



CORPORATE SELECT COMMITTEE AGENDA

Date: Monday, 17 July 2023

Time: 6.30 pm

Venue: Committee Room A, Town Hall, Buxton

You can view the agenda online by using a smart phone camera and scanning the code below:



7 July 2023

PART 1

1. Apologies for Absence
2. To receive Disclosures of Interest on any matters before the Committee
 1. Disclosable Pecuniary Interests
 2. Other Interests
3. Any matters referred to the Committee under the call-in procedure
4. To approve the minutes of the previous meeting (**Pages 3 - 4**)
5. Fourth Quarter Finance, Procurement and Performance Report (**Pages 5 - 44**)
6. Corporate Debt Recovery Policy (**Pages 45 - 96**)
7. Any questions referred to the Executive Member (Member Services to be advised of any questions at least 4 days prior to the meeting)
8. Exclusion of Press and Public

To resolve that the press and public be excluded from the meeting during consideration of the following items of business as there may be disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972

PART II

9. Application for write off of non-recoverable debts (**Pages 97 - 100**)
(Paragraph 3, 7 - Information relating to the financial or business affairs of any particular person (including the authority holding that information) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)

MARK TRILLO
EXECUTIVE DIRECTOR AND MONITORING OFFICER

Membership of Corporate Select Committee

Councillor C Payne (Chair)

Councillor N Clarke

Councillor O Cross

Councillor R McKeown

Councillor E Siddall

Councillor P Reddy

Councillor L Grooby (Vice-Chair)

Councillor J Collins

Councillor D Elliott-Starkey

Councillor R Quinn

Councillor J Taylor

Councillor Bell



CORPORATE SELECT COMMITTEE

Meeting: Monday, 5 June 2023 at 6.30 pm in Octagon Lounge, Pavilion Gardens, Buxton

Present: Councillor C Payne (Chair)

Councillors Bell, N Clarke, J Collins, O Cross, R McKeown, P Reddy, E Siddall and J Taylor

In Attendance: Councillor(s) A Barrow and A McKeown

Apologies for absence were received from Councillors L Grooby, D Elliott-Starkey and M Hall

24/1 TO RECEIVE DISCLOSURES OF INTEREST ON ANY MATTERS BEFORE THE COMMITTEE
(Agenda Item 2)

No declarations were made

24/2 ANY MATTERS REFERRED TO THE COMMITTEE UNDER THE CALL-IN PROCEDURE
(Agenda Item 3)

None

24/3 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING
(Agenda Item 4)

RESOLVED: That the minutes of the meeting held on 20 March 2023 be approved as a correct record.

24/4 BITE SIZE BRIEFING (PRESENTATION)
(Agenda Item 5)

The Executive Director (Finance & Customer Services), Head of Finance and Head of Democratic Services made a presentation to the committee which set out:

- The Council's Decision Making Process
- Forward Plan
- Overview and Scrutiny arrangements
- Review of Scrutiny
- Role of Corporate Select Committee
- The development of a work programme
- Task & Finish Groups

- The role of officers

At the request of the Chair, additional information was also provided around the Quarter 4 draft outturn and the Glossop Halls and Future High Street Fund project (in confidential session).

Particular reference was made to the recent review of scrutiny undertaken by the Centre for Governance and Scrutiny, which made recommendations for further improvements including the establishment of a Select Committee Work Programming Group to oversee Work Programme prioritisation and Member Development. The Work Programme is to be developed using a prioritisation tool (PAPER) and will be developed further following the priority setting workshop. The role of Task and Finish Groups was also clarified, and members were provided with examples of successful studies undertaken. It was noted that training around scrutiny would be provided in the Autumn.

Members were provided with an update around the draft Quarter 4 financial and performance update, which shows an improvement to Quarter 3, although some external information is awaited and a final outturn position will be available by mid June. In response to a query, the expected overspend on the HRA is due to direct pay, and the costs of labour and materials and a full breakdown would be provided in due course. It was noted that there will be a full review of KPIs for the housing repair service once the Corporate Plan was finalised.

RESOVLED:

That the presentation be noted.

24/5 ANY QUESTIONS REFERRED TO THE EXECUTIVE MEMBER (MEMBER SERVICES TO BE ADVISED OF ANY QUESTIONS AT LEAST 4 DAYS PRIOR TO THE MEETING)
(Agenda Item 6)

None

The meeting concluded at 7.50 pm

CHAIR

HIGH PEAK BOROUGH COUNCIL

Corporate Select Committee

17 July 2023

TITLE:	Fourth Quarter Finance, Procurement and Performance Report
EXECUTIVE COUNCILLOR:	Councillor Alan Barrow - Executive Councillor for Corporate Services and Finance
CONTACT OFFICER:	Keith Pointon – Head of Finance Tanya Cooper – Head of OD & Transformation
WARDS INVOLVED:	Non-Specific

Appendices Attached

- **Appendix A (2022/23 – Fourth Quarter (Financial Report))**
- **Appendix B (2022/23 – Fourth Quarter (Procurement Report))**
- **Appendix C (2022/23 – Fourth Quarter (Performance Report))**
- **Appendix D (2022/23 – Fourth Quarter (Write-offs (CONFIDENTIAL)))**

1. Reason for the Report

- 1.1 The purpose of this report is to inform members of the Council's overall performance and financial position for the period ended 31st March ("Fourth Quarter 2022/23").

2. Recommendations

- 2.1 It is recommended that the Corporate Select Committee:

- Note the Fourth Quarter 2022/23 financial, procurement and performance position detailed in Appendices A, B and C and summarised at 3.3 of this covering report.
- Recommend for approval the proposal to carry forward unspent revenue budget as described in Appendix A (Paragraph 2.12)
- Recommend for approval the proposals to carry forward unspent capital budget as set out in Appendix A (Paragraph 7.5 and 8.5)
- Recommend for approval the write-offs set out in Appendix D

3. Executive Summary

3.1 This report summarises the Council's performance and financial position after considering service activity up to the end of the Fourth Quarter (i.e. 31st March 2023).

3.2 Detailed analysis is provided in Appendix A (Finance), Appendix B (Procurement), Appendix C (Performance)

3.3 The position can be summarised as follows:

Subject	Headline	Reference
Finance	<p>The Finance headlines for the Fourth Quarter are:</p> <p><i>Performance against Budget</i></p> <ul style="list-style-type: none"> At the Fourth Quarter stage, the General Fund provisional outturn for 2022/23 is an underspend of £1,670,798. <p><i>Efficiency Programme</i></p> <ul style="list-style-type: none"> The current Efficiency Programme was delivered in full in 2021/22. No new savings are programmed to be delivered in 2022/23. <p><i>Housing Revenue Account</i></p> <ul style="list-style-type: none"> The Housing Revenue Account is in surplus (against budget) by £447,387 at the Quarter Four (provisional outturn) stage. <p><i>Capital Programme</i></p> <ul style="list-style-type: none"> The General Fund Capital Programme budget for 2022/23 as revised is £17.1 million. The projected outturn is forecast to be £1.317 million underspent compared to budget. The HRA Programme for 2022/23 as revised is £6.79 million. The projected outturn is forecast to be £5.81 million, an underspend of £0.98 million compared to budget. <p><i>Treasury Management</i></p> <ul style="list-style-type: none"> Cash investments held at 31 March 2023 totalled £16.5 million. Council borrowing at 31 March 2023 totalled £61.2 million. The Council's net interest costs are forecast to be £640,755 under budget on the general fund and £109,893 over budget on the HRA. <p><i>Revenue Collection</i></p> <ul style="list-style-type: none"> 97.9% of Council Tax was collected by 31 March 2023, compared to 98.1% for the same period last year. 98.8% of Business Rates was collected by 31 March 2023 compared with 98.7% for the same period last year. At the end of Quarter Four, the value of sundry debt over 60 days 	Appendix A

	old was £79,087 which compares to £140,275 at 31 March 2022.	
Procurement	<p>The Procurement headlines for the Fourth Quarter are:</p> <ul style="list-style-type: none"> • 14 procurement activities were completed. • The Procurement forward plan includes 16 procurement activities for completion/start in 2022/23 (either HPBC only or joint). • At 31st March 2023, 50% of procurement activity undertaken was on the forward plan. 	Appendix B
Performance	<p>The Performance headlines for the Third Quarter are:</p> <ul style="list-style-type: none"> • 53% of the key performance indicators on track, with 44% performing better than at this point in the previous year. • The Council closed 108 complaints, and received 458 comments and 59 compliments in the Fourth Quarter. 	Appendix C

4. How this Report Links to Corporate Priorities

4.1 The successful delivery of all corporate priorities is dependent upon the effective management of performance and financial resources, which is the subject of this report.

5. Options and Analysis

5.1 Detailed Analysis is contained within the appendices.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)
None

6.2 Workforce
None

6.3 Equality and Diversity/Equality Impact Assessment
This report has been prepared in accordance with the Council's Equality and Diversity policies.

6.4 Financial Considerations
There are substantial financial considerations contained throughout the report.

6.5 Legal
None

6.6 Sustainability
None

6.7 External Consultation
None

6.8 Risk Assessment

There are a number of risks to the financial position presented, which are identified and explained in the financial report attached at Appendix A.

MARTIN OWEN
Executive Director (Finance and Customer Services)

Web Links and
Background Papers

Location

Contact details

Appendices A-D

Keith Pointon
01538 395400 Ext. 4193
Tanya Coper
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2022/23

**Fourth Quarter
(Provisional
Outturn)
Financial
Review**

1. Background and Introduction

- 1.1. In accordance with the Council's Financial Procedure Rules and recommended good practice, a quarterly financial report is presented to members. This is the fourth and final such report for 2022/23.
- 1.2. The report summarises overall financial performance for 2022/23 with particular emphasis on the key sources of financial risk to the Council. Specific considerations are as follows:
 - **General Fund Revenue Account (Section 2)** – considers budgetary performance on the General Account by looking at variations in income and expenditure and the funding received by the Council.
 - **Efficiency and Rationalisation Programme (Section 3)** – considers progress in achieving the efficiency and rationalisation savings forecast.
 - **Collaborative arrangements (Section 4)** – highlights the performance of the Council's Joint Venture companies: Alliance Environmental Services Ltd and Alliance Norse Ltd.
 - **The Springs (Section 5)** – highlights the performance of The Springs shopping centre in Buxton, purchased as part of the Future High Street Fund project in December 2022.
 - **Housing Revenue Account (Section 6)** – highlights the budgetary position in respect of the operation of the Council's housing stock.
 - **General Fund Capital Programme (Section 7)** – provides an update to Members on progress against the Council's General Fund capital plans.
 - **HRA Capital Programme (Section 8)** – provides an update to Members on progress against the Council's HRA capital plans.
 - **Treasury Management (Section 9)** – sets out the key statistics in terms of investments and borrowings.
 - **Revenue Collection (Section 10)** – considers progress-to-date in collecting the Council Tax, Business Rates and Sundry Debts.

2. General Fund Revenue Account

2.1. This section of the report considers the financial performance of the General Fund Revenue Account against budget by looking at variations in income and expenditure and funding received by the Council.

Service (with staff)	2022/23 Budget	Provisional Outturn 2022/23	Variance	Contribution to (Use of) Earmarked Reserves	Net Variance
	£	£	£	£	£
Alliance Leadership Team	405,700	366,642	(39,058)	-	(39,058)
Audit	94,900	92,020	(2,880)	-	(2,880)
ICT	584,210	633,593	49,383	(8,074)	41,309
Human Resources	69,480	49,868	(19,612)	-	(19,612)
Member Services	339,430	269,833	(69,597)	-	(69,597)
Property Services	709,960	1,024,829	314,869	-	314,869
Benefits	(102,380)	290,894	393,274	(50,539)	342,735
Planning Applications	321,330	447,815	126,485	22,460	148,945
Building Control	56,140	53,258	(2,882)	-	(2,882)
Customer Services	506,710	477,750	(28,960)	-	(28,960)
Legal Services	222,310	203,780	(18,530)	-	(18,530)
Electoral Services	59,470	32,878	(26,592)	14,431	(12,161)
Licensing and Land Charges	(317,750)	(297,981)	19,769	24,000	43,769
Regeneration	425,110	309,221	(115,889)	5,168	(110,721)
Communities and Cultural	420,930	304,091	(116,839)	19,807	(97,032)
Housing Strategy	189,260	142,178	(47,082)	(85,335)	(132,417)
Transformation	216,410	274,081	57,671	(49,248)	8,423
Community Safety and Enforcement	119,620	105,243	(14,377)	-	(14,377)
Finance & Procurement	390,720	357,470	(33,250)	-	(33,250)
Revenues	191,710	72,945	(118,765)	139,292	20,527
Corporate Finance	1,405,640	564,898	(840,742)	(148,862)	(989,604)
Waste Collection	2,410,810	2,044,119	(366,691)	-	(366,691)
Street Scene	469,940	491,577	21,637	(60)	21,577
Leisure Services	162,760	169,352	6,592	(6,529)	63
Horticulture	374,630	328,263	(46,367)	(380)	(46,747)
Environmental Health	521,630	528,806	7,176	11,710	18,886
Net Total of Services	10,248,680	9,337,423	(911,257)		(1,023,417)
Net Interest	1,608,280	967,525	(640,755)		(640,755)
Funding:	11,856,960	10,304,948	(1,552,012)	(112,160)	(1,664,172)
- external	(11,396,310)	(11,703,006)	(306,696)	-	(306,696)
- reserves contribution to/(from)					
general contingency	118,160	118,160	-		
use of carry forward from 20/21	(21,830)	(21,830)	-		
Earmarked - business rates	(555,340)	(256,910)	298,430		298,430
earmarked	(1,640)	(112,160)	(110,520)	112,160	1,640
Projected (Surplus)/Deficit	-	(1,670,798)	(1,670,798)	-	(1,670,798)

* In previous quarters Staff costs were budgeted and recorded in Finance & Procurement. They were considered a corporate resource to be the main source of savings realised by the Authority's Efficiency and Rationalisation Programme. However, to show the true use of resources by individual services, it is necessary to include the actual staff costs incurred. Therefore, the Quarter Four provisional outturn position includes the actual staff costs (and matching budgets) at the service level.

** The Council's Housing management costs are charged to the Housing Revenue Account.

2.2. A revenue budget of £11,835,130 was set for 2022/23. In accordance with Financial Procedure Rules, the roll forward of £21,830 in unused budgets from 2021/22 has been authorised:

- **Planning Policy (£10,000):** unspent budget in regard to Glossop Gateway project.
- **Member Services (£4,000):** in respect of Initiatives to increase community engagement.
- **Financial Services (£7,830):** unspent budget in regard to initiatives to manage risk.

This brings the 2022/23 budget to £11,856,960.

2.3. The table above shows how this budget has been allocated to services.

2.4. The quarter four provisional outturn on the General Fund Revenue Account for 2022/23 is £10,186,162. This represents a surplus for the year of £1,670,798

2.5. There are six service areas with projected significant underspend (>£50,000):

- **Member Services (£69,597 underspend)** – major variances include underspend arising from member allowances, travel and subsistence £35,000, and other reduced costs £23,000.
- **Communities & Cultural (£116,839 underspend)** – various underspends including Warmer streets £30,000; underspend on Victoria Hall £30,000; £40,000 other grants received in year which will be put in an earmarked reserve.
- **Regeneration (£115,889 underspend)** – £87,000 spend on LUF bid funded by a draw on reserves; a surplus trading position of £93,000 on the Springs trading account to be carried forward in a reserve; the remaining £110,000 is due underspend on various projects.
- **Revenues (£118,765 underspend)** – due to receiving a New Burdens Grant received in year, part of which has been put into an earmarked reserve to be drawn as costs emerge.
- **Corporate Finance (£840,752 underspend)**- The Authority's net efficiency and inflation budgets generated a £440,000 underspend as pressures are yet to crystallise in the service accounts; additional unanticipated grants of £250,000 were received; and spend on the wage bill was £150,000 below budget.
- **Waste Collection (£366,691 underspend)** – £118,000 due to Trade Waste reduced disposal costs and increased income; £47,000 increased income on domestic waste collection and recycling; £165,000 net underspend on AES waste due to a rebate on the recycling contract offset by additional costs on pay award and fuel inflation; and a net surplus of £37,000 from de minimus fleet sales.

2.6. There are four service areas with a projected significant overspend (>£50,000).

- **Property Services (£314,869 overspend)** – major variances include the impact of Glossop Market Arcade being closed (£45,000); impact of the first Quarter of cleaning & caretaking being taken over by Norse before the contract start date of 4th July (£136,000) overspend on repairs with the previous contract with DCC ending on the 4th July (£120,000) offset in part by some improved income from car parks £30,000.
- **Benefits (£393,274 overspend)** – £300,000 attributable to the increase in the provision for bad debt against overpaid benefits to bring this to prudent levels. These aged debts are to be reviewed in the coming financial year. The remainder of the overspend is due to the increasing cost of benefits outside the subsidy.
- **Planning Applications (£126,485 overspend)** – a shortfall on planning fee income (£142,000), an increase of costs relating to planning appeals (£64,000). However, this has been offset by the Local Plan being deferred until 23/24 (£79,000).
- **Transformation (£57,671 overspend)** – relates to increase in professional fees, however this is mainly offset by the use of a earmark reserve set aside for this spend in 2021/22.

