

Corporate Debt Recovery Policy

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1.0 Introduction

- 1.1 This document details the Council's policies on the billing, collection and recovery of all monies due to the Council.
- 1.2 Sums due to the Council can be a mixture of statutory and non-statutory charges. The methods for billing and recovery of the statutory debts are tightly prescribed by statute.
- 1.3 This Policy sets out the general principles and approach to be applied in relation to debt management across all services provided by the Council. The approach outlined will significantly benefit all customers of the Council by:
 - Encouraging all customers who are experiencing difficulties to contact the Council as soon as possible;
 - Minimising liabilities to the Council wherever possible;
 - Identifying potentially vulnerable customers; and
 - Providing a comprehensive range of support.
- 1.4 Full details of individual recovery policies and procedures are available from each of the relevant departments of the Council and document the individual processes taken by Council officers when either money is owed to the Council or where customers fall into arrears.
- 1.5 The management of income is a key business area for the Council. The Council collects income from many streams; some of this activity is governed by legislation while others by sound principles of financial management. The key to economic, efficient, and effective income management is the creation and maintenance of a clear framework that sets out the approach, aims, principles and strategy within which all activities will be conducted.
- 1.6 It is essential that all monies due are collected effectively by the Council, and that debt owed to the Council is kept to a minimum. The Council has both a legal duty and a responsibility to its citizens to ensure that income due is paid promptly. The Council may charge late-payment interest on debts or seek interest during recovery processes where it is lawful and appropriate to do so.
- 1.7 Effective income management processes are critical to the delivery of overall Council service objectives. A more efficient income management process contributes to the availability of resources for wider or deeper service provision. Any amount that is not collected or takes extra effort to collect leads to one or two potential outcomes namely:
 - A resource is needed to be taken from the overall service budget to compensate for the cost of collection or non-collection; or
 - Extra income will need to be found to compensate for the extra cost of collection or non-collection.
- 1.8 This policy delivers responsible debt collection.

2.0 Aims of the policy and the Council's single view of debt

- 2.1 The aims and aspirations of the corporate debt policy are to:
 - Facilitate a coordinated approach to managing multiple debts owed to the Council;

- Identify, where appropriate, support which may be required to those owing money to the Council, and ensure circumstances are taken into consideration;
- Collect monies outstanding quickly and efficiently;
- Provide help and support to all customers who need it or who are identified as vulnerable or where there is an inability to pay;
- To pursue through appropriate legal means those customers who refuse or are unwilling to pay debts correctly due; and
- Apply best practice to debt collection. This policy will be supported by the Councils Organisational Strategy, to deliver digital enhancements and insight to improve the Council's debt collection.

2.2 The Council has adopted a single view of debt approach to collection. In effect, this means that where a person holds more than one debt with the Council, we will look to allocate the payment received across the different debts in the most productive manner possible, giving consideration to the priority of the debt along with the age of the debt and the customer's vulnerability.

2.3 The approach has several distinct advantages:

- The ability to identify all debts held by the customer;
- The ability to understand, at any point in time, the current position of the customer in relation to any billing and collection actions; and
- The ability to take a more proactive approach in collection and being able to take actions that are appropriate to the customer's circumstances.

We will take a zero-tolerance approach to collection that will be consistent, proportionate, and transparent

3.0 Principles of Recovery

3.1 The Council will follow the key principles outlined below.

- Our action will be **proportionate**;
- Our approach will be **consistent**; and
- Our actions will be **transparent**.

3.2 Additionally, our intention will be to be firm and fair, and our manner will be courteous.

3.3 **Proportionality** – Proportionality allows for a balance to be struck between the potential loss of income to the Council and the costs of compliance.

3.4 **Consistency** – Consistency means taking a similar approach in similar circumstances to achieve similar ends. The Council's aim is to achieve consistency in:

- The advice the Council gives;
- The use of its powers; and
- The recovery procedures used.

3.5 The Council recognises that consistency does not mean simple uniformity. Officers will take account of many variables such as:

- The social circumstances of the debtor;
- The debtor's payment history; and
- The debtor's ability to pay.

- 3.6 **Transparency** – Transparency is important in maintaining public confidence. It means helping people to understand what is expected of them and what they should expect from the Council. It also means clearly explaining the reasons for taking any recovery action.
- 3.7 Transparency is a key part of the Council’s role. If action is required, the reasons why must be clearly explained, and timescales must be clearly stated. A distinction will be made between advice and legal requirements.
- 3.8 Communications, other than those communications defined in statute, will be in plain English. Large print with Braille or translated versions will be made available to customers upon request.

4.0 Scope of the Policy

- 4.1 This ‘over-arching’ policy applies to the collection of:
- Council Tax;
 - Non-Domestic Rates (Business Rates);
 - Housing Benefit Overpayments;
 - Sundry Debt (and Miscellaneous Income);
 - Housing Income including Garage Rents and Former Tenant Arrears;
 - Statutory and Chargeable debts;
 - Overpaid Salary and Wages; and
 - Parking enforcement
- 4.2 There are specific rules and regulations which govern the recovery and collection of these debts and the basic policy directions are included in annexes to this document. This policy is not intended to provide detailed recovery procedures for each debt area but to indicate the general policy direction in each area. Detailed policies and procedures are available from each respective service department.

