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30 September 1996

Dear Chief Finance Officer

This is the seventh council tax information letter. The issues covered in this letter are:

- Transfer of enforcement work from the police
- Execution of warrants - contracting out
- Contracting out and deductions from income support
- Deductions from income support and the Jobseekers Allowance
- FLT at Eastbourne

#### **Transfer of enforcement work from the police**

The proposed transfer of certain enforcement work from the police, including the execution of arrest and committal warrants for local tax debts, scheduled for 1 April 1997 has been postponed. There is at present no new target date for implementation.

We will give further information when it becomes available. Meanwhile, please address any enquiries to Tony Capp (0171-276 3125).

#### **Execution of warrants - contracting out**

The Deregulation and Contracting Out Act 1994 provides that an authority may not delegate the exercise of a function to a contractor if the exercise of that function, or a failure to exercise it, may affect the liberty of an individual. The IRRV and others have expressed the concern that this provision may prevent a local authority from contracting, for example, bailiff firms to execute arrest and committal warrants.

We cannot offer an authoritative interpretation of the law, which is of course a matter for the courts. Our informal view is that an authority could not appoint a bailiff to execute on their behalf a warrant which the court has addressed to the authority. However, there is nothing to prevent the Magistrate from directing the warrant for arrest to any other person, or a warrant of commitment to the authority and another person. The execution of the warrant would not in that case be on behalf of the authority and would not therefore involve the delegation of any of the authority's functions.

Any enquiries to Tony Capp on 0171-276 3125.

#### **Contracting out and deductions from income support**

Following a number of enquiries, we are trying to clarify with the DSS whether a contractor may apply for deductions from income support. Further information will be given shortly.

### **Deductions from income support and the Jobseekers Allowance**

The jobseekers allowance will replace unemployment benefit and income support paid to the unemployed in October, and authorities will be able to apply for deductions from the new allowance to recover unpaid council tax and community charge. The following regulations giving effect to these changes have now been laid:

The Social Security (Jobseeker's Allowance Consequential Amendments) (Deductions) Regulations 1996 (SI 1996/ 2344 ) - coming into force on 7 October 1996

The Community Charge and Council Tax (Administration and Enforcement) (Amendment) (Jobseeker's Allowance) Regulations 1996 (SI 1996/2405) - coming into force on 8 October 1996

Copies of the regulations will be circulated shortly.

Enquiries about the Social Security regulations should be directed to Benefit Agency contacts. Any enquiries about the community charge and council tax regulations should be made to Tom Maunsell on 0171-276 3023.

### **FLT at the IRRV Annual Conference in Eastbourne**

We will again be attending the IRRV Conference on 8-11 October and hope you will visit us on stand B6. A list of FLT staff attending each day is attached.

**ANN BLACKMORE**