



***Code of Conduct  
and Service Specification***

***for***

***Council Tax & N.D.R Recovery  
Enforcement Agents***

# CODE OF CONDUCT

## Introduction

Leeds City Council's main objective is to provide an effective and efficient enforcement service in the collection of local taxation debts whilst maintaining a high level of customer care. Enforcement is a difficult but essential task and those who operate in this field often face situations that require careful and sensitive handling.

This Code of Conduct provides guidance on some issues which may not be specifically covered in legislation, but which are relevant in a modern society and sets out the procedural and other standards for any contracted Enforcement Agent, **including Bailiffs**, employed by Leeds City Council to assist in the recovery of Council Tax and Non-Domestic rates.

## Vulnerable situations

- Enforcement Agents have a duty to contact Leeds City Council and report the circumstances in situations where there is potential cause for concern.. The exercise of appropriate discretion is needed, not only to protect the debtor, but also the enforcement agent who should avoid taking action which could lead to accusations of inappropriate behaviour. Those who might be potentially vulnerable include :
  - the elderly;
  - people with a disability;
  - the seriously ill;
  - the recently bereaved;
  - pregnant women;
  - those who have obvious difficulty in understanding, speaking or reading English.
  - people who Rely on J.S.A or Income Support as their sole income.
- In these cases, the Contractor should proceed no further and IMMEDIATELY report the particular circumstances of the case to Leeds City Council then await further instruction
- Enforcement Agents must withdraw from domestic premises if the only person present is, or appears to be, under the age of 18; they can ask when the debtor will be home - if appropriate.

## **Professionalism and conduct of the Enforcement Agent**

- Enforcement Agents should always produce relevant identification on request, such as a badge or ID card, together with a written authorisation to act on behalf of Leeds City Council.
- Enforcement Agents must act within the law at all times and observe all health and safety requirements in carrying out enforcement. They must maintain strict client confidentiality and comply with Data Protection legislation and, where appropriate the Human Rights and Freedom of Information Acts.
- Enforcement Agents must carry out their duties in a professional, calm and dignified manner. They must dress appropriately and act with discretion and fairness.
- Enforcement Agents must not misrepresent their powers, qualifications, capacities, experience or abilities.
- Enforcement Agents must not discriminate unfairly on any grounds including those of age, disability, ethnicity, gender, race, religion or sexual orientation.
- Enforcement Agents must issue a receipt for all payments collected

## **Times and Hours**

- Enforcement should not be undertaken on Sundays, on Bank Holidays, on Good Friday or on Christmas Day, unless the court specifically orders otherwise. Enforcement should only be carried out between the hours of 6.00am and 9.00pm or at any time during trading hours.
- Enforcement Agents should be respectful of the religion and culture of others at all times. They should be aware of the dates for religious festivals and carefully consider the appropriateness of undertaking enforcement on any day of religious or cultural observance or during any major religious or cultural festival.

## **Fees, Information and Confidentiality**

- All notices, correspondence and documentation issued by the agent/agency must be clear, unambiguous and to the satisfaction of Leeds City Council.
- All information obtained during the administration and enforcement of cases must be treated as confidential.
- Enforcement Agents should, so far as it is practical, avoid disclosing the purpose of their visit to anyone other than the debtor. Where the debtor is not seen, the relevant documents must be left at the address in a sealed envelope addressed to the debtor.
- Enforcement Agents must only charge fees in accordance with SI 1992 No.613 - The Council Tax (Administration and Enforcement) Regulations 1992 - Schedule 5 - Regulation 8 - Charges Connected With Distress and the Non-Domestic Rating (Collection and Enforcement) Regulations 1989 Schedule 3 regulation 14(2).

Other reasonable charges can be made in respect of attendance with a vehicle and waiting time as agreed by Leeds City Council as part of the formal tender process.

- Enforcement Agents will on each and every occasion when a visit is made to a debtor's property which incurs a fee for the debtor, leave a notice detailing the fees charged to date, including the one for that visit, and the fees which will be incurred if further action becomes necessary. If a written request is made an itemised account of fees will be provided.