5.0 Policies common to all types of debt

- 5.1 Every demand for money will be correctly addressed to the person who is liable to pay it. The name on the demand will be that of a person or body corporate such as a Limited company.
- 5.2 Demands or invoices will, wherever possible, be issued as soon as practicable and, if possible, on the day of production. The Council will always attempt to use the most appropriate and effective method of debt recovery in order to maximise income.
- 5.3 The Council will ensure that where prepayment is appropriate this is taken in advance of the service provided, this will mitigate the need for invoicing and potential future recovery. This aligns with the Councils Fees and Charges Strategy.
- 5.4 The Council will encourage the most cost-effective payment methods with the emphasis being on electronic means such as Direct Debit where possible.

- 5.5 Equality and diversity considerations will be taken into account in accordance with the Council's Service Impact Assessment. Specifically, staff seeking to recover debts will have regard to ensuring information is accessible given the needs of the debtor.
- 5.6 Where the potential for a statutory reduction, benefit or discount exists in relation to the debt, efforts will be made to make the debtor aware of such opportunities and they will be assisted and encouraged to apply for these.
- 5.7 All notices issued by the Council will comply with legislation (where required) and will be in the corporate style and be readily identifiable as being from the Council.
- 5.8 The Council will ensure each stage of debt collection or intervention is delivered at the earliest point to prevent the accumulation of arrears and added costs. The Council will provide access to contextual information, so customers are clear on their responsibilities to make payment, the required timeframes to make payment, the consequences of not making a payment within the timeframe and what action to take, or advice to seek, if they have a difficulty in making a payment or dispute the amount being requested.
- 5.9 Where either national or local performance indicators exist, the Council will publish its actual performance against these targets annually.
- 5.10 The Council welcomes the involvement of 'free to customer' welfare agencies or organisations, where authorised by the debtor, in connection with debts due to the Council, and recognises the benefits that these organisations can offer both the debtor and the Council in prioritising repayments to creditors and in maximising income available to the debtor. The Council supports the provision of advice from external agencies and will work in conjunction with them. These include (but are not limited to) Age UK, Citizens Advice and Shelter.
- 5.11 The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020 came into force on 4 May 2021. The Council will ensure that recovery of qualifying debts is suspended for the relevant moratorium period as set out in the regulations and, where appropriate, will engage with a debtor's debt advice provider regarding a moratorium debt or a debt solution in respect of the debtor. The Council will review its approach to debts when the Statutory Debt Repayment Plan regime, is introduced in 2022. This policy is complimentary to current and foreseen legislation.
- 5.12 The Council recognises that prompt recovery action is key in managing its debt and maximising income. The Council therefore aims to:
- Regularly monitor the level and age of all debts;
 - Set clear targets for the recovery of each type of debt;
 - Have clear written recovery policies and procedures for each debt type;
 - Set priorities for specific areas of debt and assess recovery methods to ensure maximum recovery; and
 - Regularly review irrecoverable debts for write-off.
- 5.13 The Council will seek to take all allowable recovery actions for debts and any costs and fees incurred. Only in exceptional cases, where it would not be in the public interest to pursue debts, costs or fees, will they be waived.

- 5.14 Where any debt has arisen through fraud or misrepresentation, the Council will pursue its collection with vigour. The Council actively engages in all fraud prevention initiatives.

6.0 Hierarchy of Debt

- 6.1 Some customers will owe more than one debt to the Council and may be on a low income or experiencing financial hardship. In such cases it needs to be clear which debts the Council considers a priority.
- 6.2 Priority will be given to debts where non-payment could lead to loss of the customer's home or imprisonment. These primarily relate to Council Tax, Housing Rents and Business Rates, which are most commonly enforced through the courts as per statutory requirements.
- 6.3 Other debts owed to the Council may, depending on the circumstances, be considered to be of lower priority.

7.0 Methods of Payment

- 7.1 The Council's preferred method of payment is Direct Debit. However, this does not prohibit accepting payment by other methods. Apart from Direct Debit, the Council accepts a range of payment types as appropriate to the debt type and size.
- 7.2 These include cash, credit and debit cards, standing orders and other electronic banking methods, such as online internet banking. The Council has an obligation to prevent money laundering which is detailed in its [Anti-Money Laundering Policy](#).
- 7.3 The Council no longer accepts cheques as a method of payment.

