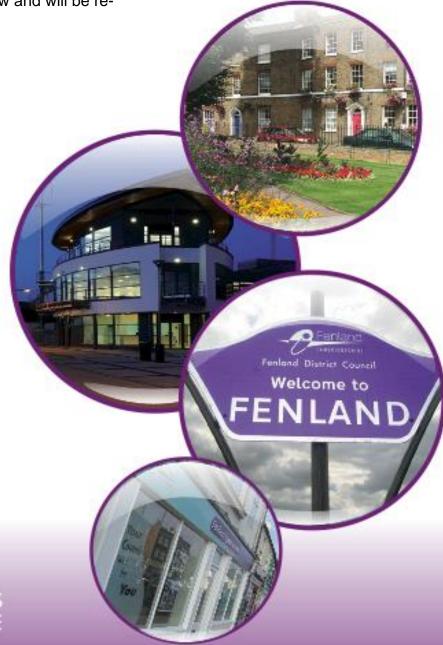




# **Corporate Debt Policy**

This version was published in April 2014

This policy is currently under review and will be republished in early 2024.





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#### Introduction

This document is our Corporate Debt Policy. It tells you:-

- How we collect debts owed to us and the stages we go through to do this,
- How to contact us to get advice,
- Information about other sources of help.

### Aims and objectives

This policy serves two purposes:-

- For customers it explains our approach to debt collection, including how to avoid further recovery action and what to do if you have problems paying.
- For staff the approach we will take in raising and creating debts, how we will
  collect them and how to respond to customers who cannot pay or customers
  who will not pay their debts.

### How this policy can help you

Our policy explains what we will do when sending bills, collecting debts and also when payments are not made.

It is important that customers make payment on time. Like any business, public bodies such as Councils rely on income from bills we send, to help us pay for local services and all the other bills that we have to pay.

Where you are unable to pay, it is very important that you contact us straightaway, so that we can:-

- Help you see if there are ways of reducing the amount you have to pay (i.e. by getting help with reducing your bill, such as through Council Tax Support or Council Tax discounts, for instance),
- Give you more time to pay where there is a good reason for late payment,
- Help refer to other organisations that may help with debt advice and also help to contact other people you owe money to, on your behalf.

Remember you should never ignore a bill from us.

It won't go away.

Doing nothing could mean the bill gets bigger.

Delaying things could mean you get the next bill from us as well.

Doing something now means quicker solutions, less worry and less stress.

### **Getting help**

#### The one thing anyone with a debt should not do is to ignore it.

The amount owed could increase as fees and charges are added. Court action could be taken. For debts like Council Tax and National Non-Domestic Rates (referred to as NNDR in this document) you could even be sent to prison for deliberately not paying.

#### Get help and advice anytime

The quickest way to get further information is to log-onto our website for help and advice (you can also pay your Council Tax this way, quickly and easily as well):-

## fenland.gov.uk

#### Other help and advice

You can also get help from us in other ways, see page 22 for details.

#### Getting independent advice

Sometimes you may wish to talk to other people about money we are wishing to collect. Here are some organisations that can help you. They are independent from us and offer impartial and free advice.

Money Advice Service (also called "Ma")

## moneyadviceservice.org.uk

Ma offer free, independent and impartial advice to help people improve their money management. They also point you towards other organisations that can offer the same service.

Citizens Advice Bureau (also called the "CAB")

## ruralcambscab.org.uk

The CAB offer free, independent and impartial advice about a range of issues that include:-

- Benefits
- Debt and Money
- Housing
- Relationships
- Work
- Other issues (such as consumer advice, law, civil rights and more)

### **Principles of debt collection**

This policy is designed to help us follow the law, collect money to help pay for Council services, treat everyone fairly and help people who cannot pay yet take firm action against people who will not pay.

#### We will ensure that:-

- Bills and other documents requesting payment are legal and timely (in relation to our recovery timetable each year),
- We will actively promote reductions such as Council Tax Support to help reduce the burden for those who cannot pay,
- Staff collecting debts will work to clear procedures and receive detailed training on them,
- We will make as much information available to debtors at all stages so that they understand the recovery process and its consequences.

#### Our office procedures will:-

- Be effective, ensuring that where people have the means, they fulfil their obligations by paying their debts,
- Understand the need for debtors to pay other bills as well as ours,
- Help debtors to sort out debt problems as early as possible,
- Try to separate those who cannot pay from those who will not pay and treat them differently,
- Allow for full appraisal of debtors circumstances providing sensible repayment arrangements,
- Be efficient and cost effective,
- Ensure we refer cases to other independent advice agencies where that will help the debtor.

