

# London Borough of Barnet

## Debt Management Policy

01 April 2019

## **Introduction and objectives**

The Council has a statutory and fiduciary responsibility to protect public funds for the benefit of all who live and work in the borough.

This document sets out the Council's policy and procedures in relation to the billing, collection and recovery of monies owed to the Council and is to be adopted across all services within the London Borough of Barnet.

The Council is responsible for the collection of:

- Council Tax
- Business Rates
- Housing Benefits Overpayments – this occurs when benefit is paid that the claimant is not entitled to
- A range of chargeable services (General Income).
- Penalty Charge Notices (PCN)

Whilst the majority of this income is collected in a timely manner, there are occasions when debtors do not make payments on time. This gives rise to a requirement to actively manage Council debt, and to set out clearly how the Council will enforce payment of monies owed.

Methods for the billing and recovery of statutory debt are defined within the relevant statute and are designed to comply with best practice.

The Council's objectives in relation to debt are:

- To maximise the level of income collected by the Council by;
  - a) Implementation of a transparent charging policy
  - b) Accurate and timely billing
  - c) Reducing debt levels
  - d) Effective recovery processes
- To pursue all debts, ensuring that those with the means to pay actually do so;
- To provide a corporate approach to the billing, recovery and collection of debt that encompasses the following core principles and is proportional, consistent and transparent.

## **Definition of a debtor**

A debtor is anybody (whether an individual or organisation) who has received goods or services from the Council, or is liable for a statutory debt, and who has not yet paid the full amount owed.

For council tax and business rates, a debtor is an individual or organisation that does not adhere to the statutory instalment scheme.

For Housing Benefit overpayments, a debtor is a benefit claimant, or alternative payee such as a landlord, who has been overpaid Housing Benefit as a result of a change in circumstances.

To reduce the number of debtors, service providers must attempt to obtain payment in advance or at the point of service delivery wherever possible. Invoices should only be raised where payment in advance for a service is inappropriate.

## **Core Principles**

Responsibility for maximising income to the Council for the services it charges for is shared by the Chief Finance Officer and Heads of Services.

The responsibility for the collection and enforcement of council tax, business rates and the recovery of overpaid housing benefit is governed by legislation and is administered by the Revenues and Benefits service, the specific legalisation is stated below:

- Council tax recovery procedures are laid down by statute in The Council Tax (Administration and Enforcement) Regulations 1992 and subsequent amendments
- Non-Domestic Rates recovery procedures are laid down by statute in The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 and subsequent regulations and amendments
- Housing Benefits overpayments are reclaimed in accordance with Regulations 99 – 107 of The Housing Benefit Regulations 2006 (and subsequent amendments)

The charging of Parking Penalty Charge Notices (PCN) is under the powers of the Road Traffic Regulation Act 1984 (RTRA 1984), local authorities may:

- impose charges for parking in car parks
- charge for parking in on-street parking bays (e.g. through the sale of permits/vouchers and through various short-term payment methods)

Consistent and transparent debt management arrangements will be applied to all sums owed to the Council, with the objective of maximising income and cash flow, but taking account of the cost of collection and recovery.

The CSG Income Team is responsible for recovering debts that have been raised by services, for advising them on debts that are uneconomic to pursue and where debts should be written-off, and for maintaining master data (client details, including blocked customer status etc.).

### Service Requirements

Services should attempt to obtain payment in advance of services being provided. Where this is not possible, services should determine their arrangements for allowing credit in consultation with the Income Team, on behalf of the Chief Finance Officer. This document sets out arrangements for doing this. The CSG income team can advise on the most appropriate method for collection of income in advance.

Responsibility for controlling the issue of credit in line with pre-determined arrangements and adhering to the arrangements for customers to whom services have been suspended or terminated due to non-payment (known as 'blocked' customers).

Responsibility for collecting and banking income received in advance and for raising invoices promptly where credit has been allowed.

### Provisions

Provisions for bad debts will be determined by the Chief Finance Officer, in conjunction with services and the Head of Exchequer Services or, for council tax and business rates, the Chief Finance Officer and the Revenues and Benefits Manager, as stated with the Council's Financial Regulations.

### Charging Policies

The Council will charge for all services where allowable.

The Council will have in place charging policies which are coherent and cost effective. All policies should be transparent and easy to understand.

Charges should cover the full cost of the service unless specific funding or alternative measures are in place.

Each Delivery Unit will regularly review charging policies and fees. This will be in line with the annual budget setting cycle as per the Council's Financial Regulations.