8.0 Write Offs

- 8.1 The Council recognises that where a debt is irrecoverable, prompt, and regular write off of such debts is good practice.
- 8.2 The Council will seek to minimise the cost of write-offs to the local Council Taxpayers by taking all necessary action to recover what is due. All debts will be subject to the full collection, recovery and legal procedures as outlined in this policy.
- 8.3 Write off is only appropriate where:
- the demand or invoice has been raised correctly and is due and owing; and
 - there is a justified reason why the debt should not be pursued.
- 8.4 It is not possible to list every scenario which could make a debt suitable for write off. However, the following factors could be appropriate depending on the circumstances.
- 8.5 Some of the justified reasons are included below:
- The customer is insolvent, and the Insolvency Practitioner has confirmed there is no dividend payable;

- The customer cannot be traced;
- The debt is uneconomical to pursue, or to pursue further. This may be based on more than one factor, such as the amount of the debt, the financial position of the customer and the cost of administrative and Officer time in pursuing the debt;
- The debt is a contractual debt over 6 years old. Under the Limitation Act 1980, it is not possible to issue court proceedings in a contractual matter which is over 6 years old; however, there are exemptions to this rule which may need to be considered;
- The Magistrates' Court has decided that there is an inability to pay upon application for committal and decided to remit all or part of the debt;
- The Council has evidence to confirm that recovery action is inappropriate; or
- The customer has died and there are no or insufficient funds in the estate to settle the debt

8.6 Irrecoverable debts will be referred to the relevant officer(s) or Committee, designated under the Council's Scheme of Delegation at a pre-agreed frequency and in a pre-agreed format in line with the Council's [Financial Strategies and Regulations](#).

9.0 Training

- 9.1 The Council is committed to training staff with the necessary skills to deliver this policy.
- 9.2 The Council will seek to adopt or incorporate any programme of training that reflects any nationally approved debt recovery pre-action protocol or recognised best practice protocols, particularly in relation to the application of fairness and the recognition of vulnerability and hardship.
- 9.3 All staff involved in the collection and recovery of debt are part of a cyclical training regime which incorporates:
- Negotiation skills
 - The recognition of vulnerability and mental health issues;
 - Customer service; and
 - Equalities.
- 9.4 In addition to the training specified in 9.3, staff will receive training to support them through both the procedural and cultural changes in approach.

10.0 Scheme of Delegation

- 10.1 The Council has approved this Corporate Debt Policy.
- 10.2 Officers of the Council administer the policy and the Shared Services Revenues & Benefits Manager is authorised to make amendments to ensure it meets the criteria set by the Council.

11.0 Fraud and evasion

- 11.1 The unlawful evasion of charges, taxation or fines reduces the financial resources available to the Council and has a direct impact upon all residents, businesses and other organisations that rely upon Council services.

- 11.2 Unlawful evasion or fraud to avoid payment will not be tolerated and where this is identified, the Council will, in addition to taking action to enforce payment, seek to impose further penalties or sanctions where available by law. This may include prosecution for such offences.
- 11.3 Where this activity impacts upon other public bodies, such as the Department for Work and Pensions, HM Revenues & Customs and other authorities, the Council will work with those organisations to seek legal remedy.
- 11.4 Where debts arise through evasion or fraud, the Council will seek to recover payment in full as quickly as the law regarding the nature of the debt allows.
- 11.5 Where appropriate, the Council will refer matters to the Police for criminal investigation. The Council is also committed to fully supporting any investigation initiated by the Police, either in response to a referral or independently

12.0 Use of data

- 12.1 The Council will collect and store personal data for the purposes of the effective billing, collection, and recovery of sums due. Data retained for this purpose will be processed in accordance with the Data Protection Act 2018 and stored securely at all times.
- 12.2 The Council is fully committed to supporting the use of data matching to identify potential fraud and error. Data will be shared with agents or contractors appointed by the Council for the purposes of the billing, collection, and recovery of sums due. Data may also be shared within the Council or with external organisations where the law allows and, in particular where it is in the interests of the debtor or where it will prevent fraud or the unlawful evasion of payment of sums due. Further details including privacy statements can be found at www.basildon.gov.uk/privacy

13.0 Complaints and disputes

- 13.1 Any disputes raised regarding the application of this policy should, in the first instance, be raised with the relevant Council service. In the event that the dispute cannot be resolved, then it shall be dealt with in accordance with the Councils Complaints Procedure.
- 13.2 Any dispute regarding an individual debt will be dealt with in compliance to the legal requirement of the collection of that debt. Any such dispute will only stop the continuation of the recovery process or legal mechanism if it is appropriate in the context of the specific legislation.

14.0 Service Impact Assessment

- 14.1 The Council has conducted a Service Impact Assessment (SIA) in relation to the Corporate Debt Recovery Policy.

- 14.2 The outcome of the Service Impact Assessment concluded that no adverse issues or recommendations were identified, and that the policy would have a neutral impact, and therefore no likely change or potential impact on protected groups.

15.0 Links to other Corporate Policies or Partner documents

- 15.1 This Corporate Debt Recovery Policy should be read in conjunction with the following corporate policies:
- Revenues & Benefits Write Off Procedure;
 - Housing Benefits Overpayment Procedure;
 - Council Tax Reduction Scheme Policy;
 - Enforcement Agent Contracts;
 - Discretionary Payments Policy;
 - Rent Arrears Prevention & Recovery Policy;
 - Fees and Charges Strategy;
 - Information Management Policy;
 - Safeguarding Policy;
 - Financial Regulations; and
 - The Ministry of Justice’s Pre-Action Protocol for Debt Claims.

