

RUSHMOOR BOROUGH COUNCIL

**A Fair Collection and Debt Recovery
Policy**

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Foreword

Rushmoor Borough Council believes in treating its customers fairly and equitably. We have a duty on behalf of all our residents and businesses to collect what is owing to us to pay for the services we provide. However, the way in which we go about collecting and recovering money owed to the council is an important way in which we can support our local residents.

This collection and debt recovery policy sets out simply and clearly what our customers can expect from us and in turn, what we expect from them when we set about collecting money.

We recognise that people can get into financial difficulties for many reasons, often due to unexpected circumstances. Our approach to helping is built around tackling problems as early as possible and seeking to provide help and advice that will both deal with emergencies and provide longer-term solutions to prevent difficulties reoccurring.

We hope that this policy sets out clearly our commitment to helping people deal with difficult problems in an effective way, if you do not feel we are delivering this please let us know.

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Section 1: Overview

• Introduction

The purpose of the policy is to improve the transparency of the Council's approach to the collection and recovery of money due. The policy sets out what our residents and businesses can expect from us, and in turn what we expect from them.

• Scope of the policy

The policy relates specifically to the collection of:

- Council Tax
- Business Rates
- Repayment of Housing Benefit
- Parking Tickets
- Other bills (invoices)

• Commencement and Duration

This revised policy was endorsed and adopted by the council in January 2015.

The policy will have continuous effect but will be reviewed regularly to ensure that it mirrors our method for the collection of money due, meets the current legislative requirements and reflects changes in resident's needs and demands.

Section 2: Our approach to collecting money

• Good practice

The Council has a duty on behalf of all residents and businesses, to collect what is owing in order to pay for the services we provide. We recognise that the way in which we go about collecting and recovering money has a broader impact on supporting our local residents. In order to collect money owed in a fair and efficient manner, we will:

- Send out bills in good time, clearly stating the amount payable along with other information such as payment options, and relevant contact details, should the customer wish to discuss the bill or payment arrangements.
- When requested we will provide information in different formats in order to meet specific communication needs (for example; braille, large print, community languages).
- Provide an accessible service, which encourages people who are experiencing difficulties in paying to contact us. This will enable us to reach an agreed payment arrangement as soon as possible.
- Advise customers where they can get advice about broader debt matters from other local agencies such as Citizens Advice Bureau and Step Change.
- Remind people quickly if they do not pay.
- Only take enforcement action after other options have been explored and if it appears no reasonable payment arrangement can be agreed.

- **Maintaining good practice**

The council will seek to comply with current good practice guidance in respect of local authority revenue collection published by recognised bodies.

In particular the council will have regard to good practice provided by professional institutes such as the Chartered Institute of Public Finance and Accountancy and the Institute of Revenues, Rating and Valuation. The council will also seek to comply with the following guidance;

- Collection of council tax arrears good practice protocol (Published by Citizens Advice October 2013), see Appendix 7.
- National Standards for Enforcement Agents January 2012 (Published by the Ministry of Justice)

- **Making it easy to pay**

The Council recognises that the payment options available must be convenient for customers, to ensure making their payment is as easy as possible. A wide range of payment options are provided which vary according to the type of bill or for which service the customer is paying. In addition to this, the Council takes into account the cost of different payment options when promoting and encouraging customers. For most bills, Direct Debit is the most efficient way of paying, it is also very reliable, easy to set up and cancel and is backed by a guarantee. When Direct Debit is not available, other methods such as online payments using debit or credit cards are secure, reliable and efficient.

A list of the payment options offered can be found in the appendices (Appendix 1).

- **Promoting benefits and entitlements**

The Council will proactively make customers aware of benefits, discounts, exemptions and reliefs that are available, to ensure no one pays more than they are legally required. If the Council can identify entitlement to reductions automatically, we will apply this to bills, accounts and charges. If this is not possible to do automatically, customers will be advised how to claim/apply and support to do this will be provided where necessary.

- **Dealing with customers**

What we will do

- Try to deal with financial difficulties to solve the immediate problem, and where we can, take steps to help prevent future problems
- Be polite, professional and courteous at all times
- Make contact at the earliest opportunity to make customers aware of the outstanding monies
- Ensure steps are in place so that any payment arrangements set up are affordable

- **What we expect from our customers**

The policy has set out clearly what the Council will do in order to collect money owed, however the Council also has expectations that residents and businesses will:

- Pay the amount due to ensure receipt by the Council on or before the due date
- Inform the Council of any changes in their circumstances which may affect the amount to be paid or their ability to pay

- Inform the Council of any changes in their circumstances which may affect the amount of Housing Benefit and Council Tax Support they receive to ensure they are not overpaid
- Make contact with the Council, at the earliest opportunity, if they are unable to pay what is due
- When in contact with the Council remain patient and polite at all times
- Ensure all information provided in connection with the billing, collection or recovery of money owed to the Council is correct.

Section 3: Recovering overdue money

• Our approach

The Council recognises that occasionally customers have trouble paying what is due; in these circumstances, we encourage customers to contact the Council at the earliest opportunity to discuss payment arrangements. When contact is made the Council makes every effort to understand the individual's circumstances in order to make the best assessment of their ability to pay and to determine a realistic payment arrangement.

Whenever possible, all outstanding money owed to Rushmoor Borough Council is consolidated and one payment arrangement is set up, this helps to pull together all money due and manage it in a holistic way.

Although the Council's priority is to engage with its residents and businesses to arrange payment for outstanding money, on occasions the Council will have to take enforcement action.

If payment is not received by the due date, the Council will contact the customer as soon as possible in order to remind them of the required payment. This provides an opportunity for the customer to bring the payments up to date before the amount increases or prior to enforcement action commencing.

Please see further information on the recovery processes for the following revenues in the appendices:

- Council Tax (Appendix 2)
- Business Rates (Appendix 3)
- Repayment of Housing Benefit (Appendix 4)
- Parking Tickets (Appendix 5)
- All other bills (Sundry Debts) (Appendix 6)

If the Council finds it necessary to take court action and that action is successful, the Council will then be empowered to obtain payment through a range of statutory remedies. These include powers which impact on a person's possessions, credit rating or liberty. Examples are;

- The right to seize goods by using enforcement agents
- The right to deduct money due from earnings or benefit
- The power to start bankruptcy or liquidation proceedings
- The power to seek eviction or imprisonment
- The ability to place charges against property owned

The Council aims to ensure that these powers are only used when all other reasonable methods of obtaining payment have failed.

Where legislation or other provisions exist that allow the Council to take action to recover debts without the need for court action, the Council will make use of those provisions where appropriate. For example, the Social Security (Overpayments and Recovery) Regulations 2013 allow the Council to recover housing benefit overpayments from earnings using a notice to an employer to deduct sums and pay them to the council.

