

# Modernising and improving collections 2 years on from the TCOG Regs



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# Introduction

- **Introduction of TCE 2014**
- **The new way of working**
- **Outcomes**
- **Issues**
- **Technology**
- **Vulnerability**
- **Frameworks**
- **In-house services**
- **Questions**

# Legislation

## Legislation

### Primary

Tribunals Courts and Enforcement Act 2007

### Secondary

The Taking Control of Goods Regulations 2013 -SI 1894/2013

The Taking Control of Goods (Fees) Regulations 2014-SI 1/2014

The Tribunals Courts and Enforcement Act 2007 (Consequential, Transitional and Saving Provision) Order 2014- SI 600

### Fee's for Enforcement (Excludes High Court)

<u>Fee Stage</u>	<u>Fixed Fee</u>	<u>Percentage Fees</u>	
		<u>£0 - £1,500</u>	<u>&gt;£1,500</u>
<u>Compliance Stage</u> <u>(when case received)</u>	£75.00	0%	0%
<u>Enforcement Stage</u> <u>(First Visit)</u>	£235.00	0%	7.5%
<u>Sale or Disposal Stage</u> <u>(Visit to remove)</u>	£110.00	0%	7.5%

# Compliance Stage

- £75 fee applied to each Liability Order
- Trigger point: “receipt by the enforcement agent of instructions...”
- Fee covers all office based activities from sending the NoE, monitoring payments/ bounced cheque cost, trace activity, HPI, DVLA checks, card payments, proactive calls/emails/texts and reminder letters etc.



# Compliance Experience

- **NEW FOCUS POINT FOR ALL ENFORCEMENT AGENTS**
- Increased debtor contact and interaction
- Higher number of 'Arrangements'
- Enhanced technology and automation – SMS – E-mails
- Use of contact information for outbound telephone teams
- Debtor Portal
- 67% success of contact before an Enforcement Visit
- Faster -increased cash flow



# Enforcement Visits

- single fixed fee - £235
- CT/NDR – additional 7.5%
- onus on ‘relevant premises’
- not necessary to TCOG – 28% reduction
- No contacts/repeat visits – no real change
- “reasonable fees” have gone
- Sale or Disposal Stage Fee £110 plus additional 7.5% of balance over £1500
- Trigger point – 1<sup>st</sup> visit for the purpose of transporting goods for sale
- not many removals – nothing changed

# Outcomes

- Compliance going well – 50% -65%
- Good back up for complaints – which are down by over 25%
- No reduction in collection
- Increased Council/Advice Sector referral
- Overall reduction in visits
- Increase in office resource maximising contact
- Greater automation and use of information
- People are engaging and paying
- Vulnerability awareness is far more apparent
- Clear, Open and Transparent!

• **2 years on...the reforms have delivered!**



➤ **Due NOW ?!**

- Level of fees to be reviewed by Govt annually to account for inflation (CPI) ??
- MOJ Yearly review - Unintended consequences ????
- April 2017 (3) & April 2019 (5)
  - Cap on multiples?
  - Cap on 7.5% ?
  - Disparity or High Court Sale Fees (£110 Vs. £500)
  - No Current reason for any serious changes



# EU Chaos!

- United Kingdom has elected to leave the European Union.
- Major changes to the financial landscape for the UK and the EU.
- Probable significant consequences for public services.
- Unprecedented situation,
- Two-year transition period.
- Law changes
- Procurement
- Brave New World!



# Criminal Offence

## New offences (2007) Schedule 12

### ➤ 68.1

A person is guilty of an offence if he intentionally obstructs a person lawfully acting as an enforcement agent.

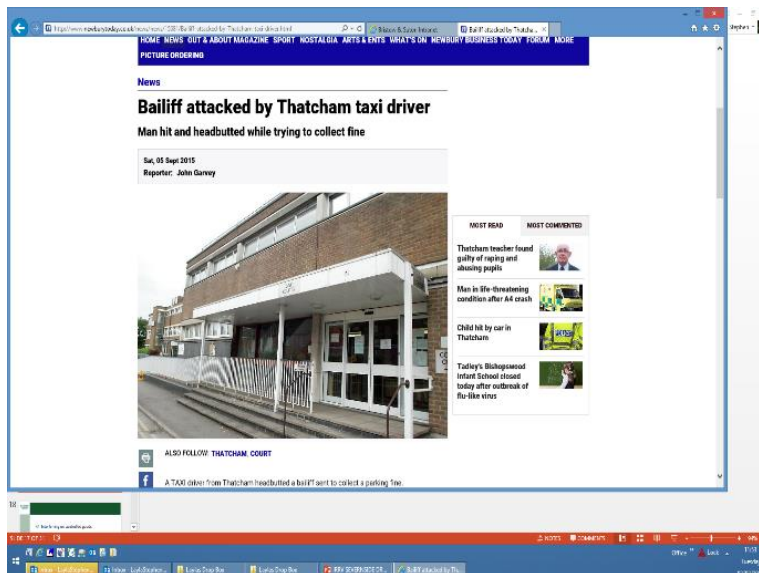
### ➤ 68.2

Interfering with controlled goods

- A person is guilty of an offence if he intentionally interferes with controlled goods without lawful excuse
- *CIVEA sent a letter to chief constables in September 2014 due to officers not knowing enough about the obstruction offence.*

