (Regulation 36) (Council Tax Only)

Following the granting of a Liability Order by the Magistrates Court we will write to the Liable Person(s) confirming that a Liability Order has been granted and the amount payable. The letter will encourage the Liable Person to put forward a proposal for a payment arrangement, but before any offer can be considered a "request for Information" form must be completed, providing details of the Liable Persons employer, expected earnings and any other income. This must be returned together with a budget statement so that consideration can be given to the appropriateness of a payment arrangement or further enforcement action.

We will, in appropriate circumstances, undertake prosecution of those Liable Persons who fail, without reasonable excuse, to provide information, or provides false information requested under Regulation 36 of 1992 Regulations. This constitutes a criminal offence leading to a fine of up to £1,000.

3.9 Attachment of Earnings (Council Tax only)

Where a Liability Order has been granted by the Court the Council can instruct an employer to make deductions from a Liable Persons salary under an Attachment of Earnings Order (AOE).

An order will be served on the employer, with a copy sent to the Liable Person. The amount of the deduction will depend upon the persons net salary and are based on percentage deductions within salary bands, details of which are contained in Schedule 4 to the 1992 Regulations, a copy of which are included with the AOE when it is sent to the Employer.

3.10 Attachments of Benefits (Council Tax only)

We may apply to the Department of Work and Pensions (DWP) to have deductions made from a debtor's Income Support, Guaranteed Pension Credit, Income Based Jobseekers Allowance, Employment Support Allowance and Universal Credit.

3.11 Attachment of Members Allowances (Council Tax only)

Relates to Liability Orders granted against Elected Members of a billing or relevant precept authority.

The Local Authority can deduct 40% from that member's allowances.

3.12 Enforcement Agents (Previously known as Bailiffs)

The Liability Order allows an Enforcement Agent to be instructed to recover an outstanding Council Tax or Business Rates debt and where the debt is not paid to remove goods to the value of the debt, known as "taking control of goods"

We have a formal agreement with the Enforcement Agents, to determine

- The hours that the agents can call
- The days of the week they can attend
- That they will operate within the code of practice of The Enforcement Services Agency of England and Wales

If an Enforcement Agent takes control of goods to the value of the debt, he can enter in a "Controlled Goods Agreement" under which he will allow the goods to remain with the debtor, whilst a payment arrangement is entered into.

If a debtor fails to sign the agreement, or fails to maintain the payment arrangement the Enforcement Agent is legally entitled to seize those goods.

We will only instruct an Enforcement Agent where a debtor has been advised of the Liability Order and has been given an opportunity to make a payment arrangement.

Current Enforcement Fee Structure (effective 6th April 2014)

Fee Stage	Fee Feature	Fee Stage	Percentage fees	(If debt is greater than £1,500)
Compliance	This fee is added to the debt as soon as the account is referred to an Enforcement Agent for collection.	£75.00	0%	0%
Enforcement	If an arrangement to pay is not made with the Enforcement Agent, or an arrangement is made but the agreed payments are not received the Enforcement Agent will visit and this fee will also be added to the debt.	£235.00	0%	7.5%
Sale	If a Controlled Goods Agreement is not signed when an Enforcement Agent visits, or payments are not received as agreed after signing a Controlled Goods Agreement, the Enforcement Agent can remove and sell goods and this fee will be charged.	£110.00	0%	7.5%

3.13 Committal to Prison (Council Tax Sole Traders)

Committal to prison is one of the most extreme recovery remedies that exist under the 1992 Regulations and as such should only be considered after a careful review of all the facts by a Senior Officer.

These Regulations allow the Council to apply to the Magistrates Court for an application for means enquiry with a view to Committal to prison for a maximum period of 3 months.

Committal is a last resort option and the process is only initiated where every other option to recover the debt has been considered and where the debtor has been given every possible opportunity to reach an arrangement to repay the Council Tax Debt.

Committal Proceedings will only be considered following a careful review of the facts by a Senior Officer. The decision to take this action will be fully recorded by the Senior Officer and must be approved by a Team Leader.