Annex A
Council Tax and Non-Domestic Rates

Introduction

- A.1 Council tax is a tax levied on all chargeable dwellings. The amount levied is dependent on the council tax band that the property falls into and the total amount of tax to be raised as determined through the Council's annual budget setting process. Non-domestic rates are a tax levied on hereditaments (business assessments). The amount charged is dependent on the rateable value of the property and the nationally non-domestic rating multiplier.
- A.2 The full rate of tax is liable to be paid unless the property, liable person, owner, or occupier is eligible for a reduction, discount, disregard, relief, or exemption.
- A.3 Council tax and non-domestic rates are payable in line with a statutory instalment scheme or by agreement with the Council. There is a legal duty placed on the Council and its Officers to collect outstanding debts in accordance with the Council Tax (Administration and Enforcement) Regulations 1992 and the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (as amended).

Policy Aims

- A.5 The Council's Council Tax and Non-Domestic Rating Recovery Policies ensure that the Council will:
- Bill, collect and recover all debts in an economic, effective, and efficient manner in accordance with legislation and best practice;
 - All taxpayers and ratepayers are treated fairly and objectively; and
 - Action taken will be fair and open, no-one will receive less favourable treatment because of their race, nationality, colour, ethnic or national origin, religious belief, gender, marital status, sexual orientation, age or disability.
- A.6 The Council will bill, collect, and recover all debts in accordance with legislation and best practice.
- Demand notices and adjustment notices will be issued in accordance with regulations;
 - A recovery timetable will be drawn up before the beginning of each financial year;
 - Reminders and final notices will be issued at any time after an instalment has fallen due;
 - A summons to the Magistrates' Court may be issued if full payment has not been made in accordance with the previously issued notice; and
 - If settlement is still not made an application will be made to the Magistrates to grant a Liability Order.
- A.7 The debtor will, at all times be given an opportunity to make a suitable payment arrangement. Should the debtor not make or keep to a payment arrangement the following recovery action(s) can be taken. The recovery action(s) (listed below) will be dependent on the circumstances of each individual case.
- (a) Attachment of Earnings**
Deductions are made from the debtor's earnings at a rate determined by legislation.
- (b) Deductions from Income Support, Job Seeker's Allowance, Employment Support Allowance, Pension Credit or Universal Credit**
Deductions are made from the debtor's benefits at a rate determined by legislation.
- (c) Taking Control of Goods – the use of Enforcement Agents**

Enforcement Agents employed or engaged by the Council will be required to comply with the Enforcement Agent Code of Practice, Service Level Agreement(s) and the Tribunals, Courts and Enforcement Act 2007 and any other prevailing legislation at all times.

(d) Bankruptcy/Liquidation

If sufficient assets exist to meet the outstanding debt the Council can petition for Bankruptcy/Liquidation.

(e) Charging Orders

An order placed on the debtor's property to secure the debt. County Courts are empowered to order the sale of the dwelling if the debtor does not pay.

(f) Committal

The Council can make an application to the Magistrates' Court to instigate action that could ultimately result in the debtor being committed to prison for non-payment.

- A.8 The Council reserves the right to pursue the most appropriate of the above recovery methods depending on the specific personal and financial circumstances of the debtor.

Procedures

- A.9 The Council maintains full detailed Council Tax and Non-Domestic Rates recovery procedures separate to this policy.

Annex B
Housing Benefit Overpayment Recovery

Introduction

- B.1 Overpayments of Housing Benefit are established through a change in benefit entitlement. They are described as an amount of benefit that has been awarded but to which there is no entitlement under the regulations.
- B.2 Accurate and prompt identification of overpayments is important to ensure that the incorrect payment of benefit is discontinued and to maximise the chances of successful recovery.
- B.3 The Council recognises that to ensure there is minimal loss to public funds, firm but fair action must be undertaken in the administration of Housing Benefit overpayments.
- B.4 Proactive action in the recovery of overpayments has a deterrent effect. However, the Council has a responsibility to act in accordance with all relevant legislation and regulations.
- B.5 In all cases due regard will be given to the health and individual circumstances of the claimant to avoid causing unnecessary hardship.

Policy Aims

- B.6 The Council's Housing Benefit Overpayments policy reflects best practice in dealing with the administration and recovery of Housing Benefit overpayments.
- B.7 The Council will:
 - (a) take steps to minimise and prevent overpayments from occurring;
 - (b) identify the overpayment promptly;
 - (c) stop the overpayment from continuing;
 - (d) classify the overpayment correctly;
 - (e) determine if the overpayment is recoverable and if recoverable:
 - determine from whom to recover;
 - determine the most appropriate method of recovery;
 - (f) notify the claimant and other affected persons of the decision; and
 - (g) implement effective financial control of the recovery process.
- B.8 This policy applies in all cases where an overpayment of benefit has occurred, that is, any amount of Housing Benefit which has been paid but to which there was no entitlement whether on initial decision or on a subsequent revised or superseded decision.
- B.9 In most cases overpayments can arise as a consequence of:
 - payments made in advance;
 - late disclosure of a change in circumstances;
 - errors made by the claimant when completing an application form or review form;
 - claimant error; and
 - official errors made by the Council or the Department for Work and Pensions; or
 - deliberate fraud.

