

Report

on an investigation into
complaint nos 95A01890 & 95A04826 against
London Borough of Ealing

24 July 1997

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Report summary

Subject

Council tax... bailiffs' charges... two complainants

Finding

Maladministration causing injustice

Recommended remedy

Bailiffs' charges already waived for one complainant, and the Ombudsman considers this to be a sufficient remedy; for second complainant Ombudsman recommends compensation of £150 and waiving of bailiffs' charges; and recommends administrative changes.

Introduction

1. Mr Martin complains about the actions of the bailiffs when collecting council tax on behalf of the Council. Mr Taylor complained about a number of matters regarding community charge, council tax and benefit applications, most of which have been settled by the Council. The outstanding matters on his complaint are also about the actions of the bailiffs when collecting a council tax debt. This report is about both Mr Martin's and Mr Taylor's complaints about the bailiffs.

2. My report is in seven parts:
 - Legal and administrative backgrounds;
 - Background to Mr Martin's complaint;
 - Background to Mr Taylor's complaint;
 - Other complaints to the Council about bailiffs' charges;
 - The Council's general comments on the complaints;
 - The bailiffs' general comments on the complaints;
 - Conclusion.

3. The law generally requires me to report without naming or identifying the complainant or other individuals. The names used in this report are therefore not the real names. In accordance with my usual practice, a copy of this report was sent in draft to the complainants, the Council and the bailiffs. Where appropriate their comments are reflected in the text.

Legal background

4. Where a liability order has been made, the Council may levy the appropriate amount by distress and sale of the debtor's goods.¹ The 'appropriate amount is any outstanding sum in respect of which the liability order was made, and charges connected with the distress.

5. The process of distress consists of three stages: the entry into the premises, the seizure there of goods, and the subsequent securing of goods (generally called impounding).²

1 Council Tax (Administration and Enforcement) Regulations 1992, regulation 45(1)

2 Evans v. South Ribble Borough Council

6. Seizure of the goods may be actual or constructive. Actual seizure involves identification of the goods distrained coupled with a declaration that they are being taken for distress. A constructive seizure may occur in various ways, but it is sufficient for the bailiff to make clear his or her intention to distrain, to walk around the premises without touching anything, and to give written notice that he or she has distrained.³

7. Impounding places the goods in the custody of the law and paves the way for their sale. Goods may be impounded on the premises or removed to a pound. Impounding on the premises can involve the bailiff taking ‘close’ or ‘walking’ possession of the goods. Close possession is where the bailiff leaves goods under the supervision of a bailiff in the property; walking possession is where the debtor is left in charge of the distrained goods. Walking possession must be done by agreement to which the debtor is a signatory, made at the time distress is levied. The agreement is that ‘in consideration of the authority not immediately removing the goods distrained upon from the premises occupied by the debtor and delaying its sale of the goods, the authority may remove and sell the goods after a later specified date if the debtor has not by then paid the amount distrained for ...’⁴

8. The charges connected with distress are:
 - ‘A For making a visit to premises with a view to levying distress (where no levy is made) –
 - (i) where the visit is the first or only such visit: £15.00
 - (ii) where the visit is the second such visit: £12.50

 - B For levying distress: The lesser of –
 - (i) the amount of the costs and fees reasonably incurred; and
 - (ii) the relevant amount calculated under paragraph 2(1) with respect to the levy.⁵

3 Evans v. South Ribble Borough Council

4 Council Tax (Administration and Enforcement) Regulations 1992, Schedule 5, paragraph 2(2)

5 Paragraph 2(1) of the Council Tax (Administration and Enforcement) Regulations 1992 states that the ‘relevant amount’ is £15 where the sum at the time of levy does not exceed £100, and a set percentage of the amount owed when this is more than £100.

- C For one attendance with a vehicle with a view to the removal of goods (where, following the levy, goods are not removed): Reasonable costs and fees incurred.⁶

Administrative background

9. Government guidance advises that councils may like to ensure that any bailiff is certificated. This certification is from a county court in relation to distress for rent. The guidance says that it is a good guide to the status of the bailiff that such certification has been given.⁷
10. The Council has a code of conduct for bailiffs that it employs. This requires bailiff firms to be registered in accordance with the provisions of the Data Protection Act 1984.

