### **CABINET**

### 20 MARCH 2012

Title: Debt Management Performance and Write-Offs 2011/12 (Quarter 3)

Report of the Cabinet Member for Finance and Education

Open Report

Wards Affected: None

Report Author: Peter Cosgrove, Service
Delivery Director, Elevate

Contact Details:
Peter.Cosgrove@ElevateEastLondon.co.uk

Accountable Divisional Director: Sue Lees, Divisional Director of Assets and

**Commercial Services** 

Accountable Director: Tracie Evans, Corporate Director of Finance and Resources

# **Summary:**

This report sets out the performance of the Council's partner, Elevate East London, in carrying out the debt management function on behalf of the Council for the third quarter of 2011/12 and also details the debts that have been written off. The report for the first quarter was considered by Cabinet on 20 September 2011 and for the second quarter on 14 December 2011. Debt is written off in accordance with the policy approved by Cabinet on 18 October 2011.

In addition, PAASC at its meeting of 12 October asked for the following information to be added:

- 1. Timescale of debt should be added to quarterly debt management reports,
- 2. That the table at appendix 1 of bailiff performance be amended to include all debts,
- 3. Provide more information on how much is written off and how much is generated through debt recovery,
- 4. A breakdown of arrangements in place with the bailiff companies and more information about dormant cases.

This report has incorporated this information.

# Recommendation(s)

Cabinet is asked to:

- (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 bailiffs; and
- (ii) note the debt write-offs for the third quarter of 2011/12 and that a number of these debts will be publicised in accordance with the policy agreed by Minute 69 (6 November 2007).

# Reason(s)

Assisting in the Council's Policy House aim of ensuring a well run organisation delivering its statutory duties in the most practical and cost-effective way. It will ensure good financial practice and adherence to the Council's Financial Rules to report on debt management performance and total debt write-off each quarter.

# 1. Introduction and Background

- 1.1 The Council's Revenues, Benefits, General Income and Rents Service is operated by 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.
- 1.2 This report sets out the progress and performance for the third quarter of 2011/12 and covers the overall performance of each element of the service, improvements planned for the service, service progress so far, and debts that have been agreed for write off in accordance with the Council's Financial Rules. On 18th October 2011 the Council agreed a debt management policy and as part of that a new procedure for write-offs was also agreed. Write offs in the third quarter have been actioned in accordance with this council policy.
- 1.3 In addition, this report includes information PAASC requested at its meeting of 12 October:
  - 1. Timescale of debt should be added to quarterly debt management reports. A breakdown year by year of Council Tax debt is provided at paragraph 2.4.
  - 2. That the table at appendix 1 of bailiff performance be amended to include all debts. This information is included in paragraph 2.39.
  - 3. Provide more information on how much is written off and how much is generated through debt recovery. Tables showing the bailiff collection for each debt is at paragraph 2.39 and write-off information is contained in appendices A, B and C.
  - 4. A breakdown of arrangements in place with the bailiff companies and information about the bailiff operation is presented in paragraphs 2.30 to 2.38 and on dormant cases is at paragraph 2.5. The overall value of debt for Council Tax year by year is set out at paragraph 2.4.

# 2 Proposal and Issues

- 2.1 For each of the teams of the Revenues Service a Continuous Service Improvement Plan (CSIP) is in place. The CSIP is an action plan that highlights the operational improvement activity being addressed during the financial year.
- 2.2 Set out below is the performance for the third quarter and highlights of the CSIP improvements being worked on by Elevate for each of the functions of the Revenues Service.

Table 1: Collection Rate Performance - 2011/12 (Quarter 3)

Revenue	KPI Profiled Target	Actual	Variance	Amount Collected	Yearly Amount Due	Year end estimate	Year end target
Council Tax	80.8%	81.5%	+0.7%	£42m	£51.6m	92.9%	92.9%
NNDR	78.1%	79.1%	+1.0%	£42.6m	£53.8m	96.0%	96.0%
Rents	95.90%	97.11%	+1.21%	£92.8m	£95.6m	96.75%	96.75%
Leaseholder	63.01%	68.59%	+5.58%	£2.6m	£3.8m	71.65%	71.65%

# Council Tax performance quarter 3 and service improvements

- 2.3 Council Tax collection at the end of the third quarter was 0.7% above last year's performance at the same time. The percentage collection was 81.5%, equating to approximately £42m collected of the £51.66m Council Tax due.
- 2.4 A breakdown of the outstanding debt as at 31 December 2011 for Council Tax, year by year is set out below:

Year	Arrears
1999/00	£40,344
2000/01	£43,570
2001/02	£74,532
2002/03	£157,875
2003/04	£286,978
2004/05	£496,355
2005/06	£776,736
2006/07	£1,309,080
2007/08	£1,930,818
2008/09	£2,260,780
2009/10	£2,716,721
2010/11	£3,262,601

At the PAASC meeting of 21 October 2011 the Corporate Director of Finance and Resources (CDFR) informed Members that, previously, bad debts were left dormant on the old computer system and bad policy and processes were in place. Elevate are now working to improve performance and practice. Dormant cases are being processed and decisions made about whether to continue to pursue the debt or to write-off the balance. Paragraph 2.4 sets out the volume of council tax outstanding year by year from 1999. The decision to write-off hinges on the steps already taken and potentially exhausted to recover the debt. During the fourth quarter of 2011/12 and the first quarter 2012/13 Elevate will seek to write off or renew recovery action against such debts.

- 2.6 Elevate's new payment arrangement procedure has resulted in an increase in direct debit payers by 6% from 25,067 at the beginning of the year to 26,588 at the end of December.
- 2.7 Summons surgeries established by Elevate at the beginning of the year continue to be successful with customers seen at both Barking Learning Centre (BLC) and Dagenham Library resolving issues before the hearings.
- 2.8 An additional 9 customer service staff and 3 team leaders were given council tax training in December and will shortly be utilised by B&D Direct to reduce the need for back office cover.
- 2.9 Attachments of earnings have increased significantly since the beginning of the year with 897 attachments of earnings now in place compared to 242 in April. Attachments to benefits have gone up from 751 to 1,414.

# NNDR performance quarter 3 and service improvements

- 2.10 NNDR collection for the third quarter is 79.1%, equating to £42.6m of the £53.8m debt to be collected. This is 1.0% above last year at the same point.
- 2.11 Plans are in place to improve case selection for enforcement action as well as automating key processes such as refunds to improve capacity within the team.

### Rents collection performance and service improvements

- 2.12 At the end of Quarter 3, projected rent collection for the whole year stands at 97.11%, which is 1.21% above the profile performance of 95.90%. At the end of December 2011 the projected collection for the financial year is £92.8m of the £95.565m collectable in year.
- 2.13 Elevate have stabilised the Capita IT system. The improved stability of the system has allowed the Rents Team management to be proactive by running system reports that identify rent arrears actions that are overdue. This has had the effect of rent arrears reminders being sent on time so that we are taking action on debt at lower levels when there is still a realistic prospect of tenants making arrangements to clear the debt in the current financial year. Additional resources have been made available to ensure that we take tenants to Court to obtain possession orders where debt is high. Court action is demonstrably effective in producing large payments off of arrears and Court orders for eviction regularly produce full clearance of the debt.

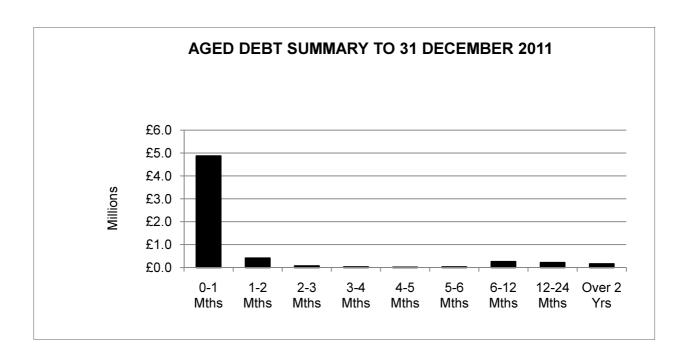
# Rents Quarter 3 and service improvements

2.14 One Stop Shop staff at Barking Learning Centre and Dagenham Library have received extensive training on Rents since April and the number of tenants attending for advice is around 125 each week across both sites. Prior to Elevate there was no public access rents service through the one stop shops. The numbers being seen have been fairly stable over the last 6 months. It is not possible to identify the improvement in collection this service has produced given the other improvements that have also been made, however to offer tenants this service is in itself an improvement to the experience of customers seeking face to face contact.