2.7. The net interest costs, as detailed in section 9, are forecast to be in surplus by £640,755.

2.8. The provision outturn of funding for the year is £118,786 greater than that budgeted due to the following:

External Funding: (£8,266)

- Business Rates Retention (£304,208 in funding):
 - The draft outturn on the net levy payable to the Derbyshire Business Rates Pool after Pool savings is £92,849 less than anticipated due to decreased NNDR income in comparison to the budgeted figure. However, this is subject to change as the levy savings are partially dependent on the performance of the Pool as a whole which will not be finalised until each member's accounts have been produced and audited.
 - The estimated levy payable to the Pool from the 2021/22 outturn has been updated during the audit processes of all members of the Pool and is now estimated to be £106,928 more, still subject to final audits.
 - A levy surplus distribution of £19,857 has been received from central government.
 - £298,430 additional s31 grants are receivable to compensate for the cost of additional reliefs awarded to businesses during the year as instructed by Central Government.
- The £298,430 additional Business Rates s31 grants will be put aside in reserves to partially fund the Council's share of the overall deficit on the Business Rates Collection Fund forecast at the end of 2022-23.

- Other government grants (£2,488).

Movement of Reserves:

- The original budget for 2022/23 assumed a contribution of £118,160 to general fund contingency which was reduced to £96,330 following approval to use £21,830 carried forward from 2022/23.
- Other Earmarked Reserves (£110,520 additional usage): These reserves exist to match available funding with future projects and activities. Often it is not possible to anticipate when eligible spend will occur and so, as the year progresses, services will identify projects and schemes where earmarked reserves may need to be applied. Provisionally, net usage of these reserves amounts to £112,160 more than nominally anticipated at the beginning of the year.

	Contribution to (Use of) Earmarked Reserves
	£
ICT	
- Use of IT Strategy Reserve to fund Consultancy costs	(8,074)
Benefits	
- Use of Benefit Reform reserve to fund overspend	(50,539)
Planning	
-S31 Nutrient Grant received and allocated to Reserve for future use	23,260
- Use of Section 106 Monies	(800)
Electoral Services	
- Use of Elections Reserve for Elections cost Cote Heath	(2,951)
- Electoral Integrity Programme Grant received and allocated to Reserve for future use	17,382
Licensing & Licensing	
- HMLR Transition Grant received and allocated to Reserve for future use	24,000
Regeneration	
- Allocating the financial position on the Springs to a Earmarked Reserve	93,141
- Use of Levelling up Grant to fund consultancy work	(87,973)
Communities & Cultural	
- Use of Climate Control Reserve to fund overspend on Costs associated to project	(22,000)
- Warmer Street Grant received and allocated to Reserve for future use	15,000
- S31 Biodiversity Grant received and allocated to Reserve for future use	26,807
Housing Strategy	
- Use of Homelessness Support Grant to fund overspend on Costs associated to project	(132,238)
- Supported Housing Improvement Programme (SHIP) Grant received and allocated to Reserve for future use	19,231
- Domestic Abuse Grant received and allocated to Reserve for future use	27,672

	Contribution to (Use of) Earmarked Reserves
Transformation	
- Use of OD Earmark Reserve to fund Consultancy costs	(49,248)
Revenues	
- NB Council Tax rebate Grant received and allocated to Reserve for future use	117,634
- NB Business Rates Relief Grant received and allocated to Reserve for future use	21,658
Finance	
- Use of Covid 19 Grant reserve to fund energy rebate	(148,862)
Street Scene & Horticulture	
- Use of Section 106 Monies	(440)
Leisure	
- Use of Sport Active Grant	(6,529)
Environmental Health	
- NB Air Quality Grant received and allocated to Reserve for future use	11,710
Total	(112,160)

2.9. The provisional outturn for the year on the General Fund Revenue Account was a £1,670,798 surplus.

2.10. The surplus generated is calculated inclusive of the £96,330 contribution to general reserves budgeted for in 2022/23. Therefore, the Authority's contingency reserves have increased overall by £1,767,128.

2.11. The Authority's calculated minimum for its contingency reserve is £1,540,000. A review of the Authority's reserves has been performed to identify areas where earmarking for future projects was considered prudent while maintaining a satisfactory level for contingency. As a result, various moves into earmarked reserves will be considered during the closure of accounts process including: Future Leisure Provision, IT Strategy, Organisational Development Strategy, Inflation, Tree Safety, and Capital Funding. These will be reported for consideration in the next quarterly finance report.

Carry Forward Request:

2.12. The following request for carry forward has been received:

- **Human Resources - (£19,610):** carry forward of unspent training budgets to be utilised as the Organisational Development strategy is implemented.
- **Planning - (£79,000):** carry forward of unspent budget due to delays in the refresh of the local plan.

3. Efficiency and Rationalisation Programme

- 3.1. This section of the report considers the financial performance of the Council's Efficiency and Rationalisation Programme in 2022/23.
- 3.2. The current Efficiency and Rationalisation Strategy was approved by Members in February 2017 and finished in 2021/22. As such, there were no specific targets for 2022/23. The strategy had the effect of both reducing expenditure and increasing income. The need to grow income is now more of a priority as the Council moves towards being self-financing (that is, not reliant on direct government funding such as revenue support grant).
- 3.3. The strategy was developed with the underlying principles of protecting frontline service delivery. It is also intended that the strategy is a tool to enable the Council to ensure that its service spending is determined by the established priorities set out in the Corporate Plan. It focused primarily on major procurements, the asset management plan, growth, income generation and rationalisation.
- 3.4. In conjunction with stakeholders, the outputs of an 'Ideas Lab' exercise undertaken during the Autumn of 2022 continue to be developed and expectations of the outputs of this to produce a new strategy were incorporated into the MTFP approved in February 2023. A total of £550,000 was included in the plan, profiled across: 2023/24 £0, 2024/25 £150,000, 2025/26 £200,000 and 2026/27 £200,000.
- 3.5. The Authority carries a longstanding reserve earmarked to support the Efficiency Strategy which can be drawn on to offset one-off costs of delivering the efficiency programme, such as redundancy costs. The reserve stands at £200,000. It has not been necessary to draw on this reserve in previous years, so it remains intact to underwrite performance against future savings targets in the Efficiency Programme.

4. Collaborative Arrangements

Alliance Environmental Services

- 4.1. Alliance Environmental Services Ltd (AES) delivers waste, fleet, street cleansing and grounds maintenance services to both High Peak Borough and Staffordshire Moorlands District Councils. The Councils are shareholders of the company along with Ansa, which is a wholly owned subsidiary of Cheshire East Council.
- 4.2. AES's management fee and impact on this Council's budget is summarised below:

2022-23	General Fund £	HRA £	Total £
AES contract budget	4,593,900	213,470	4,807,370
AES base management fee	4,536,603	217,314	4,753,917
Efficiency Rebate	(23,880)	(1,120)	(25,000)

2022-23	General Fund £	HRA £	Total £
Allocation of Joint Operation profit	(28,790)	(1,334)	(30,124)
Contract pressures/ (savings):			
- Pay award	161,085	7,465	168,550
- Fuel inflation	79,903	3,386	83,289
- Other (fleet and bins equipment)	52,431	441	52,872
- Recycling Rebate	(363,425)	-	(363,425)
Net contract cost	4,413,927	226,152	4,640,079
Variance	(179,973)	12,682	(167,291)

- 4.3. The AES business plan for all services being delivered to the Council during 2022/23 includes a budgeted management fee of £4,753,917. The Council also has a share of the total AES forecast efficiency target which is repayable to the Council at the end of the year and is allocated against the management fee costs.
- 4.4. Under accounting standards, AES's financial performance is consolidated in to the Councils' single entity statements as a 'Joint Operation' as opposed to separate group accounts being reported. The profit is therefore apportioned between the two Councils and the respective services in line with the input of original budgeted resources from each department and is offset against the management fee costs.
- 4.5. The draft outturn now includes various contract pressures and savings: the pay award was estimated in line with the Council's expectations at budget setting, this has now been updated to an additional cost; the impact of inflation on fuel and red diesel; plus other increases related to fleet and bin provision; these are offset by a rebate for improved recycling income due to an increased basket of goods rate in the market.

Alliance Norse Limited

- 4.6. A Joint Venture has been created between Norse Commercial Services Limited (a trading arm of the Norse Group which is owned by Norfolk County Council) (75% ownership), High Peak Borough Council (12.5% ownership) and Staffordshire Moorlands District Council (12.5% ownership) to deliver housing repairs, capital investment and facilities management services across the Councils' property assets. Phase 1 of the project to deliver corporate cleaning and caretaking service went live on 1st April 2022; and phase 2 for the delivery of the remainder of the services on 4th July 2022.
- 4.7. The Councils pay on account for the revenue services delivered by Norse. At the end of the year a discount is repayable to the Councils of 1% of the trading profit/loss. Under accounting standards, Alliance Norse's financial performance is consolidated in to the Councils' single entity statements as a 'Joint Operation' as opposed to separate group accounts being reported. The profit/ (loss) is therefore offset against the payment on account.

2022-23	General Fund	HRA	Total
	£	£	£
Nurse Payment on Account	1,171,415	3,415,482	4,586,897
Contract profit/ loss discount	(58,017)	16,231	(41,786)
Allocation of Joint Operation (profit)/ loss	(61,729)	24,826	(36,903)
Net contract cost	1,051,669	3,456,539	4,508,208

5. The Springs

- 5.1. The Springs shopping centre in Buxton was acquired in December 2022 as part of the Future High Street Fund (FHSF) project. Performance is measured against agreed Key Performance Indicator (KPI) measures developed as part of the business case to assess the viability of purchasing the centre and to meet the operating and financing costs throughout the period it is held by the Council. These KPIs will be updated at the next quarterly report upon receipt of the outstanding information.

Measure	Description	Q4 Baseline	Q4 Outturn	Variance	Note
Net income	Income from tenancies less costs	£86,212	£	£	Awaiting confirmation of breakdown of actual rent receipts from the management company
Property yield	Annualised income as % of total cost (total commitment)	3.92%	%	%	
Surplus income (after debt)	Net income less interest charges	£26,621	£	£	
Yield on equity	Net income as % of FHSF grant (equity)	2.12%	%	%	
Rent arrears	Proportion of rent outstanding of total rent due	tbc	tbc	tbc	
Voids					
Sq ft		17,056	15,029	2,027	
%		17.60%	15.55%	2.05%	
No. of units		7	6	1	

6. Housing Revenue Account (HRA)

- 6.1. This section of the report considers the financial performance of the Council's Housing Revenue Account and highlights the budgetary position in respect of the operation of the Council's housing stock.
- 6.2. The 2022/23 Housing Revenue Account budget was originally set to produce a deficit of £1,894,070 supported by reserves. The Chief Financial Officer has, in

accordance with Financial Procedure Rules, authorised the roll forward of £160,900 in unused budgets from 2021/22 to facilitate completion of capital component works. This brought the 2022/23 budget to a deficit of £2,054,970 and will be supported by reserves.

- 6.3. Provisional outturn expenditure on the Housing Revenue Account is £17,047,303 with income of £15,439,721. This represents a deficit for the year of £1,607,583 (i.e. £447,387 under budget – meaning less reserves are required to fund HRA activities in year).

Housing Revenue Account	2022/23 Revised Budget	2022/23 Provisional Outturn	Variance
Repairs & Maintenance	4,664,260	5,940,948	1,276,688
Supervision & Management	2,804,230	2,436,763	(367,467)
Rates, Rents, Taxes, Other Charges	109,130	141,451	32,321
Other Operating Expenditure	806,290	677,186	(129,104)
Depreciation & Impairment Charges	2,099,030	2,186,702	87,672
Interest & Debt Management Charges	2,264,210	2,374,103	109,893
HRA Contribution to Capital Programme	4,704,690	3,290,151	(1,414,539)
Total Expenditure	17,451,840	17,047,303	(404,537)
Dwellings Rents	(14,714,840)	(14,675,340)	39,500
Non - Dwelling Rents & Other Income	(682,030)	(764,381)	(82,351)
Total Income	(15,396,870)	(15,439,721)	(42,851)
(Surplus) / Deficit for year	2,054,970	1,607,583	(447,387)
Use of Reserves	(2,054,970)	(1,607,583)	447,387
In Year Deficit (Surplus)	0	0	0

- 6.4. The Council has a duty, in accordance with Part VI (Section 74) of the Local Government and Housing Act 1989, to maintain a “Housing Revenue Account” (HRA). By “ring -fencing’ the Housing Revenue Account, the Council ensures that the management and maintenance of the Council’s housing stock is funded from the income generated by rents and other related sources. The Council is required under Part VI (Section 76) to prevent a debit balance each year on the HRA by setting the appropriate budget and monitoring progress against that budget throughout the financial year. The deficit balance predicted by the Council at this third quarter stage will be funded by a transfer from reserves within the Housing Revenue Account.

- 6.5. There are three significant (>£50,000) overspends to report at this stage.

- **Repairs and Maintenance (£1,276,688)** – overspend on the repairs budgets prior to the transfer to Alliance Norse on 4th July amounted to £550,000 due to inflationary pressures in materials and sub-contractor costs. These pressures have continued throughout the remaining nine months of the year under the Alliance Norse arrangement. The strategic objectives of the company are to maximise budgets in line with the Council’s MTFP.
- **Depreciation Charge (£83,970)**
- **Interest & Debt Management Charges (£109,893)** - additional income receivable by the HRA from increased interest rates is offset by a larger share of the interest payable per the current share of the pool, following the reduction in Voluntary Revenue Provision.

6.6. There are four significant (>£50,000) underspends to be reported at this stage.

- **Income - Non-Dwelling Rents (£82,351)** – Increased income from service charges has been responsible for most of this positive variance.
- **Supervision and Management (£367,467)** – there are numerous small underspends across many budget areas contributing to this underspend. However, a large proportion of this variance reflects savings in salary costs, transport costs and general employee related expenditure.
- **Other Operating Expenditure (£129,104)** – The majority of this variance relates to a lower than anticipated contribution to the bad debts provision.
- **Contribution to HRA Capital Programme (£388,850)** – as detailed in Section 8 below.

7. General Fund Capital Programme

7.1. The General Fund Capital Programme approved by members in February 2023 was set at £17,088,260.

7.2. The 2022/23 provisional outturn at 31st March 2023 is summarised in the table below, with further detail provided at Annex A:

Service	2022/23 Approved Budget	Out-Turn 2022-23	Variance
	£	£	£
Housing	374,000	591,161	217,161
Housing Standards	519,110	514,592	(4,518)
Property Services	4,136,530	2,245,815	(1,890,715)
ICT	73,940	59,449	(14,491)
Fleet	925,960	827,442	(98,518)
Leisure Services	118,220	25,937	(92,283)
Regeneration -Fairfield Roundabout	3,158,780	3,037,210	(121,570)
Regeneration -Buxton Town Centre	7,781,720	8,469,231	687,511
Total	17,088,260	15,770,837	(1,317,423)
Funding:-			
External Contributions	9,706,590	9,581,642	(124,948)
S106 Planning Obligations	15,000	537	(14,463)

Capital Receipts(Land)	45,000	45,000	-
Capital Receipts(one for one)	374,000	591,161	217,161
Capital Receipts(vehicles)	90,750	-	(90,750)
Borrowing	6,856,920	5,552,497	(1,304,423)
Total	17,088,260	15,770,837	(1,317,423)

7.3. The Council incurred capital expenditure of £15,770,837 during the year against a revised budget of £17,088,260 this represents an underspend of £1,317,423. The underspend reflects the net impact of Capital Programme projects which are either behind schedule or have progressed quicker than expected with the most significant variances being:

- **Housing (£217,161 – overspend)** the Council is grant funding from Right to Buy 1-4-1 capital receipts, delivery of 17 affordable rented homes at Buxton Road, Chinley. The project is ahead of forecasts, consequently, grant drawdown is higher in 2022-23 than anticipated.
- **Property Services (£1,890,715 – underspend)** resulting from several variances in cost and timing of projects within the Asset Plan. Glossop Market Hall refurbishment project has been subject to design delays; the main construction works are underway with a completion date of December 2023, £1,171,472 has been reprofiled into 23-24.
- **Fleet (£98,518 – underspend)** – replacement of vehicles and plant, the timetable has been re-evaluated in line with requirements and availability of vehicles.
- **Leisure Services (£92,283 – underspend)** play projects including Simmondley & Derby road Play Areas are now expected to be delivered in 2023-24.
- **Fairfield Roundabout (£121,570 underspend)** – the roundabout was operational from December 2022, there are some outstanding landscaping and lighting works to be carried out in 2023-24 – following the £1.5million successful Devolution Capital Fund award, all project costs have been met from external third party funding.
- **Future High Street Fund, Buxton – (£687,511 variance):**
 - The project cost in the year for the regeneration of Buxton town centre was £787,511 higher than that forecast in the original bid submission, on which the capital budget was set. The variance was due to a combination of the result of changes in the purchase price of the Springs shopping centre following due diligence and subsequent negotiations with the vendor; variances to other acquisition costs including legal fees consultancy and valuations.
 - The acquisition of The Springs is part funded by the Future High Street Fund grant in the 2022/23 accounts, with the remaining underlying borrowing costs being charged against the project offset by rental income.
 - In agreement with the Department for Levelling Up, Housing and Communities, the Future High Street Fund grant has been reprofiled to fully fund the acquisition of The Springs.
 - The acquisition variance is offset by the £100,000 budget allocated

for physical infrastructure works which have not yet been undertaken. Work is underway to quantify how much the wider scheme will cost as a result of high inflation conditions – the outcome of this will feed into the budget update.

- 7.4. Consequently, overall capital funding which is expected to be applied to the 2022-23 Capital Programme, is lower than forecast, reflecting the revised timing of capital spend, resulting in a reduced borrowing requirement of £1,304,423.
- 7.5. As a result of the variances detailed above, approval is sought to increase/decrease the Capital budgets for 2023/24 as shown in the table below:

Service	Variance £	Carry Forward to 2023/24 Over/(Underspend) £	Over/(Underspend) Completed Projects £
Housing	217,161	-	217,161
Housing Standards	(4,518)	(27,150)	22,632
Property Services	(1,890,715)	(1,890,715)	-
ICT	(14,491)	(10,020)	(4,471)
Fleet	(98,518)	(98,518)	-
Leisure Services	(92,283)	(92,600)	317
Regeneration -Fairfield Roundabout	(121,570)	(121,570)	-
Regeneration -Buxton Town Centre	687,511	687,511	-
Total	(1,317,423)	(1,553,062)	235,639

8. Housing Revenue Account Capital Programme

- 8.1. This section of the report provides an update to Members on the Council's HRA capital spending.
- 8.2. The HRA Capital Programme approved by members in February 2023 was set at £6,796,600.
- 8.3. The table below shows a high level summary of the HRA Capital Programme at 31st March 2023. Further detail on a scheme-by-scheme basis is contained in Annex A.

