

# Public Document Pack

## Cherwell District Council

### Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 May 2011 at 6.30 pm

Present: Councillor George Parish (Chairman)  
Councillor Timothy Hallchurch MBE (Vice-Chairman)

Councillor Rick Atkinson  
Councillor Ken Atack  
Councillor Alyas Ahmed  
Councillor Andrew Beere  
Councillor Maurice Billington  
Councillor Fred Blackwell  
Councillor Norman Bolster  
Councillor Ann Bonner  
Councillor Patrick Cartledge  
Councillor Colin Clarke  
Councillor Margaret Cullip  
Councillor Mrs Diana Edwards  
Councillor Tim Emptage  
Councillor Andrew Fulljames  
Councillor Michael Gibbard  
Councillor Alastair Milne Home  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Tony Ilott  
Councillor Victoria Irvine  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor Kieron Mallon  
Councillor Nicholas Mawer  
Councillor Nigel Morris  
Councillor P A O'Sullivan  
Councillor D M Pickford  
Councillor Lynn Pratt  
Councillor G A Reynolds  
Councillor Alaric Rose  
Councillor Daniel Sames  
Councillor Leslie F Sibley  
Councillor Trevor Stevens  
Councillor Lawrie Stratford  
Councillor Rose Stratford  
Councillor Lynda Thirzie Smart  
Councillor Patricia Tompson  
Councillor Douglas Webb  
Councillor Martin Weir  
Councillor Douglas Williamson  
Councillor Barry Wood

Apologies for absence: Councillor John Donaldson  
Councillor Mrs Catherine Fulljames  
Councillor Simon Holland  
Councillor Neil Prestidge  
Councillor Carol Steward  
Councillor Nicholas Turner

Officers: Sue Smith, Chief Executive  
Ian Davies, Interim Chief Executive and Head of Paid Service  
John Hoad, Strategic Director - Planning, Housing and Economy  
Karen Curtin, Head of Finance / Section 151 Officer  
Kevin Lane, Interim Head of Legal and Democratic Services  
James Doble, Democratic, Scrutiny and Elections Manager

1 **Declarations of Interest**

There were no declarations of interest.

2 **Former Councillor Mary Young**

The Chairman noted the sad passing of former Councillor Mary Young who had been a councillor for Kidlington.

Members of the Council joined the Chairman in remembering former Councillor Young with one minute's silence.

3 **Minutes of Council**

The minutes of the meeting held on 21 February 2011 were agreed as a correct record and signed by the Chairman.

4 **Election of Chairman**

The outgoing Chairman Councillor Parish presided for the consideration of this matter.

It was moved by Councillor Wood and seconded by Councillor Reynolds, that Councillor Hallchurch be elected as Chairman for 2011/12. There were no other nominations.

**Resolved**

That Councillor Hallchurch be elected Chairman of the Council for 2011/12.

(Councillor Hallchurch made his declaration of office and took the Chair).

5 **Election of Vice-Chairman**

It was moved by Councillor Wood and seconded by Councillor Reynolds, that Councillor Clarke be elected as Vice-Chairman for 2011/12. There were no other nominations.

**Resolved**

That Councillor Clarke be elected Vice-Chairman of the Council for 2011/12.

(Councillor Clarke made his declaration of office and took the Chair).

6 **Communications**

**Outgoing Chairman**

The Chairman of the Council presented Councillor Parish with his past Chairman's badge as a token of the Council's appreciation of his term of office.

**Chairman's Consort**

The Chairman of the Council named Dr Jan Stokes-Carter as his consort for the year.

**Chairman's Charities**

The Chairman named ABF – The Soldiers Charity, (previously the Army Benevolent Fund) and the Spires Cleft Centre as his charities for the year.

7 **Annual Business**

The Chief Executive reported that there were district elections in 16 seats and Councillors were returned as follows:

Ambrosden and Chesterton – Councillor Andrew Fulljames  
Astons and Heyfords – Councillor Mike Kerford-Byrnes  
Banbury Easington – Councillor Nigel Morris  
Banbury Grimsbury and Castle – Andrew Beere  
Banbury Hardwick - Councillor Nicholas Turner  
Banbury Ruscote – Councillor Patrick Cartledge  
Bicester East – Councillor Rose Stratford  
Bicester North – Councillor Carol Steward  
Bicester South – Councillor Lynn Pratt  
Bicester Town – Councillor Diana Edwards  
Bicester West – Councillor Les Sibley  
Cropredy – Councillor Ken Atack  
Hook Norton – Councillor Victoria Irvine  
Kidlington North – Councillor Alaric Rose  
Kidlington South – Councillor Neil Prestidge  
Yarnton, Gosford and Water Eaton – Councillor Michael Gibbard

## Constitution of Political Groups

The Chief Executive reported that the constitution of the Council and political groups was now 43 Conservatives, 4 Labour and 3 Liberal Democrats.

The Chief Executive reported that the Group Leaders were: Councillor Wood, Leader of the Conservative Group and Leader of the Council; Councillor Sibley Leader of the Labour Group and Leader of the Opposition and Councillor Emptage Leader of the Liberal Democrat Group.

## Deputy Leader of Council and Allocation of Lead Member Responsibility

The Leader of the Council reported that he had reappointed Councillor Reynolds as Deputy Leader of the Council and allocated lead member responsibilities as follows:

Leader of the Council	Councillor Wood
Deputy Leader of the Council	Councillor Reynolds
Lead Member for the Environment	Councillor Macnamara
Lead Member for Planning	Councillor Gibbard
Lead Member for Housing	Councillor Pickford
Lead Member for Customer Services	Councillor Turner
Lead Member for Estates	Cllr Bolster
Lead Member for Change	Cllr Morris
Lead Member for Financial Management	Cllr Atack
Lead Member for Banbury Brighter Futures	Cllr Donaldson

## Allocation of Seats to Proportional Committees

	TOTAL	CON	LAB	LD
Overview & Scrutiny Committee	12	10	1	1
Resources and Performance Board	12	10	1	1
Planning Committee	18	16	1	1
Personnel Committee	12	10	1	1

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Licensing Committee	12	10	1	1
Appeals Panel	10	9*	1	0*
Accounts, Audit and Risk Committee	8	7	1	0
Joint Personnel Committee	5	4	1	0
Joint Appeals Committee	3	2	1	0
Proportional Total by Committee	92	77	9	6
Aggregate Entitlement	92	78	9	5
Adjustment Required		+1	0	-1

The Leader of the Liberal Democrat Group had indicated to the Interim Chief Executive that the seat to be nominated to the Conservative Group was on the Appeals Panel. The figures above marked by an asterisk take account of this adjustment.