- B.10 Official error overpayments are only recoverable if the claimant or the person from whom recovery of the overpayment is sought could reasonably have known that an overpayment was occurring at the time the overpayment occurred.

Prevention of Overpayments

- B.11 The recovery of overpayments are often difficult and time consuming to administer. They can cause difficulties for claimants and their families as they try to manage on limited incomes. They are to be avoided where possible. This will be achieved by:
- telling claimants how to avoid overpayments, with letters, in leaflets and during verbal communications;
 - encouraging claimants to maintain contact with us;
 - processing information quickly and accurately to minimise overpayments; and
 - offsetting any new or underlying entitlement.

Identifying Overpayments

- B.12 The Council will endeavour to act on any information received in relation to a claimant's change in circumstances within seven days of having received sufficient information to identify that an overpayment has or will be occurring.
- B.13 This action will in the first instance include the suspension of further ongoing payments of incorrect benefit. The Council will endeavour to identify any change in circumstances that would result in an overpayment.

Classification of Overpayments

- B.14 The correct classification of overpayments is essential as, depending on the type of overpayment, the Council will receive a percentage of the overpayment back from the government by way of subsidy.

Calculation of Overpayments

- B.15 Where an overpayment has occurred, the Council will invite claimants to provide sufficient information for any underlying entitlement to benefit for the overpayment period to be assessed. The full amount of the overpayment will be recovered unless the health or financial circumstances of the person from whom recovery is being sought suggest a lesser amount would be appropriate.
- B.16 In all cases the overpayment will be recovered as quickly as possible and normally no later than six years from the date recovery action is commenced.

Decisions on Recoverability

- B.17 In all cases where an overpayment has arisen, the Council will consider whether an official error has caused or contributed towards the overpayment.
- B.18 Where the Council has identified an overpayment, which was caused or contributed to by an official error, it will decide whether recovery of the overpayment is appropriate under the guidance issued by the Department for Work and Pensions.

Who should the overpayment be recovered from?

- B.19 Before recovery action begins consideration will be given as to whom is the most appropriate person to recover the overpayment from. This may in certain cases mean that further information is required from the affected parties.
- B.20 Recovery will then be made from the most appropriate persons who may be:
the claimant:
- the person to whom the payment of benefit was made;
 - the person who misrepresented or failed to disclose the material fact; and
 - the partner of the claimant if the partner was living with the claimant at the time of the overpayment and at the time the decision to recover was made.
- B.21 In all cases where the overpayment was the result of proven fraud the overpayment will, in the first instance, be sought to be recovered from the person who misrepresented or failed to disclose a material fact.

Recovery of Overpayments

- B.22 In all cases where recovery of an overpayment is sought, the Council will have regard to its statutory duty to protect the loss from public funds but in doing so will have regard to:
- the length of time the recovery of the overpayment may take;
 - the effect of recovery on the affected person; and
 - the ability of the affected person to repay the debt.
- B.23 The Council may consider the method of recovery of an overpayment at any time for the purpose of effectiveness and efficiency in financial control.
- B.24 Only if it becomes clear after all attempts at recovering the overpayment have become exhausted and there is no hope of recovery, or there are extenuating circumstances, shall the debt be recommended for write-off.
- B.25 Recovery will be suspended if a claimant appeals a decision until such time as the appeal has been resolved.

Methods of Recovery

- B.26 The most appropriate method of recovery for Housing Benefit Overpayments should be considered in all cases, including:
- on-going deductions from further payments of Housing Benefit;
 - deductions from other Department for Works and Pensions benefits;
 - direct invoicing of the client;
 - Direct Earnings Attachments;
 - deductions from to the rent account where it is in credit;
 - recovery from landlord;
 - referral to an external debt collection agency;
 - applying to the County Court for a County Court Order (after all avenues of recovery are considered or exhausted). Further recovery actions will then be taken through the Courts, e.g., instructing enforcement agents; or
 - Where the claimant is deceased, recovering any outstanding amount by contacting their executors or representatives to seek recovery from their estate.

Procedures

- B.27 The Council maintains full detailed Housing Benefit Overpayment procedures separate to this policy.

Annex C
Sundry Debts and Miscellaneous Income

Introduction

- C.1 It is the Council's policy to recover all collectable debt owed to it. Sundry Debts and Miscellaneous Income are debts owed to the Council as either a 'one off' debt, or a recharge or a regular ongoing debt for services, licences or other fees.

