

Corporate Debt Policy

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Introduction

This document is Fenland District Council's 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 explains for our customers the Council's approach to debt collection, including how to avoid further recovery action and what to do if you have problems paying.

How This Policy Can Help You

The Council's Policy will explain:

- Types of Debt the Council Collect
- Why the Council Needs to Collect Debt
- The Legal Basis for Collecting Money
- What the Council do to Collect Debts
- Getting Help and Further Information

It is important that customers make all payments on time. Like any business, public bodies such as Councils rely on income from bills that are sent out to help them pay for local services and all the other bills that they have to pay.

Where you are unable to pay, it is very important that you contact the Council 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.
- Work in partnership with welfare advice agencies, where authorised, in connection with debts due to the Council.

**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):-

Website

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

Contact Details

Council Tax Queries: www.angliarevenues.gov.uk/contact

National Non-Domestic Rates queries: www.angliarevenues.gov.uk/contact

Housing Benefit overpayment queries: www.angliarevenues.gov.uk/contact

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

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

Or Phone us

01354 654 321

Other help and advice

You can also get help from us in other ways, see page 20 for details.

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

Type of debt	What it is for? Who pays it?	How we collect it	Legal basis
Housing Benefit overpayment	<p>Where we have paid too much Housing Benefit, such as where a person's income or household make-up have changed.</p> <p>The person who we paid it to must repay it to us.</p>	<p>Where possible it is deducted from ongoing Housing Benefit, they are paid in the future at a set rate each week.</p> <p>Where not possible, the amount is due straightaway, and we will send an invoice.</p>	The primary basis is the Social Security Contributions and Benefits Act 1987 and 1992, with a number of regulations since then that relate to it.
<p>Sundry Debt (Other Services)</p> <p>For further details see 'Other debts owed to the Council – Sundry Debts' below.</p>	For other services that the Council provides, paid by the person who receives the service. This includes things like commercial waste collection, Rent, Licence Fees, Markets & Events, etc.	<p>For an ongoing service we will collect the debt in monthly instalments.</p> <p>For debts for a single service received, we will send an invoice for immediate payment.</p>	<p>Enforceable through the County Court, County Courts Act 1984.</p> <p>In case of Marine – Lien Process.</p>
Travellers Site Rents	<p>Rent is due on the travellers site pitches that we own.</p> <p>It is paid by the occupier of each pitch.</p>	<p>We collect payments personally.</p> <p>We collect payments weekly.</p>	Enforceable through the County Court, County Courts Act 1984.
Factory Unit and Office rents	<p>The Council owns industrial units across Fenland, as well as office buildings where individual offices are rented to local businesses.</p> <p>The business owners pay rent to the Council.</p>	We collect payments monthly from tenants.	Enforceable through the County Court, County Courts Act 1984.
Fixed Penalty Notices	<p>Parking Fines</p> <p>The person who owns the car.</p>	Parking ticket is issued.	Traffic Management Act 2004.

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, Parish Councils and Peterborough Combined Authority. 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 -

(Administered by Anglia Revenues Partnership on behalf of Fenland District Council)

These are the stages of collecting the Council Tax.

Anyone residing in or responsible for an unoccupied domestic property will receive 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 apply for Council Tax support by visiting our website www.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:-

1st, 10th or 20th of each month

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 amendment affecting what you owe.

What we send	What it is for	When we send it
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 Final Notice.	14 days after the next payment is due.
Final Notice	To inform you that you have lost your right to pay by instalments. Gives advice on next steps.	<ul style="list-style-type: none"> • When a Reminder was sent, and nothing was paid. • When a Reminder was sent, you paid, a Second Reminder was sent, and you did not pay that. • Where you were sent a Reminder twice and paid late after both but also failed to pay for a third time.
Summons	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 £75.	After the issue of a Final Notice, when a balance remains outstanding.
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).
Attachment of Earnings Attachment of Benefit	A request for deductions to be made from your earnings or income benefits.	After the Notice of Liability Order has been issued.
Enforcement – Compliance Stage	If you have not agreed a payment arrangement, we will pass your case to a private company (we do not	14 days after the Liability Order is granted. This comes from the