- **Additional Costs**

Should the Council incur additional costs through non-payment, for example, court costs, these will be added to the outstanding amount (where allowed under statute) and recovered from customers. Where the council employs third party collection agencies, these agencies may apply their own costs to the amount due. The Council will endeavour to only seek and recover reasonable costs associated with the action necessary to recover money. The Council will ensure that any third party collection agencies act within the law in the application of any costs that they seek to add.

- **Irrecoverable money**

The Council recognises that a small proportion of money owed will not be collectable. In certain circumstances such as insolvency or where a person passes away without leaving an estate, the money will be classified as irrecoverable and duly written off. The Council has a strict set of financial regulations that govern writing off public money.

In the case of both Council Tax and Business Rates specific provisions exist to write money off on the grounds of exceptional hardship.

Section 4: Appendices

Appendix 1 – Payment Options

	Council Tax *1.25% surcharge applied when paying with credit card	Business Rates *1.25% surcharge applied when paying with credit card	Repayment of Housing Benefit	Parking Tickets	Other Bills (invoices)
Direct Debit Choice of three dates 1 st , 10 th or 20 th for Council Tax. Business Rates DDs are set up for 1 st of each month.	✓	✓			
Online Payments can be made by debit and credit card through the Councils website www.rushmoor.gov.uk	✓	✓	✓	✓	✓
24 hour Automated Telephone Line Payments can be made by debit and credit card by telephoning 01252 398373	✓	✓	✓	✓	✓
Post Office and Payzone Outlets Payments can be made at post offices and Payzone outlets, at various locations across the borough (see below). There is no charge for this service, customers must present the bar coded document.	✓	✓			
Transfer/BACS/Standing Order Payments can be made direct into the Councils bank account.	✓	✓			✓

Address of Post Offices and Payzone Outlets in Rushmoor

Aldershot Post Offices	WH Smith 63 – 68 Wellington Centre, GU11 1DB
	Church Road 35 Church Road, GU11 3PR
	North Town 62 Redan Road, GU12 4ST
Farnborough Post Offices	10-12 Alexandra Road, GU14 6DA
	Rectory Road 89 Rectory Road, GU14 7HY
	Farnborough (Asda) Westmead, GU14 7SQ
	Oak Farm Estate (Londis) 50 Giffard Drive, GU14 8PX
	Mayfield Road (Costcutter) 201 Mayfield Road, GU14 8UB
	Fox Lane (Co-op Food) 318 Fernhill Road, GU14 9EF
Aldershot Payzone Outlets	Londis Store - 1-3 Alanbrooke Road, GU11 2NX
	Thaper Bros - 36 Grosvenor Road, GU11 3DY
	M K S Food & Wine Ltd - 250 High Street, GU12 4LP
	Tayler News - 360 High Street, GU12 4LU
	Mina & Gus - 42 St Michaels Road, GU12 4JE
	Station Corner Shop - 11 Station Road, GU11 1HT
	Wine Sellers - 8 Upper Union Street, GU11 1EX
Farnborough Payzone Outlets	Londis Farnborough Station - Station Approach, GU14 7NL
	Kamko - 220 Farnborough Road, GU14 7JW
	Kainth Newsagents - 92 Whetstone Road, GU14 9SX
	Jeev Ltd - 185 Lynchford Road, GU14 6DH

Appendix 2 – Council Tax Recovery Process

The collection of Council Tax is governed by The Local Government Finance Act 1992 and other subsequent legislation. Every dwelling within the area of Rushmoor Borough Council is subject to the Council Tax based on the Valuation band of the dwelling. A bill is issued annually to the liable person, usually the resident of an occupied dwelling or the owner of an unoccupied dwelling, requiring payment in either ten or twelve monthly instalments. The Council keeps just under 13% of the Council Tax, Hampshire Fire and Rescue receive 4%, Police and Crime Commissioner for Hampshire receive just over 10% with remaining three quarters goes to Hampshire County Council.

Explanation of Recovery terms

Reminder - A legal document issued when an instalment is overdue.

Final Notice - A legal document issued when an account is in arrears and the right to pay by instalments has been lost or where there is no statutory right to instalments.

Liability Order Summons - A document issued by the Magistrates' Court summoning the debtor to attend a hearing where the Court will consider making a Liability Order.

Liability Order - An order made by the Magistrates, if they are satisfied the Council Tax is outstanding, which gives the Council the power to take further action to enforce payment.

The main options are:

- Ordering deductions to be made from earnings or benefits (Income Support, Pension Credit, Employment and Support Allowance and Job Seeker's Allowance)
- Instructing a bailiff to seize and sell the debtor's goods
- Bankruptcy proceedings
- Applying to the County Court for a charge to be registered against the property
- Applying to the Magistrates' Court for the debtor to be committed to prison

Where payment of Council Tax is not made as due the Council will take the following action:

A **reminder** will be issued advising the amount that is overdue and requesting payments be brought up to date within seven days. Should the amount due not be received then after a further seven days the full remaining balance of the year's Council Tax will become due. A complaint will then be made to the Magistrates' Court requesting the issue of a liability order summons.

Where payments are brought up to date following the issue of a reminder, but then a further payment becomes overdue a **second reminder** will be issued. Should the amount due not be received then after a further seven days the full remaining balance of the year's Council Tax will become due. A complaint will then be made to the Magistrates' Court requesting the issue of a liability order summons.

Where payments are brought up to date following the issue of a second reminder, but then a further payment becomes overdue a **final notice** will be issued advising that the right to pay by instalments has been lost and that the full remaining balance of the year's Council Tax should be paid within seven days. In the event payment in full is not received a

complaint will then be made to the Magistrates' Court requesting the issue of a liability order summons.

Once a complaint is made to the Court the Magistrates will normally issue a **summons** to attend a liability order hearing. The costs to be charged will be determined in accordance with the Council's normal procedure for setting fees and charges.

Whilst the full balance shown on a summons is due immediately the Council will normally incorporate with the summons an offer to accept payment of the full balance, including costs, over the remaining months within the statutory instalment scheme. Such an offer will be subject to the hearing proceeding and a liability order being granted.

Where a debtor is unable to pay in accordance with the proposed payment arrangement then they will be asked to provide full details of their income and expenditure using the Council's standard income and expenditure form. Once this information is provided consideration will be given to agreeing a payment arrangement over an extended period of time appropriate to their financial circumstances.

