

## CABINET

11 December 2018

<b>Title:</b> Debt Management Performance and Write-Offs 2018/19 (Quarter 2)	
<b>Report of the Cabinet Member for Finance, Performance and Core Services</b>	
<b>Open Report</b>	<b>For Information</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> No
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<b>Accountable Director:</b> Claire Symonds, Deputy Chief Executive and Chief Operating Officer	
<b>Summary</b> <p>This report sets out the performance of the Council's partner, Elevate East London, in carrying out the contractual debt management function on behalf of the Council. This report covers the second quarter of the financial year 2018/19. The report also includes summaries of debt written off in accordance with the write off policy that was approved by Cabinet on 18 October 2011. The report demonstrates that performance is stable and continuing to improve year on year in terms of overall collection, though continuing to be impacted by welfare reform measures.</p>	
<b>Recommendation(s)</b> <p>Cabinet is recommended to:</p> <ul style="list-style-type: none"><li>(i) Note the contents of this report as it relates to the performance of the debt management function carried out by the Revenues and Benefits service operated by Elevate East London, including the performance of enforcement agents;</li><li>(ii) Note the debt write-offs for the second quarter of 2018/19</li></ul>	
<b>Reason</b> <p>Assisting in the Council's Policy aim of ensuring an efficient organisation delivering its statutory duties in the most practical and cost-effective way. This ensures good financial practice and adherence to the Council's Financial Rules on the reporting of debt management performance and the total amounts of debt written-off each financial quarter.</p>	

## 1. Introduction and Background

- 1.1 The Council's Revenues, Benefits, General Income and Rents Service is operated by the Council's joint venture company, Elevate East London LLP (Elevate). The service is responsible for the management of the Council's debt falling due by way of statutory levies and chargeable services. It also collects rent on behalf of Barking and Dagenham Reside. Council debts not collected by Elevate are not included in this report, for example parking and road traffic debt prior to warrants being granted and hostel and private sector leasing debt.
- 1.2 This report sets out performance for the second quarter of the 2018/19 municipal and financial year and covers the overall progress of each element of the service since April 2018. In addition, it summarises debts that have been agreed for write off in accordance with the Council's Financial Rules. All write offs are processed in accordance with the Council's debt management policy agreed on 18th October 2011.
- 1.3 The target for Council Tax current year collection remains the same as 2017/18 at 96%. The increase in Council Tax in 18/19 means that to achieve target an additional £5.2m must be collected. The Council Tax arrears target has increased by £180,300 to £2,302,300. The General Income target has increased by 0.2% to 96.2% which approximately equates to an additional £200k.

## 2. Proposal and Issues

- 2.1 Set out in Table 1 below is the performance for quarter two of 2018/19 achieved for the main areas of debt managed by Elevate.