Policy Aims

- C.2 The Council's Sundry Debts and Miscellaneous Income Policy has the aims of:
- Promoting ownership of debts by service providers and departments;
 - Ensuring whenever possible that collection of the fee or charge involved takes place prior to the service being provided so that credit is only given when essential to do so;
 - Promoting a system of credit control;
 - Ensuring invoicing procedures are carried out on an accurate and timely basis;
 - Requiring that evidence to support the invoice exists in the form of an official purchase order or other written agreement;
 - Encouraging debtors to pay promptly; and
 - Where appropriate, recovering debts through the County Court.
- C.3 Any fee or charge imposed by the Council must be fair in relation to the goods and/or services provided and consistent with the principals set out in the Fees and Charges Strategy.
- C.4 The charge must reflect the principles outlined in the appropriate charging policy of the Council. The charge must, depending on legislation, always cover the cost of providing goods or service and the costs of collection, unless the Council has taken a policy decision to subsidise the service.
- C.5 The charge should wherever possible be obtained in advance of the goods and/or services being provided. The charge must be collectable and sound supporting documentation must be available with timely access.
- C.6 Fees and charges will be reviewed at least annually as part of the budget setting process.
- C.7 There will be a clear and prompt billing and collection process. There will be a clear and consistent council-wide approach to the giving of credit and the collection of debt that is led by this policy.
- C.8 The debt will remain the responsibility of the service in which it was raised.

Validation and Invoicing

- C.9 The Service responsible for raising the invoice must ensure that the evidence of the service provided is fully validated and that the invoice is accurate and contains sufficient detail for both billing and recovery purposes.

- C.10 All invoices must be raised to a correctly named legal entity. In the event of non-payment, legal action cannot be taken against a non-legal entity.

Payment Methods and Terms

- C.11 Invoices may be paid by any of the methods accepted by the Council. The Council will collect monies owing to it fully and promptly.
- C.12 Payment terms may only be considered where the customer is not able to settle the debt in full in one payment. On receipt of an invoice a customer can request to make arrangements to clear the amount outstanding by way of weekly, fortnightly or monthly instalments. Payment should be made by direct debit wherever possible.

Accounting Arrangements

- C.13 Service Departments will receive the credit for the amount when an invoice is raised. Where debts cannot be recovered, the original credit will be debited from the Service budget.

Recovery and Legal Action

- C.14 Recovery of any debt will be commenced by the issue of reminder notices for all outstanding invoices.
- C.15 in the case of outstanding commercial rents, where the debtor is still in occupation, the Council may refer the debt to an enforcement agent to follow the Commercial Rent Arrears Recovery process (CRAR) as set out in the Taking Control of Goods Regulations 2013.
- C.16 In all other cases where debts remain outstanding, a decision will be made as to whether to pursue the debt in the County Court by means of a County Court Judgment (CCJ). Where a CCJ is obtained, the Council will look to pursue recovery via all legal remedies available to it through the court such as, Charging Orders and Insolvency.

Procedures

- C.17 The Council maintains full detailed Sundry Debts and Miscellaneous Income procedures separate to this policy.

Annex D
Housing Management Income

Introduction

- D.1 The policy of the Council is the prevention and recovery of rent arrears and other housing related charges payable to the Council (i.e., Temporary accommodation charges, former accounts, rent in advance accounts, garage arrears and other charges etc.).

Policy Aims

- D.2 The aim of the Council's Rent Arrears and Recovery Policy 2021 – 2024 is to ensure that treatment of all the Council's tenants should be:
- accountable;
 - fair;
 - efficient;
 - effective; and
 - uniform throughout the processes
- D.3 Consideration will be given throughout the rent arrears process to a tenant's disability, ethnic origin, diversity, religion, and family situation, to ensure that they fully understand that rent is due, how it is to be paid and the implications of non-payment
- D.4 All tenants of Basildon Council properties (including garages) have an obligation under their Tenancy Agreement to pay their rent and maintain an account free of arrears. Wherever possible, rent arrears are prevented from occurring in the first place and where they do occur, effective recovery action is taken that protects the Council's financial viability whilst also ensuring that tenants find a solution that enables them to clear their arrears over a reasonable period of time and sustain their tenancy in the longer term and prevent homelessness.
- D.5 Rental income is the main source of income to the Housing Revenue Account (HRA) and it is therefore essential that tenants pay their rent in full and on time to ensure a sustainable HRA. The Council own and manage 10,800 homes and 5,600 garages in the Borough and the income from these assets is used to manage, repair and maintain the Council's housing and garage stock and therefore a poor collection rate has a direct impact on service delivery.