Once a **Liability Order** has been granted by the Magistrates the Council will:

Monitor payment arrangements where tax payers have already contacted the Council or have made the first payment on the summons payment arrangement,

- Order deductions from Benefits where appropriate,
- Order an attachment of earnings order where appropriate,
- Order deductions from the allowances of a member of a local authority
- In all other cases a **Request for Financial Information Notice** is sent to the customer asking for this to be completed and to be returned to the council advising that if there is no response within 14 days the debt will be passed to the bailiff. A list of the fees the bailiff may charge is enclosed with the notice.
- Should there be no response to the **Financial Information Notice** after 14 days the case is referred to the bailiff for further enforcement action. The bailiff will charge additional fees in accordance with the relevant statutory provisions. The bailiff must abide by the Council Code of Practice whilst seeking to enforce payment

A payment arrangement may be considered at any stage in the enforcement process and the Council aims to consider an individual's circumstances and ability to pay. However, the Council may refuse to accept payment arrangements where they are unreasonable or it is considered there is little likelihood the arrangement will be kept.

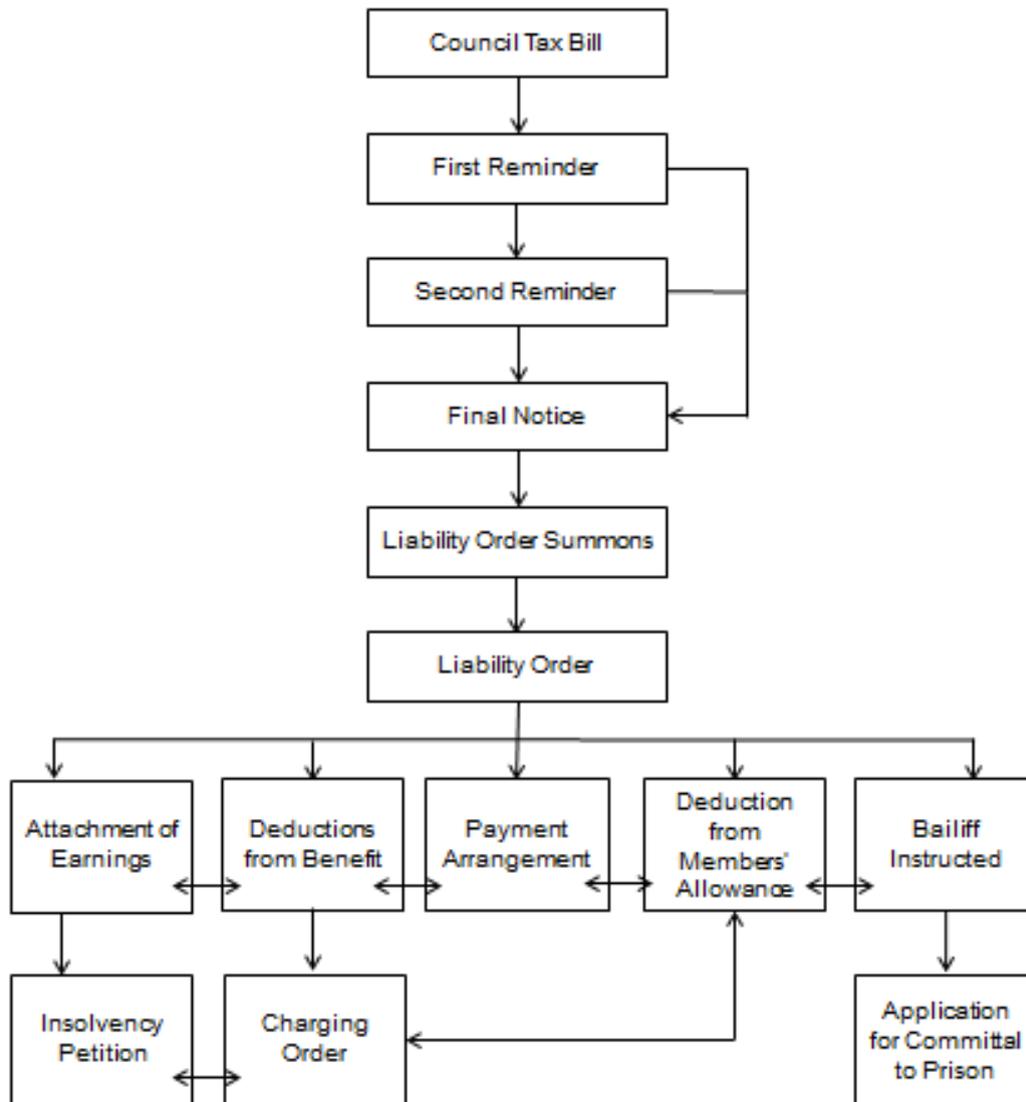
Where a payment arrangement is defaulted upon the case will be dealt with immediately under the normal collection procedure. The case will be checked thoroughly to establish which method of recovery is appropriate prior to enforcement action being taken. However, if the taxpayer contacts the Council to explain why the arrangement has been broken then consideration may be given to making a further arrangement.

If all other enforcement options fail then the Council will consider using more severe remedies to collect the debt.

The remedies available are to:

- Instigate bankruptcy proceedings
- Applying to the County Court for a charging order to be registered against the property
- Applying to the Magistrate's Court for the debtor to be committed to prison

Council Tax Recovery Process Flowchart



This flowchart shows a simplified representation of the Council Tax Recovery process and is for illustrative purposes only.

Appendix 3 – Business Rates Recovery Process

The collection of Non Domestic Rates is governed by The Local Government Finance Act 1988 and other subsequent legislation. Every non domestic property, which can include land, advertising rights, telecommunications masts etc., within the area of Rushmoor Borough Council is subject to Non Domestic Rates based on the rateable value of the property. A bill is issued annually to the liable person, usually the person entitled to possession, requiring payment in ten monthly instalments. The Local Authority retains a proportion of the amount collected and the remainder is paid to Central Government, Hampshire County Council and Hampshire Fire Authority.

Explanation of Recovery terms

Reminder - A legal document issued when an instalment is overdue.

Final Notice - A legal document issued when an account is in arrears and the right to pay by instalments has been lost or where there is no statutory right to instalments.

Liability Order Summons - A document issued by the Magistrates' Court summoning the debtor to attend a hearing where the Court will consider making a Liability Order.

Liability Order - An order made by the Magistrates, if they are satisfied the rates are outstanding, which gives the Council the power to take further action to enforce payment.

The main options are:

- Instructing a bailiff to seize and sell the debtor's goods
- Commencing Bankruptcy or winding up proceedings
- Applying to the Court for the debtors committal to prison

Where payments due have not been made the Council will take the following action:

A **reminder** will be issued advising the amount that is overdue and requesting payments be brought up to date within seven days. Should the amount due not be received then after a further seven days the full remaining balance of the year's rates will become due. A complaint will then be made to the Magistrates' Court requesting the issue of a liability order summons.

Where payments are brought up to date following the issue of a reminder, but then a further payment becomes overdue a **final notice** will be issued advising that the right to pay by instalments has been lost and that the full remaining balance of the year's rates should be paid within seven days. In the event payment in full is not received a complaint will then be made to the Magistrates' Court requesting the issue of a liability order summons.

