



# North Devon Council

## Debt Recovery Policy

*'North Devon Council will ensure that debts are recovered consistently, fairly and in a timely manner in order to maximise income for the provision of services, whilst having regard to the social welfare and human rights of our customers'*

Policy last updated: January 2022

## CONTENTS

	Page No.
1. Purpose	2
2. Executive Summary	2
3. Management	3-4
3.1 Roles & Responsibilities	
3.2 Performance Management Framework	
3.3 Documentation	
3.4 General principles	
4. Income Collection & Debt Prevention	4
5. Debt Recovery & Write Offs	4-5
5.1 Debt recovery	
5.2 Writing Off Bad Debts	
6. Inclusive Equality Scheme	6
6.1 Hardship	
6.2 Set-off	
6.3 Customer Care and Complaints	
7. Sundry Debtors	7-9
7.1 Raising Invoices	
7.2 Credit Notes & Account Adjustments	
7.3 Terms & Conditions	
7.4 Returned Invoices	
7.5 Disputed Invoices	
7.6 Collection & Recovery	
8. Council Tax	10-13
8.1 Recovery process and procedures	
9. Non Domestic Rates	
9.1 Recovery process and procedures	13 -14
10. Housing Benefit Overpayments	15-17
11. Breathing Space	16
12. Sign Post information to Welfare Agencies	16

## 1. Purpose

The Debt Recovery Policy will ensure that all the procedures for debt recovery are provided consistently, fairly and in a timely manner.

This policy will act as a general guide for all Council Officers involved in the collection of income and the recovery of debts. It is to be used in conjunction with more detailed procedural guidance as developed by the individual Service Plans, complying also with changes in ethical best practice and legislative requirements.

The policy will be reviewed annually and updated if necessary.

## 2. Executive Summary

The Council has a duty to ensure that the debt collection and recovery service is provided economically, efficiently and effectively.

Key elements to achieving this best value position:

- Recognising the impact that uncollected debts have on revenue funding and cash flow. A high level of debt balance means that less cash is available for working capital and potentially less money is available to deliver front line services. This could also lead to the need to increase funding from Council Tax.
- Managing its debt balances by improving the efficiency of its income collection. This means looking beyond recovering existing debts to preventing the debts from occurring.
- Ensuring that the assets of the Council are not artificially inflated by bad debts. It provides for the recovery of arrears to be maximised and that irrecoverable debts are written off.
- Valuing the consistent and fair treatment of its customers and embedding the principles of equality and diversity across all of its services.

### 3. Management

#### 3.1 Roles & Responsibilities

The responsibility for the billing, collection and recovery of income is held by the Director of Resources. Where appropriate, the Director of Resources may decentralise some of these responsibilities to other Service areas, such as Services raising their own invoices.

The Director of Resources must ensure there is adequate provision for Bad Debts, in accordance with CIPFA Code of Practice on Local Authority Accounting in United Kingdom – A statement of Recommended Practice.

The Director of Resources in consultation with the Leader of the Council have the authority to write off bad debts in accordance with the NDC constitution. See Section 5 below for more details.

#### 3.2 Performance Management Framework

The Council recognises that prompt recovery action is fundamental in managing its debts and maximising income. Therefore the Council will:

- Regularly monitor the level and age of debt;
- Set clear targets for the recovery of debt;
- Have clear written recovery procedures; and
- Set priorities for specific areas of debt and assess recovery methods to ensure maximum recovery.

A report on actual performance against any national or local targets and the level of outstanding debt will be included in the quarterly Performance and Financial Management Report to Members.

#### 3.3 Documentation

All documentation relating to an invoice will be kept either in paper or scanned image format until at least 6 years after the invoice is raised. If at the end of this period the invoice remains unpaid, the supporting documentation will be retained until the invoice is paid or the debt written off.

#### 3.4 General principles

- The intention is to maintain a “firm but fair” approach to the collection and recovery of the Council’s debts which distinguishes between those customers who are unable to pay and those who deliberately won’t pay.
- The Council supports the use of electronic communication with customers.
- We aim to issue prompt and accurate bills.

