

## CABINET

15 September 2015

<b>Title:</b> Debt Management Performance and Write-Offs 2015/16 (Quarter 1)	
<b>Report of the Cabinet Member for Finance</b>	
<b>Open Report</b>	<b>For Information</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> No
<b>Report Author:</b> Siân Peters Revenues and Benefits Delivery Director	<b>Contact Details:</b> Tel: 07971 111524 E-mail: siân.peters@elevateeastlondon.co.uk
<b>Accountable Director:</b> Jonathan Bunt, Chief Finance Officer	
<b>Summary</b>  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 first quarter of the financial year 2015/16. The report also includes details of debt written off in accordance with the write off policy approved by Cabinet on 18th October 2011.	
<b>Recommendation(s)</b> The Cabinet is recommended 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 enforcement agents; and  (ii) Note the debt write-offs for the first quarter of 2015/16 and that a number of these debts will be published in accordance with the policy agreed by Cabinet.	
<b>Reason</b> Assisting in the Council's Policy aim of ensuring a 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.	

### 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 first quarter of the 2015/16 municipal and financial year and covers the overall progress of each element of the service since April 2015. 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.

## 2. Performance and Issues

- 2.1 Set out in Table 1 below is the performance for quarter one of 2015/16 achieved for the main areas of debt managed by Elevate.

**Table 1: Collection Rate Performance – 2014-15 Quarter 4**

Type of Debt	Quarter 1 Target	Performance	Variance	Actual collected £m
<b>Council Tax</b>	29.6%	29.4	-0.2%	18.496
<b>NNDR</b>	32.7%	32.3	-0.4%	18.406
<b>Rent</b>	N/A	24.59	N/A	25.212
<b>Leaseholders</b>	26.0%	29.48	+3.48%	1.166
<b>General Income</b>	45.0%	86.63	+41.63%	23.334

### Council Tax Collection Performance

- 2.2 Council Tax collection ended the quarter 0.2% below the target. Collection of Council Tax, from those in receipt of Council Tax Support (CTS) and with a sum to pay, at the end of June was 26.1%. The Council adopted a revised CTS Scheme for 2015/16 with the means test calculation for any working age claimant being based upon a maximum 75% of the relevant Council Tax liability. Under the previous scheme the basis of the calculation for working age tax payers was 85%. Those over state pension age continue to receive support based on 100% of their Council Tax liability.
- 2.3 The collection rate from those in receipt of CTS is significantly below those not in receipt of support. The collection rate for these residents in 2015/16 is 26.1% compared to from 31.4% in the first quarter of 2014/15.
- 2.4 Whilst the amount of cash collected for CTS accounts remains similar to last year the debt has increased by £2.5m. Approximately 11% of CTS recipients have so far been summonsed for non-payment of their remaining liability. Collection has been affected by outstanding claims for Council Tax Support although it is not possible to say what the full financial impact is.

## Council Tax Arrears

- 2.5 By the end of quarter one £0.737m had been collected for previous years' arrears, significantly above the target of £0.577m.
- 2.6 The collection of Council Tax arrears outstanding at the end of each financial year continues over subsequent years. The table below shows the percentage of collection since 2009/10. The charge year figure below is the in-year collection rate achieved by 31 March of each year. There has been an increase of 3.8% in collection between 2009/10 and 2014/15.

**Table 2:**

Year	Charge year	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2009/10	92.9	95.0	95.7	96.1	96.4	96.6	96.7
2010/11	92.9	95.0	95.7	96.1	96.3	96.4	
2011/12	94.1	95.7	96.3	96.6	96.7		
2012/13	94.6	96.2	96.6	96.7			
2013/14	94.1	96.0	96.2				
2014/15	94.3	94.9 <sup>1</sup>					

- 2.7 During 2015/16 enforcement action continues against those with arrears from 2014/15 and earlier years. Where appropriate, attachments to earnings or benefit are applied to a debtor's account. These are identified via a segmentation process which identifies those debtors receiving benefit or where employer's details are held and this process is always followed prior to referral for enforcement agent action. This ensures that only cases where there is no alternative to "other" enforcement action are referred to the enforcement agent. By the end of quarter 1 £0.737m of arrears for earlier years had been collected. The target for the year is to collect £1.827m.
- 2.8 The payment arrangement procedure ensures that those requiring more time to pay are managed appropriately. Those that fail to adhere to the terms of the arrangement are quickly identified and recovery action is continued.

