

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 8 March 2012	<b>Decision Taker:</b> Cabinet Member for Finance, Resources and Community safety
<b>Report title:</b>		Authorisation of Council Tax Debt Write-offs of £5,000 up to £50,000 for Revenues & Benefits Department	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Assistant Director, Revenues & Benefits	

### RECOMMENDATIONS

1. That approval is given for the write off of £215,467.73 of debt detailed in Appendix 1 of the report (multiple write-offs)
2. That the cabinet member advises any further action they require on any write-offs not agreed within this report.

### BACKGROUND INFORMATION

3. Under the council's constitution write-off of debts of £5,000 up to £50,000 has been delegated to individual members within their own service area. Debt write-off under £5,000 can be authorised by chief officers. Write-off of any debt of £50,000 or over must be referred to cabinet for authorisation.
4. There are a number of key reasons why the council may wish to write-off a debt. These are :
  - The debt is uneconomic to collect i.e. the cost of collection including substantiation, is greater than the value of the debt.
  - The debt is time barred, where the statute of limitation applies. Generally this means that if a period of six years has elapsed since the debt was last demanded, the debt cannot be enforced by legal action.
  - There has been a negotiated settlement as part of a complaint or dispute resolution which leaves a residual amount to be written off.
  - The debtor cannot be found or communicated with despite all reasonable attempts to trace the debtor.
  - The debtor is deceased and there is no likely settlement from the estate or next of kin.

- Insolvency where the organisation or person has gone into bankruptcy and there are no assets to claim against and no likelihood of settlement.

## **KEY ISSUES FOR CONSIDERATION**

### **Policy implications**

5. The proposed write offs set out in this report are recommended in accordance with the Council's agreed write off policies and procedures.
6. Appendix 1 includes 33 debts, with a total value of £215,467.73.
7. The Revenues Business Unit have used a minimum of three tracing methods and have conducted a 10% audit review to ensure that the correct procedures have been adhered to. In the cases referred to within appendix 1 of this report the Revenues Business Unit can confirm that the checking procedure has been followed.
  - The Council Tax write-offs are recommended by the Council's Revenues Business Unit. In each case the Revenues Business Unit has attempted to trace Council Tax payers using standard procedures.
  - If a debtor has absconded, the business unit would use a number of tracing systems to attempt to locate the current address; these would include the Council databases and internal/external agencies as appropriate according to the amount of the debt.
  - In the case of a deceased Council Tax payer and following confirmation that there are no funds in the estate to settle the debt, the debt will be submitted for write off.
  - Where the Council Tax Payer is insolvent and confirmation is received there are no dividends available to pay creditors, the account is submitted for write off.
8. Appendix 2 provides a summary of 5 debts passed for write-off. These include a full breakdown of the action taken before recommending for write-off.

### **Community impact statement**

9. All write-offs are considered with due regard to any potential community impact and on their own merits. This decision has been judged to have no or a very small impact on local people and communities

### **Resource implications**

10. The total debt recommended for write off is £215,467.73 relating to Council Tax payers that have absconded, been made Bankrupt or deceased.

11. The debts in appendix 1 will be contained within the Council Tax bad debt provisions.
12. The schedule of write offs have been compiled in accordance with the Council's agreed policy and procedures.
13. Under the constitution, the write-off of debts below £50,000 but over £5,000 is delegated to the Cabinet Member within their own service area. The debt has arisen due to the non-payment of Council Tax.
14. The council's policy on write-off allow debts to be written off where the debtors have either absconded, been made bankrupt, deceased, or where it is uneconomical to pursue recovery of the debt,

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities, Law & Governance**

15. This report recommends that the debts as set out in Appendix 1, be written off in accordance with the council's procedure on debt write-off.
16. The report has set out circumstances whereby debts can lawfully be written off by the council and these include circumstances when a debtor has gone bankrupt, the debt is time barred, where the debtor is deceased or gone away. In such circumstances to pursue the debt would be a very difficult and costly exercise with little or no chances of success.
17. The Strategic Director of Communities, Law & Governance considers these write-offs to be in accordance with the council's procedures and lawful.

### **Finance Director**

18. Each debt meets one or more of the criteria for write-off and the Finance Director considers that it would be uneconomic to make any further attempt at recovery of the debt.
19. The cost of the write-offs will be met from the provision for bad debts referred to in the Resource Implications section of this report.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Tax Customer Accounts	Revenues & Benefits	Norman Lockie 020 7525 0928

## APPENDICES

No.	Title
Appendix 1	Write off pro forma

<b>Lead Officer</b>	Dominic Cain – AD Revenues & Benefits	
<b>Report Author</b>	Norman Lockie	
<b>Version</b>	Final	
<b>Dated</b>	8 March 2012	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional Officer</b>		8 March 2012

## APPENDIX 1

### REQUEST FOR WRITE-OFF PRO-FORMA

This pro-forma is to be used for multiple write-offs of £5,000 up to £50,000 that are being passed for cabinet member individual decision making and approval in accordance with the council's constitution and financial standing orders. A separate sheet should be used for each service area. If only one item is being proposed for write off, this appendix is unnecessary, full details should be given in the key issues area. The closed appendix contains the reference number for identification of each debtor

Account End date	Reason for Write Off	Outstanding Debt
08/02/2009	Gone away	6,883.81
31/03/2006	Gone away	7,546.83
02/12/2009	Gone away	7,573.12
25/03/2007	Gone away	5,272.12
31/03/2012	Bankruptcy	9,040.65
24/06/2009	Gone away	7,983.01
12/10/2005	Gone away	5,122.16
22/07/2006	Gone away	5,429.38
15/01/2007	Gone away	6,562.04
05/06/2011	Gone away	9,053.57
07/06/2009	Gone away	8,815.09
09/06/2009	Gone away	5,417.71
12/03/2006	Gone away	5,579.73
23/07/2006	Gone away	6,279.46
28/02/2010	Gone away	8,541.85
04/09/2011	Gone away	9,006.25
24/10/2009	Gone away	7,346.17
15/05/2011	Gone away	5,107.33
31/10/2010	Gone away	5,196.95
01/08/2009	Gone away	7,840.85
05/12/2005	Gone away	5,784.21
15/03/2008	Gone away	8,036.50
13/01/2007	Gone away	5,625.80
21/01/2007	Gone away	6,370.14

15/12/2007	Gone away	5,431.09
10/08/2007	Gone away	5,142.36
02/08/2009	Gone away	7,082.85
29/07/2011	Gone away	5,520.84
25/04/2010	Bankruptcy	5,047.28
28/08/2009	Gone away	5,234.20
31/08/2011	Gone away	5,864.25
03/04/2007	Gone away	5,176.98
07/02/2010	Gone away	5,553.15
	TOTAL	£215467.73