

Report to Cabinet

12 July 2023

Subject:	Award of Contract for use of Enforcement Agents
Cabinet Member:	Councillor Bob Piper - Cabinet Member for Finance and Resources
Director:	Simone Hines – Director of Finance and Section 151 Officer
Key Decision:	Yes
Contact Officer:	Ian Dunn ian_dunn@sandwell.gov.uk carl_jones@sandwell.gov.uk

1 Recommendations

- 1.1 That the Director of Finance – Section 151 Officer, in consultation with Cabinet Member for Finance and Resources, be authorised to award a contract for use of Enforcement Agents for a 5-year period (3 + 2), following a successful competitive exercise in accordance with the Contract Procedure Rules.
- 1.2 That the Director of Law and Governance – Monitoring Officer be authorised to execute any documentation necessary to enable the action referred to in 1.1 above to proceed.

2 Reasons for Recommendations

- 2.1 The report is seeking approval to award a contract for the use of Enforcement agents following a compliant procurement process from the 1 December 2023.







2.2 The current contract for the use of Enforcement agents ends on the 30 November 2023, and following a successful further competitive exercise:

- Lot 5 – be awarded to the top two highest scoring bidders in the procurement exercise for the first referral enforcement agents detailed in this report
- Lot 5 – be awarded to the highest scoring bidder in the procurement exercise for the second referral enforcement agents detailed in this report
- That the names of the successful bidders be confirmed once all stakeholder councils have consented to the award of the contract and all requisite procurement procedures completed

2.3 Sandwell is committed to ensuring effective collection of unpaid Council Tax, Business Rates, High Court and County Court judgements, Commercial Rent arrears, Business Improvement District (BID) charges and sundry debts, including housing benefit overpayments. The use of enforcement agents is crucial in ensuring we maintain and improve current levels of performance and is always used as a last option.

2.4 The contract period of three years with the possible option of a further two years (if agreed through the procurement process) will provide Sandwell with the assistance it requires in collecting these debts.

3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people	The Enforcement Agent contract will enable the Council to recover monies otherwise difficult to collect to assist in funding crucial Council services. It therefore supports the Council’s objectives of providing a strong and inclusive economy
	People live well and age well	
	Strong resilient communities	
	Quality homes in thriving neighbourhoods	





4 Context and Key Issues

- 4.1 The majority of council services are funded through the income generated from Council Tax and Business Rates collection.
- 4.2 Sandwell is rated highly for its Council Tax in-year collection. The award of this contract will help us to maintain high collection levels.
- 4.3 The Council uses Enforcement Agents to support the recovery of unpaid Council Tax, Business Rates, High Court and County Court judgements, Commercial Rent arrears, Business Improvement District (BID) charges and sundry debts.
- 4.4 The Council uses enforcement agents as a last resort for recovery of debts once it has exhausted all options and has robust resources for the collection of debts.
- 4.5 The existing contract was procured by City of Wolverhampton Council on behalf of Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, South Staffordshire District Council and Wolverhampton City Council.
- 4.6 In 2022/23 the collection rate for Council Tax was 95.5% and for Business Rates was 96.14%.
- 4.7 The Council currently uses 2 enforcement agents – Bristow & Sutor and Rundles & Co Ltd for the collection of unpaid Council Tax, Business Rates, Business Improvement District (BID) charges, County and High Court Judgements and sundry debts. Rundles and Newlyn PLC are used to attempt collection at second referral.
- 4.8 The existing contract comes to an end on 30 November 2023.
- 4.9 Dudley Metropolitan Borough Council will procure the new contract on behalf of City of Wolverhampton Council, Sandwell Council and South Staffordshire District Council.



4.10 Following the procurement process this report is seeking approval to award a contract to the top two highest scoring bidders in the procurement exercise for the first referral enforcement agents for Lot 5 and the highest scoring bidder in the procurement exercise for the second referral enforcement agents for Lot 5.

4.11 The contracts will be at no cost to the Council. The service providers will collect fees from the debtors, the fees are fixed in accordance with The Taking Control of Goods (Fees) Regulations 2014.

5 Alternative Options

5.1 If a contract is not in place to provide additional assistance with the recovery of unpaid Council Tax, Business Rates, High Court and County Court Judgements, Commercial Rent arrears, Business Improvement Districts (BID) charges and sundry debts, including Housing Benefit Overpayments and the recovery actions available to the Council will be limited. Recovery rates would reduce affecting income available to the Council to provide services.

6 Implications

Resources:	The contract is at no cost to the Council. The service providers will collect fees from the debtors, such as fees being fixed in accordance with The Taking Control of Goods (Fees) Regulations 2014.
Legal and Governance:	The procurement process will be an open OJEU procedure in accordance with the Public Contract Procedure Rules.
Risk:	The corporate risk management strategy has been complied with to identify and assess the risks associated with the recommendations being sought. This has concluded that there are no significant risks that require reporting. Further measures will be put in place to ensure that the risks identified during the procurement process are considered and mitigated to levels within the council's appetite for risk.
Equality:	No implications



Health and Wellbeing:	No implications
Social Value	Social Value will be considered as part of the evaluation of returned tender submissions
Climate Change	There are no implications arising from this report.
Corporate Parenting	There are no implications arising from this report.

7. Appendices

None

8. Background Papers

None.