	<p>sell the debt but authorise the company to act for us) to recover what you owe us.</p> <p>The private company uses Enforcement Agents.</p> <p>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.</p> <p>They will contact you by phone and letter. You need to make a payment arrangement with them.</p>	<p>Enforcement Agent, not the Council.</p>
<p>Enforcement Stage</p>	<p>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.</p> <p>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).</p> <p>This is payable to them, in addition to what you owe us and the £75 compliance stage fee.</p> <p>They will visit you. You will need to pay what's owed. They can identify and take goods to cover the debt.</p>	<p>When you do not pay the Enforcement Agent when they visit you.</p> <p>This comes from the Enforcement Agent, not the Council.</p> <p>The enforcement visits are included in these fees.</p>

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 are 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.

Domestic pets and guide dogs

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

If you are "vulnerable" in the context of the law affecting Enforcement Agents, the Enforcement stage and Sale stage fees may not be recoverable unless the Enforcement Agent has, 'before proceeding to remove goods' (taken into control) given [you] an 'adequate opportunity' to get assistance and advice'.

See page 20 for examples of vulnerability. Please check with the Enforcement Agent before concluding that you are covered by the definition of "vulnerability".

Further information about vulnerability is available from the Enforcement Agent. Please see letters from them for their contact details.

Stage	What is it for	When
Enforcement – Sale or Disposal Stage	<p>If the Enforcement Agents cannot secure payment when they visit you, they will have identified goods to sell to clear your debt.</p> <p>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).</p> <p>This is payable to them, in addition to what you owe us, and the Compliance stage and Enforcement stage fees mentioned previously.</p>	<p>14 days after the Liability Order is granted.</p> <p>Remember Enforcement Agents charge additional fees, and these can soon add up to large extra debts.</p>

	<p>This fee shall be charged when an Enforcement Agent attends the premises to remove goods and prepare for the sale of goods. They will take the goods and sell them to raise money to cover what you owe.</p> <p>Additional charges may be applied relating to the removal. These can include storage and locksmith's fees.</p>	
After Enforcement Agent action	<p>We will use other means to collect the money if the Enforcement Agents cannot collect enough money to clear what you owe.</p> <p>These include: - Bankruptcy proceedings. Charging Orders.</p>	If Enforcement Agents 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: -

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	This is sent in 3 situations:- <ul style="list-style-type: none"> • When a Reminder was sent and nothing was paid. • When a Reminder was sent, you paid, a Second Reminder

	<p>Magistrates' Court and apply for a Court Order (Liability Order against you).</p> <p>We will charge you extra for this. The charge is currently £90.</p>	<p>was sent and you did not pay that.</p> <ul style="list-style-type: none"> • Where you were sent a Reminder twice and paid late after both but also failed to pay for a third time.
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 – Compliance Stage	<p>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.</p> <p>The private company uses Enforcement Agents.</p> <p>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.</p> <p>They will contact you by phone and letter. You need to make a payment arrangement with them.</p>	<p>14 days after the Liability Order is granted.</p> <p>This comes from the Enforcement Agent, not the Council.</p>
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.	<p>When you do not pay the Enforcement Agent when they visit you.</p> <p>This comes from the Enforcement Agent, not the Council.</p>

	<p>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).</p> <p>This is payable to them, in addition to what you owe us and the £75 compliance stage fee.</p> <p>They will visit you. You will need to pay what's owed. They can identify and take goods to cover the debt.</p>	<p>The visits are included in these fees.</p>
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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. 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.

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.

Stage	What is it for	When
Enforcement – Sale or Disposal Stage	<p>If the Enforcement Agents cannot secure payment when they visit you, they will have identified goods to sell to clear your debt.</p> <p>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).</p> <p>This is payable to them, in addition to what you owe us, Compliance stage and Enforcement stage fees mentioned previously.</p> <p>This fee shall be charged when an Enforcement Agent attends the premises to remove goods and prepare for the sale of goods. They will take the goods and sell them to raise money to cover what you owe.</p> <p>Additional charges may be applied relating to the removal. These can include storage and locksmith's fees.</p>	<p>14 days after the Liability Order is granted.</p> <p>Remember Enforcement Agents charge additional fees and these can soon add up to large extra debts.</p>
After Enforcement Agent action	<p>We will use other means to collect the money if the Enforcement Agents cannot collect enough money to clear what you owe.</p> <p>These include: - Bankruptcy proceedings. Charging Orders.</p>	<p>If Enforcement Agents cannot get payment for us.</p>
Committal to prison	<p>The last resort for people refusing to pay their Business Rates.</p>	<p>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.</p>

