

# Southend-on-Sea Borough Council

Agenda  
Item No.

## Report of Executive Director Finance & Resources

To

Cabinet

on

13<sup>th</sup> January 2021

Report prepared by: Richard Campbell  
Council Tax Manager

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### Debt Management - Position to 30<sup>th</sup> November 2021

Policy and Resources Scrutiny Committee  
Cabinet Member: Councillor Ian Gilbert

*A Part 1 Public Agenda Item*

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#### 1. Purpose of Report

1.1 The purpose of this report is to apprise Cabinet of the following:

- The current position of outstanding debt to the Council, on 30<sup>th</sup> November 2021.
- Debts that have been written off, or are recommended for write off, in the current financial year on 30<sup>th</sup> November 2021;
- Obtain approval for the write-off of irrecoverable debts that are over £25,000.

#### 2. Recommendation

That Cabinet:-

- 2.1 Notes the current outstanding debt position on 30<sup>th</sup> November 2021 and the position of debts written off to 30<sup>th</sup> November 2021 as set out in **Appendices A & B**.
- 2.2 Requesting the approval of two write offs for debts that exceed £25,000, as shown in **Appendix B**.

#### 3. Background

- 3.1 It was agreed by Cabinet on 19<sup>th</sup> March 2013 that the S151 Officer would submit regular reports to Cabinet on all aspects of the Council's outstanding debt, along with the required write off position. This is the first report for the financial year 2021/22.

- 3.2 Southend-on-Sea Borough Council is made up of several service areas responsible for the collection and administration of outstanding debt. The main areas are Accounts Receivable and Revenues which are linked to the billing and collection of the vast majority of debts that fall due to be paid to the Council for chargeable services, such as social care (see Section 4.5) and statutory levies such as Council tax and Non-Domestic Rates (Business Rates).

There are also other areas of debt that are included in this report, namely recovery of Housing Benefit Overpayments, Parking and Enforcement penalties and library fines. In addition, there are also debts for the Housing Revenue Account for rent arrears and service charges.

- 3.3 The process and legislative framework for the collection and write off of debt was detailed in the report to Cabinet on 17<sup>th</sup> September 2013. It is worth highlighting that the Council has a good success rate in collection of debt. The collection targets are agreed annually as part of the Councils service and financial planning process.
- 3.4 Debts are only considered for write off where all other courses of recovery available have been undertaken or explored and the debt is considered irrecoverable.

#### 4. Councils Debt Types

##### 4.1 Council Tax

£106.7m of Council Tax is due to be collected in 2021/22, with a collection target of 97.5%. On the 30<sup>th</sup> of November 2021 the Council has collected £74.5m (69.9%), this reflects a 0.1% decrease in the collection target profile. The Council continue to work towards the end of year collection profile and have confidence that the end of year collection target will be achieved this year as we continue with the recovery from the Covid pandemic.

Collection also continues for the outstanding arrears for that year and for previous years. The chart below shows the actual in year collection rate over the past 4 years, and the collection rate of each year's charge to date, including debts that have been written off.

	Council Tax Performance	
	On 31st March of relevant year	On 30 <sup>th</sup> November 2021
1st April 2017 - 31st March 2018	97.5%	99.4%
1st April 2018 - 31st March 2019	97.5%	99.0%
1st April 2019 - 31st March 2020	97.5%	98.6%
1st April 2020 - 31st March 2021	96.7%	98.0%

## 4.2 Non Domestic Rates (Business Rates)

£33.2m of Non-Domestic Rates is due to be collected in 2021/22, with a collection target of 98.3%. On 30th of November 2021 the Council has collected £22m (66.5%), this reflects a 4.3% decrease in the collection target profile, this is largely due to a change in the regulations from 1<sup>st</sup> July 2021 which has seen £11m of the total debt for the year raised within the last six months. The Council continue to work towards the end of year collection profile and have every confidence of reaching the desired end of year collection target.

Collection is continuing for outstanding arrears for previous financial years. The chart below shows the actual in year collection rate over the past 4 years, and the collection rate of each year's charge to date, including debts that have been already written off.

	Non-Domestic Rates Performance	
	On 31st March of relevant year	On 30 <sup>th</sup> November 2021
1st April 2017 - 31st March 2018	98.0%	99.9%
1st April 2018 - 31st March 2019	98.6%	99.8%
1st April 2019 - 31st March 2020	98.3%	99.5%
1st April 2020 - 31st March 2021	90.6%	99.6%

## 4.3 Housing Benefit Overpayment

This is any entitlement to a rent allowance or rent rebate that a person has received but is not entitled to. Most commonly this accumulates when there is a change to a person's circumstance, and they fail to notify us in good time. The overpayment will be invoiced unless they are in receipt of Housing Benefit in which case their benefit entitlement is reduced to enable recovery of the overpayment. The vast majority of Housing Benefit overpayment is due to claimant error.