- We will promptly inform customers who fall behind with their instalments or payment arrangement.
- We will try to engage with the customer at every opportunity during the recovery process, in order to discuss and make a suitable repayment arrangement and to avoid further recovery action.

#### 4. Income Collection and Debt Prevention

The Council's preferred method of payment is Direct Debit as it is the easiest and cheapest method of collection. However, the Council accepts a wide range of payment types as appropriate to the type and size of the debt. These include cheque, credit/debit cards and standing orders.

The Council has tried to make it as easy as possible for customers to pay their bills by offering a number of convenient options, including:

- Payment at the Post Office (using Post Office payment card and barcode invoices)
- Payment at shops with Payzone
- Payment at the Bank
- Cheque & card payment at Council Offices
- Payment over the phone by Council Staff during office hours
- Payment by our Automated telephone Service (0300 456 0546)
- Payment via our Internet ([www.northdevon.gov.uk](http://www.northdevon.gov.uk))

Where practicable and legally allowable, advance payment should be requested for all services, or by the debtor signing a direct debit agreement form prior to the provision of service, thereby minimising the financial risk to the Council.

#### 5. Debt Recovery and Write Offs

##### 5.1 Debt Recovery

Where legislation permits, the Council will seek to levy and recover from the debtor any and all costs/fees that are legitimately due from the debtor to the Authority or its agents. Only in exceptional cases, where it would not be in the public interest to pursue costs/fees, will they be waived.

Any enforcement action must be proportional to the debt, consistent in terms of advice given; use of our powers; and the recovery procedures used. The reason for any enforcement actions should be clearly understood by the debtor.

An opportunity must be given to discuss what is required to comply with the law before any formal enforcement action is taken. An explanation of any rights of appeal against formal enforcement action must also be given, prior to or at the time action is taken.

Collection agencies or bailiffs used by the Council must comply with Ministry of Justices' 'National Standards for Enforcement Agents'.

## 5.2 Writing Off Bad Debts

If the debt remains unpaid, after exhausting all the appropriate recovery methods as outlined in this policy, the council recognises that it is good practice to promptly and regularly write this debt off.

The Council will seek to minimise the cost of write-offs to the local Council Tax payers by taking the necessary action to recover what is due. All debts will be subject to recovery, collection and legal procedures as outlined in this policy.

Debts may be written off for the following reasons, or otherwise with the agreement of the Director of Resources:

- Debt remitted by a Magistrate
- The Council has evidence to confirm the claimant is suffering a severe physical or mental illness which renders enforcement action inappropriate
- The Council is unable to trace the debtor
- The debt is not cost-effective to pursue due to small balance
- The debt is not cost-effective to pursue due to the likelihood of payment balanced against the cost of proceedings
- The claimant has died and there are no or insufficient funds in the estate to settle the debt
- The claimant is subject to formal insolvency proceedings and there is little likelihood of a dividend
- The debt collection agent states the debt is unable to be collected
- Legal services state the debt is unable to be collected

The limit, to which the debt is deemed uneconomical to pursue, will be reviewed annually by the Director of Resources. Any debts under this value will be written off after the reminder period has elapsed.

In accordance with the Constitution, irrecoverable debts not exceeding £1,500 can be written off with the authorisation of the Director of Resources.

Debts over £1,500 must be written off by the Director of Resources, in consultation with the Leader of the Council.

Debts to be written off will be listed in a schedule for the appropriate approval as outlined above on a monthly basis. The schedule will detail the value of each debt, age of the debt, action taken and the reason for the write off request. The debtor remains liable to pay. Therefore, if the debt has been written off and a further instalment is received, the income must be credited to the appropriate bad debt code. The debt should be re-instated for the balance outstanding. All accounts will be written off against the income code against which they were originally raised. The VAT on such write offs will be recovered in accordance with the rules issued by HM Revenues & Customs.