Background to Mr Martin's complaint

Action on the accounts in 1994

1993/94 account

11. On 2 February 1994 the Council obtained a liability order against Mr Martin for the non payment of council tax in 1993/94. At that time the arrears stood at £264, to which costs of £33 were added, making a total of £297. Mr Martin then paid an additional £88 on his account, leaving a total debt of £209. On 10 June the account was passed to the bailiffs. On 15 June Mr Martin paid another £88, leaving a total debt of £121.
12. The bailiffs visited on 3 October, and left a notice of their intention to levy distress. The notice gave the debt as £209, plus £15 first visit fee, making a total of £224. Mr Martin says he was in, but no one knocked on his door. He says that the bailiffs left the notice sticking out of his letterbox, and that it was not in a sealed envelope.
13. Mr Martin says he telephoned the bailiffs to find out why he was being asked to pay £209, when he owed £121, but could not get a satisfactory answer. He also telephoned the Council, who told him the bailiffs were demanding too much. The Council sent a fax to the bailiffs that day (4 October) telling them that the balance was £121.

6 Council Tax (Administration and Enforcement) Regulations 1992, Schedule 5, paragraph 1

7 The Council Tax, Practice Note No 9, Recovery and Enforcement

1994/95 account

14. Meanwhile, on 28 July the Council obtained a liability order in respect of Mr Martin's 1994/95 council tax account. The arrears were for the full amount of council tax (£365.56), to which costs of £33 were added, making a total of £398.56. This account was passed to the bailiffs on 30 September 1994.
15. On 3 November 1994 the bailiffs wrote to Mr Martin about this account. He was told that the amount outstanding was £413.56, which was said to include a £15 administration fee. The letter did not say which account this was. Mr Martin says that the letter arrived in the post. The Council says that the bailiffs visit properties, and do not send notices by post. The bailiffs' computer records suggest no charges were made for visits on this account, but that a £15 charge was made for 'other costs'.
16. Mr Martin says he telephoned the bailiffs to find out how the sums owed were arrived at. He says the bailiffs would not explain this to him, but simply said that he must make an arrangement to pay the debt. He says he therefore wrote to the bailiffs on 7 November, asking again for details of the debt, and about the information kept about him on the computer. He says he did not receive a response. The bailiffs say this letter was not received.
17. Mr Martin says that on 18 December he made an official complaint to the Data Protection Registrar that the bailiffs had not complied with the Data Protection Act 1984, and that he was told a few days later that the company was not registered.

Further action on the accounts in 1995

18. The bailiffs visited Mr Martin on 20 January 1995, although the notice of their visit is dated 19 January. They did not gain access to Mr Martin's home, and no distress was levied. The notice said that a bailiff had called to remove Mr Martin's goods, and that the total amount due was £243.50, which included £80 costs of the bailiffs' attendance and transport charges. The notice did not say to which account this related (it was in fact the 1993/94 account). The notice said the bailiffs would call later, and in the absence of payment Mr Martin's goods would be removed and sold at auction.
19. Although the bailiffs did not gain access on 20 January, Mr Martin spoke to them on this occasion. He asked how the debt was made up, and showed his paying in book. He says

he was told the sum was made up by court costs and bailiffs' costs.⁸ Mr Martin says there was an acrimonious exchange, and the bailiffs left in their van.