## 4.4 Libraries

Library debt is made up of overdue fines and replacing lost or non-returned books.

## 4.5 Adult Services

Adult Services make charges for the following services:

- Contributions to residential accommodation
- Charges for non-residential services i.e. Home Care, Community Support, Day Services and transport to services
- Charges to other local authorities
- Charges to National Health Service

The total Adult Social Care debt on 30th November 2021 was £4,521,818

It should be noted that of the total amount outstanding:

£2,200,366 is debt deferred against property:

£421,436 is under 30 days old.

#### 4.6 **Parking**

The recovery of unpaid Penalty Charge Notices is undertaken by a semi-judicial process under the current Traffic Management Act 2004.

From 1<sup>st</sup> August 2021 to 30<sup>th</sup> November 2021 a total of 22,372 Penalty Charge Notices (PCNs) have been issued identifying a projected income of £678,905. It should be noted that PCNs are issued at a higher rate and lower rate (£70.00 and £50.00 respectively) depending on the seriousness of the parking contravention. PCNs may be paid at a discounted rate of 50% of the charge if paid within 14 days of the date of issue.

This value is continuously being amended as payments are received and it should be recognised that payments made at the 50% discount amount will reduce the projected income level. Historically, 75% of paid PCN's are paid at the discounted payment.

The value of cancelled notices for 2021/22 is £92,129 and cases written off where no vehicle owner has been identified totals £1,725.

#### 4.7 **Miscellaneous Income**

This will include a range of services that the Council will charge for including such areas as rental income on commercial properties, recharges to other bodies for services we have provided, and recovering overpaid salaries from staff that have left.

It is important to note that collection can vary month by month depending on the value of invoices raised as a reasonable period needs to be allowed for payment to be made.

#### 4.8 **Housing**

Under the management of South Essex Homes there are the arrears of outstanding debt of Rent and Service Charges. The cost of any write-offs for this category of debt is specifically charged to the Housing Revenue Account and not to Council Taxpayers.

## 5. Write-Off Levels

Write off approval levels currently in place are shown in the tables below, which are in accordance with the Financial Procedure rules set out in the Constitution and the latest corporate debt recovery policy.

### Debt Type: Accounts Receivable/Adult Services/ Housing and Council Tax Benefit

Designation	Amount
Team leader	Up to £5,000
Manager	Up to £10,000
Executive Director (Finance & Resources)	Between £10,000 and £25,000
Cabinet	£25,000 and above

### Debt Type: NNDR (Non-Domestic Rates) and Council Tax

Designation	Amount
Senior Officer	Up to £2,000
Team Leader	Up to £5,000
Manager	Up to £10,000
Executive Director (Finance & Resources)	Between £10,000 and £25,000
Cabinet	£25,000 and above

### Debt Type: Parking

Designation	Amount
Team Leader	Up to £5,000
Head of Parking	Up to £10,000
Jointly - Head of Parking and Executive Director (Finance & Resources)	Between £10,000 and £25,000
Cabinet	£25,000 and above

### Debt Type: Housing Rents and Service Charges

South Essex Homes, as managing agent, submit proposed write-offs to the Council, following which the following approval levels are exercised.

Designation	Amount
Head of Service	Under £25,000
Cabinet	£25,000 and above

## 6. Council Debt Position (on 30<sup>th</sup> November 2021)

- 6.1 **Appendices A and B** show the current debt position within each service area, and the amount that has been written off in the current financial year 2021/22.
- 6.2 For Council Tax and Non-Domestic rates there is a net collectable debt at the beginning of the year. Although this can change depending on changes to liability or property being removed or introduced to the lists, it tends to be

reasonably consistent. Other service areas may see greater fluctuations as new debts are created during the financial year.