## 6. Inclusive Equality Scheme

The Council's approach to debt recovery must be sensitive to individual circumstances and take into account multiple debts owed.

The Council welcomes the involvement of welfare agencies in connection with debts due and recognises the benefit that these organisations can offer both the debtor and the Council in prioritising repayments to creditors and in maximising the income available to the debtor.

Therefore the Council is committed to sign post customers to other agencies where considered appropriate, such as the Citizens Advice Bureau, the National and Business Debtline, Community Legal Advice and the Department for Works and Pensions.

### 6.1 Hardship

In cases of hardship, the Council will:

- Encourage customers to contact them immediately if it is evident that there could be a problem in paying their bills
- Advise on any reduction or discount the customer is entitled to and the money advice services available from other agencies.
- Consider whether the customer needs to complete an income and expenditure form, indicating their reasonable residual income. (The Council may request documentary evidence)
- Ask the customer if they have any other debts owing to the Council, which need to be considered when deciding on an appropriate recovery arrangement.

### 6.2 Set-off

The right to set-off debts is allowed providing mutuality exists.

Where the debtor agrees to deal with all the Council debts collectively, the various collection services will confidentially communicate between themselves the debt outstanding and take a corporate approach in resolving the debt.

### 6.3 Customer Care and Complaints

All communications with debtors will be conducted in accordance with the Council's policies, particularly Customer Care, Complaints and Data Protection.

The application of this policy must be consistent with the Human Rights Act.

## 7. Sundry Debtors

Ownership of all sundry debts rests with the originating Service. These Services will be responsible for issuing an instruction to cancel an invoice and to correspond with or discuss with the debtor issues relating to validity of the debt.

### 7.1 Raising Invoices

All invoices raised must be properly supported by documentary evidence that supports the debt.

Invoices must not be raised for debts less than £15, unless contractually obliged (i.e. peppercorn rents) or by prior agreement with the Director of Resources, as it is deemed uneconomical to raise and process invoices for less than this amount. The Council should look to collect income under this limit by other means, such as payment in advance. In certain circumstances where the individual amounts are small and the only means of collection is to raise an invoice, then it is acceptable to accumulate the charges (perhaps for a few weeks) until this limit is exceeded.

Officers must ensure that invoices are raised promptly. The council will aim to raise the invoice within 10 working days of delivering the service or goods or funding or of the commencement of the period where service covers a period of time.

Where a continuing supply is involved invoices should be issued periodically, within 10 working days of the end of each period or, if payment in advance is appropriate, 10 working days in advance of the end of the period. The timing on invoices needs to take into account the Council's legal obligations under relevant legislation.

The Authority Financial Debtor System will be used to raise all the Council's sundry debt invoices and subsequent reminder letters. Invoices will include the date of supply where possible and all invoices will be issued with the appropriate service contact details. Where the service has been provided to a different address from the billing address this will be made clear on the invoice by way of an alternative address box or additional narrative.

All copy invoices will be sent out within five working day of the request.

### 7.2 Credit Notes & Account Adjustments

Credit notes will be:

- Supported by evidence that validates the reason for reducing or cancelling a previous amount invoiced.
- Authorised by the appropriate Manager to cancel an incorrect invoice, before re-invoicing correctly.
- Applied to, or reduce the balance of, the invoice it was raised against only.



A credit note must not be used as a method to write off debts, as to write off a debt is subject to a detailed process as set out in Section 5.

Any adjustments required to a debtor account should be processed within 10 working days of the Financial Services section being given the appropriate correspondence.

### 7.3 Terms and Conditions

Terms and Conditions are designed to protect the rights of the Council, limit potential liabilities and provide some degree of security for the recovery of debt.

Terms and conditions should include details of acceptable payment methods, payment terms, reserve our statutory right to claim interest on late payment and compensation for debt recovery costs (Late Payment of Commercial Debts Regulation) where applicable.

All Invoices must request payment immediately, and should never exceed this, unless a contract supersedes this condition.

Where instalment arrangements are permitted for supplies, an administration charge may be added at the discretion of the Head of Service in question.

