

Appendix 3

Methods of debt recovery.

Attachment of Earnings Order

The Council can order an employer to make deductions from earnings of their employee and to pay the deducted amount to the Council. Failure to comply with the order may result in the employer being fined.

The amount deducted will be in line with regulations and will depend on earnings. Employers can deduct £1 per order for every time a deduction is made to cover administration costs and deductions will continue until the debt is paid. Changes in employment must be reported to the Revenues Team within two weeks.

Deductions from Department for Work and Pensions benefits

The Council can ask the Department for Work and Pensions (DWP) to make deductions from Universal Credit, Income Support, Jobseekers Allowance, Pension Credit or Employment Support Allowance.

The amount deducted will be in line with regulations and will depend on the amount of benefit in payment and any existing deductions in force. Changes to benefit entitlement must be reported to the Revenues Team within two weeks.

External agencies

We work in partnership with several specialist companies in our efforts to recover unpaid council tax and business rates. These companies provide additional support and are specialists in their respective area of recovery. External companies are used for debt collection work, tracing absconders, enforcement action and insolvency. Costs will be added to the debt and external agencies will be used if all other attempts to recover the debt have failed.

Once a case is referred to the debt recovery specialist, all further contact will be referred to the practitioner. The documents issued will recommend the debtor seek their own independent legal advice.

Bankruptcy/insolvency

If the debt owed is more than £5,000 bankruptcy/insolvency proceedings will be considered. There are significant costs associated with this method of recovery, that are incurred by the customer, and their home may be at risk.

A full risk assessment will be undertaken by the Revenues Team using all the information available from the council's records including Land Registry checks, credit reference reports and Companies House records where applicable.

The team will liaise with Social Prescribing Team and other relevant partners to check for vulnerability before proceeding. All cases referred to our debt recovery solicitors for bankruptcy proceedings will be authorised by the Revenues Manager.

Charging orders

When a customer owns property a Charging Order may be appropriate.

Once a Charging Order has been granted against a property, the Council can apply to the court for an Order for Sale and force the property to be sold and the debt recovered from the proceeds of the sale.

There are significant costs associated with this method of recovery, that are incurred by the customer, and their home may be lost so these proceedings will be used with caution. A full risk assessment will be undertaken by the Revenues Team using all the information available from the Council's records including Land Registry checks, credit reference reports and Companies House records where applicable.

The team will liaise with Social Prescribing Team and other relevant partners to check for vulnerability before proceeding. All cases referred for Charging Orders will be authorised by the Revenues Manager.

A factor to consider when deciding to proceed with a Charging Order would be the length of time it will take for the Council to receive the money which may run into years. Once a Charging Order has been granted against a property, the Council can apply to the court for an order to evict and force the property to be sold and the debt recovered from the proceeds of the sale.

The Council may still look to recover any debt that remains not covered by the Charging Order, by other methods.

Tracing debts

All debts owed to the council will be pursued. If the debtor leaves their last known address without a forwarding address, the Council will use various means of tracing the debtor which may involve external tracing agents.

Winding up (Business Rates)

If the ratepayer is a limited company, the Council can apply to 'wind up' the business. There are significant costs associated with this method of recovery that are incurred by the ratepayer.

After agreeing this method of recovery against a business, the Council will send a formal request for payment advising of the intended action and subsequent consequences if the debt is not paid. If no response is received within 14 days, the Council will consider whether a petition for the winding up of the company should be issued.

If the Council seeks a petition from the High Court, the petition will be served on the ratepayer advising them of a date and time of the hearing. At this stage, significant costs are added to the debt.

If the ratepayer refuses to attend court to make representation to the judge, this generally results in the company being wound up. Once the company has been wound up, the matter is then referred to the Official Receiver.

Enforcement agents

the Council will instruct their Enforcement Agents to collect the balance owing when a customer has failed to provide income details, failed to agree an acceptable payment plan and/or make the agreed payments.

The Revenues Team will continually monitor the performance of the Enforcement Agents to ensure they are an efficient and effective collection method.

If the Enforcement Agent cannot identify sufficient goods to clear the debt, or cannot gain lawful entry to the property, they will advise the council accordingly. The Revenues Team will then consider further recovery action as appropriate.

Enforcement Agent Code of Practice

Any Enforcement Agent engaged by this Council shall adhere strictly to the provisions contained in the appropriate legislation relevant to taking control of goods and any other instructions laid down by this Council as may be in force at the relevant time.

The Enforcement Agent will not raise or charge any costs or fees in excess of the costs and fees allowed under the regulations in force as shown in the table below: -

Schedule of Enforcement Fees (other than under a High Court Writ)

Fee Stage	Fixed Fee	Percentage fee (regulation 7): percentage of sum to be recovered exceeding £1500
Compliance Stage	£75.00	0%
Enforcement Stage	£235.00	7.5%
Sale or disposal stage	£110.00	7.5%

The above figures are not including VAT.

The Enforcement Agent shall not represent himself as an employee or representative of the Council, unless directly employed by the Council.