Once a complaint is made to the Court, the Magistrates will normally issue a **summons** to attend a liability order hearing. If the Liability Order is granted at the magistrates court hearing, then court costs will be added to the customers Business Rates account. The costs to be charged will be determined in accordance with the Council's normal procedure for setting fees and charges.

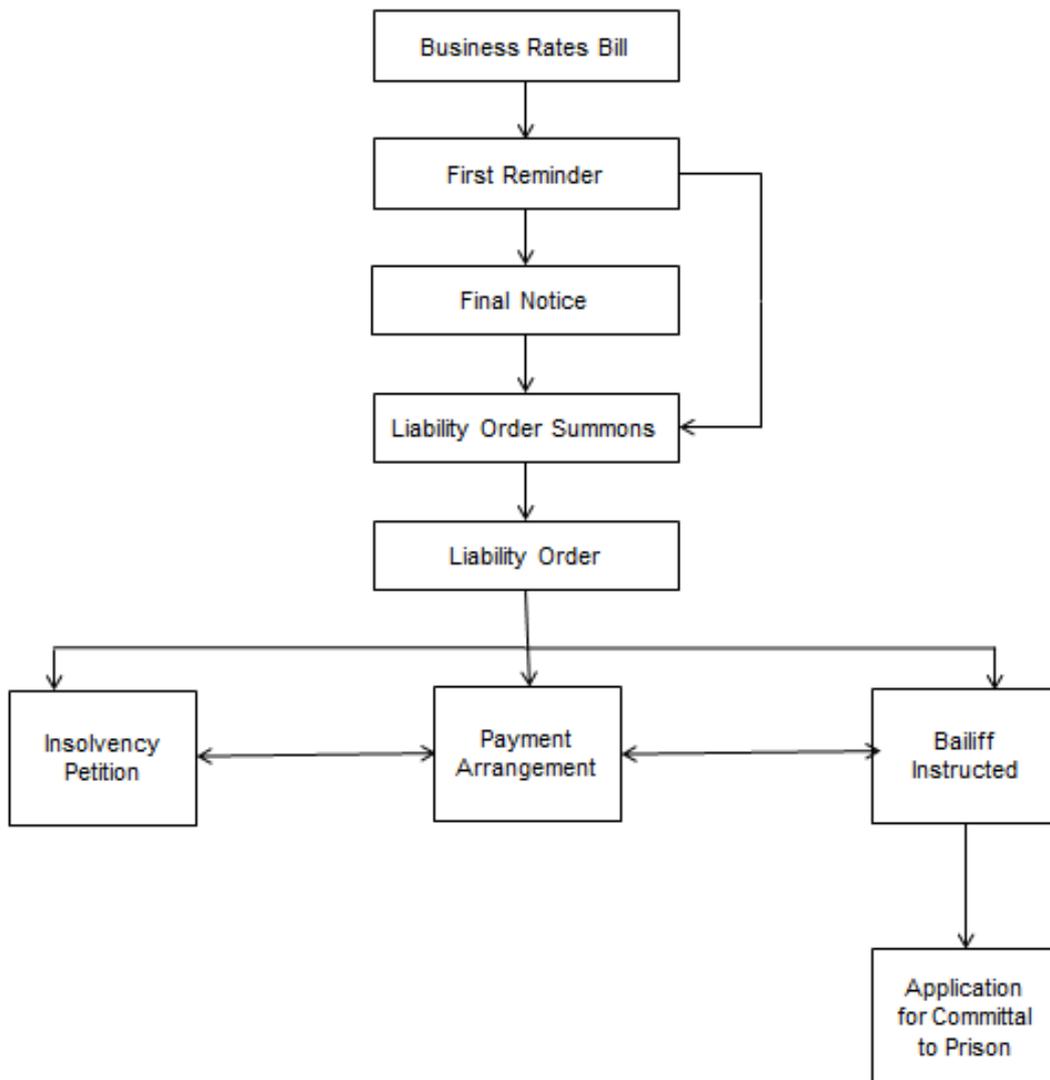
Once a **Liability Order** has been obtained in court the Council will:

- Monitor payment arrangements where business ratepayers have already contacted the Council and agreed a payment arrangement,
- In most other cases, the **Liability Order** is referred to the Council's bailiff for collection. The bailiff will charge additional fees in accordance with the relevant statutory provisions. The bailiff must abide by the Council Code of Practice whilst seeking to enforce payment.
- If the bailiff is unable to collect the debt consideration will be given to the use of more severe recovery proceedings such as bankruptcy/winding up proceedings or applying to the Magistrates' Court to have the ratepayer committed to prison.

A payment arrangement may be discussed at any stage and the Council aims to consider the business's specific circumstances and ability to pay.

If a payment arrangement is not adhered to the case will be dealt with immediately under the standard recovery action procedure. The case will be checked thoroughly to establish which method of recovery is appropriate prior to enforcement action being taken.

Business Rates Recovery Process Flowchart



This flowchart shows a simplified representation of the Business Rates Recovery process and is for illustrative purposes only.

Appendix 4 – Repayment of Housing Benefit Recovery Process

Section 75 of The Social Security Administration Act 1992 provides the Council with the power to prescribe the circumstances when an overpayment is recoverable. This Act underpins The Housing Benefit Regulations 2006 (HBR 2006) and outlines the Council's right to recover, discretion to recover, whom to seek recovery from and methods of recovery.

Decision Making

The Council must make a number of decisions in the course of calculating overpayments of Housing Benefit and undertaking recovery action. In making these decisions the Council will have due regard to the circumstances of each case and will not apply "blanket" policies which may constitute a fettering of its discretion.

The Council specifically undertakes to ensure that no person is required to repay unrecoverable overpayments. An unrecoverable overpayment (as defined in HBR 2006) is one that:

1. Has been caused by official error
2. The claimant or recipient of the benefit did not contribute to it
3. The claimant or recipient of the benefit could not reasonably have been expected to know that an overpayment was occurring at the time that payment was made or at the time of notification

In respect of recoverable overpayments, due consideration will be given to the question of whether or not the Council should exercise its discretion not to recover the debt.

No landlord/agent will be required to repay an overpayment where the conditions of Regulation 101(1) of the HBR 2006 are satisfied. The Council will then decide whom to seek recovery from in accordance with HBR 101 (2).

Principles of Overpayment Recovery

The Council will seek to recover overpaid Housing Benefit in the most efficient and cost-effective manner, having regard to its statutory obligation to protect public funds. The Council will, however, have regard to the circumstances of the individual from whom recovery is sought. The person from whom recovery is sought shall have the right to request a revised repayment arrangement based on their financial circumstances. The minimum rate of recovery is set in accordance with the lower level rate of recovery, as determined by the Department for Work and Pensions. The Council will review all concessionary payment arrangements periodically. If the overpayment is subject to an appeal, either with the Council or the DWP, the Council will consider whether recovery should be suspended or not, pending the outcome of the appeal.