Examples of the factors taken into account when reaching a decision are as a minimum the following:

- Amount of Debt
- Period that the debt has accrued
- Reviewing an accurate history of the origin of the debt and attempts to recover it
- Gathering sufficient evidence about the debtor's circumstances and the reasons (if known) for the non- payment of the debt
- Whether there is an on-going liability

- Considering all information about past, present, disputed or outstanding benefit claims or any discounts or exemptions that might be relevant
- Reviewing what other recovery action has been taken and considering whether all other remedies been exhausted
- Considering whether a debtor's failure to pay and to respond to other recovery measures could arise from a disability (including a mental impairment with a long-term and substantial effect on normal day-to-day activities) and
- Considering whether the debtor's personal circumstances warrant them being protected from the consequences of recovery action.
- Careful consideration of the proportionality of the approach taking into account size of the debt and the likely costs associated with Committal proceedings both for the customer and the Council

3.14 Charging Orders (Council Tax only)

An application can be made to the County Court for a charging order against the defaulter's dwelling that gave rise to the Council Tax if a Liability Order has been granted and the debt outstanding is at least £1,000.

If granted, the order can give the Council a charge on the property so that if sold it will automatically be entitled to receive the outstanding amount from the proceeds of the sale. The decision to apply for a Charging Order will be fully recorded by the Senior Officer and must be approved by a Team Leader. When reaching that decision consideration will be given to:

- Period that the debt has accrued
- Reviewing an accurate history of the origin of the debt and attempts to recover it
- Personal circumstances of debtor and his partner and dependent children
- Likely length of time that debt will take to recover (i.e. is the property currently up for sale)
- Whether there is an on-going liability
- Considering all information about past, present, disputed or outstanding benefit claims or any discounts or exemptions that might be relevant
- assessing that there is no realistic prospect of recovering the debt by other means in a reasonable timescale
- Is the customer vulnerable?
- Careful consideration of the proportionality of the approach taking into account size of the debt and the likely costs associated with applying for Charging Order both for the customer and the Council
- Where the debtor is residing (Charging orders more likely to be effective where debtor is outside of UK jurisdiction, or their address is unknown making other enforcement options unviable)

3.15 Bankruptcy & Winding Up

Where a Liability Order has been made and the debtor against whom it was made is an individual, the amount due shall be deemed to be a debt for the purposes of section 267 of the Insolvency Act 1986(1) (grounds of creditor's petition), or where the debtor is a company (section 122(1) (f) of that Act (winding up of companies by the court)

Personal Bankruptcy or Winding up of a Company are extreme recovery remedies that exist under the Regulations and will only be considered after a careful review of all the facts by a Senior Officer. The debt must exceed £5,000.

Prior to any action being taken to instigate bankruptcy/ winding up proceedings the following process will be followed:

All reasonable attempts to contact the customer/ company in person must have been made including a minimum of two attempts to visit the customer/ company where this is practicable.

1. A letter will have been sent to the customer:
 - a. advising that Bankruptcy/ winding up action is being considered
 - b. warning them of the serious consequences of bankruptcy/ winding up process as a result of failure to make arrangements to pay the debt,
 - c. Urging them to seek independent advice and 'sign-post' to local sources of advice.
 - d. Allowing a minimum period of 14 days to respond to that letter before bankruptcy/ winding up proceedings are instigated
2. A Senior Officer will have decided that pursuing bankruptcy/ winding up is a fair and proportionate action after:
 - considering all information about past, present, disputed or outstanding benefit claims or any discounts or exemptions that might be relevant
 - reviewing an accurate history of the origin of the debt and attempts to recover it
 - assessing that the debtor has assets that will clear the debt if bankruptcy/ winding up is pursued
 - assessing that there is no realistic prospect of recovering the debt by other means in a reasonable timescale
 - gathering sufficient evidence about the debtor's circumstances
 - Is the customer vulnerable?
 - Considering whether the debtor's personal circumstances warrant them being protected from the consequences of recovery action.
 - Careful consideration of the proportionality of the approach taking into account size of the debt and the likely costs associated with bankruptcy/ winding up both for the customer and the Council

The decision to instigate bankruptcy/ winding up proceedings and the reasons for doing so will be fully recorded by the Senior Officer making that decision and approved by a Team Leader.

