

REPORT TO: Corporate Policy and Performance Board
DATE: 18 March 2014
REPORTING OFFICER: Strategic Director – Policy and Resources
PORTFOLIO: Resources
SUBJECT: Code of Practice for Enforcement Agencies
WARD(S): Borough-wide

1. PURPOSE OF REPORT

1.1 To consider the attached Code of Practice for Enforcement Agencies.

2. RECOMMENDATION:

To recommend to Executive Board the adoption of the attached Code of Practice for Enforcement Agencies.

3. BACKGROUND TO SCHEME

3.1 The Tribunals Court and Enforcement Act 2007 brought in a number of changes some of which will directly affect the work carried out by bailiffs, who will be replaced by Enforcement Agents, employed by the Council from April 2014.

3.2 The changes have been brought in partly as a result of complaints about lack of transparency in the recovery of debts, anomalies and inconsistencies in the charging of fees and, variations in the manner in which debts can be recovered.

3.3 In summary the three main areas of change are:

- a) The introduction of a standard approach to the enforcement process
- b) The introduction of fixed staged fees
- c) The introduction of standardised training and competency requirements

4. Halton's Position

4.1 The new approach should be much clearer and transparent for all parties. It should make the recovery process more structured and auditable including the fees charged by Enforcement Agents.

5. Code of Conduct

5.1 The proposed Code of Practice for Enforcement Agencies is attached at Annexe A.

5.2 The existing Code of Conduct was drawn up some time ago and it is appropriate, in view of the new legislation, to revise the Code for the benefit of all parties involved in the collection of debt owed to the Council.

5.3 The Code of Practice covers the following areas:

- a) Professionalism and conduct of Enforcement Agents
- b) Training and Certification
- c) Enforcement Agent Procedures
- d) Removal and sale of goods
- e) Times and Hours of Visits
- f) Information and Confidentiality
- g) Complaint/Discipline
- h) Statutory of Financial Requirements for Enforcement Agents
- i) The Councils Responsibilities
- j) Vulnerability Criteria

6. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 It has the potential to affect all Council priorities.

7. RISK ANALYSIS

7.1 The action of Enforcement Agents employed by the Council will be monitored at all times to ensure compliance with the new Code of Practice.

8. EQUALITY AND DIVERSITY ISSUES

8.1 The guidance will contribute to a consistent and equitable approach to debt collection by Enforcement Agents employed by the Council.

9. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Tribunals Court and Enforcement Act 2007	Revenues & Benefits & Customer Services Division Kingsway House Widnes	Peter McCann