

Dear Members

### **Cabinet**

A meeting of the Cabinet will be held on **Thursday 3 March 2022 at 6.30pm** in the **Walton Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.



Head of Law and Administration

## **CABINET - 3 MARCH 2022**

**Chair - Councillor P M M Farrington**

### **A G E N D A**

- 1 Minutes of 13 January 2022 as circulated and published on 14 January 2022.
- 2 Apologies
- 3 Councillors' Question Time (if any)
- 4 Proposals of the Cabinet Members (as follows):-

#### **Page Nos**

(a) **COMMUNITY AND HEALTH PORTFOLIO**

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| (i) Progress on Bringing Empty Homes Back Into Use and Future Proposals | 3 - 16 |
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(b) **RESOURCES PORTFOLIO**

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**This Report is part confidential due to the inclusion of information relating to an individual, information which is likely to reveal the identity of an individual and information relating to the financial or business affairs of any particular person (including the authority holding the information). No representations have been received in respect of this matter.**

### **Membership**

**Chair - Councillor P M M Farrington**

- |                  |   |
|------------------|---|
| P M M Farrington | - Leader                                      |
| R M Smith        | - Deputy Leader and Resources Portfolio       |
| J M Pert         | - Community and Health Portfolio              |
| J K Price        | - Environment Portfolio                       |
| F Beatty         | - Economic Development and Planning Portfolio |
| C V Trowbridge   | - Leisure Portfolio                           |

**ITEM NO 4(a)(i)**

**ITEM NO 4(a)(i)**

<b>Contact Officer:</b>	<b>Anna Nevin</b>
<b>Telephone No:</b>	<b>01785 619176</b>
<b>Ward Interest:</b>	<b>Nil</b>
<b>Report Track:</b>	<b>Cabinet 03/03/2022 (Only)</b>
<b>Key Decision:</b>	<b>No</b>

**SUBMISSION BY COUNCILLOR J M PERT  
COMMUNITY AND HEALTH PORTFOLIO**

<p><b>CABINET</b></p> <p><b>3 MARCH 2022</b></p> <p><b>Progress on Bringing Empty Homes Back Into Use and Future Proposals</b></p>
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**1 Purpose of Report**

- 1.1 To note progress to date in bringing empty homes back into use and to request an amendment to the capital programme to make best use of funding available.

**2 Proposal of Cabinet Member**

- 2.1 To note the contents of the Empty Homes Officer Evaluation which sets out progress against the Empty Homes Strategy 2019-2024. Attached **APPENDIX;**
- 2.2 To request approval to convert £75,780 of capital from the empty homes budget into revenue to be able to fund a full time Empty Homes Officer on a fixed term contract for 3 years.

**3 Key Issues and Reasons for Recommendation**

- 3.1 The Empty Homes Officer role has considerable success in working with residents to bring homes back into use. This has supported delivery of the objectives outlined in the Corporate Business Plan 2021-2024 and the Empty Homes Strategy 2019-2024.
- 3.2 The evaluation has identified that whilst enforcement action is essential in some cases, the most effective method of bringing homes back into use is when a person focussed approach is taken and support and advice is offered to the owners.

- 3.3 Bringing empty homes back into use is not a quick task, most cases are resource intensive. Without a dedicated Empty Homes Officer, this work cannot be undertaken and the number of long-term empties will rise. This post ensures a proactive approach is taken to tackling empty homes. Without the dedicated officer, a reactive approach must be taken, usually when the home poses a risk to health and safety.
- 3.4 Experience from the last three years has shown that the original capital funding allocation to tackle empty homes has not been required to the extent that had been anticipated. There has been minimal take up of loans and limited requirement for capital works on properties; most progress has been made by the officer working in partnership with the empty home owner and the real value has been the time the officer can dedicate to each case. The learning from this shows that the money would be better used by converting a proportion of the capital to revenue, to enable the fixed term post to be created for 3 years.

#### 4 Relationship to Corporate Business Objectives

- 4.1 The report contributes to the corporate business objectives 1 and 3 and directly supports business objective 2:

To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.