### 7.4 Returned Invoices

All invoices/reminders returned by Royal Mail stating 'gone away' or 'addressee not known' will be recorded as such on the Debtors System. The Financial Services Section will then refer the invoice back to the originating Service immediately for advice on a forwarding address or other helpful information.

The originating Service must stop the provision of the service immediately, where appropriate and allowable.

The Financial Services Section should refer such invoices, with a value over an economic threshold as prescribed by the Director of Resources, to the Finance Manager to consider a Tracing Agent.

If, subsequently, no forwarding address is found the invoice should follow the procedure to be written off, Section 5.

### 7.5 Disputed Invoices

If the Financial Services Section receives notification that the customer disputes the invoiced amount then a hold marker will be placed on that account and the originating Service will be informed within two working days.

Recovery will be withheld on these disputed invoices for a maximum of four weeks, unless the originating Service is maintaining an ongoing dialogue with the debtor. If the originating Service doesn't respond to a disputed invoice after

four weeks the invoice should be cancelled and debited back to the Services budget.

## 7.6 Collection & Recovery

The collection of income in respect of invoices raised must follow a standard course, which fully documents on the Debtors System the efforts made to settle the debt.

If no payment is received within the stated terms, the Financial Services Section will commence its recovery procedures, which begins with a first stage reminder letter, giving a further 7 days notice.

If still uncollected the originating Service area will be informed and the pre-agreed debt recovery route will be followed.

The recovery routes may include:

- Further contact with the debtor via telephone, letters/e-mails or a personal visit to settle the debt
- Referring the debt to a Debt Collection Agent
- Suspending the future service to the debtor, where legally permissible
- Issuing a summons to be recovered via the County Court
- Referring the debt to the Council's Legal Services, with an instruction to obtain a secure charge over the property where applicable.
- Using statutory methods of enforcement such as Attachment of Earnings, Warrants of Execution, Garnishee Orders or Insolvency

Instalment arrangements can be made at all stages of recovery, they will be monitored and reminders will be sent out within 14 days of the customer falling into arrears. Instalments will then be withdrawn if the account is not brought up to date within a further 14 days.

Correspondence will advise the customer of further enforcement action, refer to any statutory interest, under the Late Payment of Commercial Debts Regulations, that the debtor is liable to pay if the payment does not meet our agreed terms and conditions, and the daily rate it will accumulate from the date of the correspondence.

The cost of enforcement action/litigation to recover the debt will be charged against the budget of the Service raising the invoice. Any costs recovered from the debtor will be credited against these sums.

The Financial Services section will provide reports to the originating service on a regular pre-agreed basis as to the value and age of their outstanding debt. A high level summary of aged sundry debts for each service area will be reported to Senior Management Team as part of the budget monitoring report.

## 8 Council Tax

Recovery procedures are laid down in statute in The Council Tax (Administration and Enforcement) Regulations 1992 and subsequent amendments.

Our aim is to collect the council tax promptly and efficiently in order to prevent debt and recovery action escalating.

The administration, collection and recovery rests with the Director of Resources.

The council believes that preventing arrears from building up is essential and the additional measures we take are as follows:

- We offer two dates for Direct Debit as we recognise that this is a proven method for ensuring payments are made on time.
- We offer a choice of payment options that we advertise on all our bills and recovery documents.
- We will make arrangements to encourage and support customers in getting back on track with their payments
- We issue reminders promptly to avoid debts escalating.
- We provide up to date advice on our website
- We will work closely with housing benefits to identify entitlement and make sure any awards in payment are up to date.
- We will not refuse any payment which reduces the debt. However, if it is less than the requested amount recovery action may continue.
- We will signpost customers to debt advice agencies and promote these on our literature.