Specific Methods of Recovery

1. Instalment recovery may be used by the Council where the debtor has continuing entitlement to Housing Benefit. A portion of the weekly entitlement is withheld and offset from the outstanding debt until it has been fully recovered. The provisions of Regulation 102 limit the maximum amount that may be recovered each week and the Council will not exceed these maximum amounts without express written agreement from the debtor. In any case, the council will not reduce a person's minimum weekly payable benefit below 50 pence. At the outset of instalment recovery, the Council will decide on the level of deduction to be made on the basis of the information available. The claimant will be notified of the commencement of instalment recovery. If the claimant is experiencing financial hardship he/she may request a revised repayment arrangement based on their financial circumstances notwithstanding the minimum rate of recovery. The Council may request such reasonable information as is necessary to decide on an amended level of recovery.
2. Offset of entitlement (netting off). The Council may offset some or all of any amount of benefit owed to the claimant to recover an overpayment in part or full (HBR102 (1)). This may occur, for example, where an amount of benefit is owed due to the effect of a "backdated" advantageous change of circumstances.

Wherever applicable, underlying entitlement to benefit during the overpayment period will be taken into account and, if the necessary information for calculation of underlying entitlement is not available, claimants will be given at least one opportunity to provide that information.

3. Recovery from "blameless tenants". Where an overpayment is recoverable from a third party, such as a landlord or agent, and Housing Benefit continues to be paid to that third party, the Council may recover the overpayment by deducting some or all of any due payments to the third party. Recovery may be made in this manner even if the third party is no longer receiving payment of benefit direct for the person in respect of whom the overpayment was made, in which case recovery is said to be being made from the entitlement of the third party's "blameless tenants".
4. Recovery from other Social Security benefits. If recovery from ongoing entitlement to Housing Benefit is not available, the Council may seek to recover overpaid benefit from another Social Security benefit (as detailed in HBR 105(1)) in payment to the claimant.
5. Recovery from Housing Benefit paid by another council. This method of recovery may be appropriate where the debtor has left the creditor Council's area and it can be established that they are in receipt of Housing Benefit in another council's area. The debt may then be recovered by way of the new Council, which will make deductions from ongoing entitlement on behalf of the creditor Council.
6. Recovery via Sundry Debtor invoice. Where no other method of recovery can be used, the Council will issue an invoice to the debtor for payment. Payment is due on demand unless the debtor is experiencing financial hardship and cannot make full payment. In this instance, the debtor should contact the Overpayment Section to advise them of this.

Unless a mutually acceptable arrangement can be agreed, the debtor will be asked to complete an Income and Expenditure form and a payment arrangement will be made based upon the information provided. Following the issue of the first invoice if neither payment nor any contact is made from the debtor, a reminder invoice will be issued 21 days later. If neither payment nor any contact is made from the debtor, a final invoice will be issued 7 days later. Where payment or contact is still not received, the Council will take further recovery action.

7. Collection Agents. Where no payment has been received 7 days after the final invoice has been issued, the Council may instruct Collection Agents to visit the debtor with a view to securing payment or a payment arrangement.
8. Registration of debts at County Court. Where recovery by any of the methods outlined above is unavailable or impracticable, the Council may seek to enforce recovery by registering the debt at a County Court. This has the effect of enabling the Council to use recovery methods that are otherwise unavailable without obtaining a County Court judgement (CCJ). The Council will not seek to register a debt at County Court before the debtor has had the opportunity to dispute the overpayment decision (i.e. one calendar month), nor will it seek registration where a request for revision or appeal is outstanding. The Council will incur costs when registering a debt and these will be added to the total debt owed. The effect of registering the debt at County Court will enable the Council to enforce the Order via one or any of the methods detailed below:
 - Charging Order
 - Warrant of Execution
 - 3rd Party Debt Order

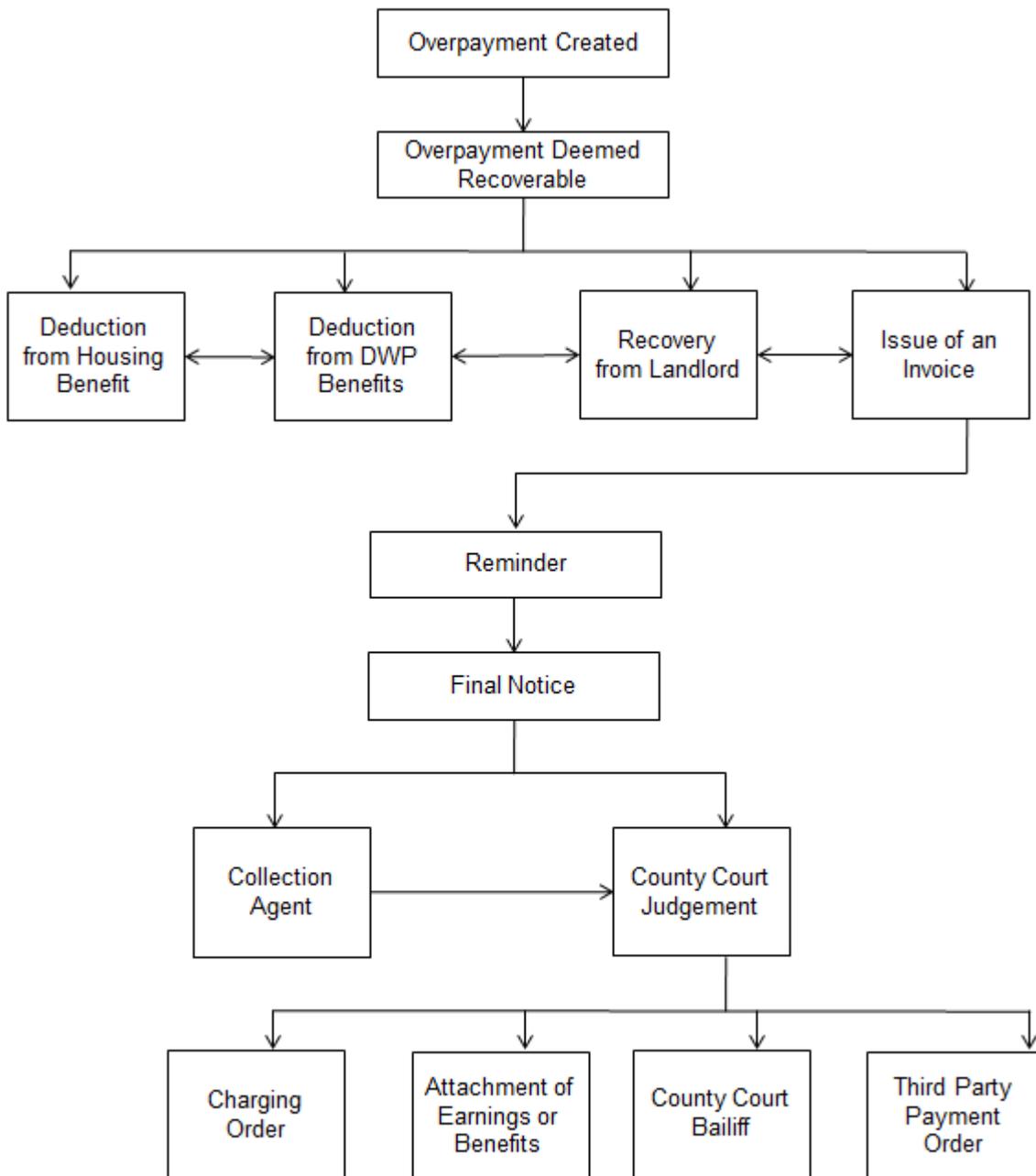
This list is not exhaustive and the Council will seek to enforce the Order via whichever method of enforcement is the most practicable and cost effective.