#### 5 Report Detail

- 5.1 In December 2017 Cabinet agreed to the creation of a two-year full time Empty Homes Officer post with a revenue budget of £76,940. Alongside this was an allocation from the Capital programme of £210,000 to facilitate bringing homes back into use. In July 2018 the officer was appointed and in June 2019 the Empty Homes Strategy was approved by Cabinet and the detailed spend on the capital budget was agreed. This set out the phasing of spend for the capital budget, what it would be spent on and approval was given to converting £40,010 of the capital to revenue so that the officer, who was only able to work part time hours, could be in post until March 2023.
- 5.2 As a result of an internal promotion, the role of the Empty Homes Officer became vacant in October 2021. This provided an opportune moment to evaluate the successes of the post and reassess the next steps.
- 5.3 The evaluation, which is attached as an **APPENDIX**, demonstrates the value of the Empty Homes Officer and the case management approach they take to working with owners. The officer spends time understanding the reasons why a property is empty and the barriers to bringing it back into use. They are then able to work with the owner to start to remove the barriers and move towards bringing the property back into use.

There remains a need for a capital budget to support the work of the officer, but the call on this budget has been minimal. Funding has been provided for loans to bring a property back into use, where a lack of money is the barrier, and a proportion of the budget has been spent on capital works to make a property safe and to carry out basic environmental maintenance where particular problems have arisen. With the loans, these are repaid within a set timeframe and with the other capital works, these are registered as a charge on the property, therefore the capital budget over time will be recycled.

- 5.4 The role is currently vacant, although the previous Officer and Lead Officer for Housing Standards are still managing a handful of cases that have work outstanding and resident expectation that activity will continue. It is proposed that the Empty Homes Officer role reverts to the original intention of being a full-time post. When the post was filled on a part time basis it required significant input from the wider team to support the work and that resource in itself is extremely limited and not available at all during certain busy times of the year (for example winter when most service requests come in).

Having to support the part time nature of the empty homes role has also ensured that the proactive work the Standards Officers should be doing hasn't happened due to capacity issues. In appointing a full time post this will provide the necessary focus on empty homes and will ensure that aside from line management, the officer won't be drawing capacity from other parts of the service.

- 5.5 This paper therefore requests that in line with these findings a further sum of £75,780 is converted from the existing capital budget into revenue to create a 3 year fixed term empty homes officer post. This will be alongside the £40,010 originally transferred from capital to revenue following the June 2019 Cabinet report and the balance of £12,000 from the original revenue budget of £76,940 to fund the post. Details of the revised split between capital and revenue are set out in the table below.

This excludes the balance of the £76,940 original post allocation as this is already allocated to the funding of the post but will fund the balance of the post in 2022/23. The total revenue line is £115,790 which includes the unspent £40,010 revenue that was previously allocated to the fixed term post in June 2019 and £2,000 per year for necessary advertising (for example the recent Compulsory Purchase Order required advertising). The funding calculation covers the member of staff for three years based on 2% pay award per annum and does not cover redundancy. If the pay award is higher than the 2% assumption and if redundancy were to be triggered, there is currently sufficient funding within the capital pot to cover these costs but would require a further transfer from revenue to capital; this will be closely monitored over the 3 year period to ensure the costs are fully covered.

<b>Year</b>	<b>Capital</b>	<b>Revenue</b>	<b>Total</b>
	£	£	
2020/21	13,930.00		13,930.00
2021/22	36,070.00		36,070.00
2022/23	14,740.00	29,670.00	44,410.00
2023/24	14,740.00	42,670.00	57,410.00
2024/25	14,730.00	43,450.00	58,180.00
<b>Total</b>	<b>94,210.00</b>	<b>115,790.00</b>	<b>210,000.00</b>

- 5.6 If interest is expressed in the role from an internal candidate and if they were successful in an open internal recruitment process they could be seconded from their substantive role into this post. As such this report seeks a subsequent approval, if needed, to temporarily backfill that post for the period of secondment. This would deal with any redundancy consideration that may apply.

