



Bromsgrove
District Council

www.bromsgrove.gov.uk

Recovery Policy

Revenues and Benefits Section

Financial Services



February 2007

Contents	Pages
Introduction and The Policy	3
Statement of principles for the Debt Recovery Policy	4
Code of Practice	5
Information and Advice	6 – 9
Write Offs and Monitoring the Policy	10
Appendices	
Appendix 1 – What is a Priority Debt?	12
Appendix 2 – Council Tax Recovery Process	13 - 14
Appendix 3 – Business Rates Recovery Process	15
Appendix 4 – Flowchart for Council Tax and Business Rates recovery	16
Appendix 5 – Payment Arrangements	17
Appendix 6 – Housing and Council Tax Benefit - Overpayment Recovery Process	18 - 20
Appendix 7 – The Enforcement Concordat	21 – 22

Introduction

This policy covers the collection of Housing Benefit overpayments, Council Tax and Non-Domestic Rates (Business Rates) and sundry debt and should be read in conjunction with the Write Off Policy.

The Policy

1 Bromsgrove District Council's Policy on Recovery is designed to set out a framework for employees and provide information to other advice agencies when dealing with the recovery of debts.

1.1 Policy Statement

1.2 Bromsgrove Council has a legal duty to ensure cost-effective billing, collection, and recovery of all sums due to the Council.

1.3 Policy Objectives

- To be firm and fair yet sympathetic when assessing an individual's ability to pay
- To follow all appropriate legislative requirements and procedures in an efficient and effective way
- To maximise recovery of debts using all methods available
- To ensure that benefit entitlements are accurately and efficiently applied
- That there is clarity in the enforcement action process
- To identify and assist those who face difficulties in paying at an early stage and to actively encourage them to contact us at the earliest stage
- To encourage people to make contact when they first face difficulties and to help to reduce the effect of debt on people on low income.
- To help identify customers who face barriers in understanding what is expected of them e.g. because of age, language, culture or disability

1.4 The policy will:

- help identify deliberate non-payers or people who delay payment
- enable people who fall into arrears to make payment agreements appropriate to their circumstances
- ensure that when we take enforcement action it is appropriate and likely to be effective
- to enable the Council to remove barriers to fair and effective collection of debt

2. Introduction of a Recovery Policy

2.1 By implementing a recovery policy :

- We will fulfill the Council's statutory obligations to collect Council Tax, Business Rates and Housing Benefit overpayments.
We will be consistent and fair in our dealings, regardless of race, disability, sex, sexual orientation, religion or belief, or age. The policy will contribute to the improvement and customer service of the Council.
- We will support the provision of high performing services.
- By administering the policy we will assist in tackling poverty by offering the right advice to enable people to maximise their income and to help prevent the build up of debt.

2.2 When people get into arrears, we will:

- ensure that payment arrangements reflect the ability to pay as well as the level of debt owed
- acknowledge and respect a person's obligations to his/her dependants and recognise the need for a person to maintain a reasonable standard of living
- expect Priority Debts (see appendix 1) to be given priority over other debts owed
- work with recognised advice agencies wherever possible to reach an acceptable arrangement for the recovery of the debt..

Code of Practice

3.0 We will provide clear and prompt information about bills and liabilities. The information we provide will show:

- what the bill or liability is for
- the amount due
- how to make payment
- a contact point for all enquiries

3.1 All correspondence will be clearly written, without the use of jargon and will include information on how to get independent advice.

3.2 The Council will advise people how they can reduce their payments where possible by:

- inform people of their entitlement to benefits, discounts, reliefs and exemptions
- ensuring that maximum take-up occurs and that net bills/liabilities are issued
- inform people of the general availability of income-related benefits such as Job Seekers' Allowance, Income Support, Working Families Tax Credit, Pension Credits, Disability Working Allowance, Housing Benefit and Council Tax Benefit
- training staff who advise the public on debt matters to be aware of the benefits discounts, reliefs and exemptions that may be applied to ensure that takeup is maximised.
- advise people where they can get independent advice with financial problems, for example the Citizens' Advice Bureau

