

Report to: **Executive**

Date: **10 March 2016**

Title: **Write Off Report**

Portfolio Area: **Support Services**

Wards Affected: **All**

Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y / N**

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**Recommendations:**

The Executive notes that, in accordance with Financial Regulations, the s151 Officer has authorised the write-off of individual South Hams District Council debts totalling £33,524.52 as detailed in Tables 1 and 2.

The Executive approves the write off of individual debts in excess of £5,000 totalling £5,566.63, as detailed in Table 3.

**1. Executive summary**

The Council is responsible for the collection of: Housing Rents, 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 Executive to write off individual debts with a value of more than £5,000.

This report covers the period 1<sup>st</sup> October 2015 to 31<sup>st</sup> December 2015.

## **2. Background**

The Council's sound financial management arrangements underpin delivery of all the Council's 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.

South Hams District Council's collection rates for 2014/15 were; Council Tax 98.3% & Business Rates 98.6%.

In the third quarter of 2015/16 the Council has collected £17,120,705 in Council Tax and £8,674,895 in Business Rates. The total collectable debt for 2015/16 (as at 31<sup>st</sup> December) for Council Tax is £60.1 million and for Business Rates is £32.0 million.

Debts are recovered in accordance with the Council's Recovery Policy which is published on our website.

## **3. Outcomes/outputs**

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 £1,839,105. 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.

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 Executive 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 Citizenvue 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.

#### 4. Options available and consideration of risk

#### 5. Proposed Way Forward

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

#### 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		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)
Financial		South Hams District Council debts totalling £39,091.15 to be written-off
Risk	Reputation    Write Off	Any risk to reputation is managed carefully by prompt recovery of amounts due wherever possible.  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  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.  Any individual debt exceeding £5,000 is referred to members for consideration prior to write-off which accords with Financial regulations.

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Comprehensive Impact Assessment Implications		
Equality and Diversity		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.
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		A bad debt provision is built into the financial management of the Authority

## **Supporting Information**

### **Appendices:**

Table 1 – Council debt under £5,000 written off by the Section 151 Officer

Table 2 – Non-Domestic Rate debt under £5,000 written off by the Section 151 Officer

Table 3 – Summary of items over £5,000 where permission to write off is requested

Table 4 – National & Local Collection Statistics re 2014 / 15 Collection Rates

Table 5 – Quarterly income in 2014 / 15 relating to all years

Table 6 – Previous Year Write Off Totals

### **Background Papers:**

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)

Recovery Policy

## **Approval and clearance of report**

<b>Process checklist</b>	<b>Completed</b>
Portfolio Holder briefed	<b>Yes</b>
SLT Rep briefed	<b>Yes</b>
Relevant Exec Director sign off (draft)	<b>Yes</b>
Data protection issues considered	<b>Yes</b>

If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)

**Not Applicable**

**TABLE 1 SUMMARY OF SOUTH HAMS DISTRICT COUNCIL DEBT UNDER £5,000 WRITTEN OFF BY S151 OFFICER**

TYPE OF DEBT	NUMBER OF CASES		No of people / business	REASON FOR W/OFF	Financial Year 2015/16			Totals for Comparison purposes			
	<£1000	>£1000			Quarter 3	Cumulative Total		Equivalent Quarter 2014/15		Grand Total 2014/15	
					Amount (£)	Cases	Amount	Cases	Amount	Cases	Amount
<b>HOUSING BENEFIT</b>	16	1		Overpaid Entitlement	5,660.69	59	25,147.29	20	9,163.41	187	65,344.60
	4	-		Bankruptcy	2,025.51	13	13,378.16	2	2,037.22	9	11,262.30
	-	-		Absconded	-	8	9,427.10	2	4,443.08	14	7,929.70
	-	-		Deceased	-	1	93.24	1	94.46	5	1,408.36
	4	1		Not cost effective to pursue	1,592.23	19	1,679.53	3	5.69	18	63.92
	-	-		Uncollectable old debt	-	20	6,980.14	8	1,338.63	49	16,129.65
Total	24	2			9,278.43	120	56,705.46	36	17,082.49	282	102,138.53
<b>COUNCIL TAX</b>	6	1		Absconded	4,538.41	20	7,650.70	11	3,196.56	72	23,674.01
	-	-		Administrative Receivership	-	1	2,094.70	-	-	-	-
	9	2		Bankruptcy	9,098.19	42	27,737.68	8	5,854.56	56	39,476.74
	2	-		Deceased	239.28	4	353.56	1	30.84	6	1,702.61
	4	-		Small balance	57.01	9	88.52	65	965.78	323	11,790.33
	2	-		Other	534.13	10	11,269.67	3	7,630.65	15	13,666.11
	-	-		Uncollectable old debt	-	5	4,449.43	1	103.88	9	2,812.75
	-	-		Voluntary Bankruptcy	-	-	-	-	-	8	4,804.75
Total	23	3			14,467.02	91	53,644.26	89	17,782.27	489	97,927.30
<b>SUNDRY DEBTS</b>	-	-		Absconded	-	-	-	-	-	15	1,415.89
	-	-		Bankruptcy/DRO/IVA/CVA	-	-	-	-	-	11	1,299.62
	-	-		Not cost effective to pursue	-	-	-	-	-	5	639.10
	-	-		Other	-	-	-	-	-	35	3,086.39
	-	-		Administrative Receivership	-	-	-	-	-	8	105.49
	1	-		Small balance	9.03	1	9.03	-	-	35	38.14
Total	1	-			9.03	1	9.03	-	-	109	6,584.63
<b>HOUSING RENTS</b>	-	-		Bankrupt	-	-	-	-	-	-	-
	-	-		Not cost effective to pursue	-	-	-	-	-	18	1,053.65
	-	-		Absconded	-	-	-	-	-	2	921.75
	-	-		Uncollectable old debt	-	-	-	-	-	1	1,061.98
	-	-		Other	-	-	-	-	-	1	76.00
	-	-		Deceased	-	-	-	-	-	-	-
Total	-	-			-	-	-	-	-	22	3,113.38
<b>Grand Total</b>	<b>48</b>	<b>5</b>			<b>23,754.48</b>	<b>212</b>	<b>110,358.75</b>	<b>125</b>	<b>34,864.76</b>	<b>902</b>	<b>209,763.84</b>

