

## COUNCIL

26 OCTOBER 2005

Councillor T.R Chandran (Mayor)

Councillors:

P.G. Barnes	S.J. Barnes
D.N. Beeston	A.S. Bexon
P.M. Blandamer	F.J.D. Boot (a)
V.H. Bradley	A.A. Clarke
G.V. Clarke	W.J. Clarke (a)
J.M. Cole	S.M. Creamer
R.T. Day (a)	A.M. Dunkin (a)
M.S. Dunkin (a)	P. Feeney
A.J. Gillam	J.F. Glass
W.H. Golland	I.S. Gollop (a)
R.J. Goodwin	W.T. Grainger
G.J. Griffiths (a)	R.G. Kempster
S.M. Lane	C.M. Lockett
H. Maddock	J.J. McCauley
V. McCrossen	G.L. Millar
R.J. Nicholson (a)	J.M. Parr
W.A. Peet	V.C. Pepper (a)
R.A. Poynter	C.N.F.W. Pratt
C. Preston	S.J. Prew-Smith
D.E. Pulk	D.A. Pycroft
S.J. Ragsdale	A. Rigby
R.F. Spencer	J.J. Spencer
M.S. Spencer (a)	J.O. Tanner
G.G. Tunnicliffe	J.A. Woodward
M.A. Wright	

### 33 MR F. GIGGINS

The Mayor and Members of the Council observed a minute's silence in memory of the late Frank Giggins a former Mayor and Borough Councillor.

### 34 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors Boot, W.J. Clarke, Day, A.M Dunkin, M.S. Dunkin, Gollop, Nicholson, Pepper and M.S. Spencer.

### 35 MAYORS ANNOUNCEMENTS.

The Mayor outlined details of the Civic visit to Vandoeuvre and displayed a vase that had been presented to him on the visit.

The Mayor and Councillors also made a presentation to Michael Stevenson the Head of Planning and Environment who was to retire at the end of the month after 31 years in the employment of the Borough Council.

**36 TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 14 SEPTEMBER 2005**

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record and signed by the Mayor.

**37 TO DEAL WITH QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN UNDER STANDING ORDER NO.9 (1)(A) ON ANY MATTER IN RELATION TO WHICH THE COUNCIL HAS POWERS OR DUTIES.**

**QUESTIONS FROM COUNCILLOR PRESTON TO PORTFOLIO HOLDER FOR FINANCE**

Questions received in the name of Councillor C Preston to the Portfolio Holder for Finance: -

1. What is the policy of the Council to Petition for Bankruptcy in the case of arrears of Council Tax? At what meeting was this decision made?

2. What express power is being used, which says, we as a Local Authority can petition, i.e. to initiate bankruptcy proceedings for arrears of Council Tax? Is the Council obliged to institute Bankruptcy proceedings or does the Council have discretion whether or not to choose the Bankruptcy route? Is there an alternative such as obtaining a charging order on the dwelling?

3. Is the Portfolio Holder aware that the Council has initiated, a petition for bankruptcy? How many said petitions have there been?

4. Has the Portfolio Holder been consulted, on these actions and agreed them both generally and in individual cases. If you were consulted were you given advice on alternatives available, both generally and in individual cases. Were you given advice each time on the proportionality of each action relative to less restrictive alternatives?

5. Where the Council Tax payer is in difficulties and the Council should be aware, does the Portfolio Holder know of what steps the Council takes to identify and assist disadvantaged people, vulnerable people and mentally ill people?

6. Does the Portfolio Holder agree the Bankruptcy route can increase a Council Tax debt of say £2,500, into an estimated debt the following year of £35,000, this being an increase of 1400% in one year. I hope the Portfolio Holder agrees this is grossly disproportionate, and should not be acceptable.

7. Not only are the figures in (6) extortionate, not only does it mean the individual will have their home taken away and sold, but it also means the Council will say the individual has become intentionally homeless and the individual and any children are on the street? Does this seem to the Portfolio Holder an ineffective way of collecting Council Tax, when the less restrictive alternative is the one prescribed, namely the express power to get a charging order? Surely a charging order will mean the Council will get all its money much earlier whilst causing less hassle to the individual; and does the Portfolio Holder not think it best that most importantly for vulnerable people, they would not become homeless?"

