

West Devon Borough Council

NAME OF COMMITTEE	HUB
DATE	14th July 2015
REPORT TITLE	Write Off Report
REPORT OF	Section 151 Officer Case Management Manager
WARDS AFFECTED	All

Summary of report:

The Council is responsible for the collection of: Sundry Debts including Housing Benefit Overpayments, Council Tax and National Non-Domestic Rates.

The report informs members of the debt written off for these revenue streams. Debts up to the value of £5,000 being written off by the s151 Officer, under delegated authority. Permission needs to be sought from the Committee to write off individual debts with a value of more than £5,000.

This report covers the period 1st January 2015 to 31st March 2015

Financial implications:

West Devon Borough Council debts totalling £80,334.32 to be written-off.

RECOMMENDATIONS:

The Committee notes that, in accordance with Financial Regulations, the s151 Officer has authorised the write-off of individual West Devon Borough Council debts totalling £39,381.74 as detailed in Tables 1 and 2.

The Committee approves the write off of individual debts in excess of £5,000 as detailed in Table 3.

Officer contact: *Lisa Buckle: Tel ext no.3644 e-mail lisa.buckle@swdevon.gov.uk
Kate Hamp: Tel no. 01803 861104 e-mail kate.hamp@swdevon.gov.uk*

1. BACKGROUND

The Council's sound financial management arrangements underpin delivery of all the Councils priorities, including the commitment to providing value for money services.

This report forms part of the formal debt write-off procedures included in these financial arrangements.

West Devon Borough Council's collection rates for 2013/14 were; Council Tax 97.7% & Business Rates 99.2%

2. ISSUES FOR CONSIDERATION

In accordance with good financial management principles the Council has, for the revenue streams detailed in this report, made a total bad debt provision of £1,116,512. This provision recognises that a proportion of the Authority's debts will prove irrecoverable and ensures that the value of debtors within the Authority's accounts is a fair reflection of the amount that will eventually be recovered. The total collectable debt for Council Tax is £32.7 million and for Business Rates is £10.9 million.

All debts, taxes and rates within the Service's control are actively pursued, and in most instances are collected with little difficulty. In cases where payment is not received on time, a reminder will be issued promptly to the debtor. If this fails to secure payment, a final reminder and/or a summons will also be issued and if necessary the debt passed to an appropriate collection agent such as the Civil Enforcement Agents or the Council's Legal Department in order to secure payment.

Sometimes however if the debtor is having difficulty making the payment, special arrangements are used to effect recovery, and this may mean extending the period of time to collect the debt.

In some cases pursuit of an outstanding debt is not possible for a variety of reasons, such as bankruptcy or liquidation and such cases with arrears under £5,000 are written off by the Section 151 Officer under delegated authority. Cases where the debt exceeds £5,000 must, however, be approved by the Committee prior to the debt being written off.

A record is kept of debts written off, together with the reason for doing so, so that if there is a realistic chance of recovery in the future a debt may be resurrected and pursued again.

The Service has access to Experian's Citizenview database which is currently the most reliable means of tracing absconded debtors. Each case is checked against this system before a decision is taken to write off the debt. A periodic review of write offs against this system may also be carried out to resurrect debts where appropriate.

3. LEGAL IMPLICATIONS

The relevant powers for this report are contained within the following legislation;

Section 151 Local Government Act 1972

Section 44 Local Government Finance Act 1988 (Non Domestic Rate)

Section 14 Local Government Finance Act 1992 (Council Tax)

4. FINANCIAL IMPLICATIONS

West Devon Borough Council debts totalling £80,334.32 to be written-off.

5. OTHER CONSIDERATIONS

Corporate priorities engaged:	Economy Homes Community Life
Statutory powers:	Section 151 Local Government Act 1972 Section 44 Local Government Finance Act 1988 (Non Domestic Rate) Section 14 Local Government Finance Act 1992 (Council Tax)
Considerations of equality and human rights:	All enforcement action that is taken prior to this point is undertaken in accordance with legislation and accepted procedures to ensure no discrimination takes place
Biodiversity considerations:	None
Sustainability considerations:	A bad debt provision is built into the financial management of the Authority
Crime and disorder implications:	None
Background papers:	None
Appendices attached:	Tables 1, 2 & 3

RISK MANAGEMENT

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Reputation	Any risk to reputation is managed carefully by prompt recovery of amounts due wherever possible.	3	2	6	↓	This risk is also mitigated by taking a balanced view and ensuring that resources are not expended on debts which are not cost effective to pursue	Case Management Manager
2	Write Off	The obvious risk of debtors subsequently being able to pay a debt which has been written off is mitigated by the activity outlined in issues for consideration.	2	1	2	↔	Any individual debt exceeding £5,000 is referred to members for consideration prior to write-off which accords with Financial regulations.	S151 Officer