20. Mr Martin says that on 23 January he telephoned the bailiffs to ask again how the debt had been calculated. He says he was told that it now stood at £228.50,⁹ but that he would not be sent a breakdown until he paid the amount demanded. The next day Mr Martin made a written complaint to the Council. He outlined his grievances, and also raised the question of why the bailiffs were not members of the Certificated Bailiffs Association.
21. Mr Martin made two more payments of council tax, direct to the Council, on 23 and 26 January, making a total of £121. He therefore cleared his 1993/94 account, apart from the bailiffs' charges.
22. Mr Martin says he visited the bailiffs on 26 January and handed in a letter setting out his payments to date. In his letter Mr Martin also said that the bailiffs' charges now amounted to £95 – £15 first visit fee and £80 van fee (in fact the charges were £107.50) – but that his costs as a result of the bailiffs' failure to respond to his letter of 7 November 1994 (see paragraph 16 above) amounted to £70; he therefore left a cheque for £25. He says the bailiffs told him that he should tell the Council, and not the bailiffs, what he owed, and that their attitude was unhelpful. He says the Council told him he should speak to the bailiffs.
23. The Council asked the bailiffs to comment on Mr Martin's complaint, which they did on 27 January. On 8 February the bailiffs, at the request of the Council, wrote to Mr Martin enclosing their code of practice and a copy of the schedule setting out their fees. The letter said the current balance was £398.45¹⁰ which included £15 bailiffs' fees. It did not give the year to which this debt related. Mr Martin was asked to pay this sum over seven months.

8 The sum being sought without the van charges was £163.50. Mr Martin owed £121 for Council Tax and court costs, which suggests that bailiffs' charges of £42.50, in addition to the £80 van fee, had been added. It is not clear how the bailiffs arrived at this sum. In their letter to the Council about Mr Martin's complaint (see paragraph 23) they say an arithmetical error was made, for which they apologised. The Council's letter to Mr Martin (see paragraph 24) does not convey this to Mr Martin.

9 It seems likely that this was made up of £121 (the original Council Tax debt plus Court costs), plus £107.50 in bailiffs' charges (£15 first visit fee, £12.50 second visit fee, and £80 van charges)

10 The previous figure had been £413.56 (see paragraph 15), but the debt had been reduced by £15.18, because Mr Martin was entitled to a transitional reduction in his Council Tax liability. This left the debt at £398.45

24. On 9 February, the Council responded to Mr Martin's complaint. The Council said:
- the bailiffs claimed to leave communications in sealed envelopes; the Council had told them that this must be adhered to, and that letters must be pushed completely through the letterbox;
 - the bailiffs had been registered with the Data Protection Registrar since 21 December 1994;
 - the bailiffs' account of their contact with Mr Martin was different from Mr Martin's version, but they had been asked to note what he had said;
 - companies are not members of the Certificated Bailiffs Association, which is a register of individual certificated bailiffs.
25. Mr Martin wrote to the Council on 14 February, raising some further concerns about the bailiffs. He said he was only prepared to make payments to the Council. He wrote back to the bailiffs the same day, saying he could not enter into a payment arrangement, and that the balance quoted was incorrect. The bailiffs responded two days later. The letter set out details of Mr Martin's 1993/94 and 1994/95 accounts as follows:

1993/94

“Council tax arrears £209.00

Bailiffs fees £107.50

The bailiffs fees comprise of:

£15.00 First visit fee 3/10/94. Bailiff called with a view to levy distress but no levy was made.

£12.50 Second visit fee 20/1/95. Bailiff called with a view to levy distress for a second time but no levy was made.

£80.00 Enforcement of liability order 20/1/95. Bailiff called with a view to remove and store goods for the purposes of sale.

The law states all reasonable costs and fees incurred. Our cost is based on van hire and a bailiff and porter being present.”

1994/95

"Council tax arrears £398.56

Bailiffs fees £15.00

The bailiffs fees comprise of:

£15 First visit fee 3/11/94. Bailiff called with a view to levy distress but no levy was made."

26. There followed a considerable amount of correspondence between Mr Martin and the Council, and Mr Martin and the bailiffs, about various matters including the computer records kept by the bailiffs on Mr Martin's case, about which Mr Martin had some detailed disagreements. Some of the letters were sent to the home address of one of the directors of the bailiffs' company. Mr Martin also sent the bailiffs postcards when he was on holiday, and made a number of telephone calls. Mr Martin says he was seeking an apology and amendments to the records. On 1 June the bailiffs returned the account to the Council. On 14 August they wrote to Mr Martin apologising for the fact that he felt that he had not had the treatment he deserved, but pointing out that their job was not the easiest or most pleasant. The bailiffs said that a memorandum had been circulated to all staff urging them to afford all courtesy to callers despite any aggravation they may feel. Mr Martin continued to write to and telephone the bailiffs, including calls to the home number of one of the directors. The bailiffs consider that Mr Martin was making nuisance calls, and complained about him to the police; Mr Martin considers that he was simply seeking information to which he was entitled. He says the police have not pursued the bailiffs' complaint about him.
27. In March and May Mr Martin made further payments to the Council towards his council tax debt for 1994/95, leaving a debt of £276.89 (excluding bailiffs' costs and the payment made to the bailiffs). The bailiffs are no longer seeking to recover their charges from Mr Martin.