Each Delivery Unit should ensure appropriate methodology is in place to ensure the robustness of the charging and collection policy and delivery.

### Performance Management

Prompt recovery action is key to managing debt and maximising income. The Council therefore aims to:

- Regularly monitor the level and age of debt.
- Set clear targets for the recovery of debt.
- Have clear written recovery procedures.
- Set priorities for specific areas of debt and assess recovery methods to ensure maximum recovery.
- Regularly review and propose irrecoverable debts for write-off.

### **Monitoring and reporting of debt**

The following table sets out the frequency and type of debt reporting, the responsibilities associated with monitoring debt levels, and responsibilities for monitoring this policy:

Type of Debt	Activity	Report to:	Responsible Officer	Frequency
Sundry	Aged Debt report	All services	Income & Cashier Manager	Monthly
Sundry	Barnet Major Debtors	Head of Exchequer Services.	Income & Cashier Manager	Monthly
Council tax and business rates	Percentage collected in year	DCLG* <sup>1</sup>	Revenues and Benefits Manager	Quarterly
Housing benefit	Debt Raised Recovered Outstanding and Written Off	DWP* <sup>2</sup>	Revenues and Benefits Manager	Quarterly
All debt	Review of Policy	Chief Finance Officer	Head of Exchequer Services	Annually

\*1 DCLG: Department for Communities and Local Government

\*2 DWP: Department for Work and Pensions

The following table sets out the performance targets for debt invoicing, collection and debt recovery:

Type of Debt	Activity	Target	Responsible Officer
Sundry	Invoicing	Invoice to be raised and despatched within 1 day of the sales order being created.	Income & Cashier Manager
Sundry	Collection	Cheques or cash to be processed within 24 hours of receipt.	Income & Cashier Manager
Sundry	Collection	Payment suspense items to be cleared within 3 days.	Head of Treasury
Sundry	Aged Debt (FIN PI 28)	96% of debt collected within 120 days.	Income & Cashier Manager
Sundry	Aged Debt (FIN PI 29)	97.5% of debt collected within 180 days.	Income & Cashier Manager
Sundry	Aged Debt (FIN PI 30)	98.5% of debt collected within 365 days.	Income & Cashier Manager
Sundry	Aged Debt	Irrecoverable debt to be written off on a regular basis.	Income & Cashier Manager
Sundry	Payment method (FIN PI 31)	To increase the number that pay by direct debit by 5% per annum.	Income & Cashier Manager
Council Tax	Collection (MI)	To achieve an in-year collection target of 96.5%	Revenues and Benefits Manager
Council Tax	Collection (Gainshare)	To achieve a four-year collection target of 98.5%	Revenues and Benefits Manager
Business Rates	Collection (MI)	To achieve an in-year collection target of 97.5%	Revenues and Benefits Manager
Business Rates	Collection (PI)	To achieve a four-year collection target of 99%	Revenues and Benefits Manager
Housing Benefit	Notification	Benefit Determination letter issued the day after the overpayment has been calculated	Revenues and Benefits Manager

Housing Benefit	Collection	65% of debt recovered in current year against debt raised in current year. 25% of debt recovered in	Revenues and Benefits Manager
Type of Debt	Activity	Target	Responsible Officer
		current year against all debt outstanding 5% of debt written off against all debt outstanding	

## **Collection and Recovery**

### **Sundry Debt**

Except in the case of an invoice payable by instalments, or as otherwise contractually agreed, the settlement period for all invoices will be within 28 days.

After the settlement period, and where legislation permits, the Council may seek to recover interest and any costs that are legitimately due from the debtor to the Council or its agents.

Recovery action will commence no later than 14 days after the demand has fallen due. Escalation processes up to and including litigation are to be agreed between the CSG Income Team and the relevant service departments.

The Council will attempt at all times to use the most appropriate and cost-effective method of debt recovery in order to maximise income.

### **Council Tax and Business Rates**

The Council offers six different payment dates for customers who opt to pay council tax by Direct Debit as this is the most efficient and cost-effective method of payment for the Council. Business rates (NNDR) offers Direct Debit on the 5<sup>th</sup> of the month.

Council tax and business rates follow legislative requirements for collection and recovery, demands are issued in the preceding March of each financial year to allow for the first instalment to be paid in April. Processes are automated to ensure that reminders, final notices and summonses are issued in accordance with the required statutory timescales.

There is a statutory instalment scheme but if this is not adhered to then the legislative recovery process is followed.