## Business Rates (NNDR) Collection Performance

- 2.9 The NNDR collection rate reached 32.3% by the end of the first quarter. This was 0.4% below the profiled target for the quarter. The collection rate has been impacted by more rate payers electing to pay over 12 rather than 10 instalments and the collection profile/target will be reprofiled to reflect that change. The reprofile will see approximately £350k of NNDR collected in February and March that would otherwise have been collected between April and January. This has contributed significantly to the reporting of the underperformance in the first quarter of 2015/16 and will be addressed for the next report to Cabinet.

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<sup>1</sup> Collection achieved by the end of quarter 1.

- 2.10 The financial climate continues to have a detrimental effect upon businesses within the Borough making collection of Business Rates increasingly challenging.
- 2.11 Ratepayers are contacted as soon as they fall behind with payments in order to try and stop them slipping further into arrears and therefore avoid recovery action and additional costs.
- 2.12 Where recovery is required, debts are now being placed with three enforcement agents to try and affect recovery where the first placement of debts is unsuccessful.
- 2.13 There are four main factors affecting collection:
- i. As stated in 2.9; changes in payment profiles continue to affect NNDR. Instalments due in February and March 2016 have increased by £350k. This is due to payers requesting 12 months of instalments. Ratepayers have been able to request the change to 12 from 10 instalments since April 2014. The monthly collection profile has been amended to reflect this in July 2015.
  - ii. Changes during the year with properties leaving and entering the rating list. This year Barking Power stopped trading, with a rateable value of £9.27m, this reduced the amount to be collected by £5m.
  - iii. Rates avoidance activity by certain companies continues to affect the collection rate during the year. The perception is that companies are exploiting loopholes in current legislation. At the end of the first quarter 2015/16, £0.55m debt was identified as being uncollectable. These companies are claiming that empty properties they own are being let for short periods of time and then vacated again, allowing them to claim empty exemptions. Central government has recently conducted a consultation with stakeholders regarding this matter; to which the Council responded. The consultation has now closed and the government is considering the responses it has received. Elevate visit empty properties on a regular basis to ensure that evidence of avoidance can be obtained and the correct company held liable.

### **Rent Collection Performance**

- 2.14 The Rent collection rate had reached 24.59% by the end of the first quarter against an annual collection target of 99.24%. The method for calculating the performance indicator has changed for 2015/16 and the target was not agreed until after the start of the financial year. As a result, the profile of expected collection to deliver the year end target has not yet been agreed however, given that each quarter of the year is broadly equal, current performance is behind that required and the amount of cash collected will need to increase substantially to avoid a substantial impact on the Housing Revenue Account (HRA).
- 2.15 There are a number of factors that affected rent collection during the first quarter:
- a. Outstanding Housing Benefits have affected the amount of rent rebate crediting rent accounts. This is being rectified during the year and should not affect the annual collection rate.

- b. Discretionary Housing Payments (DHP) funding from central government has reduced significantly from £1.2m in 2014/15 to £0.749m for 2015/16. Discussions held with tenants in arrears indicate that many are being negatively affected by Welfare Reform and this is increasing financial pressure on households. The additional DHP support is available to eligible Housing Benefits recipients but from a reduced allocation.
- c. 745 notices seeking possession in the first quarter 2015/16 were issued compared with 523 in the same period in 2014/15.

2.16 In order to counter the pressures highlighted above, the rents team has continued to take various actions to improve performance in rent collection:

- a. Elevate contact tenants as soon as arrears start to accrue and supplement recovery efforts with regular arrears visits and campaigns. From August 2015 there will be monthly joint campaigns with Housing officers.
- b. Contact centre agents are fully trained to deal with all rent enquiries ensuring that callers are fully advised on their obligation to prioritise rent payments. There is ongoing support from the Rents team for Customer Services.
- c. Elevate has links with the Job Shop and there is proactive support through signposting on how to get advice on obtaining or improving employment opportunities.