We will constantly review and improve our processes to ensure that:-

- Any un-collectable debts to be written off in accordance with the financial regulations,
- Debt data is up to date, accurate and complete,
- Computer systems are continually monitored so action occurs e.g. on default,
- Responsibilities are given to Council Officers to take decisions to help collect the debt that are in the best interests of both the Council and debtors.

## Types of debt we collect

The Council collects these debts:-

Type of debt	What it is for? Who pays it?	How we collect it	Legal basis
Council Tax	This helps fund services provided by us, the County Council, Fire and Police, Parish Councils.  It is paid by every household in Fenland.  Where there are joint owners or tenants, each person gets a copy of the Bill and they are jointly responsible for paying it.	Bills are normally sent in March for the next financial year.  It is normally payable over 10 monthly instalments that start in April.  We can offer up to 12 monthly or 52 weekly instalments, if you contact us before 1 April.	The primary basis is the Local Government Finance Act 1992, with a number of regulations since then that relate to it.
Council Tax Support overpayment	Where we have awarded too much Council Tax Support, such as where a person's income or household make-up have changed.  The person who we paid it to must repay it to us.	We add the money owed to your Council Tax Bill.	The primary basis is the Local Government Finance Act 2012, with a number of regulations since then that relate to it.
National Non- Domestic Rates (also called NNDR or Business Rates)	This helps fund services provided by us, the County Council, Fire and Police, Parish Councils.  It is paid by every commercial property in Fenland.	Bills are normally sent in March for the next financial year.  It is normally payable over 10 monthly instalments.  We can offer up to 12 monthly or 52 weekly instalments, if you contact us before 1 April.	The primary basis is the Local Government Finance Act 1988, with a number of regulations since then that relate to it.

Type of debt	What it is for? Who pays it?	How we collect it	Legal basis
Housing Benefit overpayment	Where we have paid too much Housing Benefit, such as where a person's income or household make-up have changed.  The person who we paid it to must repay it to us.	Where possible it is deducted from ongoing Housing Benefit they are paid in the future at a set rate each week.  Where not possible, the amount is due straightaway and we will send an	The primary basis is the Social Security Contributions and Benefits Act 1992, with a number of regulations since then that relate to it.
Sundry debt	For other services that the Council provides, paid by the person who receives the service. This includes things like commercial waste collection, etc.	For an ongoing service we will collect the debt in monthly instalments.  For debts for a single service received, we will send an invoice for immediate payment.	Enforceable through the County Court.
Travellers site rents	Rent is due on the travellers site pitches that we own.  It is paid by the occupier of each pitch.	We collect payments personally.  We collect payments weekly.	Enforceable through the County Court.
Factory Unit and Office rents	The Council owns industrial units across Fenland, as well as office buildings where individual offices are rented to local businesses.  The business owners pay rent to the Council.	We collect payments monthly from tenants.	Enforceable through the County Court.

Type of debt	What it is for? Who pays it?	How we collect it	Legal basis
Garage rents	Rent is due on garages that we rent out to people who used to be Council tenants before Council houses were transferred to Roddons Housing Association.	We collect payments monthly from tenants.	Enforceable through the County Court.
	The tenants of the garages pay us.		

### Why we need to collect debts

There are three main reasons why we need to collect money:-

- To help fund Council services generally. The Council Tax and NNDR fall into this group. They help pay for the services that are provided by Fenland District Council, Cambridgeshire County Council, the Police, the Fire Service and Parish Councils. They make up about 25% of the money these organisations need to provide services. The rest comes from the Government and other charges made locally.
- To pay for specific services. This could be for mini factory rent, travellers' site
  pitches (to rent them), and the use of leisure facilities. This type of debt is
  normally where you are receiving a specific service from the Council and are
  charged for using just that service.
- Where you have received money from us that you are not entitled to. This is
  normally when you have been paid too much Housing Benefit or you have been
  awarded too much Council tax Support. This is where we paid you based on
  your income and household at a point in time, but that has now changed and
  we have paid you too much Housing Benefit, which you need to pay us back.

### The legal basis for collecting money

Often Government law tells us what things we have to charge for, and how to collect them. This applies to things like Council Tax, NNDR and overpaid Housing Support.

