

Specialist enforcement of Council debts



Paul Bowden
Partner – Recoveries

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solicitors & insolvency practitioners

- Wilkin Chapman LLP – 450 staff cover all aspects of legal work – can assist with any legal or insolvency matter. 140+ strong recoveries team
- Unique “cradle to grave” insolvency offering from pre action equity check to post order administration/dividend - all in one organisation. Drives down potential cost exposure for Council and customer
- And me? Joined firm as a solicitor in 2009 – fighting the corner for creditors since - manage and deliver the “Resolution” service

The areas we work in (Council)

Pre enforcement

- Data “cleansing” – bulk debt review/sort, home owner identification etc;
- Bulk Solicitor’s letters; and
- Issues around contested liability – advices on liability, contested liability order applications, applications to set aside liability orders, case stated, judicial review, representation at Valuation Tribunal, challenging rates avoidance schemes etc

Enforcement

- We regularly take instruction and advise on strategies to address debts which include (but again not limited to):
 - Council tax*;
 - Business rates*;

(*predominantly through insolvency or charging order and order for sale proceedings)

The areas we work in (Council)

- Property related debt – service charge, ground rent, maintenance etc
- Social care debt;
- Commercial/sundry;
- HBOP;
- Tenant arrears; and
- Salary/pension overpayment.
- Advice with scenarios such as foreign company debtors, deceased estates and debtors who are known to be vulnerable.
- Other scenarios outside of the above that come up - work on the basis that we can act on any legal scenario



An update on our numbers

1,500

50%



376

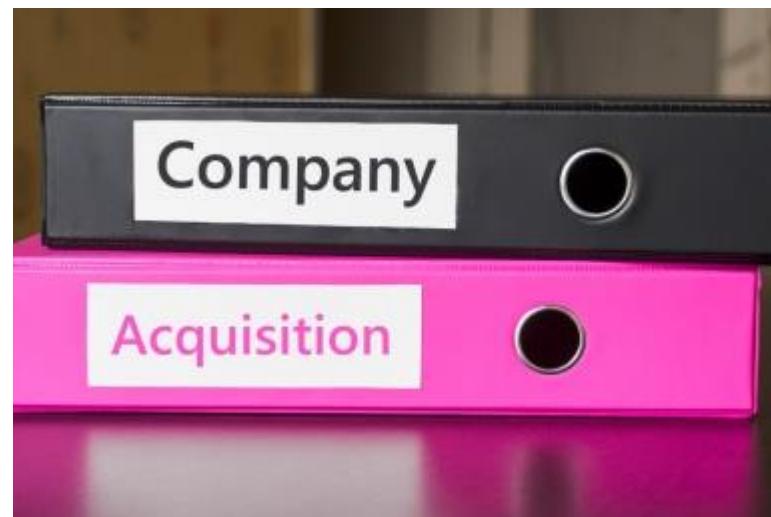


100



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What's new?



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Can't v Won't – what do we see most often?

- Asset rich – cash poor
- Off shore – tax efficient
- The convicted fraudsters
- The vexatious litigants
- The physically aggressive
- The chancers
- The abandoned/problem property
- 14+ prior opportunities?



What makes us different?