Scheme	2022-23 Approved Budget £	Out-Turn 22-23 £	Variance over (under) £
Asset Management works	5,680,730	4,605,983	(1,074,747)
Repairs Team Capital works	65,980	65,881	(99)
Commissioning Costs	100,000	53,020	(46,980)
Vehicle Replacements	706,860	690,768	(16,092)
Repurchase Dwellings	243,030	400,964	157,934
Total Programme	6,796,600	5,816,615	(979,985)
Major Repairs Reserve	2,268,000	2,268,000	-

HRA Contribution	4,200,680	3,290,151	(910,529)
External Funding (Energy Works)	84,890	98,078	13,188
Capital Receipts 1-4-1	243,030	160,385	(82,645)
Capital Receipts Other	-	240,578	240,578
Total Financing	6,796,600	5,816,615	(979,985)

8.4. The Council incurred capital expenditure of £5,816,615 during the year against a revised budget of £6,796,600; this represents an under spend of £979,985. The underspend reflects the net impact of Capital Programme projects which are either behind schedule or have progressed more quickly than expected with the most significant variances being:

- **Asset management Works – (£1,074,747 underspend)** variances across all project areas (as detailed in Annex A) with kitchen & bathroom replacements the only projects ahead of anticipated spend.
- **Dwelling Purchases – (£154,934)** three former Right To Buy Council Houses were repurchased during the year which was more than anticipated

8.5. As a result of the variances detailed above, approval is sought to carry forward the net overall under-spend of £979,985.

9. Treasury Management

9.1. This section of the report sets out the key Treasury Management statistics in relation to the Council's investments and borrowings. This report comprises a high-level Treasury Management summary. The Audit and Regulatory Committee receives detailed operational updates on Treasury Management.

Investments

9.2. Cash Investments held on the 31st March 2023 totalled £16.5million. The average level of funds available for investment during the year was £29.1million and £549,685 interest was earned.

9.3. The Council has budgeted to receive £103,670 in investment income in 2022/23 under the expectation that the Bank of England base rate would only reach 0.75% by the end of the financial year. However, the base rate has increased during the year from 0.75% to 4.25%. As interest rates on investment opportunities followed this same path, a surplus of £446,015 is reported against the budget.

Borrowing

9.4. Outstanding borrowing at 31st March 2023 totalled £61.2million. The Council's general fund and HRA budgeted to incur £1,711,950 and £1,629,210 respectively in interest charges and other financing costs in 2022/23. This was based on existing external debt and new borrowing of £6.8million mid-year to fund the general fund capital programme.

9.5. A £3,300,000 loan was repaid in January 2023 – this was an extinguishment of a loan with an original maturity date in 2065. A premium of £897,461 was paid

which is written back under regulations with an equal charge amortised over the remaining life of the loan, split between the general fund and the HRA. The reduced interest cost weighed against the annual premium charge is a net discounted benefit to the Council.

- 9.6. £2,000,000 new short term external borrowing was taken in March 2023 to manage cashflow needs. The total borrowing costs achieved an provisional outturn saving of £194,740 against the budget; £97,358 is due to a greater estimated net charge to the HRA under the one pool approach of borrowing, with the remaining £97,382 being due less new external borrowing than anticipated.

10. Revenue Collection

10.1. The collection rate outturn for 2022/23 was as follows:

- **Council Tax** – 97.9% of Council Tax was collected during 2022/23, compared to 98.1% in 2021/22, and 97.8% in 2020/21.
- **Business Rates** – 98.8% of Business Rates was collected during 2022/23, compared with 98.7% in 2021/22, and 98.12% in 2020/21.
- **Sundry Debts** - The value of sundry debts over 60 days old at 31st March 2023 was £79,087 which compares with £140,275 at 31st March 2022.

Housing Revenue Account Capital Programme Update 31st March 2023

Scheme	2022-23 Approved Budget	Out-Turn 22-23	Variance over (under)
	£		
Asset Management			
Roofing	274,020	320,193	46,173
Gladstone St Walkways	25,860	13,722	(12,138)
Lift Replacements	419,000	238,072	(180,928)
Bathroom Programme	123,570	324,680	201,110
Kitchen Programme	789,400	1,080,221	290,821
Electrical Works	514,410	258,521	(255,889)
Aids & Adaptations	457,000	447,511	(9,489)
Windows & Doors Programme	900,000	755,215	(144,785)
Central Heating Works	230,000	115,426	(114,574)
Queens Court Boiler	200,000	10,527	(189,473)
Gamesley Car Park/Hardstanding	299,420	155,194	(144,226)
Watford Lodge Refit	71,740	1,735	(70,005)
CCTV & Aerials	100,000	5,469	(94,531)
Structural & Rendering	626,550	599,803	(26,747)
Fairfield View	20,000	-	(20,000)
Major Void Retrofit Decarbonisation	100,000	-	(100,000)
Sheltered Fire Alarm	208,500	158,441	(50,059)
Hartington Gardens Footbridge	200,000	-	(200,000)
Energy Efficiency Works	121,260	121,252	(8)
	5,680,730	4,605,983	(1,074,747)
Repairs Capital			
Void Rewires	12,920	12,920	-
Void Kitchens	31,550	31,449	(101)
Void Bathrooms	21,510	21,512	2
	65,980	65,881	(99)
Staffing			
Staffing /Commissioning	100,000	53,020	(46,980)
	100,000	53,020	(46,980)
Asset Purchases			
Vehicle Replacement	706,860	690,768	(16,092)
Re-Purchase Dwellings	243,030	400,964	157,934
	949,890	1,091,731	141,841
Total	6,796,600	5,816,615	(979,985)

ANNEX B

General Fund Capital Programme Update 31st March 2023

Scheme	2022/23 Approved Budget	Out-Turn 2022-23	Variance	C/fwd to 2023/24 Over/ (Underspend)	Over/ (Underspend) Completed Projects
	£	£	£	£	£
Housing					
Affordable Housing	374,000	591,161	217,161	-	217,161
Disabled Facilities Grants	489,110	511,742	22,632	-	22,632
Home Repairs	30,000	2,850	(27,150)	(27,150)	-
	893,110	1,105,753	212,643	(27,150)	239,793
Property Services					
Asset Management Plan	4,136,530	2,245,815	(1,890,715)	(1,890,715)	-
	4,136,530	2,245,815	(1,890,715)	(1,890,715)	-
ICT	73,940	59,449	(14,491)	(10,020)	(4,471)
	73,940	59,449	(14,491)	(10,020)	(4,471)
Fleet Management					
Vehicle/Plant Acquisitions	925,960	827,442	(98,518)	(98,518)	-
	925,960	827,442	(98,518)	(98,518)	-
Leisure Services					
Sports Club Grants	30,000	25,400	(4,600)	(4,600)	-
Play Facilities	88,220	537	(87,683)	(88,000)	317
	118,220	25,937	(92,283)	(92,600)	317
Regeneration					
Fairfield Roundabout	3,158,780	3,037,210	(121,570)	(121,570)	-
Buxton Town Centre	7,781,720	8,469,231	687,511	687,511	-
	10,940,500	11,506,441	565,941	565,941	-
Total General Fund	17,088,260	15,770,837	(1,317,423)	(1,553,062)	235,639



2022/23

**Fourth Quarter
Procurement
Review**

1. Introduction

- 1.1 A key element of the financial savings included in the Council's Efficiency & Rationalisation Strategy is being met from Procurement activity which was approved by Full Council in February 2017.
- 1.2 The previous Procurement Strategy was developed in 2014 to ensure that its objectives linked closely with the Council's overall strategic vision and aims and objectives. The key actions included, delivery of cashable savings, development of a professional Procurement unit, updated Procurement Rules to support transparency and the implementation of electronic tendering processes and procurement systems. All of which have been achieved.
- 1.3 The revised Joint Procurement Strategy is now approved. The revised strategy, covering 2022-2025 will focus on the following key objectives to support the aims of the Council's Corporate plan and align with the LGA National Procurement Strategy:
- Delivering Value for Money
 - Commercial focus and effective Contract Management
 - Maintaining Transparency and Ethical practices through effective leadership
 - Promoting Responsible and Sustainable Procurement
 - Supporting the Local Economy and Business Growth
 - Delivering Social Value (CSR) through our Contracts
- 1.4 The Council will work to achieve these priorities by adopting and implementing the following key themes which underpin and will drive the strategy forward over the next three years:
- Showing Leadership
 - Behaving Commercially
 - Achieving Community Benefits
 - Environmental Sustainability
 - Ethical Sourcing

2. Fourth Quarter Completed Procurements

- 2.1 The activity supported by the Council's procurement team for the fourth quarter 01 January 2023 to March 2023 is summarised below:

Fourth Quarter	High Value (> £181,000)	Low Value (< £181,000)	Total
HPBC Only	0	8	8
JOINT (SMHP)	1	5	6
TOTAL			14

- 2.2 Annex A provides details of the 14 procurement exercises completed during Quarter four.

3. 2022/23 Procurement Forward Plan

3.1 The table below details the number of exercises which fall into either low or high value (profiled over full contract term) remaining and scheduled for either completion or starting in 2022/23.

2022/23 Activity	High Value (> 181,000k)	Low Value (< £181,000k)	Total
HPBC	1	5	6
JOINT (SM/HP)	3	7	10
TOTAL			16

In addition to the above, there are a further 92 listed entries brought forward from previous years (for review and completion for both HPBC and SMDC combined).

3.2 Some of the more significant 'high level' procurement activity that is scheduled for support and delivery in 2022/23 includes:-

- Facilities Management (Joint venture delivery model) – now completed
- Glossop Halls (D2N2) refurbishment project (Glossop Indoor Market and adjacent buildings) – Main Contractor – now appointed
- Leisure Transformation programme
- Glossop Markets & Creative / Business space Operator Concession
- Future High streets – Spring Gardens Buxton (Consultancy / Development Partner)
- EFG Greener homes LAD3 funding

Transforming Public Procurement Reforms

3.3 The Procurement Bill, which will reform the existing Public Sector Procurement Rules, is now going through Parliament. The reforms will;

- create a fully transparent public procurement system, through a central digital platform;
- aim to create a simpler and more flexible, commercial system that better meets our country's needs while remaining compliant with our international obligations;
- open up public procurement to new entrants such as small businesses and social enterprises so that they can compete for and win more public contracts.

3.4 The Bill is scheduled to receive Royal Assent in Spring 2023 which will then initiate a lead in six month comprehensive learning and development programme for public sector Contracting Authorities. Further information will be prepared and presented as a separate Information Digest report as the Bill progresses through the next stages in quarter four.

4. Procurement Performance

4.1 This section reports on the Council performance in terms of procurement activity.

4.2 Performance for the fourth quarter is highlighted below:-

Performance Indicator	Target	Performance at 31 March 2023
% of Alliance Procurement Activity on Forward Plan	70%	50%
Annual contract spend as % of gross expenditure budget	95%	94%
Supplier (Creditor) spend within the local area as a % of total spend	8%	7.5%
% of Contracts awarded to local suppliers following submission of EOI (over £5,000)	Contextual	26%

Off track On Forward Plan PI commentary:

4.1 On forward plan activity target not achieved, we will continue to work with Heads of Service and wider teams aiming that we have information captured to inform the next 12 months forward plan, outside of reactive activity.

4.2 We will continue to make contracting opportunities available with the focus on local supply chain engagement supported by the implementation of the refreshed Procurement Strategy implementation during 2023/24.

Fourth Quarter Procurement Activity Completed – HPBC

Contract Title	Brief contract description	Recurring or One Off	Service Area	Procedure	Award Detail	Term / Duration YRS	Total Contract Value £
Play Area Refurbishments	Jodrell Rd and Simmondley Pennine Rd	One off	Service Commissioning	Tender	Kompan Ltd	26 wks	79,877
Works – URN The slopes Buxton	Restoration to Stone Urn on the Slopes Buxton	One Off	Regeneration	Tender	UK Restoration Services Ltd	1	40,070
Buxton HAZ	Temporary services to support programme	One Off	Regeneration	Single source	TDR Heritage	12 wks	20,900
Buxton Masterplan Consultancy	FHSF Consultancy	One Off	Regeneration	Framework	Faithful & Gould	8 wks	15,000
Professional Services – Buckingham	Structural Engineer	One Off	Development Control	Quotations	Thomasons	12 wks	6,550
Supplies – Notice Boards	Flame shield and tamperproof notice boards for displays in sheltered accommodation blocks	One Off	Housing Services / Assets	Quotations	XL Displays Ltd	n/a	4,815
Dinting Vale QS Application	Specialist Advice	One Off	Development Control	Quotations	Townsend & Renaudon	4 wks	2,745
ASBO and Supporting Advice - Consultancy	Specialist Advice	Recurring	Communities & Climate Change	Single source	Mallard Consultancy		1,199

Fourth Quarter Procurement Activity Completed – JOINT (HPBC & SMDC)

Contract Title	Brief contract description	Recurring or One Off	Service Area	Procedure	Award Detail	Term / Duration YRS	Total Contract Value £
Infreemation – Safeguarding module	IT application for safeguarding administration	Recurring	OD & Transformation	Existing Contract	Digital Interactive Ltd	Rolling – annual licence	1,900
Committee Management system – Mod Gov	Renewal of fixed term licences and development	Recurring	OD & Transformation	Framework	Civica UK Ltd	3 +1	64,1110
Tree Management Software system	IT application renewal	Recurring	OD & Transformation	Framework	RA Information Systems Easy Tree	3+1	31,466
Pay & Display Car Parking machines	Upgrade to new parking machines and maintenance contract	Recurring	Assets	Framework	Flow Bird Smart City UK	2+2	250,676
Capital Accounting Asset Valuations	Professional Consultancy – Accounting Asset valuations	Recurring	Finance	Direct Award – Single source	Capita Ltd	1	20,100
Memorial safety Inspections	Survey inspections and remedial works to grave memorials	Recurring	Service Commissioning	Change control	Alliance Environmental Services		



High Peak Performance and Customer Feedback Report: Q4 2022/2023 (Year-end outturn)

Aim 1: Supporting our communities to create a healthier, safer, cleaner High Peak



P1 repairs completed within 24 hours

95%

P2 repairs completed within 5 days

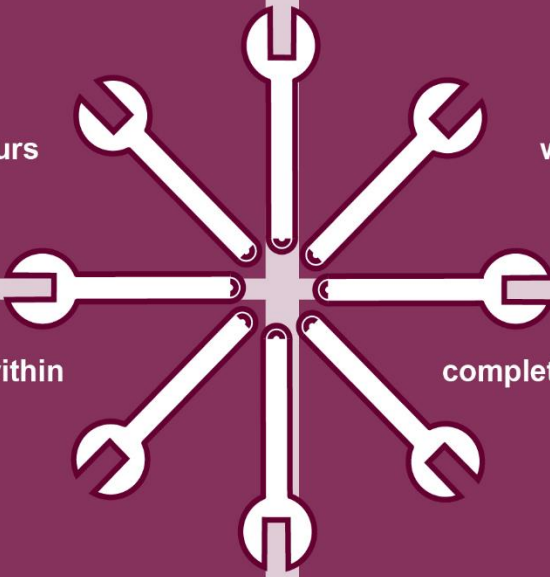
91%

P3 repairs completed within 21 days

90%

P4 repairs completed within 16 weeks

98%



Aim 2: A responsive, smart, financially resilient and forward-thinking council



IT network availability

IT system availability



Number and % of assisted contacts

73,699 51% | 69,888 49%

Phone & face to face

Web

Aim 3: Protect and create jobs by supporting economic growth, development and regeneration



Major development applications processed in time 100%

Minor & other developments allowed on Appeal

1.2%



Aim 4: Protect and Improve the environment including responding to the climate emergency



422.77

KG's of residual waste per household



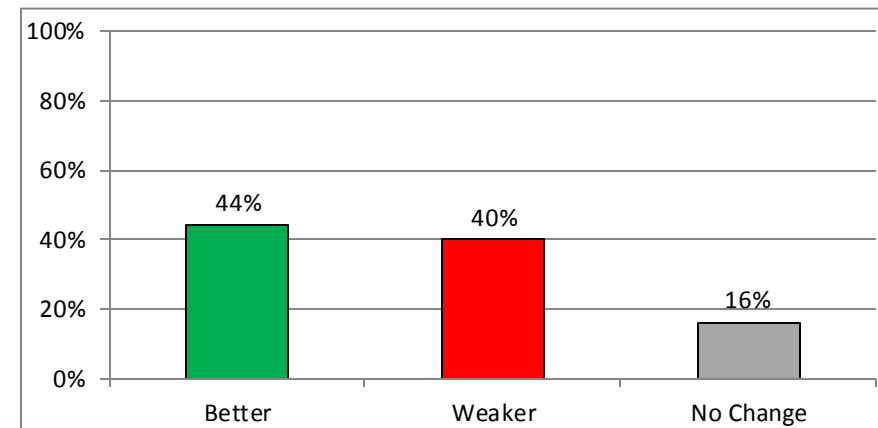
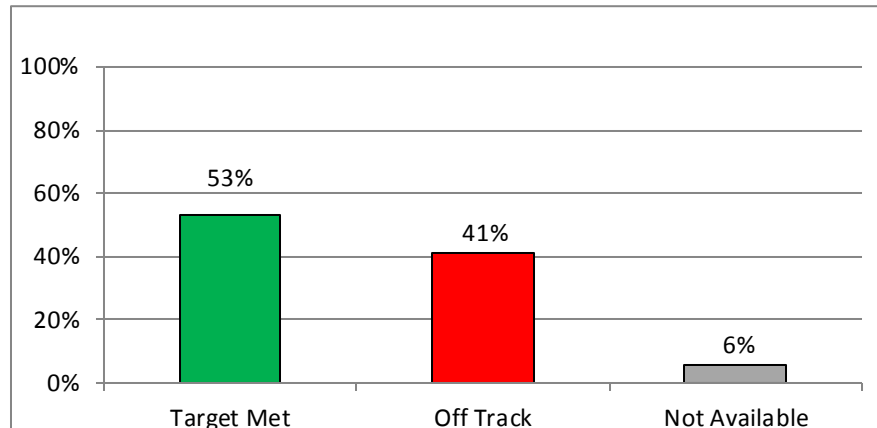
Paper consumption (reams) (Joint Alliance measure)

High Peak Q4 Summary

The following report provides an overview of performance at High Peak for the period April 2022 to March 2023 in relation to the Council's corporate plan priorities. As well as the summary below, the report also provides insight into the council's performance against each of its four strategic aims, including both successes and areas for further improvement.