- 6.3 The Council's debt position across all services on 30<sup>th</sup> November 2021 was £68million in comparison to the position on 30<sup>th</sup> November 2020 of £64.3million. This shows an increase of £3.7million, circa 5.9% for the same period in the last financial year.
- 6.4 The largest fluctuation in the debt position is that of Business Rates, which has seen a rise in the debt due to be collected in the sum of £12million, a rise from £21million on 30<sup>th</sup> November 2020 to £33.2million on 30<sup>th</sup> November 2021. This is due to a change in the legislation from 1<sup>st</sup> July 2021 with retail businesses receiving a 66% reduction via way of relief. Prior to this as a response to the Covid-19 pandemic these same businesses had been able to claim 100% relief from 1<sup>st</sup> April 2020 until 30<sup>th</sup> June 2021
- 6.5 Council Tax also have a large increase in overall debt outstanding with an additional £1.8million outstanding in comparison to the previous financial year. In respect of the current financial year a total of £32.1m remains outstanding on 30<sup>th</sup> November 2021 in comparison to the £31.7million that was outstanding on 30<sup>th</sup> November 2020. Owing to Covid-19 though, the arrears for Council Tax (debt outside of this financial year) has risen from £5.7million on 30<sup>th</sup> November 2020 to £7.1million on 30<sup>th</sup> November 2021; something as a direct result of the pandemic and reduced collection from the previous financial year
- 6.6 No library fines were issued during the entirety of the previous financial year, and this has continued in this financial year.
- 6.7 The Council continue to instigate Court action for non-payment of debts, where legislation permits, having returned to recovery action in July 2021, and so far, this has proved successful, with an increase in debt collected so far this year. The Council do continue to adopt a more lenient stance than prior to Covid when assessing those which have defaulted to prevent unnecessarily taking action against individuals or businesses.

## **7 Covid-19 Pandemic**

The Council has quite rightly prioritised support for local residents, tenants and businesses by not issuing any recovery documentation, no enforcement action by agents and no summons were issued during the previous financial year. After review however the Council have returned to instigating Court action for non-payment of debts, where legislation permits, from July 2021. Additionally, cases are now being issued to Enforcement Agents for collection where payment cannot be induced from the debtor.

At the time of writing this report the world was trying to get to grips with understanding the potential impact and severity of a new Covid-19 mutant strain – Omicron. Central Government has recently announced additional targeted support for eligible businesses. Along with almost every aspect of our normal daily lives – the pandemic continues to have a major impact on the Council's financial planning.

## **8. Other Options**

This is a report notifying members of the current position of the Council's debt and related write offs, and therefore there are no other options.

## **9. Reasons for Recommendations**

All reasonable steps to recover the debt have been taken, and therefore where write off is recommended it is the only course of action that is left available.

If the Council wishes to pursue debts for bankruptcy proceeding, it will follow the agreed and published recovery policy that covers this.

## **10. Corporate Implications**

### **10.1 Contribution to the Southend 2050 Road Map**

Efficient write off of bad and irrecoverable debts, where appropriate, is good financial practice and reduces the bad debt provision and financial impact in the Authority's accounts and helps towards financial self-sustainability of the organisation.

### **10.2 Financial Implications**

Debts that are written off will have been provided for within the Councils bad debt provision and as such there should be no specific financial implications. However it is possible that unforeseen and unplanned additional write offs occur, which could lead to the value of debts written off in any year exceeding the bad debt provision.

Where this is likely to happen, this report will act as an early warning system and will enable additional control measures to be agreed and undertaken to either bring the situation back under control, or to make appropriate adjustments to the bad debt provision.

Relevant service areas are aware that they have to bear the cost of any debts that are written off within their budget.

### **10.3 Legal Implications**

If there are debts to be written off that exceed the level at which officers have delegated powers to deal with the matter, authorisation is required from Cabinet.

### **10.4 People Implications**

The people implications have been considered and there are none relevant to this report.

## 10.5 **Property Implications**

The property implications have been considered and there are none relevant to this report.

## 10.6 **Consultation**

Consultation is not required for write off of debt.

## 10.7 **Equalities and Diversity Implications**

Debt Collection is managed through a Corporate Debt Management Policy and is based on an approach of “Can’t Pay Won’t Pay”. Each write-off is considered on an individual basis through a standard consistent approach.

## 10.8 **Risk Assessment**

There is a financial implication to the bad debt provision if write offs are not dealt with within the current financial year.

## 10.9 **Value for Money**

It is a matter of good financial practice and good debt management to regularly report on the value of debt outstanding, collected and written off.

## 10.10 **Community Safety Implications**

There are no Community Safety Implications.

## 10.11 **Environmental Impact**

There is no environmental impact.

## 10.12 **Background Papers**

Full details of recovery action against each recommended write-off are held within the services computer systems.

## 11. **Appendices**

Appendix A Summary of outstanding debt

Appendix B Summary of Write offs