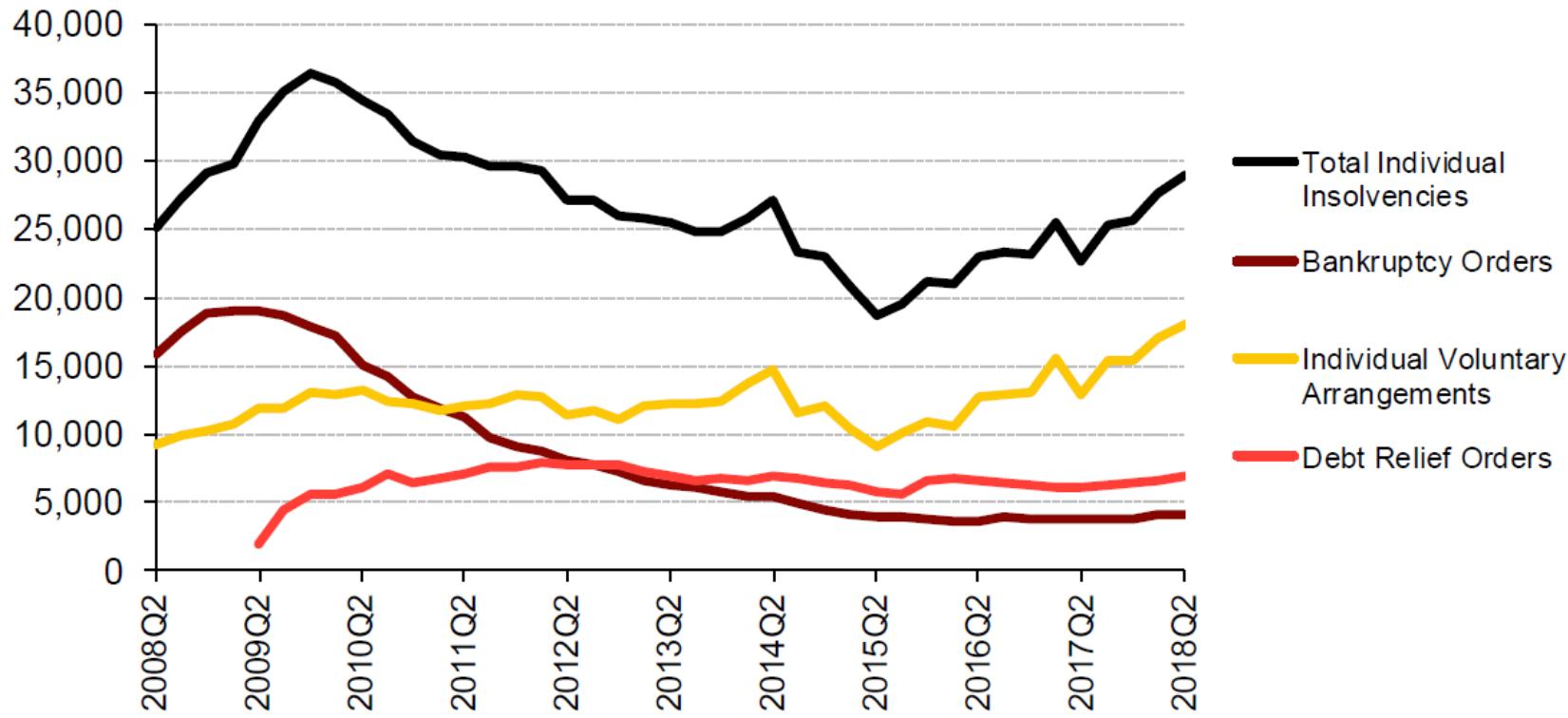


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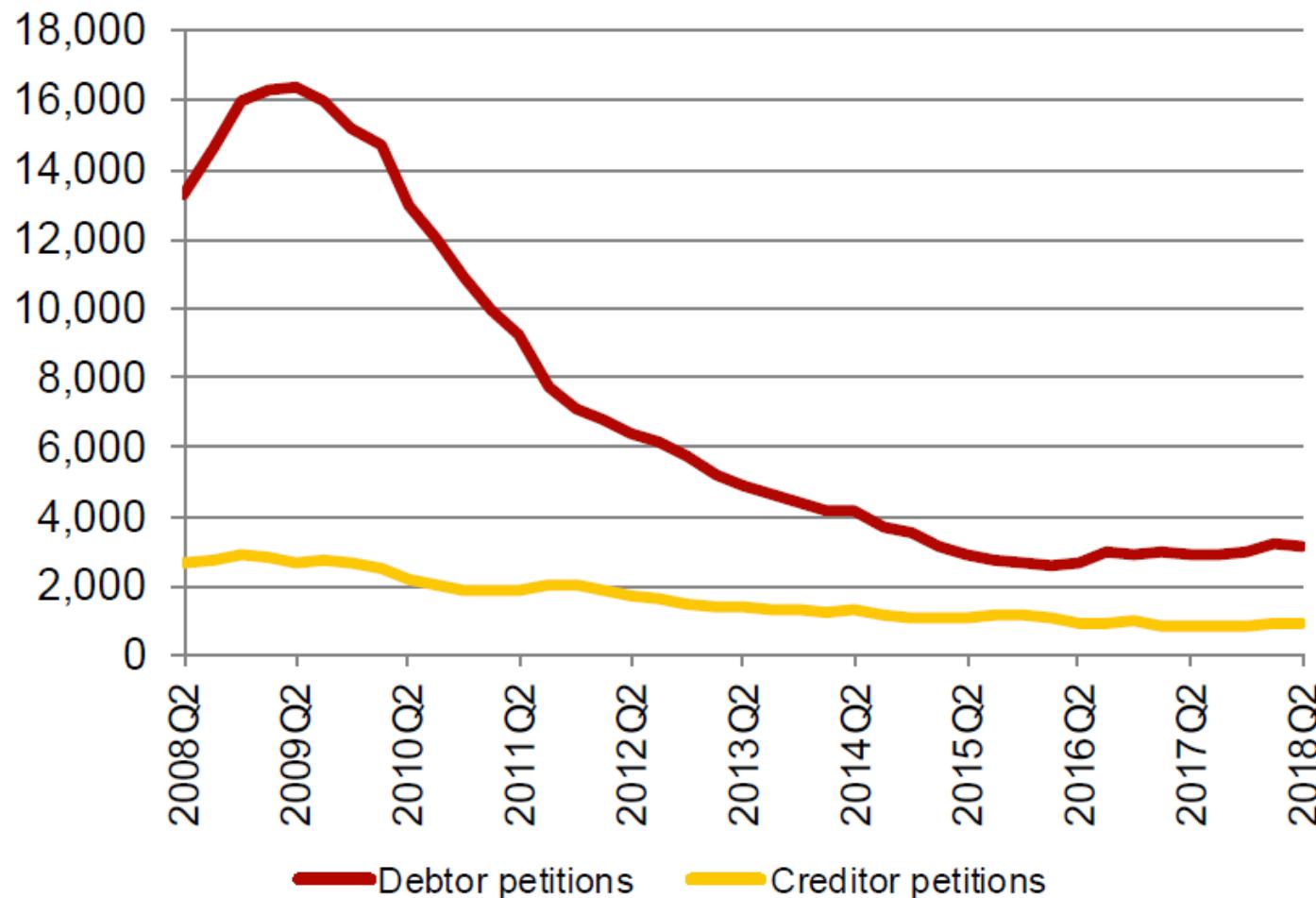
England and Wales overall?