In other instances we charge after signing an agreement with you, or have a policy that says we will charge for a service. In these cases, we will normally take action to recover money through the County Court.

#### What we do to collect debts

This is to describe how debts are collected from you and the stages that we go through.

#### **Council Tax**

These are the stages of collecting the Council Tax.

Everyone who lives in a domestic property in Fenland will get a Council Tax bill. There is normally one bill per property (or for each part of it if it is divided into flats, etc.; also we send copies of the same bill to several people where they are jointly and severally liable, i.e. spouses).

#### Reductions are available:-

Council Tax Support. This is for people on low incomes or who are not working.
 We work out how much you get based on your income, savings and who is living in the house. You can see how much Council Tax Support you may get at

## fenland.gov.uk

- Single Persons Discount. This is 25% off the bill if you live alone.
- Other discounts and exemptions. There are many of these.

Further information about reductions is available from the Council, see page 4 for how to contact us.

The bill is normally payable over ten months starting in April each year. We will also give you fourteen days' notice of when the first payment is due.

If you move during the year, or your bill changes (because one of the reductions mentioned has been given or taken away) you will get a new bill. This will be payable in less payments (we call these "instalments"). The general rule is that for new bills sent after April, the number of payments is:-

Number of whole months left in the financial year less one

So, if you get a bill in May you will get 9 instalments. Remember though bills issued in January, February and March will have one instalment, i.e. they are payable in full straightaway.

You can now pay weekly, or over 12 months. Please contact us to arrange this (please don't start paying this way without contacting us first, as recovery action will continue as bills are issued automatically set for 10 instalments).

It is important payments are made on time. Where the process shown below states when further action happens, bear in mind that your payment needs to have both reached the Council and been allocated to your account, so you may need to make the actual payment earlier than the due date.

Please note that we only send a certain number of notices each year if you pay late. This means that you cannot pay late every month, and avoid further recovery action.

Payments are normally due on the first day of the month. If you'd like to pay later each month, we can offer a Direct Debit facility that allows you to pay on one of these days of the month:-

1<sup>st</sup>

10<sup>th</sup>

20<sup>th</sup>

We are able to offer later payment dates for Direct Debit payers as the loss of interest from late payment is balanced by the reduced costs of collecting payments by Direct Debit.

This is the process for taking action where payments are not made:-

What we send	What it is for	When we send it
Bill	Explains what is due, and when you need to pay	In March of each year for new financial year starting on 1 April.
		After a change of address, Council Tax Support, discount or other thing affecting what you owe.
Reminder	To remind you a payment is late	14 days after payment due
Second Reminder	To remind you that another payment is late where you have paid the first late after getting a Reminder.	14 days after the next payment is due
	We will not send this if you have not paid after the first Reminder. In these cases the next document you get will be a summons.	
Summons	To tell you your payment arrangement has been cancelled.	This is sent in 3 situations:-  • When a Reminder was sent and nothing was paid.
	The rest of the years Council Tax is now due.  This allows us to go to Magistrates' Court and apply for a Court Order (Liability Order against you).	•
Notice of Liability Order	We will charge you extra for this. The charge is currently £70.  To tell you we have been	Where you were send     a Reminder twice and     paid late after both of     them but also failed to     pay for a third time.  After the Liability Order is

What we send	What it is for	When we send it
	granted a Liability Order and that you have 14 days to pay, or make an arrangement to pay	granted (the court hearing date shown on the summons).
Enforcement – Compliance Stage	If you have not agreed a payment arrangement we will pass your case to a private company (we do not sell the debt, but authorise the company to take action for us) to recover what you owe us.  The private company uses Enforcement Agents.  When we pass your case to them, they will charge you £75. This is payable to them, they will send you a bill for this amount, plus what you owe us.  They will contact you by phone and letter. You need to make a payment arrangement with them.	14 days after the Liability Order is granted.  This comes from the Enforcement Agent, not the Council.

Enforcement Stage    Cannot make a payment arrangement, or any contact with you, your case moves to this stage 28 days after we pass your case to them.    When your case moves to this stage, they will charge you a further £235.00 (plus 7.5% of the value of the debt that exceeds £1,500.00).    This is payable to them, in addition to what you owe us and the £75 compliance stage fee.    They will visit you. You will need to pay what's owed. They can identify and take goods to cover the debt.	What we send	What it is for	When we send it
	Enforcement Stage	arrangement, or any contact with you, your case moves to this stage 28 days after we pass your case to them.  When your case moves to this stage, they will charge you a further £235.00 (plus 7.5% of the value of the debt that exceeds £1,500.00).  This is payable to them, in addition to what you owe us and the £75 compliance stage fee.  They will visit you. You will need to pay what's owed. They can identify and take	they visit you.  This comes from the Enforcement Agent, not the

#### More information about the Enforcement Stage

This stage is where Enforcement Agents have legal powers to recover the debt from you, but they cannot force entry into your property.