# Court Cases

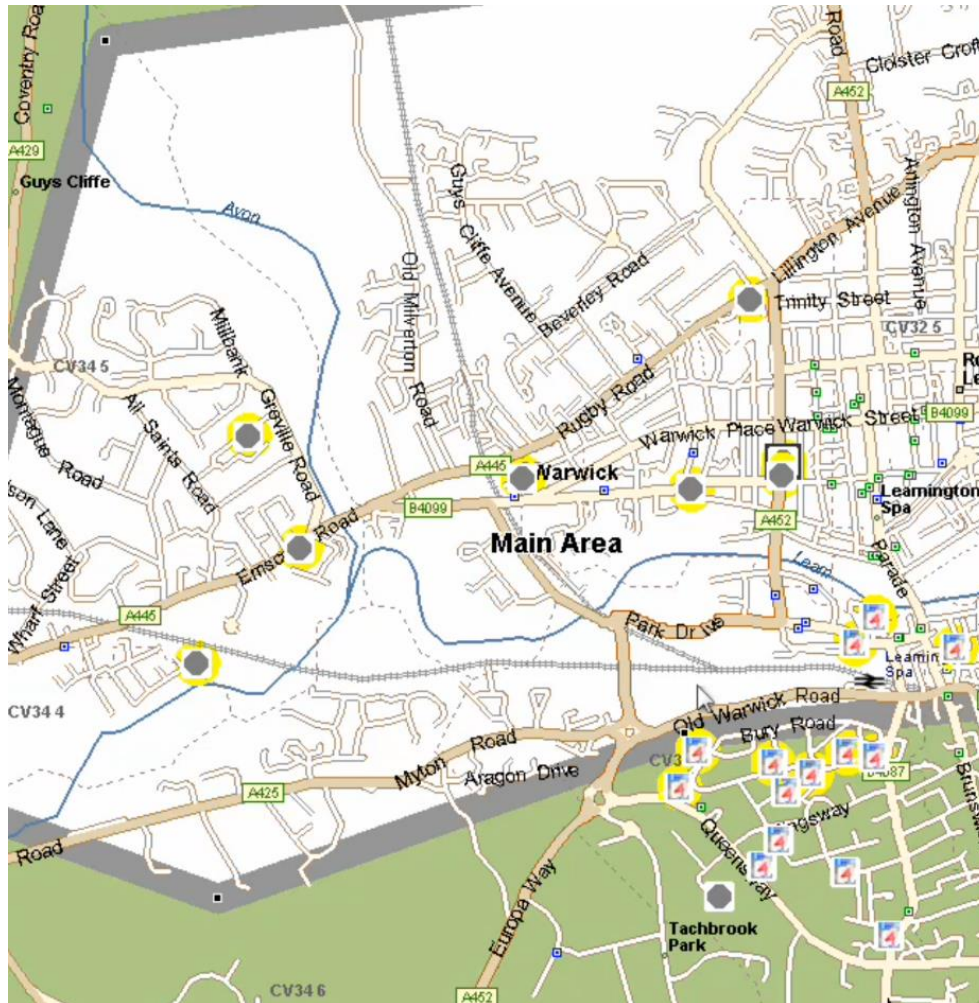
- Mohamed Gara – Thatcham Taxi driver Found guilty of assault and obstructing an enforcement agent
- 150hrs community Service
  - ❖ £500 fine
  - ❖ £400 Compensation



# Body Worn Cameras

- Can be a very useful tool
  - Can diffuse situation - Potentially Violent Person
  - Evidence - Vulnerability
  - Evidence - Complaints
  - Difference in opinion – 50/50 split
  - ICO concerns – 3<sup>rd</sup> parties, security and access to images, length of time kept, Proportionate, Legal, Accountable and Necessary ?
- LGO Case – Bury Council did not review camera evidence before dealing with complaint and EA had acted outside of regulations.