1 in 433 adults insolvent

Figure 2: Individual insolvencies in England and Wales (quarterly data, seasonally adjusted)



Debtor v Creditor Petition



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Getting the balance right...

Will not
Won't



thinking



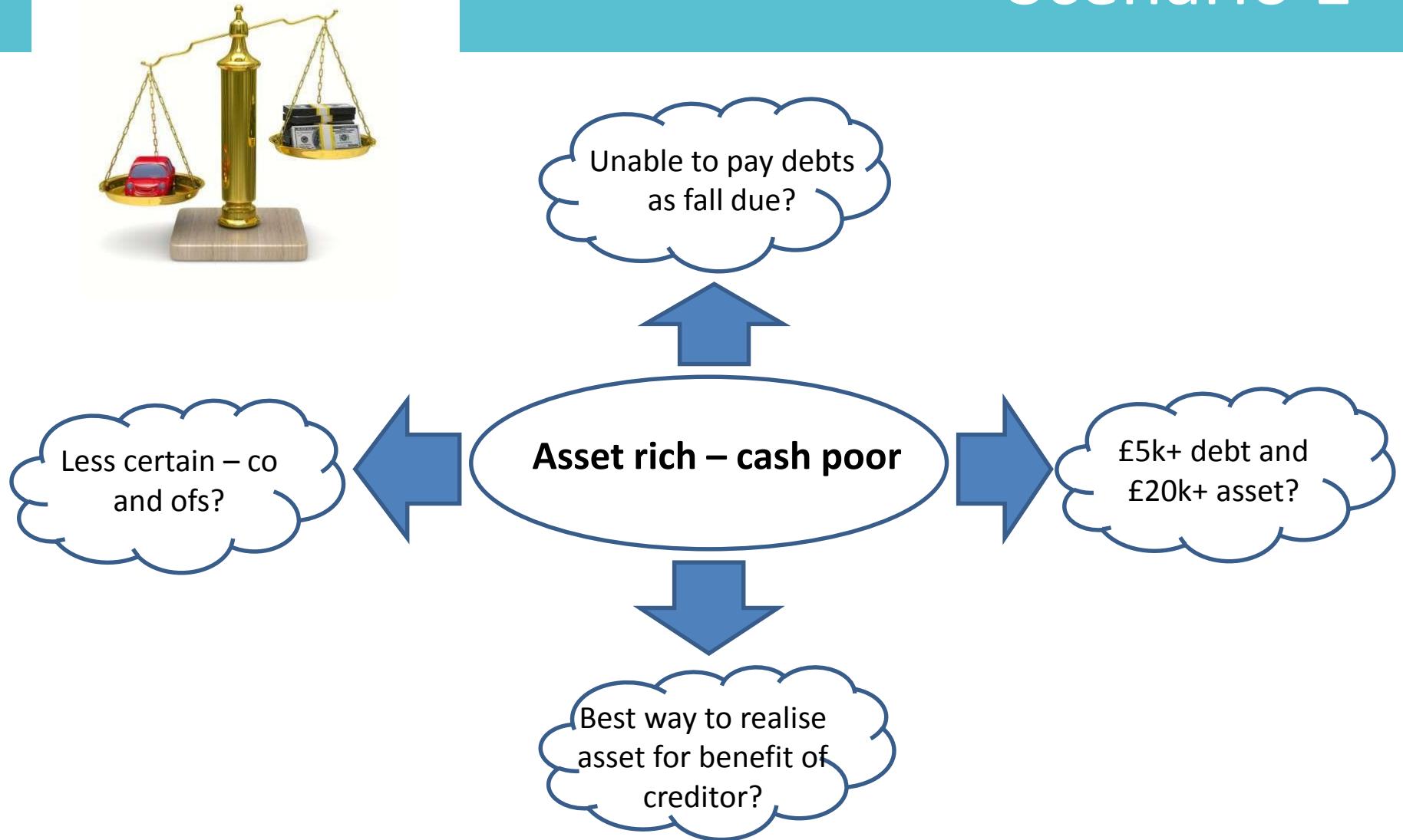
NO
THEY CAN'T



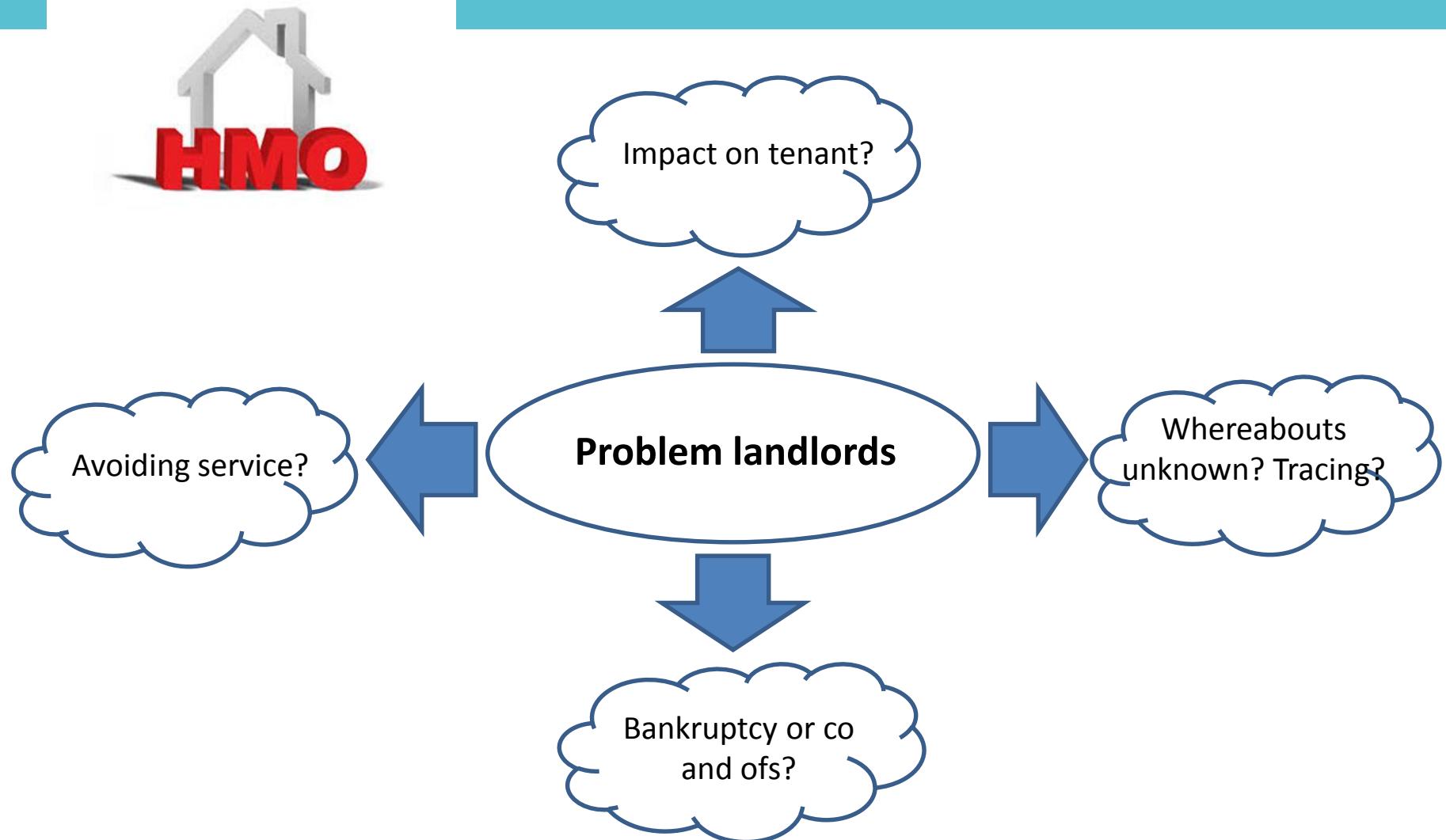