We will apply to the magistrates' court for Liability Orders, when necessary in order to recover the debt. This gives additional recovery powers, including:

- attachments of earnings
- attachment of benefits
- taking control of goods through the use of enforcement agents
- charging orders where liability order exceeds £1,000.00
- bankruptcy action where liability order debt exceeds £750.00

- Committal action where the debt exceeds £750.00. Committal to prison is taken when other appropriate remedies have been attempted. This action is not taken lightly and is only used as a last resort. Magistrates will hold a means enquiry in which they will establish whether the failure to pay has been the result of 'wilful refusal' or 'culpable neglect'. They may decide to fix a term of imprisonment and postpone the warrant on certain conditions, normally relating to the payment of the debt over a period of time. The Magistrates also have the power to remit all, or part, of the debt. The maximum sentence is three months.

## 8.1 Recovery process and procedures

(In accordance with Council Tax (Administration & Enforcement) Regulations 1992 and subsequent Regulations & Amendments)

When a person liable for council tax has not made the due payments, the Council will take the following action:

### Reminders

If a statutory instalment is not paid, we send a reminder notice giving seven days to bring the instalments up to date.

If the correct amount on the reminder is paid, within the time limit, but instalments fall behind a second time, we send a second reminder. We may issue a maximum of two reminders on an account in any financial year. Therefore, if a person misses an instalment for a third time in the financial year, or if they do not pay the full amount shown on the first or second reminders within the time limit given, the right to pay by instalments is lost and we send a final notice.

### Final notices

If a council tax account is in arrears and the right to pay by instalments has been lost, we send a final notice giving 7 days to pay in full.

### Summons

If the final notice remains unpaid, a minimum of 14 days after it has been issued, a summons will be sent which will include additional costs (an amount agreed by North & East Devon Magistrates' Court, which is equal to the costs reasonably incurred, currently £45.00). Any increase in costs has to be authorised through North & East Devon Magistrates Court.

At the hearing, the Council makes an application for a Liability Order to be granted.

## Liability Order

Magistrates grant a Liability Order if they are satisfied that council tax is overdue for payment. The Order gives the Council the power to take further action if the account remains unpaid.

Up to summons stage, all staff can exercise their discretion by allowing a short period for payments to be brought up to date without progressing to the next stage of recovery. Alternatively, they may re-schedule a payment plan to start or finish later. We may place a short-term hold on the account whilst queries regarding discounts, exemptions or benefits are resolved. Staff will, in most cases, agree ongoing interim payments with the customer during the suspension of recovery.

Unless the Council has made a mistake in issuing the summons, proceedings will only be stopped if the debt and costs are paid in full prior to the court date. At this stage, we will still consider arrangements to pay, but this does not stop the application to the court for a Liability Order. Wherever possible, we will encourage people in arrears to make part payments in order to reduce the debt. We also try to obtain employment or benefit details so that when we have a Liability Order, we are able to consider an attachment of earnings or benefit.

The Magistrates can issue a Liability Order whether or not the debtor attends the hearing. We encourage people to contact us as soon as possible before the hearing if they do not agree that they are liable for the debt or dispute the amount shown on the summons.

Once a Liability Order is granted a further £20.00 costs are payable bringing the total costs to £65.00.

A Liability Order gives the Council additional powers to recover the unpaid council tax and to demand certain information from debtors that they are legally required to give. The extra powers that we may use include:

Attachment of Earnings Order - this lets us collect the money owed directly from a person's wages.

Deductions from benefit - this lets us collect the money owed directly from certain benefits that a person may be in receipt of.

Taking Control of Goods- we instruct enforcement agents to collect the debt.

Charging Orders – if the debtor owns the property where the debt occurred, and if there is sufficient equity in it, we will consider applying for a Charging Order, providing the Liability Order debts are at least £1000.00 and we have fully undertaken the steps as detailed on above.

Forcing sale on a charging order – where we have obtained a charging order we are able to apply to the County Court to recover a debt or to bring an empty property back into use.

Bankruptcy - providing the Liability Order debts are at least £750.00.

Committal to prison – where Enforcement Agent action has been unsuccessful the Council will consider issuing a committal summons for the debtor to be committed to prison for non-payment.

We do not need the debtor's agreement before taking any of the above courses of action.