# Route Builder



Visibility of all Calls

Specific Route Builds

Identity of “Importance”

High Value

Late Night

Ability select and reselect

Automation to EA

Department

Route Types linked to EA Skill

Sets

Work Types

Trace

Van

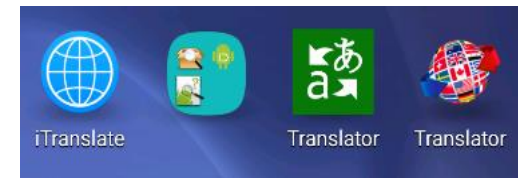
# Route Builder Demo

# PDA Security



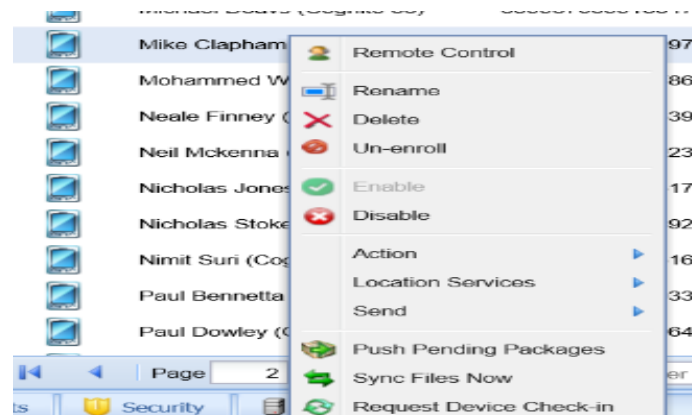
Latest Android "APP" unique to Bristow & Sutor  
 Live Integration with Client Web  
 GPS Data Tagging results  
 EA Manager Location Alerts if 500m from letterbox

Limited apps deployed



Includes Language Translation

Help = Lone Worker  
 PCI Compliant Card Payments  
 Office – Client Messages and Real Time Updates



Security  
 Remote Control  
 Remote Wipe  
 Latest Location  
 Tracking

# PDA Security Demo



## HOME

- [Dashboard](#)
- [Notice History](#)
- [Change Log](#)

## TIME SHEET

- [Clock In/Out](#)
- [Time Review](#)
- [View Time Sheet](#)
- [Dept Time Sheets](#)
- [Comp Time Sheets](#)
- [Time Sheet Reports](#)
- [Config Time Sheets](#)

## ENFORCEMENT AGENT

- [Route Call List](#)
- [Phone Usage](#)
- [Bonus Details](#)
- [Personal Numbers](#)
- [Messaging](#)

## EA MANAGEMENT

- [EA Route List](#)
- [Route Visit Order](#)
- [Impression Summary](#)
- [Mileage Logs](#)
- [Mileage Configs](#)
- [Mileage Rates](#)

## Portal Dashboard

### Welcome to Bristow & Sutor Employee Portal!

Welcome to the new Bristow & Sutor Employee Portal!

This portal will allow users to access HR and Work Related tasks from the office as well as from home.

### Remote Support Application

To enable the IT support staff to remotely assist you with issue you need to download and install **TeamViewer** on to your computer.

You can download the latest version of team viewer by [clicking here](#).

### Under Construction

This site is a work in progress, as such you may encounter errors or operations may unexpectedly fail.

Please report any issues you find via the IT Help feature on this site or on the intranet.


# EA Portal Demo


# Debtor Portal

 **Balance Outstanding**  
**£1093.84**


 **Your Details** [Update Your Details](#)


Email Address:  
Home Tel:  
Mobile Tel:  
Work Tel: \*\*\*\*\*744


 **Current Arrangement To Pay**  
Payments of £319.84 by 26/04/2014 followed by 3 Monthly payments of £318.00  
Next Payment Due by: 26/07/2014


 **Payments Received**  
[View Your Payments](#)


 **To Do List**


 **Pay Now**  
Make a card payment right now.  
[Make a Card Payment](#)

 **Standing Order Setup**  
We suggest you pay by Standing Order as this is very simple to setup and helps makes sure you do not miss any payments.  
[Open Standing Order Form](#)

 **E-Letters**  
Arrange letters to be sent to you via email rather than post. We recommend this as you recieve correspondents earlier.  
[Update Your Details](#)

 **Account(s) List - (2 Active Account(s))**

 Council Tax			
BBS Reference:	CAN-T 17346	Debt Date:	04/09/2013
Case ID:	1566-3445782	Original Balance:	£1,117.55
Client Reference:	701286942	Cleared Balance:	£1,081.84
Rateable Address:		Current Balance:	£1,081.84

 Council Tax			
BBS Reference:	CAN-T 16558	Debt Date:	09/01/2013
Case ID:	1566-3267926	Original Balance:	£546.62
Client Reference:	701286942	Cleared Balance:	£74.40
Rateable Address:		Current Balance:	£12.00

- Web Page login
- Balance & Payments
- Capture Personal Details
- Set up arrangement to pay (Client rules apply)
- Letters via e-Mail request
- Pay Now
- Standing Order

# Debtor Portal Demo

## **Bristow & Sutor Leads the Way - Smartphone App Launch -**

- Bristow & Sutor have launched their free, interactive smartphone app for customers. This is available on iOS, Android and Windows platforms and can be downloaded from Google Play Store, the Apple App Store or Windows Phone Store, by searching for Bristow & Sutor. It will give debtors easy and instant access to all current Debtor Portal functionality, including; viewing case details, setting up arrangements, making payments and more.
- The app builds upon Bristow & Sutor's commitment to lead on innovation and technology in the enforcement industry, with the aim of creating a 24/7 platform for payment and account management; anytime, anywhere.
- Andy Rose, Managing Director, said - 'This emphasises our commitment to improving customer engagement by making ourselves visible to the customer at all times. This is the natural extension of our existing online Debtor Portal and builds on our excellent client reputation for being first to market with service-enhancing technology solutions.'