They can visit you any day (including Sunday) between 6.00 a.m. and 9.00 p.m. They not permitted to visit on Bank Holidays and Christmas Day.

They can identify for sale any goods you own except these things:Items or equipment (for example, tools, books, telephones, computer equipment and
vehicles) which are necessary for use personally by the debtor in the debtor's
employment, business, trade, profession, study or education, except that in any case
the aggregate value of the items or equipment to which this exemption is applied shall
not exceed £1,350;

Clothes, beds, bedding, furniture, household equipment, items and provisions as are reasonably required to satisfy the basic domestic needs of the debtor and every member of the debtor's household.

Cooker or microwave, fridge, washing machine, dining table and dining chairs to seat the debtor and every member of the debtor's household.

Land line telephone, or a mobile phone

Medical equipment and items needed for the care of a child or elderly person.

Safety and security equipment, e.g. burglar alarms, locks and CCTV system

Sufficient lighting and heating facilities.

What we send	What it is for	When we send it
Domestic pets and guide	dogs	
	valid disabled person's badge, B	ritish Medical Association
badge or other health eme	ergency badge.	
If you are "vulnerable" in t	he context of the law affecting E	Enforcement Agents, the
	ale stage fees may not be recov	
	before proceeding to remove go opportunity' to get assistance ar	
given [you] an adequate t	opportunity to get assistance an	id ddvioc .
. •	s of vulnerability. Please check	•
before concluding that you	u are covered by the definition o	it "vulnerability".
Further information about	vulnerability is available from th	e Enforcement Agent.
Please see letters from th	em for their contact details.	
Enforcement –	If the Enforcement Agents	14 days after the Liability
Sale or Disposal Stage	cannot secure payment	Order is granted.
	when they visit you, they	D
	will have identified goods to sell to clear your debt.	Remember Enforcement Agents charge additional
	to sell to clear your debt.	fees and these can soon
	When your case moves to	add up to large extra debts
	this stage, they will charge	
	you a further £110.00 (plus	
	7.5% of the value of the debt that exceeds	
	מכטו ווומו באניבבעט	

What we send	What it is for	When we send it
action	collect the money if the Enforcement Agents cannot collect enough money to clear what you owe.  These include:- Making businesses bankrupt.	cannot get payment for us.
Committal to prison	The last resort for people refusing to pay their Council Tax.	When all action has failed, we will go back to the Magistrates' Court and ask you to be sent to prison, for up to 90 days.

#### National Non-Domestic Rates (also called "NNDR" or "Business Rates")

These are the stages of collecting NNDR.

Everyone who occupies a commercial property in Fenland, or owns one that is empty in Fenland will get a NNDR bill. Reductions are available:-

• Reliefs. There are many of these.

Further information about reliefs is available from the Council, see page 4 for how to contact us.

The bill is normally payable over ten months starting in April each year. We will also give you fourteen days' notice of when the first payment is due.

If you move during the year, or your bill changes (because one of the reductions mentioned has been given or taken away) you will get a new bill. This will be payable in less payments (we call these "instalments"). The general rule is that for new bills sent after April, the number of payments is:-

Number of whole months left in the financial year less one

So, if you get a bill in May you will get 9 instalments. Remember though bills issued in January, February and March will have one instalment, i.e. they are payable in full straightaway.

You can now pay over 12 months. Please contact us to arrange this (please don't start paying this way without contacting us first, as recovery action will continue as bills are issued automatically set for 10 instalments).

It is important payments are made on time. Where the process shown below states when further action happens, bear in mind that your payment needs to have both reached the Council and been allocated to your account, so you may need to make the actual payment earlier than the due date.

Please note that we only send a certain number of notices each year if you pay late. This means that you cannot pay late every month, and avoid further recovery action.

Payments are normally due on the fifteenth day of the month.

