

Local authority debt enforcement in Wales: the understandings, assumptions and motivations of 'last resort' enforcement methods.

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1. Brief summary of what the research is about.	This project aims to develop greater understanding of the methods of enforcement used by local authorities to collect arrears of public debts, focusing on council tax as the largest source of public debt and a significant factor in UK indebtedness (Kelly 2016; Greenall et al 2017). In contrast to the enforcement of private debts, public enforcement procedures are influenced by two conflicting motivations of local authorities. As public creditors they are concerned both with generation of income for their community by maintaining maximum council tax

collection rates, and protection of vulnerable people who have limited capacity to pay. This is a complex social and legal issue and an academically neglected area of administrative law. The devolved nature of council tax provision in Wales presents an interesting case study of enforcement practices as distinct from England through which to investigate how this tension of motivations plays out.

Within this area of law, I will focus on the use of bailiffs to recover arrears by execution against property and the sanction of committal to prison, both permitted by Schedule 4 Local Government Finance Act 1992. Such methods of enforcement are frequently described as ‘last resorts’ and justified as beneficial because of their power to coerce the ‘recalcitrant debtor’ (Baldwin 2004) into making payment of their arrears. They also generate significant debate because of their level of intrusion and severity as enforcement methods, but the reasoning behind their use, their effectiveness and their impact on the debtor are poorly understood. Because of this lack of knowledge, it is at present difficult to define, assess or propose reforms to enforcement of public debts based on empirical evidence.

This project builds on previous research into understandings and constructions of what constitutes a vulnerable debtor in Wales. Findings from this project indicated that the approach to enforcement of council tax arrears varies considerably across Wales; authorities are

	not consistent in their definition of vulnerability or their level of engagement in its identification. It is hoped that the doctoral project will extend the scope of understanding of this important topic, keeping in mind the risk of harm to the vulnerable presented by an inappropriate or overzealous enforcement system.
2. What are the research questions?	- How is the use of bailiffs justified as appropriate and/or necessary? - What do local authorities see as the benefits of bailiff use, taking into account their cost? - How do local authorities justify the threat and subsequent use of committal to prison as appropriate and/or necessary? - What do local authorities see as the benefits of committal as a sanction, taking into account the cost? - What do debt advisors and debtors perceive to be the motivations of these enforcement methods based on their own experiences? - What difference, if any, is there between the intended outcomes of last resort enforcement methods and the actual outcomes?
3. What, if any, outputs so far?	The doctoral project is currently at its early stages. Findings from the previous project on vulnerability will be submitted to the Ministry of Justice call for evidence on bailiff reform in early 2019.
4. What outputs are planned?	The findings of the doctoral project will form the basis of my thesis.

5. What is the anticipated impact?	It is hoped that improved understanding of the enforcement process in Wales may prompt greater sharing of good practice across local authorities in Wales, improved oversight of decisions on debtor vulnerability, comparative research with the system in England and potential legal reform to address some of the concerns consistently raised by the debt advice sector about the use of bailiffs and the threat of committal.
6. Comments / additional information / requests for data or input from the broader administrative justice community	I would be very interested to speak with anyone with an interest or experience of this area of law. My email address is BuntJL1@cardiff.ac.uk .