## **6 Implications**

<b>6.1 Financial</b>	<p>The approved capital programme included an allocation for Empty Homes of £210,000. The July 2019 report requested that £40,010 of this allocation to be revenue with the remaining £169,990 capital. The current report is requesting the phased release of this money over five years, with a further £75,780 to be allocated to revenue leaving a capital balance of £94,210. Of the £94,210, £13,930 has already been spent in 2020/21 leaving a balance of £80,280 remaining for use from 2021/22 to 2024/25.</p> <p>It is possible to recategorize some of this capital project to revenue because its funding source (New Homes Bonus) is revenue in nature.</p>
<b>Legal</b>	Nil
<b>Human Resources</b>	Nil
<b>Human Rights Act</b>	Nil
<b>Data Protection</b>	Nil
<b>Risk Management</b>	Nil

6.2 <b>Community Impact Assessment Recommendations</b>	Impact on Public Sector Equality Duty:  Wider Community Impact:
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**Previous Consideration -**

**Background Papers** - Empty Homes Officer Evaluation: (Attached)  
Empty Homes Strategy 2019 – 2024 : [Empty Homes Strategy 2019-2024](https://staffordbc.gov.uk/empty-homes-strategy-2019-2024)  
([staffordbc.gov.uk](https://staffordbc.gov.uk))

# Empty Homes Officer

## Evaluation



## Background

Meeting housing need is complex and solving it is not just a case of building of new homes. Making best use of existing stock by bringing empty homes back into use has to be a fundamental part of the strategy.

Empty homes are a wasted resource when there is pressure on housing stock nationally and locally. Instead, they could be providing homes for the many people who need one. The role of the Empty Homes Officer plays a vital part of easing some of these pressures.

The Empty Homes Officer post has recently become vacant and therefore it has been timely to evaluate the role to ensure that it is continuing to meet the objectives outlined in the Corporate Business Plan 2021-2025 and the Empty Homes Strategy 2019-2024.

## Why are there empty homes

There are several reasons why properties become empty. These include the death or ill health of an owner, the property being subject to probate or other legal disputes, or a landlord being unwilling or unable to let the property. An owner may also be unable or unwilling to sell a property or have inherited it and not know what to do with it. The reasons as to why a home is empty is often complex, having a dedicated Officer to help unravel these complexities is paramount.

Empty homes can generally be categorised into two types; those that are empty for short periods of time and long term empty properties which are more likely to become problematic.

### Short Term Empty

Short term vacant properties are re-occupied relatively quickly and are necessary for the housing market to function. These properties rarely require intervention to bring them back into use; they are generally reoccupied within six months. The Council is keen to stop short term empty properties from becoming long term, problematic empties.

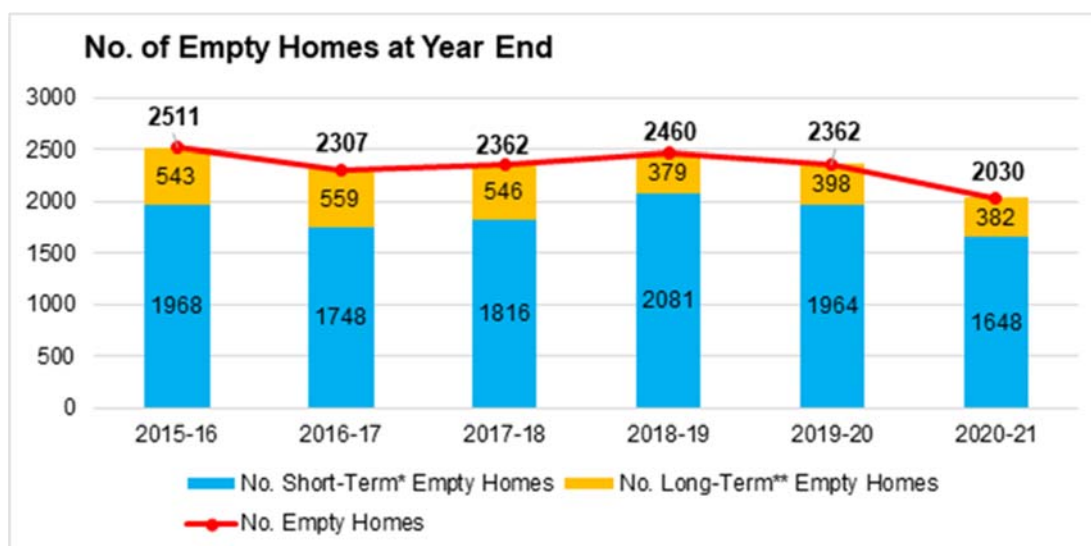
### Long Term Empty

Longer term vacancies are properties that have remained empty for over six months. These are the ones that often trigger complaints from neighbours and can become detrimental to the neighbourhood and the economy, especially as the length of time unoccupied increases.