Once a Liability Order has been obtained in court, the Council will use the methods of recovery appropriate to the individual case having considered the debtor's circumstances and offer to pay.

Charging Orders, forcing sale, bankruptcy and committal to prison are all dealt with on an individual basis and potential cases are considered by Revenues & Benefits Manager before being referred to an authorised officer for approval.

## 9 Non Domestic Rates (Business Rates)

Recovery procedures are laid down by statute in The Local Government Finance Act 1988 and subsequent regulations and amendments.

The administration, collection and recovery rests with the Director of Resources

Non Domestic Rates, commonly known as business rates, are levied on a national basis but the local authority is responsible for billing and collection including appropriate recovery measures.

The Council believes that preventing arrears from building up is essential and the additional measures we take are as follows:

- We offer 2 dates for Direct Debit as we recognise that this is a proven method for ensuring payments are made on time.
- We offer a choice of payment options that we advertise on all our bills and recovery documents.
- We issue reminders promptly to avoid debts escalating.
- We provide up to date advice on our website.
- We will not refuse any payment which reduces the debt. However, if it is less than the requested amount recovery action may continue.
- We will make arrangements taking into consideration the fluctuations in income, common to seasonal businesses, and place the emphasis for repayment on times of likely maximum business activity.

We will apply to the Magistrates Court for Liability Orders, when necessary, to recover the debt. We will use all appropriate methods of enforcement available through Liability Orders including:

- taking control of goods, through the use of enforcement agents
- insolvency proceedings
- Committal to prison is taken when other appropriate remedies have been attempted. Magistrates will hold a means enquiry in which they will establish whether the failure to pay has been the result of 'wilful refusal' or 'culpable neglect'. They may decide to fix a term of imprisonment and postpone the warrant on certain conditions, normally relating to the payment of the debt over

a period of time. The Magistrates also have the power to remit all, or part, of the debt. The maximum sentence is three months

## 9.2 Recovery process and procedures

(In accordance with the Local Government Finance Act 1988 and subsequent regulations & amendments)

When a ratepayer liable for Non-Domestic Rates has not made the due payments, the Council will take the following action:

### Reminder

If a statutory instalment is not paid, we send a reminder notice giving seven days to bring the instalments up to date.

If the correct amount on the reminder is paid, within the time limit, but instalments fall behind a second time, we send a second reminder. We may issue a maximum of two reminders on an account in any financial year. Therefore, if a person misses an instalment for a third time in the financial year, or if they do not pay the full amount shown on the first or second reminders within the time limit given, the right to pay by instalments is lost and we send a final notice.

### Final Notice

If a business rate account is in arrears and the right to pay by instalments has been lost, we send a final notice giving 7 days to pay in full.

### Summons

If the final notice remains unpaid, a minimum of 14 days after it has been issued, a summons will be sent which will include additional costs (an amount agreed by the Magistrates' Court, which is equal to the costs reasonably incurred, currently £45.00). Any increase in costs has to be authorised through the Magistrates Court.

Unless the Council has made a mistake in issuing the Summons, proceedings will only be stopped if the debt and costs are paid in full prior to the Court date. At this stage, we still make arrangements to pay but this does not stop the application to the Court for a Liability Order. We will not refuse part payments in order to reduce the debt.

### Liability Order

Once the council has obtained a Liability Order to back the debt, we may initiate a range of remedies to recover unpaid rates including:

- Enforcement agent action – if the debtor has failed to make and maintain an agreed payment plan, we can instruct Enforcement agents to recover the debt. In a process known as Taking Control of Goods, Enforcement Agents may seize and sell goods to the value of the outstanding debt, plus their fees. The

additional charges involved are quite considerable and the debtor is held liable for them.

- Insolvency action – we may petition for bankruptcy or for the winding up of a company, depending on whether the debtor is an individual or a company. Although the Insolvency Act 1986 does not stipulate that a Liability Order must be obtained before taking insolvency action, the Council will endeavour to do so.
- Committal to prison (individuals only) - where enforcement agent action has been unsuccessful the Council will consider issuing a committal summons for the debtor to be committed to prison for non-payment. This action would only be taken as a last resort.

