

Public Document Pack

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A meeting of the **Cabinet** will be held in Committee Room 2 - East Pallant House on **Tuesday 4 February 2020 at 9.30 am**

MEMBERS: Mrs E Lintill (Chairman), Mrs S Taylor (Vice-Chairman), Mr M Bell, Mr R Briscoe, Mrs N Graves, Mrs P Plant and Mr P Wilding

SUPPLEMENT TO AGENDA

9 **Corporate Debt Recovery Policy** (Pages 1 - 5)

Please note this background paper is online only.

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Chichester District Council

Equalities Impact Assessment Corporate Debt Recovery Policy

Effective from 1 October 2014
 (Updated 19 April 2017) (Last Update November 2019)

Equality Impact Assessment

Author/editor/assessor	New Project Leader – Helen Belenger (Divisional Manager Financial Services) Impact Assessors – Helen Belenger (Divisional Manager Financial Services) and Kerry Standing (Divisional Manager Revenues, Benefits and Customer Services) 2014 - Original Project Leader & Impact Assessor– Chris Christie (Revenues Manager)
Partners/decision makers/implementers, etc.	Divisional Managers – to develop and design the policy and associated procedures with relevant services and their teams Directors – to provide guidance on the corporate objectives Members – Decision making
Start date	From the date the policy is adopted by the Council – minor changes to be adopted from June 2017. New policy from 1 March 2020 also incorporates the Council’s write off policy first approved in September 2017
End date	Regular reviews of this policy will ensure that it remains up to date and accurate
Relevance	The Taking Control of Goods (Fees) Regulations 2014 came into force on 6 th April 2014. The Government’s aim when bringing forward this legislation was to clarify the law, introduce a transparent fee structure and regulate the enforcement industry. Since the legislation came into force debtors and creditors should now be easily able to understand their rights and can rest safe in the knowledge that there is no scope for unlawful force. Standards of behaviour are guaranteed by a mandatory training regime and appropriate standards for entering the profession. The public now get better information and guidance to make sure they know where

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 Reviewed & Updated 30 September 2014, 19 April 2017, 1 November 2019

	<p>to go for help when something goes wrong, as well as what their rights are.</p> <p>In view of this change in the legislation which is designed to regulate the enforcement industry it is acknowledged that enforcement action should be the last resort when collecting arrears and should be avoided wherever possible. A comprehensive and transparent Corporate Recovery policy will support this aim.</p> <p>Review April 2017 - It is expected that the Universal Credit roll out will have a significant impact in the district from April 2018 which will put extra financial pressure on this group of claimants. For many of them it will be the first time that they will have responsibility for managing their own budgets which will increase the need to support them to meet their financial obligations.</p> <p>Review April 2017 – The policy has been reviewed and a number of minor amendments will be presented to the Corporate Governance and Audit committee on 30 June 2017. These amendments ensure that the policy still remains up to date and relevant.</p> <p>A new Corporate Debt Recovery Policy has been drafted and incorporates the Council’s write off policy first drafted in 2017 which has also been refreshed and updated in 2019.</p> <p>See below for assessment of duties under the Equalities Act 2010.</p>
Policy Aims	<p>To provide customers with clear and transparent information about how we will collect debts what we will do to help those customers who are in debt to the Council.</p> <p>To promote efficiency and consistency in the collection of outstanding debt because the collection of monies owed to the Council is a vital factor in providing the resources the Council needs to deliver services.</p> <p>To ensure that the staff involved in the collection of debt have a consistent approach and understand what that approach is.</p> <p>To promote a holistic approach to customers indebtedness to the Council where they have</p>

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Reviewed & Updated 30 September 2014, 19 April 2017, 1 November 2019

	<p>multiple debts.</p> <p>To promote measures that will assist those customers in arrears to repay the outstanding sum as quickly as their finances will allow and to ensure that they have received all the help available to them (financial or otherwise).</p>
Available evidence	<p>There are various good practice guides</p> <ul style="list-style-type: none"> • Guidance on enforcement of council tax published by the DCLG • National standards enforcement agents published by the MOJ • Managing money, helping people with debt published by the CAB in association with the LGA • Regard in also given to the CAB collection of council tax good practice protocol • Adopting the 6 recommended steps from the Money Advice Service for local authorities to reduce the use of bailiffs and improve collection processes.
Evidence gaps	<p>The procedure notes which underpin this policy are kept up to date and regularly reviewed to ensure that they support the aims of the policy.</p>
Involvement and consultation	<p>A public consultation is not required because there is no regulatory requirement to have Corporate Debt policy. Relevant Divisional Managers and the Strategic Leadership Team have been consulted.</p> <p>The policy will be reported to the Corporate Governance and Audit Committee in January 2020 and Cabinet in February 2020 for their consideration and approval.</p>
What is the actual/likely impact?	<p>The likely impact is to encourage debtors to communicate with us at an earlier point and our aim is to remove the barriers to them paying the amount due by being flexible in our approach. There is a risk that this will create a two tier system of those who pay on time and those who do not. However the policy is clear as to when debt will not be pursued.</p>
Address the impact	<p>April 2017 -The primary impact is a positive action to manage all outstanding debt in one central recovery team, except for those income streams where a specific legal regime applies and the service manages the recovery action e.g. parking enforcement. The purpose of the policy is to minimise the gap by assisting those debtors who are experiencing difficulties paying</p>

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	by dealing with the entirety of their indebtedness to the Council rather than each separate debt always having regard for priority debts.
Monitoring and review	The Corporate Debt Recovery Policy will be reviewed periodically and any new ways of working, any problems identified, changes in legislation etc. will be included and amendments made as required. Commitment to ensure that the procedures that underpin this policy are kept up to date and relevant.
Action Plan	The new policy will be presented to Corporate Governance and Audit committee on 23 January 2020.
Decision making and quality control	Recommendation That The Corporate Governance and Audit committee approve the new Corporate Debt Recovery Policy (incorporating the write off policy previously approved in 2017).

Impact on individuals with protected characteristics

Protected Characteristic	Impact
Age	The policy does not discriminate on the ground of age except that it acknowledges that elderly individuals may be vulnerable. Those in the vulnerable groups will be treated favourably by this policy.
Disability	The policy does not discriminate on the ground of disability except that it acknowledges that disabled individuals may be vulnerable. Those in the vulnerable groups will be treated favourably by this policy.
Gender reassignment	The policy does not treat individuals in this category any differently to anybody else unless as a result of gender reassignment they fall into one of the vulnerable groups Those in the vulnerable groups will be treated favourably by this policy.
Race	The policy does not treat individuals in this category any differently to anybody else unless they fall into one of the vulnerable groups. Those in the vulnerable groups will be treated favourably by

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Protected Characteristic	Impact
	this policy.
Religion or belief	The policy does not treat individuals in this category any differently to anybody else unless they fall into one of the vulnerable groups. Those in the vulnerable groups will be treated favourably by this policy.
Sex	The policy does not treat individuals in this category any differently to anybody else unless they fall into one of the vulnerable groups. Those in the vulnerable groups will be treated favourably by this policy.
Sexual orientation	The policy does not treat individuals in this category any differently to anybody else unless they fall into one of the vulnerable groups. Those in the vulnerable groups will be treated favourably by this policy.
Marriage and civil partnership	The policy does not treat individuals in this category any differently to anybody else unless they fall into one of the vulnerable groups. Those in the vulnerable groups will be treated favourably by this policy.
Pregnancy and maternity	Individuals in this group may be treated as vulnerable. Those in the vulnerable groups will be treated favourably by this policy.

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