Adjustment of Council Tax Support

Council Tax Support is paid to a claimant by way of a credit to the claimant's Council Tax account. Where an adjustment is required which reduces the amount of Council Tax Support the Council will give the same consideration to whether the reduction is recoverable as outlined above regarding Housing Benefit.

Where a reduction to Council Tax Support is deemed to be recoverable the amount will be debited from the Council Tax account. The resulting outstanding Council Tax will be recovered in the same manner as other sums of Council Tax.

Repayment of Housing Benefit Recovery Process Flowchart



This flowchart shows a simplified representation of the Repayment of Housing Benefit Recovery process and is for illustrative purposes only.

Appendix 5 – Parking Ticket Recovery Process

The collection of outstanding parking tickets is governed by the Traffic Management Act 2004. A parking ticket is issued in accordance with a current Off Street Parking Order (OSPO) or Traffic Regulation Order (TRO) for the specified location, when a vehicle is contravening the relevant OSPO/TRO. The income received from parking tickets issued on street goes into the Civil Parking Enforcement (CPE) Account owned by the highways authority (Hampshire County Council). The income received from parking tickets issued in car parks is retained by Rushmoor and reinvested back into improving our parking services.

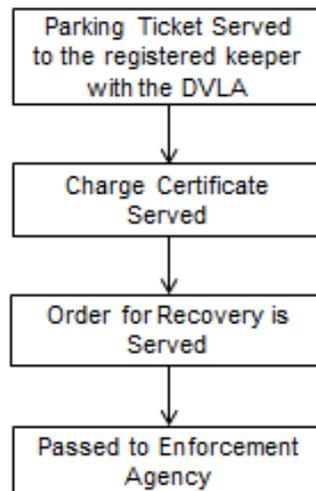
When payment for a parking ticket is not received within 28 days of the PCN being issued by a Civil Enforcement Officer, or 21 days of being posted due to the Civil Enforcement Officer being prevented from serving it at the time of the contravention, the process set out in legislation starts. This process differs depending on the type of parking ticket that has been issued, both process flowcharts are illustrated below. A minimum of two statutory items of correspondence are sent prior to the debt being registered at the county court as outstanding. The final correspondence is issued by the council on behalf of the County Court giving a further 21 days to make the payment to the council. Should payment not be forthcoming the case is referred to the council's certified Enforcement Agency for the recovery of the debt, which will further increase the amount of money owed. Once the case has been referred to the Enforcement Agency it is difficult for the council to intervene, so early intervention is always encouraged.

If at any point during the process a customer is struggling to make payment, we urge them to make contact with us as soon as possible. The parking ticket will be placed on hold to avoid further escalation of costs, and a payment arrangement will be considered taking into account individual circumstances.

Furthermore should a customer be in a position where multiple parking tickets are outstanding, it is important they make contact with us to discuss making payment. If multiple parking tickets remain outstanding, and the registered keeper is made aware of them via the serving of a Notice to Owner, the Council is authorised to remove the vehicle from the highway should a subsequent parking ticket be issued. It is not in the Councils interest to do this, setting a payment arrangement is preferable however if a customer fails to engage with the Council this process may be applied.

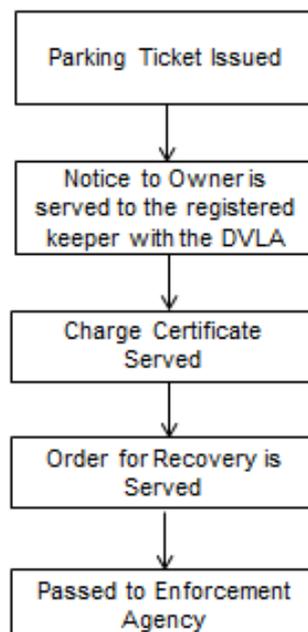
Parking Ticket Recovery Process Flowchart

Regulation 10 Parking Ticket (issued by a civil enforcement officer who is prevented from serving whilst at your vehicle)



This flowchart shows a simplified representation of the parking ticket recovery process and is for illustrative purposes only.

Regulation 9 Parking Ticket (issued to your vehicle – on street or in a car park)



This flowchart shows a simplified representation of the parking ticket recovery process and is for illustrative purposes only.

Appendix 6 – All other bills (Sundry Debts) Recovery Process

An invoice should be issued as soon as possible after the event giving rise to the charge occurs. All sundry debt invoices will be issued for payment due within 14 days except where there is a contractual agreement to make payment at agreed intervals (e.g. monthly direct debit subscriptions). All the available payment methods will be stated clearly on the invoice.

At any stage following receipt of the invoice the customer can contact the Council to discuss payment by instalment arrangement if payment in full is not possible for the customer.

If payment is not received within 7 days from the due date, and no request is received to consider a payment arrangement, a **first reminder** letter will be sent.