Up to summons stage, all staff can exercise their discretion by allowing a short period for payments to be brought up to date without progressing to the next stage of recovery. Alternatively, they may re-schedule a payment plan to start or finish later, provided the Council's position is not adversely affected and past payment performance indicates that the outcome is likely to be successful.

We always make it clear to ratepayers that recovery action will not be suspended pending any appeal they may have made to the Valuation Office Agency.

Insolvency and committal to prison are all dealt with on an individual basis and potential cases are considered by the Revenues & Benefits Manager before being referred to an authorised officer for approval.

## 10. Housing Benefit Overpayments

These are recovered in accordance with Housing Benefit Regulations 2006

The administration, collection and recovery rests with the Head of Finance.

Overpayments occur because a customer has been paid too much benefit and so the Council's aim is to try and prevent this from happening. We have the following measures in place:

- Customers being supported through the application process to ensure they are paid the right amount of benefit.
- The use of leaflets, website & letters to reinforce customer's responsibility to notify us immediately of any changes in circumstances which are then dealt with promptly.
- Once a Housing Benefit overpayment has been created the Council will normally collect from on-going housing benefit where it is in payment. Recovery rates are set by Department for Work and Pensions (DWP) and, initially, we will always apply the maximum recovery rate permissible. Staff have the discretion to reduce the recovery rate or suspend deductions if the customer can show that this would cause unreasonable hardship, for instance, where a customer is unable to pay their rent.



Where there is no on-going housing benefit we will issue an invoice for payment. A customer has one month to pay before further recovery action. To prevent recovery action we:

- Offer a wide choice of payment options
- Encourage and support customers to make an arrangement
- Provide up to date advice on our website
- Do not refuse any payments which reduces the debt. However, if it less than the requested amount recovery action may continue.

If after one month the invoice remains unpaid and no arrangement has been agreed then a first reminder will be sent giving seven days to pay. If no payment or contact is made within 14 days then a second reminder is sent giving a further seven days to pay. If the debt still remains unpaid we will consider taking the following actions:

- Deduction from certain DWP benefits
- By applying to another local authority for them to deduct from the customer's on-going housing benefit
- Recovery from their landlord where the landlord is now being paid for a current tenant
- Direct earnings attachment
- Applying to the County Court
- Use debt collection agencies to recover on our behalf

Overpayments that have occurred because of fraud are excluded from insolvency and recovery will continue once they have been discharged.

Some benefit overpayments are not recoverable. These arise if we or the DWP, make an error where the customer to whom the benefit was paid, cannot reasonably have been expected to know they were receiving benefit to which they were not entitled.

## 11 Breathing Space

Breathing Space, the Government's new debt respite scheme was introduced 4 May 2021 to give those facing financial difficulties space to receive debt advice, or mental health crisis treatment, without pressure from creditors or mounting debts.

Under the scheme, people will be given legal protections from their creditors for 60 days, with most interest and penalty charges frozen, and enforcement action halted. They will also receive professional debt advice to design a plan which helps to get their finances back on track.

And recognising the link between problem debt and mental health issues, these protections will be available for people in mental health crisis treatment – for the full duration of their crisis treatment plus another 30 days.

As with all creditors, North Devon Council follows guidance issued by The Insolvency Service [Debt Respite Scheme \(Breathing Space\) guidance for creditors - GOV.UK \(www.gov.uk\)](#) in the administration of this scheme.

## 12 Sign post information to Welfare Agencies

Citizens Advice Torridge,  
North, Mid and West  
Devon Advice line - 0808  
278 7999

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) -  
for self-help information and  
national webchat or email  
service

National Debtline  
at [www.nationaldebtline.org](http://www.nationaldebtline.org)  
or on 0808 808 4000

Money Advice Service  
at [www.moneyadviceservice.org.uk](http://www.moneyadviceservice.org.uk) or on 0300 500 5000