Table 1: Collection Rate Performance – Quarter two 2018/19

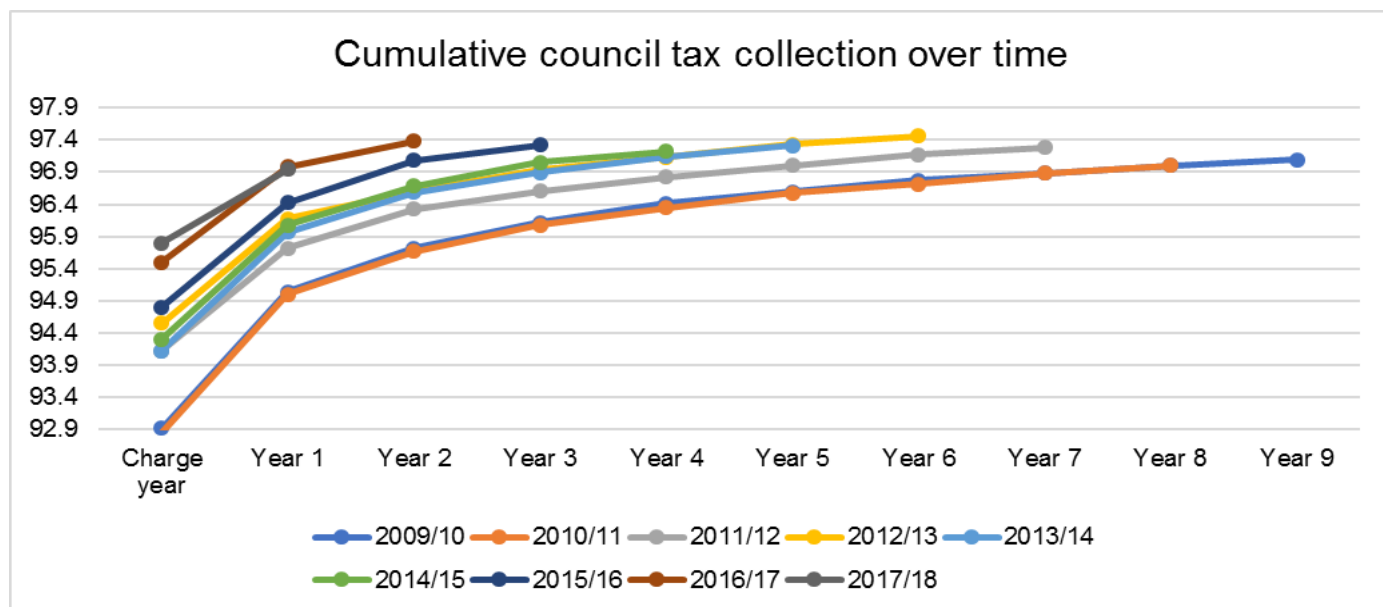
Type of Debt	Year end target	Quarter 2 target	Quarter 2 Performance	Variance	Actual collected
<b>Council Tax</b>	96.00%	56.2%	55.9%	-0.3%	£42.730m
<b>Council Tax Arrears</b>	£2.302m	£1.419m	£1.473m	+£0.054m	£1.473m
<b>NNDR</b>	98.30%	54.9%	55.5%	+0.6%	£34.488m
<b>Rent</b>	96.75%	47.70%	47.67%	-0.03%	£47.846m
<b>Leaseholders</b>	98.30%	53.57%	52.20%	-1.37%	£2.255m
<b>General Income</b>	96.20%	92.89%	92.92%	+0.03%	£44.024m

### Council Tax Collection Performance

- 2.2 Council Tax collection for Quarter 2 is 0.3% below the target.
- 2.3 The amount of Council Tax charged in 2018/19 has increased by £5.3m compared with 2017/18.



3.4 The graph below shows the improved performance in each year, except for 2013/14 when welfare reform had a marked effect on collection rates. Each line shows performance within that year, the bottom line (blue) shows collection for the charge year (the year in which the tax was first raised), the next (orange) shows performance in year 1 (the first year after the charge year) and so on. As can be seen overall collection of Council Tax continues year on year and has steadily improved since 2010/11.



#### 4. Business Rates (NNDR) Collection Performance

4.1 The NNDR collection rate for quarter 2 was 0.6% above target.

#### 5. Rent Collection Performance

5.1 Rent collection for quarter 2 is 0.03% below target, which is the equivalent of £28,715

5.2 Close working with My Place continues and referrals to the Homes and Money Hub for those tenants in most need of assistance started in Quarter 2.

5.3 Rent collection remains challenging in light of the introduction of Universal Credit.

#### 6. Reside Collection Performance

6.1 In addition to collecting rent owed on Council tenancies, Elevate also collects the rent for the Barking & Dagenham Reside portfolio. Quarter 2 collection is 99.75% which is 0.25% above target.

#### 7. Leaseholders' Debt Collection Performance

7.1 Leaseholder collection for quarter 2 is 1.37% below target. Some delays in updating the database have caused a reduction in collection. Discussion with the Home Ownership department are taking place to resolve this issue.

## **8. General Income Collection Performance**

- 8.1 General Income collection for quarter 2 is 0.03% above target. Fluctuations in invoicing can result in higher or lower percentages of collection. However, collection remains strong in this area.