2.17 The Housing Transformation programme includes a strong emphasis on improving the collection rate. The Council is also involved with the Capita “Nudge” programme which is using behavioural economics to influence tenants and encourage them to make rent payment their top priority.

### **Reside Collection Performance**

- 2.18 In addition to collecting rent owed on Council tenancies, Elevate also collect the rent for the Barking & Dagenham Reside portfolio on behalf of the Housing Management who are the managing agent.
- 2.19 Rent collection is stable with a collection rate of 98%.

### **Leaseholders’ Debt Collection Performance**

- 2.20 At the end of the first quarter collection reached 29.48%, which was 3.48% above profile. Elevate has achieved this ongoing improvement by maintaining a rigorous recovery timetable throughout the year ensuring late payers are consistently reminded to pay as early as possible.

### **General Income Collection Performance**

- 2.21 General Income is the term used to describe the ancillary sources of income available to the Council which support the cost of local service provision. Examples of areas from which the Council derives income collected by Elevate include: social care charges; rechargeable works for housing; nursery fees; trade refuse; hire of

halls and football pitches. The Oracle financial system is used for the billing and collection of these debts and is also used to measure Elevate's performance.

- 2.22 At the end of quarter one collection reached 86.63%, which was 41.63% above target. The profile used is based on last year's collection. Elevate does not control the billing process which is determined by Council departments. For example so far in 2015/16 collection has benefited from the billing of £10m to the GLA which has already been paid. As the year progresses a clearer pattern will be established as the debit raised and collection rates will be less susceptible to variation.

### **A&CS Homes and A&CS Residential – Collection of Social Care Charges (home and residential)**

- 2.23 The Council introduced a new Care and Support Charging policy for 2015/16 following the government introduction of the Care Act 2014.
- 2.24 Collection of debt for Home and Residential Care is reported separately. The agreed measure for 2015/16 is the amount collected against the in-year debt that has been invoiced.
- 2.25 Residential care debt which the Council has secured with a charging order against the client's assets, usually their property, is not included in these figures.
- 2.26 The collection rate for Home Care by the end of quarter one reached 81.87% which was 31.87% above the target.
- 2.27 As with General Income the profile used is based on last year's collection. As the year progresses a clearer pattern will be established as the debit raised and collection rate will be less susceptible to variation.
- 2.28 The debt recovery process for these debts is similar to that of other debts, but with extra recognition given to particular circumstances. In order 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.

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

- 2.29 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). 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. Elevate's collection performance is measured only once a batch of warrants has expired, i.e. after 12 months. Since April 2015, 6 batches of warrants have expired for which the collection rate was 12.71%.

- 2.30 Effective collection of warrants is affected by how long it takes to obtain the warrant after the PCN is issued. On average through 2014/15 Elevate received warrants from Parking Services 7 months after the PCN was issued. Consequently Enforcement Agents' "propensity to pay" analysis of warrants classified most of them either 'poor' or 'hopeless' because older, aged debt is much harder to collect. This has adversely affected the overall success of collection against the target and a review of the end to end process for parking is underway to improve the overall collection of monies due.
- 2.31 The total amount of cash collected through enforcement of road traffic warrants was £134,863 in the first quarter.

### **Housing Benefit Overpayments**

- 2.32 By the end of the first quarter of 2015/16 collection totalled £1.32m.
- 2.33 During the first quarter central government confirmed the continuation of the "Real Time Information (RTI)" process. This means HMRC data will continue to be made available to the Department of Works and Pensions and shared with local authorities enabling data matching against Council records. This data will continue to ensure that the information used to assess claims for Housing Benefit and CTS, is accurate. This will result in additional overpayments and underpayments being raised.