Performance Overview

There are 81 targeted measures to report against at year end, of which 5 were not available. The charts below show the results for Q4 in terms of both attainment and trend data. At the end of the fourth quarter, the council had met 53% of its targets and has improved upon or maintained its performance level compared to this point last year in 60% of measures. The full framework can be accessed [here](#).



Customer Feedback Overview

This report also provides an overview of the results from the Council's customer feedback system in terms of complaints, comments and compliments. There was no change in the number of complaints closed during 2022-23 compared to last year : 108. There have been no repeat complaints reported and the council responded to 96% of all complaints in time, just missing the 97% target.

Aim 1: Help create a safer and healthier environment for our residents to live and work



Fit for purpose housing

- ✓ New housing benefit claims processed just over 9 days , change of circs processed in under 7 days
- ✓ % Housing Benefit cases determined correctly
- ✓ % active housing register applicants in priority need registered over 6 months
- ✓ No gas safety checks were overdue in council homes
- ✓ % P1, P2, P3 and P4 and overall repairs completed within timescale
- ✓ % first time fix repairs ,
- ✓ % appointments made and kept
- ✓ % voids completed within target

Areas for improvement: The Right To Buy measure (number of transactions and % within timescales) was affected by the delay during Q1 but improved during subsequent quarters. At the end of March, the council had 24 households in temporary accommodation for over six weeks , none of which were families. The continued slow turnover of stock and the reduced availability / high cost of private sector housing continues to affect the council's ability to achieve settled accommodation outcomes for a proportion of prevention and relief homelessness duty discharges. 53% of homelessness applications were opened at the prevention stage against a target of 60%. 91 % of tenants were satisfied with the housing repairs service against a target of 95%

Accelerated housing delivery programme:

Fairfield Roundabout – The work is substantively complete. Feedback from Homes England regarding the Deed of Variation is still awaited.

Granby Road –Fisher German are seeking agreement in principle from the Council to the Waterswallows Developer pursuing / developing a solution to the nutrient neutrality in the absence of a credit scheme. The Developer proposes the direct provision of a water treatment works as the most expedient solution for the delivery of the Waterswallows scheme. The Developer evaluated four potential locations for this, their preference is the land off Dew Pond Lane site (owned by the Council) which is designated within a Primary Employment Zone. The use of this site for a water treatment works would result in the loss of a potential employment use and it has been unclear to date what area of the Dew Pond Lane Site would be required, and what consideration would be paid to the Council.

Work with partners

Carelink Service:

- ✓ 97.2 % of emergency calls responded to within 45 minutes

Areas for improvement: 90.4 % of referrals were installed within 15 days missing the the 95% target. The delays are being caused by a number of factors including delayed hospital discharges, medical equipment installation and house removals

High quality leisure facilities

- ✓ £3,079,469 in external sports funding secured (6 successful bids)
- ✓ 5 priority areas where placed – based work to reduce inactivity is being undertaken

High quality public amenities, clean streets and environmental health

- ✓ 236 community clean up campaigns
- ✓ 10 pest control contracts
- ✓ 98.8% food premises compliant with FSA criteria

Areas for improvement: The % of high risk premises (A-C) inspected per annum and the % routine permitted process premises inspected were close to target and have shown an improvement compared to last year. The % of the sampling programme completed for private water supplies had been affected by access issues for some properties. Additional measures have been put in place to ensure that targets can be met for 2023/24.

Practical support of Community Safety Arrangements

Areas for improvement: 90% of the actions in the Community Safety Partnership Plan were delivered to timescale against a target of 100%. Outstanding actions will be completed in the coming year.

Aim 1 areas for improvement and Priority Action updates can be viewed [here](#)





Aim 2: Meet financial challenges and provide value for money

Financial resilience and value for money

- ✓ Improving collection rates across business rates, rent and sundry debt
- ✓ 97% of invoices paid on time
- ✓ 96.38% of internal audit recommendations were implemented in time

Areas for improvement: The council tax collection rate of 97.87% missed the 98.2% target due to problems caused by software implemented to deliver the energy rebates. It caused a delay in producing recovery documents.

A new programme is in place to implement the Council's Efficiency and Rationalisation Programme with savings requirements effective from 2024/25. Working groups have been set up to progress the programme themes : Income, Recruitment, Assets, Council controlled costs.

Available services provided 'right first time'

- ✓ 5104 Facebook followers
- ✓ 49% of contacts made via the web
- ✓ no repeat complaints
- ✓ 53,576 OneVu Portal accounts

Areas for improvement: The increase in the number of Twitter followers has plateaued out as other forms of social media become more popular. Complaints handled within timescale just missed the 97% target at 96%. FOI response times have missed target due to the number and complexity of requests (848 of which 610 were within timescale). The Sitemorse Index compliance rating of 8 missed the target of 7 . The score is largely down to the website provider and will be replaced with a more appropriate measure.

High performing and motivated workforce

- ✓ Sickness absence : 6.55 days per FTE
- ✓ Only 7 workplace accidents (target 20)

Areas for improvement: There was only 1 RIDDOR reportable/lost time accidents involving injury to an operative's lower back. The employee had received manual handling and lifting training.

Effective use of assets

Areas for improvement: It took an average of 41.4 days to re-let council stock during April 2022 to March 2023. 246 properties have been let year to date, delays have been caused by external contractors and the amount of work required. Rent loss from vacant properties was 1.03 % against a target of 0.86%. The majority of the losses come from Marian Court, Church View and The Bungalow. Only 2% of properties had nil void loss against the target of 15%. 70% of Council owned business units were occupied, missing the target of 85%. 3 properties on Victoria Park Road and 3 on Winster Mews were vacant.

Procurement with a focus on local business

✓ 94% of contract spend was part of the gross expenditure budget

Areas for improvement:

50% of procurement activity was included on the forward, below the 70% target and is still lower than last year. On plan activity has dropped due to a number of influences during 2022/23. A high number of individual exercises have been completed off plan in relation to Central Government funding applications, special events and more complex capital projects to source specialist consultancies. Procurement are liaising with heads of service to ensure the 2023/24 plans are fully reflective of known future sourcing requirements. 7.5% of supplier spend came from within the local area, close to the 8% target. Local supply chain business is one of the key priorities in the Procurement Strategy for 2022-25.

Technology and innovation

✓ 100% of system and network availability

SOCITM have led an in-person workshop to discuss the branding and approach to launch the new digital strategy which has been presented to AMT. Next steps : prioritise service areas, confirm internal communications, complete application maps and resource planning

Aim 2 areas for improvement and Priority Action updates can be viewed [here](#)

Asset Management Plan Update:

The draft Asset Management Plan has been produced and circulated for comment. A number of workshops have taken place with leisure, regeneration, assets, communities and waste to review each service area. A workstream summary page will be presented to AMT with a view to producing an overarching plan summary report for adoption in the summer.

Aim 3: Support economic development and regeneration



High quality development with an open for business approach

- ✓ 100% of major applications processed in time
- ✓ 1.2% of minor & other developments allowed on appeal
- ✓ 10% major developments allowed on appeal
- ✓ 85% planning enforcement cases resolved in 13 weeks
- ✓ Housing land supply 6.28 years

Areas for Improvement: The % of minor and other development applications determined in time both missed target. This has partly been due to the backlog of applications being cleared leading to a number being determined out of time. 2.6 % of planning applications had pre-application enquiries against a target of 10%. 2 priority 1 planning enforcement cases were received of which only 1 was visited within the target of 24 hours . 52% of agents were satisfied with the planning service missing the target of 80%. The planning improvement project has now been implemented which should improve customer service and communication across all areas of the development service.

Flourishing Town Centres and Business Support

- ✓ 7.8% of empty town centre shops , national average 11.8%

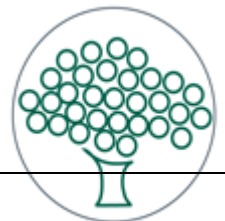
Glossop Halls Development:

Market/Town Hall complex: After open publication of the Concession contract notice, the Council were successful in receiving three tender submissions. Each of which detailed innovative future business plans for the complex including in scope the Market Hall, outdoor market, Town Hall, Arcade and Municipal Buildings. The Council is currently finalising the evaluation stage of the procedure to identify and recommend a preferred operator to present to Members in June.

Victoria Hall: The LUF2 bid was unsuccessful but conversations about a potential LUF Bid 3 have started. Discussions have taken place with architects to carry out works in the short-term to improve the usability of the ground floor. A draft licence has been shared with the Friends of Victoria Hall, which will be discussed further.

Aim 3 areas for improvement and Priority Action updates can be viewed [here](#)

Aim 4: Protect and Improve the Environment



Quality Parks and Open Spaces

- ✓ Green flag award maintained

Areas for improvement: the number of volunteer hours for friends/community groups was 592 against a target of 700. The effects and risks of Covid have still been a factor. Number have increased compared to last year, and additional new groups have been established which will increase number further.

The new play facility at Jodrell Road is complete and open to the public. Some small-scale reinstatement works are required (soil and seed). The ROSPA inspections are complete - there are a few very low risk issues that need resolving but these did not prevent opening.

Wetpour is being completed at the Simmondley play area in April with ROSPA inspections to follow.

Effective recycling and waste management

- ✓ 423 kg of residual household waste (estimated data)

Areas for improvement: The estimated recycling rate for 2022-23 is 48.66 % against a target of 50% but confirmed tonnages are awaited from partners. There were 37.3 missed bins per 100,000 collections against a target of 36. Collections have been affected by operational issues over the Christmas period, additional measures are being put in place to improve the results.

Meeting the challenge of climate change

- ✓ 655 reams of paper consumption
- ✓ Air quality : 100% compliance against national reporting requirements

Areas for improvement: 14% households are living in fuel poverty against a target of 10.35%. This equates to 5,657 households which is above the national average .



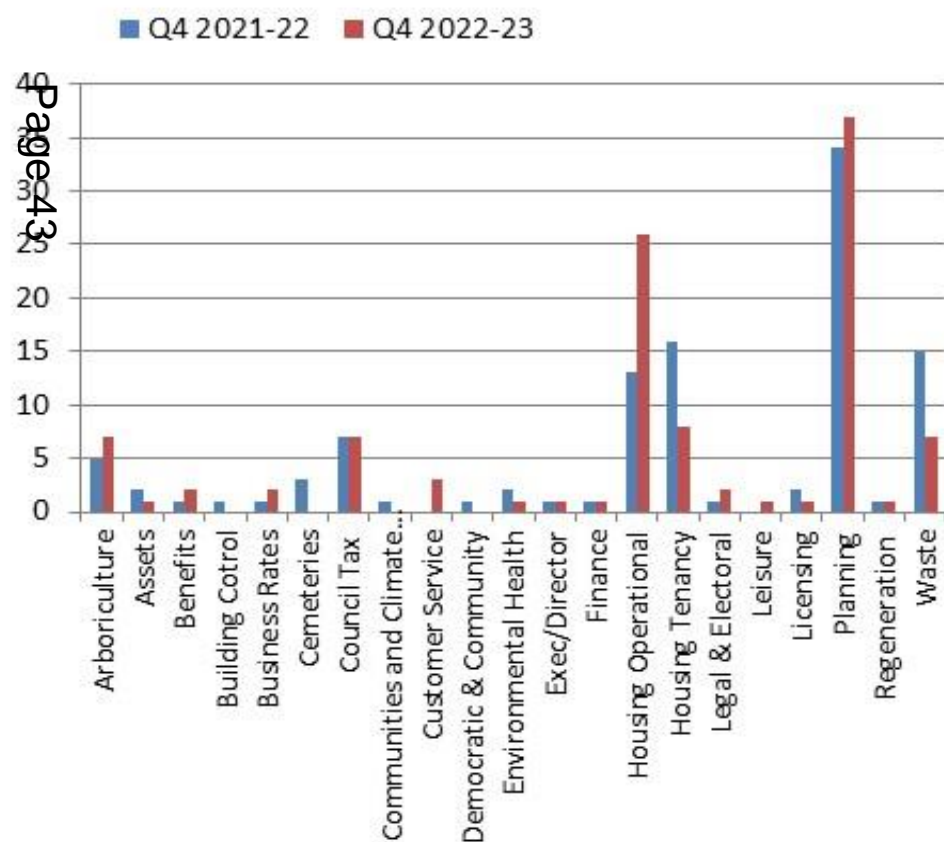
Developing a climate change strategy and an action plan of response to a declared climate emergency: The actions for 2023 all have overarching principles which will ensure we are well placed to access opportunities and include: mapping the pathway to retrofit for housing and explore means to stimulate upscaling activity (including engaging with suppliers to explore opportunities for private home owners) ; publicise energy saving schemes; target housing that are eligible for funding; ensure websites signpost to energy saving advice and information; develop a strategy for council owned housing; engage with solar panel supplier to scope the potential for a bulk buying programme in partnership with other local authorities. The strands of the plan are overseen by the Climate Change and Biodiversity Delivery Group with Heads of Service working together.

We have around £1.5m funding through various energy schemes plus potential to facilitate households to access others. Funding comes through Dept Energy Security and Net Zero, Mayoral Combined Authority, Shared Prosperity and Supplier obligation schemes.. Working with DCC we have participated in the renewable Energy Spatial Strategy <https://www.derbyshire.gov.uk/environment/planning/planning-policy/renewable-energy-study/renewable-energy-study.aspx>. We are also working with them to deliver Electric Vehicle infrastructure programmes. A Plan for Nature will be launched later in the year with Derbyshire wildlife trust, we also have an engagement programme with Wilder High Peak.

Aim 4 areas for improvement and Priority Action updates can be viewed [here](#)

Customer Feedback Complaints

The Council closed a total of 108 stage one complaints across 17 service areas during the period April 2022 to March 2023. No change compared to the same period last year. Planning received the greatest proportion (34%) with 37 complaints.



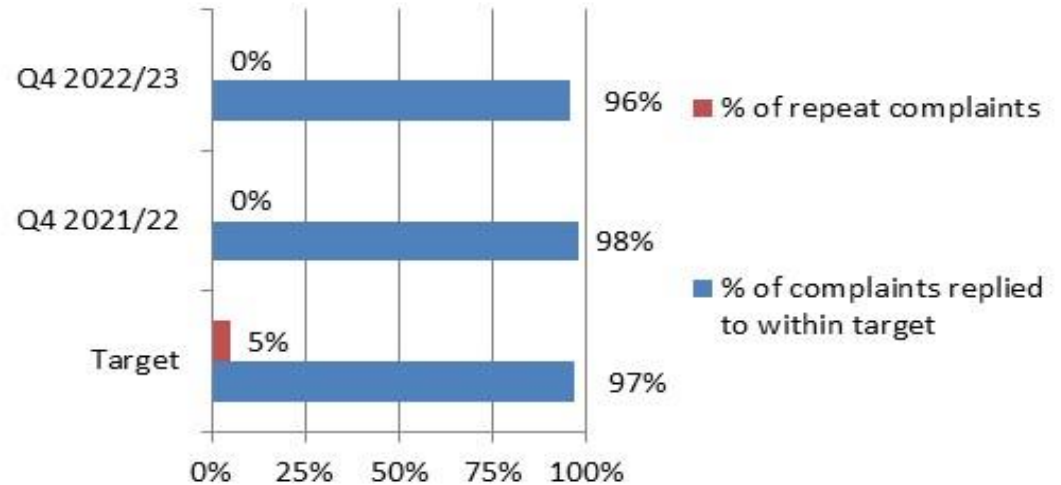
Stage 2 Complaints

In Quarter 4 we received 9 Stage 2 complaints:

Service Area	Complaint	Conclusion
Stage 2		
2022/23-01120 Assets	Vandalised bus shelter	Ongoing
2022/23-01347 Benefits	Council Tax reduction	Not upheld- accepted no fault
2022/23-01529 Housing Tenancy	Damp in property	Ongoing
2022/23-01653 Planning	Application refusal	Ongoing
2022/23-01656 Housing Tenancy	Adaptations	Ongoing
2022/23-01331 Planning	Planning application	Not upheld- accepted no fault
2022/23-01618 Council Tax	Delay in dealing with issue	Ongoing
2022/23-01266 Planning	Lack of response	Not upheld- accepted no fault
2022/23-01268 Waste & Recycling	Bin storage	Not upheld- accepted no fault

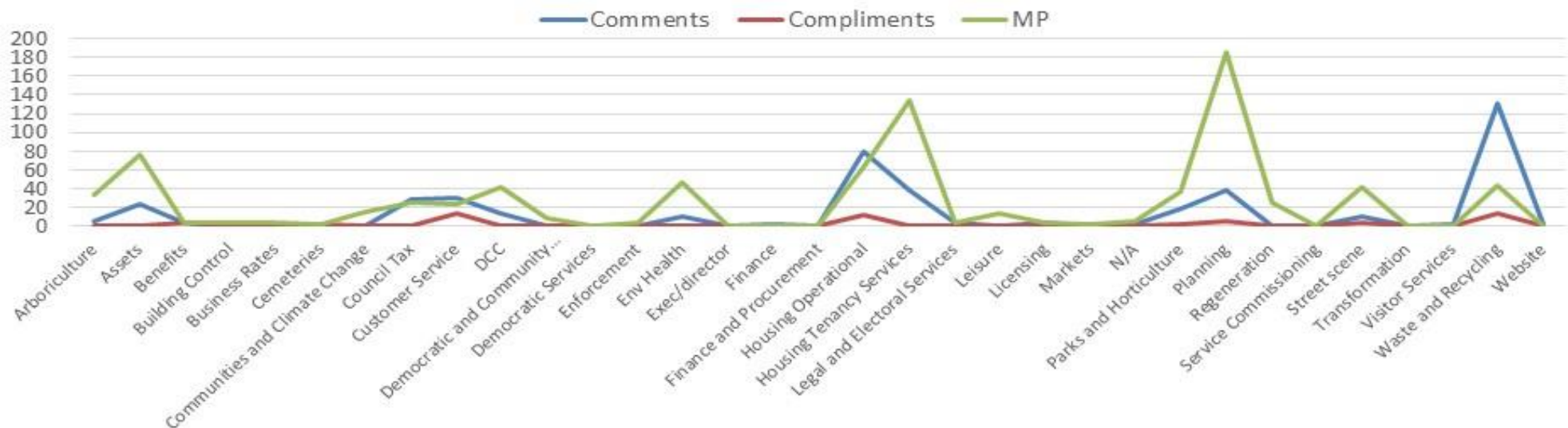
Performance

This table shows the current performance together with the performance for the same period last year. The response rate of 96% just missed the target of 97%, there have been no repeat complaints this quarter.