Information and Advice

4.0 Information and Advice to Council Tax Payers

The Council encloses information to all taxpayers with the annual Council Tax bill which covers the following areas:

- Valuation Bands
- Discounts
- Reductions for people with disabilities
- Exempt Dwellings
- Council Tax Benefits
- Appeals
- How the Council Tax is spent – leaflets are enclosed with bills from

:

Bromsgrove Council
Worcestershire County Council
West Mercia Police Authority
Hereford and Worcester Joint Fire Authority

4.1 We will make information available in a variety of formats and languages when required.

4.2 Information and Advice to Business Ratepayers

The Council encloses information to all Business Ratepayers with the annual bill which covers the following areas:

- Rateable Values
- Reliefs and Exemptions
- Appeals
- Small Business Rate Relief
- Information as supplied by the DCLG

4.3 We will make information available in a variety of formats and languages when required.

4.4 Information and Advice with Housing and Council Tax Benefit Overpayments

4.4.1 An overpayment is any amount of Housing or Council Tax benefit which has been paid but to which there was no entitlement.

4.4.2 When an overpayment is identified the benefit claimant is notified in writing and given the following information: -

- The reason for the overpayment
- The amount
- The benefit period covered
- The method of recovery
- Their right of appeal

Information on the above can be viewed on the Council's website:
www.bromsgrove.gov.uk

5.0 Making a Payment

5.1 We will provide a choice of convenient methods of payment for bills and invoices and details of these options are shown on each bill: -

- **Payments can be made by:**
 - Direct Debit (Council Tax and Business Rates ONLY)
 - Cheque Payment
 - Cash Payment
 - Debit Card
 - Credit Card
 - Standing Order
 - Postal Order

- **Where payments can be made.**
 - Post Office (Council Tax ONLY)
 - Paypoint and PAYzone
 - Council's Website
 - Postal payment
 - Internet Banking
 - By visiting the Service Centre, School Drive, Bromsgrove
 - Using the Council's automated debit and credit card telephone line (01527 881474) This facility is available 24 hours a day, 7 days a week

5.2 Whatever the method of payment individuals must ensure that payments made reach the Council by the due date

5.3 Housing Benefit overpayments will be recovered from on going benefit where possible.

6.0 Making arrangements for people in arrears

6.1 We will encourage people to contact us early if they are having difficulty paying and advise them where to get independent advice.. Many people are unaware of their rights and responsibilities and of the availability of a variety of payment arrangements. If people contact us early we will be able to discuss the situation and prepare a payment plan. This will help to keep people out of debt.

6.2 When people contact us we will:

- check whether they should be paying less or nothing at all by ensuring that all the relevant benefits, discounts, reliefs, exemptions and rebates are being claimed
- advise on the most appropriate payment methods
- advise them to contact an independent advice agency.
- expect priority debts (see appendix 1) to be given precedence over other debts

6.3 When a person makes contact a realistic agreement for payment will be made. If there is any doubt as to whether the agreement is realistic (either because it appears to be too high or too low), staff will help the individual to complete an income and expenditure form. It is important to remind the individual to contact the Council if they anticipate problems in meeting any installment due date. They will be advised not to wait until they have received a written response to their offer of payment, but to start and maintain payments.

6.4 Arrangements made by Advice Agencies

Where an arrangement is made by a recognised advice agency, an I Income and Expenditure form will normally be provided.

- Where an individual appears to have complex benefit or money advice problems, staff will refer them to an appropriate agency or welfare benefit officer.

6.5 Obtaining details

- staff should try to get as much detail as possible of a person's circumstances to make the best assessment of their ability to pay
- where a customer refuses to give financial information an arrangement cannot be made and therefore we will continue to follow the debt recovery procedure

6.6 Documentary evidence

- in some cases it may be necessary to request documentary evidence to confirm particular details when arriving at a payment arrangement. Individuals should not however be asked for documentary evidence unless it is absolutely necessary
- if it is necessary the individual should be told of the particular items that require confirmation and be given a specified reasonable time limit within which they are required

- the individual should be advised that if the evidence is not produced within the agreed timescale the offer of payment may be rejected and further action could be taken.