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

TYPE OF DEBT	NUMBER OF CASES		No of people / business	REASON FOR W/OFF	Financial Year 2015/16			Totals for Comparison purposes			
	<£1000	>£1000			Quarter 3	Cumulative Total		Equivalent Quarter 2014/15		Grand Total 2014/15	
					Amount (£)	Cases	Amount	Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	-	-		Absconded	-	3	1,019.77	1	119.61	8	6,123.27
	-	1		Administrative Receivership	1,042.00	1	1,042.00	1	1,672.50	4	11,031.06
	-	1		Liquidation	1,726.37	13	24,521.04	1	3,193.42	15	35,579.70
	-	-		Voluntary Bankruptcy	-	1	3,435.69	1	3,561.47	5	9,697.43
	-	-		Other	-	2	40.53	2	19.86	10	658.94
	-	-		Uncollectable old Debt	-	-	-	-	-	2	863.60
	-	2		Bankruptcy	7,001.67	3	7,015.09	3	2,561.58	6	11,062.54
-	-		Deceased	-	-	-	-	-	-	-	
<b>Total</b>	-	<b>4</b>			<b>9,770.04</b>	<b>23</b>	<b>37,074.12</b>	<b>9</b>	<b>11,128.44</b>	<b>50</b>	<b>75,016.54</b>

**TABLE 3 SUMMARY OF ITEMS OVER £5,000 WHERE PERMISSION TO WRITE OFF IS REQUESTED**

TYPE OF DEBT	NUMBER OF CASES	REASON FOR W/OFF	Financial Year 2015/16			Totals for Comparison purposes			
			Quarter 3	Cumulative Total		Equivalent Quarter 2014/15		Grand Total 2014/15	
			Amount (£)	Case	Amount	Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	-	Administrative Receivership	-	1	9,367.21	-	-	-	-
	1	Liquidation	5,566.63	10	242,717.12	-	-	9	118,132.28
	-	Absconded	-	-	-	-	-	-	-
	-	Bankruptcy	-	-	-	-	-	1	5,914.67
	-	Uncollectable old Debt	-	-	-	-	-	-	-
	-	Voluntary Bankruptcy	-	-	-	-	-	2	35,495.13
	-	Other	-	-	-	1	6,780.52	1	6,870.52
<b>Total</b>	<b>1</b>		<b>5,566.63</b>	<b>11</b>	<b>252,084.33</b>	<b>1</b>	<b>6,780.52</b>	<b>13</b>	<b>166,412.60</b>
HOUSING BENEFIT	-	Deceased	-	-	-	-	-	-	-
	-	Overpaid Entitlement	-	-	-	-	-	-	-
	-	Bankruptcy	-	1	7,177.42	-	-	-	-
<b>Total</b>	-		-	<b>1</b>	<b>7,177.42</b>	-	-	-	-
COUNCIL TAX	-	Absconded	-	-	-	-	-	-	-
	-	Bankruptcy	-	-	-	-	-	-	-
	-	Voluntary Arrangement	-	-	-	-	-	-	-
<b>Total</b>	-		-	-	-	-	-	-	
<b>Grand Total</b>	<b>1</b>		<b>5,566.63</b>	<b>12</b>	<b>259,261.75</b>	<b>1</b>	<b>6,780.52</b>	<b>13</b>	<b>166,412.60</b>