Ombudsman Decisions 1 case was referred to the Ombudsman in Quarter 4: HPCOM2022/23-060 regarding planning enforcement.

Compliments and Comments The Council has also captured 458 comments, 59 compliments and 851 MP comments through its feedback system :



HIGH PEAK BOROUGH COUNCIL
CORPORATE SELECT COMMITTEE

17 JULY 2023

TITLE:	Corporate Debt Recovery Policy
EXECUTIVE COUNCILLOR:	Councillor Barrow – Executive Councillor for Finance and Corporate Services
CONTACT OFFICER:	Martin Owen – Executive Director (Finance and Customer Services) Joanne Wheeldon - Head of Revenues and Benefits
WARDS INVOLVED:	Non Specific

1. Reason for the Report

- 1.1 The purpose of this report is to put in place a Corporate Debt Recovery Policy, that brings together all income streams where the Council is responsible for collecting and recovering debt. It is important to have a formal policy that details the Council's approach to debt recovery, providing a framework to ensure a consistent, fair, and proportionate approach. Having a policy that can be published shows that the actions are transparent and accountable.
- 1.2 The policy shows that the Council recognises that prompt recovery is key in managing its debt and maximising income, whilst also supporting vulnerable people. This policy applies to the collection of:
- 1.3
- Council Tax
 - Non Domestic Rates (Business Rates)
 - Sundry Debts (Council Services)
 - Housing Benefit (Overpayments)
- 1.4 The collection of Council debt is vital to the financial stability of the Council. However collection of the debt must be done in such a way that is both cost effective and treats individuals consistently and fairly, regardless of age, sex, gender, disability, race, and sexual orientation.

- 1.5 The Corporate Debt Recovery Policy provides a framework for maximising income collection and ensures that recovery action complies with the legislation and best practice.

2. Recommendation

- 2.1 That the implementation of the Corporate Debt Policy be approved.

3. Executive Summary

- 3.1 The Corporate Recovery Debt Policy allows us to bring all the individual debt collection processes within one document, to provide guidance for staff and to give transparency to our customers about how the Council will collect and recover outstanding debt.
- 3.2 Although there maybe similarities in the way we collect debt from each of the income streams, due to different processes and procedures, there are four different collection processes that fall within this policy.
- 3.3 Council Tax and Business Rates is a form of local taxation which is the main source of revenue for County Councils, Borough Councils and Local Parish Councils. The tax is a way for local people and businesses to contribute to the area where they live or work by helping to meet the cost of providing a range of local services.
- 3.4 Council Tax is payable by most adults who are resident or own properties within the Borough. Each property is placed into one of eight Council Tax bands (A-H) by the Valuation Office.
- 3.5 Businesses or Non-Domestic Rates are payable by businesses. Local authorities collect the rates and a percentage of the money collected is retained to support the local economy financially. The amount a business pays is dependent upon the rateable value of the property which is determined by the Valuation Office.
- 3.6 Income is also generated from services that the Council provides, referred to as Sundry Debt. A list of the services provided is contained within the policy in this report.
- 3.7 The Council also has a duty to recover any overpayment of Housing Benefit where overpayments arise through changes in benefit entitlement. The Council has processes to minimise overpayment and to ensure that where they do occur, they are identified promptly and if recoverable this is done using the most appropriate method of recovery. In all cases where an overpayment has arisen the Council will consider whether an official error has caused or contributed towards the overpayment.

- 3.8 The collection of Corporate Debt falls under the responsibility of the Revenues and Benefits Team therefore bringing all policies together makes it easier for administrative purposes and all individual policies under the umbrella of the Corporate Debt Policy will be reviewed annually.
- 3.9 The policy is designed to ensure that we treat all customers fairly and consistently, support vulnerable individuals, whilst maximising opportunities to collect the revenue owed to the Council. The Council aims to secure payment efficiently and effectively with the minimum amount of effort and cost to both the debtor and the Council
- 3.10 The Council will pause all recovery action recommended in this policy whilst a debtor is in debt respite, also known as “breathing space” in accordance with The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020.
- 3.11 The Council is also looking into signing up to the Citizens Advice Bureau (CAB) Council Tax Protocol which cements and strengthens the good work already happening across the Borough. By signing up to the protocol, High Peak Borough Council, Enforcement Agents, and advice agencies can help taxpayers pay their Council Tax bills while accessing debt advice when needed.

4. How this report links to Corporate Priorities

Aim 1 – Financial Inclusion

5. Alternative Options

- 5.1 The recovery of Council debt is statutory with some areas of discretion.

6. Implications

- 6.1 Community Safety - (Crime and Disorder Act 1998)

None

- 6.2 Workforce

The policy will provide clear guidance and direction to staff when recovering outstanding monies owed to the Council.

- 6.3 Equality and Diversity/Equality Impact Assessment

The report has been prepared in line with Council policies .

- 6.4 Financial implications

None

- 6.5 Legal

The statutory guidance for the collection and recovery of Council Tax is Schedule 2 and Schedule 4 of the Local Government Finance Act 1992 and the Council Tax (Administration and Enforcement) Regulations 1992 (SI.1992/613).

The statutory guidance for the collection and recovery of Business Rates is Local Government Finance Act (1988), The Non-Domestic Rates (Collection & Enforcement) Regulations, SI 1989/1058 and the Tribunal, Courts and Enforcement Act (2007).

6.6 Consultation

Consultation undertaken with internal Council departments, Citizens Advice Bureau, Bristow and Sutor Enforcement Agents

6.7 Risk Assessment

Failure to agree to this policy could increase the potential for failing to collect all sums due.

Martin Owen

Executive Director (Finance & Customer Services)

**Web Links and
Background Papers**

Contact details

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High Peak Borough Council Corporate Recovery Policy

2023/2024

Contents Page

PART ONE - INTRODUCTION

1. Purpose
2. Vulnerable people
3. Equalities
4. Use of Data
5. Advice agencies
6. Arrangements
7. Joint and several liability
8. Writing-off debt

PART TWO – COUNCIL TAX AND BUSINESS RATES

1. Council Tax (Pre-summons)
2. Council Tax reminders and final notices
3. Business Rates (Pre-summons)
4. Business Rates reminders and final notices
5. Summons – Council Tax and Business Rates
6. Liability Order
7. Costs
8. Withdrawing costs
9. Recovery procedures following a liability order
10. Attachment of earnings (Council Tax)
11. Attachments of members allowances (Council Tax)
12. Deductions from benefit (Council Tax)
13. Civil Enforcement Agents
14. Further recovery
15. Factors to take into consideration
16. Charging orders
17. Bankruptcy (Individual)
18. Winding up procedures (Limited companies)
19. Committal procedures

Appendix 1: Enforcement Agent Code of Conduct

Appendix 2: Enforcement Agent Fees

PART THREE - SUNDRY DEBTS

1. Introduction
2. Exclusions
3. Key objectives of Fees and Charges
4. Invoicing
5. Payment methods
6. Payment Terms
7. Collection and recovery
8. Queries and disputes
9. Credit Notes

PART FOUR - OVERPAYMENT OF HOUSING BENEFIT

1. What is an overpayment?
2. Identification and prevention overpayments
3. Calculating the overpayment
4. Classification and Subsidy
5. Deciding whether an overpayment is recoverable and should be recovered
6. Deciding who to recover from
7. Notification
8. Recovering the overpayment
9. Monitoring the recovery of overpayments
10. Housing Benefit write off procedures

PART ONE

1. Purpose

1.1 This policy sets out the Council's procedures in relation to the recovery of unpaid debt for the income streams listed below:

- Council Tax
- Non Domestic Rates (Business Rates)
- Sundry Debts (Council Services)
- Housing Benefit Overpayments

1.2 The policy contains information about how we deal with customers through each stage of the recovery process and to ensure that we treat all customers fairly and consistently whilst providing a framework for maximising income collection.

1.3 We will ensure that debtors:

- Are given sufficient time and opportunity to contact the Council in cases where they are having difficulty paying
- Are able to receive support should they be considered vulnerable
- Are encouraged to seek independent advice and to apply for relevant reductions /benefits
- Understand the consequences of failing to either make contact or bring their account up to date
- Are only referred to a higher level of enforcement when all alternative arrangements and recovery options have been exhausted

2. Vulnerable people

2.1 There is no national standard or legal definition of vulnerability. However, we recognise that some ways to recover debt may not be appropriate in such cases where the individual may be incapable of understanding or defending themselves properly from any proceedings.

2.2 The Council will be vigilant for the signs and symptoms of vulnerability to safeguard our most vulnerable customers and reassure them.

2.3 When considering if a debt should be repaid by a 'vulnerable' customer, individual circumstances should be considered and greater flexibility be given.

2.4 The following is a list of circumstances and characteristics that may make a person vulnerable for the purposes of this procedure. The cause of vulnerability may be temporary or permanent.

2.4.1 Disabled persons

A physical or a mental impairment can be a disability if it has a substantial long-term adverse effect on someone's ability to carry out normal day-to-day activities. A person with a disability is not necessarily vulnerable however, where the disability affects, or may affect, the person's ability to deal with their financial affairs they should be considered vulnerable. Extra assistance should be given to help such people obtain independent advice and apply for benefits, exemptions, or discounts. Home visits and the provision of information in a more accessible format should also be actively considered.

2.4.2 Persons with a mental Impairment or learning difficulties including dementia and Alzheimer's disease

Where it is evident that the taxpayer has mental impairment or learning difficulties they should be considered to be vulnerable. Such persons may also be disabled.

2.4.3 Persons experiencing serious illness, including mental illness

Where the taxpayer, their partner or any dependents appear to be suffering from any condition which is serious or life threatening they could be considered to be vulnerable. A person with a serious illness may also be disabled. Persons experiencing serious illness, especially mental illness, tend to have higher levels of debt and extra support should be provided by officers of the Council to help such people obtain independent advice and apply for benefits, exemptions, or discounts.

2.4.4 Persons receiving Income Support, Job Seeker's Allowance, Employment and Support Allowance or Pension Credit

Those on these benefits are considered to be vulnerable as they are living on a subsistence level benefit.

2.4.5 Unemployed persons

Unemployment does not automatically mean the taxpayer is vulnerable. However, loss of employment may result in serious financial difficulties if a person is suddenly unable to meet their existing financial commitments.

2.4.6 A person who has become unemployed recently after a long period of employment may be unfamiliar with processes for claiming benefits and may need additional assistance to understand their entitlements.

2.4.7 A person who has difficulty understanding English

Where a person does not understand either spoken or written English they should be considered to be vulnerable. Appropriate translations should be provided as necessary.

2.4.8 Persons Aged Under 18

It is unlikely that a person under 18 years of age will owe any sums to the Council. However, it is possible that a person may assist or care for a parent or other older person and could contact the Council on their behalf. Anyone under 18 years of age should automatically be considered to be vulnerable.

2.4.9 Elderly persons

An elderly person is not necessarily vulnerable. However, an elderly person who appears frail, confused, ill, or is living on a limited income should be considered vulnerable.

2.4.10 A person that has difficulty reading or writing

A person who has difficulty reading or writing should usually be regarded as vulnerable because they will have difficulty in understanding written notices. People who have difficulty reading or writing may be reluctant to reveal their difficulties and where there is concern that a person has such difficulties the issue should be addressed in a sensitive manner. Such persons should be considered vulnerable and extra support provided to them to understand their Council Tax account.

2.4.10 Addiction issues (drugs, alcohol, gambling)

A person battling an addiction may be incapable of dealing with their own financial affairs.

2.4.11 A person who has experienced significant changes in their lifestyle recently

A person may temporarily be unable to deal with their financial affairs (for example, bereavement, fleeing domestic violence, leaving prison, leaving care, pregnant women). Such cases will be reviewed periodically.

2.4.12 The above list is not exhaustive, and each case should be considered individually, considering all relevant factors. For the purpose of this procedure, the key factor in determining whether a person should be regarded as vulnerable, will be that the circumstances which give rise to the concern, affect their ability to deal with their financial affairs.

2.5 Where a person is or may be vulnerable an officer consider:

- Allowing longer to pay

- Postponing recovery action
- Assisting the person to claim benefits, discounts or other entitlements
- Referring the person to sources of independent advice
- Providing information in an accessible format
- A temporary payment arrangement with a lower repayment than would normally be agreed, or
- Other action as appropriate to avoid the vulnerable person being at a disadvantage as compared to a non-vulnerable person
- Ensure that we take account of vulnerabilities and that recovery measures are proportionate to a person's circumstances

2.6 It is important to note that being vulnerable does not mean that the person will not be required to pay the Council Tax owed and does not automatically mean that recovery action is not appropriate. We will make individual decisions based upon the individual circumstances of the taxpayer or ratepayer to identify if recovery action is appropriate and, if so, what action to take.

3. Equality duties

- 3.1 The Council has a statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.
- 3.2 In determining this policy consideration has been given to the Council's statutory equality duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.
- 3.3 Acting in accordance with this policy will help to ensure that the collection of sums due is conducted in a consistent and objective manner that will reduce the risk of inadvertent discrimination against persons with protected equality characteristics.
- 3.4 The Council will treat individuals consistently and fairly, regardless of age, gender, disability, race, and sexual orientation.

4. Use of data

- 4.1 The Council will collect and store personal data for the purposes of the effective billing, collection, and recovery of Council Tax. Personal data retained for this purpose will be processed in accordance with the Data Protection Act 1998 and will be stored securely at all times.

4.2 Personal data may be shared with agents or contractors appointed by the Council for the recovery of Council Tax or Business Rates. Data may also be shared within the Council or with external organisations where the law allows or requires.

5. Advice agencies

5.1 We recognise that a taxpayer or ratepayer who fails to pay their Council Tax or Business Rates often has wider financial difficulties. We provide information on how to contact a non-profit advice agency, debt advice agencies at each recovery stage in addition to providing information on how to apply for benefits, exemptions and discounts and reliefs.

5.2 The Council also recognises the importance of the work of non-profit advice agencies. Officers will always endeavour to work in partnership with them both in individual cases and on wider issues.

5.3 As the Council does not provide a debt counselling service, it promotes the following:

Citizens Advice 0808 278 7954

National Debtline 0808 808 4000

StepChange Debt Charity website or 0800 138 1111

6. Arrangements

6.1 The Council encourages and gives customers the opportunity to make individual arrangements to pay their debt. Once agreed, an arrangement will always be confirmed in writing to the taxpayer.

6.2 The Council will expect an arrangement that clears the debt within the current financial year, which runs 01 April to 31 March. If this is not possible, we will seek to reach an agreement that allows, as a minimum, the payment of the continuing liability plus an affordable amount off any arrears. Arrangements will be assessed based upon the affordability and sustainability for payment and seek to ensure that the debt is paid off within a reasonable period.

6.3 Arrangements will also be assessed on affordability and sustainability. To make this assessment the Council may require taxpayers to provide full details of their income, means and expenditure including evidence to support these details.

6.4 It is the responsibility of the debtor to ensure that their arrangement payments reach the Council on time. If any arrangement payments are missed or late the Council may proceed with further recovery action immediately and with no notice. A

debtor should contact the Council immediately if they have difficulty keeping to an arrangement to discuss the matter.

7. Joint and several liability

- 7.1 Joint and several liability in law means that all, or both, the jointly parties are each responsible for the whole liability. The billing authority can recover the whole amount due from any one of them and they are then left to sort out their respective contributions between themselves.

When Council Tax is not being paid, we will take action for recovery of the debt against any or all liable parties.