h&f
hammersmith & fulham

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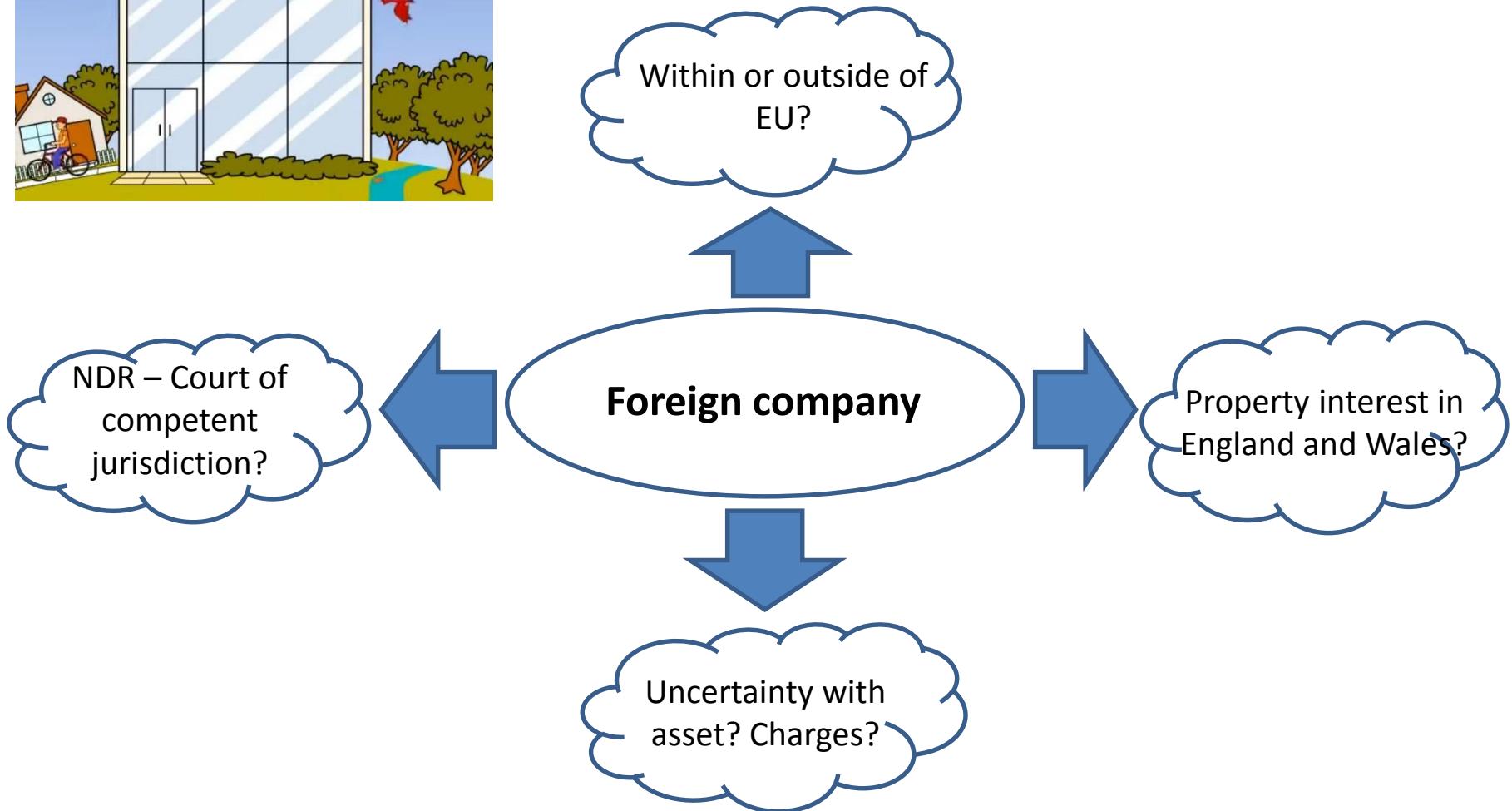
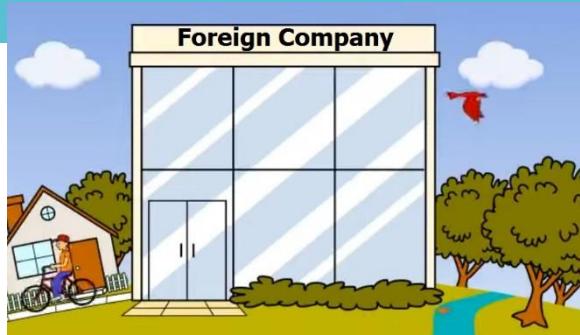
Scenario 1