- 2.15 Elevate encourage payment by Direct Debit (DD). The Council have launched a prize draw to promote DD through the annual report (the Council's annual report goes to all council tenants and reports on performance) circulated in quarter 3 and promoted on the web site and at public outlets, including one stop shops, children's centres and local advice centres..
- 2.16 The team continue to look at options to ensure smarter working; foremost being more joined up working with the Housing service. An end to end process review was carried out in quarter 3 which will ensure exchange of information between the Rents and Housing services at key points in the process. This will prevent arrears, identify potential abandoned tenancies and prevent evictions.
- 2.17 To ensure HB take up is maximised at tenancy sign up, Dagenham Library have recently joined the Barking Learning Centre in dealing with HB assessments, face to face, on the same day without an appointment.
- 2.18 SMS texting was introduced in Quarter 3 so that lower level arrears cases receive a text message in addition to a standard arrears letter, where we have their mobile number recorded on our system. We will be monitoring the effect and reviewing how we can make best use of this texting option.

# **General Income**

- 2.19 General Income is used to describe the ancillary sources of income available to the Council, and which support the cost of local service provision. Examples of income streams from which the Council derives income include; recharges for social care; rechargeable works for housing; nursery fees, trade refuse, truancy penalty notices, hire of halls and football pitches. A single computer system is used for the billing of these debts and collection performance across all these debts is reported together.
- 2.20 The collection of Leasehold Service Charges and Penalty Charge Notices are monitored through separate computer systems and the performance of these is reported separately.
- 2.21 The current aged profile of the debt (Aged debt reflects invoices that remain unpaid after the Council's payment terms of 21 days) is as follows:



- 2.22 For 2011/12 by the end of December 2011 £43.7m of general income debt had been raised of which £40.5m had been collected. For 2010/11 a total of £44.4m for the year was raised of which £41.6m was collected by the end of March 2011.
- 2.23 Elevate make sure that the debt is pursued while a reasonable prospect remains of collecting the debt. For example the above chart shows a tranche of debt that is over two years old. With these (around 300 cases) most commonly Elevate are in discussion with the issuing department to decide on the next steps or the debt has legal action pending. All debts are monitored on a regular basis to ensure that appropriate action is being taken.

# General Income: Leaseholders

- 2.24 Performance for the collection of leasehold charges at the end of December stood at £2.059m which gives a collection rate of 84.48%, this is for current year charges, for previous debt we have collected £454.190 leaving a balance of £184,664 which gives a collection rate of 71.09%, it should be noted that due to ongoing problems with the Capita system it was only possible to commence recovery in July 2011. The overall collection rate for all years at 31 December 2011 stands at 68.59% which is 5.58% above the percentage collected at the same point last year.
- 2.25 It should be noted that leasehold collection has been greatly hampered by a lack of functionality of the new leasehold module of the computer system implemented by the Council in April 2010. It was only possible to issue letters in relation to last year's arrears at the beginning of July 2011, and for reminders regarding the current year to be issued in mid-July. The system is now able to deal with current year's debt and Elevate is working with the Council to improve how arrears can be dealt with.

# General Income: Leaseholders - improvements

2.26 The IT issues highlighted above have meant that the efforts of Elevate's Revenues Service and its IT teams has been focused on working to improve the functionality of the IT system. This has been achieved with the Capita system's performance being stabilised. The changes to further improve the collection of leasehold debt have commenced and will focusing on increasing and improving the communication with those behind in their payments with a greater variety of letters and increased telephone contact.

# **Penalty Charge Notices**

- 2.27 The Council refer unpaid Penalty Charge Notices (PCNs) for parking, bus lane and box junction infringements to Elevate for enforcement once a warrant has been obtained from the Traffic Enforcement Court. The vast majority of these relate to parking infringements.
- 2.28 In May 2010 the Council introduced a new computer system for dealing with PCNs. However, because of problems with this system the Council was not able to get warrants on this debt until early December 2011. On 7 December Elevate sent 942 files to the bailiffs for the total value of £173.374.00.

2.29 For the PCNs prior to May 2010 Elevate have been asked to focus on outstanding PCNs from the previous computer system. To this end Elevate is working closely with the Council to maximise recovery and clear remaining cases so that the old computer system can be shut down. This involves examining each case and recommending how to take the case forward. In the majority of cases this involves a recommendation to cancel the debt. As the debt is old, successful recovery is unlikely in most circumstances. The collection rate achieved by bailiffs on this old debt is only around 6%.