8. Write Offs

- 8.1 Whilst the Council will make every effort to pursue outstanding debts, it is recognised that in some circumstances debts are not recoverable. Good practice dictates that where they are irrecoverable, prompt, and regular write-off should be undertaken. The write-off of any debt is governed by the Council's Financial Procedure Rules, which form part of the constitution. To request a write-off, services must demonstrate that debt management procedures have been followed, and that one or more of the following conditions have been met:

- legal action is unlikely to be successful
- the debt is not recoverable for legal reasons for example, statute barred debt
- the customer is deceased
- there is no trace of the customer and legal recovery would cost more than the outstanding debt
- the customer is insolvent and there is little likelihood of a dividend
- the circumstances of a particular case makes recovery from an infirm or elderly debtor unreasonable, or
- the debt has been remitted by a court

- 8.2 The Council reserves the right to reinstate, within statutory deadlines, any debt where it becomes apparent the circumstances for write-off are no longer applicable, for example the customer is traced or funds become available.

- 8.3 Every effort is made to ensure that all amounts due to the Council are pursued rigorously and at the end of each financial year a provision for bad debt is established. Write off of bad debt will be in line with the provisions of the Financial Procedure Rules.

- 8.4 Bad debts can be written off by the following:

Under £100 – Head of Finance

Over £100 & under £2,000 – Chief Finance Officer

Over £2,000 - £5,000 – Portfolio Holder

Over £5,000 – Cabinet/Executive Approval

8.5 The reasons for write off are:

- The debtor is deceased and left no will or traceable executors
- The debtor is formally insolvent
- The debtor has absconded and cannot be traced
- It is uneconomical to take action to enforce the debt The debtor is living outside the UK and unlikely to return
- The debtor is sectioned under the Mental Health Act
- It is the interests of the Council or wider community to write off the debt
- The age of the debt precludes recovery, or the debt is Statute Barred
- The debtor is serving a prison sentence of sufficient length to make the recovery unlikely
- The credit has remained unclaimed for a period of 6 months or more and the customer cannot be located
- The debtor is living in Scotland or Northern Ireland, and it is uneconomical to transfer proceedings to the appropriate court

PART TWO

1. Council Tax (Pre-summons)

- 1.1 Annual bills are issued in March each year with instalments starting in April. Instalment can be paid over 10 or 12 months. Instalment due dates vary depending on the payment type and what the customer has requested. The different payment types are shown on the reverse of the Council Tax bill. During the year if circumstances change, amended bills are issued and instalments revised. New occupiers are issued with bills as soon as possible and instalments are given for the remaining months in the year.

2.0 Council Tax Reminders and Final Notices

- 2.1 The recovery of Council Tax is governed by legislation and reminders and final notices are issued in accordance with statutory timescales. The legal framework for the enforcement of Council Tax is provided by Schedule 2 and Schedule 4 of the Local Government Finance Act 1992 and the Council Tax (Administration and Enforcement) Regulations 1992 (SI.1992/613).
- 2.2 A reminder notice will be issued when the instalment has not been paid by the due date.
- 2.3 If the missed instalment is received within seven days, no further action will be taken. If it is not paid, then the right to pay by instalments is lost after a further seven days and the remaining Council Tax for the entire year becomes due and a summons to appear at the Magistrates Court is issued.
- 2.4 If the instalment is paid and received within seven days, but then a further instalment is not paid, a second reminder notice will be issued. If the missed instalment is paid and received within seven days, no further action will be taken. If it is not paid, then the right to pay by instalments is lost after a further seven days and the remaining Council Tax for the entire year becomes due and a summons to appear at the Magistrates Court will be issued.
- 2.5 If the account is brought up to date but falls behind for a third time, a final notice is issued for the full outstanding amount for the tax year, as the right to instalments is lost. If this is not paid in full within seven days, then a summons to appear at the Magistrates' court will be issued. A final will also be issued if the account is a closed account, or the balance is from a previous financial year.

3. Business Rate (Pre-summons)

- 3.1 Annual bills are issued in March each year with instalments starting in April. Instalments can be paid over 10 or 12 months. Instalment due dates vary depending on the payment type and what the customer has requested. Different payment types are shown on the reverse of the bill. During the year, if circumstances change amended bills are issued and instalments revised. New occupiers of business premises are issued with bills as soon as possible and instalments are given for the remaining months in the year.

4. Business Rates Reminder and Final Notice

- 4.1 The recovery of Business Rates is governed by the Local Government Finance Act (1988), The Non-Domestic Rates (Collection & Enforcement) Regulations, SI 1989/1058 and the Tribunal, Courts and Enforcement Act (2007).
- 4.2 If an instalment is not paid by the due date, a reminder notice (further notice) will be issued. This gives seven days to bring the account up to date by paying the overdue instalment.
- 4.3 If the overdue instalment is not paid, then after a further seven days the charge for the whole year becomes due and a summons to appear at the Magistrates Court is issued.
- 4.4 If the instalment is paid and received within seven days, but a further instalment is not paid, a reminder notice (further notice) will be issued. If the missed instalment is received within seven days no further action will be taken. If it is not paid, then the right to pay by instalments is lost and after a further seven days the remaining Business Rates for the entire year becomes due and a summons to appear in the Magistrates Court is issued.
- 4.5 If the account is brought up to date but falls behind for a third time, we will send a final notice for the full outstanding amount for the tax year, as the right to instalments is lost. If this is not paid in full within seven days then a summons to appear at the Magistrates' court will be issued. A final notice will be issued for closed accounts, or where the balance is from a previous financial year.

5. Summons - Council Tax and Business Rates

5.1 Where a taxpayer or ratepayer fails to respond to any reminder notice, final notice, or defaults on an arrangement to pay, the Council will issue a summons.

5.2 A summons to appear at a liability order hearing at the Magistrates' Court will be issued and summons costs applied as follows:

Council Tax £60

Business Rates £65

5.3 A summons will always be issued with at least 14 days between issue and the court hearing date. The summons will state the amount due and the time and place of the court hearing.

5.4 If the amount of the summons including the costs are paid in full prior to the court hearing, then the application will not proceed, and a liability order will not be obtained. If the amount is not paid we will ask the Magistrates to grant a liability order plus additional costs.

5.5 Any time after a summons is issued the Council will still consider making an arrangement to pay the amount due on the summons including costs. If an arrangement is made at this stage, a liability order will still be obtained to secure the debt should the arrangement fail. If payments are received as per the arrangement to clear the full balance outstanding, no further action will be taken.

5.6 If the Council decides that a summons has been issued incorrectly then it will be withdrawn, and no costs will be charged.

6. Liability order hearings

6.1 A liability order is an order of the Magistrate's Court that gives certain powers to the Council to collect the debt that it is owed. The order is for a fixed amount of money, plus additional costs as below:

Council Tax £35

Business Rates £35

6.2 The liability order gives us the power to recover the debt using any of the following methods set out below. The Council will decide which method is most appropriate to follow depending on the information available on the customer at the time.

6.3 A taxpayer or ratepayer has a right to attend a hearing and a right to give evidence as to why a liability order should not be granted. If they do not attend, the hearing will still proceed in their absence.

6.4 If the Magistrates are satisfied that the Council Tax or Business Rates is payable and remains unpaid, then they are required to issue a liability order.

6.5 If a debtor wishes to defend an application for a liability order, they must offer a valid defence against it.

Valid defences include:

- the Council has not demanded Council Tax or Business Rates in accordance with the regulations
- the amount has been paid in full with costs
- the person/company named on the summons is not the liable person
- the Council has already commenced bankruptcy or winding up proceedings which include the unpaid Council Tax concerned.

It is not a valid defence if the taxpayer or ratepayer:

- is unable to pay
- has recently applied for Council Tax Reduction
- has recently applied for Business Rates Relief
- has applied to the Valuation Office Agency against their Council Tax band or rateable value
- has appealed their liability to the Valuation Tribunal

7. Costs for Council Tax and Business Rates

7.1 Summons and liability order costs will be added to a debtor's account and will be included as part of their debt.

7.2 Costs reflect both the administrative cost to the Council and the court fees incurred. Therefore, costs will only be removed from an account in exceptional circumstances including, for example, where a summons or liability order was issued incorrectly.

7.3 Where a summons was issued because a debtor did not provide necessary information to the Council in a timely manner, they will still be expected to pay costs. Also, where a debtor pays the unpaid Council Tax due or Business Rates, but does not pay the costs owed these will still be pursued as a debt using the actions in the sections below.

7.4 Summons and liability order costs are reviewed annually.

8. Withdrawing Costs

8.1 In the most instances payment of the total balance including costs will be pursued. However, on occasions, it may be appropriate to consider withdrawing costs where:

- full payment has crossed in the post with the summons
- the debt outstanding is less than the costs due to entitlement to benefit or adjustment to liability
- pursuing payment of costs causes severe financial hardship
- payment history shows that payments are usually made on time, but personal circumstances have resulted in late payment i.e. illness, disability, bereavement etc.
- the customer has passed away
- Where recovery activity has reached the Enforcement stage and/or beyond to committal proceedings, the Council will ensure that costs are not withdrawn except where the following exceptional circumstances exist:
 - the defaulter absconds and tracing enquiries are unsuccessful;
 - information is received which, had it been received earlier, would have prevented recovery proceedings from being taken
 - liability is cancelled

9. Recovery procedure after a liability order is granted for Council Tax and Business Rates

9.1 A liability order gives the Council certain powers to enforce unpaid Council Tax and Business Rates.

9.2 Once a liability order is granted for Council Tax we can:

- ask for financial information, including employment and employer details
- take money directly from wages using an Attachment of Earnings Order
- take money directly from benefits including Universal Credit, Income Support, Jobseekers Allowance, Pension Credit or Employment Support Allowance
- take money directly from a Councillor's allowances using an attachment of member's allowances order

For Council Tax and Business Rates we can:

- instruct civil enforcement agents to collect the debt on our behalf
- seek a charging order against property
- start bankruptcy proceedings for individuals
- commence winding up procedures for limited companies
- start committal proceedings for imprisonment of up to three months.

10. Attachment of earnings (Council Tax only)

10.1 We may request the following information:

- the name and address of an employer
- earnings or expected earnings
- deductions and expected deductions from such earnings in respect of income tax, class 1 contributions under the Social Security Contributions and Benefits Act 1992 and amounts deductible for the purposes of a superannuation scheme and under certain attachments of earnings orders
- any work or identity number in an employment, or such other information as will enable an employer to identify the debtor
- sources of income of the debtor other than an employer
whether another person is jointly and severally liable with the debtor for the whole or any part of the amount in respect of which the order was made

10.2 Where the Council has been given a debtor's employment details we may issue an order to the debtor's employers to make deductions from their earnings. Employers are legally required to comply with the order.

10.3 The amount that can be deducted is prescribed by law and depends on the debtor's earnings. A letter confirming the amount to be deducted will be sent to the debtor and to the employer when the order is issued. Each attachment is for one liability order, with a maximum of two attachments at any given time. Where we are considering issuing more than one order, the most recent debt takes first priority. A maximum of two attachments of earnings can be applied at any time.

10.4 The Council will usually attach earnings where it will clear the debt in the current tax year. Attachments that will not clear the debt in the current tax year will be decided on a case-by-case basis, considering the total amount of debt and time it will take to clear the debt. If an attachment will not clear the debt in a reasonable time or if it is otherwise considered inappropriate, then the Council will consider another recovery action.

10.5 An attachment to earnings will only be cancelled in exceptional circumstances. In cases where a debtor claims they will suffer hardship because of an attachment, the individual circumstances will be considered in deciding whether to cancel the attachment. The Council will require evidence of any claimed hardship. This will usually include evidence that they cannot afford to pay for essential expenses such as their housing costs, utilities, or food.

11. Attachment to members' allowances (Council Tax only)

11.1 Where the debtor is an elected member of any local authority (with the exception of the City of London and the Metropolitan Police), the Council may ask that deductions be made from their allowances for the payment of the debt.

12. Deduction from benefits (Council Tax only)

12.1 Deductions can be made from Universal Credit, Job Seekers Allowance, Pension Credit, Income Support and Employment Support Allowance to pay liability orders for unpaid Council Tax.

12.2 If a debtor is receiving one of these benefits, the Council may ask the Department for Work and Pensions to make regular deductions from the benefit and make payments to the Council. Only one deduction can be applied at any one time.

12.3 The Council will usually take this action where we have details of the debtor's benefit and where the deduction will clear the debt in the current tax year. Deductions that will not clear the debt in the current tax year will be decided on a case by case basis, considering the total amount of debt and time it will take to clear the debt. If a deduction will not clear the debt in a reasonable time or if it is otherwise considered inappropriate, then the Council will consider another recovery action.

12.4 A deduction from benefits will only be cancelled in exceptional circumstances. In cases where a debtor claims they will suffer hardship because of a deduction, the individual circumstances will be considered in deciding whether to cancel it. The Council will require proof of any claimed hardship. This will usually include proof that they cannot afford to pay for essential expenses such as their housing costs, utilities or food.

13. Civil Enforcement Agents

13.1 The enforcement agents are certificated through the County Court and abide by a Code of Practice (see Appendix 1).

13.2 If there has been no contact from the debtor, if no payment arrangement has been agreed or if the debtor has not provided us with employer or benefit details then the debt will usually be passed to the Council's external civil enforcement agents.

13.3 Civil enforcement agents may make an acceptable arrangement with the debtor to repay the sums due or levy distress on goods owned by the debtor to satisfy the amount outstanding.

- 13.4 Enforcement agents at the request of High Peak Borough Council issue pre-compliance letters for Council Tax. This is no longer a legal requirement but gives the debtor one last opportunity to make an arrangement prior to enforcement action.
- 13.5 The fees charged by civil enforcement agents are prescribed by law. Details of these are in Appendix 2. Payments will be split between fees and charge in accordance with the regulations. The first £75 does go straight to fees, but if other fees have been incurred payments are split pro-rata.
Once a debt is referred to civil enforcement agents, any payments made either to them or directly to the Council will be applied to the agent's fees first before paying the Council's debt. If a debt has been passed to civil enforcement agents and payment is made directly to the Council without including the civil enforcement agent's fees, then the civil enforcement agent will continue the enforcement process for their fees incurred.
- 13.6 If civil enforcement agents cannot identify sufficient goods to clear the debt or cannot gain lawful entry to the property then they will send a certificate to the Council to confirm that no or insufficient goods could be found. Other actions in this procedure will then be considered.
- 13.7 The Council will ensure as far as possible that the information the civil enforcement agent holds is up to date and accurate. Civil enforcement agents are expected to operate in a fair and consistent manner and any complaints we receive are treated seriously and investigated thoroughly. Civil enforcement agents engaged by the Council are subject to regular review based on collection performance and conduct.
- 13.8 The Council will consider withdrawing a debt from civil enforcement agents in exceptional circumstances, for example when a person is or may be vulnerable. However, the Council has determined that vulnerability itself does not stop use of civil enforcement agents, although an identified vulnerability will be taken into consideration when making any contact or agreement with the customer. Requests for withdrawal are judged on a case-by-case basis and the decision made will be based on individual circumstances.
- 13.9 Any cases that are identified as vulnerable will be dealt with by the enforcement agent's specialist vulnerability/welfare team.

14. Further Recovery Action

- 14.1 The Council may pursue other recovery options that may have more serious implications for the taxpayer and ratepayer if they remain unable to collect the debt.
- 14.2 These actions are:

- Charging Order
- Bankruptcy (Individual)
- Winding up (Limited Company)
- Committal

14.3 Debtors will receive notice in writing sent to their last known address when the Council is considering further legal action. These warning letters will include:

- clear warning of the actions being considered, their likely cost and the seriousness of their consequences
- a request that the debtor contact the Council to try and make an arrangement to pay the debt and information as to the consequences of failing to respond
- the date by which they must respond
- a recommendation that they seek debt advice from a local non-profit advice agency and details of how they can be contacted.

15. Factors to take into consideration

15.1 When deciding to proceed with a further recovery action, a Senior Officer will always investigate the circumstances of the debtor and then consider:

- the implications for overall payment levels if people come to believe that Council Tax debts will not be collected
- impact of non-payment on revenues and the need to deliver services to the community
- equality between those who do pay and those who do not
- why other recovery methods are not appropriate
- whether action is likely to be effective
- the potential debt that may be recovered by the action and whether the likely costs of the action are proportionate to it
- whether the debtor's failure to pay may result from a vulnerability or disability and, if so, what action is appropriate as a result
- the potential effect of the action on any known dependants, especially children
- the need to prevent homelessness and whether the action may cause it
- any other circumstances which may warrant protection from the consequences of the action.

15.2 An investigation into a debtor's circumstances will include:

- an attempt to contact the debtor in person, including a home visit if necessary
- data about the debtor shared by other areas of the Council including but not limited to Benefits, Rents and Electoral Registration

- data about the debtor shared by other public bodies as permitted by the Data Protection Act 1998.

- 15.3 A Senior Officer will always keep a written record of the above together with:
- details of attempts to contact the debtor
 - the information gathered, consideration of whether the action is proportionate to the likely debt to be recovered and the reasons for proceeding with the action.

16. Charging Orders for Council Tax and Business Rates

- 16.1 The Council may apply to the County Court or High Court for a charge to be put on a property owned by the debtor where a Council Tax debt of more than £1,000.00 is owed.
- 16.2 The Council is more likely to apply for a charging order against a property that is either fully or jointly owned by a debtor where:
- the debtor has previously broken agreed payment arrangements
 - the debtor has failed to provide employment or benefit details
 - no contact can be made with the debtor
 - the debtor is vulnerable or has a vulnerable person in their household.
- 16.3 Where a decision is made to proceed with an application for a charging order, the account will be referred to the Council's Legal Services team. Once a debt has been referred to the Legal Services team, they should normally be the only team to communicate with the debtor about that debt.
- 16.4 After referral, the Legal Services team will usually contact the debtor again to try and settle the matter without the need for legal proceedings. They will then commence legal proceedings if no agreement is reached.
- 16.5 Where new information is received by the Legal Services team which suggests that the taxpayer or other members of the household may be vulnerable, the information will be referred to a Senior Officer to consider whether this action is still appropriate.
- 16.6 The costs associated with this type of action are high, from £253.00 and upwards, and will be added to the amount of the order.
- 16.7 Where a charging order is granted, other methods of recovery may continue to be used to collect the debt (with the exception of committal to prison).