**TABLE 4 NATIONAL & LOCAL COLLECTION STATISTICS RE 2014-15 COLLECTION RATES**

**Total amount collected in 2014-15 relating to 2014-15 financial year only (net of refunds relating to 2014-15)**

	Council Tax			Non Domestic Rates		
	Collectable Debit i.r.o. 14/15 - £000s	Net Cash Collected* i.r.o. 14/15 - £000s	Amount Collected i.r.o. 14/15 - %age	Collectable Debit i.r.o. 14/15 - £000s	Net Cash Collected* i.r.o. 14/15 - £000s	Amount Collected i.r.o. 14/15 - %age
All England	24,793,215	24,052,365	97.0	23,510,378	23,066,362	98.1
Shire Districts	11,352,031	11,116,705	97.9	7,583,172	7,459,915	98.4
East Devon	85,274	84,274	98.8	32,297	31,805	98.5
Exeter	53,152	50,708	95.4	78,004	77,030	98.8
Mid Devon	43,470	42,492	97.8	15,179	15,023	99.0
North Devon	50,667	49,170	97.1	31,940	31,280	97.9
Plymouth	104,466	100,423	96.1	90,908	88,999	97.9
<b>South Hams</b>	<b>58,325</b>	<b>57,352</b>	<b>98.3</b>	<b>29,491</b>	<b>29,082</b>	<b>98.6</b>
Teignbridge	72,698	71,511	98.4	31,560	31,296	99.2
Torbay	65,837	62,871	95.5	37,440	35,772	95.5
Torridge	35,102	34,489	98.3	10,745	10,571	98.4
West Devon	32,794	32,008	97.6	10,658	10,481	98.3

\* Net Cash Collected is total 2014-15 receipts net of refunds paid, in respect of 2014-15 only

**TABLE 5 QUARTERLY INCOME IN 2014-15 RELATING TO ALL YEARS**

**Total amount collected in 2014-15 relating to any financial year (net of all refunds in 2014-15)**

	Council Tax Net Cash Collected* £000s	Non Domestic Rates Net Cash Collected* £000s
Quarter 1 - Receipts collected between April 2014 - June 2014	17,735	8,693
Quarter 2 - Receipts collected between July 2014 - September 2014	15,832	7,734
Quarter 3 - Receipts collected between October 2014 - December 2014	16,761	8,403
Quarter 4 - Receipts collected between January 2015 - March 2015	7,310	3,797

\* Net Cash Collected is total receipts in 2014-15 net of refunds paid, irrespective of the financial year (previous, current or future years) to which they relate



**TABLE 6 PREVIOUS YEAR WRITE OFF TOTALS**

		2014 - 15	2013- 14	2012 - 13	2011 - 12
HOUSING BENEFIT	Under £5,000 cases	102,138.53	75,357.30	87,095.83	74,868.17
HOUSING BENEFIT	£5,000 or over cases	0.00	14,903.19	61,925.43	0.00
Total		102,138.53	90,260.49	149,021.26	74,868.17
COUNCIL TAX	Under £5,000 cases	97,927.30	117,528.97	96,025.52	112,674.76
COUNCIL TAX	£5,000 or over cases	0.00	23,090.93	6,782.09	12,160.58
Total		97,927.30	140,619.90	102,807.61	124,835.34
SUNDRY DEBTS	Under £5,000 cases	6,584.63	2,723.23	12,811.29	28,170.96
SUNDRY DEBTS	£5,000 or over cases	0.00	0.00	0.00	0.00
Total		6,584.63	2,723.23	12,811.29	28,170.96
HOUSING RENTS	Under £5,000 cases	3,113.38	1,037.83	3,143.83	3,048.57
HOUSING RENTS	£5,000 or over cases	0.00	0.00	0.00	0.00
Total		3,113.38	1,037.83	3,143.83	3,048.57
NON DOMESTIC RATES	Under £5,000 cases	75,016.54	70,809.92	39,115.54	54,011.11
NON DOMESTIC RATES	£5,000 or over cases	166,412.60*	44,546.85	76,663.15	84,187.61
Total		241,429.14	115,356.77	115,778.69	138,198.72
<b>GRAND TOTAL</b>		<b>451,192.98</b>	<b>349,998.22</b>	<b>383,562.68</b>	<b>369,121.76</b>

\* of the £166,412.60, £49,149.55 relates to one business going into liquidation, £25,184.36 relates to another business going into Liquidation and a further £26,680.60 relates to an individual entering into a Voluntary Arrangement.