

## Internal Enforcement Agent Policy

### Council Tax, Business Rates and Business Improvement Districts

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## 1.0 Introduction

Southwark Council uses internal Enforcement Agents in the recovery of outstanding arrears of Council Tax, Business Rates and Business Improvement District Levy (BID levies).

From 6 April 2014 bailiffs (as they were previously known) were replaced by Enforcement Agents when the Taking Control of Goods regulations came into effect. The main objective for our Enforcement Agents is to provide an effective, efficient and customer focused service in the collection of outstanding debts.

This policy on the use of Enforcement Agents takes account of legislative requirements, national standards guidelines issued by the Ministry of Justice and the best practise guide provided by CIVEA, an independent association who enforce standards for private Enforcement Agents in England and Wales.

## 2.0 Aims and objectives

Our aims and objectives of the council's enforcement agent service will be to collect outstanding debts in a firm but fair manner, taking account of all circumstances and taking action that is proportionate to the amount outstanding.

We aim to agree repayments agreements at every stage of the recovery process and ensure that outstanding amounts are paid to the council at the earliest possible time.

We will make every attempt to contact debtors using all available contact methods to try to settle the outstanding amount, agree a suitable repayment agreement and prevent enforcement action escalating with additional fees being charged. We will charge fees in accordance with the legislation and enforcement action taken.

We will ensure all enforcement agents employed by the council at all times comply with;

- The Council's code of conduct
- The Ministry of Justice Taking Control of Goods: National standards
- CIVEA Code of Conduct and Good Practice Guide
- Taking Control of Goods Regulations 2013
- Taking Control of Goods (Fees) Regulations 2014

We aim to provide an enforcement agent service that considers the needs of both the debtor and the interests of the council.

### **3.0 Enforcement Agents**

Our internal enforcement agents will be certificated by the county court in accordance with the Certification of Enforcement Agent Regulations 2014.

The certification process ensures that each of our enforcement agent is a fit and proper person who possesses detailed knowledge of the relevant legislation and working practices to hold a certificate and act on behalf of the council.

We will ensure our enforcement agents receive adequate training in good practices and are kept up to date with any changes to legislation or working practices.

Our enforcement agents will consider the individual circumstances of each debtor when determining the most appropriate action to take.

### **4.0 Pre- referral recovery process**

Information on the recovery process prior to referring a Liability Order to an Enforcement Agent can be found at;

[www.southwark.gov.uk/council-tax/if-you-don-t-pay](http://www.southwark.gov.uk/council-tax/if-you-don-t-pay)

<http://www.southwark.gov.uk/council-tax/if-you-don-t-pay>

Prior to referring a Liability Order to our enforcement agents, we will ensure that the statutory recovery procedures have been followed and every effort has been made to collect or recover the amount outstanding through alternative methods including an agreed repayment agreement.

### **5.0 Stages of Enforcement Agent Action**

#### **Compliance Stage**

The compliance stage starts as soon as a Liability Order has been referred to an enforcement agent. The £75.00 compliance fee will be added to the amount outstanding at this stage.

A Notice of Enforcement will immediately be issued to the debtor advising the date upon which our enforcement agent may visit to take control of goods should the amount due (including fees) not be paid. The letter will detail how payment can be made and how to contact our enforcement agent to agree a repayment agreement.

## Enforcement Stage

Where the debtor has not paid the outstanding amount or agreed a repayment agreement within 7 days of the Notice of Enforcement being issued. The £235.00 enforcement fee will be added to the amount outstanding when our enforcement agent visits the debtor.

## Sale of Goods Stage

Where our enforcement agent takes control of goods, the regulations allow the enforcement agent to;

1. Allow the goods to remain on the premises under a controlled goods agreement (the goods may be removed at a later date should the debtor default on the repayment agreement),
2. Secure goods on a highway,
3. Remove goods to a secure location.

Failure to pay the full amount outstanding (including compliance and enforcement fees) will result in the sale of the debtors goods to settle the debt.

## 6.0 Fees

Details of the statutory fees that are payable are prescribed in the Taking control of Goods (Fees) Regulations 2014.

The fees in relation to the collection of Council Tax and Non-Domestic Rates are detailed below and become payable when the stage commences;

Stage	Fixed Fee	Percentage fee (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%

If more than one Liability Order is referred to our enforcement agent for the same debtor at the same time the compliance fee will be payable for each Liability Order.

However, only one enforcement, sale or disposal fee will be payable but with the percentage fee calculated on the total amount outstanding for all Liability Orders.

## 7.0 Operating hours

Our enforcement agents may visit residential or business premises to take control of goods between the hours of 6am and 9pm on any day of the week.

Visits for business rates debts may take place outside of these hours but within the usual trading / business hours.

We will use discretion with regard to enforcement agent visits and undertaking enforcement on any day of religious or cultural observance or during any major religious or cultural festival

Debtors may contact our enforcement agent team between the hours of 9am and 5pm Monday to Friday.