**Allocation of Seats to Non-Proportional Committees**

	TOTAL	CON	LAB	LD
Standards Committee	8	6	1	1
Council and Employee Joint Committee	12	10	1	1
Joint Arrangements Steering Group	5	4	1	0

**Committee Membership**

**Accounts, Audit and Risk Committee**

Membership

Conservative (7)	Labour (1)	Liberal Democrats (0)
Cllr Clarke	Cllr Beere	
Cllr Ilott		
Cllr Kerford-Byrnes		
Cllr Stevens		

Cllr L Stratford		
Cllr R Stratford		
Cllr Wood		

Substitutes

Any member of relevant political group

### Appeals Panel

Membership

Conservative (9)	Labour (1)	Liberal Democrats (0)
Cllr Blackwell	Cllr Sibley	
Cllr Clarke		
Cllr Edwards		
Cllr Holland		
Cllr Illott		
Cllr Macnamara		
Cllr O'Sullivan		
Cllr Webb		
1 vacancy		

Substitutes

Not applicable

### Council and Employee Joint Committee

Membership

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Atkinson	Cllr Cartledge	Cllr Rose
Cllr Cullip		
Cllr Hurle		
Cllr Mallon		
Cllr Mawer		
Cllr Pratt		
Cllr Steward		
Cllr Tompson		
Cllr Weir		
Cllr Wood		

Substitutes

Any member of relevant political group

### Joint Appeals Committee

Membership

Conservative (2)	Labour (1)	Liberal Democrats (0)
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Cllr Blackwell	Cllr Cartledge	
Cllr Macnamara		

Substitutes

Conservative (1)	Labour (1)	Liberal Democrats (0)
Cllr Clarke	Cllr Beere	

**Joint Arrangements Steering Group**

Membership

Conservative (4)	Labour (1)	Liberal Democrats (0)
Cllr Atack	Cllr Sibley	
Cllr Macnamara		
Cllr Morris		
Cllr Wood		

Substitutes

Conservative (1)	Labour (1)	Liberal Democrats (0)
Cllr Turner	Cllr Cartledge	

**Joint Personnel Committee**

Membership

Conservative (4)	Labour (1)	Liberal Democrats (0)
Cllr Atack	Cllr Parish	
Cllr Irvine		
Cllr Reynolds		
Cllr Wood		

Substitutes

Conservative (2)	Labour (1)	Liberal Democrats (0)
Cllr Bolster	Cllr Sibley	
Cllr L Stratford		

**Licensing Committee**

Membership

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Blackwell	Cllr Beere	Cllr Rose
Cllr Edwards		
Cllr Gibbard		
Cllr Hallchuchr		
Cllr Ilott		

Cllr Mallon		
Cllr O'Sullivan		
Cllr Reynolds		
Cllr R Stratford		
Cllr Webb		

Substitutes

Conservative (3)	Labour (1)	Liberal Democrats (1)
Cllr Cullip	Cllr Parish	Cllr Emptage
Cllr Pickford		
Cllr L Stratford		

**Overview and Scrutiny Committee**

Membership

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Bonner	Cllr Sibley	Cllr Emptage
Cllr Heath		
Cllr Mallon		
Cllr Milne Home		
Cllr Pratt		
Cllr Prestidge		
Cllr Sames		
Cllr Stevens		
Cllr L Stratford		
Cllr R Stratford		

Substitutes

Conservative (3)	Labour (3)	Liberal Democrats (2)
Cllr Hallchurch	Cllr Beere	Cllr Rose
Cllr Holland	Cllr Cartledge	Cllr Williamson
Cllr Hughes	Cllr Parish	

**Personnel Committee**

Membership

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Atack	Cllr Parish	Cllr Rose
Cllr Bolster		
Cllr Hurle		
Cllr Irvine		
Cllr Kerford-Byrnes		
Cllr Reynolds		
Cllr L Stratford		
Cllr R Stratford		
Cllr Thirzie Smart		



Cllr Wood		
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Substitutes

Any member of relevant political group

### Planning Committee

Membership

Conservative (16)	Labour (1)	Liberal Democrats (1)
Cllr Atack	Cllr Parish	Cllr Emptage
Cllr Blackwell		
Cllr Clarke		
Cllr C Fulljames		
Cllr Gibbard		
Cllr Heath		
Cllr Hughes		
Cllr Hurle		
Cllr Kerford-Byrnes		
Cllr Macnamara		
Cllr Milne Home		
Cllr Pickford		
Cllr Reynolds		
Cllr Stevens		
Cllr L Stratford		
Cllr R Stratford		

Substitutes

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Billington	Cllr Sibley	Cllr Williamson
Cllr Bolster		
Cllr Edwards		
Cllr A Fulljames		
Cllr Hallchurch		
Cllr Mallon		
Cllr O'Sullivan		
Cllr Turner		
Cllr Wood		
1 Vacancy		

### Resources and Performance Scrutiny Board

Membership

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Ahmed	Cllr Cartledge	Cllr Williamson
Cllr Billington		
Cllr Cullip		
Cllr A Fulljames		

Cllr Mawer		
Cllr Steward		
Cllr L Stratford		
Cllr Tompson		
Cllr Webb		
Cllr Weir		

Substitutes

Conservative (3)	Labour (3)	Liberal Democrats (2)
Cllr Edwards	Cllr Beere	Cllr Emptage
Cllr Stevens	Cllr Parish	Cllr Rose
Cllr R Stratford	Cllr Sibley	

**Standards Committee**

Membership

Conservative (6)	Labour (1)	Liberal Democrats (1)
Cllr Blackwell	Cllr Beere	Cllr Williamson
Cllr Hallchurch		
Cllr Heath		
Cllr Hurle		
Cllr Macnamara		
Cllr R Stratford		

Substitutes

Conservative (6)	Labour (1)	Liberal Democrats (1)
Cllr Atack	Cllr Sibley	Cllr Emptage
Cllr Clarke		
Cllr Cullip		
Cllr Edwards		
Cllr O'Sullivan		
Cllr L Stratford		

**Meeting Attendance**

Council received and noted a report showing the attendances of Members at meetings during 2010/11.

**Joint Shared Chief Executive Delegated Powers**

The Interim Head of Legal and Democratic Services submitted a report which sought consideration of the draft joint shared Chief Executive delegated powers and the separate Returning Officer powers and agreement that these should be adopted as part of the constitution.