Housing Benefit Overpayment

4.1 Avoiding overpayments occurring

We will undertake all reasonable steps to ensure that the correct benefit payments are made.

We will adopt a two stage approach:

- Ensuring the correct benefit is paid from the outset of a claim, by verifying the information provided by the customer, as well as having a strong focus on data quality and accuracy.
- Keeping it right by taking steps to ensure that the correct benefit is paid through the life of the claim through regular checks and data matches, as well as ensuring that the customers understands their responsibilities to report changes to us and auctioning those changes promptly

4.2 Fraud Debts

We are committed to a strong anti-fraud approach and where a fraudulent overpayment has been identified we will strive to recover the overpayment in full, using the maximum powers available.

Where we are unable to recover the debt in full immediately we will always apply the higher levels of deduction that are permitted.

4.3 Recovery from on-going housing benefit entitlement

Where a customer remains in receipt of housing benefit we will apply an appropriate level of deduction based upon the customers circumstances.

4.4 Recovery from DWP benefits

Where a customer or their partner is no longer in receipt of housing benefit, but is in receipt of a prescribed benefit we will request the DWP make a deduction.

4.5 Direct Earnings Attachment (DEA)

Where the customer is not in receipt of Housing Benefit but is in paid employment we will consider the use of a Direct Earnings Attachment Order.

4.6 Invoicing

Where a customer is not in receipt of Housing Benefit, or the overpayment is subject to an appeal process an invoice may be issued in respect of the overpayment.

4.7 Collection agencies

Where other options have been exhausted and the debt remains unpaid we will consider the use of a collection agency to recover the housing benefit debt.

4.8 Enforcement

Where all other options have been explored and the debt remains unpaid County Court action will be considered, depending on the amount outstanding, followed by High Court action, if appropriate.

5 Sundry Debts

5.1 Invoice Requests

- Wherever possible and appropriate income should be obtained in advance or at the point of supplying goods or services.
- Invoices should be raised within 9 days of receipt of request.

5.2 Invoice Payment

Payment is due within 14 days from the date of invoice.

5.6 Outstanding Invoices

- A first reminder is sent if an invoice is unpaid and not disputed after 21 days from the issue of the invoice. (stage 1)
- A second reminder will be sent if the invoice remains unpaid or an instalment plan has not been agreed (stage 2).
- If the invoice is still outstanding, a 'Warning of Legal Proceedings' letter will be issued.(stage 3)
- No further action will be taken where notifications of Receivership/Bankruptcy/Ceased Trading have been received and notice of claim has been lodged with the receiver and the debt will be remitted.
- Remaining accounts will be passed to an external debt collecting agency.
- Debts returned unpaid from the external debt collecting agency will be reviewed by the Finance Manager to consider County Court action.
- Where appropriate a County Court Judgment will be applied for which will enable the following powers to be used:
 - Attachment of Earnings

- County Court Enforcement Agent
- Third Party Payment Order
- Charging Order
- High Court Enforcement

5.7 Blacklist Register

Once the write offs has been agreed the Section 151 Officer will sign and authorise. The Finance Team then update the Blacklist Register which is a basic list of individual names to ensure these customers are not offered other services by other departments within the council.

6 PCN Recovery Process

6.1 Standard Enforcement Actions for Penalty Charge Notices

This debt is collected directly by the South Essex Parking Partnership (SEPP) and Chipside .

Parking enforcement is carried out in accordance with the provisions and procedures laid out in the Road Traffic Management Act 2004. A parking penalty is not a debt until the motorist has exhausted all avenues of appeal.

Penalty Charge Notice issued.