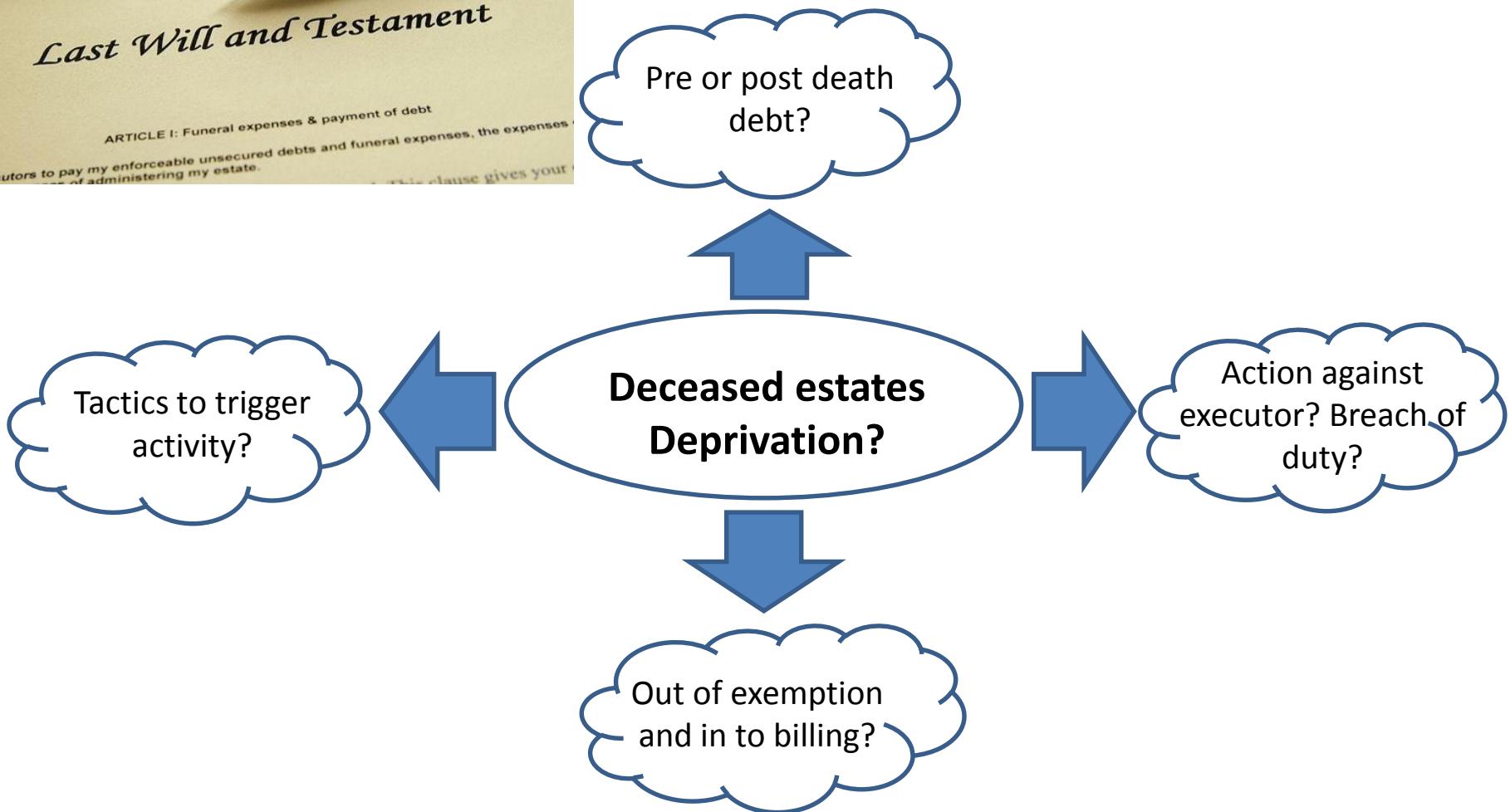
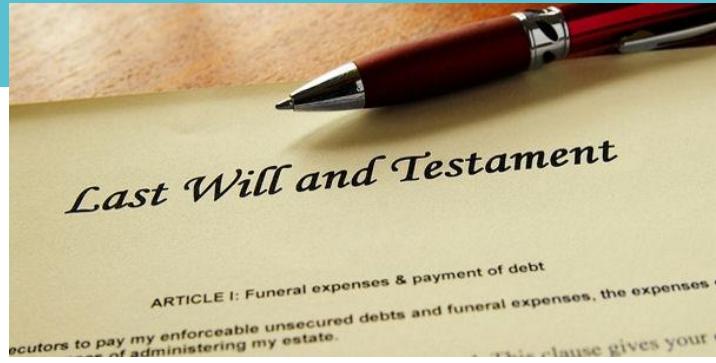
Scenario 2



