



## The Anglia Revenues Partnership

### Council Tax

### Charging Orders Policy

# Charging Order Policy

**DOCUMENT SPONSOR**

Breckland - Rob Walker

Forest Heath – Andrew Claydon

East Cambs – Linda Grinnell

St Edmundsbury – Liz Watts

**DOCUMENT AUTHOR:**

Sharon Jones

Anglia Revenues and Benefits Partnership

**DATE: 1 December 2011**

**DOCUMENT APPROVED AT:-**

**Last Revision Date:**

**6 May 2010**

**Next Revision Date:**

**June 2012**

## **CHARGING ORDERS POLICY**

### **ANGLIA REVENUES PARTNERSHIP**

#### **BEST PRACTICE**

This policy reflects best practice in the procedure for forcing a sale of properties where the Council Tax debt is secured by a Charging Order. The policy should be flexible in its approach to forcing a sale of a property with each case considered on its merits. This policy has regard for the rights of individuals and obligations of each Council under the provisions of the Human Rights Act 1998.

#### **POLICY STATEMENT**

Breckland Council, Forest Heath District Council, East Cambridgeshire District Council and St Edmundsbury Borough Council working together as The Anglia Revenues Partnership (ARP) under authority of Section 101(b) of The Local Government Act, will deal with all stages of a Charging Order in a professional manner that shows respects for customers, members of staff and anyone else involved in the process and deal with each appeal as stated in this Policy document.

This policy will be available to all internal and external stakeholders and will be on the Councils' websites [www.breckland.gov.uk](http://www.breckland.gov.uk), [www.forest-heath.gov.uk](http://www.forest-heath.gov.uk): [www.eastcambs.gov.uk](http://www.eastcambs.gov.uk) , [www.stedmundsbury.gov.uk](http://www.stedmundsbury.gov.uk)

#### **OBJECTIVE**

This policy is provided to ensure that the Local Authorities, through the ARP, fulfil their statutory requirements. The charging orders policy helps to ensure that the legislation is adhered to and that forced sales of properties are administered appropriately, in a fair and open manner.

#### **EQUALITY**

ARP is committed to equality of opportunity and valuing diversity in both the provision of services and in its role as a major employer. We believe that everyone has the right to be treated with dignity and respect. We are committed to the elimination of unfair and unlawful discrimination in all our policies, procedures and practises. We are determined to ensure that no member of the public, employee or job applicant receives less favourable

treatment on the grounds of their age, child care or other caring responsibilities, disability, gender, HIV status, language, marital status, race, religion, sexuality, membership or non-membership of a trade union, or by any requirement which cannot be shown to be justifiable.

## **AIMS**

The key aims of this policy are as follows:

- To maximise income to member authorities using collection methods available without causing unnecessary hardship to charge payers.
- To ensure that charging order actions are only taken in cases where the debt could be cleared through sale of the property
- To use forced sales only in extreme cases where obtaining a charging order has not resulted in the charge payer making and keeping to a reasonable payment arrangement .

These aims will be achieved by:

- Identifying through searches and investigation cases where the property is owned and there is capital in the property.
- Identifying through visits to the property the status of the charge payer and their family in respect of vulnerability.
- Using an independent review to ensure cases have been dealt with fairly and equitably reflecting the policy aims
- Taking the required legal actions with agreement of host authorities

## **IMPLEMENTATION AND TRAINING**

This policy will be made available to all staff. This will be reinforced with training and management supervision of all staff involved.

## **COMPLAINTS**

Each respective Council's 'Compliments and Complaints Procedure' (available on the Councils' websites) will be applied in the event of any complaint received about this policy.

## **POLICY REVIEW**

This policy will be managed and reviewed every year and, from time to time, updates and re-issues will be circulated. However, the policy will be reviewed sooner if a weakness in the policy is highlighted, in the case of new risks, and/or changes in legislation.

Each section will be responsible for ensuring that this policy is adhered to and effective.

Author	Sharon Jones
<b>Review Date</b>	1 December 2011
<b>Next Review</b>	June 2012
<b>Document Version</b>	1.1
<b>Document Location</b>	G Drive Policy - Policies 2011

#### REVISION HISTORY

	Description	Date	Author(s)
1.0	Original Policy	May 2010	Lesley Walker
1.1	Annual Review	1 Dec 2011	Sharon Jones