**Resolved**

- (1) That the joint shared Chief Executive delegated powers and the separate Returning Officer powers set out in the annex to these minutes (as set out in the minute book) be approved.
- (2) That it be confirmed that the Returning Officer powers should be set out in a separate table unattached to any specific position within either organisation.
- (3) That the powers be adopted with immediate effect and the Monitoring Officer be delegated to make any interim amendments needed to the existing Scheme of Delegation pending a full review of the two schemes following the appointment of the shared senior management team between South Northamptonshire Council and Cherwell District Council.

9 **Protocol for Dealing With Conflicts of Interest**

The Interim Head of Legal and Democratic Services submitted a report which sought consideration to amend, as necessary, and adopt a protocol which sets out the roles of officers and members and procedures for dealing with conflicts of interest arising out of the appointment of shared senior management posts serving both authorities

**Resolved**

- (1) That the protocol, set out at the annex to the minutes (as set out in the minute book) for dealing with the role of officers and members, and the proposed routes for dealing with possible conflicts of interest be agreed
- (2) That the protocol be adopted as part of the constitution of Cherwell District Council with immediate effect

10 **Appointment of Returning Officer and Electoral Registration Officer**

The Interim Head of Legal and Democratic Services submitted a report on the appointment of an Electoral Registration Officer and Returning Officer. The Leader of the Council advised Members that a similar report had been submitted to the Council meeting of 20 April 2011 at South Northamptonshire Council.

**Resolved**

- (1) That, in terms of the Representation of the People Act 1983 and all related legislation, and with effect from 1 June 2011, Sue Smith be appointed as Electoral Registration Officer for Cherwell District and South Northamptonshire Councils.
- (2) That, in terms of section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1 June 2011, Sue Smith be

appointed as Returning Officer for Cherwell District and South Northamptonshire Councils with authority to act in that capacity for elections to the Council and all parish and town councils within the area of both councils.

- (3) That the Electoral Registration Officer also be appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referendums.
- (4) That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with scale of fees approved from time to time by Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums.
- (5) That in all cases where it is a legal requirement or normal practice to do so, the Returning Officer may elect for such fees to be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done.
- (6) That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Councils are entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Councils, the Electoral Registration Officer and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Councils, Electoral Registration Officer or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, (provided that, in the case of the Officer such proceedings or invalidation arise from an act or omission which the Electoral Registration Officer or Returning Officer reasonably believes is within the Officer's powers); and
- (7) That, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Councils, through their internal insurance fund or otherwise, the Electoral Registration Officer and Returning Officer be indemnified up to the value of such excess.
- (8) That the Councils duty to provide support to the Electoral Registration Officer and Returning Officer be noted.

11 **Treasury Management Strategy**

The Head of Finance submitted a report that set out the strategy and policy framework for treasury operations for 2011/12 and outlined the Treasury Management Practices for 2011/12.

**Resolved**

- (1) That the Treasury Management Policy and Investment Strategy 2011/12 as recommended by Executive on 7 March 2011 be approved.

12 **Corporate Debt Recovery Policy 2011/12**

The Head of Finance submitted a report presenting the Corporate Debt Recovery Policy for approval. The policy set out the council's framework for providing a consistent 'fair but firm' approach to collecting debt ensuring that the council continues to maximise collection performance. The council at present had a record of collecting 99% of all Sundry Debt Income and 98%+ on collection fund debt.

**Resolved**

- (1) That the content and format of the Corporate Debt Policy as set out as an annex to the minutes, (as set out in the minute book) as recommended by Executive on 4 April 2011 be approved.

13 **Appointment of New Parish Representative to the Standards Committee**

The Interim Monitoring Officer submitted a report which sought confirmation of the appointment of Councillor John Coley as the new Parish Representative of the Standards Committee and to confirm that no substitute Parish Representatives be recruited at this time.

**Resolved**

- (1) That the appointment of Councillor John Coley as Parish Representative of the Standards Committee for an initial two year term be approved.
- (2) That the recommendation of the Standards Committee, that in light of the proposals in the Localism Bill to abolish the standards regime, no deputy Parish Representatives be recruited at this stage, be agreed.

14 **Standards Committee Annual Report 2010/11 and the Future of the Standards Regime**

The Interim Monitoring Officer submitted a report that presented the Standards Committee Annual Report 2010/11, which was approved by the Standards Committee on 21 March 2011. The report also advised Council of the recommendations agreed by the Standards Committee on the approach

Cherwell District Council should take in the light of the proposals in the Localism Bill relating to the Standards Board regime.

**Resolved**

- (1) That the contents of the Standards Committee Annual Report 2010/11 be noted.
- (2) That the Interim Monitoring Officer be delegated to update the Standards Committee Annual Report 2010/11 in light of any further announcements about the Standards Board regime by the Government prior to the publication of the Annual Report.
- (3) That the recommendations agreed by the Standards Committee on the approach Cherwell District Council should take in light of the proposals in the Localism Bill relating to the Standards Board regime, namely that the Standards Committee be abolished and responsibilities transferred to the Accounts Audit and Risk Committee, that a voluntary code of conduct be adopted and limited support continue to be given to the parish councils be noted.

The meeting ended at 7.40 pm

Chairman:

Date:

## **Scheme of Delegation for the Shared Chief Executive**

This post is the Head of Paid Service and has responsibility for the overall management of the staff who work for Cherwell and South Northamptonshire Council under section 4 of the Local Government and Housing Act 1989. This post is responsible for ensuring the proper use of evaluation systems for determining what staff are paid and reporting as and when required by either authority on the number and grade of staff required.

### **Emergencies**

If Cherwell and/or South Northamptonshire need to act urgently in any matter (including without limitation, complying with the Emergency Plan, the Business Recovery or Business Continuity Plan or taking any action under new legislation) the Chief Executive may authorise any action taken or expenditure incurred as necessary.

If the Chief Executive is unwell, unobtainable, has an inability to act or where there is no Chief Executive in post a Director may act in their absence. In the absence of any Director any Head of Service may act.

The Chief Executive, Director or Head of Service may delegate responsibility to another nominated officer where appropriate.

All such action shall be reported to the relevant committee, Executive or Council as may be appropriate at the earliest opportunity.

### **Release of Information**

Determination of appeals/review requests from people dissatisfied with a decision not to release Council held information

### **Suspension or dismissal**

The suspension or dismissal of a Director or Head of Service subject to consultation with the [Head of People and Improvement (CDC)/Human Resources Manager (SNC)] and the Monitoring Officer. If the suspension or dismissal is of either of these two posts external professional advice will be sought. No dismissal of the Monitoring Officer or the Section 151 Officer can take place in the absence of an investigation report carried out by a designated independent person.

### **Anti Social Behaviour**

Taking action under the Anti Social Behaviour Act 2003, including the making of statutory orders, where the Chief Executive is specifically named as the relevant Council Officer within the Act.