Other debts owed to the Council – Sundry Debts

Sundry debts include other debts and income due to the Council including but not limited to:

- Grants
- Rents
- Repair and Maintenance
- Marine Charges
- Room Hire
- Connection to Council Sewage Treatment Works
- Burial Exclusive Rights, Interments
- Trade Refuse Collection
- Domestic Bulky Collections
- Housing Standards – Improvement Notices, Fixed Penalty Notices
- Licence Fees
- Markets and Events
- Recharge for default works – Environmental Health

These are the stages of collecting Sundry Debts.

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 payment required	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 a payment is late	14 days after payment due
Letter Before Action (May be sent depending on age of debt.)	To advise further action is to be taken	
Court action – County Court Judgement (This may affect an	Action through the court to obtain a County Court Judgement. Once obtained the	Sent after Reminder if debt remains outstanding.

What we send	What it is for	When we send it
<p>individual's credit rating and make future credit agreements difficult. Court costs and fees will be added to the debt.</p> <p>Or</p> <p>Referral to a Debt Collection Agency</p>	<p>Council will enforce it, which may include an attachment of earnings, enforcement agent action to seize goods, order to attend court for questioning, bankruptcy proceedings, Garnishee Order or Charging Order on the non-payer's property. (Charging Order can be registered with HM Land Registry incurring extra costs)</p> <p>Or</p> <p>To collect the debt on behalf of the Council.</p>	
Other action depending on type of Sundry debt		
<p>Environmental Health Recharge for default works</p>	<p>E.g. Private sewage treatment clear up, Cesspit emptying. Which can include time recorded administration fees.</p>	<p>Recovery as above. Further Recovery – County Court Judgement.</p> <p>Registering of debt with Local Land Registry. HM National Land Registry.</p>
<p>Marine Charges</p>	<p>E.g. Mooring fees, Storage, Lifting, Yard Charges, Pump out.</p>	<p>Recovery as above. Further Recovery – Lien Process – Legal charge on your marine vessel which may incur additional charges..</p>
<p>Private Sector Housing</p>	<p>Non-compliance of Housing Legislation.</p>	<p>Recovery as above. Further Recovery - Civil Penalty Notice. Money judgement to enable – Writ, Warrant of Control, Attachment of Earnings, Third Party Debt Order, Charging Order which may lead to enforced sale and compulsory purchase order.</p>

Other monies owed to the Council – (not billed via Sundry debts)

Type of balance owed	Description	How recovered
Disabled Facility Grants for homeowner	Balance of the works over £5,000 and only if the property is sold within 10 years of the works completion. (First £5000 is disregarded).	Land Charge on Property. Payment received upon sale of property.
Fixed Penalty Notices	Penalty charge notice issued for Parking Fine. Charge increased if not paid within 28 days of issue. Or Periphery Housing Legislation.	Parking Notice. Reminder issued to owner if unpaid after 28 days of issue, notifying full payment due. Second reminder issued if unpaid after a further 14 days. Summons to Magistrates Court which will incur further costs.

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 been 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 year's 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 offset against your Council Tax Bill to reduce your payments.

Breathing Space

The new Breathing Space scheme, originally outlined by Government in February 2020 following campaigning from the debt advice and wider sector, went live on 4 May 2021.

The 60-day breathing space period will see enforcement action from creditors halted and interest frozen for people with problem debt. Council debt management processes have been amended to share breathing space details, and accommodate the breathing space process into internal procedures.

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.

Website

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

Phone us

01354 654321

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.

Visit us

If you are unable to resolve your issue via our website, or by calling our customer Services Team:

To make an appointment, book online, call 01354 654321 or email info@fenland.gov.uk.

Only make an appointment if you have no other way to access services, to help ensure those that need help most can get it. Remember you can:

- Do it online at: www.fenland.gov.uk
- Email: info@fenland.gov.uk
- Call: 01354 654321

Write to us

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

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 www.moneyhelper.org.uk

Citizens Advice Bureau (also called the "CAB")
www.citizensadvice.org.uk 0808 278 7807 Freephone number.

