

# IRRV East Anglian Association

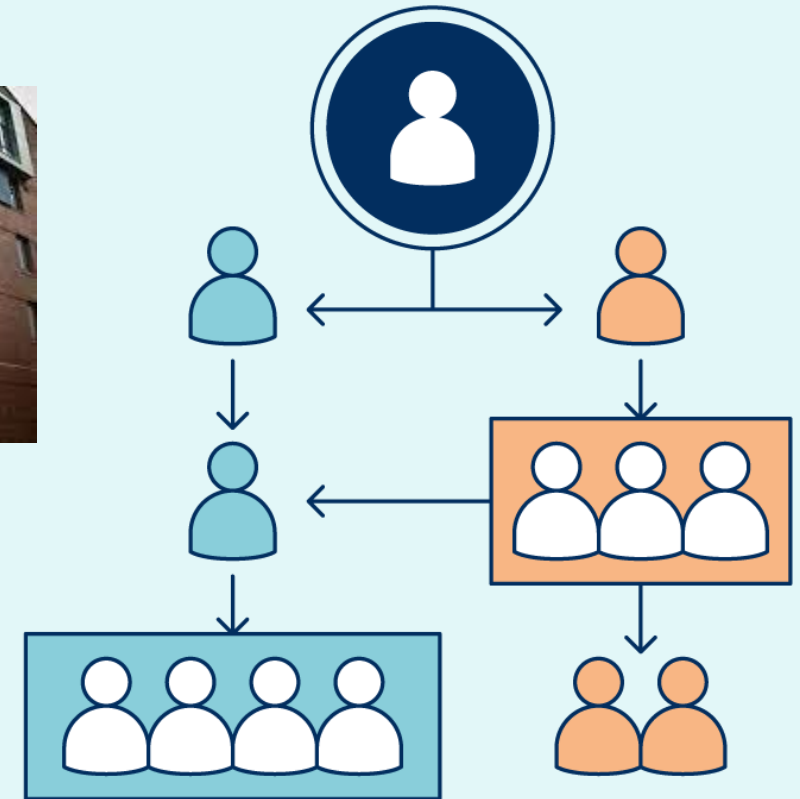
A spotlight on last resort remedies – a walk through some of the post EA enforcement options and some topical issues

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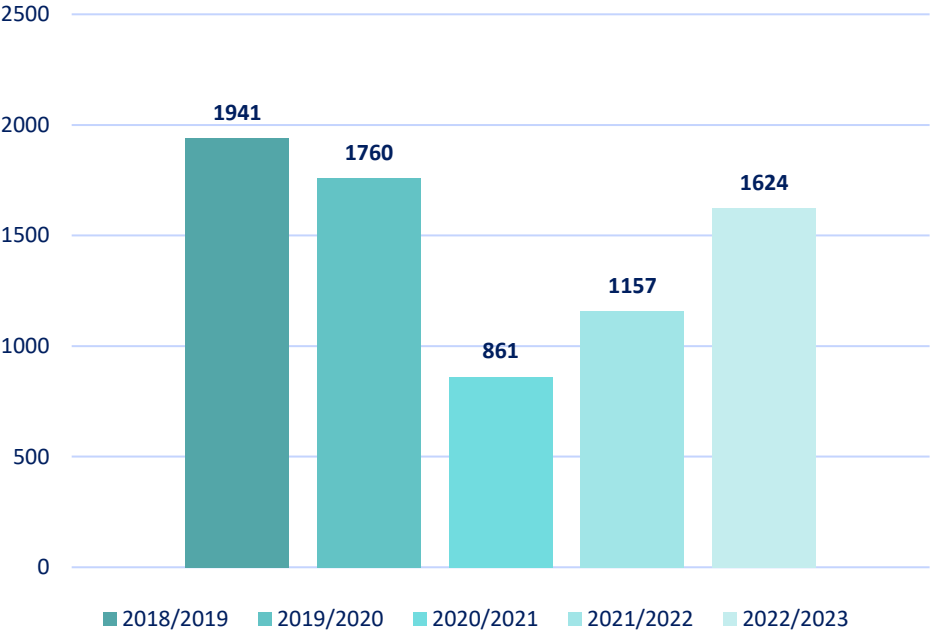
# About Wilkin Chapman LLP

- 400 partners and staff
- 100+ dedicated recoveries team
- 100+ local authority clients
- Unique legal and insolvency solution
- Continually evolving and pre-empting future client issues
- Presence in market – since 2010
  - 27,507 LA instructions (avg. 2,115 p/a)
  - £70,398,887 collected (+ direct + secured + trustee payments)