16.8 The Council may also apply to the court for an order for sale, which may result in the property being sold and the amount subject to the charging order, including costs, being paid from the proceeds of sale. The Council is more likely to apply for an order for sale where the debtor owns more than one property, there is likely sufficient equity in the property to pay the debt and costs and the likely costs are proportionate to the debt owed.

17. Bankruptcy for Council Tax and Business Rates

17.1 Where the debtor is an individual the Council can apply to the County Court or High Court for them to be made bankrupt if they have liability orders for a debt of more than £5,000.

17.2 This course of action is costly and can have a considerable impact on debtors and members of their household. Before taking this action, the Council will therefore make reasonable attempts to investigate the taxpayer's personal and financial circumstances to determine whether bankruptcy action is appropriate.

17.3 The Council is more likely to pursue this action where:

- the debtor has previously broken agreed payment arrangements
- from the information the Council holds they appear to likely have sufficient realisable assets to pay the debt and likely costs
- the likely costs are proportionate to the debt to be recovered
- the taxpayer and members of their household are not vulnerable
- all other enforcement remedies have been exhausted.

17.4 While the Council considers potential vulnerability at all stages of recovery, particular regard to these will be made when considering bankruptcy action.

17.5 Once a decision is made to make a debtor bankrupt, the account will be referred to the Council's Legal Services team. Once a debt has been referred to the Legal Services team, they should normally be the only team to communicate with the debtor about that debt.

17.6 After referral, the Legal Services team will usually contact the debtor try and settle the matter without the need for legal proceedings. If no agreement is reached, legal action will commence.

17.7 A statutory demand will first be served on the taxpayer setting out the debt outstanding, and the options available to them to prevent further action, the time

scales in which they need to respond and direct contact details of officers dealing with the case. A guide to the potential bankruptcy costs is included with the statutory demand. No additional costs are incurred at this stage, and the Council may still agree a payment arrangement with the taxpayer at this stage.

- 17.8 Where the taxpayer has not responded to the statutory demand within 21 days or where the Council is unable to agree arrangements that will discharge the debt, the Council will consider whether a petition for the taxpayer to be made bankrupt should be made to a court.
- 17.9 Where new information is received by the Legal Services team which suggests that the taxpayer or other members of the household may be vulnerable as per section 2.2, the information will be referred to a Senior Recovery Officer to consider whether this action is still appropriate.
- 17.10 Where a bankruptcy order is made, and a debtor has assets that might be sold to settle a debt, a licensed insolvency practitioner will be appointed as a trustee to safeguard and secure the assets of the debtor.
- 7.11 The costs associated with this type of action are high, typically running into several thousand pound, which are paid by the debtor.

18. Winding up procedures for limited companies

- 18.1 Where the ratepayer is a limited company the same criteria as for determining whether bankruptcy action is appropriate will be undertaken.
- 18.2 In appropriate cases, a formal request for payment will be sent to the ratepayer advising them of the impending action and the consequences of this action being successful.
- 18.3 No additional costs are incurred at this stage, and we may agree a payment arrangement with the ratepayer.
- 18.4 Where, after 14 days, the ratepayer has not responded to the formal request or the Council is unable to agree arrangements that will discharge the debt; the Council will consider whether a petition for the winding up of the company should be issued.
- 18.5 Where a petition is served on the ratepayer this will notify them of a date and time of the hearing in the High Court. The serving of a petition will result in significant costs being incurred.

18.6 For limited companies, a notice of winding up proceedings will be advertised in the London Gazette.

19. Committal proceedings for Council Tax and Business Rates

19.1 If enforcement agents have been unable to find any or sufficient goods to pay the debt, or we think that other options are inappropriate the Council may take committal proceedings via the Magistrates Court.

19.2 Committal proceedings are usually the recovery action of last resort when all other actions have either failed or are not appropriate. Committal proceedings may be taken if a debt is not paid due to wilful refusal or culpable neglect. If proven, the court can issue a committal order sentencing the debtor to a prison sentence.

19.3 The Council is more likely to take committal action against a debtor when:

- civil enforcement agents have not been able to recover all the debt
- the debtor has no property or assets
- the debtor has previously broken agreed payment arrangements
- the debtor has failed to provide employment or benefit details
- the debtor is not considered vulnerable
- the debtor has no dependants
- it appears that the failure to pay may be the result of wilful refusal or culpable neglect
- no other recovery action is appropriate.

19.4 Where committal action may be appropriate, the Council will write to the taxpayer inviting them to attend an informal interview with Council Officers to discuss their financial and personal circumstances to attempt to resolve the matter without the need to commence committal proceedings.

19.5 Where the debtor fails to respond or where an agreement is not reached, the Council will then apply for a summons for the debtor to appear at a hearing before the Magistrate's court.

19.6 At the hearing the Magistrates will usually conduct a means enquiry to determine whether the failure to pay Council Tax or Business Rates was due to 'wilful refusal' or 'culpable neglect'. The Magistrates may make the following decisions:

- 19.6.1 *Commit to prison*: The Magistrates can decide to send the debtor to prison for up to three months.
- 19.6.2 *Fix a term of imprisonment and postpone on conditions*: The debtor is usually ordered to pay in instalments as determined by the Magistrates. If payments are made as ordered then no further action is taken. If payments are missed, then the prison sentence will come into force and the debtor can be sent to prison for up to three months.
- 19.6.3 *Adjourn*: A hearing may be postponed to a later date if, for example, more information or evidence is needed before a decision can be made.
- 19.6.4 *Dismiss (take no action)*: The Magistrates may decide that no further action is appropriate.
- 19.6.5 *Remit some or all the debt*: The Magistrates can remit (write off) some or all the Council Tax or Business Rates owed. If only some of the debt is remitted, the Magistrates may make a court order for the rest.
- 19.7 Where the debtor does not attend the hearing as required, the Council will ask for a warrant of arrest with bail to be issued for a further hearing at the Magistrate's Court. A warrant of arrest without bail may be applied for in some circumstances, for example where a debtor has not complied with a warrant with bail previously.
- 19.8 If a term of imprisonment is served, the relevant amount of Council Tax or Business Rates will usually be written off as irrecoverable. A part payment will also reduce the term of imprisonment by the ratio of payment to the total amount of the debt.
- 19.9 The costs of committal proceedings are high and can add hundreds or thousands of pounds to an existing council tax debt.

SECTION THREE - SUNDRY DEBT

1. Introduction

1.1 This sets out the process for the collection and recovery of Sundry Debt.

Sundry debts are non-statutory charges for goods and services, where the customer chooses to request the provision of goods or services from the Council, and are invoiced through the Council's financial system.

Examples of such services are:

- Trade Waste
- Industrial site rents
- Commercial shop rents
- Market stall rents
- Leisure Activities
- Parks Services
- Cemetery
- Allotments
- Hire of Rooms
- Carelink
- Environmental Health charges (e.g. Water testing/ Vet fees)
- Regulatory licences
- Property licences
- Planning service agreements
- Leaseholder recharges
- Ground rents
- Insurances
- Tenant recharges
- Car Parks
- Personnel
- Legal Agreements

1.3 It is the policy of the Council to recover all collectable debt owed to it.

With this objective in mind this policy aims to:

- ensure that sundry debts are managed in accordance with legislative provisions and good practice
- ensure a professional, consistent, cost-effective, and timely approach to recovery action across all the Council's services
- Maximise the Council's income
- Reduce the time taken to collect charges
- Reduce the level of debt owed to them
- Irrecoverable debts are written off in accordance with the Council's financial procedure rules

1.4 This policy supports these aims by:

- Ensuring wherever possible that collection of the fee or charge involved takes place prior to the service being provided, so that sundry debtor invoice is only issued when it is impractical for the payment to be made in advance and it is therefore essential to do so
- Ensuring invoicing procedures are carried out in an accurate and timely manner
- Requiring evidence to support the issue of the invoice
- Requiring invoices to quote sufficient detail to support clarity for the customer and monitoring of the debt/ income
- Requiring services to obtain a Purchase Order (PO) number from the customer wherever required to be quoted on the invoice to allow for swift processing by the customer
- Encourage debtors to pay promptly
- Making collection and enforcement activity more efficient

1.5 This policy is intended to ensure that all debtors are treated in a fair and consistent way. We will be sensitive to the needs of debtors who may have difficulty in reading or understanding information, may be considered vulnerable and need additional support, we will consider whether any issues arise under the Equalities Act 2010 and we will advise a debtor to seek advice from the CAB and debt advice agencies or other appropriate agencies if it is apparent that they may have a general debt problem.

- 1.6 The Council ensures that prompt, firm but fair action is taken to ensure the efficient and cost-effective collection of Sundry Debts.

2. Exclusions

- 2.1 The following areas are not included in this section of the policy.

Council Tax

National Non Domestic Rates

Housing Benefit Overpayments

Council Tax Reduction Overpayment

HRA (Housing Revenue Account) Rents

3. Key Objectives of Fees and Charges

- 3.1 The fee or charge imposed by each Council should be fair in relation to the goods and/or service provided and in accordance with the relevant fees and charging policy.
- 3.2 The charge should, wherever possible, be obtained in advance of the goods and/or service being provided.
- 3.3 The charge should be collectable.
- 3.4 There should be a clear and prompt billing and collection process.

4. Invoicing

- 4.1 Individual service areas are responsible for raising invoices in respect of the goods and/or services they provide
- 4.2 An invoice should be raised within 10 working days of the goods and/or service being supplied.

The invoice will include clear, relevant, and full information regarding:

- what the invoice is for, including date or period of service covered, and amount
- name, address, and tax point
- the date payment is due
- how to pay, and

- how to contact the Council if there is a query in relation to the invoice or to making payment.

4.3 An invoice should not be raised:

- Where possible for less than £10 unless it is a statutory charge (fees and charges below this level should be paid in advance)
- When it cannot be proven that the goods and/or service has been provided

4.4 For regular periodic charges, direct debit should be promoted as the primary method of payment and set up in advance of the service being provided.

5. **Payment Methods**

5.1 Invoices should be paid by the following methods:

Direct Debit

On the Council's website using a Credit or Debit card

By telephone using a Credit or Debit card

All Pay Card

Bacs quoting the invoice number and/or emailing a remittance advice

Standing order

Cheques by post

6. **Payment Terms**

6.1 The Council aims to collect monies owing to it fully and promptly.

6.2 Payment arrangements should only be accepted where the debtor is unable to settle the debt in full in one payment.

6.3 Payment arrangements can be made to settle payment by weekly, fortnightly, or monthly instalments.

7. **Collection and recovery**

In recovering debts due the Council will follow the principles outlined in the 'Enforcement Concordat: Good practice guide for England and Wales'. In summary this means that they will be proportionate in their actions, consistent in approach and transparent in their dealings with all customers

7.1 A reminder notice shall be sent in respect of all unpaid invoices after 28 days.

- 7.2 If after a further 14 days the account remains unpaid a final reminder notice will be issued.
- 7.3 If after a further 14 days the account is still unpaid it will then be reported to the Service Area as a debt on the monthly report requesting further instructions.
- 7.4 The Council employs two debt collection agencies for recovery of sundry debt invoices
- 7.5 Once a case has been referred to the debt collection agency any payment arrangement must be made directly with the agency.
- 7.6 Recovery action can be withdrawn during any part of the process if the debtor enters into a payment arrangement to clear the debt by instalments.
- 7.7 Recovery action can be withdrawn if the originating department decides not to pursue recovery of the goods and/or service.
- 7.8 In the event of failure to pay in some circumstances, legal action can be taken in the County Court which can result in the following action being ordered:
- 7.9 At this stage the debt could become the subject of a county court action, with the Council obtaining a County Court Judgement against the customer. Once a judgement is obtained the Council can enforce the judgement by applying for:
- an Attachment of Earnings Order
 - a Warrant of Execution against the customers goods
 - third Party Debt Order, or
 - any of the other enforcement processes available
 - any of the other enforcement processes available through the County Court.
- 7.10 Where the Council incurs additional costs as a result of non-payment, for example, court costs, these will be added to the outstanding debt and (where allowed under statute) recovered from customers. Section 69 of the County Courts Act 1984 allows interest to be claimed from the date of invoice to the date of issue of court proceedings and will be added to any debts that are recovered in this manner. Where third party collection agencies are employed, these agencies may apply their own costs to the amount to be recovered.
- 7.10.1 County Court Judgement (CCJ) – this will appear on the credit record of an

individual and can make it difficult for the person to obtain hire purchase (HP), credit card, mobile phone contract, mortgage, or loan.

7.10.2 Warrant of execution – a court bailiff will enforce a warrant and attempt to remove goods to the value of the debt.

7.10.3 Charging order on a property – a charge is placed on an individual's property which if, when sold, there is sufficient equity available after all other charges have been settled will be used as security for the debt.

7.10.4 Insolvency proceedings – this is expensive and gives no guarantee of securing the debt

8. Queries and Disputes

If there is a dispute the Service that raised the invoice must attempt to resolve the matter within 14 days of the query being raised.

9. Credit Notes

9.1 In conjunction with financial regulations there must be a clear distinction between raising a credit note and writing off a debt.

9.2 A credit note to cancel or reduce a debt must only be issued to:

- Correct a factual inaccuracy
- Correct an administrative error
- Process a discount agreed by the service

9.3 All requests must include a reason for the issue of a credit note.

9.4 All credit note requests should be approved by an authorised signatory.

9.5 Once authorised, staff should issue credit notes in a timely manner.

11. Refunds

The Council will adopt a 'corporate approach' to refunding credit balances. This means that wherever possible, checks will be made for other outstanding sundry

debts to the Council held by the customer, prior to a refund being made, and arrangements may be made with the customer to allocate the refund to offset another sundry debt.

12. Debt Management

- 12.1 All Service Managers are provided with an aged debtor report which shows the amount in value and the debts due on a monthly basis to enable all service debts to be considered.
- 12.2 Finance Business Partners/ Technical Officers should be copied into the outstanding reports to facilitate discussions with Service Managers during the year to assess how collection of their particular service sundry debt accounts is progressing.

SECTION FOUR– HOUSING BENEFIT OVERPAYMENT

What is an overpayment?

An overpayment is an amount of housing benefit that has been paid but to which the claimant is not entitled.

The amount of the overpayment is the difference between the amount actually paid and the amount that should have been paid for that period.

1 Identification and Prevention of overpayments

1.1 Advice to customers regarding reporting change of circumstances

To prevent overpayments, the documents listed below all advise the customer of the type of change to report and when to report the change. They also advise that failure to report changes may result in an overpayment occurring.

- Application form
- Change of circumstances form
- Decision letter

This information is also publicised on our website.

1.2 Actions taken by Benefits Office to identify and prevent overpayments

1.2.1 The workflow system prioritises post and it is ensured that the assessment team work on cases that are likely to cause overpayments first.

1.2.2 Prioritised post includes:

- All changes of circumstance that are likely to create an overpayment.

- All ATLAS notifications that may result in benefit being cancelled.

1.2.3 The general post is usually processed within 14 days. This prevents any other overpayments being overlooked.

1.2.4 If it is apparent that a change has occurred that may cause an overpayment and we do not have all the information necessary to recalculate the claim, the claim will be suspended to prevent a further overpayment occurring.

1.2.5 The Benefits Service works closely with the Department of Works and Pensions' (DWP) Serious Fraud investigation Team (SFIS) and claims are suspended promptly if a fraudulent claim has been identified.

1.2.6 Any errors found are recorded and used to analyse training need and fed into the training plan.

3. Calculating the overpayment

3.1 The Assessor may create overpayments when reassessing Benefit entitlement. When calculating the overpayment, the Assessor must:

- Determine the dates between which the claimant has been overpaid.
- Consider any underlying entitlement to benefit for the period of the overpayment (see Underlying Entitlement procedure).
- Check for returned BACS payments or un-presented cheques which could be offset against the overpayment.
- Consider applying the diminution of capital calculation if the overpayment was caused by a person's capital.
- Classify the overpayment and consider its recoverability.

4. Classification and Subsidy

4.1 Who decides the error and classification of overpayments?

4.1.1 Most decisions regarding the type of error and classification of an overpayment are made by the Assessor. This is with the exception of 'fraud' overpayments.

4.1.2 Fraud overpayments are calculated and classified by the Benefits Officer responsible for fraud recalculations.

4.2 Classifying the overpayment

- 4.2.1 The Assessor will be asked to enter an overpayment classification code as part of the assessment. It is important that the correct code is used as this affects the subsidy claim.
- 4.2.2 A classification code can be amended if it has been entered incorrectly or if it needs to be changed, for example, when fraud is proven.

4.3 Fraud overpayments

- 4.3.1 Fraud investigations are now carried out by the Department for Work and Pensions Single Fraud Investigation Service' (SFIS)
- 4.3.2 Details of any changes identified by SFIS are emailed to the Benefits Service using the secure email address.
- 4.3.3 The Benefits Officer is responsible for recalculating the customer's benefit based on this information and will classify the overpayment error type. Details of the overpayment are emailed back to SFIS to be recorded on their system. A separate record of the overpayment is kept by the Benefits Officer.
- 4.3.4 Overpayments can only be classified as fraud if the customer has been found guilty of an offence in court or have accepted an Administrative Penalty.

4.4 Guide to Classification Codes

Description	Reason
Overpayment Local Authority Error	When our error has caused the overpayment.
Overpayment Claimant Error	When the claimant's error caused the overpayment.
Overpayment DWP Error	Only use if the DWP have admitted an error.
Fraud Overpayment	Use only if DWP (SFIS) tell you to do so.
Overpayment from using IRL	Overpayments caused by RO referral input.
Council Tax Liability Change	Overpayments caused from SPDs / other CTAX changes.

