

# Forest Heath District Council

(This report is a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

## Report of the Portfolio Holder for Resources, Governance and Performance

**CABINET**

**5 MARCH 2013**

**CAB13/074**

### **REVENUES COLLECTION PERFORMANCE AND WRITE-OFFS** (Key Decision Reference: MAR13/06)

#### **1. Summary and reasons for recommendation(s)**

- 1.1 The Revenues Section collects outstanding debts in accordance with either statutory guidelines or Council agreed procedures. When all these procedures have been exhausted the outstanding debt is written off using the delegated authority of the Head of Resources and Performance (for debts up to £2,499.99) or by Cabinet (for debts over £2,500).
- 1.2 The specific reasons for recommending each write off are included in Exempt Appendices 1, 2, and 3.
- 1.3 The Collection Data in respect of Council Tax and National Non Domestic Rates is shown in Section 4 of the report.

#### **2. Recommendation(s)**

- 2.1 **The write off of the amounts detailed in the exempt appendices to this report be approved.**
- 2.2 **In summary, these are:**
  - i. **13 accounts for Council Tax totalling £45,665.27 (exempt Appendix 1)**
  - ii. **18 accounts for Business Rates totalling £101,695.39 (exempt Appendix 2)**
  - iii. **3 Housing Benefit overpayment totalling £13,334.00 (exempt Appendix 3)**

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### **3. Corporate priorities**

- 3.1 The Suffolk Pool for Business Rates will support the corporate priority of being an efficient and efficient Council.

### **4. Key issues**

- 4.1 The Revenues Section collects outstanding debts in accordance with either statutory guidelines or Council agreed procedures.

- 4.2 The total National Non Domestic Rates (NNDR) billed by Anglia Revenues Partnership on behalf of Forest Heath District Council (as the billing Authority) is nearly £22m per annum. Overall the collection rate is around 98.4%.

- 4.3 The total Council Tax billed by Anglia Revenues Partnership on behalf of Forest Heath District Council (includes the County, Police and Parish precept elements) is just over £24m per annum. Overall the collection rate is around 98%.

- 4.4 When all these procedures have been exhausted the outstanding debt is written off using the delegated authority of the Head of Resources and Performance for debts up to £2,499.99 or by Cabinet for debts over £2,500.00

- 4.5 It is best practice to monitor the recovery procedures for outstanding debts regularly and, when appropriate, write off irrecoverable debts.

- 4.6 Provision for irrecoverable debts is included both in the Collection Fund and the General Fund and writing off debts that are known to be irrecoverable ensures that staff are focussed on achieving good collection levels in respect of the recoverable debt.

### **Housing Benefit Overpayments**

- 4.4 Where an overpayment of Housing Benefit has occurred as a result of an error made by the local authority, it may be recovered if the authority can show that the recipient of the overpayment could reasonably have been expected to know that they had been overpaid at the time the overpayment was made.

- 4.5 Officers consider that in the attached write-off case, the claimant would not have been aware of the overpayment at the time the payments were made and that the overpayments should therefore be written off.

### **5. Other options considered**

- 5.1 The Council has appointed a firm of bailiffs to assist in the collection of business rates and Council Tax and also has on line tracing facilities. It is not considered appropriate to pass the debts on to another agency.

- 5.2 In terms of overpayment of Housing Benefits, the only other option is to attempt to recover the overpayments from the claimants, which could have included involving the full appeal rights contained within benefits administration law. Officers consider that on balance, if the cases were heard by the Appeals Tribunal, the authority would lose the appeals.

5.3 It should be noted that in the event that a written-off debt become recoverable, the amount is written back on, and enforcement procedures are re-established. This might happen, for example, if someone has gone away with no trace, and then they are unexpectedly 'found' again, through whatever route.

## **6. Community impact**

6.1 The application of predetermined recovery procedures ensures that everybody is treated consistently.

6.2 Failure to collect any debt impacts on either the levels of service provision or the levels of charges. All available remedies are used to recover the debt before write off is considered.

6.3 The provision of services by the Council applies to everyone in the area.

## **7. Consultation** (*what consultation has been undertaken, and what were the outcomes?*)

7.1 Joint Leadership Team and the Portfolio Holder for Resources, Governance and Performance have been consulted with on the proposed write offs.

## **8. Financial and resource implications** (*including asset management implications*)

8.1 Provision is made in the accounts for non recovery but the total amounts to be written off are as follows with full details shown in Exempt Appendices 1, 2 and 3.

### **8.2 Council Tax Proposed Write Offs**

<b>Year</b>	<b>Amounts proposed for write off</b>
Pre2005	£4,988.30
2005/06	£4,039.96
2006/07	£4,017.51
2007/08	£4,415.81
2008/09	£6,068.41
2009/10	£7,646.30
2010/11	£6,946.52
2011/12	£6,054.06
2012/13	£1,488.40

### 8.3 Non Domestic Rates Proposed Write Offs

Year	Amounts for write off
Pre 2005	£0.00
2005/06	£0.00
2006/07	£0.00
2007/08	£7,264.38
2008/09	£13,016.83
2009/10	£23,325.40
2010/11	£11,690.59
2011/12	£29,367.71
2012/13	£17,030.48

### 9. Risk/opportunity assessment (potential hazards or opportunities affecting corporate, service or project objectives)

9.1 This has been identified as a low risk as there are resources allocated to meet items as detailed.

Risk area	Inherent level of Risk (before controls)	Controls	Residual Risk (after controls)
Debts are written off which could have been collected.	Medium	Extensive recovery procedures are in place to ensure that all possible mechanisms are exhausted before a debt is written off.	Low

### 10. Legal and policy implications

10.1 The recovery procedures followed have been previously agreed; writing off uncollectable debt allows staff to focus recovery action on debt which is recoverable.

### 11. Ward(s) affected

11.1 All wards will be affected.

### 12. Background papers

12.1 None.

### 13. Documents attached

13.1 Appendices 1, 2 and 3 (**Exempt under Paragraphs 1 & 7**)