- Appellant has 14 days to pay the 50% discount or challenge. After the 14 days the discount has expired.
- DVLA enquiry made if no correspondence received or payment received within 28 days.
- Notice to Owner sent if full payment is not received within 28 days of issue.
- Charge Certificate sent and charge increased by 50% of full payment, or representation against Notice to Owner, if not received within 28 days.
- Pre Debt Registration letter sent, which is a final reminder to make payment.

6.2 TEC (Traffic Enforcement Centre

- Debt registered at County Court and fees added if full payment is not received within 35 days of Charge Certificate being sent.
- Notice of Debt Registration sent.

6.3 Apply for a Warrant of Execution and instruct Enforcement Agents (bailiffs)

If full payment or a Witness Statement is not received within 36 days of Notice of Debt Registration being sent. A Warrant of Execution has a lifespan of 12 months only and cannot be reissued thereafter. If the Council has been unsuccessful in recovering the penalty charge by means of a Warrant within 12 months and wishes to pursue, the

Council must ask the Traffic Enforcement Centre (Northampton County Court) for authorisation to prepare another Warrant. Warrants that have been returned from the Bailiff after a period of 6 months because the debtor could not be traced or there are no funds or goods to seize can be sent to other Bailiff companies for collection.

If warrants remain unpaid, the council is now able to recover debt using a different process where a valid warrant is not required.

Part 4 – Monitoring

Corporate Roles and Responsibilities

Performance Management is about having robust procedures in place performance management in place, including delegation limits, agreeing and achieving objectives and performance indicators, monitoring our performance against agreed targets and timescales, identifying opportunities for improvement, making necessary changes and ultimately delivering quality public services.

Performance Management in MDC

The Council recognise that prompt recovery action is essential for effective debt management and in this age of transparency and being accountable to the community, the Council needs to be able to demonstrate that it is monitoring and managing performance effectively. MDC will:

- Regularly monitor the level and age of its debts;
- Set clear targets for the recovery of debt;
- Have written recovery procedures;
- Assess recovery methods to ensure maximum returns; and;
- Review irrecoverable debts for write off.

Target Setting and Monitoring

Monitoring performance against targets and timescales, identifying opportunities for improvement and making the necessary changes enables us to achieve our goals and deliver quality public services. The performance of external providers such as Enforcement Agents will be monitored to ensure services are provided in accordance with this policy.

Financial Regulations and Sub Delegation Arrangements

- Financial regulations provide the framework for managing the Council's financial affairs. They apply to every member and officer of the Council and anyone acting on its behalf.
- The regulations identify the financial responsibilities of the Council, the Committees, the Chief Executive, the Director of Resources, the Monitoring Officer and other Directors. Directors should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to the Director in the regulations should be read as referring to them. Actions may also be delegated and again delegation should be documented, however the responsibility to ensure that these actions are happening remains with the person specified in these regulations.
- All Council Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.

- The Director of Resources is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the Council for approval. The Director of Resources is also responsible for reporting, where appropriate, breaches of the financial regulations to the Finance & Corporate Services Committee. Any non-compliance with the Regulations must be reported to the Director of Resources. Anyone wishing to act outside the provisions of these regulations, in a specific instance, must seek the prior written approval of the Director of Resources.
- The Council's detailed financial procedures, setting out how the regulations will be implemented, are contained in the appendices to the financial regulations.
- The Director of Resources is responsible for ensuring that all staff are aware of the existence and content of the Council's financial regulations and other internal regulatory documents and that they comply with them.
- The Director of Resources is responsible for issuing advice and guidance to underpin the financial regulations that Members, Officers and others acting on behalf of the Council are required to follow. Notes and guidance may expand upon, but not contradict the Regulations. Any consultation required under these Regulations must allow sufficient time for a proper consideration of any issues.
- All financial and accounting procedures must be carried out in accordance with the Regulations.

Sub Delegation Arrangements

With reference to Finance and Corporate Services, Terms of Reference scheme of delegation and Council Financial Regulations (2011) and Standing Orders 2008 made under paragraph 42 of Schedule 12 of the Local Government Act 1972, sub-delegation arrangements apply which are regularly reviewed and updated.