## **Scheme of Delegation for the Returning Officer**

- Authority to take such action and make such decisions as are necessary as Electoral Registration Officer and Returning Officer/Acting Returning Officer (for Parliamentary and European elections)/Deputy Returning Officer (For County Council elections)/Counting Officer (for referenda).
- Assigning officers in relation to requisitions of the Electoral Registration Officer
- Providing assistance to the Returning Officer at Parliamentary, European and County Council elections and to the Chief/Regional Counting Officer for referenda
- Power to fill vacancies in the event of insufficient nominations and make temporary appointments to Parish Councils
- Declaring vacancies in office in certain cases and giving notice of casual vacancies
- Consulting on proposed changes to the scheme of elections
- Duties relating to providing notice to the Electoral Commission and relating to publicity

Version five 04.03.2011



## **The Respective Roles of Members and Officers and Dealing with Conflicts of Interest**

### **Introduction**

Cherwell District Council (CDC) and South Northamptonshire Council (SNC) have created a shared senior management team and, subject to the acceptance by both Councils of business cases, intend to create shared teams below this level in the future.

Shared officers will be dividing their time on an equal basis between the two authorities (although peaks of work in one or other Council may result in short term variations from this) and will at all times act in the best interests of both authorities. Underpinning this is an acknowledgment that where a smaller number of senior officers will be serving two organisations, there will be a need to reflect this new set of circumstances in the way in which officers have to operate.

The members of the two authorities need to be sensitive to this change with regard to the respective roles of officers and members. In particular all members and officers need to be aware of the action to be taken when there is an actual or potential conflict of interest in acting for both authorities.

Having a protocol of this nature is a requirement of the Section 113 agreement between the two councils. This protocol also addresses a requirement arising from the SNC Annual Audit letter for 2009/10.

### **The role of Members**

The full Council in both authorities is collectively responsible for setting Council policy within the defined policy framework. Both authorities state their intention to remain sovereign bodies under the Section 113 agreement of December 9<sup>th</sup> 2010 but in setting their own Council policy they will have regard to the views and policies of the other authority and will endeavour to avoid adopting any policy which explicitly and overtly contradicts the policy of the other authority.

CDC has established an Executive to bring forward the delivery of its agreed policies. Members of the Executive are both collectively and individually accountable for carrying through the Council's policy objectives. SNC has established a Cabinet to bring forward the delivery of its agreed policies and members of the Cabinet are collectively (but not individually) accountable for carrying through the Council's policy objectives.

At neither authority are members directly involved in the day to day provision of services to the public but members of the Executive/Cabinet will have a close involvement with officers in dealing with the effectiveness of service provision. It is recognised that on occasion this may result in the need for

immediate contact with officers but where practicable such contact will be on a managed basis. In order to make best use of officer and member time, there will be mutually managed contact between Executive/Cabinet members and officers on service provision where members pursue matters on behalf of their constituents.

As only Executive/Cabinet portfolio holders have executive authority/responsibilities as members all other members will need to pursue matters with the appropriate portfolio holder or officer through a managed approach. A portfolio holder at CDC may issue instructions to a director or head of service on matters within their own portfolio, and within the CDC scheme of delegation of the relevant constitution, but in doing so must be aware of any possible conflict in policy, or budget, or time available arising from the sharing of that officer between two authorities. At SNC, where portfolio holders are not vested with individual decision taking power, such instructions can only be given by the Cabinet collectively but the same principles and approach will be followed.

A portfolio holder at CDC may not issue instructions below head of service level.

No member (portfolio holder or otherwise) should become involved in the day to day management or operation of the department, which shall be the responsibility of the head of service.

### **The role of Officers**

Officers are equally accountable to the Council and the Executive/Cabinet. All shared officers are equally accountable to both Councils and to CDC's Executive and SNC's Cabinet.

Officers are professional advisers on policy and carry out the instructions of the Council and the Executive/Cabinet as well as exercising powers that are delegated to them and taking operational decisions within their areas of responsibility. The possibility of conflict between the Councils arising from those policies and instructions should be minimised by identifying from the outset where potential conflict might arise and referring, if necessary, such conflict through the dispute resolution mechanism in the Section 113 agreement.

### **How these roles work in practice**

Decisions on matters relating to each Council's policy framework are taken by members at meetings of full Council, usually after having considered the recommendations of the Executive/Cabinet or appropriate Committee which in turn considers the recommendations of the officers.

Decisions on policy matters within the relevant Council's policy framework are taken by the Executive or the relevant portfolio holder (at CDC) or Cabinet (at SNC) having considered the recommendations of officers.

The Councils each have an adopted scheme of delegation. These schemes set out what is delegated to which body or officer, either conditionally or unconditionally. The Councils can each review their scheme of delegation at any time to ensure decisions are being taken at the appropriate level. The process of delegation ensures that members are not overloaded with relatively less important matters and can concentrate on important policy issues and the effectiveness of service provision and continuous improvement in service. Members who are not portfolio holders have an important role in representing the views of their constituents and ensuring through scrutiny that the Council's policies and plans are effectively delivered. Some members (portfolio holders and otherwise) have roles on regulatory committees dealing with matters such as planning and licensing.

To minimise the possibility of any conflict of interest, or defect in process, the schemes of delegations of the two authorities should be harmonised so far as possible. Where differences need to remain there should be a clear business case for this.

It is recognised that there may be rare occasions in a regulatory context where it is not possible to reconcile the interests of both Councils with their respective legal responsibilities. Such conflicts shall be managed by ensuring that relevant officers in each Council are ring fenced from each other to ensure that due regard is taken of each Council's regulatory duties and the need for certain matters to remain confidential to one or other Council.

### **Statutory requirements**

The Councils derive their powers from statute. Some of these are mandatory (i.e. the Councils must do them) and some are discretionary (i.e. the Councils may carry them out if they wish). In all cases members and officers of both authorities may only operate within the law.

Both Councils must have a Head of Paid Service, a Monitoring Officer and a Section 151 Officer. These officers are part of the shared senior management team and have an obligation to act in the best interests of both authorities.

If any of these statutory posts consider that there is a conflict of interest within their area of responsibility which is affecting the ability of either, or both, Councils to function effectively the most appropriate statutory officer may take a report to both full Councils setting out the conflict of interest and proposals for resolution.

### **Summary**

Members are responsible for setting Council policy.

Officers are responsible for advising members on the setting of Council policy and for ensuring such policy is implemented.

The scheme of delegation determines which body or person deals with particular matters, and at which level decisions are taken.

The day to day management and operation of services is the responsibility of officers.