## Demographics

Stafford Borough has a population of approximately 137,280 people, residing across approximately 62,143 dwellings in Stafford Borough. Most homes in the Borough are in the private sector (53,386 dwellings, 86% of all homes)<sup>1</sup>

Below is a graph which shows the number of empty homes within the Stafford Borough area between 2015 until March 2021.



The number of empty homes has decreased overall between 2015-16 and 2020-21 by 19%. The number of long term empty homes has decreased by 30%.

Bringing empty homes back into use cannot happen overnight and so developing dialogue with owners has been fundamental. The Empty Homes Officer is able to build up trust with the owner in order to be support them effectively to bring their property back into use.

## Empty Homes Officer

The Council has supported a fixed term role for an Empty Homes Officer which, although intended to be a full time post has most recently been occupied by an officer on a part time basis. A timeline of the role is outlined below:

- A previous fixed term full time post for an Empty Homes Officer ended in 2015.
- From 2015 until autumn 2018, the Empty Homes Officer role was vacant.
- Whilst the post was vacant, officers in the Housing Standards Team supported complaints as and when they came in, proactive work wasn't possible, any formal action was minimal and only taken when essential to protect neighbouring

<sup>1</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>

property and subject to capacity. This also meant that proactive work on housing standards was limited because when there was capacity it went to dealing with complaints on empty homes.

- During the period 2015/16 to 2018/19 when there wasn't a dedicated officer, the number of empty homes fluctuated, starting the period at a total of 2511 and ending it at 2460. However, there was a sustained increase in long term empty homes during this time.
- The Council's Empty Homes Strategy 2019-2024 was adopted in 2019. To deliver the strategy a 2-year fixed term, full time Empty Homes Officer post was created, and £210,000 of capital funding was made available to bring homes back into use.
- The Empty Homes Officer role was filled again in Autumn 2018.
- In June 2019 it was agreed that an element of the capital funding could be converted to revenue to support the extension of the post to a four-year, part-time post to March 2023.
- The position became vacant again in September 2021.

### **Empty Homes Strategy**

The adopted Empty Homes Strategy 2019-2024 sets out what the Council will do, with partners, to bring properties back into use, make best use of the existing housing stock and reduce the negative impact that empty houses have on surrounding homes, neighbourhoods and communities.

The three main objectives to achieve the authority's ambitions within the strategy are:

1. To bring empty homes back into use using a range of advice, assistance and support.
2. To use enforcement action on bringing long term, problematic empty homes back into use.
3. To better understand why homes are being left empty in the Borough and where possible, prevent homes from becoming empty for long periods of time.

Throughout the Strategy, it refers to work the dedicated Empty Homes Officer will be completing and the responsibilities the Officer has.

### **How the role meets the strategy objectives**

The delivery of the strategy is a fundamental part of the role of the Empty Homes Officer. The role takes a holistic approach to empty homes and the complexities that surround them.

## Empty Homes Strategy Objective 1:

To bring empty homes back into use using a range of advice, assistance and support.

The Empty Homes Officer provides advice and support to homeowners on a one-to-one basis and works closely with the owner to understand the reasons the property is empty. With the owner's agreement, the Officer determines the best course of action to bring the property back into use. For example, an advice and guidance leaflet is available for all empty home owners in the Borough to highlight what the Council can offer.

Having a dedicated Empty Homes Officer has meant that the authority has been able to provide more assistance to empty homeowners. This has ranged from granting empty home loans to providing contact details for local trades people or auction houses. Many empty homeowners spoken to have not had support in bringing the property back into use and so by being able to speak to someone who can guide them in the right direction has alleviated their concerns and helped them progress with bringing their property back into use. Relationships have been developed with empty homeowners and with local trades people, lettings agents and auction houses. This in turn has built a working relationship between the Council and local businesses.