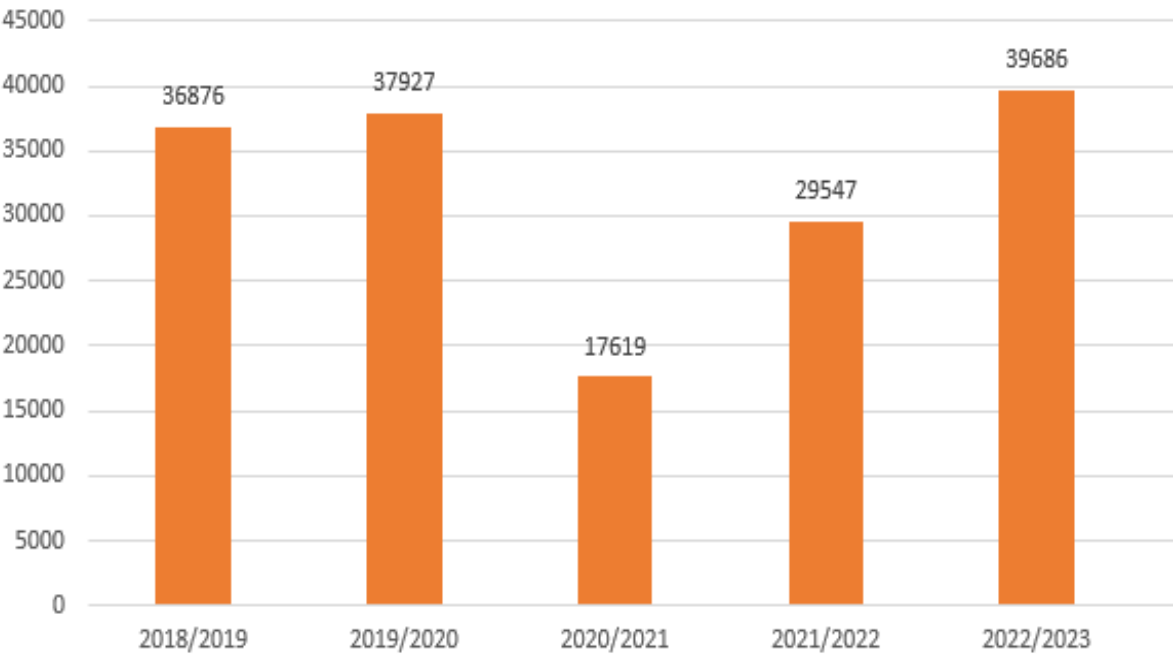


# Instruction trends

Total number of instructions between April 2018 - April 2023

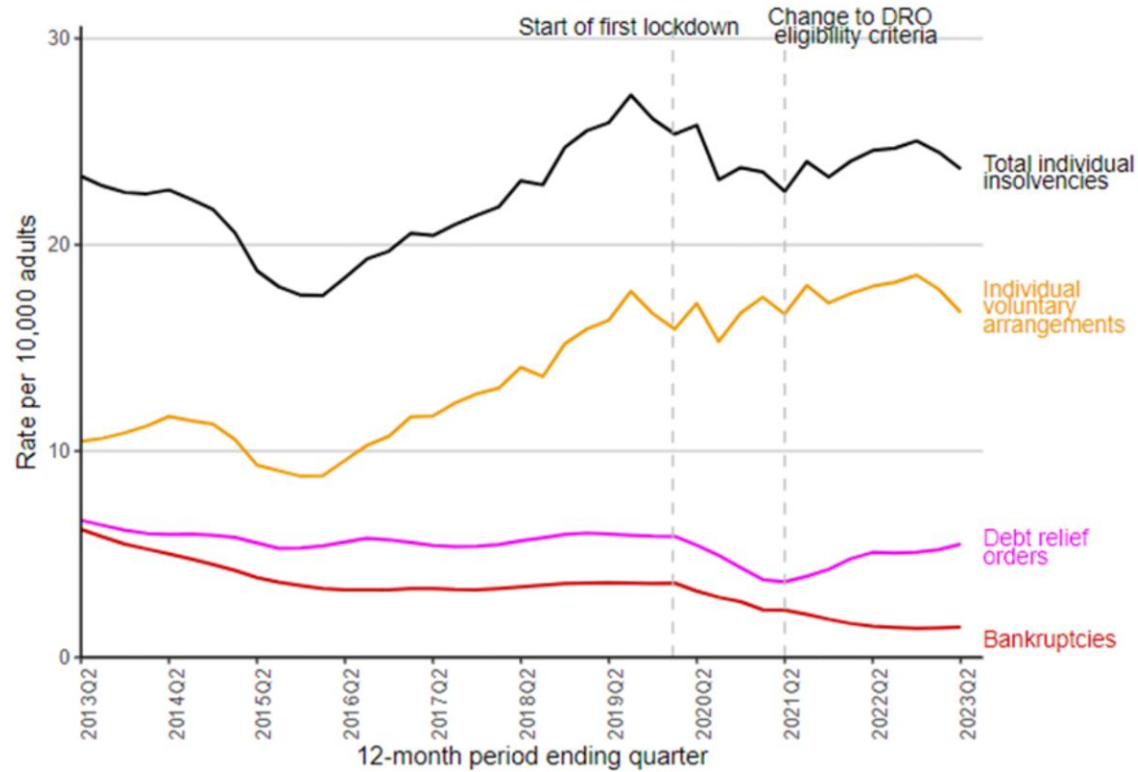