## **9. Adult Social Care – Collection of Social Care Charges (home and residential)**

- 9.1 Homecare collection for quarter 2 is 0.32% above target.
- 9.2 Residential collection for quarter 2 is 6.4% above target.
- 9.3 The debt recovery process for these debts is similar to that for other debts, but with extra recognition given to particular circumstances. To ensure that the action taken is appropriate and to maximise payments, each case is considered on its own merits at each stage of the recovery process and wherever possible payment arrangements are agreed. In addition, a further financial reassessment of a client's contribution is undertaken where there is extraordinary expenditure associated with the care of the service user. The relevant procedures have been updated to take account of the Care Act.

## **10. Penalty Charge Notices (PCN) – Road Traffic Enforcement**

- 10.1 Road Traffic Enforcement collection for quarter 2 is 0.8% behind target.
- 10.2 This recovery work only includes debts due to Penalty Charge Notices (PCNs) for parking, bus lane and box junction infringements once a warrant has been obtained by Environmental and Enforcement Services (Parking Services) from the Traffic Enforcement Centre (TEC). Given the various legal stages required to be exhausted before a warrant can be obtained, this debt is regularly more than six months old before it is released to Elevate for enforcement. Elevate enforce these warrants through Enforcement Agents acting on behalf of the Council and closely monitor the performance of these companies. Overall collection rates on PCNs would be reported by Parking Services.
- 10.3 In June 2017 Parking passed 2,306 warrants to Elevate to issue to Enforcement Agents. Collection rates are measured 12 months after they are passed to Elevate. Out of those warrants 97% were already over 12 months old and 74% had more than two PCNs. The age of the warrants has a significant impact upon the Enforcement Agents ability to collect the penalty. Where there are multiple PCNs, again the Agents ability to collect the penalty in full is reduced.

## **11. Housing Benefit Overpayments**

- 11.1 Housing Benefit overpayment collection for quarter 2 is 14.4% above the target.
- 11.2 Creation of Housing Benefit Overpayments has begun to decrease in comparison with last year but may increase when Verified Earnings and Pensions (VEP) is introduced. This coupled with continued recovery action has shown an increase in percentage collection rates.

## 12. Enforcement Agent (Bailiff) Performance

- 12.1 Enforcement Agent action is a key tool for the Council to recover overdue debts but is only one area of collection work and is always the action of last resort. The introduction of the CTS scheme in 2013/14 meant around 13,000 additional households became liable to pay a proportion of Council Tax. This number increased again in April 2015 with the revised CTS scheme meaning that there has been additional debt recovery action. The affected group of residents are working age but their circumstances vary as they move in and out of work. The ability to collect all sums due to the Council continues to be made progressively more challenging as welfare reforms continue to take effect. This is alongside the cumulative yearly effect of CTS on arrears which is increasing overall indebtedness.
- 12.2 Information on the performance of the Enforcement Agents is set out in the table below by type of debt for the second quarter of 2018/19.

Table 3: Enforcement Agent Collection Rates – 2018/19

Service	Value sent to enforcement agents £	Total collected by enforcement agents £	2018/19 Collection rate %
Council Tax	£7,147,417	£357,091	5%
NNDR	£1,986,113	£193,819	9.76%
Commercial rent	£21,000	£21,000	100%
General Income	£0	£0	0%

## 13. Debt Write-Offs: Quarter 2 2018/19

- 13.1 All debt deemed suitable for write off has been through all the recovery processes and is recommended for write off in accordance with the Council's policy. The authority to "write off" debt remains with the Council. The value of debt recommended to the Chief Operating Officer and subsequently approved for write off during the second quarter of 2018/19 totalled £185,694. The value and number of cases written off in second quarter is provided in Appendix A.
- 13.2 244 debts were written off in quarter 2 for which the reasons are set out below. The percentage relates to the proportion of write offs by value, or by number:

Table 4: Write off numbers – 2018/19 Quarter 2

Absconded/not traced	Uneconomic to pursue	Debtor Insolvent	Deceased	Other reasons
£0	£1,969	£3,273	£180,005	£447
0%	1%	2%	97%	0.2%

<b>Absconded/not traced</b>	<b>Uneconomic to pursue</b>	<b>Debtor Insolvent</b>	<b>Deceased</b>	<b>Other reasons</b>
0	20	5	217	2
0%	8%	2%	90%	0.8%

“Other reasons” include the following categories:

Insolvency

Remitted by court

Debtor outside UK

Prison sentence served in respect of debt

Benefit overpayment – unrecoverable in accordance with Housing Benefit General regulations 1987

The court refuses to make an order in respect of the debt

Statute barred due to age of debt

Small balance

Negotiated settlement of part of debt

Vulnerable

In prison

- 13.3 The figures in Appendix B show the total write-offs for 2011/12, 2012/13, 2013/14, 2014/15, 2016/17 and 2017/18.