Council tax has very high volumes of recovery action, so reminder, final and summon notices are generated automatically. Cases at summons stage are individually checked before the summons is issued.

### Housing Benefit Overpayments

For Housing Benefit overpayments, the priority is to recover the overpayment from ongoing or arrears of Housing Benefit. If entitlement has ended, an invoice is issued and if the debt is not settled a reminder and then final reminder are issued. There are ranges of recovery methods available should the debt not be paid that are detailed below.

Before enforcement action is taken, the Council will utilise correspondence and telephone contact with the debtor, visits to the debtor's home by designated Council officers, and where cost effective to do so, external collection agents as an alternative means of recovering sundry debts. Additionally, enforcement agents are used to recover unpaid council tax and business rates debts.

Where an external agency is utilised to assist with collection, the flow of information between the Council and the agent must be in a secure electronic format.

All statutory methods of enforcement of debts shall be available for use. These include:

- Attachments of earnings
- Warrants of execution
- Third party orders
- Insolvency
- Possession proceedings
- Deferred payment agreements
- Committal to prison for council tax and business rates
- Charging orders
- Recovery from ongoing or arrears of benefit
- Attachments to state benefits
- Registering debts at County Court

Where legally permissible, the provision of future services to the debtor will be suspended until outstanding debts are settled.

### Parking

The charging of Parking is under the powers of the Road Traffic Regulation Act 1984 (RTRA 1984). Local authorities may:

- Impose charges for parking in car parks; and
- Charge for parking in on-street parking bays (e.g. through the sale of

permits/vouchers and through various short-term payment methods)

The legislative regime for enforcing Penalty Charge Notices (PCN) is set out within the Traffic Management Act 2004 and The Civil Enforcement of Parking Contraventions (England) Regulations 2007

The link below is the latest version of the Council's Parking Policy, which describes the collection / recovery process in detail.

[https://engage.barnet.gov.uk/development-regulatory-services/parking-policyconsultation/user\\_uploads/parking-policy-12\\_08\\_2014.pdf](https://engage.barnet.gov.uk/development-regulatory-services/parking-policyconsultation/user_uploads/parking-policy-12_08_2014.pdf)

### Council Members and Staff

It is not acceptable for Council members, staff or those employed to owe money to the Council.

The Council will use the information it holds on staff to assist with debt recovery and to make arrangements to clear the debt by salary deductions.

Section 106 of the Local Government Finance Act 1992 imposes a duty on a member whose payments are two months overdue to make a declaration to that effect, and refrain from voting in certain matters.

### Dispute Resolution

In case of a dispute with a **sundry debt**, recovery action will be suspended and the dispute referred back to the originating department for resolution within one week. If no response is received after one week a reminder will be sent to the originating department for instruction. If no response is received after a further week the debt will be transferred back to the originating department.

A dispute is not resolved unless it meets one of the following conditions:

- The customer is correct and gets full credit
- The customer is partly correct and gets partial credit and agreed charge
- The customer is incorrect and accepts the charge
- The customer is not correct and does not accept the situation but the service is prepared to pursue the debt

For **council tax and business rates** the disputes are arbitrated by the Valuation Tribunal Service.

## **Enforcement Agents and Enforcement Management**

The ability to refer debts to enforcement is an important tool in the recovery process. The Council appreciates the sensitivity attached to the use of bailiffs.

The Council will seek to use enforcement only where it has determined that this is the most effective collection method for the debt in question.

Enforcement performance and contract management will be in place to ensure compliance with codes of conduct good practice. These services will comply with the National Standards for Enforcement.

## **Write off procedures**

Whilst the Council will make every effort to pursue debts owed by debtors, it recognises that in some circumstances debts will become irrecoverable.

Debts may be regarded as uncollectable where:

- The debt is uneconomic to collect i.e. the cost of collection is greater than the value of the debt.
- The debt is time barred, where the statute of limitation applies. Generally, this means that if a period of six years has elapsed since the debt was last demanded, the debt cannot be enforced by legal action.
- The debtor cannot be found or communicated with despite all reasonable attempts to trace.
- The debtor is deceased and there is no likely settlement from the estate or next of kin and where there is written confirmation from the Receiver.
- Insolvency where there is no likelihood of settlement and written confirmation from the Official Receiver or Administrator.

Good practice dictates that, when all methods of debt recovery have been exhausted, any debts that remain irrecoverable are written off promptly in accordance with the Council's Constitution and Financial Regulations. Debt, even when written off, will continue to be pursued for example should a debtor seek to obtain council services in the future, or the debtors whereabouts become known, action will be taken to recover the outstanding debt.