Comments on bailiffs' van charges

28. ~ January 1996 the bailiffs provided an explanation of the van charge on Mr Martin's account. The regulation relevant to the van charge was quoted incorrectly as "For one attendance with a vehicle with a view to the removal of goods (where at (*sic*) Levy goods were not removed). The regulation says ..(where, following the levy, goods are not removed)" (see paragraph 8).

29. The charges were given as:

“a.	For hire, insurance, fuel of Ford Transit van per hour	£28.25
b.	Hourly fee for bailiff and driver/porter	£51.75
	Total attendance fee	£80.00”

30. Subsequently, the bailiffs consulted their company solicitor, who on 12 February 1996 advised that, as no entry was gained, no charge for removal was due. The bailiffs said that the charge was therefore withdrawn. They say Mr Martin was told this in the spring of 1996.

31. The Director of the bailiffs stated:

“It was clear that although an error was made at the time, I would confirm that it is not, or never was, the policy of this company to charge a removal fee where no entry was gained.

All employees, including bailiffs had their attention brought to this point at the time and have again been reminded of this fact.”

32. The Secretary of the Certificated Bailiffs Association says that where there has been no levy there is, in his view, no doubt that a van charge cannot be made.

33. The Head of Revenue at the Chartered Institute of Public Finance and Accountancy also says that in his view the law is quite clear, and that van charges cannot be made unless distress has first been levied.

34. The Department of the Environment says it does not believe that there can be any interpretation of the regulations other than that no charge can be made for a van unless distress has been levied. Any charges for visits when distress has not been levied are limited to £27.50 for two visits.

35. The Council initially took the view that the bailiffs could charge for attendance with a vehicle even if distress had not been levied, but now agrees that no charge can be made for a van unless distress has been levied.

Background to Mr Taylor's complaint

36. In April 1993 Mr Taylor wrote to the Council querying the 1993/94 council tax bill he had received, because he was receiving income support, and an earlier claim for community charge benefit was outstanding. No action was taken at that time to deal with his benefit entitlement. On 9 September 1993 the Council obtained a liability order on Mr Taylor's 1993/94 council tax account. The liability order was for £490.13 council tax, the full charge, plus £33 court costs, making a total of £523.13. Mr Taylor does not accept that he is responsible for paying the court costs, because he had asked for the case to be adjourned on ill health grounds, and the Council had not agreed to this.
37. Recovery action was put on hold until Mr Taylor's council tax benefit entitlement was resolved. The Council had received a claim for council tax benefit from Mr Taylor on 14 September 1993, and this was determined and paid in October with effect from 6 September. This left Mr Taylor with a debt of £212.17 council tax, plus £33 court costs, making a total of £245.17. The Council wrote to Mr Taylor on 9 November to tell him how much he owed.
38. Mr Taylor's benefit entitlement for April and May 1993, when he was receiving income support, was not determined until April 1994, and a computer problem meant that benefit (of £49) did not reach Mr Taylor's account until June 1995.

Action by the bailiffs in 1994

39. On 6 May 1994 the account was passed to the bailiffs. The bailiffs made a first visit on 25 May, and left an intended notice of distress. This letter showed the debt as £245.17, to which a £15 first visit fee was added, making a total of £260.17. Mr Taylor did not see the bailiffs. He wrote to his local councillor about the bailiffs' letter, complaining that the £49 council tax benefit had not been credited to his account. He said that the correct amount of council tax he owed was £163.17 (ie £212.17 £49). In response to his councillor's enquiries, the Council said that Mr Taylor must pay £196.17 (ie £163.17 plus £33 court costs). He was told that he should make payment to the bailiffs.
40. On 19 July the Council sent the bailiffs a fax to say that the correct balance on Mr Taylor's account, after additional benefit had been awarded, was £196.17, to which any costs incurred by the bailiffs should be added.