All information collected is governed by the Data Protection Act 1998 and the Council has a procedure and policy in place to comply with the Act.

7.0 Monitoring Payment Arrangements

- all payment arrangements will be closely monitored
- recovery action will be taken in respect of missed payments following the detailed procedure within the recovery team
- action may be taken, even where payment is received shortly after the due date
- the responsibility for making sure that payment reaches the account by the due date remains with the individual
- the individual should be reminded that the date on which installments are to be paid is the final date on which money should reach the account.

This means that individuals must allow sufficient time for the payment to reach the Council by the due date.

8.0 When payment arrangements are not maintained

- it is important to ensure that where arrangements have not been maintained that action is taken to bring the arrangement back up-to date
- the Council will ideally require the original agreement to be brought up to date, but if there has been a significant change in circumstances it may be necessary to negotiate a new arrangement.

9.0 Maintaining current instalments

- 9.1 When negotiating arrangements for payment, staff should ensure that current instalments are being maintained, i.e. the arrangement will be in addition to and conditional on, the current debt being paid. When an arrangement is made on a total balance the minimum arrangement will be the usual current instalment plus a contribution towards the arrears.

10. Minority Groups

- 10.1 The Council is obliged to pursue all debts irrespective of a person's age, disability etc. However, the Council recognises that some groups of people may have difficulty understanding or dealing with their financial problems.
- 10.2 When these cases are identified and the tax payer has not made contact arrangements may be made to visit the individual. When a visit is made the customer will be asked if they would like to have third party (e.g. a close relative or a social worker or a benefit advice worker) present during the discussions.

- 10.02 The purpose of the visit will be to maximise income where possible by the application of any additional benefits or reductions. Assistance will be given in the completion of any forms and an income and expenditure form will be completed.
- 10.3 A suitable plan will be agreed along with the payment method most convenient to the person's circumstances. Once the payment plan is agreed it will be monitored and may be reviewed.
- 11.0 **Write offs**

The Council will exercise their discretion when deciding to write off debts and will only consider this as a final option.

The write off procedure will be considered when

- All methods of recovery have been exhausted
- Claimant deceased and no funds available from the estate
- No trace of the debtor and the debt has become uneconomical to pursue
- Claimant declared bankrupt and evidence from the Official Receiver available confirming the overpaid benefit is a non priority debt
- Limitations Act, debt is 6 years old and expired
- Debtor has emigrated and been out of this country for over 2 years
- Debtor is terminally ill (usually for benefit overpayment cases)

12 Monitoring the Policy

- 12.1 It is the responsibility of the Council to ensure the policy is effective through their monitoring and complaints procedure, taking into account the indicators listed below:

- rate of collection, including recovery of housing benefit overpayments
- number of cases reaching each stage of recovery
- number of cases where attachments of benefit/earnings are made
- number of cases being referred to the bailiffs
- number of cases where recovery is suspended due to arrangements being made
- number of cases with arrears outstanding at year end
- amount of arrears outstanding at year end
- number of complaints received where policy is not being followed
- Audit checks

1.0 What is a Priority Debt?

Priority debts are those debts that can result in loss of essential service, loss of your home or imprisonment

HOUSING

Mortgage/Rent

Council Tax

UTILITIES

Electricity

Gas

Telephone

Water

OTHER

Business Rates

Child Support Agency deductions

Court Fines

Income Tax

Maintenance Arrears

Secured Loan

VAT

Council Sundry Debts

Council Tax Recovery Process

1.0 Explanation of Recovery terms

1.1 Reminder

A document issued when an instalment is overdue

1.2 Final Notice

A document issued when an account is in arrears and there is no right to pay by instalments

1.3 Summons

A document issued summoning the person to Magistrates Court when there has been no satisfactory response to one of the above or when the account is in arrears for the third time .At Court the Council will make an application for a Liability Order to be granted.

1.4 Liability Order

The Magistrates will grant a Liability Order if they are satisfied, the Council Tax is outstanding. The order gives the Council the power to take further action if the account remains unpaid. The main options are:-

Attachment of earnings or benefit (Income Support or Job Seekers Allowance)

Referral to the Bailiffs who have the power to remove and sell goods

Committal to prison

Bankruptcy proceedings

Charging Order placed on property

2.0 Where payments due have not been made the Council will take the following action:

- a **Reminder** is issued which requires the account to be brought up to date within seven days.