Other Overpayment - 40% Subsidy	Use for overpayments that are nobody's fault e.g. deaths.
Other Overpayment - 0% Subsidy	Use for technical overpayments e.g. payments in advance.
Tenancy Termination	For HB claims where there is no rental liability.

4.5 Subsidy

- 4.5.1 Subsidy is claimed on any 'true' overpayment. The overpayment reason type selected by the Assessor when processing the overpayment determines the subsidy claimed.
- 4.5.2 Overpayments that are not treated as 'true' are excluded by selecting the error type Error Correction (nil Subsidy) at the time of calculation. Overpayments that are 'offset', for example when a claim is cancelled and reinstated for the same period are not true overpayments.
- 4.5.3 Overpayment classifications are checked by the Team Leaders as part of the subsidy claim and when performing Pre-Notification checks.

5. Deciding whether an overpayment is recoverable and should be recovered

- 5.1 The Assessor will decide if an overpayment is 'recoverable' and whether the overpayment should be recovered. In most cases the overpayment will be caused by customer error and in most instances it will be recoverable.
- 5.2 An overpayment is only 'non-recoverable' if it was caused by Local Authority error (or 'official error') and the person affected could not have reasonably been expected to realise they were being overpaid.
- 5.3 The Council can exercise discretion and decide not to recover a 'recoverable' overpayment, for example if the customer has financial hardship, terminal illness, severe medical conditions, dementia, learnings disabilities etc.
- 5.4 Decisions not to recover a 'recoverable' or 'non-recoverable' overpayment should be agreed by the Technical Officer or Team Leader. In the case of Local Authority error, the error type should be changed for subsidy purposes (see Classification). The reason(s) for the decision should be clearly noted on the Benefit claim/ workflow.

6. Deciding who to recover from

6.1 An overpayment may be recovered from any of the following

- The claimant
- The claimant's partner (but by deductions from benefit only when the claimant and partner were partners both at the time when the overpayment was caused and at the time it is being recovered).
- The person to whom the Housing Benefit was paid (e.g. a Landlord or Agent).
- In the case of an overpayment being caused by a misrepresentation or failure to disclose a material fact, the person that made the misrepresentation or failed to disclose the fact.
- The estate of a deceased person.
- The claimant's appointee

6.2 The decision about who to recover the overpayment from is made by the Assessor. Each decision should be made on its merits and take into consideration "all relevant factors". In most cases it will be apparent which party it is most appropriate to recover from – for example, overpayments caused by changes in the claimant's income will usually be recovered from the claimant.

6.3 There are prescribed circumstances when we cannot recover from a landlord. These are when:

- a) The Landlord has informed the Local Authority or the Benefits Agency in writing that he suspects there is an overpayment, *and*
- b) It appears to the Authority that the overpayment has been caused by the customer attempting to commit a fraud or by deliberately failing to report a change of circumstances *and*
- c) The Council is satisfied that the Landlord has not colluded with the tenant or acted/failed to act so as to contribute to the period or the amount of the overpayment.

7. Notification

7.1 Decision letters are produced automatically when an overpayment is created. These are checked and dispatched on the day they are produced.

7.2 A decision letter is issued to anyone who the Council could legally recover the overpayment from, for example, the claimant, a person acting on their behalf (e.g. an appointee) or any other person to whom the overpayment was paid (e.g. a landlord or agent who received the direct payment).

7.3 The decision letters must show:

- that there is a recoverable overpayment

- the reason for the overpayment
- the amount of the overpayment
- how the amount was calculated
- the period of the overpayment
- who the overpayment is recoverable from
- who the local authority has decided to recover the overpayment from
- the method of recovery
- the person's appeal rights

7.4 Where an overpayment is to be recovered from ongoing benefit, the letter will show the amount of the deduction and the date the deductions will start – the first deduction will not normally be made until after the customer's appeal time has lapsed.

7.5 Where an invoice is to be issued for the overpayment, the invoice will normally be included with the decision letter. There will be no recovery action on the invoice until the customer's appeal time has lapsed.

8. Recovering the overpayment

8.1 Council Tax Recovery

Any 'overpaid' Council Tax Reduction is recharged to the Council Tax Account. This is not classified as an overpayment and does not need to be recorded for subsidy purposes.

8.2 Housing Benefit Recovery

8.2.1 The Assessor should choose the most appropriate method of overpayment recovery as part of the assessment process. This ensures that the correct method of recovery is shown in the overpayment decision letter.

8.2.2 Recovery should not commence until the end of the period in which the claimant may ask for a review or appeal the overpayment decision **or** while the decision is subject to review or appeal.

8.2.3 Recovery may be pursued by any of the following methods:

- By deductions made from on-going benefit.
- From arrears of outstanding Housing Benefit
- By recovery from the payments made to the landlord in respect of the tenant or other tenants (Blameless Tenant Recovery)

- By asking another local authority to recover the overpayment from Housing Benefit that they are paying.
- By deduction from Social Security Benefits.
- By debiting the overpayment to the Housing Rent account.
- By deduction from Earnings (Direct Earnings Attachment (DEA))
- By an invoice.

8.3 Deductions from ongoing benefit (weekly reclaim)

8.3.1 This method is most commonly used when we have decided to recover an overpayment from a tenant, and that tenant is still in receipt of Housing Benefit.

8.3.2 Deductions from entitlement where the payments are paid to a Landlord constitute recovery from the tenant, not the Landlord.

8.3.3 There are maximum amounts set by law governing the amounts that may be recovered from a customer's ongoing Housing Benefit entitlement. These are increased each year by the DWP. The amounts for the current financial year are as follows:

- **£12.75 per week** from April 2023
- **£21.25 per week** from April 2023 where fraud has been proven

In addition to the standard deductions, we can also recover additional amounts equal to:

- 50% of the customer's standard earnings disregard (i.e. 50% of £5, £10, £20 or £25)
- 50% of the £20 disregard made in respect of Charitable or Voluntary Payments
- 50% of any £10 War Pension Disregard
- 50% of the disregard to maintenance payments

8.3.4 The Local Authority should maximise the rate of recovery but should also consider any financial difficulties the customer may be experiencing. The customer should always be left with a minimum of £0.50 per week as benefit.

8.3.5 If a customer wants to pay more and gives their permission, we can recover a higher amount than the maximum rate.

8.3.6 If a customer has a very low benefit entitlement, we may recover a greater amount by issuing a sundry debtor invoice.

8.4 Recovery from arrears of outstanding Housing Benefit

- 8.4.1 Where a person is entitled to revised Housing Benefit for the same period as the overpayment, this will be used to reduce the overpayment. This is called “offsetting”
- 8.4.2 Where a person is entitled to arrears of Housing Benefit for a different period to that of the overpayment, the overpayment can be deducted from any arrears due.
- 8.4.3 We must consider whether the recovery of the overpayment from the arrears would cause the claimant hardship or financial difficulty. If this is the case then consideration should be given to reducing the amount of recovery from the arrears and making weekly deductions for the balance of the overpayment.

8.5 Recovering the overpayment from the landlords schedule of payments

- 8.5.1 The Local Authority can recover an overpayment which is recoverable from the landlord directly from their schedule of payments.
- 8.5.2 In these circumstances, if the overpayment has been recovered from the Housing Benefit of a tenant other than the one to whom the overpayment relates, the other tenant will be deemed to have paid his rent to the value of the recovery. This person is known as the ‘blameless tenant’.

***Example** If a Landlord is overpaid £50 because his tenant has left the property, we can recover the £50 from the entitlement paid for a new tenant. The Landlord is then obliged to treat the £50 as having been received from the new tenant and cannot take action for arrears of this sum against the new tenant. The landlord would have to try and recover the money from his previous tenant.*

- 8.5.3 Just as we must consider the financial circumstances of a customer where we are making deductions from entitlement, we should also consider any potential financial difficulties that would be caused to a Landlord when we recover overpayments from their schedule.

8.6 Recovering an overpayment of Housing Benefit on behalf of another authority

- 8.6.1 The law allows one Local Authority to recover an overpayment for another authority where the claimant is in receipt of Housing Benefit at the Recovering Authority.
- 8.6.2 The recovery is achieved by deductions from ongoing benefit (weekly reclaim) in accordance with the regulations governing this. The amounts are then passed to the Local Authority that raised the original overpayment to clear their debt.
- 8.6.3 This method of Recovery is less common due to the complexity of the arrangement.

8.7 Recovering an overpayment of Housing Benefit from Social Security Benefits

8.7.1 It is possible to request the DWP to recover an overpayment of Housing Benefit from any DWP benefits the customer receives. This should only be done if there is no Housing Benefit entitlement, and the customer is in receipt of DWP benefits. The DWP cannot recover from:

- Child Benefit
- Guardians Allowance
- Working Tax Credit
- Child Tax Credit

8.7.2 Housing Benefit overpayments are not priority debts so the DWP may not be able to start deductions immediately if they are already recovering another debt which takes priority.

8.7.3 Deductions from DWP benefits are requested electronically through the DWP Payment Deduction Programme (PDP).

8.8 Recovering an overpayment by Direct Earnings Attachment

8.8.1 Direct Earnings Attachment (DEA) allows for recovery of overpaid Housing Benefit directly from a debtor's earnings without having to apply via the court system.

8.8.2 Employer information can now be obtained via the Department for Work and Pensions (DWP) Searchlight system and Housing Benefit Debt Service (HBDS).

8.8.3 DWP guidance says that a DEA should only be considered when there is no ongoing Housing Benefit entitlement, and the debtor has failed to make payments or enter into an arrangement.

8.8.4 Debts of £50 or less will not be considered for DEA in accordance with DWP guidance.

8.8.5 A DEA is not available when:

- The debtor is in the Armed Forces
- The debtor is Self Employed
- The debtor is earning less than £100 per week

8.8.6 The overpayment can only be deducted from the debtor's earnings and never the partner's under any circumstances (unlike recovery from a social security benefit).

- 8.8.7 Regulations provide that a proportion of the employees earnings are protected, this is calculated at 60% of net earnings. An employer may not be able to implement a DEA straight away if deductions are already being taken for a priority debt.
- 8.8.8 An employer has a legal responsibility to set up deductions (in accordance with regulations) and pay the amounts due to us by the 19th of the following month.

8.9 Recovering an overpayment from the Housing Rent account

- 8.9.1 A Housing Benefit overpayment may be debited to the Rent account. The Council's policy is to debit a maximum of one week's rent (or the equivalent) to the Rent account.

8.10 Recovering the Housing Benefit overpayment by sundry debtor invoice

- 8.10.1 When an overpayment is created and it cannot be recovered from ongoing benefit, an invoice will usually be issued.
- 8.10.2 Invoices are not normally raised for balances under £10 (please see section 10 'Recovery of Small Overpayments').
- 8.10.3 The invoice should be sent with the decision letter so it is clear what the invoice relates to.
- 8.10.4 There will be no recovery action on the invoice until after the customer's appeal time has lapsed.

8.11 Sundry Debtor invoice payment arrangements

- 8.11.1 If the customer is unable to pay the balance in full, the Council will accept arrangements to pay the invoice in instalments.
- 8.11.2 The customer's financial circumstances should be considered and care should be taken not to cause the customer undue hardship.
- 8.11.3 The Technical Officer will use the 'recovery from ongoing benefit' rates as a guideline to negotiate a payment arrangement.
- 8.11.4 Lower payments will be accepted if the customer is experiencing financial hardship but offers of under £5 per week must normally be accompanied by a financial statement.
- 8.11.5 The Technical Officer is responsible for setting up the payment arrangements on the debtors system and monitoring these arrangements.

8.12 Recovery of small overpayments

8.12.1 If the overpayment is less than £10 and the customer is still in receipt of Housing Benefit, we can recover the overpayment from their ongoing Benefit entitlement.

8.12.2 If they are no longer in receipt of Housing Benefit, the following procedure should be followed:

- If they are a Housing Rent customer, the overpayment can be debited to the Rent account and the customer notified of this.
- If they are a Private Tenant, the overpayment should be left outstanding on the claim and written off after 3 months if the customer is still not entitled to Benefit.

9. Monitoring the Recovery of overpayments

9.1 The recovery of overpayments must be monitored to ensure that recovery is being maximised.

9.2 The Technical Officer uses system reports to check that all overpayments have been actioned and that the customer is still receiving benefit where ongoing recovery is in place.

9.3 The Assessor will check for outstanding overpayments when processing new Housing Benefit claims and will affect recovery from ongoing benefit if there is no payment arrangement in place.

9.4 The Technical Officer will issue reminders for unpaid sundry debtor invoices / instalments and will consider alternative methods of recovery if the invoice remains unpaid.

9.5 It is sometimes necessary to inhibit the production of sundry debtor reminder letters in various circumstances (for example, the customer has passed away, is insolvent, has gone away or there are other special circumstances why recovery of the overpayment should not be pursued). The Technical Officer will set an inhibit code on the system for an appropriate length of time, considering the relevant

circumstances. The diary notes will be updated to say why the inhibit code has been set. The cases will be reviewed when the inhibit codes expire or every 3 months, whichever is sooner.

- 9.6 The Technical Officer will monitor outstanding debt regularly and make use of the DWP's systems to check if the customer is receiving any benefits or working for an employer.

10. Housing Benefit Write Off Procedure

- 10.1 The Technical Officer performs quarterly checks on the outstanding debt to identify any overpayments which could potentially be written off.

- 10.2 When writing off debt, we will:

- write off debt where there is little prospect of the debt being repaid or it is uneconomical to pursue;
- ensure the debt is only written-off by an authorised officer, in accordance with the corporate write-off policies and after all appropriate avenues of recovery have been considered;
- note the system for audit purposes;
- periodically review debt that has been written off in order to consider recommencing recovery action.

- 10.3 Before writing off any overpayment we must perform the following checks:

- check if the customer has reclaimed Housing Benefit.
- check the Benefits / Sundry Debtors systems for any contact which may indicate that the customer has or may make an arrangement to pay.
- for Housing Rent cases, check the Rents system for any credits as we may be able to debit the overpayment to the Rent account.
- check the DWP system to confirm if any benefits are in payment.
- check the DWP system for employer details.
- where the debtor has gone away, check the DWP system for a forwarding address. At least 2 checks should be made before considering write off.
- where a person has died, we must establish that there is no estate.
- where a person is in prison, we must consider the length of the sentence and whether the person has funds to repay the debt.

- 10.4 The Technical Officer will carry out the checks and will make a recommendation for write off to the Team Leader.

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Appendix 1: Enforcement Agent Code of Conduct

The Council employs externally contracted civil enforcement agents.

The contracted enforcement agents must act in accordance with this Code of Practice which must be adhered to at all times unless in an individual case the prior permission of the Council is obtained to take alternative action.

The Contractor must ensure and monitor that its employees and agents comply with this Code of Practice at all times.

The Contractor must ensure that taking control of goods is carried out in a humane and fair manner and in accordance with the Council's requirements. If there is any doubt regarding the action to be taken in a particular case it should be reported to an authorised officer of the Council.

Professional Standards

- All enforcement agents employed by The Contractor must carry full and proper photographic identification issued and authorised by them, and when attending a debtor's property must produce such at the outset without being asked. Such identification must also be shown to any other person who has reason to require it.
- The enforcement agent must also carry written authority from the Council and the Contractor to act on their behalf and if requested to do so, must show that to the debtor and to any other person who has reason to make that request.
- The enforcement agent must introduce themselves to debtors and state that they are acting on behalf of the relevant Council.
- The enforcement agent must not misrepresent his/her powers.
- The enforcement agent must take no action if it appears that the only persons present at the address of the debtor are children or vulnerable adults.
- The enforcement agent must make sure that when discussing details of debts they are dealing with the debtor or someone else who is assisting the debtor at the debtor's request for example an interpreter or their legal representative.
- The enforcement agent must be discreet and take care when making enquiries with neighbours.
- The name of the enforcement agent who visited the debtor's property must be shown on any documents left with the debtor or at the property.
- The enforcement agent must be dressed smartly, be courteous and polite in all circumstances and have a professional approach to their work. The nature of the work demands that a firm but correct attitude should be adopted with

debtors and other people they contact in the course of their duties. They must carry out their duties in a calm, dignified and polite manner and shall do nothing to prejudice the reputation and integrity of the Council.

- The enforcement agent must be mindful and respectful to religions and cultures, including an understanding of certain days as cultural and religious festivals. On becoming aware of such days in respect of a particular debtor, Enforcement agents will be expected to consider the appropriateness of proceeding with further action on that day.
- The enforcement agent must follow procedures in confidence and leave letters or documents for the debtor in sealed envelopes marked “private and confidential”. Documents left with debtors or at the property must be on pre-printed stationery and comply with plain English standards.
- All forms and notices issued to the debtor must comply with the requirements of the “Taking Control of Goods Regulations 2013”.
- The enforcement agent must promptly report any physical assaults or serious verbal threats or other matters of concern to the appropriate officer for the Council and if necessary should report any serious risk of a breach of the peace to the police.
- The enforcement agent must be contactable by the Council by means of a mobile phone during working hours and have appropriate messages on voicemail for debtors.
- The enforcement agent must be equipped with technology which must allow them to update the records of the debtor immediately and allow them to provide proof of visits to the debtor’s premises.

Appendix 2: Civil Enforcement Agent Fees

Enforcement Agents at the request of High Peak Borough Council issue pre-compliance letters. This is no longer a legal requirement but gives the debtor one last opportunity to make an arrangement prior to enforcement action.

Fee Stage	Detail	Fee	Percentage Fee (size of debt)	
			£0-£1,500	> £1,500
Compliance	When account is referred	£75.00	0%	0%
Enforcement	Visit to property	£235.00	0%	7.5%
Sale	Upon sale of goods	£110.00	0%	7.5%

There may also be extra costs to pay for disbursements, for example auctioneers fees, storage fees etc.

The fees above apply to each liability order referred to the civil enforcement agents. Multiple liability orders will incur multiple sets of fees.

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By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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