

TITLE: ENFORCEMENT AGENCY

Committee: Regulatory & Support Services Committee

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1.0 ISSUE

1.1 To present a business case for a shared Enforcement Agency Service for the Anglia Revenues Partnership (ARP).

2.0 RECOMMENDATION(S)

2.1 That the Regulatory & Support Services Committee supports the recommendation of the ARP Joint Committee to introduce an Enforcement Agency Service.

2.2 That the Director (Regulatory Services) in consultation with the appointed ARP Joint Committee Members is given delegated authority to introduce a shared Enforcement Agency for the Anglia Revenues Partnership in accordance with the business case agreed by the Joint Committee.

3.0 BACKGROUND/OPTIONS

3.1 The Anglia Revenue Partnership (ARP) was established in 2003. During the past 11 years the ARP has grown to 7 full partner members: Breckland District Council, Forest Heath District Council, East Cambridgeshire District Council, St. Edmundsbury Borough Council, Fenland District Council and Waveney District Council, Suffolk Coastal District Council (the latter subject to Committee approval).

3.2 In April 2013, Part 3 of the Tribunals, Courts and Enforcement Act 2007 (the "TCE Act") was introduced which increased the fees charged by Enforcement Agents. In the past no fee would be charged before a visit by an Enforcement Agent had been made to a debtors property and the fees charged for 1st and 2nd visits amounted to a maximum charge of £42.50. Further costs were then charged in respect of reasonable costs incurred in respect of taking possession of goods and for the sale of goods.

The changes introduced have set statutory fees as shown in the tables below:

Non-High Court MoJ Proposed Fees for non-High Court Enforcement			
Percentage Fees			
Fee Stage	Fixed Fee	£0–£1,500	>£1,500
Administration	£75.00	0%	0%
Enforcement	£235.00	0%	7.5%

Sale	£110.00	0%	7.5%
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Fee Structure Features	
Stage Triggers	
Administration	Instruction received by Enforcement Agent Company.
Enforcement	First attendance by Enforcement Agent to debtor's premises / "door step".
Sale	Goods taken to place of sale
Creditor Guaranteed Fee	None

- 3.3 The Council wants payment collection services to be ethical and equitable for all and we continue to want to ensure that enforcement charges are only incurred by debtors as a measure of last resort; after all reasonable attempts have been made to engage with debtors to make arrangements.
- 3.4 Operating our own internal enforcement service provides the best opportunity to ensure our standards of customer service are maintained throughout the payment collection process. This represents an extension to the range of services we currently operate and will further improve the value for money of service we receive from ARP.
- 3.5 An enforcement agency run by the ARP would be able to ensure that enforcement charges are only incurred by debtors after all reasonable attempts have been made to engage with debtors to make arrangements.
- 3.6 Where debtors will not make payment and enforcement agents have to visit premises, the fees charged and recovered will be retained by the Councils and so will benefit the council tax payer; it is estimated that an income from fees of £150,000 will be shared between the partners.
- 3.7 Options:
- 1) To do nothing.
 - 2) To approve the recommendation to give delegated authority to create a shared Enforcement Agency Service.

4.0 ARGUMENTS/CONCLUSIONS

- 4.1 A shared Enforcement Agency will offer the following:
- Direct control over quality and service standards of enforcement activity
 - Engagement with debtors, where possible, to offer arrangements before enforcement fees become payable
 - A management model to offer future potential partners
 - Other benefits such as those detailed in this report
 - A shared income of £150,000 per annum from Bailiff fees
- 4.2 A detailed analysis has assessed the potential benefits of a shared in house Enforcement Agency. The business case, presented to the Joint Committee is

deliberately cautious as it assumes a lower income from fees than existing bailiffs are charging.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 The Enforcement Agency will generate an income for the Partners whilst treating debtors equitably.

5.2 Equality Impact Assessment not required.

6.0 APPENDICES

6.1 None

Background Documents

None

Location

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