Under the Council's Constitution, the Chief Finance Officer may, subject to that officer being satisfied that all avenues to recover the funds have been investigated, write off bad debts up to the value of £5,000. This will need to be in the format of a delegated powers report.

Bad debt that is to be written off and is in excess of £5,000 must be referred to the Policy and Resources Committee for write off.

The CIPFA Code of Practice on Local Authority Accounting, (The Code) requires the Council's statement of accounts to include sufficient provision for bad debts.

This provision will be determined by the Chief Finance Officer, in consultation with the Assistant Director of Finance, the Head of Exchequer Services and other Services. The external auditor will subsequently review this provision for appropriateness.

Generally, the older a debt is, the greater the requirement for a bad debt provision. Provisions are always reviewed as part of the closure of accounts process, but should also be reviewed on a regular basis throughout the year, and any likely requirement to increase the provision at the yearend should be identified and reported through regular budget monitoring.

### **Customer Care and Debt Advice**

The Council will:

Collect debts in an efficient way, taking account of personal circumstances.

Deal with debtors in a professional manner at all times treating individuals consistently and fairly and displaying courtesy and respect in accordance with departmental customer care directives.

Recognise where there is a 'can't pay' rather than a 'won't pay' situation.

Provide facilities to enable customers to discuss their debts in a confidential environment offering assistance wherever possible.

Provide all debtors seeking help due to financial difficulties with support:

- Be invited to provide details of their means by listing their income and expenditure, (evidence will be requested if necessary).
- If they have other debts owing to the Council then these will also be considered when agreeing a recovery plan.  
Be encouraged to use the money advice services available from the Citizens' Advice Bureau and other debt advice providers.

### **Advice and assistance**

The Council will seek to provide information about debt advice and potential statutory benefits and discounts to those debtors who cannot pay.

Officers will remind debtors of the importance of paying priority debts. Priority debts include council tax arrears. Non-payment of council tax arrears can result in the seizure of debtors' goods, or in the debtor being sent to prison.

For council tax, there is a discretionary fund for debtors in hardship with each case being assessed on its own merits and the individual's circumstances.

Customers who are in receipt of council tax support may be referred to enforcement agents if they do not engage or adhere to arrangement plans, but they will not progress to the enforcement stage of the process, thereby avoiding additional costs. Additionally, any customers who are identified as vulnerable will be supported appropriately.

Debtors who are in financial difficulty may find it beneficial to obtain specialist advice from one of the following agencies:

#### Citizens' Advice Bureau

The Citizens' Advice Bureau offer advice about simple debt problems, and will be able to refer debtors to a specialist advisor if the debt problem is complicated.

Website: <http://www.citizensadvice.org.uk>

Local branches:

New Barnet Citizens Advice Bureau 30 Station Road New Barnet Barnet Hertfordshire Tel: 0844 826 9336 Email: <a href="mailto:newbarnet@barnetcab.org.uk">newbarnet@barnetcab.org.uk</a>	Hendon Citizens Advice Bureau 40-42 Church End Hendon London NW4 4JT Tel: 0844 826 9336 Web: <a href="http://www.barnetcab.org.uk">www.barnetcab.org.uk</a>
--	---

#### Money Advice Centres

Money Advice Centres can also provide help with debt problems. Details of the nearest centres may be found by accessing the DirectGov website: [www.moneyadviceservice.org.uk](http://www.moneyadviceservice.org.uk) and following the link to the relevant advice or by telephoning the helpline on 0800 138 7777.

#### National Debtline

The National Debtline provides free debt management information to people living in England and Wales. Debtors can contact National Debtline by calling them on 0808 808 4000 or via their website at [www.nationaldebtline.co.uk](http://www.nationaldebtline.co.uk).

#### Business Debtline

The Business Debtline provides advice for small business in England and Wales. Debtors can contact them by telephone on 0800 197 6026 or via their website: [www.bdl.org.uk](http://www.bdl.org.uk).

#### Stepchange

Provides free impartial debt advice and solutions to anyone struggling with debt problems. They can be contacted on 0800 138 1111 or via their website at [www.stepchange.org](http://www.stepchange.org).

### **Review of this policy**

The Council is committed to continuous improvement and it is critical that new approaches and ways of working will be introduced. This policy will be reviewed annually to allow it to be updated and to take any service improvements or changes into account.