# **Fairer Contribution Charging**

- 2.30 From October 2011, billing commenced in accordance with the Council's new Fairer Contribution Policy.
- 2.31 Bills are issued every four weeks in arrears. A bill is classed as overdue after 28 days.
- 2.32 As at 31 December a total of £142,553 had been billed of which 63.26% had been collected.
- 2.33 As part of the new Fairer Contributions Policy project, the database used to manage and charge for care provided in residential homes changed from Abacus to Swift. Elevate are in the process of migrating all outstanding debt on Abacus to the Oracle financial management system by the end of March. This is on course to be achieved.
- 2.34 Similarly, the database used to manage home care charging has changed from POC to Swift. As with Abacus debt, Elevate are in the process of migrating all outstanding debt on POC to Oracle by the end of March 2012. This is also on course to be achieved.
- 2.35 Once these transfers are complete the Council will be able to decommission the POC and Abacus systems with recovery of the debt outstanding continuing via the Oracle system.

# Bailiff Performance

- 2.36 Currently Elevate use three bailiff companies, Newlyn, Equita and JBW. Bailiffs are used to enforce non payment for the following debts:
  - Council Tax
  - National Non Domestic Rates
  - Benefit Overpayments
  - Sundry Debts
  - Commercial Rents
  - Benefit overpayments.
  - Car Parking
- 2.37 For Council Tax bailiff firms Newlyn and Equita are used to enforce non payment and Newlyn are used for the non payment of NNDR. A bailiff cannot be instructed to carry out this work until the council has obtained a liability order at court. The bailiff will visit the property with the intention of collecting the debt or removing goods to the value of the debt.

- 2.38 Day to day working arrangements are in place so that the Council Tax team have access to the bailiff's computer system and update individual cases in real time. Changes include, amendments to debts, the recall of cases where appropriate and make and update notes on the system. Bailiffs will not remove goods without direct authorisation from the Council Tax manager and removal is extremely rare as the debtor's goods are highly unlikely to cover the unpaid debt. The bailiffs are met on a monthly basis and any complaints are discussed alongside the performance of the bailiff. Bailiffs have direct access to council tax staff to check information and where swift action is required the council tax team can contact the bailiff companies by phone. The same arrangements exist for Business Rates.
- 2.39 Below a certain level sundry debt cases are deemed to have too low a balance to make court action economically viable. Such debts are referred to the bailiff for collection who seek to recover the debt using letters and phone calls to make contact in order to collect the debt.
- 2.40 Commercial rents are sent to bailiff for enforcement of non payment. Newlyn will visit the property with the intention of collecting the debt or removing goods to the value of the debt.
- 2.41 Where internal methods of collection have failed, benefit overpayments are referred to the bailiff for collection. They will write to and phone the debtor and where this proves unsuccessful they will visit the property with the intention of collecting the debt.
- 2.42 In most cases once a debt has been referred to the bailiff and the bailiff has been unable to collect the debt and where other available avenues are not possible the only route left is to write the debt off. Details of the write offs in quarter three of 2011/12 are in paragraphs 4.47 to 2.50 and in appendices A, B and C.
- 2.43 Bailiff action is a key tool in Elevate's work to recover overdue debts but is only one area of collection work.
- 2.44 An example of this is within Council Tax collection, which has the greatest need for the use of bailiffs. By the end of March 2011 an overall rate of 92.9% for that year's debt collected in that year was achieved. At the beginning of each financial year the arrears from the previous year are brought forward and collection continues. Of this previous year's debt collection during the current year 2011/12, as at the end of December 2011, 70.4% had been collected by bailiffs. The overall level of arrears collected could not be achieved without the use of bailiffs. The detail of the debt collected in quarters one, two and three by bailiffs for Council Tax is set out in the table below:

Debt	Payment year	Bailiff	Other	Total	Bailiff %
year		collection	collection	Payment	
1999	2011/12	£836	£511	£1,346	62.1
2000	2011/12	£1,754	£1,232	£2,986	58.7
2001	2011/12	£2,381	£9,141	£11,522	20.7
2002	2011/12	£3,005	£5,271	£8,275	36.3
2003	2011/12	£5,811	£7,792	£13,603	42.7
2004	2011/12	£7,551	£12,474	£20,025	37.7
2005	2011/12	£10,013	£19,002	£29,015	34.5
2006	2011/12	£13,320	£32,353	£45,674	29.2
2007	2011/12	£29,181	£66,947	£96,128	30.4
2008	2011/12	£56,087	£76,948	£133,034	42.2
2009	2011/12	£126,875	£73,222	£200,097	63.4
2010	2011/12	£462,625	£194,515	£657,140	70.4
Total		£719,439	£499,407	£1,218,847	59.0

