



**MERTHYR TYDFIL**

County Borough Council

Cyngor Bwrdeistref Sirol

**MERTHYR TUDFUL**

# **MTCBC Use of Enforcement Agents (Formerly Bailiffs)**

September 2015

[www.merthyr.gov.uk](http://www.merthyr.gov.uk)

## **When we would use Enforcement Agents**

The law allows us to use Enforcement Agents to collect debts after a Liability Order has been granted. We know that a visit from an Enforcement Agent can be upsetting so we will only use them if there is no other way of getting you to pay your debt.

## **How do I avoid a visit from an Enforcement Agent?**

Before we send a debt to the Enforcement Agent, we always encourage you to contact us first to try to avoid this. We will therefore send you a warning letter at least 14 days before we instruct an Agent to act. The letter will request payment in full, and advise you of the potential costs if an Agent is instructed.

We wouldn't want to use an Agent to collect your debt if you have any vulnerability issues, but we usually don't know about your individual circumstances - please contact us if we pass your debt to the Enforcement Agent in these circumstances. Each case will be considered on its merits and any decision made will take account of the individual circumstances of the Client. However, there is no legal obligation placed on the Authority to have an account returned.

## **What can an Enforcement Agent do?**

An Enforcement Agent can take your belongings so that they can be sold to pay off a debt, so it's very important you don't ignore any letters the Agent sends or leaves at your home.

It is not a legal requirement for the Enforcement Agent to have a paper warrant in his possession at the time of execution and Local Authorities rarely issue paper warrants in regard to the Enforcement of Liability Orders.

## **The Enforcement Agents we use**

We currently have our own in-house Enforcement team, which deals with the majority of cases. We also use four external companies for collection, three of which deal with historic cases only. The Agents they employ hold a court certificate and are properly trained to behave in a professional manner. They must always carry their identity card when working.

If you are concerned that an Enforcement Agent is not acting legally or professionally or has added the wrong fees to your debt, you can call us and we will explain what the law does or doesn't allow an Agent to do.

## Fees and charges

From 6th April 2014, Enforcement Agent fees are governed by Statutory Instrument No.1 of 2014, (The Taking Control of Goods (Fees) regulations 2014). There is an initial fee payable of £75.00 per court Liability Order at the point that a Compliance Notice is issued. There is then an additional charge of at least £235.00 if the Agent has to make a visit. If, however, a 'levy' was done on your goods before 6th April 2014, fees are recoverable under 'Council Tax (Administration and Enforcement) Regulations 1992 Statutory Instrument No 613 Schedule 5 Regulation 8 - charges connected to distress).

The new fee structure is detailed below				
Fee Stage	Fee Feature	Fixed Fee	Percentage Fees (additional fee if debt is greater than £1,500)	
			£0 - £1,500	> £1,500
<b>Compliance</b>	As soon as your account is received by the Enforcement Agency this fee is added to your debt.	£75.00	0%	0%
<b>Enforcement</b>	As soon as the Enforcement Agent attends your premises this fee is added to your debt.	£235.00	0%	7.5%
<b>Sale</b>	As soon as goods are taken to a place of sale this fee is added to your debt.	£110.00	0%	7.5%

## Useful Links

Further information concerning Council Tax arrears, other debts and Enforcement Agent powers can be accessed on the following Government website pages:

<https://www.gov.uk/council-tax-arrears>

<https://www.gov.uk/options-for-paying-off-your-debts>

<https://www.gov.uk/your-rights-bailiffs>