

Enforcement Agent (formerly known as a Bailiff) Code of Practice

The Enforcement Agencies the Council uses for its Revenue and Benefit debts (Council Tax, Business Rates, Benefit Overpayments) are Kingston Enforcement Services (KES) and 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

On receipt of each liability order the Enforcement Agency will issue a Notice of Enforcement within 24 hours of receipt.

Attempts will be made to contact debtors using any available contact information, or by letter, so that an arrangement to pay may be agreed.

If after a pre-agreed timescale and not earlier than 14 days (or 10 days for Non-Domestic Rate accounts) from the issue of the Notice of Enforcement, the case will be passed to a Civil Enforcement Agent to visit.

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

Contact and Visits

An Enforcement Agent will introduce themselves to a debtor as an Enforcement Agent 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 an Enforcement Agent.

All fees and charges levied at the point of the initial visit to the premises will be strictly in accordance with the Taking Control of Goods Fee Regulations 2014.

The Enforcement Agent may call between 6am and 9pm Monday to Sunday, excluding Bank Holidays.

All documentation is on KES or Equita stationery and any document left in the debtors absence will be in a plain envelope.

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

The Enforcement Agent will seek full payment of the debt. If this is not possible an attempt will be made to take control of goods and complete a Controlled Goods Agreement.

If the debtor wants an arrangement to pay at this stage, this must be made with the Enforcement Agent. The Enforcement Agent 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 a Controlled Goods Agreement, the Enforcement Agent is entitled to remove goods immediately, and proceed to sale after 7 days if the debt remains unpaid.

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 Enforcement Agent operators.

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

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

If no further contact or offer of payment is possible the Enforcement Agent will issue a final notice to the debtor advising of the next stage which may include commencing committal proceedings in the Magistrates Court which could lead to committal to prison, or commencement of bankruptcy proceedings.

Payment and Arrangements

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

Payment arrangements are confirmed in writing by the Enforcement Agents.

Removal and Sale of goods

Removal and sale of goods will be undertaken if all other options have been exhausted and the goods are deemed sufficient to substantially reduce or clear the indebtedness.

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, however the onus is on the debtor to disprove ownership. If it is subsequently established that goods belong to another, they are released immediately upon receipt of proof of ownership.

Payment methods will include: payment direct to the Enforcement Agent (receipt provided to debtor); postal payments; internet bank payment; credit and debit card; over the telephone.

KES telephone centre is open between 9am and 5pm Monday to Friday.

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

All letters will be actioned within 10 days of receipt. If this is not possible an acknowledgement or interim reply will be sent detailing the reason for the delay.

Enforcement Agents will only charge fees in accordance with the Taking Control of Goods (Fees) Regulations 2014.

Complaints procedure

Complaints about Equita should be submitted in writing to Equita clearly stating the nature of the dissatisfaction. The complaint will be dealt with by a Senior Equita Manager. A written response to the customer will be 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 & Benefit Manager.

Complaints about KES should be submitted through the Council's Complaints procedure details of which can be found [here](#) or in writing to the Revenue & Benefits Manager, Guildhall 2, Kingston upon Thames, Surrey, KT1 1EU.