2.1 When there is no response to the reminder within 14 days a **Final Notice** will be issued.

2.2 If the person brings the account up to date within seven days but falls into arrears a second time a **second reminder** is issued. It is important that payment is made on or before the instalment due date. A further instalment reminder will be issued every time when instalments are brought up-to date within seven days of last issue date.

2.3 If instalments fall into arrears greater than seven days a **Final Notice** will be issued for the whole amount due under the instalment plan. At this stage recovery will only be suspended if the person agrees to pay by Direct Debit.

- When a **Summons** is issued and Summons Guidance Notes and £50 costs are debited to the Council Tax account. Wherever possible employment/benefit details are obtained to enable an attachment to be made when the Liability Order has been granted, if

a satisfactory arrangement is not negotiated or has not been maintained. Arrangements may still be agreed but they will not stop the Liability Order being granted at this stage. The summons costs must be paid.

- once a **Liability Order** has been obtained in court the Council will:
 - monitor payment arrangements where tax payers have already contacted the Council.
 - make deductions from Benefit/Income Support or Job Seekers Allowance where appropriate
 - make an attachment of earnings order where appropriate
- in all other cases a **Liability Order/Bailiff Notice** is sent requesting information about the person's Income and advising that if there is no response within 14 days the matter will be passed to the Bailiffs. A list of the Bailiffs fees is enclosed with the notice. If there is still no response after 14 days the case is referred to the Bailiffs for collection.

2.4 Whilst undertaking any of these activities, as a result of obtaining a Liability Order, the Council may apply for an Attachment of Earnings or deductions from benefit. A payment arrangement may be discussed at any stage and the Council aims to consider an individual's circumstances and ability to pay.

- if all other enforcement options fail, the Council may apply to the Magistrates Court with a view to a prison sentence in absence of payment. We may consider Bankruptcy and apply for a Charging Order to secure the debt.

Business Rates Recovery Process

1.0 Explanation of Recovery terms

1.1 Reminder

A reminder is issued when an instalment is overdue

1.2 Final Notice

A document issued when an account is in arrears and the right to pay by instalments has been lost.

1.3 Summons

A document issued summoning the ratepayer to the Magistrates Court when there has been no satisfactory response to one of the above. At Court the Council will make an application for a Liability Order to be granted.

1.4 Liability Order

The Magistrates will grant a Liability Order if they are satisfied that the Business Rates are outstanding. The order gives the Council the power to take further action if the account remains unpaid.

The main options are: -

- Referral to the Bailiffs who have the power to remove and sell goods
- Committal to prison
- Bankruptcy or winding up proceedings

2.0 Where payments due have not been made the Council will take the following action:

- a **reminder notice** is issued which requires the account to be brought up to date within seven days.

2.1 When there is no response to the **reminder notice** within 7 days a **Final Notice** is issued.

2.2 If the ratepayer brings the account up to date within seven days but falls into arrears a second time a **final notice** is issued for the whole year's Business Rates.