### Empty Homes Loan

As a policy for an Empty Homes Loan was already in place the Officer has proactively been able to advertise the loan and evaluate the findings. Leaflets were produced and are included annually in every Council Tax review to all empty homeowners. The loan is available for owners who wish to rent out or sell the property. To be eligible, the property has to have been empty for at least two years and the current owner must have owned the property for over 12 months. This restriction has meant that a large proportion of empty homeowners are not eligible for the scheme. Many owners have advised that they wish to move back into the property themselves and therefore an indication as to why the loan was not suitable. Conversations with empty homeowners led to an indication for a grant to be available instead which does not meet the intended objectives of the loan.

However, if homeowners are determined to keep the property, various lettings agents do have schemes to refurbish a property prior to tenants moving in and again, a dedicated Empty Homes Officer could assist them to explore this option by promoting these schemes should it be viable and appropriate to do so.

## Homeowner Legal Fees

Other financial assistance explored by the Officer was to offer long term empty homeowners £500 towards legal fees when they sold their property. This is a scheme used by another larger local authority and in that area had proved successful. A letter was sent out to a percentage of long-term empty homeowners to gauge what the appetite was like for such a scheme. We received two replies: - one wanting the £500 to go towards their Council Tax bill and another wanting the money after they had sold the property three months previously. Given the lack of interest it has been decided not to pursue the scheme proactively in the future but to bear it in mind when engaging with residents on a one-to-one basis.

## Empty Homes Strategy Objective 2:

To use enforcement action on bringing long term, problematic empty homes back into use.

The Council has many Regulatory powers that it can and will utilise in order to address the impact an empty property has on neighbours and the local communities.

Empty properties can make a significant impact to a road or area as they may:

- Fall into disrepair and/or become dilapidated.
- Become a target for vandalism, antisocial behaviour and crime.
- Cause damage to, and devalue, adjoining properties.
- Cause concern to neighbours and a fear and perceptions of crime.

With the legislation available the Council can serve a notice on the home owner to ensure that these issues are addressed and in, turn, encourage the owner to bring the property back into use. Where all attempts of intervention have failed or if there is an immediate risk to health or safety, the Empty Homes Officer will consider a number of enforcement options that are available to them. These options include Compulsory Purchase Orders, Empty Dwelling Management Orders and Enforced Sale.

Enforcement Action that has been taken by the Empty Homes Officer since occupying the post in September 2017.

- One Compulsory Purchase Order, Cabinet Approval for a second and work underway seeking approval for a further two
- Obtained one warrant of entry
- Served three Improvement Notices
- Served one Environmental Protection Notice
- Served one Building Act Notice
- Served two Prevention of Damage by Pests Act Notices

- Completed ten Housing Health and Safety Rating System Inspections
- Served four section 16 notices of the Local Government (Miscellaneous Provisions) Act
- Served two Boarding Up Notices and have worked with four empty homeowners to make their properties secure.

Some of these notices have required works in default to be completed due to the owner's not adhering to the notices. Examples include works to address leaking guttering affecting a neighbouring property or to board up an empty property to prevent unauthorised access. Where works in default are completed, costs incurred are normally recovered from the empty home owner or secured against the property as a local land charge.

Without a dedicated Empty Homes Officer, these works would not have proactively been carried out and these properties would have likely continued to deteriorate. The Authority would of responded reactively to neighbour complaints but having a dedicated Officer has meant that owners are supported or enforcement action is taken if ignored.

Limited resource within the housing standards team, would always prioritise cases where there is a risk to the occupier. Having the Empty Homes Officer ensures that all complaints about empty properties are proactively dealt with and where necessary enforcement action is taken.

## Case Study

The empty property is in a popular village, it has been empty for four years and the owner has been suffering from ill health. The property had been the family home and the owner was reluctant to sell the property, the process of dealing with it was overwhelming. The garden was severely overgrown and the house was in a poor state of repair with large amounts of rubbish throughout. There had been many complaints about its condition and the impact it was having on the local area. The Empty Homes Officer was persistent and after numerous failed appointments, finally got to meet the owner. By listening to the owner's concerns, being sympathetic and understanding, the Empty Homes Officer was able to support the owner by arranging viewings and estimates by various local auctioneers and estate agents. As the owner was working with the Council, the Auction Company agreed that all fees could be paid after the sale of the property. The property was sold at auction, has been renovated and is about to become the home of a new family. The Empty Homes Officer also received positive feedback form the owner about how invaluable the support was.