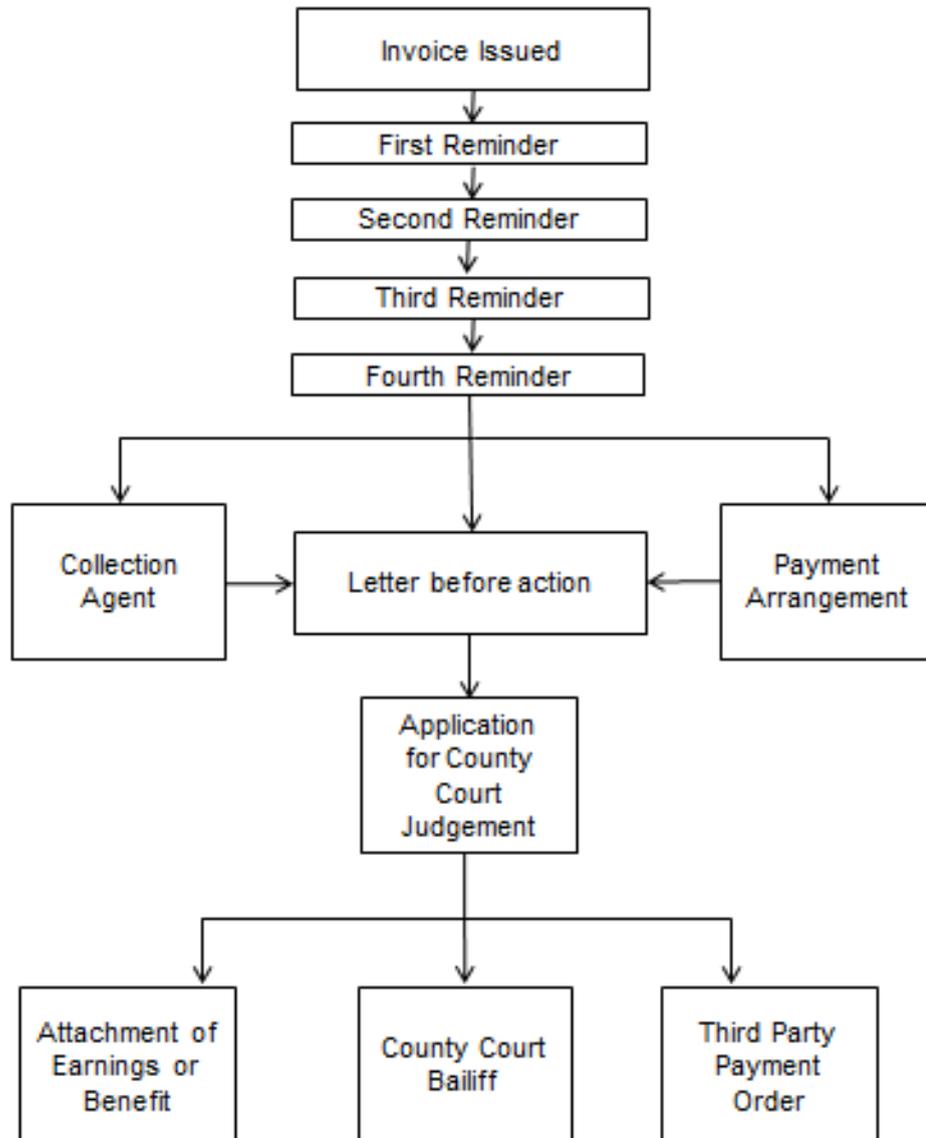
Should payment still not be received, three further reminder notices are issued at 21 day intervals.

A **Letter Before Action** is issued giving notice that the debt should be paid within seven days or the debt will become the subject of a County Court action. The Council may then obtain a County Court Judgement against the debtor. Costs and statutory interest may also be added to the debt at this stage.

Once a judgement is obtained the Council may enforce the judgement by applying for:

- An Attachment of Earnings Order
- A Warrant of Execution against the Debtors Goods (i.e. refer the debt to the County Court's Bailiff)
- Any of the other enforcement processes available through the County Court that the Council may deem appropriate dependant on the circumstances of the Debtor.

All other bills (Sundry Debts) Recovery Process Flowchart

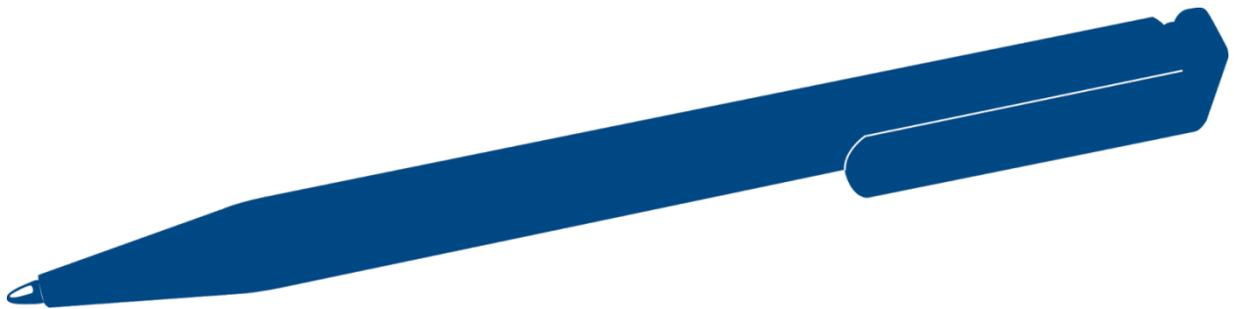


This flowchart shows a simplified representation of the Invoice Recovery process and is for illustrative purposes only.

Appendix 7 - Collection of council tax arrears good practice protocol

Council Tax Protocol

Revised Collection of Council Tax Arrears Good Practice Protocol



Agreed by:

Citizens Advice, June 2017

Local Government Association, June 2017



Council Tax Protocol

We agree to adopt this protocol in
as our public commitment to its principles of fairness, partnership
working and transparency in local authority debt collection:

Signature

.....

Local authority representative

Signature

.....

**Local Citizens Advice / advice
agency representative**

Signature

.....

**Enforcement agency
representative**

(where relevant)¹

Signature

.....

**External contractor
representative**

(where relevant)¹

Date:

¹ Enforcement agents and external contactors may sign this protocol if they and the authority agree that it is appropriate.

Council Tax Protocol

Revised collection of council tax arrears good practice protocol

Council tax payers receive a better level of service when local authorities², enforcement agencies and debt advice agencies work closely together. Early intervention and proactive contact with people struggling with bill payments can help prevent them incurring further charges and help alleviate stress. It can also potentially help reduce both collection costs and calls on local public services, particularly mental health services.

This good practice protocol makes a number of suggestions on how local partnerships can be strengthened and residents better supported.

Developed through partnership work between the national bodies representing advice agencies, local government and enforcement agencies throughout England and Wales, it builds upon the previous protocol, which government recommended local authorities adopt in their 2013 guidance. The protocol reflects best practice at local level and is intended to facilitate regular liaison on practices and policy concerning council tax debt collection. In setting down clear procedures and keeping them regularly under review, all parties can ensure that cases of arrears are dealt with appropriately whilst complaints are handled efficiently.

By signing the protocol and adopting the practices set out below, local authorities, enforcement agencies and advice agencies can help taxpayers pay their council tax bills while accessing debt advice when needed.

² Where we use the term 'local authorities', this should also be read to cover a local authority's external contractors, where the local authority has contracted out the administration of some or all of its council tax collection process.