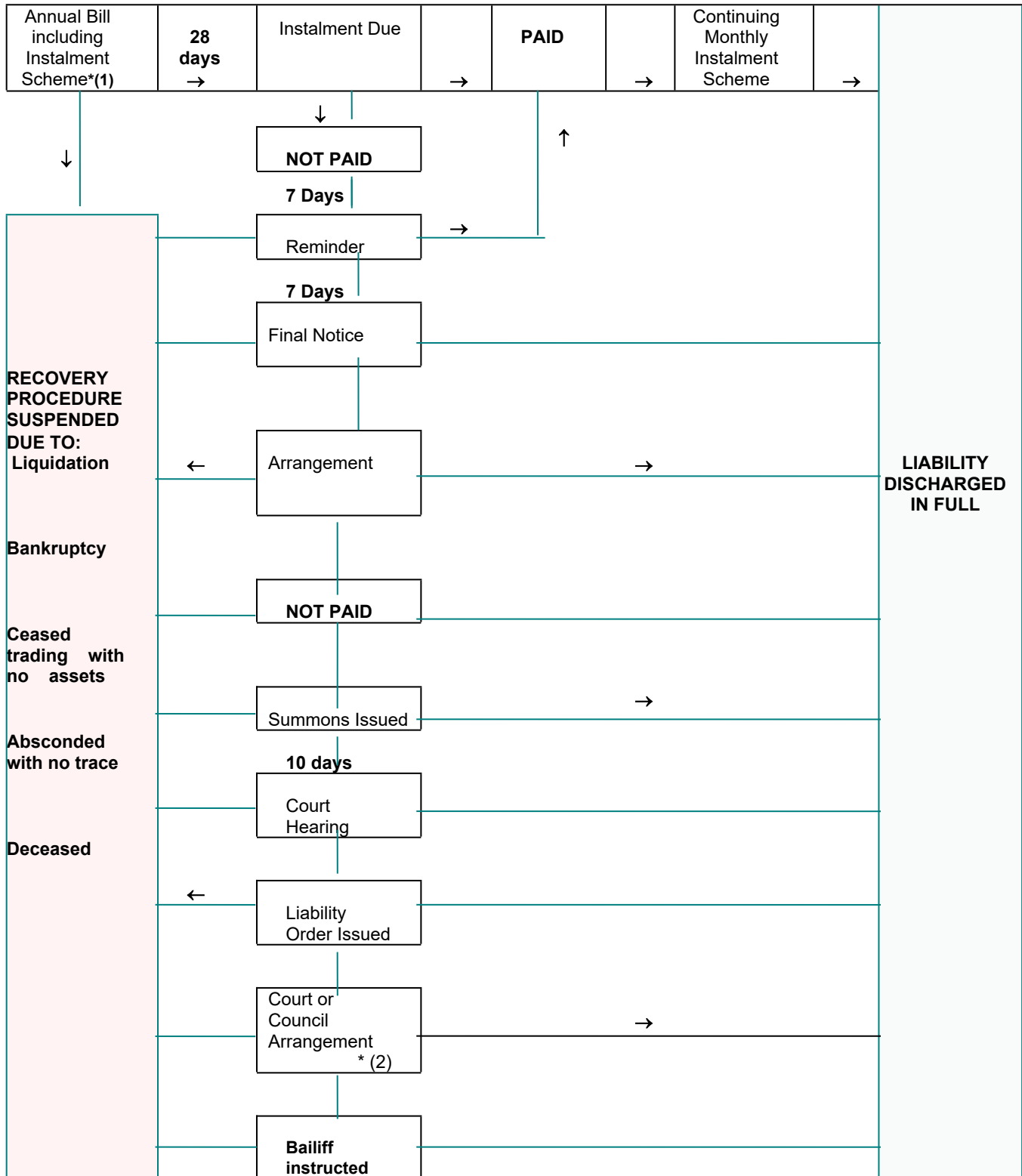
2.3 The whole amount must be paid within 7 days of the notice to prevent the issue of a summons. The right to continue paying by instalments will normally only be reinstated if a direct debit form is completed.

- when a **Summons** is issued and Summons Guidance Notes and £80 costs are added to the account. Special payment arrangements may still be agreed but they will not prevent application for a Liability Order at this stage.
- once a **Liability Order** has been obtained in court the Council will:
- monitor payment arrangements where business ratepayers have already contacted the Council.
- in most other cases the **Liability Order** is referred to the Council's bailiff or internal bailiff for collection.
- In other cases the Council may start bankruptcy/winding up proceedings.

- if all other enforcement options fail, the Council will, where appropriate, apply to the Magistrates Court to have the ratepayer committed to prison for failing to pay.

2.4 A payment arrangement may be discussed at any stage and the Council aims to consider an individual's circumstances and ability to pay.

