

Corporate Debt Management Policy

Relevant Legislation to Debts Included in the Corporate Debt Policy

The list below shows the legislation that determines income collection, debt recovery and enforcement activities for debts that are included in the Corporate Debt Policy. The legislation listed is not necessarily exhaustive and the council will use any appropriate legal means to collect income or debt:

Council tax hub

Function

Council tax income collection and associated court costs.

Type of debt

Personal

Main legislation:

- The Council Tax (Administration and Enforcement) Regulations (1992).

Business rates hub

Function

National Non-Domestic Rates collection and associated court costs.

Type of debt

Business

Main legislation

- The Local Government Finance Act (1988).

Benefits overpayments hub

Function

Housing Benefit Overpayments.

Type of debt

Personal.

Main legislation:

- Housing Benefit Regulations (2006)
- Social Security Administration Act (1992)
- Social Security (Overpayment and Recovery) Regulations (2013)
- Welfare Reform Act (2012)

Corporate collection team hub

Function: All service income and debt not collected by other hubs, including:

- commercial property rents
- life Events charges
- library service charges
- planning and Building Control fees
- licence fees
- highways fees and fines (excludes Parking)
- garage and other service charges
- trading Standards and Environmental Health charges
- educational facilities and lettings charges
- Business Improvement District Levy (collected on behalf of the BID company)

Type of debt:

Personal and business.

Main legislation

Generally, recovery is determined by the Local Government (Miscellaneous Provisions) Act (1976).

Some debt is also covered by specific legislation including:

- Commercial Rent and Arrears Recovery Act (2007)
- Licencing Gambling Act (2005)
- Fixed Penalty Notices - Section 444 of the Education Act (1996)
- Section 106 of the Education Inspections Act (2006) - school fines

Housing Temporary Accommodation hub

Function

Rental income collection and recharge debts.

Type of debt

Personal.

Main legislation

- Rent Collection - Landlord and Tenant Act (1985)/Protection of Eviction Act (1977)
- Removal & storage - Sections 211/212, Part VII of Housing Act (1996)

Housing Income Management

Function

Rental income, service charge collection and recharge debt.

Type of debt

Personal.

Main legislation

- Housing Act (1985)
- Arrears & Escalation - Housing Act (1985 & 1986) complemented by Ministry of Justice Pre-Action Protocol for Social Landlords

Parking

Function

Parking fine collection and associated court costs.

Type of debt

Personal and business.

Main legislation

Traffic Management Act (2004)

Adult Social Care Charges hub

Function

Collection of care charges.

Type of debt

Personal and business.

Main legislation

Care Act (2014)

Leaseholder Team hub

Function

Collection of leasehold fees.

Type of debt

Personal.

Main legislation

The Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007.