## Compulsory Purchase Orders (CPOs)

CPOs are an effective way to bring properties back into use but are time intensive, requiring a dedicated Officer to case manage the process. For instance any enforcement to take place, such as Compulsory Purchase Orders, there has to be a history of attempted engagement with the home owner and a clear timeline of all the attempts made by the Council. They are resource intensive, but when done regularly, a dedicated Officer could streamline the process saving time and resource.

## Case Study

A three bedroom semi-detached property located on a main road in Stafford had been empty since 2005 when the owner moved into residential care and passed away some years later. Attempts had been made by the previous Empty Homes Officer to engage with family members without success and complaints continued to be received regarding the deteriorating nature of the property and following a break in the Empty Homes Officer arranged for the property to be boarded up. A review of the property noted a significant charge on the property relating to care costs. A full assessment of the legal options available were considered, including use of environmental health, planning and housing laws as well as discussion with Staffordshire County Council regarding their plans to recover their costs. Further attempts were made to determine if there were relatives willing to obtain probate and manage the property without success. In review of all available options it was decided that a Compulsory Purchase Order was the most appropriate and this was agreed by Cabinet in February 2021 and the property was acquired by Stafford Borough in October 2021 and sold soon after at Auction with a condition that the property is brought back into use within a reasonable amount of time.

## Empty Homes Strategy Objective 3:

**To better understand why homes are being left empty in the Borough and where possible, prevent homes from becoming empty for long periods of time.**

As well as bringing empty homes back into use, the Council wants to stop properties becoming long term empty in the first place or reduce the time they are empty.

The Empty Homes Officer has been able to compile surveys which have been sent out to long term empty homeowners, ascertaining the reasons behind properties being left empty and what support was required in bringing them back into use. This piece of work has enabled a better understanding of the barriers that empty homeowners were facing. The most common reasons given were lack of funds and not knowing what to do or what help was available. This in turn, allowed consideration for the most suitable approach in assisting with these barriers. For

example, being able to offer time and assistance in signposting people would not be possible without a dedicated Empty Homes Officer.

Going forward, it is the plan to create a generic letter which is to be sent out to empty homeowners at various time intervals with the aim that it would decrease the number of properties becoming long term empties. These letters would be generated at six monthly periods when a property reached a particular length of time empty i.e., 6 months, 1 year, 1.5 years, 2 years etc. The letters would be tailored to outline the assistance the Council can offer and bring to the attention of the owner the amount of additional Council Tax they would be paying annually for the empty property. It would be a proactive piece of work which would focus on preventing empty properties remaining empty long term, develop dialogue with empty homeowners and highlight any properties that have potential to become problem properties for the local area.

All the areas of work outlined have required a designated Empty Homes Officer to be able to build on the assistance offered to empty homeowners and to develop systems and schemes available to reduce the number of long term empty properties. Without a dedicated Officer, these workstreams would cease and the progress already made would be fruitless.

## **Conclusion**

The impact of having a dedicated Empty Homes Officer has been significant, for reasons outlined previously, there will always be empty homes and applying a holistic approach to tackling them is imperative. It not only helps meet housing need but also assists in tackling anti-social behaviour as well having an impact on the climate crisis by using existing infrastructure.

Bringing empty homes back into use is not a quick task and requires a lot of time and effort in dealing with the owners. Most cases are resource intensive and without an Empty Homes Officer, this work cannot be undertaken and the number of long-term empties will rise. The full-time post will ensure a proactive approach will always be taken to tackling empty homes rather than just reactive with limited dedicated resources.

This evaluation has identified that having a dedicated Empty Homes Officer is imperative and whilst it was originally thought that more Capital funding was required what has been proved most valuable is taking a holistic approach to tackling Empty Homes. The most notable impact and value is when the Officer has been able to work with owners and officer advice and support.

It is recommended that the role becomes a fulltime post in order to fulfil the Empty Homes Strategy as well as contributing to the Council's Corporate Business Plan.