This is the process for taking action where payments are not made is shown overleaf:-

What we send	What it is for	When we send it
Bill	Explains what is due, and when you need to pay	In March of each year for new financial year starting on 1 April.  After a change of occupier, relief or other thing affecting what you owe.
Reminder	To remind you a payment is late	14 days after payment due
Second Reminder	To remind you that another payment is late where you have paid the first late after getting a Reminder.  We will not send this if you have not paid after the first Reminder. In these cases the next document you get will be a summons.	14 days after the next payment is due
Summons	To tell you your payment arrangement has been cancelled.  The rest of the year's NNDR is now due.  This allows us to go to Magistrates' Court and apply for a Court Order (Liability Order against you).  We will charge you extra for this. The charge is currently £90.	<ul> <li>This is sent in 3 situations:-</li> <li>When a Reminder was sent and nothing was paid.</li> <li>When a Reminder was sent, you paid, a Second Reminder was sent and you did not pay that.</li> <li>Where you were send a Reminder twice and paid late after both of them but also failed to pay for a third time.</li> </ul>
Notice of Liability Order	To tell you we have been granted a Liability Order and that you have 14 days to pay, or make an arrangement to pay	After the Liability Order is granted (the court hearing date shown on the summons).
Enforcement –	If you have not agreed a	14 days after the Liability

What we send	What it is for	When we send it	
Compliance Stage	payment arrangement we will pass your case to a private company (we do not sell the debt, but authorise the company to take action for us) to recover what you owe us.  The private company uses Enforcement Agents.  When we pass your case to them, they will charge you £75. This is payable to them, they will send you a bill for this amount, plus what you owe us.  They will contact you by phone and letter. You need to make a payment arrangement with them.	Order is granted.  This comes from the Enforcement Agent, not the Council.	
Enforcement – Enforcement Stage	If the Enforcement Agents cannot make a payment arrangement, or any contact with you, your case moves to this stage 28 days after we pass your case to them.  When your case moves to this stage, they will charge you a further £235.00 (plus 7.5% of the value of the debt that exceeds £1,500.00).  This is payable to them, in addition to what you owe us and the £75 compliance stage fee.  They will visit you. You will need to pay what's owed. They can identify and take goods to cover the debt.	When you do not pay the Enforcement Agent when they visit you.  This comes from the Enforcement Agent, not the Council.	
More information about the Enforcement Stage			

What we send	What it is for	When we send it	
This stage is where Enforcement Agents have legal powers to recover the debt from you, but they cannot force entry into your property, unless a default on a control goods agreement has occurred in which case the Enforcement Agent can apply to the Courts			

They can visit you any day (including Sunday) between 6.00 a.m. and 9.00 p.m. or at any other time when the business is open outside of these times.

They can identify for sale any goods you own except these things:Items or equipment (for example, tools, books, telephones, computer equipment and
vehicles) which are necessary for use personally by the debtor in the debtor's
employment, business, trade, profession, study or education, except that in any case
the aggregate value of the items or equipment to which this exemption is applied shall
not exceed £1,350;

Land line telephone, or a mobile phone

for entry to the property.

Safety and security equipment, e.g. burglar alarms, locks and CCTV system

Sufficient lighting and heating facilities.

Any vehicle displaying a valid disabled person's badge, British Medical Association badge or other health emergency badge.

What we send	What it is for	When we send it
Enforcement – Sale or Disposal Stage	If the Enforcement Agents cannot secure payment when they visit you, they will have identified goods to sell to clear your debt.  When your case moves to this stage, they will charge you a further £110.00 (plus 7.5% of the value of the debt that exceeds £1,500.00).  This is payable to them, in addition to what you owe us, Compliance stage and	14 days after the Liability Order is granted.  Remember Enforcement Agents charge additional fees and these can soon add up to large extra debts.
	Enforcement stage fees mentioned previously.  This fee shall be charged when an Enforcement Agent attends the premises to remove goods and make preparations for the sale of goods. They will take the goods and sell them to raise money to cover what you owe.  Additional charges may be applied relating to the	
After Enforcement Agent action	removal. These can include storage and locksmith's fees.  We will use other means to collect the money if the Enforcement Agents	If Enforcement Agents cannot get payment for us.
	cannot collect enough money to clear what you owe.  These include:- Making businesses bankrupt.	
Committal to prison	The last resort for people refusing to pay their Business Rates.	When all action has failed, we will go back to the Magistrates' Court and ask you to be sent to prison, for up to 90 days.

#### Other debts owed to the Council

These are the stages of collecting the bill.

Bills are sent out when a debt becomes due, or if you pay the debt annually we will send a bill at the start of each new financial year.