Partnership

To foster more effective partnership working:

- Local authorities, enforcement agencies and advice agencies should meet regularly to discuss practical and policy issues with a recommendation to meet quarterly at officer level and annually with elected members.
- All parties should have dedicated contacts accessible on direct lines and electronically so that issues can be taken up quickly.
- All parties should promote mutual understanding by providing training workshops, undertaking exchange visits and sharing good practice.
- As local authorities are responsible for the overall collections process, they should ensure all their staff, external contractors and enforcement agencies receive the appropriate training, particularly on vulnerability and hardship.
- Advice agencies, enforcement agencies and local authorities should work together to develop a fair collection and enforcement policy, highlighting examples of vulnerable people or those who find themselves in vulnerable situations, and specifying clear procedures in dealing with them. Contractual arrangements with enforcement agents should specify procedures for the local authority to take back cases involving vulnerable people.
- Local authorities should consider informal complaints as debtors may be afraid to complain formally where enforcement agent activity is ongoing. Informal complaints received from advice agencies can indicate problems worthy of further investigation both locally by the local authority and by referral to national bodies.

Information

To improve the information supplied to council tax payers about the billing process, how to get support and debt advice and to promote engagement:

1. All parties should work together to produce letters that clearly and consistently explain how council tax bills have been calculated (including any Council Tax Support award). Council tax bills should make clear council tax is a priority debt and explain the consequences of not making payment by the date specified. As far as possible within the constraints of systems, where a taxpayer has council tax arrears, the letters should explain how the debt has been accumulated and over which time period, the layout and language of bills and letters should be easy to understand, with any letters including a contact phone number and email address. All information should also be made available online in a clear format.
2. Local authorities should consider reviewing payment arrangements and offer more flexible options, including, subject to practicality, different payment dates within the month, spreading payments over 12 months and, potentially, different payment amounts to assist those on fluctuating incomes. This can allow people to budget more effectively.
3. Local authorities and enforcement agents should publicise local and national debt advice contact details on literature and notices. Advice agencies can help by promoting the need for debtors to contact their local authority promptly in order to agree payment plans. Parties can work together to ensure the tone of letters is not intimidating but encouraging of engagement.
4. Local authorities should ensure that enforcement agencies have appropriate information about the council tax debts they are recovering, so they can put this in letters they send to debtors and answer any questions.
5. Local authorities should consider providing literature about concerns council tax debtors may have about enforcement agents and enforcement. Information could cover charges enforcement agencies are allowed to make by law, how to complain about enforcement agent behaviour or check enforcement agent certification and further help available from the local authority or advice agencies.
6. All parties should work together to review and promote better engagement by council taxpayers. This should include information on how bills can be reduced through reliefs, exemptions and council tax support schemes, advising taxpayers that they should contact the local authority if they experience financial hardship and the consequences of allowing priority debts to accumulate. Information and budgeting tools should be made available on local authority and advice agency websites, via social media and at offices of relevant agencies. This is an opportunity for joint campaign work.

Recovery

If a council tax bill is not paid, then the local authority's recovery process comes into play. While local authorities strive to make early contact with a debtor, the first point of engagement by a debtor often only occurs when an enforcement agent visits the premises. Greater effort should be made at or before the Tribunal Courts and Enforcement Act's compliance stage, including debt and money advice referrals and to assess whether vulnerability or hardship applies, so as to avoid escalating a debt. Therefore:

1. Local authorities and enforcement agencies should work in partnership with advice agencies on the content, language and layout of all documents, produced by the local authority and agents acting on its behalf which are part of the enforcement process. This should aim to ensure that the rights and responsibilities of all parties, particularly those of the debtor, are clearly set out.
2. Enforcement agents should provide the debtor with a contact number and email address should they wish to speak to the local authority.
3. Local authorities should keep all charges associated with recovery under regular review to ensure they are reasonable and as clear and transparent as possible and reflect actual costs incurred. Enforcement agents should only make charges in accordance with council tax collection and enforcement regulations, particularly the Tribunal Courts and Enforcement Act.
4. Local authorities should periodically review their corporate policy on debt and recovery, particularly what level of debt (inclusive of liability order fees) should have accrued before enforcement agent action, as enforcement will add additional costs to a debt.
5. As part of their corporate policy on debt and recovery, local authorities should have a process for dealing with cases that are identified as vulnerable, bearing in mind that different local authorities may have different definitions of a vulnerable person or household. Any local definition of vulnerability should be developed in consultation with advice agencies and enforcement agencies and, wherever possible, the local authority should aim to publish clear guidelines on what constitutes vulnerability locally. Where a local authority's vulnerability criteria apply, In these cases, debts should be considered carefully before being passed to enforcement agencies. Where enforcement agents or other parties identify a vulnerable household, recovery action will be referred to the local authority.
6. Local authorities should regularly review and publish their policies which cover hardship, including how these relate to council tax arrears.

7. Where a household is in receipt of Council Tax Support, the local authority should consider matters carefully and determine whether to pass such cases to enforcement agents, based on the individual circumstances of the case.
8. The debtor may have outstanding claims for Universal Credit, Council Tax Support or other benefit(s) which are contributing to their arrears. Local authorities can suspend recovery once it is established that a legitimate and relevant claim is pending.
9. Local authorities and their enforcement agents should consider offering a 28 days hold or “breathing space” on enforcement action if debtors are seeking debt advice from an accredited advice provider.
10. Procedures should exist for debt advisers to negotiate payments on behalf of the taxpayer at any point in the process, including when the debt has been passed to the enforcement agent. In some cases, the debtor may only contact an advice agency following a visit from the enforcement agent.
11. Local authorities and enforcement agents should consider accepting and using the Standard Financial Statement (SFS) or Common Financial Statement in assessing ability to pay as long as this is consistent with securing value for money for all council tax payers.
12. Each case should be examined on its merits and repayment arrangements need to be affordable and sustainable, while ensuring that the debt is paid off within a reasonable period. Where appropriate, local authorities should provide the flexibility to spread repayments over more than a year, including beyond the end of a financial year.
13. Local authorities should prioritise direct deduction from benefits or attachment of earnings in preference to using enforcement agents. This avoids extra debts being incurred by people who may already have substantial liabilities.
14. Clarity should be provided to the debtor and enforcement agency as to which debts are being paid off, in what amounts and when, especially where a debtor has multiple liability orders. Where appropriate, debts should be consolidated before being sent to enforcement agents.
15. Local authorities should publish a clear procedure for people to report complaints about all stages of recovery action. Local authorities will regularly monitor and, subject to requirements of commercial confidentiality and the Data Protection Act, publish the performance (including complaints) of those recovering debts on their behalf and ensure that contractual and legal arrangements are met.

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