

TONBRIDGE & MALLING BOROUGH COUNCIL
FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

14 May 2014

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 CORPORATE DEBT RECOVERY POLICY

A report advising Members of minor revisions to the Council's Corporate Debt Recovery Policy.

1.1 Introduction

- 1.1.1 The Council's Corporate Debt Recovery Policy was adopted in July 2012 following a meeting of the Finance and Property Advisory Board (**Decision No: D120099MEM**). The Policy is subject to review and this report advises of the outcome of the latest review.

1.2 The Review of the Policy

- 1.2.1 I have reviewed the current Policy, which can be viewed at:

http://www.tmbc.gov.uk/__data/assets/pdf_file/0005/71168/Corporate-Debt-Recovery-Policy.pdf

- 1.2.2 Although no fundamental changes appear necessary, I have taken the opportunity to update the Policy to reflect some administrative changes. The main changes are:

- 1) The change in my designation from Director of Finance to Director of Finance and Transformation.
- 2) The decommissioning of the Finance and Property Advisory Board and the creation of the Finance, Innovation and Property Advisory Board.
- 3) The fact that bailiffs are now termed 'enforcement agents'.
- 4) The transfer of responsibility for recovery of benefit overpayments from the Exchequer Services Manager to the Revenue and Benefits Manager.

- 5) The introduction of 'direct earnings attachments' for the recovery of benefit overpayments.

1.2.3 The updated Policy is attached at **[ANNEX 1]**.

1.3 Legal Implications

- 1.3.1 There is no legal requirement to have a Corporate Debt Recovery Policy but the Local Government Ombudsman has previously advocated the publication of a Council Tax Debt Recovery Policy, which is included in the Corporate Policy.

1.4 Financial and Value for Money Considerations

- 1.4.1 None

1.5 Risk Assessment

- 1.5.1 In view of the Local Government Ombudsman's past views, it would be prudent to have a current Policy.

1.6 Equality Impact Assessment

- 1.6.1 See 'Screening for equality impacts' table at end of report

1.7 Recommendations

- 1.7.1 Members are **REQUESTED** to **RECOMMEND** the revised Corporate Debt Recovery Policy to Cabinet for approval.

The Director of Finance and Transformation confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

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Sharon J Shelton
Director of Finance and Transformation

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The policy will apply equally to all debtors and the policy takes account of factors that might lead to the different treatment of debtors because of their circumstances and the waiving of debts on humanitarian grounds.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	The policy does not seek to promote equality but rather to deal with all debtors in a fair manner.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		See Question a above.

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.