# 2.45 Detail of bailiff performance by type of debt for 2011/12 by debt is set out below:

# Council Tax:

2011/12	Month	Value of cases less	Total remitted	Collection Rate (%)
		returns		
	April	£201,444.85	£37,518.34	18.62
	May	£206,093.17	£34,219.08	16.60
	June	£42,917.22	£4,311.44	10.05
	July	£1,966,455.62	£228,676.77	11.63
	August	£419,809.16	£77,890.71	18.55
	September	£359,357.94	£53,486.84	14.88
	October	£363,616.25	£30,877.35	8.49
	November	£261,644.80	£10,774.41	4.12
	December	£203,813.99	£20.17	0.01
TOTAL		£4,025,153.00	£477,775.11	11.87

# NNDR:

2011/12	Month	Value of cases less returns	Total Remitted	Collection Rate %
	April	£319,911.95	£98,493.20	30.79
	May	£0.00	£0.00	0.00
	June	£727,965.66	£119,130.84	16.37
	July	£25,689.15	£4,056.00	15.79
	August	£299,958.26	£63,748.18	21.25
	September	£46,159.76	£13,665.79	29.61
	October	£265,939.80	£45,076.21	16.95
	November	£122,332.52	£25,752.68	21.10
	December	£44,219.69	£0.00	0.00
TOTAL		£1,852,176.79	£369,922.90	19.97

### General Income:

2011/12	Month	Value of cases	Total remitted	Collection Rate (%)
	April	£11,882.81	£2,418.64	20.35
	May	£10,228.47	£1,253.87	12.26
	June	£17,760.39	£1,626.45	9.16
	July	£8,371.65	£2,812.40	33.59
	August	£14,280.35	£1,665.87	11.67
	September	£5,038.15	£1,842.19	36.56
	October	£16,061.70	£4,336.24	27.00
	November	£12,221.99	£594.61	4.87
	December	£29,146.93	£480.85	1.65
TOTAL		£124,992.44	£17,031.12	13.63

#### Commercial Rent:

Bailiff Work	Number	Value Referred	Amount Collected by	% Collected by
(commercial)	referred to	to bailiff April	bailiffs April to	bailiffs April to
,	bailiff April to	to December	December	December
	December			
Number	18	£59,957.05	£58,549.73	97.65

# Road Traffic Debt

The first batch of warrants related to PCNs from May 2011 were sent to bailiffs on 7 December 2011. Collection performance on this debt will be reported in the report for the fourth quarter.

- 2.46 The relatively low percentage collected by bailiffs as shown above needs to be seen in context. Elevate's revenues teams will attempt to collect their respective debts by means other than bailiffs where possible. However, where these methods have been exhausted bailiffs will be utilised.
- 2.47 In relation to council tax and business rates this can result in a large number of cases being sent at the same time to the bailiff and so can make performance in terms of cash collected as a percentage low. Although the teams will have attempted to cleanse the data related to the debts sent, in some cases there will be information about the property or debt that has not been supplied by the resident or landlord. In such cases the visit from the bailiff can often generate not only payment to the bailiff but direct payment to the council as well as hastening the supply of information that may change the account and/or details of a new occupant.
- 2.48 Although the bailiffs intention is always to collect unpaid debts, their actions also act as a deterrent and often prompt the supply of information that has a direct impact on whether they should continue to pursue the debt. Furthermore, bailiffs will often make payment arrangements over a number of months and due to the number of cases issued will take a number of weeks to visit all properties.

# Write off process

- 2.49 Where a debt is written off it is the case that measures have been taken to collect all debts and levies due; it is the case that some debts will remain unpaid, even after concerted efforts have been made to collect them.
- 2.50 Debts are categorised and recommendations made to write-off amounts deemed to be irrecoverable. The write-off of debt allows the service to focus on debts that are more likely to be recovered. At the same time the Council makes provision within its accounts for debts that are likely to be written-off.
- 2.51 The write-offs presented in this report fall into two broad categories. Firstly, debts Elevate is unable to collect on the Council's behalf because for example the customer is deceased and there is no estate, the customer has gone away and cannot be traced, or the age of the debt precludes recovery. Secondly, there are cases where it is uneconomic to collect.
- 2.52 Of the debts written off the three main reasons were that for 43% the debtor had absconded and could not be traced, for 37% it was deemed uneconomical to pursue the debt and for 9% the debtor was insolvent.

