

## **Barrow Borough Council Code of Practice for Enforcement Agents**

In the performance of its duties, and on behalf of Barrow in Furness Borough Council, the Enforcement Agent shall:

- Fully observe the current National Standards for Enforcement Agents issued by the Ministry of Justice and endorsed by the Civil Enforcement Association (CIVEA).
- Fully comply with the provisions of the Data Protection Act 2018 and the EU General Data Protection Regulations 2018 (GDPR) in respect of all data relating to the council.
- Acknowledge that all data passed to the Enforcement Agent, or obtained by the Enforcement Agent in the performance of their services, remains the property of the Council at all times.
- Treat all information supplied by the Council and relating to a defaulter or defaulter's address as confidential.
- Make particular note of any special instructions given by the Council, and observe specific requests for action relating to particular debts or defaulters.
- Employ sufficient trained staff, qualified to carry out the services in a proper manner.
- At all times act in a dignified, polite, and correct manner.
- Ensure that its employees are aware of all relevant legislation, not only in relation to the Law of Enforcement, but also in relation to Council Tax, National Non-domestic Rate and Business Improvement Districts, as applicable.
- Ensure that you only discuss the matter of the debt with the debtor, their partner or any person who is jointly liable for the debt concerned.
- Ensure you only speak to the debtors parents about the debt where the debtor has given his/her parents permission to act on his/her behalf. In such cases an appropriate note must be placed on file.
- Once you have established that you are conversing with an appropriate person you will then state your name, the company you represent and that you are attending on behalf of Barrow Borough Council to recover an amount outstanding in respect of Council Tax, Business Rates or BID as appropriate.

### **Special circumstances**

Particular care must be exercised when taking control of goods when encountering persons falling within one of the following categories:

- A mentally impaired person or person with mental health issues
- A person suffering a serious illness
- A recently bereaved person – and the deceased is an immediate relative (i.e. wife, husband, son, daughter, mother, father, grandparent, grandchild) or partner

In all of the above cases the Enforcement Agent should report the particular circumstances of the case back to the Council, in order that specific guidance and instruction may be given. The list is not exhaustive, and discretion should be exercised where the Enforcement Agent thinks it appropriate, depending on the circumstances of each case.

### **Specific operational instructions**

All Enforcement Agents when out on call or negotiating on the telephone should always remember that they are the representatives of the Council, which is judged by their deeds and actions. Enforcement Agents are expected to attempt to deal with matters expeditiously, whilst maintaining a considerate disposition towards the debtor's circumstances. They should clearly identify themselves ensuring that:

- The Enforcement Agent must at all times carry the following:

The written authority of the instructing Council  
Enforcement Certificate (where certificated)  
Company ID card

All of the above should be available for sight by the debtor upon request.

- Enforcement Agents are expected to conduct themselves at all times in a dignified, polite and correct manner
- Enforcement Agents shall at all times act in such a way as to minimise embarrassment to the defaulter and his/her family. The agent should at all times act in a tactful and sympathetic manner.
- Enforcement Agents must always ask for the name of the person/persons they are speaking to and record their names. They should also record any for sale/sold boards on display including agents name, address & telephone number.
- If on a first call, the debtor or partner is not seen, the agent must not discuss the case with anyone. Documents should be left in a sealed envelope ensuring correct name and address appear on it. All reasonable steps should be made to ensure that documents are being left at the correct property.
- On all visits: If the person answering the door appears to be under 18 years of age, the agent must ask to speak to the person/persons named on the Liability order. If the debtor (or partner) is not present at the time of call, documents should be left in a sealed envelope.
- If visiting a forwarding address which is a solicitors or accountants office; under no circumstances should the agent take control of goods.

A request should be made whether information can be left and if so the agent must ensure the notice is in a sealed envelope clearly addressed to the debtor.

- If visiting a premises where the debtor has vacated the agent must ensure a full enquiry is carried out listing all possible points of contact and/or forwarding addresses. Obtain where possible Estate Agents, Solicitors, Landlords name and address, the new occupier's name, dates of vacation/occupation etc.
- In order to reduce the instances of bounced cheques or return visits the agent should when accepting payments by this method or indeed when making staged payment arrangements, emphasise to the debtor the serious consequences and cost to them should a cheque be dishonoured or an arrangement broken.
- The utmost discretion must be observed at all times when enquiries are being made. The purpose of the visit must not be discussed other than with the debtor, their adult family or partner.
- No taking control of goods should be made on any goods, which are necessary to maintain the "core of life", and those goods specifically exempted by statute, nor those obviously identifiable as "children's items".
- When taking payments an agent must always issue an official company receipt and leave a copy at the premises/with the debtor.
- If at any time you consider that violence is likely to occur you will leave the premises, contact the police and inform the Council.

### **Enforcement Times and Hours**

Enforcement should only be carried out for Barrow Borough Council within the following criteria

- Monday to Friday (excluding Bank Holidays). Nndr/BID visits may be undertaken during trading hours.
- A first visit must only be carried out between the hours 8am and 9pm.
- A second and any further visits must be made between the hours 7am and 9pm.
- Visits on a Saturday or outside of the above must be agreed with the Barrow Revenues Manager.