Where officers are dividing their time equally between two authorities members need to have regard to less time being available for their authority alone and the need to manage contact with officers to ensure the optimum use of both member and officer time.

If conflicts arise in relation to the respective regulatory duties of each Council steps will be taken to ensure the ring fencing of officers at each Council and the confidentiality of information as necessary.

Otherwise, where there is actual or potential conflict there are three routes depending on the nature of the conflict,

1. agree to pay for appropriate external support to advise either or both authorities.
2. refer the issue through the dispute mechanism in the section 113 agreement
3. the most appropriate statutory officer may refer the matter to either or both full Councils for resolution.

# CHERWELL DISTRICT COUNCIL

## CORPORATE DEBT POLICY

***Summary of policy :***

*This policy details the principles to be adopted by the Council when undertaking the collection of debt from both citizens and businesses.*

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## **1.1 INTRODUCTION**

The Policy has been developed to help meet the Council's Corporate Plan priorities, particularly in respect of an accessible, value for money council.

The Corporate Debt Policy will be supported by other key players and agencies including: The Council's Customer Services Team, Banbury & Bicester Citizens Advice Bureau (CAB), and Capita.

The policy will be subject to an annual review.

## **1.2 THE NECESSITY AND OBJECTIVES OF THE POLICY**

The Council's debt recovery policy has the following objectives:

"In order to maximise income for the provision of services, Cherwell District Council's Corporate Debt Recovery Team will collect all debt owing to it promptly, effectively, efficiently and economically, while ensuring fair treatment to all debtors."

## **1.3 PURPOSE – WHY HAVE A CORPORATE DEBT POLICY?**

Cherwell District Council is required to collect monies from both its citizens and businesses for a variety of reasons.

In undertaking this collection function it is inevitable that the Council will be required to pursue the recovery of arrears from persons and or businesses that may experience difficulty in paying such accounts. An agreed policy of how the Council manages and collects debts is key therefore in ensuring consistency and best practice in such situations.

The Corporate Debt Policy identifies where responsibility for collection of different debts lie, and sets out the principals and standards in relation to contact , recovery process, repayments and benefit / money advice.

Integral to the policy is the provision of support mechanisms and practices to all customers. It details the approach to collecting debt in Cherwell and also provides practical help, advice and support in the management of multiple debts.

The policy sets the framework for a consistent and sensitive approach to collecting debt whilst at the same time ensuring that the Council continues to maximise collection performance.

This policy covers all debts owed to the Council

Including:

- Council Tax
- Benefit overpayments
- Business Rates (NNDR)
- Sundry debts, e.g. unpaid fees and charges
- Excess Charge Notices.

## **1.4 HOW IS IT TO BE USED?**

This policy will apply to all Council departments. Some of the citizens of Cherwell may have multiple debts with the Council. The policy does not prejudice any legal action that the Council may wish to take.

It seeks to be "fair but firm" and the full range of collection and recovery methods will be used as appropriate if debts are not paid. The policy works within and takes account of relevant legislation e.g. on Data Protection, Human rights etc.

The Council will apply this policy and provide the same level of service at the initial enquiry stage. However, each service will apply its' own procedures and processes in recovery of the debt.

### **1.5 POLICY OBJECTIVES – WHAT ARE WE TRYING TO DO?**

The aims of this policy are to:

- Ensure a professional, consistent and timely approach to recovery action across all Council functions
- Help minimise debts to the Authority
- Promote a co-ordinated approach to sharing debtor information and managing multiple debts owed to the Council.
- Ensure that individual and exceptional circumstances are given due consideration when pursuing debts
- Ensure that debts are managed in accordance with legislative provisions and best practice
- Treat individuals consistently and fairly, regardless of age, sex, gender, disability and sexual orientation and to ensure that individual's rights under data protection and human rights legislation are protected.

### **1.6 CONTACT WITH CUSTOMERS**

We will strive to improve contact with customers by:

- Encouraging the customer to make early contact with our customer services team in respect of debt related matters
- Using plain English techniques in written letters and documents
- Coordinating publicity and marketing campaigns
- Promoting advice and support services

### **1.7 WHAT DOES IT COVER?**

The policy covers the following:

- How people can access advice and support
- How ability to pay will be assessed
- How information may be shared
- How the Council uses collection and other external agencies
- How we will conduct personal visits to debtors
- How we will deal with irrecoverable debts
- Corporate approach for dealing with customer credits
- The Council's Corporate Complaints Procedure
- What procedures are used
- Arrangements for policy review and impact monitoring

### **1.8 SCOPE OF THE POLICY**

#### **1.8.1 Access, Advice and Support**

Where appropriate, documentation will advise customers where to get help and advice about benefits and debt problems. This will normally include information about local Citizens Advice Bureau's and other free debt advice centres. Similarly, where appropriate, information about claiming Housing Benefit and Council Tax Benefit will be included with arrears letters. In this respect, the Council will make every effort to advise people of their right to apply for benefit assistance, including pro-active take up campaign as appropriate. The Council recognises the importance of bringing such matters to the attention of individuals at the earliest opportunity.



The Council will also advise individuals / businesses as to the range of other discounts, reliefs and reductions available at both the time an account is issued and in subsequent communications.

Staff in personal contact with customers (e.g. in the Contact Centre, Link points, visitors and other enquiry staff) will signpost them as to where they can obtain advice on benefits and debt matters appropriate to their needs.

We will ensure that all written communications uses language appropriate to the intended recipient and that plain English is the standard wherever possible. We will explain complex terminology when it is required to be used by law. All documents will be issued in a timely manner, in accordance with statutory deadlines where appropriate and will explain the legal options open to the Council to collect debts in a factual manner, taking into account the stage of recovery achieved.

### **1.18.2 Assessment of Ability to Pay**

The Council, in pursuing debt recovery, will act in accordance with statutory regulations and advice issued by professional bodies, external auditors etc.

In terms of efficiency and effectiveness, experience shows that as a general rule, collection is maximised by pursuing debts on an individual basis in a timely manner. In addition, the existence of different recovery legislation in relation to Council Tax, Housing Benefits, Sundry Income etc, tends to support this approach.

Where it is apparent that a customer is unable to pay an account, or a number of like accounts as requested, then the aim will be, to agree an arrangement to pay (where appropriate), which takes into consideration the specific circumstances of the customer.

Ability to pay will be based on the disposable income in proportion to the level of debt, the extent of debts owing to the Council. The initial intention of arrangements to pay will be to clear the debt(s) as soon as possible and as a rule of thumb, the minimum position as far as the Council is concerned, should be that an individuals indebtedness to the Council does not worsen.

