

EAST RENFREWSHIRE COUNCILCABINET24 October 2019Report by the Director of EnvironmentWRITE – OFF OF IRRECOVERABLE FORMER TENANT RENT AND COURT EXPENSES**PURPOSE OF REPORT**

1. The purpose of this report is to seek approval to write off former tenant rental debt and court expenses that cannot be recovered through the debt collection process. There is already bad debt provision within the relevant revenue accounts to cover this eventuality

RECOMMENDATIONS

2. It is recommended that the Cabinet:
- (a) Approves the write-off sum up to the value of £54,316.90 of former tenant irrecoverable rents and court expenses whilst acknowledging these can be pursued and recovered in future should additional information and opportunities arise;
 - (b) Notes that £36765.81 of this amount is written off against the Housing Revenue Account (HRA) and the remaining £17551.09 is written off against the Non HRA as this was accrued by homeless households placed in temporary accommodation; and
 - (c) Note that the write-off of these historic unrecoverable debts will have no net impact on the council's accounts as provision has been made for the debt, in full, in previous years.

BACKGROUND

3. On 26th January 2017, the Cabinet approved a new Rent Arrears policy. The new policy was developed by assessing and comparing other practices across Scottish Local Authorities. The new policy allows for debt to be written off under the following circumstances:

- Debts over 2 years considered for write off, where debt recovery processes have been exhausted (previously 5 years)
- Small balances under £75 written off (previously £20)
- Debtor is deceased and has left no estate
- Debtor is in care of nursing home and there is no likelihood of debt being settled

4. The policy allows for the “write off” process to be carried out twice a year instead of annually as was the case previously.

5. The policy also ensures the Council can target recoverable arrears, use resources more effectively and write off irrecoverable debt in a more efficient manner.

6. The Council's Internal Audit Team have requested that rent accounts where tenants have been "sequestrated" now be included in the irrecoverable report to ensure that all "written off" debt is approved by Cabinet.

REPORT

7. A breakdown of the proposed "write-off" amount for the HRA is as follows:

Category	Rents	Court Expenses	Total
Debtor deceased with no estate	5195.28	0.00	5195.28
Debt collection process Exhausted	23901.27	0.00	23901.27
Debtor in care of nursing home	0	0.00	0
Small balances under £75 where recovery costs exceed amount due	645.26	0.00	645.26
Sequestrated	7024.00	0.00	7024
Total	36765.81	0.00	36765.81

8. A significant area of HRA "write off" occurs when the Council has exhausted the debt collection process. This consists mainly of rent arrears and court expenses of former tenants. The Council has a thorough process to address arrears for current tenants and this performance has improved significantly in the previous two years. However, the ability to recover this debt becomes more difficult once the tenancy has ended.

9. In addition to rigorously engaging with and pursuing former tenants who owe a debt to the Council following the end of their tenancy, procedures have been reviewed to promote a culture of prevention and early intervention.

10. This involves the provision of appropriate advice and support to tenants who are in the process of terminating their tenancy, making it clear what their anticipated final charges would be and encouraging early payment and settlement.

11. A breakdown of the proposed "write off" amount for Non HRA is as follows:

Category	Rents	Court Expenses	Total
Debtor deceased with no estate	0.00	0.00	0.00
Debt Collection process Exhausted	17551.09	0.00	17551.09
Debtor in care of nursing home	0.00	0.00	0.00

Small balances under £75 where recovery costs exceed amount due	0.00	0.00	0.00
Sequestered	0.00	0.00	0.00
Total	17551.09	0.00	17551.09

12. The Non HRA debt to be written off occurs when the Council has exhausted the debt collection process. This consists of rent arrears and court expenses for households who have occupied homeless temporary accommodation.

13. Scottish housing legislation does not permit Local Authorities to refuse services to homeless households when they owe debt to the Council. However, any household that seeks housing via the general waiting list must sustain payment arrangement for any housing debt owed to the council before an offer of accommodation will be made.

FINANCE AND EFFICIENCY

14. In the current year around £11.5m of rent, net of benefits payments, is due to be received from tenants. The sum recommended for write off now represents around 0.65% of this total and can be met from existing bad debt provisions. Last year the Cabinet approved write offs totalling, £124, 379.78 for the full year.

CONSULTATION

15. The new policy was developed in consultation with the Environment Departments Accountancy Business Partner to ensure there were no detrimental effects on the HRA and non HRA accounts.

PARTNERSHIP WORKING

16. No partnership working was required in the development and preparation of this report.

IMPLICATIONS OF THE PROPOSALS

17. This report does not have any implications in terms of property, staffing, equalities, or sustainability.

CONCLUSIONS

18. The rent arrears policy and procedures are designed to ensure pro-active measures are taken to prevent current arrears from occurring and also to ensure that former arrears can be tackled.

19. The “write-off” process is designed to ensure that resources are targeted effectively to address the arrears that can be recovered. Once written off the debt can still be pursued if required.

RECOMMENDATIONS

20. It is recommended that the Cabinet approves:

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- (b) Notes that £36765.81 of this amount is written off against the Housing Revenue Account (HRA) and the remaining £17551.09 is written off against the Non HRA as this was accrued by homeless households placed in temporary accommodation; and
- (c) Note that the write-off of these historic unrecoverable dates will have no net impact on the council’s accounts as provision has been made for the debt, in full, in previous years.

Director of Environment

Further details can be obtained from Phil Daws, Head of Environment (Strategic Services), 0141 577 3186.

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