## **Removal of Goods**

- Enforcement Agents must only take goods in relation to unpaid Council Tax with the consent of the designated Leeds City Council Senior Officer.
- Enforcement Agents must ensure that goods are handled with reasonable care so that they do not suffer any damage whilst in their possession and should have insurance in place for goods in transit so that if damage occurs this is covered by the policy.
- Enforcement Agents should not remove anything clearly identifiable as an item belonging to, or for the exclusive use of a child.
- A receipt for the goods removed should be given to the debtor or left at the premises.
- Enforcement Agents should take all reasonable steps to satisfy themselves that the value of the goods impounded in satisfaction of the judgement is proportional to the value of the debt and charges owed.

## **Complaints/Discipline**

- Complaints about Bailiffs or Enforcement Officers by members of the public should be directed toward Leeds City Council where they will be investigated in line with the Council's Corporate Complaints Procedures, notwithstanding this -
- Enforcement Agencies must also operate their own complaints and disciplinary procedures with which all their agents must be fully conversant.
- The enforcement agent must make available to debtors details of how to make a complaints on request or whenever it would appear appropriate to do so.
- All appointed Enforcement Agents must be members of appropriate Professional Associations and as such, shall abide to the rules of their association's complaints procedures

**All contracted Enforcement Agencies must be members of an appropriate professional association or organisation relevant to their sphere of activity and are required to ensure that they and their employees, comply with this code of conduct at all times.**

## SERVICE SPECIFICATION

### 1. Financial and Banking Requirements

- Enforcement Agencies must keep a complete record of all financial transactions in whatever capacity undertaken and should ensure that audited accounts are available on request.
- A separate *client bank account* for monies due to Leeds City Council should be maintained and relevant Bank statements made readily available to Leeds City Council .
- All payments must be deposited into the *client bank account* within 1 working day of receipt.
- Cash & cleared payments (including part payments) received by Enforcement Agents from the debtor must be paid to Leeds City Council within 10 working days of receipt. Monies must be sent on a weekly basis via BACS in the format stated by Leeds City Council .
- Enforcement Agents must be able to take payments from debtors by all available options but are permitted to pass onto debtors any charges imposed by the their bankers.
- Commission charges or any other fees agreed due from Leeds City Council to the Enforcement Agency must not be deducted from funds paid by the debtor and the council must be invoiced accordingly.
- All Invoices and schedules should be sent to Leeds City Council on a weekly basis in the exact format stated and separately itemised for Council Tax & Non-Domestic Rates
- Enforcement Agencies must maintain suitable and comprehensive insurance cover for both professional indemnity and other risks including employer's liability and public liability.

## 2. Fees and Charges

- Bailiff Charges must adhere to current legislation i.e. -SI 1992 No.613 - The Council Tax (Administration and Enforcement) Regulations 1992 Schedule 5 - Regulation 8 - Charges Connected With Distress and the Non-Domestic Rating (Collection and Enforcement) Regulations 1989 Schedule 3 regulation 14(2).

<b>Bailiffs can only charge the debtor as follows for Council Tax and Non Domestic Rates:</b>	
<b>The actual levy or any attempt to levy.</b>	Such fees and charges are laid down in regulations. e.g. 1st visit £22.50, 2nd visit £16.50 (where no levy is made)
<b>Walking Possession</b>	Maximum of £11.00 as laid down in regulations.
<b>Close Possession</b>	Such charges as are laid down in regulations
<b>For attendance upon the debtors premises with a removal vehicle with a view to removing goods ( where an adequate levy has been made), where goods are removed or where full payment is made whilst attending.</b>	Fees deemed appropriate by Leeds City Council as specified in the tender.  <b>One fee per debtor with multiple debts</b>
<b>Bailiffs waiting time attendance in respect of the above where the debtor is at the premises.</b>	Fees deemed appropriate by Leeds City Council as specified in the tender. <b>One fee per debtor with multiple debts</b>
<b>Appraisal fees, auction fees, pound fees, advertising, etc.</b>	Such fees and charges as are laid down in regulations.