In practice this may mean ensuring that the current or most recent account is cleared, while making the maximum contribution to clearing other debts.

Staff will always seek to make realistic arrangements to clear outstanding amounts by regular payments, in preference to taking legal action for recovery.

A financial statement may be required to support a request for an arrangement. This will be a list of the customers' household income and expenditure. Documents to support the information contained in the financial statement may be requested and required before an arrangement can be agreed.

A financial statement can be completed with the help of an independent agency such as the Citizens Advice Bureau.

Persons in multiple arrears will be offered the opportunity to discuss the debt with a member of the Corporate Debt Recovery Team.

## **2.0 INFORMATION**

### **2.1 PROVISION OF:**

In addition to detailing the amount payable and a description of the charge, the Council will include the following information on all accounts:-

- (a) The payment options available.
- (b) A contact number for queries in relation to the accuracy of the account.
- (c) A contact number for discussing payment arrangements where the customer has difficulty in paying the amount requested on the account.

Wherever possible the contact number in (b) and (c) will be the same.

Where it is necessary to issue recovery documentation (e.g. a reminder or summons) following non-payment of an initial account, or because an instalment arrangement has not been adhered to, then the Council will include the information detailed above on such documents.

The Council will wherever possible provide information to meet specific communication needs in the following formats: -

- (a) Braille
- (b) Large Print
- (c) Audio Tape
- (d) Community Languages
- (e) Electronic format

In meeting individual needs the Council will, where practical, ensure that individual preferences are documented so that ongoing and future correspondence can be delivered in the preferred format.

The Council will ensure that wherever possible arrangements are in place to offer an interpretation service from our Link Points and over the telephone to assist persons whose first language is not English.

Correspondence with customers will refer to and deal with all / or similar accounts outstanding wherever possible.

### **2.3 SHARING OF:**

The Council will ensure that all computer systems used to bill and recover monies, satisfy statutory requirements and offer the full range of recovery options to be pursued.

Staff involved in the collection and recovery of accounts will be given appropriate training in the use of the various computer systems as required.

Subject to any limitations imposed by the data protection act and human rights legislation, access to debtors' information contained on different systems will be made available, in order that an individuals full indebtedness can be established and properly dealt with.

In order to be successful and ensure consistency, it is necessary to establish good working practices across Council Departments, statutory and voluntary agencies, and all service providers when dealing with multiple debts.

Partner organisations should have in place policies and procedures, to ensure compliance with data protection principals, appropriate customer service standards and investigating customer complaints.

## **2.4 USE OF OTHER AGENCIES**

Cherwell district Council, on successfully taking court action against a debtor, is empowered to enforce payment through a number of statutory remedies, including powers which impact on a person's possessions or liberty e.g. the right to seize goods, to request imprisonment etc and will apply the most appropriate remedy.

One of the remedies is Levy of Distress, which Cherwell District Council exercises through the use of an external Enforcement Agency.

To ensure effective, consistent and appropriate application of Distress, Cherwell District Council's appointment of Enforcement services is through contractual agreement, including a detailed Code of Conduct which the enforcement officers must follow.

The Council will ensure that these more 'severe' powers for example removal of goods, will only be used when all other reasonable methods have failed and where all appropriate internal and statutory processes have been properly followed.

## **2.5 EXCESS CHARGE NOTICES (ECN)**

The Corporate Debt Recovery Team will be responsible for the recovery of unpaid ECN's once cases are passed from Parking Services and will take legal action if required. Cases will be sent in the first instance to Collection agents working on behalf of Cherwell District Council. Should this prove to be unsuccessful cases will be evaluated and court action will be considered.

## **2.6 VISITING CUSTOMERS**

The Recovery Team Leader or Senior Recovery Officer may undertake visits to persons / businesses in arrears in order to resolve accounts outstanding.

All staff or third parties making such visits will act in accordance with the relevant policies.

The Council will make every effort where possible to co-ordinate visits to debtors so that where appropriate, different debts owed by the same individual / business can be addressed at the same time.

## **3.0 WRITE OFF POLICY**

### **3.1 WHEN WRITE OFF MAY BE APPROPRIATE**

It will be necessary to write off irrecoverable debts in a variety of circumstances and these can be broadly summarised below. Although the amount of the debt would normally dictate the amount of time and resource allocated in trying to collect the various debts, in the circumstances shown below the debt may be written off irrespective of the amounts involved. Each heading is detailed below explaining actions that will be taken by the Council.

### **3.2 REASONS FOR WRITING OFF A DEBT:**

- The debt is not cost effective to pursue taking into consideration the recovery effort already undertaken. The Council will consider writing off a debt where it would cost more to recover the debt than the value of the debt itself. In the instance of Housing Benefit overpayment the Council will maintain a record of the debt and, should the debtor reclaim benefit, consider instigating recovery procedures.
- The debt is time barred under the Limitation Act.
- The debtor can not be traced – where internal and external tracing procedures have been exhausted.
- The debtor is deceased and confirmation has been received that no money is recoverable from the estate.
- The court has requested that the debt be remitted.

- The debtor's age health or other social factors make it inappropriate to pursue the debt.

Criteria to take into account when considering writing off of a debt.

Each case must be treated on its merits. Further guidance is given below on the treatment of these categories. It should be remembered that debt could be resurrected if for example, an absconder should reappear after the debt has been written off.

Small value, non-recurring debts below £50, after all appropriate recovery action has been attempted.

Debt below £500 for Council Tax & £1000 for NNDR and over 4 years old and no contact has been made with the debtor during this time.

Debts which are uneconomical to collect or where it is considered inappropriate to continue with legal or recovery action due to individuals known personal or financial circumstances. E.g. elderly or mentally impaired and suffering from hardship with non-attachable benefits.

Debts where a company has ceased to trade leaving no assets.

Debts that cannot be legally enforced e.g. statute barred.

Local Authority errors and exercising discretion not to recover a recoverable overpayment.

The Council will consider writing off debts based on the customer's personal, medical or financial circumstances. These would normally have to be considered exceptional or severe before a write off will be agreed.

These criteria can apply, regardless of how the debt arose, although the category may contribute to a decision on whether or not to write off a debt. (E.g. it may not be appropriate to write off a debt, which has arisen due to fraud even if other criteria have been met.)

The customer is under severe emotional distress (e.g. bereavement) and likely to remain so for the foreseeable future. It might be appropriate to consider deferring recovery in some circumstances. Write off may also be considered for Housing Benefit overpayment if the customer was under severe emotional distress at the time that she/he failed to disclose information.

The customer suffers severe ill health. This is also likely to lead to emotional distress and financial hardship.