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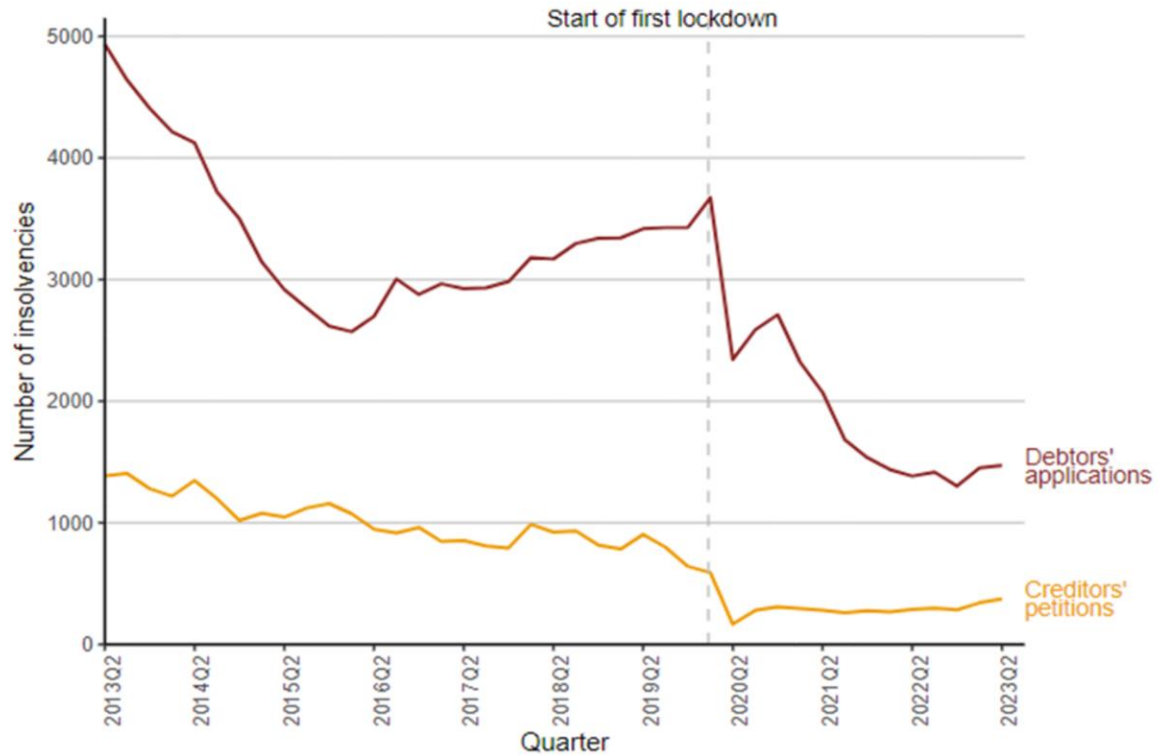
# What is happening out there?

England and Wales, four quarter rolling rate per 10,000 adults, not seasonally adjusted