## 8.0 Gaining entry to a premises

In order to take control of goods our enforcement agents may enter a property through any usual means of entry such as;

- an open door
- a shut but unlocked door
- a locked door if the key is available for use.

Our enforcement agents will **not**;

- force entry into premises (unless returning to remove goods which have already been taken into control)
- deceive / misrepresent their powers in order to gain entry
- enter through a window.

In certain circumstances where our enforcement agent has already taken control of goods but left them on the premises, the agent may re-enter the property by force if necessary to remove the goods for sale.

## 9.0 Removal of Goods

Our enforcement Agents will ensure;

- only goods belonging to the debtor are removed,
- all reasonable steps are taken to ensure the value of the goods taken into control is proportionate to the value of the debt,
- all reasonable care must be taken when goods are removed,
- the costs of removing, transporting and storing of goods is kept to a minimum.

## 10. Exempt Goods

The following goods are exempt and will **not** be taken into control;

- Clothing, bedding, furniture, household equipment, items and provisions that are reasonably required to satisfy the basic domestic needs of the debtor and every member of the debtor's household, including (but not restricted to) —
  - a cooker or microwave;
  - a refrigerator;
  - a washing machine;
  - a dining table large enough, and sufficient dining chairs, to seat the debtor and every member of the debtor's household;
  - beds and bedding sufficient for the debtor and every member of the debtor's household;
  - one landline telephone, or if there is no landline telephone at the premises, a mobile or internet telephone which may be used by the debtor or a member of the debtor's household;
- Any item or equipment reasonably required for—
  - the medical care of the debtor or any member of the debtor's household;
  - safety in the dwelling-house; or
  - the security of the dwelling-house (for example, an alarm system) or security in the dwelling-house;
- Sufficient lamps or stoves, or other appliance designed to provide lighting or heating facilities, to satisfy the basic heating and lighting needs of the debtor's household; and
- Any item or equipment reasonably required for the care of—
  - a person under the age of 18;
  - a disabled person; or
  - an older person;
- Assistance dogs (including guide dogs, hearing dogs and dogs for disabled persons), sheep dogs, guard dogs or domestic pets;
- A vehicle on which a valid disabled person's badge is displayed because it is used for, or in relation to which there are reasonable grounds for believing that it is used for, the carriage of a disabled person;
- A vehicle (whether in public ownership or not) which is being used for, or in relation to which there are reasonable grounds for believing that it is used for, police, fire or ambulance purposes; and

- A vehicle displaying a valid British Medical Association badge or other health emergency badge because it is being used for, or in relation to which there are reasonable grounds for believing that it is used for, health emergency purposes.

#### **For Council Tax debts only**

- Items or equipment which are necessary for use personally by the debtor in the debtors employment, business, trade, profession, study or education where the aggregate value of the items or equipment do not exceed £1,350.

### **11. Vulnerable Persons**

Every effort will be taken to identify vulnerable debtors so that outstanding amounts are not referred to an enforcement agent.

Where a debtor is identified as potentially vulnerable after the start of the enforcement process, our enforcement agent will withdraw and refer the case back to the recovery team in order that further assistance and support can be provided.

Our enforcement agents will not proceed with any action or enquiries when visiting residential properties if the only person present is, or appears to be, under the age of 16.

A debtor may be considered vulnerable if, for reasons of age, health or disability they are unable to safeguard their personal welfare or the personal welfare of other members of the household.

Our enforcement agent will ensure that the debtor or the person to whom they are entering into a controlled goods agreement understands the agreement and the consequences if the agreement is not complied with.

Our enforcement agents will be aware that vulnerability may not be immediately obvious.

Some groups who might be vulnerable are;

- the elderly;
- people with a disability;
- the seriously ill;
- the recently bereaved;
- single parent families;
- pregnant women;
- unemployed people; and,
- those who have obvious difficulty in understanding, speaking or reading English.



## 12. Complaints

All complaints received will be investigated in accordance with the council's corporate complaints procedure as detailed at <http://www.southwark.gov.uk/complaints>.

## 13. Support and advice

All notices issued by the enforcement agents will contain details of how to obtain further advice and support from:

- **Southwark Local Support Team** Benefits advice and support for pensioners and vulnerable persons  
Email: [localsupport@southwark.gov.uk](mailto:localsupport@southwark.gov.uk)  
Tel: 020 7525 7434
- **Advising London** - Elephant & Castle Shopping Centre, First Floor, Unit 215-216, New Kent Road, London, SE16 3UQ  
Tel: 020 7358 7034 or 020 3752 5520
- **Southwark Credit Union** - 79 Denmark Hill, Camberwell, London, SE5 8RS  
Tel: 020 7787 0770
- **Southwark Citizens Advice Bureau (Bermondsey)** - 8 Market Place, Southwark Park Road, London, SE16 3UQ  
Tel: 0344 499 4134
- **Southwark Law Centre** - Hanover Park House, 14-16 Hanover Park, Peckham, London, SE15 5HG  
Tel: 020 7732 2008