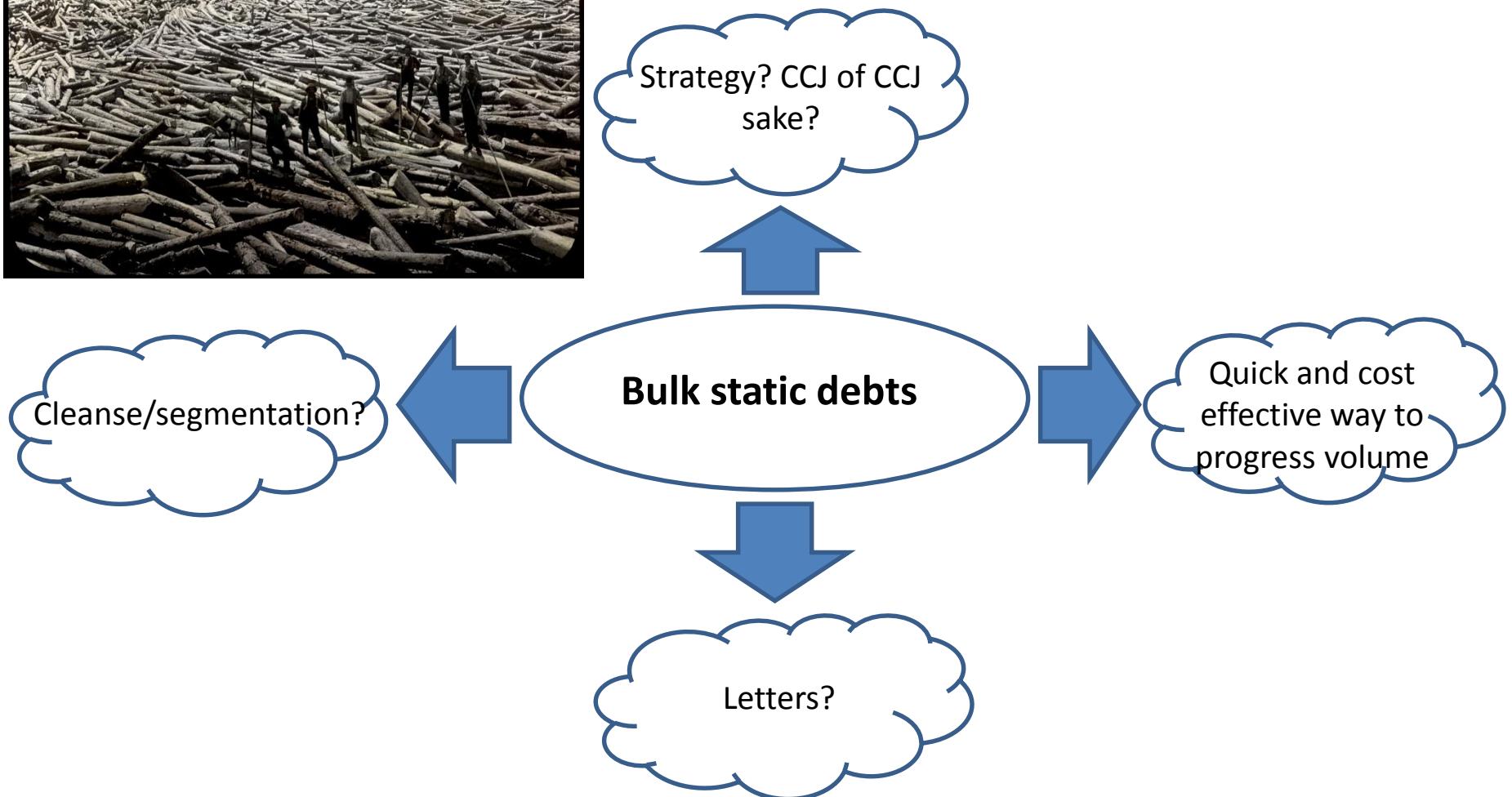
Scenario 3



Scenario 4



Scenario 5



Charging order vs bankruptcy

- Typically charging order where:
 - borderline/no equity/insufficient equity to pay unsecured claims;
 - unknown whereabouts to personally serve bankruptcy (or known to be out of the Country);
 - known/suspected vulnerability; or
 - below £5k
- Otherwise bankruptcy may be more effective for payment sooner
- Restrictive restrictions?

