

MEETING**AUDIT COMMITTEE****DATE AND TIME****TUESDAY 22ND JULY, 2014****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
4.	PUBLIC COMMENTS AND QUESTIONS (IF ANY)	1 - 4

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**AUDIT COMMITTEE
TUESDAY, 22 JULY 2014**

ITEM 4 – PUBLIC QUESTIONS

Note
The time allowed for comments and questions shall be limited to 30 minutes or a maximum of 20 questions, whichever occurs first.
The questioner at the meeting may ask one supplementary question to the original question, which will be answered without discussion.

Question Number	Item No	Raised By	Question Raised	Answer
1.	7- Appendix B (page 101 of Agenda papers)	Mr Derek Dishman	Has this follow up come about wholly or partly because of my objection to last year's Accounts? What, more precisely, does "a period up to 2012/13 mean?" Where there only "interim" parking managers during that period? (we finally have a permanent member of staff which can only be for the good). Aren't PCNs that cannot be enforced written off every month and if not should the council consider this as a good practice?	As per the Audit Plan presented to the Audit Committee in April 2014, we confirmed that as part of our VFM work for the year we would include a specific follow up of the elector objections raised in 2012/13. Agreed that this is unclear. This is the period up to the 2012/13 year end, at which point there was the debt write off referred to. There was only one interim Parking Manager during the year 2012/13. PCNs that are unenforceable are written off or cancelled when we become aware, either through proactive reviews, representations or other forms of analysis.
2.				With regard to whether monthly write offs would be considered good practice we would not view this level of regularity to be necessary.
3.				The total write-off for the financial year 2012/13 was £29,600.
4.				
5.			How much was written off due to a "build up"?	

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6.			How much is currently unpaid for 2013-14?	The value of the outstanding debt is £3,014,008.
7.			The contract with NSL was meant to start on 1 April 12. It actually started on 1 May 2012. How can you say that the lead-in time had been shortened when the opposite had occurred?	The original contract timescales provided a three month lead in to the new contract, because of the delays in the contract being let the go live was moved from April 12 to May 12 to allow the provider the continued three month lead in. There was therefore no 'shortened' lead in time in this case and the final wording in the ISA 260 will reflect this.
8.			The Contract award was approved by Cabinet Resources Committee on 14 December 2011 following pre qualification questionnaires which were submitted in May 2011 and tenders in September 2011 and so NSL well knew the services required. Isn't it the case that there was ample time to appoint bailiffs especially as NSL have a group company called TASK who are bailiffs?	It is accepted that the bailiff recovery was not implemented in as timely a manner as the Council would have liked. NSL were made aware of the Council's dissatisfaction in this regard.
9.			What exactly does the pre-debt check entail?	A file is provided to the bailiff company which is uploaded onto their systems for analysis. The process involves a search using a post code and surname in order identify information which might assist in assessing the viability of progressing onto debt registration stage.
10.			If the pre-debt check doesn't include an address database check that shows when people have moved, shouldn't the council think about doing this as my wide experience is that is often the reason for non-payment, none of the paperwork has reached the vehicle owner?	Please refer to answer to question nine above.

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11.			At what "certain age" will those debts be issued directly to bailiffs?	PCN cases are referred to a bailiff company for pre-debt checks following the expiry of the timescales outlined within the Charge Certificate.
12.			Does the council now have copies of both the bailiff contracts taken out by NSL on their behalf?	No, the Council does not currently hold a copy of the bailiff contracts taken out by NSL.
13.			If not complete copies, what sections of the contracts does the council have?	None
14.			Has the council ensured that the bailiffs have policies for dealing with vulnerable individuals and are all such cases referred back to the thin client parking team at the council (not NSL) for consideration as to whether the bailiff should be withdrawn and another method of recovery considered?	The Council has ensured that agreed processes are in place for dealing with vulnerable clients.
15.			Is it not the danger that if NSL are KPI rewarded based upon the action of bailiffs that undue pressure will be put on bailiffs to collect in circumstances when they should be referring back to the client for instructions as the recent case of the lady in High Barnet demonstrates (the newspaper report disclosed that she paid her PCN in December 13 and then had to pay £408 to the bailiffs in April 14 as they refused to believe the evidence of payment that was shown to them)?	Any future to decision to alter the existing KPIs would have regard to all relevant factors. The Council was made aware of the full facts of the case and can confirm that the matter was satisfactorily resolved with the individual concerned.
16.			Wouldn't it be better to have KPI based upon other factors such as low levels of complaint	Thank you for your comments which have been noted.

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17.			<p>about bailiffs, speed and accuracy of paperwork, adherence to the law (e.g. not seizing work vans which are tools of the trade and not clamping Motability vehicles or those displaying blue badges or those where the motorist is heavily pregnant all of which have happened in Barnet in the last 2 years).</p> <p>Bailiffs bring no extra income above the level of the PCN for the council with the fees all being retained by the bailiff who makes large profits at the expense of the motorist so shouldn't the council investigate other ways of contacting them in case they are unaware of the unpaid PCN as has often been the case e.g. looking up phone numbers and calling them to discuss the situation, especially if there is more than one PCN outstanding?</p>	<p>The Council has a duty to recover monies legitimately owed. Like the majority of Councils and Local Authorities across the UK, we consider that the engagement of a bailiff company at the appropriate stage of the PCN recovery process is a necessary statutory medium for the recovery of an outstanding penalty charge and remains the ultimate deterrent to non-payment.</p> <p>It should also be noted that the bailiff process commences only after the Council has exhausted all other statutory recovery efforts.</p>
18.	7 - Appendix B (page 102 of Agenda papers)		<p>Have the Inland Revenue concluded any enquiries they have made into the proper application of PAYE to the remuneration of any officer including the Chief Executive whilst he was the deputy and/or S151 officer and has a settlement had to be paid by the council and if so how much?</p>	<p>The HMRC investigation referred to has been concluded from the Council's perspective. There was no settlement required to be paid by the Council as there was no irregularity identified in the Council's tax arrangements.</p>