Communication with tenants

- D.6 Maintaining contact with tenants is a priority. Arrears recovery will focus on personal contact at the earliest opportunity, ensuring high quality support and advice is readily available as well as informing tenants of the debt and consequences of non-payment in writing. All communication with tenants makes it clear that rent is a priority debt and letters will highlight the seriousness of particular arrears situations. The following forms of communication shall be used, as appropriate:
- Telephone contact by landline or mobile including text will be used throughout the rent arrears process;
 - Arrears letters, appropriate to the arrears escalation stages, together with personalised ad-hoc letters in appropriate circumstances will be sent in accordance with Rent Arrears Procedures. Such letters will be sent by post or hand delivered as necessary;

- Email maybe used as appropriate where the tenant has provided an email address;
- Face to face - Office interviews offer the opportunity to provide the tenant with comprehensive financial & budgeting advice and guidance on all aspects of rent payment and welfare benefit/universal credit applications; and
- Face to face - Home visits are carried out as an alternative and/or in addition to the methods above. These visits are key to establishing a relationship with those customers who do not respond to correspondence and are deemed not to be engaged in the process. In addition, home visits will be offered to those customers who are not able to attend interviews at Basildon Borough Council offices for a number of reasons including illness, disability and vulnerability.

D.7 At all stages of the recovery process, the Council will make available as appropriate:

- Confidential face to face interviews with professional, knowledgeable, customer focussed staff;
- Assistance with making a Housing Benefit or Universal Credit claim;
- Access to Housing Advice and the Citizens Advice who can help tenants to maximise benefits, reduce utility bills and assist with budgeting skills;
- Access to Housing Support Teams for vulnerable tenants; and
- Advice and assistance to submit applications for funds such as Discretionary Housing Payments or any other available hardship funds

Procedures

D.8 The Council maintains full detailed rent arrears prevention and arrears collection procedures separate to this policy.

Annex E
Statutory and Chargeable Debt

Introduction

- E.1 The Council's Statutory and Chargeable Debt policy covers debt arising from the Council carrying out its statutory duties and/or enforcement functions. A variety of legislation covers this debt including (but not exclusively):
- Building Act 1984 – taking action to prevent injury or damage to property as a result of a dangerous structure;
 - Housing Act 2004 – works in default to remove hazards from rented accommodation.
 - Water Industries Act 1991 testing of private water supplies; and
 - Highways Act 1980 - Carrying out emergency repairs to the highway following an accident.

Policy Aims

- E.2 The nature of this debt generally requires invoicing to take place after the works have been carried out and frequently against those that dispute the debt. Thus, it does not often fit with the standard invoicing and sundry debt recovery approach. Different approaches need to be considered to both secure the debt and if required, recover it.
- E.3 In terms of enforcement, it is not always clear who is the responsible or liable person. Different legislation can identify different people, such as the person responsible for an issue, or the owner of the premises. People's circumstances will be different, and their circumstances may change during a case. It is sensible therefore to take a flexible approach and keep available a range of options for recovering a debt.
- E.4 Options available to recover debt include the use of debt collection agents and court proceedings to obtain a judgment for the debt. Once a court judgment is obtained, there are a number of ways this may be enforced, including:
- Attachment of Earnings**
Deductions are made from the judgment debtor's wages at a rate determined by legislation.
 - Deductions from Universal Credit, Income Support, Job Seeker's Allowance and Employment Support Allowance**
Deductions are made from the judgment debtor's benefits at a rate determined by legislation.
 - Charging Orders**
This is a court order which secures the debt against the judgment debtor's property. A charging order may then be enforced by seeking an order for sale of the property.
 - Third Party Debt Orders**
A court order against a third party, often (but not necessarily) the judgment debtor's bank or building society, requiring them to pay the judgment debt out of the judgment debtor's funds.
 - Insolvency**
Insolvency proceedings may be commenced against the judgment debtor providing the requirements of prevailing insolvency legislation are met.

Procedures

- E.5 The Council maintains full procedures for the collection of statutory debts and charges separate to this policy.

Annex F
Overpaid Salaries and Wages

Introduction

- F.1 The Council is required to ensure that employees are paid correctly at all times. If an overpayment of salary or any other payment of public funds occurs for any reason, the Council will recover the overpayment from the employee.
- F.2 Similarly the Council will take steps to correct any underpayment of salary or any other payment to which an employee is entitled. If it is considered that an overpayment has been brought about fraudulently, then the matter will be investigated under the Council's Counter Fraud Policy.

Policy Aims

- F.3 The aim of the Council's Overpaid Salaries and Wages policy is to ensure that there is a consistent approach to the recovery of salary overpayments throughout the Council.
- F.4 The policy defines the process in use when a member of staff receives an incorrect payment in their salary and applies to all employees on a permanent or fixed term contract with the Council.
- F.5 There are several ways in which a member of staff can be incorrectly paid including, and not restricted to:
- An over or underpayment payment of salary
 - Payment of incorrect overtime;
 - Payment of incorrect travel or non-travel expenses;
 - Duplication of a payment; or
 - Deduction made in error.

Identification of payment errors

- F.6 Payment errors can be identified in several ways:
- A member of Human Resources identifies that an error has occurred;
 - The employee upon receipt of payment;
 - The budget manager; or
 - An audit review.
- F.7 When an error in payment has been identified, action must be taken as quickly as possible to rectify the error

Responsibilities of Human Resources - Performance Intelligence and Payroll

- F.8 It is the responsibility of Human Resources - Performance Intelligence and Payroll to:
- Identify payment errors and advise the employee in a timely manner (normally immediately);
 - Confirm in writing the overpayment;

- Contact the appropriate line manager to advise of any overpayment situation that occurs.

