

Citizens Advice Bureau/Local Government Association

Council Tax Protocol – June 2017

	Comments on Woking Procedure	Actions
Partnership Working		
1. 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.	WBC already meet regularly with contracted Enforcement Agents to discuss recovery issues, policy and statutory code compliance which applies to all Enforcement Agents since the Taking Control of Goods Act come into force which supersedes the CAB protocol document. Regular meetings with appropriate Woking Citizens Advice Woking (CAW) staff can be introduced.	Contact Woking Cab manager
2. All parties should have dedicated contacts accessible on direct lines and electronically so that issues can be taken up quickly.	Already in place	None
3. All parties should promote mutual understanding by providing training workshops, undertaking exchange visits and sharing good practice.	This can be implemented if CAW are able to reciprocate	Contact Woking Cab manager
4. 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.	Already in place. There is a national statutory code for Enforcement Agents in place.	None
5. 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.	WBC has an agreed and published Council Tax Enforcement policy which complies with the national Council Tax Enforcement Regulations	None
6. 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	All debtor issues & complaints are considered and investigated including informal complaints currently	None

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national bodies.		
Information		
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.	The contents of all Council Tax recovery correspondence from initial issuing of bill, reminders, final notice, etc...is governed by regulatory requirements and include the suggested details in this protocol. Indeed we get complaints from debtors when the documents explain the consequences of not making payments and have to explain this is a regulatory requirement.	None
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.	All these are offered currently & will also comply with the new “Breathing Space national scheme which comes into force from May 2021 and gives debtors a 60 or 90 day breathing space where debt recovery is suspended	None
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.	The Council Tax webpage already advises debtors to contact us in various places if there are “problems paying”. Happy to add CAW (advice agency) contact details to this page as well	Add Woking CAB contact details
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.	Already in place	None
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.	Enforcement Agents are now governed by the Taking Control of Goods Act which sets national fee levels and standards for all enforcement agents, this came in after this protocol. The act is referenced in the published Council Tax recovery policy and	None

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	Enforcement agency literature which this act requires them to do	
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.	Info all included on website in various Council Tax documents and webpages E.g. Recovery Policy, Who Should Pay, About Council Tax, Discounts, Reductions, Exemptions, etc...	None
Recovery		
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.	Recovery policies for Council Tax must comply with the Council Tax Enforcement regulations. WBC has a Council agreed and compliant policy which clearly sets out the process.	None
2. Enforcement agents should provide the debtor with a contact number and email address should they wish to speak to the local authority.	Already in place	None
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.	Enforcement Agent fees are set by law now, which supersedes this protocol, the only fees WBC would receive are the Summons costs fees which have to be agreed & awarded by the Magistrates Court.	None
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.	Will be reviewed when new Breathing Space scheme becomes law, but Council Tax recovery governed by regulation, a corporate policy cannot override the national regulation.	None
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,	When identified Vulnerable debtors are treated compassionately and reasonable as per recovery good practice and current guidance.	None

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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.	The new Breathing Space scheme from May 2021 will add additional checks to this including a 90 suspension of debt recovery.	
6. Local authorities should regularly review and publish their policies which cover hardship, including how these relate to council tax arrears.	Recovery policy reviewed annually	None
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.	Already in place	None
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.	Already in place	None
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.	Breathing space to be extended by new national guidelines from May 2021 to 60 days & 90 days for most vulnerable debtors, The Breathing space scheme will be law.	None
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.	Already in place & agreements regularly made provided offers are not un-reasonable based on ability to pay.	None
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.	WBC Council Tax already have "Arrangement Manager" software which is set to allow staff to agree minimum or reasonable payment arrangements, where offers fall outside this these are referred to senior officers for approval based on individual debtor circumstances. Income & Expenditure budget forms are also issued to debtors to complete & return and are used	None

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	to established reasonable repayment amounts	
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.	WBC Council Tax already have “Arrangement Manager” software which is set to allow staff to agree minimum or reasonable payment arrangements, where offers fall outside this these are referred to senior officers for approval based on individual debtor circumstances. Income & Expenditure budge forms are also issued to debtors to complete & return and are used to established reasonable repayment amounts	None
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.	Enforcement Agents are a last resort always. Generally used where debtors won't engage or make any offers of payment	None
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.	Already in place, normally oldest debt first.	None
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.	Council has a formal Complaint procedure which is published	None