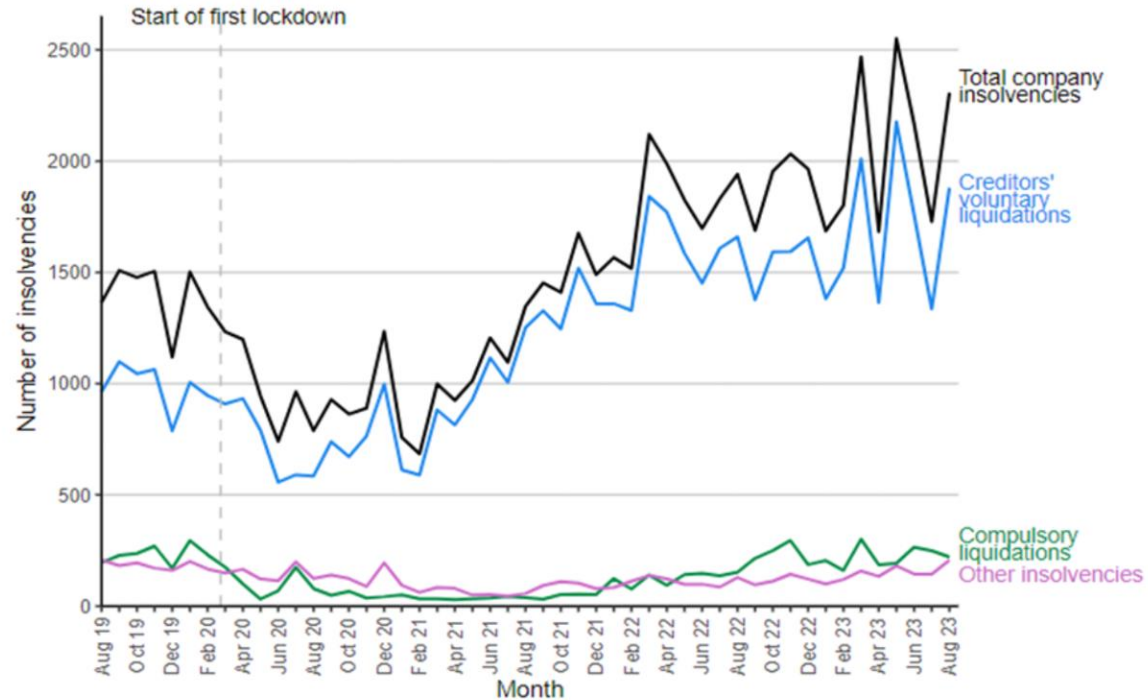
# What is happening out there?

England and Wales, Q2 2013 to Q2 2023, seasonally adjusted



# What is happening out there?

Company insolvencies, England and Wales, August 2019 to August 2023, not seasonally adjusted



# Council tax

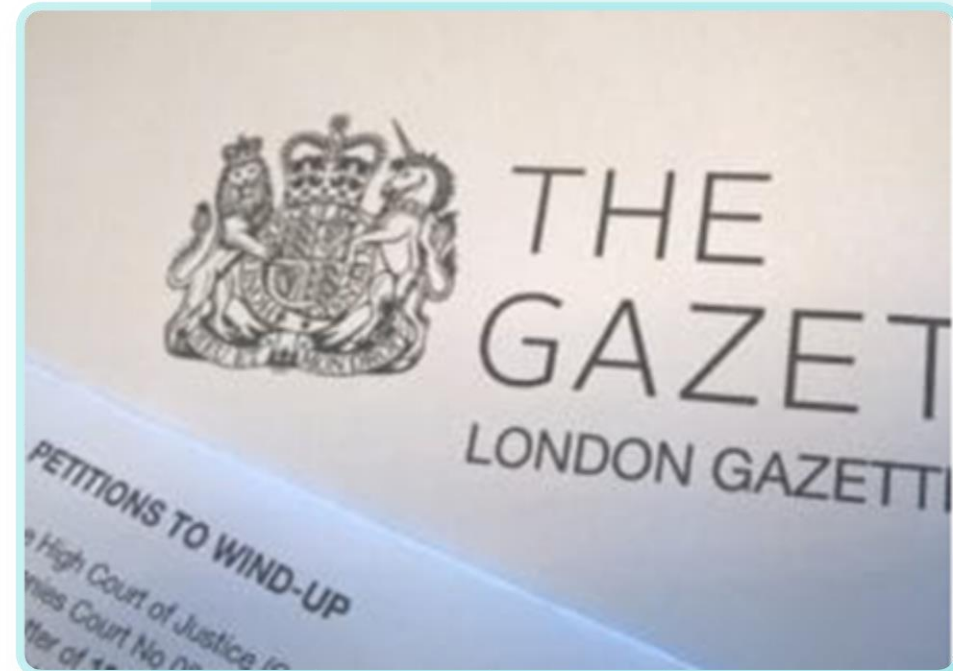
- Committal option now gone in Wales...England to follow....?
- A toothless tiger?
- The challenge of finding those with the means - but what happens if they become untouchable?
- A new “bespoke” way?
- Increased demand re deceased cases