Responsibilities of line managers

- F.9 It is the responsibility of Line Managers to ensure that:
- Documentation relating to changes in pay or termination etc. is submitted to Human Resources in a timely manner;
 - When an error in payment is identified the member of staff concerned is supported and appropriate action taken to resolve the situation; and
 - Review on a regular basis all salaries charged to their cost centre.

Responsibilities of employees

- F.10 It is the responsibility of individual employees to:
- Ensure that they understand their salary as agreed contractually; and
 - Raise any anomalies with their pay in a timely manner, by informing their immediate line manager and contacting Human Resources.

Recovery of amounts

- F.11 The exact nature of the payment error will be investigated, and the amount of the payment error calculated.
- F.12 Current employees will have overpayments recovered from their gross pay.
- F.13 Where an overpayment has occurred and an employee leaves during or before the start of an agreed repayment period, the balance of the overpayment will be taken from their final salary. If the overpayment is greater than the final salary or notification of leaving is received after the final salary has been paid, the repayment process for ex-employees will be used.
- F.14 If the former employee is unable to repay the overpayment in full then a subsequent invoice will be raised and recovered in line with the Sundry Debt and Miscellaneous Income procedures.

Procedures

- F.15 The Council maintains full payroll procedures separate to this policy.

Annex G

Parking Enforcement

Introduction

- G.1 The South Essex Parking Partnership (SEPP) undertakes enforcement across the Borough on behalf of the Council. All recovery actions undertaken by SEPP are fully in accordance with legislation, the Council's policy for parking enforcement and the Corporate Debt Recovery Policy.

Policy Aims

- G.2 The aim of parking enforcement is to enable all residents and visitors to the Borough to use local roads unhindered by the dangerous or inconsiderate parking of others. By adopting this policy, the Council will:
- actively discourage indiscriminate parking that causes obstruction to other motorists, pedestrians, cyclists, and people with disabilities. This will ensure that the Borough remains accessible to all equally and safely;
 - Maintain and, where possible, improve the flow of traffic thereby making the Borough a more pleasant and environmentally safe place to live and visit;
 - Improve the quality and accessibility of public transport by discouraging the use of cars where road conditions and public transport facilities justify this. Once again encouraging a more environmentally friendly lifestyle;
 - Take into account the needs of local residents, shops and businesses thereby sustaining the Borough's economic growth; and
 - Actively support the needs of people with disabilities bearing in mind that, in some cases, they are unable to use public transport and are entirely dependent upon the use of a car either directly or as a passenger. This will ensure that people with disabilities are able to have equal access to all facilities within the Borough.

Procedures and Policies

- G.3 All policies and procedures relating to the South Essex Parking Partnership can be found at the following link. These also include the policies for wearing body-worn cameras:

[SEPP Parking Policy Framework \(including Enforcement Policy\)](#)

[SEPP Operational Protocols](#)

[SEPP - Body-worn CCTV - Policy & Operation Guidelines.pdf](#)

[SEPP Discretion Policy](#)

[SEPP Parking Policy Framework \(including Enforcement Policy\)](#)

Annex H
Translations, Large Print & Braille

Monday to Friday
10am to 5pm



Basildon Council
BASILDON • BILLERICAY • WICKFORD

For translations, Large Print and Braille please call

Para obtener traducciones, por favor llame al número (Spanish)

অনুবাদের জন্য দয়া করে ফোন করুন (Bengali)

Aby uzyskać pisemne tłumaczenie proszę dzwonić pod numer (Polish)

如需翻译，请拨打 (Mandarin)

O překládání prosím zavolejte (Czech)

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Чтобы получить перевод на русский язык, позвоните по телефону (Russian)

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برای ترجمه با این شماره تماس بگیرید (Farsi)

Pour obtenir une traduction, composez le (French)

پۆ ته‌رجومه ته‌له‌فۆن بکه پۆ ژماره‌ی (Kurdish)

للترجمة يرجى الاتصال (Arabic)

Per perkthim me shkrim ju lutem merni ne telefon (Albanian)

ભાષાંતર માટે કૃપા કરીને ફોન કરો (Gujarati)

ट्रांसलेशन के लिये कृपया कॉल करें: (Hindi)

Pentru traducere va rugam sunati (Romanian)

Untuk terjemahan harap hubungi (Indonesian)

Kwa tafsiri, tafadhali piga simu (Kiswahili)

ਅਨੁਵਾਦ ਵਾਸਤੇ ਕਿਰਪਾ ਕਰਕੇ ਕਾਲ ਕਰੋ (Punjabi)

Kana muchida kuturikirwa, tapota ridzai runhare kuna (Shona)

Pre preklad prosim volajte (Slovak)

Nếu quý vị cần dịch tài liệu, xin vui lòng gọi theo số (Vietnamese)

01268207955



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