41. On 20 July Mr Taylor paid the Council £163.17. He said he was not prepared to pay the disputed £33 court costs.

Action by the bailiffs in 1995

42. The bailiffs say they visited again on 23 January 1995, but did not gain access. Mr Taylor says he has no knowledge of this visit, and no documentation was left. He doubts that the visit was made.
43. On 24 July 1995 the bailiffs visited again, and left a notice to say they had called in order to remove Mr Taylor's goods. The sum demanded was £160.50. The notice gave no breakdown of how this sum had been arrived at.¹¹ There is no suggestion that distress had been levied. Mr Taylor says he did not see the bailiffs.
44. Mr Taylor says the bailiffs visited again on 26 July, the day that he personally delivered his complaint, including a copy of the bailiffs' notice dated 24 July, to the Commission's offices. He says this is the only time that he actually saw the bailiffs, who had been waiting in a van outside his house. He let them in because they were knocking hard and persistently on the door, and he explained the action that he had taken on his complaint. He says no notice was left with him about the visit, no list of goods was made, and he did not sign anything. He told the bailiffs he would call the police if they touched anything. He telephoned the Council the next day, and a council officer telephoned the bailiffs.

Action by the bailiffs in 1996 and 1997

45. Mr Taylor received no further visits from the bailiffs until 14 August 1996, when he received a letter again demanding £160.50. There was no explanation of how the debt was made up. The letter said that if Mr Taylor did not pay this sum the bailiffs would take further action; if this was not successful in discharging the debt the Council might apply to the magistrates for Mr Taylor's committal to prison.
46. The bailiffs sent a further letter on 30 January 1997. The sum demanded was £127.50. Again, there was no explanation of how this sum was calculated. The letter warned that failure to pay would result in further action being taken, and additional fees added to the account.

11 It was in fact made up of £33 court costs, £15 first visit fee, £12.50 second visit fee, and £100 van charges

Other complaints to the Council about bailiffs' charges

47. In order to see whether other taxpayers had been charged for a visit with a van in similar circumstances, or whether these were isolated cases, my investigator examined the Council's records of 15 other complaints made to the Council about the bailiffs. She identified two which were about van charges. I have not investigated these complaints, and only report what was apparent from the Council's records.
48. Mr A complained to the Council in November 1994. On 31 May 1994 the bailiffs made a first visit on Mr A's account. The bailiffs say that on 29 September an 'enforcement call' was made, that there was no response, and that a 'van letter' was left.¹² Mr A then made payments amounting to £420. The Council considered the complaint, concluded that the levy fees were correct, and told Mr A that his complaint was not upheld.
49. The leaving of a 'van letter' at a visit when the bailiffs did not gain access suggests that charges were made for a van even though distress was not levied. The Council says the bailiffs' report suggests that the bailiff visited but failed to gain entry, and that payment was secured by an arrangement over the telephone. But it says that the bailiffs no longer hold records about the account, and cannot say definitely that entry was not gained and distress levied.
50. Mr B complained to the Council in January 1995. On 3 October 1994 the bailiffs made a first visit on the account, for which a charge of £15 was made. On 7 November, a further visit was made. The sum demanded included £100 van costs. Mr B complained to the Council because he had kept to an agreement to pay off the debt which he had made following the first visit by the bailiffs. The Council considered the complaint and decided that the van visit was inappropriate. It agreed that the £100 van fees should not be charged, and instructed the bailiffs to improve controls.
51. There is nothing in the records about Mr B's complaint to suggest that distress was levied. The Council says it appears that the van fee was charged without access being obtained. But it says that the bailiffs' records have been archived, and the bailiffs cannot say categorically that distress was not levied.