### **Enforcement Agent (Bailiff) Performance**

- 2.34 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 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. Elevate's ability to collect all sums due on behalf of the Council continues to be made progressively harder as welfare reforms take effect. This is alongside the cumulative yearly effect of CTS on arrears which is increasing overall indebtedness. This position will continue in 2015/16.
- 2.35 Information on the performance of the enforcement agents is set out in the table below by type of debt for the first quarter of 2015/16. It should be noted the debt recovery process via enforcement agents only began at the end of the quarter for NNDR and Council Tax;

**Table 3: Enforcement Agent Collection Rates – 2014-15**

<b>Service</b>	<b>Value sent to enforcement agents £</b>	<b>Total collected by enforcement agents £</b>	<b>Collection rate %</b>
Council Tax	£3,069,322	£59,789	1.95%
NNDR	£794,558	£66,673	8.39%

Commercial rent	£22,563	£20,728	91.87%
General Income	£4,252	£1,152	27.09%

### Debt Write-Offs: Quarter 1 2015/16

- 2.36 All debt collected by Elevate is recommended for write off within the Council's policy. The authority to "write off" debt remains with the Council. The value of debt recommended to the Chief Finance Officer and subsequently approved for write off during the first quarter of 2015/16 totalled £222,892. The value and number of cases written off in quarter 4 is provided in **Appendix A**.
- 2.37 765 debts were "written off" in quarter one for which the reasons are set out below. The percentage relates to the proportion of write offs by value:

**Table 4: Write Off Numbers – 2015/16 Quarter 1**

Absconded/not traced	Uneconomic to pursue	Debtor Insolvent	Deceased	Other reasons
386 (50.5%)	217 (28.4%)	2 (0.3%)	102 (13.3%)	58 (7.6%)

(The 'other reasons' category includes examples such as: where the debt liability is removed by the Court or the debtor is living outside the jurisdiction of the English Courts and is unlikely to return).

- 2.38 The figures in **Appendix B** show the total write-offs for 2011/12, 2012/13, 2013/14 and for 2014/15.

### Publication of Individual Details of Debts Written Off (Appendix C)

- 2.39 In line with Council policy established in 2007, due to the difficulties of finding absconding debtors, a list showing the details of some debtors who have had debts written off is attached to this report at Appendix C. The list has been limited to the ten largest debts only and can be used in the public domain.

## 3. Financial Implications

Implications completed by: Carl Tomlinson, Group Finance Manager

- 3.1 Collecting all sums due is critical to the Council's ability to function. In view of this, monitoring performance is a key part of the monthly meetings with Elevate.
- 3.2 The monthly meetings between Elevate and the Council focus on the areas where the targets are not being achieved and discuss other possibilities to improve collection.
- 3.3 At the end of Q1, Elevate have exceeded profiled collection targets for leaseholders and general income, however, council tax and NNDR are marginally below profile. The profile for rent collection is to be determined, however, indicatively,



performance is behind target with significant increase required to avoid substantial impact on the HRA.

- 3.4 The Council has written off debts of £222,892 in the first quarter of 2015/16 with the majority within Council Tax. It is important that bad debts are written off promptly for budgeting purposes so the Council can maintain appropriate bad debt provision.

#### 4. Legal Implications

Implications completed by: Paul Feild, Senior Governance Lawyer

- 4.1 Monies owed 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.
- 4.2 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 has to 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.
- 4.3 Whilst the recent use of Introductory Tenancies as a form of trial tenancy may have some impact as only those tenants with a satisfactory rent payment history can expect to be offered a secure tenancy, the best approach is to maintain a dialogue with tenants and highlight the importance that payment of rent and Council tax ought to be considered as priority debts rather than credit loans as without a roof over their heads it will be very difficult to access support and employment.
- 4.4 The decision to write off debts has been delegated to Chief Officers who must have regard to the Financial Rules.

#### 5. Other Implications

- 5.1 **Risk Management** - No specific implications save that this report acts as an early warning system to any problems in the area of write offs.

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

#### List of appendices:

- **Appendix A** – Debt Write Off Table for Quarter 1 2015/16.
- **Appendix B** – Total debts written off in 2011/12, 2012/13, 2013/14 and 2014/15.
- **Appendix C** – Ten Largest Debts Written Off in Quarter 1, 2015/16