Councillor R.F. Spencer replied in the following terms:-

"I am grateful to Councillor Preston for his concern with regard to the effectiveness and reasonableness of the processes that the Council has in place in order to carry out the vital role of collecting the Council Tax.

I am particularly grateful for the opportunity to draw the attention of the Council to the excellent work carried out by the staff in the Council Tax Section, which has now received national recognition following the short listing of the section for the prestigious IRRV awards. I am sure the whole Council will wish to join with me in congratulating them on being recognised by their peers as being amongst the very best in the country.

As all Councillors should know, the Council has a duty to collect the Council Tax and has been given a range of powers for this purpose, including the power to initiate bankruptcy proceedings and even the power to apply for committal to prison where this it is considered appropriate. Our policy is to We use the full range of those powers and the efficiency of our Council Tax collection arrangements can be seen in the upper quartile performance, which is recorded for Gedling against the National best value performance indicator – BVPI 9. This can be seen as an excellent indication of the quality of service offered.

As has been the case for many years, the Officers undertake Council Tax recovery under the Council's delegation arrangements. The recovery process is undertaken in consultation with the Council's Solicitors and I am satisfied not only that it is effective and efficient, but also that it complies with all legal requirements and that it also

demonstrates reflects national best practice. I am also regularly kept informed by the Head of Finance about of the performance of the section, including collection rates and recovery progress.

I can also confirm that substantial effort is made by the Officers to identify and assist, so far as we reasonably and legally can, those people who might have genuine difficulties in meeting their obligations, but this does require some co-operation from the individuals concerned. I note Councillor Preston's comments about costs and the risk of homelessness, but these merely emphasise the importance of people acting responsibly and co-operating with us in order to prevent these situations arising. Even under Councillor Preston's preferred option of seeking a Charging Order (and he is wrong to suggest that this is a quicker and more effective means of recovery) the debtor will be at risk of homelessness if the debt is not paid. The Council issues with every reminder its "Council Tax Collection and Enforcement Leaflet". This emphasises the Council's customer care duties, encourages taxpayers to make early contact when in difficulty with debt and gives telephone numbers and /contacts where free impartial debt advice can be obtained. It also emphasises the consequences of not making any attempt to deal with Council Tax debt.

In closing, I would like again to pay tribute to the staff who do a most difficult job very well, often in most trying difficult circumstances. I believe that what they deserve is the Council's support and appreciation for their efforts, rather than misguided criticism. I can understand that Members generally may not be fully aware of the Council's recovery powers and procedures, so I have asked the Head of Finance to provide every Councillor with a copy of the leaflet which I have just mentioned. I am sure that all Members will find this helpful."

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**TO CONSIDER AND, IF APPROVED, ADOPT THE  
RECOMMENDATIONS OF THE CABINET AND COMMITTEES:-**

**i. CABINET 22 SEPTEMBER 2005, MINUTE 85**

A proposition was moved by Councillor R.F. Spencer and seconded by Councillor Feeney that the recommendations contained in minute 85 (Joint Working with Rushcliffe Borough Council) be adopted.

The Mayor put the proposition to the meeting and declared the same carried and it was:-

RESOLVED:

To endorse the decision of the Cabinet to agree to the establishment of

the Joint Board with Rushcliffe Borough Council.

**ii. CABINET 6 OCTOBER 2005 MINUTE 91**

It was moved by Councillor R.F. Spencer and seconded by Councillor Feeney that the Gedling Community Strategy 2006-2008 as circulated to the meeting be adopted.

The Mayor put the proposition to the meeting and declared the same carried and it was:-

RESOLVED:

To adopt the Gedling Community Strategy for 2006-2008 as circulated.

**iii. STANDARDS COMMITTEE 7 OCTOBER MINUTE 5**

It was moved by Councillor P.G. Barnes and seconded by Councillor Grainger in respect of the recommendations in minute 5 (Member Training) that recommendations i. and ii. Be referred to the Planning and Licensing Committees for consideration and that recommendations iii. and iv. Be referred to the Portfolio Holder for E-Government and Member Services for consideration.

The Mayor put the proposition to the meeting and declared the same carried and it was:-

RESOLVED:

To refer recommendations i. and ii. to the Planning and Licensing Committees for consideration and that recommendations iii. and iv. to the Portfolio Holder for E-Government and Member Services for consideration.

The meeting closed at 7.25 pm .