**ITEM NO 4(b)(i)**

**ITEM NO 4(b)(i)**

<b>Contact Officer:</b>	<b>Rob Wolfe</b>
<b>Telephone No:</b>	<b>01543 464397</b>
<b>Ward Interest:</b>	<b>Nil</b>
<b>Report Track:</b>	<b>Cabinet 03/03/2022 (Only)</b>
<b>Key Decision:</b>	<b>No</b>

**SUBMISSION BY COUNCILLOR R M SMITH  
RESOURCES PORTFOLIO**

**CABINET  
3 MARCH 2022  
Revenues and Benefits Collection Report - Quarter 3**

**1 Purpose of Report**

- 1.1 To inform Cabinet of the performance of the Revenues and Benefits Service as regards:
- collections of Council Tax during the first three quarters of the financial year
  - collections of Business Rates during the first three quarters of the financial year
  - the recovery of overpaid Housing Benefit during the first three quarters of the financial year
- 1.2 To seek approval to the write off of the arrears listed in the **CONFIDENTIAL APPENDICES**.

**2 Proposal of Cabinet Member**

- 2.1 That the information regarding collections be noted.
- 2.2 That the arrears listed in the **CONFIDENTIAL APPENDICES** be written off.

**3 Key Issues and Reasons for Recommendation**

- 3.1 Efficient collection of the Council's revenues is of major importance to the funding of Council services and those provided by our preceptors.
- 3.2 Council Tax due for the current year amounts to £90.9M, of which some **83.1%** was collected by the end of December.

- 3.3 Business Rates due for the current year amounts to £44.3M of which some **76.5%** was collected by the end of December.
- 3.4 Whilst our collection rates are good, regrettably not all of the monies owed to the Council can be collected and this report contains a recommendation to write off bad debts which cannot be recovered.

<b>4 Relationship to Corporate Business Objectives</b>
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- 4.1 Not Applicable.

<b>5 Report Detail</b>
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### **Council Tax**

- 5.1 Council Tax is collected on behalf of the District Council, Parish Councils and our Major Preceptors (Staffordshire County Council and Commissioner for Police, Crime, Fire and Rescue). The effect of the Collection fund arrangements means that Stafford Borough Council retains around 10% of the council tax collected.
- 5.2 Council Tax due for the current year amounts to £90.9m and we would anticipate collecting in the region of 98% within the year, as was the case in the financial years before the Covid pandemic. Action continues to collect the remainder, after the end of the financial year, with over 99% being recovered.
- 5.3 By 31 December, we had collected 83.1% of the year's charges, which is broadly in line with the corresponding period of the previous year (which was 83.3%).
- 5.4 In accordance with the Council's approved policies, all reasonable and lawful attempts are made to recover all amounts due. In the first instance this involves the issue of bills, reminders and final notices, followed by Summonses in the Magistrates Court where the warning notices are not effective. At all stages of this process, debtors are encouraged to engage in voluntary arrangements to repay their arrears, to prevent the need for formal action.

Where necessary and when Liability Orders are granted by Magistrates, the Council uses its powers to make deductions from earnings and benefits of debtors, where it can, and instructs Enforcement Agents where such deductions are not possible or appropriate.

In the most severe cases and for debts exceeding £5,000, the Council will consider personal bankruptcy action against individuals.

During the pandemic and particularly during the 2020-21 year our recovery actions were relaxed whilst courts were closed and we took additional steps to

ensure that residents received the help that they needed, both in terms of claiming reductions or benefits and making payment agreements.

- 5.5 The recovery powers available to the Council are considerable but not completely infallible. There are occasions when bills are not paid and the debts cannot be recovered.
- 5.6 Statutory safeguards such as Debt Relief Orders, Individual's Voluntary Arrangements exist to protect debtors suffering hardship, to attempt to the expensive, stressful and sometimes ineffective process of personal bankruptcy. Where a debt is included in such an instrument, or when a debtor is bankrupt, our ordinary recovery powers cannot be used.
- 5.7 For any of our powers to be effective we need to know the whereabouts of a debtor and this is not always the case. Where debtors abscond we will use all reasonable endeavours to trace them and are often successful in doing so. Unfortunately, on occasions this is not so and we must submit a debt for write off.

Our trace procedures include;

- Checking our internal Council systems, and following any information which may help us to trace the debtor.
- Use of Transunion credit reference agency data.
- Trace and collect facilities offered by our Enforcement Agencies
- Visits to the last known address by the Council's Property Inspector and use of external tracing agents.

Unfortunately, legislation does not currently permit access to DWP or HMRC records to trace Council Tax debtors or their employers, though a Cabinet Office project is currently reviewing this.