The customer is declared bankrupt (although recovery from ongoing Housing Benefit can still proceed regardless of bankruptcy). If it is the Council who is making the customer bankrupt, then the Overpayment will be included in the proceedings.

The customer has died. If we are aware of the existence of an estate or we know of capital that would cover the debt, then recovery should be sought. We do not expect a partner or relative to repay out of their own funds. Considerable sensitivity is needed in these cases.

These examples are not exhaustive and are guides rather than rules. It may be appropriate to recover from a customer who suffers from ill health, but, for example, has considerable capital.

### **3.3 CUSTOMER REQUESTED WRITE OFF (SUBJECT TO MEETING ONE OF THE ABOVE CRITERIA)**

Requests for write off must normally be in writing and signed by the customer or their authorised representative and are retained in DIP. In exceptional circumstances a formal written submission from the customer may not be required but there must be a written record in the Document Imaging system containing the necessary details. For example a member of staff may receive a telephone call and due to the exceptional personal circumstances of the customer it may be decided not to insist on written confirmation.

### **3.4 WRITE OFF RECORDING AND PROCESSING**

Debts over £2,500 (C/Tax) £5,000 (NNDR) considered for Write off should be recorded and presented in a report.

Reports will be prepared by the Corporate Recovery Team and presented in the first instance to the Recovery Team Leader for checking.

The report will detail:

- The name and last known address of the debtor.
- The reference number if applicable.
- The date the debt was raised.
- The initial debt figure.
- The balance outstanding.
- The reason for requesting write off and recovery action to date– based on the categories in this policy.

### **3.5 WRITE OFF LIMITS**

#### **3.5.1 Revenues**

<b>Post Holder</b>	<b>Limit for write-offs</b>	
	<b>Council Tax</b>	<b>Business Rates</b>
Portfolio Holder	Exceeding £10,000	Exceeding £10,000
Head of Finance	Up to £10,000	Up to £10,000
Service Assurance Technical Specialist –Local Taxation & NNDR	Up to £2,500	Up to £5,000
Service Assurance Officer	Up to £500	Up to £500

#### **3.5.2 Housing and Council Tax Benefits**

<b>Post Holder</b>	<b>Limit for write-offs</b>
Portfolio Holder	Exceeding £10,000
Head of Finance	Up to £10,000
Service Assurance Technical Specialist – Benefits	Up to £2,500
Service Assurance Officer	Up to £500

### 3.5.3 Sundry Debts

The debt will be referred back to the departments as a recommendation for write off. Once the recommendation is accepted in accordance with each departments own limits the debt will be written off in accordance with the following limits.

Post Holder	Limit for write-offs
Portfolio Holder	Exceeding £5,000
Head of Finance	Up to £5,000
Technical Accountant	Up to £1,000
Recovery Team Leader	Up to £500

### 3.5.4 Excess Charge Notices

The debt will be referred back to the Vehicle Parks & Town Team Leader as a recommendation for write off. Once the Recommendation is accepted in accordance with the departments own limits, the debt will be written off in accordance with the limits below.

Post Holder	Limit for write-offs
Portfolio Holder	Exceeding £5,000
Head of Finance	Up to £5,000
Technical Account	Up to £500
Recovery Team Leader	Up to £250
Senior Recovery Officer	Up to £100

No debt should be written off unless the authorising officer is satisfied that all the steps detailed in the write-off policy and guidance documents have been taken to trace the debtor and/or obtain payment.

The Head of Finance has delegated authority to write off bankruptcies and insolvencies and has authorised the Client Team Manager, The Service Assurance Technical Specialists and the Corporate Recovery Team Leader to perform these duties on their behalf.

## **4.0 CREDITS**

Cherwell District Council will develop a corporate approach to refunding credits, in that where ever possible; checks will be made for other outstanding debts to the customer, prior to a refund being made.

Where other debts are identified, it may be necessary to obtain the customer's permission, prior to a credit transfer.

## **5.0 COMPLAINTS**

The Council will endeavour to resolve problems in relation to debt collection at an early stage, in an informal manner.

Where this is not possible, debtors will be advised of the Corporate Complaints Procedure, should they wish to take the matter further.

To access the Corporate Complaints Procedure please visit the following web page:  
[Cherwell District Council - Compliments & complaints](#)

## **6.0 WHAT PROCEDURES WILL BE USED**

Cherwell District Council will develop a consistent “first contact” procedure in respect of information given to customers making a debt enquiry. All customers will be informed of the options available to manage their debt(s) and of the relevant service providers who may be able to offer assistance.

Cherwell District Council has established comprehensive procedures documents for the pursuance of debt.

## **7.0 POLICY REVIEW AND MONITORING**

The Corporate Debt Policy and its effectiveness will be monitored. This will be carried out by the Corporate Debt Recovery Team, which will meet regularly to discuss any problems and issues that have resulted from the policy.

The Corporate Debt Policy will be reviewed annually. This will enable it to be updated where necessary and take account of changes in legislation.

New approaches and ways of working will inevitably be introduced and the Corporate Debt Policy will need to be adapted to take these into account.

## **8.0 THE POLICY IN OPERATION**

### **8.1 We will take practical steps to:**

- Raise awareness of debt with customers
- Identify how much / how it has occurred
- Raise awareness of the implications of non-payment

### **8.2 For those who can pay:**

- We will provide information on how to pay by advising on methods, payment frequencies and at which locations people can pay
- The Council will encourage automated payment methods wherever possible, this being the most cost efficient option
- The Council will make arrangements for the payment of accounts outside of traditional office hours and through internet technology, 24 hours a day, 7 days a week
- Wherever practical the Council will request payments in advance so as to maximise cash flow and to minimise the necessity to issue accounts requiring collection, which in turn will minimise the opportunities for debt to arise
- The Council will make available the use of electronic forms.

### **8.3 For those who can't pay**

- We will advise what happens if debts are not paid
- We will inform who can give help / advice
- We will encourage people to get help from a range of sources
- We will make referrals to appropriate agencies

## **8.4 Our approach will be**

- A supportive approach to debt recovery with a pro-active referral process where possible. We will deliver a service which meets the needs of each individual and sign post to other support agencies including the CAB.
- Whilst the Council will ensure that arrears are pursued in a timely manner, it does recognise that certain individuals will require more sympathetic and sensitive treatment e.g. in the case of recent bereavement, major illness or where the customer requires special assistance in handling their financial affairs.

## **9.0 WHAT SERVICES WILL CUSTOMERS RECEIVE?**

In determining how customers can best be supported and encouraged to address debt issues, it is important that service provision at the first point of contact is delivered in a sensitive way.