Flowchart for Council Tax and NNDR Recovery Process



Payment Arrangements

- Instalment arrangements to pay will be considered at any stage, but in most circumstances a liability order will be applied for. This is to avoid any frustration of the recovery process. Where arrangements are made prior to liability order it is necessary to start again where the debtor defaults and this increases the time and effort taken to recover the debt.
- Arrangements must clear the balance within 12 months unless there are exceptional circumstances and approval is obtained from the Billing or Recovery Officer.
- If an arrangement is broken a “Payment Arrangement Reminder Notice” is sent.

If the debtor makes no contact within 7 days of the notice the standard recovery action process continues. If contact is made the debtor is given a further opportunity to keep to the arrangement (or another arrangement may be made).

- If the arrangement is broken a second time the case is dealt with immediately under the standard recovery action procedure.
- We encourage for both Council Tax and Business Rates that Direct Debit is the preferred payment method. This is the most cost effective payment method.

Housing and Council Tax Benefit Overpayment Recovery Process

1.0 Overpayments

- 1.1 Overpayments are created when Benefit entitlement decreases because circumstances are not correctly declared from the outset of the claim, where changes are not reported promptly, or where an error is made by the Department for Works and Pensions or the Local Authority.
- 1.2 Once an overpayment has occurred, the Authority must then determine
 - Eligibility to underlying entitlement
 - Classification of the overpayment
 - Whether the overpayment is recoverable
 - From which party recovery will be taken
 - The most effective recovery method

2.0 Recoverable Overpayments

- 2.1 All overpayments are recoverable, regardless of the reason they occurred, where the claimant or person to whom the benefit was paid can reasonably have been expected to know they were receiving benefit to which they were not entitled.
- 2.2 When an overpayment is classed as recoverable the Benefit Assessor dealing with the case must make a separate decision as to whether or not the overpayment is to be recovered.

3.0 Recovery Rate

- 3.1 Overpayments will be recovered from ongoing benefit at the maximum rate allowed (DWP circular for current recovery rates). In addition, to this rate of recovery, where appropriate, deductions may be increased by 50% of any applicable disregard, subject to the overall maximum deduction. However, a reduction in the week recovery rate will be considered on health or financial grounds.

4.0 Non-Recoverable Overpayments

- 4.1 Arise as a result of a Local Authority or Department Error, where the claimant or person to whom the benefit was paid cannot reasonably have been expected to know they were receiving benefit to which they were not entitled.
- 4.2 Non-recoverable overpayments are referred to the Principal Benefits Officer for authorisation to write off the debt.

5.0 Classification of Overpayments

- 5.1 The overpayment must be correctly classified so that the correct subsidy can be claimed.

- **Fraudulent:** A person knowingly fails to report a relevant change of circumstances contrary to Regulation 75 (HB Regulations) or Regulation 65 (CTB Regulations).
- **Claimant error:** The claimant or the person acting on the claimant's behalf has notified us of a change in circumstances of their own accord, but that report was not prompt and there was no intent to claim benefit fraudulently.
- **Local Authority error:** Where information provided has not been actioned within the specified time limits or has been input incorrectly and the claim calculated.
- **Other, such as DWP, Pension Service:** Information provided by the departments is incorrect at the time of the calculation.

6.0 Notification of a Benefit Overpayment

6.1 Benefit notification letters must be sent to all affected parties to include:

- The fact that a recoverable overpayment has occurred
- The reason that the overpayment occurred
- The amount of the overpayment
- How the overpayment was calculated
- Effective dates of the overpayment
- Who the overpayment will be recovered from
- The rights of appeal of the affected party.

7.0 Methods of Recovery

- Recovery direct from ongoing entitlement to Housing Benefit at the prescribed Department of Works and Pension rates, dependant upon the cause of the overpayment.
- Invoice raised and arrangement agreed when no further entitlement to Housing Benefit exists.
- Allowable deductions from certain State Benefits through the Government Debt Management System, recovery rates as per the Department of Works and Pensions deduction rate.
- Direct payment from the Landlord where appropriate
- Council Tax Benefit only – the overpayment of benefit is put directly onto the Claimants Council Tax bill.
- Debt collection agency.
- Direct recovery through another Local Authority assuming an entitlement to Housing Benefit at the Authority.
- County Court Orders enabling further recovery action to secure payment of the debt, attachment of earnings, warrant of execution, charging order or third party debt orders. (The most appropriate method being selected in each case to maximise the recovery of the debt.)

