

Bailiff Code of Practice

The Bailiff company the Council uses is Equita. They act on behalf of the Council to recover a debt either by arrangement or removing goods and selling them at auction.

They follow a strict code of practice –

Initial contact

A bailiff will introduce themselves to a debtor as a Certificated Bailiff from Equita acting on behalf of the Council. They will at all times remain polite and professional.

They will produce for the debtor photographic identification and authorisation to act (supplied by the Council).

They will explain clearly the reason for their visit and if necessary the powers of a bailiff. A copy of the regulations and charges that may apply are left at the debtors premises.

The Bailiff may call between 6am and 9pm Monday to Saturday.

All documentation is on Equita stationery and any document left in the debtors absence will be in a plain envelope. Large print and Braille is available on request with the Bailiffs.

Bailiffs do not enter a property where the only persons present are under the age of 18.

Where communication difficulties arise as a result of language difficulties a translation service exists by request to the Bailiffs.

Contact and Visits

The Bailiff will make an initial visit to the debtor shortly after receiving the Liability Order from the Council.

The Bailiff will seek a full payment of the debt, if this is not possible an attempt will be made to levy distress and obtain a signed Walking Possession Agreement.

If the debtor wants an arrangement to pay this must be made with the Bailiff. The Bailiff will want to establish income and employment details prior to making any payment arrangement.

If the debtor indicates an unwillingness to pay their debt in full, enter into a payment arrangement or agree to Walking Possession, the Bailiff is entitled to remove goods immediately.

If contact has not been possible a letter is left at the debtor's premises in a sealed plain envelope. The debtor is urged to contact the Bailiff operators.

If there is no response to this letter a second visit takes place.

If no contact is made by the debtor after the second visit, it may be appropriate to proceed to enforcement. An 'enforcement letter' is sent to the debtor allowing 14 days to pay in full. This letter highlights the consequence of non-payment and likely costs of an enforcement visit.

An enforcement visit is then scheduled to remove goods. If the bailiff is unable to contact the debtor a notice is left at the premises advising the debtor of the bailiff's visit with the intent to remove goods. This notice requests the debtor to contact the Bailiff via their mobile and /or the call centre.

If no further contact or offer of payment is possible Equita will issue a final notice to the debtor advising of the possibility of committal action or commencement of bankruptcy proceedings.

Payment and Arrangements

Once a case is with the Bailiff all payment arrangements must be made with them directly.

Payment arrangements may be negotiated over a maximum period of 6 months.

Payment arrangements are confirmed in writing by the Bailiffs.

Removal and Sale of goods

Removal and sale of goods will be undertaken if all other options have been exhausted.

The sale of seized goods is organised through a network of approved suppliers. Any sale that takes place is properly publicised. The costs of removing and carrying out the sale of debtors' goods are kept to a minimum.

When goods are removed the debtor is advised of the amount due, including the cost of removal and the date time and location of any auction.

Goods are only removed if they belong to the debtor (whether owned solely or jointly with another person), and reasonable precautions are taken to ensure this.

If it is subsequently established that goods belong to another , they are released immediately upon receipt of proof of ownership.

Equita will provide a full list of payment methods and these include: payment direct to the bailiff (receipt provided to debtor); postal payments (receipt sent to debtor); Girobank payment; bank payment; credit and debit card (receipt will be sent to debtor); over the internet; direct debit; over the telephone or at one of Equita local offices.

Equita telephone centre is open between 8am and 8pm Monday to Friday and between 8am and 1pm on Saturdays.

All letters will be actioned within 5 days of receipt. If this is not possible an acknowledgement or interim reply will be sent detailing the reason for the delay.

Equita shall only charge fees in accordance with the Council Tax (Administration and Enforcement) (Amendment) (no2) (England) Regulations 2003.

Complaints procedure

Complaints should be submitted in writing to Equita clearly stating the nature of the dissatisfaction. The complaint is dealt with by a Senior Equita Manager. A written response to the customer is posted within ten working days of receipt of the complaint.

If the customer is not satisfied with the response from Equita following their complaint they may inform the Council's Revenue Manager.