## **14. Consultation**

- 14.1 This report has been prepared by Elevate and finalised with the agreement of the Deputy Chief Executive and Chief Operating Officer

## **15. Financial Implications**

Implications completed by: Lance Porteous, Finance Business Partner

- 15.1 Collecting all debts due is critical to the Council’s ability to fund services and maintain its cash flow. In view of this, monitoring performance is a key part of the monthly meetings with Elevate. There are monthly meetings between Elevate and the Council that mainly focus on the areas where the targets are not being achieved, to discuss ways to improve prompt collection of Council revenues.
- 15.2 At the end of quarter 2, Elevate has achieved many but not all of its targets. Performance underachieved in some key collection areas. i.e. Council Tax and Rent.
- 15.3 Performance on Council Tax is currently below the target by 0.3%, which is equivalent to a cash shortfall of £222k. Rent is currently below the target by 0.03%, which is equivalent to a cash shortfall of £29k.
- 15.4 The importance of prompt collection is that debts become more difficult to collect as the debt ages and there is a much greater risk of not being able to collect older debts. The Council maintains a provision for Bad Debts from which the cost of uncollectable debts relating to 2017/18 and earlier years are charged, the preventing any impact upon the Councils current revenue income. A periodical review is carried out required to ensure the adequacy of the Council’s Bad Debt Provisions adjustments to the ,

provisions are met from the Council's revenue budget, and reduce the funds available for other Council expenditure.

- 15.5 The level of write offs for the year as at the end of quarter 2 total £326,267. It is important that bad debts are written off promptly so that the Council can maintain the appropriate level of bad debt provision. The approved write offs can be met from the Council's current Bad Debt Provision.

## 16. Legal Issues

Implications completed by: Dr. Paul Feild, Senior Governance Lawyer

- 16.1 Monies owned to the Council in the form of debts are a form of asset that is the prospect of a payment sometime in the future. The decision not to pursue a debt carries a cost and so a decision not to pursue a debt is not taken lightly.
- 16.2 The Council holds a fiduciary duty to the ratepayers and the government to make sure money is spent wisely and to recover debts owed to it. If requests for payment are not complied with then the Council seeks to recover money owed to it by way of court action once all other options are exhausted. While a consistent message that the Council is not a soft touch is sent out with Court actions there can come a time where a pragmatic approach should be taken with debts as on occasion they are uneconomical to recover in terms of the cost of process and the means of the debtor to pay. The maxim *no good throwing good money after bad* applies. In the case of rent arrears, the court proceedings will be for a possession and money judgement for arrears. However, a possession order and subsequent eviction order is a discretionary remedy and the courts will more often than not suspend the possession order on condition the tenant makes a contribution to their arrears.
- 16.3 Whilst the use of Introductory Tenancies as a form of trial tenancy may have some impact in terms promoting prompt payment of rent as only those tenants with a satisfactory rent payment history can expect to be offered a secure tenancy, people can fall behind and get into debt. The best approach to resolve their predicament is to maintain a dialogue with those in debt to the Council, to offer early advice and help in making repayments if they need it and to highlight the importance of payment of rent and Council tax. These payments ought to be considered as priority debts rather than other debts such as credit loans as without a roof over their heads it will be very difficult to access support and employment and escape from a downward spiral of debt.
- 16.4 The decision to write off debts has been delegated to Chief Officers who must have regard to the Financial Rules.

**Public Background Papers Used in the Preparation of the Report:** None

### List of appendices:

- **Appendix A** – Debt Write Off Table for Quarter 2 2018/19
- **Appendix B** – Total debts written off in 2011/12, 2012/13, 2013/14, 2014/15, 2015/16, 2016/17 and 2017/18