



Wigan[♥]
Council

Enforcement Agent Code of Practice

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Version Control

Version	Date	Notes
1	October 2017	1st version
2	6 July 2026	Updated branding, section & wording updates

Purpose and Scope

This Code of Practice sets out the standards and requirements that apply to all Business Rates and Council Tax enforcement activity carried out on behalf of Wigan Council, including:

- Internal Enforcement Agents employed directly by Wigan Council
- External Enforcement Agencies engaged under Service Level Agreements

This Code applies to all certificated enforcement agents, enforcement officers, managers, call-handling staff and any other individuals involved in the enforcement process acting on behalf of Wigan Council.

Legal and Regulatory Framework

Enforcement activity must be carried out in accordance with:

- Tribunals, Courts and Enforcement Act 2007
- The Taking Control of Goods Regulations 2013, The Taking Control of Goods (Fees) Regulations 2014 and The Taking Control of Goods (Miscellaneous Amendments) Regulations 2026, as subsequently amended or updated.
- Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) Regulations 2020
- Equality Act 2010
- Human Rights Act 1998
- UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018
- Health and Safety legislation
- Enforcement Conduct Board (ECB) Standards for Enforcement Work

Conduct and Professional Standards

Enforcement Agents must, always:

- Act lawfully, professionally and with integrity
- Treat all debtors with dignity, fairness and respect
- Adhere to the Enforcement Conduct Board (ECB) Professional Values and Standards of Practice

- Avoid behaviour that could be perceived as aggressive, deceptive, oppressive or discriminatory
- Use recording equipment, including Body Worn Video where issued, lawfully, proportionately and in accordance with Council policy and data protection legislation
- Ensure transparency and accountability in all actions and decision-making
- Seek to resolve the debt at the earliest and least intrusive stage possible, balancing effective collection with fairness and proportionality.

Training, Vetting and Accreditation

Wigan Council will ensure that:

- All enforcement personnel are appropriately vetted, including Disclosure and Barring Service (DBS) checks where required
- All Enforcement Agents hold a valid enforcement certificate issued by the County Court including an appropriate insurance bond
- External enforcement providers are required to demonstrate alignment with or accreditation by the Enforcement Conduct Board
- Suitable training is provided, including training on:
 - Vulnerability and safeguarding
 - Equality, diversity and inclusion
 - Mental health awareness
 - Breathing Space regulations
 - Data protection and information security

Information, Transparency and Communication

Clear and accessible information must be provided to debtors, including:

- The powers of Enforcement Agents
- Statutory fees and how they are calculated
- How to check an Enforcement Agent's certification
- How to make a complaint
- How to access independent debt advice

All correspondence must be clear, accurate, written in plain language and available in alternative formats where required.

Where English is not a debtor's first language, an independent interpreter service must be offered where necessary.

Where Body Worn Video is used, information will be available explaining why recording takes place, how footage is used, how long it is retained and how individuals may request access to recordings.

Compliance Stage and Early Engagement

All cases must maximise opportunities for resolution at the compliance stage, in line with current Taking Control of Goods Regulations and Government guidance.

- Payment arrangements may be agreed during the compliance stage where permitted by legislation
- Debtors must be encouraged to make contact early and seek advice
- Enforcement escalation must be demonstrably proportionate and necessary

Breathing Space (Debt Respite Scheme)

Where Wigan Council or its agents are notified that a debtor is subject to a Breathing Space moratorium:

- All enforcement action must cease immediately
- No visits may take place
- Contact must be restricted to that permitted by the Regulations
- Statutory protections must be applied until the moratorium ends

External enforcement agencies must have clear procedures to identify, record and comply with Breathing Space notifications and must notify the Council immediately upon receipt.

Vulnerability and Support

Vulnerability is not static and may be temporary, intermittent or ongoing. It must be assessed on a case-by-case basis at every stage of the recovery process.

Enforcement Agents must:

- Be alert to indicators of vulnerability, including but not limited to:
 - Mental or physical health conditions
 - Learning disabilities or neurodivergence
 - Financial hardship or economic abuse
 - Language or digital exclusion

- Recent bereavement or major life events
- Record vulnerability indicators in accordance with data protection law
- Suspend enforcement action where appropriate and refer cases back to the Council
- Signpost to internal support services and external advice agencies

Where vulnerability is identified, enforcement action must only continue where it is appropriate, proportionate and authorised in line with Wigan Council's [Debt Recovery Policy](#).

Attendance, Entry and Safety

Attendance must:

- Only take place between 6am and 9pm, or during normal business trading hours
- Not take place on Sundays, Bank Holidays, Good Friday or Christmas Day
- Respect religious, cultural and personal circumstances

Enforcement Agents must carry photographic identification and evidence of court certification and show it upon request.

If a situation escalates or presents a risk, the Enforcement Agent must disengage and prioritise personal safety.

Enforcement Agents may be equipped with and use Body Worn Video (BWV) cameras during enforcement activity, including attendance at debtor premises, where this is necessary and proportionate to ensure the safety of all parties and to accurately record interactions.

Where BWV is used:

- Enforcement Agents must make the use of BWV clear to the debtor at the earliest appropriate opportunity
- Recording must be overt and not covert
- BWV must not be used in a manner that is intimidating or intrusive
- Recording should be paused where it would be inappropriate or unlawful to continue, including in situations involving sensitive personal matters, unless there is a clear risk to safety or serious dispute

- All recordings must be handled, stored, accessed and retained in accordance with UK GDPR, the Data Protection Act 2018 and Wigan Council's data protection requirements.

BWV footage may be used for evidential purposes, including complaint investigation, subject access requests and staff safety reviews.

Taking Control of Goods

Goods may only be taken control of:

- In accordance with legislation
- Where proportionate to the debt owed
- Where ownership is clearly established

Controlled Goods Agreements may only be entered into by certificated Enforcement Agents and must be explained clearly to the debtor.

Goods exempt under legislation must not be taken, including items essential for basic domestic needs, care, employment (subject to statutory limits) and medical or safety requirements.

External Enforcement Agencies and Governance

Wigan Council remains accountable for the conduct of all external enforcement agencies acting on its behalf.

Service Level Agreements must include:

- Compliance with this Code of Practice
- Alignment with ECB Standards
- Data protection and information-sharing requirements
- Clear complaints handling procedures
- Audit, monitoring and performance review mechanisms