12 A 'van letter' appears to be a letter left following a visit by the bailiffs with a van

The Council's general comments on the complaints

Liaison with bailiffs

52. The Council acknowledges that there was a mistake in the amount the bailiffs were seeking to recover from Mr Martin in October 1994. It says this was put right immediately when Mr Martin telephoned the Council.
53. The Council says, nonetheless, that it accepts that liaison with the bailiffs could have been better. It says current procedures are much improved. In particular:
- In June 1995 the bailiff code of conduct was updated and revised.
 - The bailiffs are now required to send a fax to the Council before making a van call.
 - If an account has been with the bailiffs for more than seven days, the bailiffs send a fax to the Council setting out the balance being collected, and the Council's recovery officers then advise whether or not action should continue.
 - Council officers have everyday contact with the bailiffs on a variety of routine enquiries, and can contact them on their mobile telephones; and there are meetings between the Council and the bailiffs both to discuss cases and to consider more substantive issues.
 - Complaints about bailiff action are monitored monthly, in order to identify patterns of behaviour which may be cause for concern.
 - In August 1995 the bailiffs reminded their staff that a high level of customer service must be maintained.

Bailiff notices

54. The Council says that the initial notice provided by the bailiffs contains substantial details about the various costs and charges arising from the debt. Subsequent notices will add to this information. It accepts that debtors need to know the amount of the debt that is outstanding, but points out that debtors also have a responsibility to understand the information they have already received, including the original bill, the final notice, the summons and the liability order as well as the bailiff notice.

Data Protection Act registration

55. The Council says that the bailiffs had registered on 21 December 1994, and that the company had previously been known under another name.

Other complaints about the bailiffs

56. The Council says that from July 1993 to February 1996 it issued 56,285 liability orders to bailiffs, and received only 15 complaints, of which four were upheld. It does not consider that there is evidence that other taxpayers have been wrongly charged.

The bailiffs' general comments on the complaints

57. The bailiffs say that their service involves duties that are never pleasant to carry out, and that evoke strong feelings. They say the company has an excellent reputation and is acutely conscious of the need for sensitive handling of its obligations. The company and the Council have a shared desire to ensure that mistakes are not made and that complaints are answered and remedied. The bailiffs point out that in the four cases mentioned in this report there was an unjustified failure to pay some or all council tax that was due; that in each case the Council properly obtained liability orders; and the bailiffs acted on the proper direction of the Council to execute that liability.
58. The bailiffs say that it is an inevitable feature of the piecemeal payment of council tax arrears that the amount owing fluctuates. They say the primary responsibility for this must rest with the debtor, and that the bailiffs can only operate on the basis of the figures they are given. They say the Council's figures are given in good faith and are almost invariably as accurate as circumstances permit. The company can never give an explanation of how the liability figure or court costs have been arrived at.
59. The bailiffs say they believe they responded to the numerous communications from Mr Martin with restraint and courtesy.
60. The bailiffs point out that, although they acknowledge that the regulations do not permit the charging of van fees where distress has not been levied, this creates an anomaly. They say that if a debtor prevents the bailiffs from entering the premises, the bailiffs are prevented from charging for expenses actually incurred. Nonetheless, they accept that van charges cannot be made if distress is not levied, and say that the error in Mr Martin's case was an isolated one.

Conclusion

61. The Council has an obligation to collect council tax, and to pursue people who do not pay. It is entitled to use bailiffs to enforce liability orders if debtors still do not pay the money that is due. Bailiffs have a difficult and often unpleasant task. Because they have powers to remove and sell a debtor's goods, it is vital that they operate strictly within the law. It is up to the Council to ensure that the bailiffs who act on its behalf comply with the relevant regulations, and that debtors are charged only sums which are properly due.