Direction of travel symbols ↓ ↑ ↔

TABLE 1 SUMMARY OF WEST DEVON BOROUGH COUNCIL DEBT UNDER £5,000 WRITTEN OFF BY THE S151 OFFICER

TYPE OF DEBT	NUMBER OF CASES	REASON FOR W/OFF	Financial Year 2014/15			Totals for Comparison purposes			
			Quarter 4	Cumulative Total		Equivalent Quarter 2013/14		Grand Total 2013/14	
			Amount (£)	Cases	Amount	Cases	Amount	Cases	Amount
HOUSING BENEFIT	61	Overpaid Entitlement	18,916.68	107	47,706.29	14	8,673.22	79	38,752.41
COUNCIL TAX BENEFIT	1	Bankruptcy/DRO/IVA/CVA etc	1,835.63	5	6,617.23	2	629.42	4	3,048.66
	-	Deceased	-	1	755.04	3	3,586.37	7	4,657.69
	-	Other	-	-	-	-	-	-	-
	3	Absconded	3,080.85	14	15,213.17	1	942.83	3	1,190.58
	1	Not Cost Effective to Pursue	158.60	27	2,263.49	1	8.97	2	14.72
	-	Uncollectable Old Debt	-	10	4,922.65	-	-	3	651.90
Total	66		23,991.76	164	77,477.87	21	13,840.81	98	48,315.96
COUNCIL TAX	15	Absconded	5,286.50	70	19,555.90	20	7,283.76	69	12,957.87
	6	Bankruptcy/DRO/IVA/CVA etc	2,118.97	36	33,436.79	1	203.00	12	13,044.53
	6	Deceased	1,620.92	11	2,725.90	3	1,191.12	9	2,279.01
	1	Other	425.39	11	3,414.68	3	403.98	9	3,748.14
	120	Small Balance	5,525.81	198	7,030.35	2	49.24	56	1,356.41
	-	Uncollectable Old Debt	-	-	-	-	-	-	-
	-	Administration	-	1	1,108.21	-	-	-	-
Total	148		14,977.59	327	67,271.83	29	9,131.10	155	33,385.96
SUNDRY DEBTS	3	Small Balance	80.41	5	80.49	-	-	1	0.30
	-	Bankrupt/DRO/IVA/CVA etc	-	-	-	-	-	-	-
	1	Not Cost Effective to Pursue	151.98	2	191.98	-	-	1	72.07
	-	Uncollectable Old Debt	-	1	435.00	-	-	-	-
	1	Absconded	180.00	1	180.00	2	186.72	4	436.72
	-	Other	-	-	-	1	309.00	1	309.00
Total	5		412.39	9	887.47	3	495.72	7	818.09
Grand Total	219		39,381.74	500	145,637.17	53	23,467.63	260	82,520.01

**Breakdown of Absconded Council Tax Debt
(Some cases have debts over more than one year)**

Year	2014/15	2013/14	2012/13	2011/12	2010/11	2009/10	2008/09	2007/08	2006/07	2005/06	Pre 2005/06	Total
Value	230.07	97.10	946.85	666.06	1,251.28	560.81	901.40	-	601.79	-	31.14	5,286.50
Number	5	1	3	4	3	2	4	-	1	-	1	24

TABLE 2 SUMMARY OF NON DOMESTIC RATE DEBT UNDER £5,000 WRITTEN OFF BY THE S151 OFFICER

TYPE OF DEBT	NUMBER OF CASES	REASON FOR W/OFF	Financial Year 2014/15			Totals for Comparison purposes			
			Quarter 4		Cumulative Total	Equivalent Quarter 2013/14		Grand Total 2013/14	
			Amount (£)	Cases		Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	-	Bankruptcy/DRO/IVA/CVA etc	-	1	282.83	1	201.79	4	942.56
	-	Absconded	-	1	464.29	1	1,672.08	8	7,580.30
	-	Deceased	-	3	3,629.93	-	-	2	2,728.83
	-	Liquidation	-	5	6,472.58	5	6967.54	14	15,382.97
	-	Other	-	4	1,925.76	-	-	4	1,171.37
	-	Small Balance	-	-	-	-	-	1	5.43
	-	Uncollectable Old Debt	-	2	1,009.40	-	-	1	1,031.14
	-	Administrative Receivership	-	4	3,914.33	-	-	2	6,252.88
Total	-		-	20	17,699.12	7	8,841.41	36	35,095.48

TABLE 3 SUMMARY OF ITEMS OVER £5000 WHERE PERMISSION TO WRITE OFF IS REQUESTED

TYPE OF DEBT	NUMBER OF CASES	REASON FOR W/OFF	Financial Year 2014/15			Totals for Comparison purposes			
			Quarter 4		Cumulative Total	Equivalent Quarter 2013/14		Grand Total 2013/14	
			Amount (£)	Cases		Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	-	Liquidation	-	1	18,128.27	2	20,312.20	2	20,312.20
	-	Administrative Receivership	-	-	-	1	18,570.21	1	18,570.21
	-	Absconded	-	-	-	-	-	-	-
	1	Bankruptcy/DRO/IVA/CVA etc	15,464.00	4	46,810.48	-	-	-	-
	-	Deceased	-	1	15,851.37	-	-	-	-
	-	Other	-	1	8,715.95	-	-	-	-
Total	1		15,464.00	7	89,506.07	3	38,882.41	3	38,882.41
HOUSING BENEFIT	1	Bankruptcy/DRO/IVA/CVA etc	19,443.12	1	19,443.12	-	-	-	-
	1	Overpaid Entitlement	6,045.46	1	6,045.46	-	-	-	-
Total	2		25,488.58	2	25,488.58	-	-	-	-
COUNCIL TAX	-	Bankruptcy	-	-	-	1	15,940.10	1	15,940.10
	-	Absconded	-	1	5,265.60	-	-	-	-
Total	-		-	1	5,265.60	1	15,940.10	1	15,940.10
Grand Total	3		40,952.58	10	120,260.25	4	54,822.51	4	54,822.51