

AUTHORITY CODE OF PRACTICE FOR BAILIFFS

1. **GENERAL PRACTICE**

1. Bailiffs must react quickly and efficiently to requests from the Authority (i.e. if required to stop action, supply progress reports).
2. All monies collected on behalf of the Council must be paid to the Authority at fortnightly intervals.
3. Bailiffs must at all times have sufficient insurance indemnity for all monies collected and due to the Council, and so indemnify the Council against any action which may result from the execution of professional services.
4. Bailiffs must be certificated, with at least two references taken up for suitability and directly employed by the firm and not sub-contractors.
5. Bailiffs using computer systems to maintain their records must be registered with the Data Protection Registrar and ensure accordance with the Data Protection Principles.
6. Bailiffs records (including copy receipts), insofar as they relate to cases referred by this Council, must be available for inspection by authorised council officers on request.
7. Insurance policies providing cover for indemnities must be available for inspection at the request of authorised council officers.
8. No disclosure of information given to bailiffs by the local authority or received by Bailiffs regarding a local authority case will be allowed to any third party.
9. All Bailiffs must be in possession of a personal identity card with photograph and written authorisation of the local authority.
10. Satisfied liability orders will be returned to the Authority on a fortnightly basis.
11. When goods are sold bailiffs must show that the best possible price for goods distrained has been attained by the use of identified auctioneers.

2. **INDIVIDUAL CASE PRACTICE**

1. Distress Warrants must not be retained by the Bailiff for a period longer than 6 months without approval from the authorised officers.

2. Arrangements for payment over a period longer than six months must not be entered into without approval from the authorised officers.
3. Whereby the Bailiff has established that the taxpayer is in receipt of Income Support/ Job Seekers Allowance. They should return the Warrant to the Council with a full report, including the National Insurance No.
4. Numbered, official company receipts must be issued immediately for each payment collected on behalf of the Council and be correctly dated and signed.
5. No initial attempt should be made to remove goods or enter into Walking possession if the following circumstances are encountered.
 - (i) Elderly/Pensioner
 - (ii) Infirm
 - (iii) Disabled including any mental disability
 - (iv) Long term sick or suffering serious illness
 - (v) Suffered a recent family bereavement
 - (vi) One parent family
 - (vii) Families with children under 5
 - (viii) Students without any income
 - (ix) Pregnancy
 - (x) Language difficulty
 - (xi) Invalidity benefit recipient
 - (xii) Payment claims to have been made
 - (xiii) Raised dispute as to benefit entitlement
 - (xiv) Raised dispute as to liability, relief or exemption

If any of these circumstances are found to exist and the taxpayer is unable to pay the case must be reported to the authorised officers to decide what further action is required.

Bailiffs will be aware of the sensitive nature of distress for local revenue and must use his professional judgement at all times and report on any exceptional circumstances in addition to those mentioned prior to any action.

6. If the bailiff considers that distraint should take place no goods must be removed until a report is submitted to the Assistant Council Tax Manager and authority is given to proceed.
7. Walking possession should not be entered into when there are insufficient goods on which to levy.
8. If goods are removed and sold by auction, the Assistant Council Tax Manager must be informed beforehand of the date of the sale and be supplied with a copy of the Auctioneers statement, which is supplied to the defaulter. A reserve should be placed on any goods of high value.

9. In those cases where the distress warrant is in respect of Non Domestic Rate it is clear that removal of goods would cause the closure of the business, the Assistant Council Tax Manager must be consulted before action is taken.
10. If the debtor is not present the case is not to be discussed with any other persons including children of the property. Documents should be left in a sealed plain envelope showing name and address only. Discretion must be used at all times.
11. If the debtor has vacated the premises full enquiries should be made at the property to establish forwarding address and any information gained given without delay.
12. No distraint will be made against any goods considered necessary to maintain "the basics of life" i.e. cooker, heaters, refrigerator, washing machine, beds and clothing. This will also include items clearly identifiable as "children's items" or as items required for or to tend to the disabled, sick or infirm and any items otherwise protected from distraint.
13. Bailiffs must return warrants as soon as it is apparent they are unenforceable.
14. Bailiffs must at all times act with proper courtesy, be smartly attired and act in a discreet manner.
15. Calls either by telephone or in person to a property must not be outside the hours of 8.00 am and 8.00 p.m. without prior agreement of the Assistant Council Tax Manager.