Mr Martin's complaint

62. The evidence from this investigation is that there were irregularities in the charges the bailiffs imposed on Mr Martin's accounts.
- There is a conflict of evidence as to whether the bailiffs visited Mr Martin on 3 November 1994. I conclude on balance that they did not visit, but that they sought to charge a £15 first visit fee, which they termed an 'administration fee' and recorded on the computer as 'other costs' (see paragraph 15).
 - The bailiffs visited Mr Martin on 20 January 1995 and at first sought to charge a total of £122.50, which bore no relation at all to the sums allowed under the regulations. They said subsequently that they had made an arithmetical error.
 - The bailiffs made two visits to Mr Martin on his 1993/94 account, and were entitled to charge a total of £27.50. On the second visit the bailiffs also charged £80 for the costs of attending with a van. But no distress had been levied, and they were not entitled to make a van charge.
63. Neither the November 1994 letter to Mr Martin nor the notice of the January visit gave details of which council tax debt was being collected. The January 1995 notice provided no breakdown of the bailiffs' charges. I accept that the bailiffs cannot provide a detailed explanation of how taxpayers' liability and court costs have been calculated, but they should provide proper explanations of their own actions and charges. Had they done so in this case, the January 1995 arithmetical error in calculating the charges might have been avoided.

64. In June 1994 Mr Martin reduced his debt. The Council failed to tell the bailiffs this and in October 1994 the bailiffs sought to collect £209 from him when he owed only £121. To the Council's credit, it put this right as soon as Mr Martin complained.
65. I do not uphold the other aspects of Mr Martin's complaint. I cannot know what exactly went on in the exchanges between Mr Martin and the bailiffs, but in August 1995 the bailiffs apologised to Mr Martin, and circulated a memorandum to all staff to remind them of the need for courtesy. I would not expect them to do more.
66. The failures set out in paragraphs 62 to 64 are maladministration. What injustice did they cause Mr Martin? He had bailiffs, with all their attendant powers, attempting to collect money that he did not fully owe. However, in considering what remedy the Council should provide I have taken account of the way Mr Martin pursued his complaints with the bailiffs (see paragraph 26). The bailiffs have already written off the small amount of the outstanding charges on Mr Martin's account, and I do not consider the Council should pay him compensation.

Mr Taylor's complaint

67. There were also irregularities in the charges the bailiffs imposed on Mr Taylor's account. The bailiffs made two visits and were entitled to charge a total of £27.50. They also charged Mr Taylor £100 for the costs of attending with a van. But no distress had been levied, and they were not entitled to make a van charge.
68. Nor did the bailiffs provide Mr Taylor with proper explanations of their charges.
- In July 1995 the bailiffs sought to collect £160.50 from Mr Taylor, which included their charges of £127.50, but they gave him no explanation of how this had been calculated.
 - He was given no explanation of the sums demanded in the two subsequent visits in August 1996 and January 1997.
 - The bailiffs left no notification at all following their January 1995 visit, for which they subsequently charged, and it is therefore not surprising that Mr Taylor doubts that they called at all.

69. I do not accept Mr Taylor's view that he was not responsible for paying the court costs on his council tax account. There were problems in processing his benefit claim, but he made no council tax payments at all even though he should have known that he would be liable for a substantial part of the sums demanded. The Council was entitled to secure its position by taking court action against him.
70. The failures set out in paragraphs 67 and 68 are maladministration. What injustice did they cause Mr Taylor? As well as having bailiffs, with all their attendant powers, attempting to collect money that he did not fully owe, Mr Taylor was told that if he did not pay the sums demanded the Council might apply for his committal to prison. To remedy this injustice, I recommend that all the bailiffs' charges be waived, and that the Council pays Mr Taylor £150 compensation. The Council may want to offset this against the court costs that are still outstanding on Mr Taylor's account.

Administrative recommendations

71. I am concerned that the problems encountered by Mr Martin and Mr Taylor may not be isolated instances. The difficulty is that debtors are not in a position to know whether they have been charged correctly, particularly in the absence of clear information. I welcome the Council's new procedures for liaison with the bailiffs. I recommend, however, that the Council ensures that all the bailiffs who act on its behalf supply notifications which specify the amount of the debt being collected, the year in which it accrued, and a breakdown of the bailiffs' charges. I also recommend that the Council considers how it can best monitor the charges made by the bailiffs to ensure that they comply with the regulations. I ask the Council to tell me what it plans to do about both these matters.

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24 July 1997