Further information about reductions is available from the Council, see page 4 for how to contact us.

Bills are normally payable straightway in whole payment unless the bill states a weekly, monthly or quarterly payment arrangement exists.

This is the process for taking action where payments are not made:-

What we send	What it is for	When we send it
Bill	Explains what is due, and when you need to pay	In March of each year for new financial year starting on 1 April.
		After a change that affects what you owe.
		When you become liable for a new debt.
Reminder	To remind you a payment is late	14 days after payment due
Court action	We will take action against you through the court.	As soon as possible after a Reminder is sent.

### **Vulnerable people**

We have a responsibility to all residents and businesses in Fenland to collect the most debt that is owed to the Council. Doing this means that we can keep the amount of Council Tax we charge as low as possible (we cannot do the same for NNDR, as the basic overall amounts we charge are set by the Government).

We know that some customers may have trouble paying us. Some groups of people are particularly vulnerable. A person may be considered vulnerable in the following circumstances. The list is not exhaustive and each case will be determined on its own merits:-

- The person is elderly
- The person is seriously ill or mentally or physically disabled
- The person has communication or learning difficulties
- The person has young children and where there is severe deprivation
- The person has recently be bereaved or made unemployed
- The person has difficulty in understanding written or spoken English

Falling into one of these categories does not automatically mean that recovery action is not appropriate. The Council will make individual decisions based upon the individual circumstances of the taxpayer or ratepayer to identify if recovery action is appropriate and, if so, what action to take.

If we become aware of someone being considered vulnerable as one of the above groups, we will do our best to take this into account and look at how we can agree more extended payment arrangements as well as ensure that cases are not passed for further action when this is not appropriate.

Where Enforcement Agents working on our behalf have vulnerability concerns, they will talk to us (for Council Tax or NNDR debts) so that we can decide the best way forward.

### Hardship

If you cannot pay, get in touch with us to talk through the options. Often, we can think of ways forward to help you that may be better than the ones you may think of.

We will look at your case on its own merit and may agree an extended payment arrangement taking into consideration all your debts. We will always expect you to pay your current years' Council Tax plus an amount towards the arrears.

In cases of extreme hardship we will consider an application for a Discretionary Council Tax Relief. This is a reduction we can off –set against your Council Tax Bill to reduce your payments.

#### **Further information**

Please contact us if you have any questions about this policy, or any debt owed to the Council.

Here are the ways to contact us.

## fenland.gov.uk

Our website is always open! Check this out first; it will often save you a phone-call or visit.

#### E-mail us

<u>counciltax@fenland.gov.uk</u> Council Tax queries

<u>businessrates@fenland.gov.uk</u>
National Non-Domestic Rates queries

benefitoverpayments@fenland.gov.uk Housing Benefit overpayment queries

sundrydebtors@fenland.gov.uk Queries about all other debts owed to us

info@fenland.gov.uk Other general queries about our services

#### Phone us

01354 654 321

We are open 24 hours a day, every day for payments by Debit Card.

We are open to help answer queries on Mondays to Fridays (except Public Holidays) between 9am and 4pm, and Saturdays between 9am and Noon.

#### Write to us

Fenland District Council, Fenland Hall, County Road, March, Cambs, PE15 8NQ

Please see below for how to contact sources of independent advice.

Sometimes you may wish to talk to other people about money we are wishing to collect. Here are some organisations that can help you.

Money Advice Service (also called "Ma")

## moneyadviceservice.org.uk

Phone 0300 500 5000 Calls are charged at national rates.

Citizens Advice Bureau (also called the "CAB")

## ruralcambscab.org.uk

0844 245 1292 if you are calling from a landline or

0300 330 0650 if you are calling from a mobile phone

### **Complaints**

If you are unhappy with the service that we have given you, please contact us as soon as possible. We will always work with you to help resolve the matter. The different ways to contact us are shown on the previous page.

In the unlikely event that we cannot help resolve your concerns, we have a formal complaints process that you can use.

We have a 3cs (comments, compliments and complaints) process with three stages.

At each stage, a more senior person investigates the matter.

Where we have not been able to resolve the matter, you can then complain to the Local Government Ombudsman. They are independent and can order a Council to reverse its decision in some cases.

## Check fenland.gov.uk/threecs for our 3cs process.

If you have a complaint about Enforcement Agents, they will also have a complaints process. In the first instance, please contact them to raise any concerns you may have.