# Business rates

- Activity slower to recover – lacking member “buy in”?
- Winders are back!
- The CCJ route if there is a benefit?
- The right balance – collecting from those with the means/seeking to stop ongoing liability





# Adult social care

- Surge in requests for support through pandemic and beyond
- Typical focus on handful of core case types and soft engagement
- Managing expectations – all or nothing cases



# Sundry debt

- Further increase in requests for support – pure income for council?
- Avoid the scatter gun / money claim online without real strategy
- What comes after the CCJ?
- Other specialist enforcement for certain debt types



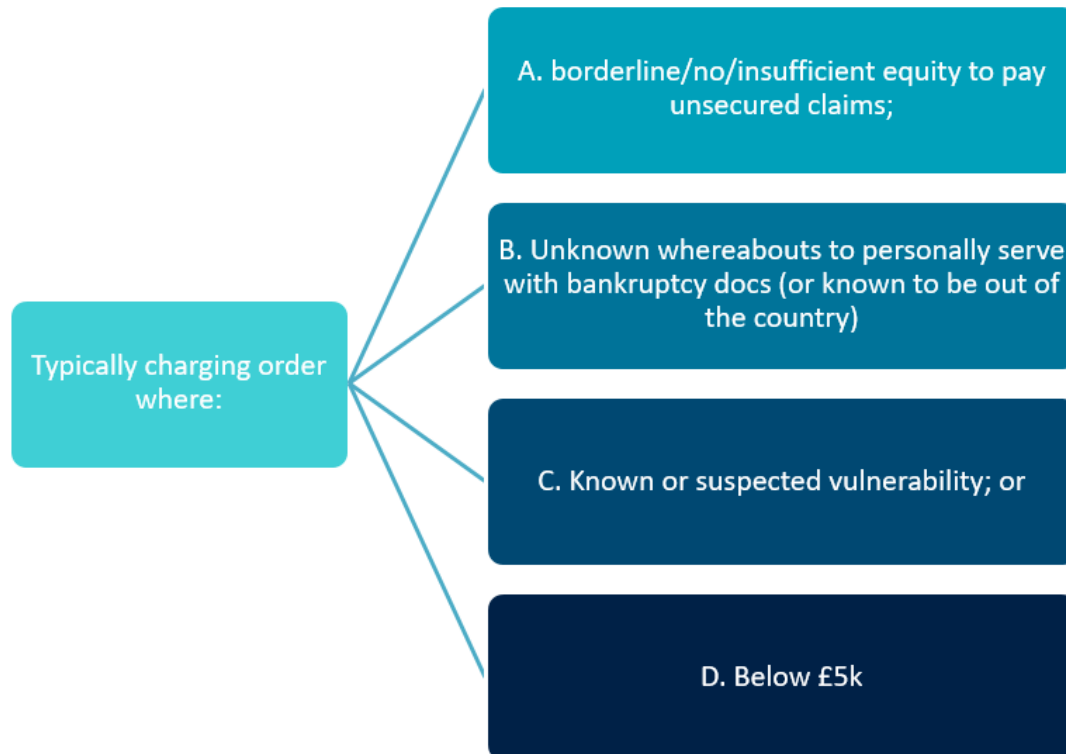
# Last resort remedies

- Charging order – order for sale
- Regs 50 and 51 CT Admin and Enforcement Regs 1992
- Bankruptcy
- Winding up
- Regs 18 NDR Collection and Enforcement Regs 1989
- Reg 49 CT Admin and Enforcement Regs 1992
- plus case law and general “remedy to creditor”
- Reaching the biting point and perception?



# Charging order and order for sale

- £1k – “relevant dwelling”
- Truly secured? Equitable charge v restriction
- Be prepared for an eviction – council policy
- Blight property project
- Typically charging order where:



# Insolvency

- Payment or tactical?
- Research is key – steps to keep LGO happy
  - You have a Recovery policy and you follow it;
  - You record your decision as to why a particular enforcement option has been chosen on a case;
  - For bankruptcy and when enforcing a final charging order by way of an order for sale:
    - a pre legal warning letter sign-posting to debt advice and warning of potential cost exposure;
    - a visit to the debtor as one final attempt to engage and look for any alarm bells (if interacting with them in terms of behaviour and also in respect of living conditions, property appearance etc); and
    - a check with Adult Social Services that the debtor is not known to them.



# Ways to make impact...

- EA returns – cleanse and lettering
- Appropriate use of insolvency
- Order for sale campaign – unlock cash
- Frustrate corporate insolvency cases
- Strategic sundry campaign (inc ASC where applicable)



thank you

Any questions?

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