A plea to debt advisors



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Tackling static debt

tackle your static debt

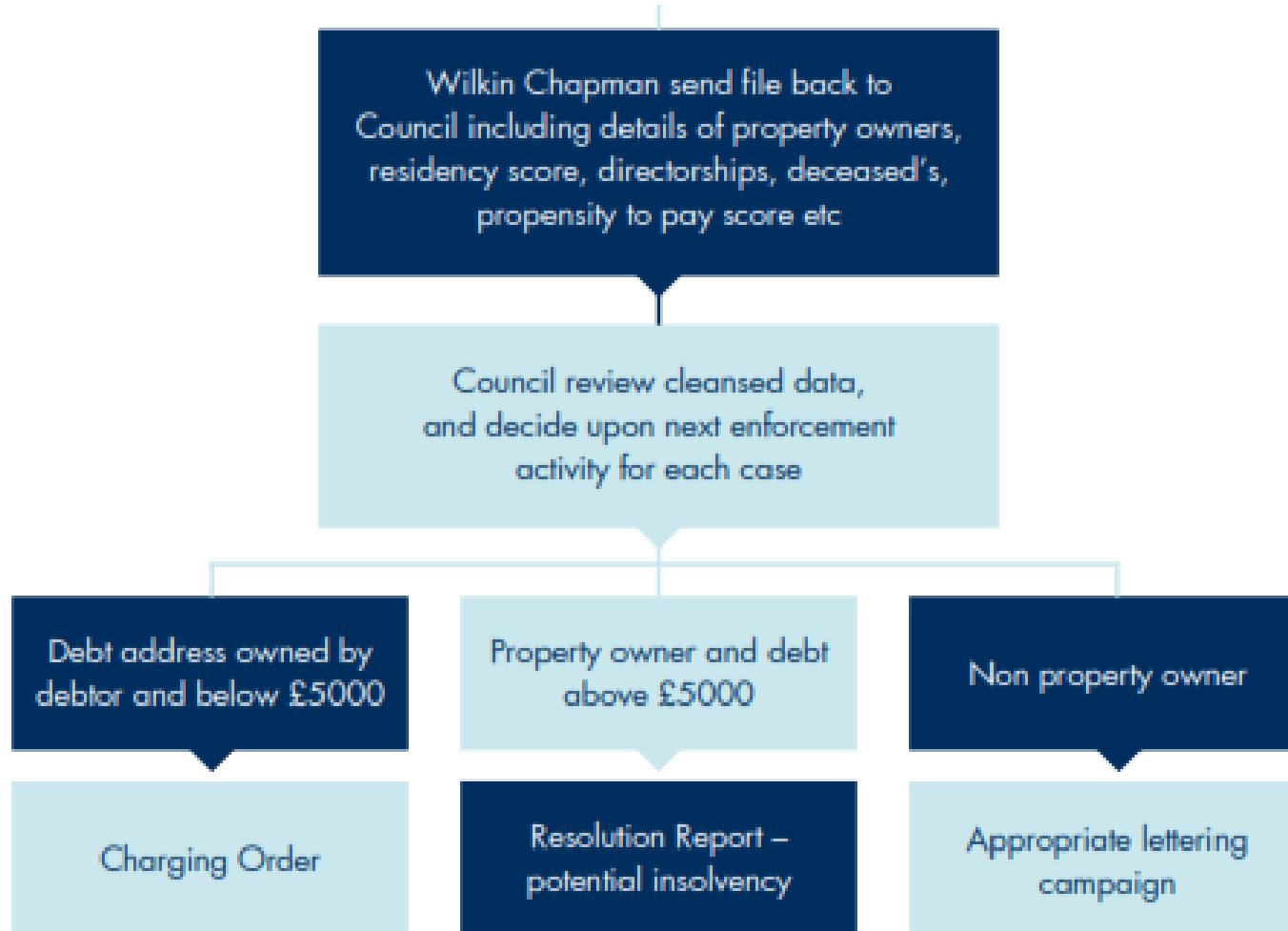
Incoming EA Return/ Bespoke
"Pre Committal" report

Excel file to Wilkin Chapman for
data cleanse, containing names
and addresses of debtors

Wilkin Chapman cleanse data
within 48 hours

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Tackling static debt



Any questions?



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