



**SURVIVING
ECONOMIC
A B U S E**

Council tax debt: Dealing with enforcement agents (bailiffs)

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An enforcement agent (or 'bailiff' as they are more commonly known) is someone who attempts to collect debts on behalf of a creditor, including local councils. Your local council can appoint an enforcement agent when other methods of collecting a council tax debt have failed.

If you have unpaid council tax, an enforcement agent may contact you or visit you at home. This can be a very stressful experience, especially for victim-survivors of domestic abuse. An enforcement agent may also try to collect money that someone else owes if they live or used to live with you.

This information is designed to help you know what an enforcement agent is legally allowed to do, to know your rights, and to know where you can go for support if you need it.

Collection of council tax debt

Enforcement agents cannot force their way into your home for the collection of consumer credit and council tax debts if they have not visited you before.

Council tax arrears

The council can only instruct an enforcement agent to collect unpaid council tax when a magistrates' court has issued them with a liability order.

The liability order will state how much money is owed. The council will also add on any court costs they have had to pay for the liability order to be issued.

The council can ask for a liability order to be made against the person that they sent the original bill to. If another person is also responsible for paying the bill, the council can ask for a liability order against both people.

Once the council has obtained a liability order, there is no time limit for enforcing it.

If you are contacted by enforcement agent for council tax

Always make sure you know what debt the enforcement agents are trying to collect as this will determine what action they are allowed to take.

If the enforcement agent is collecting council tax arrears, there are certain procedures that they have to follow.

They should give you **seven clear days' notice** that they are due to visit you. This is sometimes called an 'enforcement notice' and usually comes as a letter. 'Clear days' do not include Sundays, Christmas Day or bank holidays.

If you receive an enforcement notice, it is important not to ignore it. Contact a qualified debt adviser if you do not have one already and seek their support to respond to the notice.

If the notice of enforcement is in your name,

it is important to respond and explain your circumstances. It may be possible to apply to the court to stop the enforcement agent action and make an offer of repayment for the outstanding debt. While you apply to the court, the enforcement agent can still try to collect the outstanding debt.

What if it is not your debt?

If someone else owes council tax, tell the enforcement officer that you will contact their office to explain. Tell them to leave. Check how to [prove it's not your debt](#).

Forcing or coercing someone into debt is a common form of economic abuse. If you think a current or former partner may have coerced you or otherwise manipulated you into council tax debt, [read more information about coerced debt here](#).

If enforcement agents visit your home

Sometimes, enforcement agents are polite and engaging, but this is not always the case. Either way, it can be intimidating and embarrassing for them to arrive at your home. As a survivor of abuse, it can be especially frightening. You may feel anxious and unsure how you should respond.

Remember: Some enforcement agents may try and state that they are allowed to come into your home even if they have not been in before and that you should not refuse them entry.

If enforcement agents arrive at your home, they **must** have identification and written authorisation from the council. Make sure you ask to see this to check their right to be there. **They must show this to you if you ask to see it.** You don't need to open the door to do this. You are within your rights to talk and pass documents through the letterbox.

These documents should set out:

- the debt they are collecting
- which creditor they are acting for (in this case, the council)
- how much is owing
- which enforcement company they work for

This information will be useful so that you can discuss the situation with your debt adviser. Your debt adviser can support you to find a solution to the debt, such as asking for a write-off or putting a payment plan in place.

Enforcement agents collecting council tax debt must follow certain rules if they visit your property:

- They must have ID confirming they are an enforcement agent. If they are another kind of a debt collector, they can only contact you about the debt. They do not have the right to come to your home.
- They must show identification when asked, along with their warrant of control. These documents give them the authority to collect a debt that is in your name.
- They can only use a 'peaceful means of entry', i.e., a door and not a window or by climbing over a fence.
- They usually cannot break in or use force to enter (except if they are collecting criminal magistrates' court fines or HM Revenue and Customs tax debts and the court has granted permission for this, or if it is a business property). Remember that unpaid TV Licence can result in a criminal magistrates' court fine.
- They should not enter or remain in the property if the only person there is classed as 'vulnerable' (see below).
- They can only usually visit your home between 6am and 9pm.

Be aware that an enforcement agent can take control of goods that are outside your home. If you have a vehicle, they may try to take it or clamp it to take later. They are not allowed

to do this if you have a Blue Badge, if it is a mobility car or you need it for work. They can only take or clamp the vehicle if they find it parked on your driveway or in a public area like a road or car park. If you are worried that enforcement agents may arrive at your home, you may wish to move your vehicle to a safe place, such as a locked garage or a private driveway of a friend or neighbour.

Do I have to let council tax enforcement agents into my home?

Enforcement agents collecting council tax arrears cannot force entry into your property if they have not visited before, so it is critical to find out what type of debt the enforcement agents are collecting.

They can only force their way into your home if:

- you have let them in on a previous visit
- they took control of your goods on a previous visit
- you have broken any agreement you made with the enforcement agents **and** they have given you two clear days' notice

Politely but firmly refuse to let the enforcement agent in, without opening the door to them. Offer what you can afford to pay, if possible. If the enforcement agent accepts your offer, ask them to return to their car and go out and pay them. Make sure you get a receipt.