8.0 Definition & Legal Duties

Housing Benefit Regulation 75 - Council Tax Benefit Regulation 65 The duty of the claimant or any affected person to notify the Local Authority of a change in circumstances.

Regulation 98

Defines an overpayment as "...any amount which has been paid by way of housing benefit to which there was no entitlement under these regulations".

Regulation 99

Any overpayment shall be recoverable, including an overpayment which has been caused by official error. An official error is a mistake, whether in the form of an act or omission made by the authority, the Benefits Agency or the Employment Service.

An official error overpayment is recoverable where the claimant, or a person acting on his or her behalf, could reasonably have known there was an overpayment at the time of payment, or any notice relating to the payment.

Regulation 101

A recoverable overpayment must always be recovered from the claimant or the person to whom it has been paid. A recoverable overpayment is recoverable via any lawful method.

Regulation 102

When the authority determines that a recoverable overpayment has occurred, and exercises its discretion to recover, an authority shall notify in writing any person affected by the determination made by it and every notification shall include a statement as to the matters set out in Schedule 6. The schedule is the legal notification which should be sent out to the person from whom recovery is to be sought and any other persons affected by the determination.

9.0 Explanation of Recovery terms

Reminder 1

A reminder is issued when full invoice amount is not paid

Reminder 2

Second reminder to remind that payment is still outstanding and the debt will be referred to a Debt Collection Agency if payment or an arrangement is not made.

Debt Collection Stage

Cases will be referred to a Debt Collection Agency – when the Agency's process has been completed they will return those cases which they have been unable to collect or make arrangements for. The Agency will have advised that failure to pay may result in a county court judgment.

Legal Stage

A letter will be sent to those cases over an agreed amount (financially viable compared to the court costs incurred.) advising that they are being referred to the county court.

Referred to Legal

County Court Summons to be issued followed by a 'County Court Judgment' if payment is still not received. This will involve in further costs to the debtor.

At every stage from reminder we will check to see if Housing Benefit is back in payment and arrange that the debt be recovered from ongoing benefit if appropriate. In all cases, where a successful new claim is processed and the claimant has an outstanding overpayment the overpayment will be recovered from underpaid and/ or ongoing benefit unless the claimant has made and is maintaining a reasonable repayment arrangement.

The Enforcement Concordat

Principles of Good Enforcements

1.0 Standards

- 1.1 In consultation with business and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to businesses and others who are regulated.

2.0 Openness

- 2.1 We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting business, voluntary organisations, charities, consumers and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

3.0 Helpfulness

We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a contact point and telephone number for further dealings with us and we will encourage business to seek advice/information from us. Applications for approval of establishments, licences, registrations etc, will be dealt with efficiently and promptly. We will ensure that wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

4.0 Complaints About Service

- 4.1 We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely timescales involved.

5.0 Proportionality

- 5.1 We will minimise the cost of compliance for business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action. We will take care to work with small business and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

6.0 Consistency

- 6.1 We will carry out our duties on a fair, equitable and consistent manner. While our inspectors are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS) and the Local Authority National Type Approval Confederation (LANTAC).

7.0 Procedures

- 7.1 Advice from an officer will be put clearly and simply and will be confirmed in writing, on request, explaining why any remedial work is necessary and over what timescale, and making sure that legal requirements are clearly distinguished from best practice advice.
- 7.2 Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or environmental protection or to prevent evidence being destroyed).
- 7.3 Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.
- 7.4 Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).

8.0 Policy and Procedures

- 8.1 This document sets out what business and others being regulated can expect from enforcement offices. It commits us to good enforcement policies and procedures. It may be supplemented by additional statements of enforcement policy.
- 8.2 The primary function of central and local government enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy. We are committed to these aims and to maintaining a fair and safe trading environment.
- 8.3 The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated with the law. We will, therefore, take care to help business and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. All citizens will reap the benefits of this policy through better information, choice and safety.
- 8.5 We have therefore adopted the central and local government Concordat on Good Enforcement. By adopting the concordat we

commit ourselves to those principles and will provide information to show that we are observing them