# Debt Write-off: Quarter 3 2011/12

- 2.53 The value of debts written off for the first quarter and second quarters of 2011/12, i.e. April to September 2011 total: £395,885 (see Appendix B).
- 2.54 In 2010/11 almost £2.4m was written off. (Appendix B)
- 2.55 Write-offs for debts managed by Elevate for the third quarter total £785,910.08. (see Appendix B).
- 2.56 The volume of write-offs to be actioned in the fourth quarter will be higher as this quarter will be used to make a decision on more cases. This is because during the third quarter Elevate put in place additional resources to further improve collection. Because of this cases waiting to be processed for write-off were not dealt with but will be dealt with in the fourth quarter.

# Publication of individual details of debts written off (Appendix C)

- 2.57 A number of Authorities publicise the details (names, addresses etc.), of residents who have had debts written off. In the majority of cases, these debts have been written off where the debtor has absconded.
- 2.58 The Council agreed in November 2007 (Minute 69, 6 November 2007) that a list showing the details of debtors, who have had debts written off, would be attached to this report. A list has been attached at Appendix C. The list has been limited to the top ten debts only.
- 2.59 As was previously outlined within the 6th November 2007 Cabinet report, It was recommended that the following types of debt write offs are excluded from this publicised list:

- a) Debts that have been written off following a corporate complaint being upheld
- b) Debts that have been written off due to the debtor falling within one of the vulnerable groups (e.g. elderly, disabled, infirm etc.)
- c) Where the original debt was raised in error
- d) Where debts have been written off, but no legal action has been taken to prove that the debt was legally and properly due
- e) Where the debt has been written off following bankruptcy or insolvency action (the majority of these cases will be individually publicised)
- 2.60 The exclusion of the category of debts listed above will eliminate the possibility of any unnecessary and potentially costly legal challenges from debtors, who take issue with their details being publicised. It is intended that where the details or whereabouts of debtors become known following publication, those debtors will be pursued as far as is possible, to secure full payment of the debt.
- 2.61 The list provided at Appendix C does not include debts or debtors that fall within categories a-e above, so the list as it stands can be publicised.

# 3. Options Appraisal

3.1 This is not relevant for an information report.

### 4. Consultation

4.1 Elevate have provided the information and been consulted in the drafting of this report.

### 5. Financial Issues

- 5.1 As part of the closure of the Council's accounts each year, a review of outstanding debts are made and an estimate of bad and doubtful debts is provided for. All write offs in year are made against that provision. The level of bad debts proposed and agreed for write off is monitored quarterly against the provision made at year end.
- 5.2 Improvements in the pursuit and collection of debt enables the Council to make a lower provision and improves the level of balances and reserves though debts are only pursued to the point that it is economically sensible to do so.

# 6. Legal Issues

6.1 The pursuit of debts owed to the Council is a fiduciary duty. The Council seeks to recover money owed to it by the courts once all options are exhausted. Not all debt will be recovered and a pragmatic approach has to be taken with debts as being on occasions, uneconomical to recover in terms of the cost of process and the means of the debtor to pay. As observed in the body of this report, in the case of rent arrears, a possession and subsequent eviction orders are a discretionary remedy and the courts will on many occasions suspend the possession order on condition the tenant makes a contribution to their arrears. The Councils decision to utilise Introductory Tenancies will over time begin to have an impact as only those tenants with a satisfactory rent payment history can expect to be offered a secure tenancy.

6.2 The decision to write off debts has been delegated to Chief Officers who must have regard to the Financial Rules.

# 7. Other Implications

7.1 Risk Management - No specific implications save that of this report acting as an early warning system to any problems in the area of write off's.

# **Background Papers Used in the Preparation of the Report:**

• Operational Improvement Plans for Revenues Service areas.

# List of appendices:

- Appendix A Debt Write Off Table for Quarter 3 2011/12
- Appendix B Tables summarising the debt written off for Quarter 1, Quarter 2, Quarter 3 of 2011/12 and one table for 2010/11
- Appendix C Top Debts Written Off