- 5.8 Irrecoverable council tax debts in the sum of £9,842.27 are listed in the confidential **APPENDIX** to this report.

### **Business Rates**

- 5.9 Business Rates due for the current year amounts to £44.3M of which some **76.4%** was collected by the end of December. Again we would anticipate the collection rate to match last year's performance of 98.4%.
- 5.10 The recovery powers available to us are again contained in the Council's approved policies and are used in full. Those powers and our procedures are similar to the council tax powers described above, with the exception that deduction from individuals' benefits and earnings are not permissible, even if the debtor is an individual.
- 5.11 As with Council Tax, during the pandemic and particularly during the 2020-21 year our recovery actions were relaxed whilst courts were closed and we took

additional steps to ensure that businesses received the help that they needed, both in terms of claiming reliefs and grants available to them.

- 5.12 Where rates are owed by an individual, similar safe guards exist for the debtors and trace facilities are used by the Council for absconding debtors, as described above.

- 5.13 Additionally, in the case of business rates, as has been reported to Cabinet previously, our collection efforts are sometimes frustrated by weaknesses in legislation. Rates are due from the occupiers rather than the owners of property and where the occupier is a company, we can only recover from that company. Some proprietors will strip a company of its assets, or dissolve the company before we have had an opportunity to implement our recovery procedures. A new company is then formed in a similar style, to trade from the same premises.

Central Government has previously undertaken to review the loopholes that exist in rating and company legislation, though no changes have yet been received. Officers continue to actively monitor these issues.

- 5.14 The **CONFIDENTIAL APPENDIX** to this report lists business rate debts of £91,816.72 which cannot be recovered for the reasons stated and for which approval to write off, is requested.

### **Housing Benefit Overpayments**

- 5.15 The Council manages the Housing Benefit scheme on behalf of the Department for Work and Pensions, who fund the cost of benefits paid to claimants.
- 5.16 Recovery of overpaid Housing Benefit continues to progress well, with some £267,011.88 being collected into the Council's General Fund in the first two quarters of the year.
- 5.17 Eight irrecoverable Benefit Overpayment debt in the sum of £52,851.55 are included in the **CONFIDENTIAL APPENDIX** to this report.

<b>6</b>	<b>Implications</b>
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<b>6.1 Financial</b>	<p>Under the Business Rates Retention Scheme, business rates write offs will no longer be offset against the National Non-Domestic Rating Pool. Write offs will now form part of the costs of collection of Business Rates. The Business Rates write offs in this report total £91,816.72 This represents 0.21% of the outstanding collectable debit for the current year.</p> <p>Council Tax write offs are losses to the Collection Fund and, as such, form part of the cost of collection incurred by this Council. The Council Tax write offs on this report total £9,824.27. This represents 0.01% of the outstanding collectable debit for the current year.</p> <p>The cost of collecting the debts has been considered as part of the decision to put them forward for write off. If further information does come forward about the whereabouts of any of the individual debtors the Council will pursue recovery action.</p> <p>Cabinet are asked to write off the debts as they are considered to be irrecoverable for the reasons given in the appendices. The debts remain legally due to the Council and should the circumstances causing the write off in any particular case, subsequently change, recovery action may be recommenced.</p>
<b>Legal</b>	Cabinet are asked to write off the debts as they are considered to be irrecoverable for the reasons given in the appendices. The debts remain legally due to the Council and should the circumstances causing the write off in any particular case, subsequently change, recovery action may be recommenced.
<b>Human Resources</b>	None.
<b>Human Rights Act</b>	None
<b>Data Protection</b>	The appendices to this report contain personal information and are therefore not published.

<b>Risk Management</b>	The risk issues contained in this report are not strategic and therefore should not be included in the Strategic Risk Register.
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6.2 <b>Community Impact Assessment Recommendations</b>	<p><b>Impact on Public Sector Equality Duty:</b></p> <p><b>Wider Community Impact:</b></p> <p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
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<b>7 Appendices to the Report</b>
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- APPENDIX 1-** Council Tax write offs over £2,500.  
**APPENDIX 2-** Non-Domestic Rates write offs over £2,500  
**APPENDIX 3-** Housing Benefit Overpayments write offs over £2,500

<b>Previous Consideration - Nil</b>
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<b>Background Papers - None</b>
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