They must leave paperwork explaining what they intend to do or what they have done. This can include:

- that they intend to visit you or have visited you
- when they have taken control of your goods
- when they intend to re-enter your premises after a previous entry

They can take items that are jointly owned,

but if you are the only person named on the liability order issued by the court, they are only entitled to your share of the items.

If you have not let the enforcement agent in before, keep your doors locked. An enforcement agent is allowed to come into your property through an unlocked door, even if you are not in at the time. Although bailiffs should not enter through a window, it is a good idea to keep windows closed.

Vulnerable people

Enforcement agents should not enter your home if the only person in the property is a child under the age of 16 or is a person they deem to be a vulnerable person.

There is no clear definition of what 'vulnerable' means, but it could include:

- the elderly
- people with a disability
- the seriously ill
- the recently bereaved
- single parent families
- pregnant women
- unemployed people
- those who have obvious difficulty in understanding, speaking or reading English

This is the bare minimum of what the enforcement agent can consider 'vulnerable'. While being a victim of domestic abuse is unfortunately not listed, it is still worth contacting the enforcement agent company and informing them of this vulnerability, which may stop them from trying to enter.

What if the enforcement agent has already been inside my home?

If you have already let a council tax enforcement agent into your home, it is important to bear in mind the following points.

The enforcement agent will not usually take

away goods on their first visit. They may ask you to sign a 'controlled goods agreement'. This allows you to keep using the items listed on the agreement. Should you break the terms of the controlled goods agreement, the enforcement agent can return and take the goods by breaking in if necessary.

Before they break in to retrieve any items, they need to give you **two clear days' notice** that this has happened. If you do not agree to sign the agreement, the enforcement agent may remove the goods straight away or lock up the goods on your premises.

What can an enforcement agent take?

An enforcement agent may not be able to take goods that are worth more than you owe.

Council tax enforcement agent should not take:

- clothing
- bedding
- furniture and household items that are necessary for the basic needs of you and your family, such as
 - a cooker or microwave
 - a washing machine
 - a refrigerator
 - a dining table and chairs
- tools, books, telephones, computers, vehicles and other items that are necessary for your job, business or education (up to a value of £1,350)
- items you or someone else is physically using, where taking the goods is likely to lead to a breach of the peace, e.g. taking jewellery that you are wearing
- items that belong to someone else, including those belonging to your children
- pets

If an enforcement agent takes control of a restricted item, then you can apply to court to have it returned.

Can enforcement agent take goods belonging to someone else?

They should not take items that belong to other people, including rented goods. It is often difficult to prove if items don't belong to you unless you have a receipt or a credit agreement.

If items are taken that belong to someone else, they can contact the enforcement agent in writing providing proof and ask for them to be returned, as they never had the right to be taken. This information will be passed to the owner of the debt who will make the decision whether to return the item. If the item is not returned, then they would need to go to court to try and get the item back.

What if there are no goods to take?

If the enforcement agent decides on entering your home that there is nothing worth taking, they can return to your home within the next 12 months to try and take control of your items again. This must be done within 12 months of the date of the first enforcement.

If you agree a repayment plan but are unable to pay at a certain point, then the 12 months will not start until the missed payment.

The enforcement agent should not take away items that are of a greater value than the value of the debt. They can take a more valuable item, however, if there is only one item of value to take, such as a car.

What if I hide things away?

If you try to remove items before an enforcement agent has been into your home, they can apply to court for permission to break into the place where the items are being held.

If they have already been into the property and you try to remove items that form part

of a controlled goods order, then you are committing an offence.

Complaining about enforcement agents

Enforcement agents have legal rights, but so do you. If they do not follow the correct procedure, you may be able to make a claim against them. You can make a complaint about them if they mistreat you, do not take into account your vulnerability, or break the rules.

You can complain about enforcement agents if they:

- take items that they are not legally allowed to take or that they have not included in an inventory
- do not show you the documents that you are legally entitled to see
- refuse reasonable offers of payment
- continue to pursue you for a debt that is not in your name
- use bad language, or act in a way that is threatening or intimidating
- lie about what rights they have

It is best to complain to both the enforcement agent company and the original lender. Both the creditor and the enforcement agent company should have a complaints process on their website.

The enforcement agents should stop action against you while the creditor investigates the complaint. If they contact or visit you during this time, tell them you have made a complaint and are waiting for a response from the lender.

If you are not satisfied with the response to your complaint, you can complain to an enforcement agent's trade organisation. The organisation you need to complain to will depend on the type of debt that the enforcement agent is collecting. You should

be able to find this out from the letters they have sent to you.

You can also complain to an Ombudsman Service about the fact that your lender used enforcement agents who broke the rules or mistreated you. For council tax debt, you would contact the [Local Government and Social Care Ombudsman](#).

Further support

If you are experiencing economic abuse, you are not alone. We have more information that can support you to take steps towards safety and begin to regain control of your finances.

Financial Support Line for Victims of Domestic Abuse

W 01323 635 987 (Mon–Fri, 9am–1pm & 2pm–5pm)

The Financial Support Line for Victims of Domestic Abuse is run in partnership between Surviving Economic Abuse (SEA) and Money Advice Plus. It offers specialist advice to people experiencing domestic abuse who are in financial difficulty.

Visit www.survivingeconomicabuse.org/resources for information including:

- Separating your finances from the abuser
- What is coerced debt?
- Challenging coerced debt
- Asking a lender to write off a debt
- Insolvency options
- Economic abuse and your credit report

