

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: e.g. Directorate/Ref No/Year - CR/335/10/19

BOX 1

DIRECTORATE: Corporate Resources **DATE:**
Contact Name: Mr A. Stoves **Tel. No.:** 01302 735585

Subject Matter: Enforcement Agency services for the recovery of unpaid Council Tax and Business Rates (Non-Domestic Rates); Parking debts; Former Tenant Rent arrears; Housing Benefit overpayments; sundry debts and commercial rents.

BOX 2**DECISION TAKEN**

To appoint a minimum of 3 Enforcement Agent companies for the recovery of unpaid Council Tax and Business Rates (Non-Domestic Rates)); Parking debts; Former Tenant Rent Arrears; Housing Benefit overpayments; sundry debts and commercial rents in order to maximise income for the Council. The contract is to begin at the expiry of the existing award on the 25th January 2020 and it will be awarded for a period of 4 years under the terms of YPO Framework 000953 Enforcement Agency Services.

BOX 3**REASON FOR THE DECISION**

Since 2008, the Council has used outside agencies for the collection of a number of its debts including Council Tax, Business Rates, Sundry Debts, Parking debts and Housing Benefit overpayments.

The most recent contract for these services was awarded from the 25th January 2016 for a maximum period of 4 years. The contract was procured under 000587 YPO Enforcement Agency DPS Model call off framework. The contract is due to expire on the 24th January 2020.

As central funding to local government continues to reduce, it is now more important than ever to maximise income collection. In order to recover these unpaid amounts, professional enforcement services may be required, as permitted under various legislation. This knowledge and skills is outside the existing specialisms of the Council, meaning that 3rd party organisations are required in this area. By obtaining specialist Enforcement Agency firms, the Council should be able to take

the required action more effectively, potentially recovering unpaid amounts or minimising future losses.

The YPO framework has been replaced by framework 000953 and by re-procuring using the framework the Council will continue to actively pursue its debts using specialist services.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The other options available were:

1. To contract under a different framework. Another framework reference 202 – 365931 through Rotherham MBC taken out in 2016 does exist. All the same suppliers are on the framework but we would lose out on the benefits we acquire through any YPO framework.
2. To continue with no external specialist Enforcement Agent service for debt recovery. This would risk a significant potential loss of income to the Council.
3. To create specialist internal Enforcement Agents. This would require significant investment to recruit and train the Council's own staff to perform these functions. The time and cost of this investment makes it difficult to justify.

It is believed that the work required is best conducted by specialist external service providers with experience of debt recovery in the local government area.

BOX 5

LEGAL IMPLICATIONS

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do.

Section 111 of the Local Government Act 1972 gives the Council the power to purchase goods and services.

The report author has advised that the appointment will be made using the YPO 000953 Enforcement Agency Service Framework

Frameworks are arrangements set up in accordance with EU procurement rules, which will allow the Council to purchase the services without the need to run a separate tender.

The Council must adhere to strict compliance with the rules of the YPO 000953 Enforcement Agency Services Framework if this procurement is to be compliant with EU Regulations.

Following contract signature, the project manager should be completely familiar with the contractual terms in order to protect the interests of the Council and enforce any terms as and when necessary.

Name: Paula Coleman

Signature: By e-mail

Date: 8th October 2019

Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6**FINANCIAL IMPLICATIONS:**

The recovery of unpaid Council Tax, Business Rates (Non-Domestic Rates) and Parking debts are cost neutral to the Council – Fees charged by the Enforcement Agencies are added to the outstanding debt balance owed by the individual debtors.

Under the current contract, the recovery of other unpaid sundry debt (including: Former Tenant Rent Arrears and Housing Benefit Overpayments) is collected on a no fee basis and therefore at no additional cost to the Council.

The exact terms of the new contract award will need to be explored to fully understand the cost implications of any fees liable to be paid by the Council, as budgetary provision for this cost does not currently exist.

Name: C.Cowan

Signature: FM/FP&C (by email)

Date: 08/10/19

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7**PROCUREMENT IMPLICATIONS**

As detailed within the body of the report it is the council's intention to utilise YPO's dynamic purchasing system ref 953 Enforcement Agency Service. This DPS offers a compliant, flexible and competitive route to market and facilitates further competition in line with EU procurement legislation

Name: _Glyn Sparrow_

Signature: _By Email_

Date: _11/10/19_

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

There are no equality implications.

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

Failing to obtain specialist Enforcement Agent services to assist in the collection of unpaid Council debts may result in a loss of income to the Council. This lost income reduces the funds available to the Council to provide vital local services to residents.

**BOX 10
CONSULTATION**

None taken.

**BOX 11
INFORMATION NOT FOR PUBLICATION**

It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, redacting signatures.

Name: Holly Blake Signature H.Blake Date: 18.10.19

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12
BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR ~~YES~~/NO

(If YES please list and submit these with this form)

**BOX 13
AUTHORISATION**

Name: Julie Grant

Signature: 

Date: 16/10/19

Assistant Director of Customers, Digital & ICT

Does this decision require authorisation by the Chief Financial Officer or other Officer

NO

If yes please authorise below:

Name: _____ **Signature:** _____ **Date:** _____

Chief Executive/Director/Assistant Director of _____

Consultation with Relevant Member(s)

Name: _____ **Signature:** _____ **Date:** _____

Designation _____

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest YES/NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.