Step Change Debt charity www.stepchange.org

Christians Against Poverty www.copuk.org

Age UK – www.ageuk.org.uk 0800 678 1602

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 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. Link [3c's Policy](#)

Please see link - [Make a complaint - Fenland District Council](#)

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.

Legislative and regulatory framework

Local Government Acts 1992 (as amended)	Establishes requirements to manage the Council's financial affairs and the appointment of a Section 151 Officer.
Council Tax (Administration and Enforcement) Regulations 1992	Make provision for the administration and enforcement of Council Tax.
Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989	Make provision for the collection and enforcement of non-domestic rates.
Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) Regulations 2020	Establishes a debt respite scheme and establishes a breathing space moratorium and a mental health crisis moratorium.
Traffic Management Act 2004	Provide for the enforcement of parking, loading and waiting restrictions and processing of penalty charge notices.
Data Protection Act 2018	Controls the lawful passing of personal data from one part of the Council to another.
The Housing Benefit General Regulations 1987 and 1992	Sets out the legislation that governs the payment of Housing Benefit, including Housing Benefit overpayments and their associated recovery.
Social Security Contributions and Benefits Act 1992	The primary legislation for most benefits in the UK
Social Security Administration Act 1992	The primary legislation for most benefits in the UK
Taking Control of Goods Regulations 2013	Provides the legislation for the taking control of goods in the UK, including the use of enforcement agents.
County Courts Act 1984	Establishes a single county court and its jurisdiction.
Civil Procedure Rules 1998	Establishes the rules of Civil Procedure used by various courts in the UK.
Charging Orders Act 1979	An Act to make provision for imposing charges to secure payment of money due, or to become due, under judgments or orders of court; to provide for restraining and prohibiting dealings with, and the making of payments in respect of, certain securities; and for connected purposes.
Insolvency Act 1986	Consolidates enactments relating to company insolvency and winding up, and bankruptcy of individuals.
Equality Act 2010	Is an amalgamation of previous anti-discrimination laws. It is a law which protects from discrimination of unfair treatment based on certain personal characteristics such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.

General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA2018)	The GDPR/DPA2018 place a duty on the Council to comply with the data protection principles relating to processing of personal data: (1)(a) Lawfulness, fairness and transparency; (1)(b) Purpose limitation; (1)(c) Data minimisation; (1)(d) Accuracy; (1)(e) Storage limitation; (1)(f) Integrity and confidentiality (security); (2) Accountability (including the rights of data subjects).
Freedom of Information Act (FOIA) 2000	Under the FOIA, the Council has a duty to make information available to the public upon request, unless specific exemption(s) apply. It is also obliged to proactively and routinely publish information that has been frequently requested in the past in its Publication Scheme. Information requests frequently include requests for information held in emails.
Local Government Acts 1972, 1985, 1988 and 1992, Lord Chancellor's Code of Practice on management of records.	Establishes requirements to manage records and information.
Practice on Records Management (S46 Freedom of Information Act)	Authority to share certain kinds of information with partners.
Safeguarding Vulnerable Groups Act 2006	An Act to make provision in connection with the protection of children and vulnerable adults.
Modern Slavery Act 2015	An Act designed to combat modern slavery in the UK.
Tribunal Courts and Enforcement Act 2007	An act which makes provision for tribunals and inquiries, particularly relating to the enforcement of judgments and debts.
Taking Control of Goods Regulations 2014	Make provision for recovery of fees and disbursements from debtors to enforcement agents in relation to the procedure for taking control of goods.
Landlord and Tenant Act 1954	Contractual obligations under lease agreements for the payment of rent and other property charges.
Land and Property Act 1925	Contractual obligations under lease agreements for the payment of rent and other property charges.
Housing and Planning Act 2016	The act which makes provision about housing, estate agents, rent charges, planning and compulsory purchase.
Miscellaneous Provisions Act 1986	Contractual obligations under lease agreements for the payment of rent and other property charges.
Regulation of Investigatory Powers Act 2000 (RIPA)	Governs the use of covert surveillance by public bodies.