- Reasonable charges can be made in respect of attendance with a vehicle and waiting time as agreed and approved with Leeds City Council as part of the tender process. Bank charges incurred by the Enforcement Agency relating to payment taken via Debit / Credit cards can be passed onto debtors.
- These are the only fees allowed, no charges are permitted for anything else - such as sending out letters, making arrangements, or processing “Bounced” cheques.
- No variations are to be made to any charges without the express permission of Leeds City Council and any deviation shall be considered a breach of contract whether or not they are allowed in law.
- Charges in relation to Warrants of Arrest and Committal will be passed onto debtors as awarded by Leeds Magistrates Court.

### 3. Communication and Data transfer

- Leeds City Council will issue and return cases to/from the Enforcement Agency by data transfer in electronic format.
- All visiting Agents should contact their offices on a regular weekly basis to ensure that the Enforcement Agencies computerised customer records (including fees incurred) are kept up to date
- Leeds City Council should have direct access by internet link to the computerised records of our caseload.
- Cases should be returned to Leeds City Council on a weekly basis in a scheduled electronic format as agreed by the Council.
- All visiting agents must be CONTACTABLE by mobile phone whilst working,

### 4. Operational Instructions

- Where Local Councillors and MPs become involved the Enforcement Agent must immediately seek advice from Leeds City Council or withdraw on all such cases where Leeds City Council Senior officers are unavailable.
- Where a bailiff has been unable to gain access to the debtors premises or a debtor cannot pay and has insufficient goods on which to distrain, the bailiff will prepare a “Nulla bona” certificate which will be retained until needed but the case should be immediately returned to Leeds City Council .
- Where multiple debts have been referred to the Enforcement Agency over a period of time by Leeds City Council for the same debtor, the Enforcement Agent must ensure that the debtor is advised of all the debts referred at the time a visit is made and avoid individual visits for each debt.
- When executing a Bail Warrant the Enforcement Officer must explain:
  - a) the reason why the warrant is being executed;
  - b) the time, date and place of the court hearing;
  - c) the likely consequences of non-attendance.
- The Enforcement Officer must complete a proforma, as approved by Leeds City Council, detailing points a - c above and leave a signed copy with the debtor.
- Leeds City Council must be informed daily of all bail warrants executed together with the dates and times to which debtors have been bailed. An enforcement Agent executing

a no-bail warrant must inform the Council as soon as the arrest has been made and the debtor should be taken immediately to Leeds Magistrates Court.

- When executing a No Bail Warrant the Enforcement Officer should, where possible, inform another member of the household of the action being taken. No Bail Warrants must not be executed where it appears that children or the elderly and infirm who require care would be left unsupervised as a result
- Full payment **only** should be accepted on Arrest Warrants and debtors must be bailed to those dates supplied by Leeds City Council . Recognizance forms and any other documentation left to debtors regarding Arrest Warrants must be in the format as stated by the Council.

## 5. Performance & Management Information.

*The Enforcement Agency will report on a six monthly rolling basis throughout the duration of the contract*

- The number of cases they have received, returned and retained as well as the amount of money they have collected.
- The % number of cases referred visited within 10 working days of receipt and within 28 days of receipt. .
- All cases which have been in their possession for 6 months where no contact or payments have been received by them.

## 6. Leeds City Council Responsibilities

- Leeds City Council will notify the enforcement agency of all direct payments received, changes in balances and information regarding alterations to addresses with regards their debtors.
- Leeds City Council will not issue a liability order or warrant knowing that the debtor is not at the address, as a means of tracing the debtor at no cost.
- Leeds City Council will advise the Enforcement Agency of any threats of potential violence from a debtor and of any other matters of concern arising.

***Leeds City Council will monitor contracted Enforcement Agencies adherence to this code of conduct and service specification via formal meetings held at six monthly intervals throughout the duration of the contracts.***