- The Enforcement Agent shall not follow any irregular practices with regard to taking control of goods or attempting to take control of goods, or in the execution of warrants and shall not cause nuisance or trespass in the execution of his duties.
- The Enforcement Agent may conduct his business out of normal office hours, (8:30 - 5:00) but shall at all times consider the reasonableness of the time and the debtor's personal and business movements.
- The Enforcement Agent shall not discriminate against or in favour of a debtor on the grounds of ethnic origin, sex, religion, status, race, colour, creed or disability.
- No removal of goods is to be undertaken without prior authorisation, preferably in writing, by the Client, against the long-term sick, the disabled (either mental or physical) those in hospital, those recently bereaved, those on Income Support, or those where in the opinion of the attending Enforcement Agent to do so would cause the Council unwarranted publicity.
- All Enforcement Agents are required to be Certificated Enforcement Agents of the County Court and either corporate or individual members of CIVEA or working towards it and shall not have, nor permit any of his personnel to have, any criminal convictions or disqualification including those under the Rehabilitation of Offenders Act 1974 and shall sign a declaration to that effect.
- Debtors are to be given a minimum 14 days' notice before enforcement visits commence.
- The Enforcement Agent shall indemnify the Council against any and all actions arising from any act or omission not occasioned by the Council and those where the Enforcement Agent was aware that there was an act or omission prior to the action taking place.
- Cases where the taking control of and removal of "Tools of the Trade" over the statutory £1350 limit is being sought shall be referred on a case-by-case basis to the Revenues Team Leaders/Revenues Manager. No such removal shall take place without this referral having been made.
- Whilst permitted in legislation, visits are not to be made on Sundays.

Enforcement Agent Instructions

1. General

- 1.1 It is the Council's policy to be firm yet fair when dealing with our taxpayers.
- 1.2 Although the Council's preferred method of recovery is Attachment of Earnings or Benefits the Council's Policy is that the most appropriate method shall be used from information available to recover the sums due.
- 1.3 No method of recovery shall be used which is either not in the Council's best interests or which may bring the Council into disrepute. At all times an attempt should be made to minimise the detrimental effect on the family of the taxpayer whilst ensuring the debt is paid. Special care shall be taken when dealing with vulnerable groups i.e. the elderly, the long-term sick, the disabled (either mental or physical) those in hospital, those recently bereaved, or those on Income Support/Job Seekers Allowance Income Based.
- 1.4 If there is a genuine inability to pay and the debt is small the Enforcement Agent should pass the information and circumstances to the office so that an informed decision as to the appropriate action can be made.

2. ENFORCEMENT AGENT WORKING PRACTICES.

- 2.1 The Contractor shall not sub-contract the provision of the service or any parts thereof to any person.
- 2.2 Work shall be issued to the Enforcement Agent electronically.
- 2.3 The Enforcement Agent shall conduct his/her affairs in accordance with statutory requirements and comply with the North Norfolk District Councils Code of Conduct for Enforcement Agents, Enforcement Agent Guidelines, Enforcement Agents Code of Practice, and any nationally approved Code of Practice.
- 2.4 All visits shall be carried out in accordance with legislation.
- 2.5 The Enforcement Agent shall commence processing all cases issued to him within 3 days of instruction unless otherwise agreed by the Council.
- 2.7 The Enforcement Agent shall, on each visit to a debtor's premises, present his identification without being requested to do so once it has been confirmed that he is speaking to the debtor.
- 2.8 The Enforcement Agent shall thoroughly and accurately complete the appropriate visiting documentation provided to him by his employer.
- 2.11 The Enforcement Agent shall seek completion of signed controlled goods agreements where required.
- 2.12 The Enforcement Agent shall have regard to the Council's Special Arrangement Policy when considering entering into Controlled goods agreements with the debtor.
- 2.13 Goods taken into control shall be detailed on the appropriate Enforcement Agency documentation. In the case of electrical goods, serial numbers shall be listed on the inventory.
- 2.14 In exceptional circumstances, i.e. where the Council or the Enforcement Agent is aware of a debtor's imminent intention to move away or another Enforcement Agents' imminent involvement in one of our cases, the normal process will be by-passed and immediate action to take control of/remove goods to secure the Councils' position shall take place.
- 2.17 The Enforcement Agent shall provide sufficient and accurate evidence, including a nulla bona certificate, in cases where required.
- 2.18 The Enforcement Agent shall obtain authorisation from the Revenues Manager or Revenues Team Leader prior to the removal of goods taken control of.
- 2.19 The Enforcement Agent shall attend Court to act as witness if so required.
- 2.20 The Enforcement Agent shall immediately inform the Revenues Manager or Revenues Team Leader of any cases of physical or verbal abuse or where any action could lead to an official complaint or legal challenge being directed at the Council.
- 2.21 The Enforcement Agent shall be notified by the Council within five working days of the posting to an individual's account of payments received or amendments made which alter the balance of any Liability Order currently being processed by him/her.

COUNCIL'S SPECIAL ARRANGEMENT POLICY

- When making special payment arrangements the Enforcement Agent shall endeavour to ensure the arrangement ends within the same financial year, or does not exceed a period of 12 months, having sought approval from a member of the Revenues Team.
- Debtors can be offered the option of weekly or fortnightly instalments instead of monthly.
- If the debtor requests that the instalment profile is extended over a year end or twelve-month period written or verbal authorisation shall be sought from a member of the Revenues Team
- Remember when making these arrangements to notify the Debtor that the new year's instalments will need to be paid when due.
- All arrangements shall be made subject to the debtor signing a controlled goods agreement.
- Any failure by the debtor to maintain the special arrangement shall result in further recovery action being taken.

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