# Vulnerability

- Still high profile in the media
- No single definition –
- No LGO cases
- Most EAs vulnerability is now part of the standard process
- All staff trained to recognise and signpost for debt advice

# Vulnerability

“This counterproductive approach [to the use of bailiffs for Council Tax collection] needs to stop immediately and be replaced with one that is fairer and more constructive.”

- Mike O'Connor, Chief Executive

StepChange  
Debt Charity



# Vulnerability

- Mike O'Connor, Chief Executive of StepChange Debt Charity, said:
- *“The increasing levels of Council Tax arrears are a continuing cause for concern. We know that often the default position of councils is to aggressively pursue arrears through the court process and by instructing bailiffs. It may come as a surprise to people that public bodies are more aggressive in pursuing debts than many private companies.*
- *“This counterproductive approach needs to stop immediately and be replaced with one that is fairer and more constructive. It is up to both central and local government to implement systems that both incentivise affordable repayment and support those in financial difficulty”.*



# Vulnerability

- Report issued 4 May 2016 by Money Advice Trust
- Record numbers of Council Tax arrears cases
- Average debt levels of CTAX arrears increased by nearly £250 in last 4 years.
- Number of debt cases with CTAX arrears is now 25%

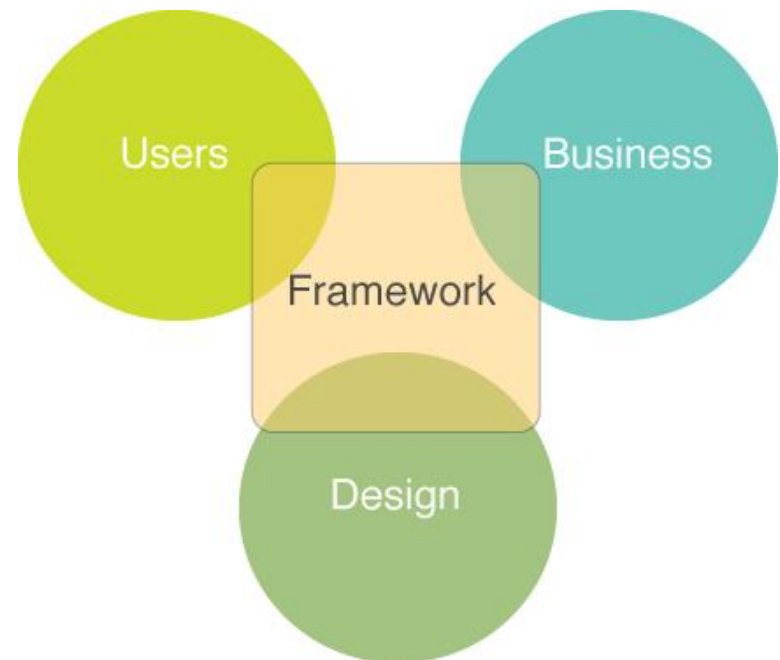
# Procurement



- CIVEA Rules - No CIVEA member shall :
- agree to pay, or offer to pay, any proportion of the enforcement fee to a creditor
- rebate any fees, to the creditor, however that is expressed.
- agree in advance to amend, remove, alter or discount the level of enforcement fees payable by a debtor, as set out in the relevant statutory instrument
- agree to alter the timing or stage at which the enforcement fee is to be applied, from that prescribed in the relevant SI
- agree to depart from the statutory rules in respect of the distribution of sums collected.

# Procurement

- **ESPO - failed**
- **YPO – widely used**
- **IRRV – failed**
- **Rotherham framework to be re-issued shortly**



# Procurement Update

- YPO – LAs using this framework can pick from a number of standard question so we are seeing common questions appearing in different tenders.
- There are still numerous challenges being issued by unsuccessful bidders where there are perceived differences in the marking process.
- A recent parking tender has been withdrawn due to a challenge by CIVEA.

# In - House Enforcement Agents

- Number of LAs actively looking at going in-house.
- Main reason - Budgetary pressures – perception that new regulations gives opportunity to generate income/profit.
- Still need private sector for out of area.
- Industry split as to whether we should assist and work in partnership ?
- Not as easy as you think !

# What next