Once a customer has made contact it is imperative that he / she is referred on to the most appropriate source of debt management support.

On initial contact with Cherwell District Council, customers will be informed of the options available to manage their debt(s) and of the relevant service provider. Where appropriate, customers will be informed of debt advice and support services available to them outside the Council.

Customers presenting with a single debt will be able to make a payment or where the debt cannot be cleared, a realistic agreement to pay via the first point of contact.

## **9.1 WHAT SERVICE WILL CUSTOMERS WITH MULTIPLE DEBTS RECEIVE?**

Customers presenting with multiple debts need to believe that there is a solution to their debt problems and should be actively encouraged to share with staff, information on all monies owed, in order for the most appropriate referral to be made.

The Policy does not promote a “one size fits all” approach, but rather looks to work with the customer to take agreed steps to help address multiple debts.

To this end, the response to debt recovery will vary as different solutions will be needed to address the far ranging complexity of cases etc.

The provision of individual responses will also take into account diversity and exclusion issues. Support will be offered including access to interpreters for customers whose first language is not English, ensuring staff attending appointments are able to address the individual customer’s needs. Where requested the provision of supporting information for customers will be made available in an appropriate format, e.g. large print, Braille or audio.

Where practicable, we will also require our partners to ensure the same level of service is provided and encourage other agencies to mirror our approach to diversity and inclusion issues.

## **10.0 RELATIONSHIPS WITH THIRD PARTIES**

### **10.1 Enforcement Agents**

Cherwell District Council’s Corporate Debt Recovery Team uses Bristow & Sutor, an external enforcement company to act on Liability Orders that have been obtained at the Magistrates Court against non-payers. The enforcement agents are instructed to act against debtors who have not made a satisfactory arrangement for payment, or who have not provided financial details to enable an attachment of earnings or a deduction from benefit to be set up. They are also used as collection agents for the collection of Sundry debts, Housing Benefit Overpayments and Excess parking notices.



Enforcement agents, where instructed will be required to work at all times within agreed guidelines and Code of Practice; the efficiency and effectiveness of them will be monitored and appropriate action taken if required.

You can find out more about Bristow & Sutor at [www.bristowsutor.co.uk](http://www.bristowsutor.co.uk)

## **10.2 CAPITA**

Cherwell District Council uses Capita to deal with the Revenues & Benefits functions.

The Corporate Debt Recovery Team will liaise with The Service Assurance Team to ensure that any errors are recorded and are reported back to Capita in a timely manner. Regular meetings between representatives from Capita, The Service Assurance Team, Customer Services and the Corporate Debt Recovery Team will be held to ensure that all parties can discuss and resolve any outstanding issues.

A Service level agreement is in place between Capita and The corporate Debt Recovery Team. This agreement is signed by both parties and is subject to an annual review.

The Corporate Debt Recovery Team will provide:

- Direct contact points
- Training and briefing sessions when requested
- Produce training material and procedure notes when requested

## **10.3 Citizens Advice Bureau**

The Corporate Debt Recovery Team has strong links with the Banbury & Bicester CAB. They work closely together to ensure the best possible advice and help is offered to the residents of Cherwell.

The Corporate Debt Recovery Team will provide:

- Direct contact points
- Training and briefing sessions when requested
- Produce training material when requested

You can find out more about the CAB at [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## **10.4 Customer Services Team**

The Corporate Debt Recovery Team will work closely with the Council's customer services team to ensure the best possible service to the residents and businesses of Cherwell.

The Corporate Debt Recovery Team will provide:

- Direct contact points
- Training and briefing sessions when requested
- Produce training material and procedure notes when requested

## **11.0 PRIORITY DEBT**

There are many types of debt, but those considered as "priority" debts are those debts owed to creditors who can take the strongest legal action against an individual who does not pay.

It isn't the size of a debt that makes it priority but what creditors can do to recover their money.

Individuals are often but not always aware of the consequences of failure to pay and frequently pay to whoever shouts the loudest.

The procedures supporting this policy would ensure customer awareness of what priority debts are.

### **11.1 THE POLICY IDENTIFIED THE FOLLOWING AS EQUAL PRIORITY DEBTS:**

- Rent arrears – as it can result in eviction.
- Mortgage arrears – as they can result in repossession.
- Council Tax – as it can result in bailiff action, attachment of earnings / benefits, bankruptcy.
- Imprisonment or loss of home.
- Other secured loans – as they can result in loss of home.

### **11.2 OTHER PRIORITY DEBTS**

- Income Tax and VAT – as they can result in bankruptcy or imprisonment
- County Court Judgements - can result in bailiff action, Attachment of Earnings or bankruptcy
- Fines or Compensation / Costs Orders – as they can result in imprisonment
- Maintenance / child support – as it can result in repossession of goods or even imprisonment
- Hire purchase – will be considered essential if, for example it is for the purchase of a car needed to get the owner to work.
- Water Rates – as it can result in bailiff action
- Business Rates – as it can result in bailiff action, bankruptcy or imprisonment
- Benefit overpayments – as it can result in deductions from on-going rent / benefits
- Maintenance or child support – as it can result in bailiff action or imprisonment
- Penalty Charge Notices (parking contraventions) - can result in bailiff actions

The following are considered non priority debts: Credit / store cards, unsecured personal loans, bank overdrafts, credit / interest free / hire purchase agreements, catalogue debts and money borrowed from family and friends.

### **12.0 BAD DEBT PROVISION**

The Head of Finance in conjunction with Service Accountants must ensure there is adequate provision for bad debts, in accordance with CIPFA's Code of Practice on Local Authority Accounting in United Kingdom – A Statement of Recommended Practice.

The Corporate Debt Recovery Team will ensure that, where there is little or no likelihood of receiving payment, the invoice is flagged as a potential bad debt. If income is received, the Team will 'un-park' the invoice and revert to original status.

### **13.0 PERFORMANCE MONITORING AND REPORTING OF DEBT**

Targets for the collection of Council tax, Business rates, Housing benefit overpayment and sundry debt collection are set at the start of each financial year.

Each month a comprehensive summary report of the Council's debt position and performance will be issued to the Head of Finance and relevant members.

### **14.0 GLOSSARY**

Safe working practice note No 50, personal safety at work policy - This covers working alone / outside visits.

The Council's Constitution - Heads of service have delegated powers for writing off of bad debt up to £5,000 and arrears for council tax and business rates up to £10,000. Any write off above that limit must be an individual portfolio holder decision.

NNDR - National Non Domestic Rates – Business Rates

DIP - Document Imaging system – The system that is used by Cherwell District Council to store all documents and can be accessed by authorised users.