

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

**12 January 2022**

**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**

**This report informs Members of the outcome of the review of 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 and has subsequently been reviewed and adopted in May 2014, January 2016, May 2018 and January 2020.
- 1.1.2 The Council aims to ensure that all monies due to the Council are recovered economically, efficiently and effectively in order for it to continue to provide services and keep the council tax as low as possible for those liable to pay it. In pursuit of that aim the Council will endeavour to treat all customers equally, in line with the Council's standards of customer care and will differentiate between those who can pay, but do not, and those having genuine difficulty in paying.
- 1.1.3 The Council will treat all debtors in a consistent manner which is fair, sympathetic, firm and cost effective whilst ensuring that it distinguishes between those who cannot pay and those who will not pay.
- 1.1.4 The Council has for many years had several debt recovery procedures tailored to the particular type of debt and attached as annexes to the overall Policy.
- 1.1.5 This latest review found that the Policy required a number of amendments due to legislative and operational changes. A copy of the updated Corporate Debt Recovery Policy is attached at **[ANNEX 1]**.

**1.2 Legal Implications**

- 1.2.1 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 Policy.

- 1.2.2 Guidance from the Department for Work and Pensions in respect of housing benefit overpayments advises that it is for councils to decide how far to pursue recovery.

### **1.3 Financial and Value for Money Considerations**

- 1.3.1 Economic, efficient and effective debt recovery procedures is an important element of good financial management.

### **1.4 Risk Assessment**

- 1.4.1 Whilst the comments of the Ombudsman were made in respect of council tax debts the Council could be open to criticism for not setting out its debt collection policy for other Council debts.

### **1.5 Equality Impact Assessment**

- 1.5.1 The Policy will apply equally to all debtors and take into account any factors that may lead to different treatment of debtors because of extenuating circumstances.

### **1.6 Policy Considerations**

- 1.6.1 Customer Contact

### **1.7 Recommendations**

- 1.7.1 Members are asked to **RECOMMEND** approval of the Corporate Debt Recovery Policy [**ANNEX 1**] for publication on the Council's website, subject to any required amendments.

The Director of Finance & 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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