

Decision by Portfolio Holder



Report reference: HPS-002-2018/19

Date of report: 10 January 2019

**Epping Forest
District Council**

Portfolio: Housing – Councillor Syd Stavrou

Author: Rachel Smith (Ext 2710)

Democratic Services: J Leither

Subject: Former Tenant Arrears and Credits – Write-offs

Decision:

1. That, in accordance with Financial Regulations, 3 cases of former tenant arrears over £2,500, amounting to £9963.72 (for the period October 2018 to December 2018) be written-off; and
2. That should the whereabouts of the former tenants become known (within the limitation period, usually 6 years from when the debt is incurred) the amounts be reinstated.

ADVISORY NOTICE:

*A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest.
A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.*

I have read and approve/~~do not approve~~ (delete as appropriate) the above decision:

Comments/further action required: None

Signed: Cllr S Stavrou

Date: 11th January 2019

Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:

None

*Dispensation granted by Standards Committee:
Yes/No or n/a*

N/A

Office use only:

Call-in period begins: 14th January 2019

Expiry of Call-in period: 18th January 2019

***After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY***

Reason for decision:

Every effort has been made to recover the amounts set out in the report, all of which have been unsuccessful. Furthermore, as former tenant arrears are now included with the current rent arrears figures for performance monitoring, it would be in the interests of the Council for these amounts to be written-off. The Cabinet has previously agreed that former tenant arrears and credits be written-off on a quarterly basis.

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Options considered and rejected:

1. That the former tenant arrears set out in the report be written-off and not re-instated (within the limitation period, usually 6 years from when the debt is incurred) should the whereabouts of the former tenants become known.
2. That the former tenants rent arrears set out in the report not be written-off.

Background Report:

1. Under the Council's Financial Regulations contained within the Constitution (Paragraph 2.10 refers) it is the responsibility of the Director of Communities to agree the write-off of rent arrears and credits of former tenants up to the approved limit of £2,500 in each case and to refer larger sums to the Cabinet. However, under the Constitution, this responsibility can be fulfilled by the Housing Portfolio Holder.

2. Authority is sought to write-off 3 cases of former tenant arrears over £2,500 amounting to £9963.72 for the period October 2018 to December 2018. The following table shows the case reference numbers, the tenancy termination dates, the amounts written-off and the reason:

Case Ref. Number	Former Tenant Arrears Written-off (£)	Tenancy Termination Date	Reason
89389-008-1013	2,700.01	03/07/16	<p>Evicted due to rent arrears.</p> <p>All Directorates were asked if they held any information on the former tenant but none were held.</p> <p>Former tenant was traced to a number of addresses between 2016 – 2018, through a tracing agent.</p> <p>A Judgement Order was obtained and the matter was passed to the High Court Sherriff for enforcement.</p> <p>On 13th March 2018, the High Court Sherriff advised that despite best efforts, they had not been able to enforce the Order because either the defendant had moved or was not responding.</p> <p>A further trace was requested on the 13th September 2018, however there was no new information upon which to rely.</p> <p>Legal services have advised that there is no further legal action available to the Council to recover the debt at this time.</p>

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71325-004-1128	4,103.26	06/04/14	<p>Evicted due to rent arrears.</p> <p>All Directorates were asked if they held any information on the former tenant but none were held.</p> <p>Former tenant was traced to two addresses between 2014 – 2017, through a tracing agent.</p> <p>A Judgement Order was obtained and the matter was passed to the High Court Sherriff for enforcement.</p> <p>The High Court Sherriff has advised that despite their best efforts, they had not been able to enforce the Order.</p> <p>The former tenant appears to have no fixed abode.</p> <p>Legal services have advised that there is no further legal action available to the Council to recover the debt at this time.</p>
10124-003-1014	3,160.45	18/01/15	<p>A Debt Relief Order was obtained by the former tenant, which includes the former tenant debt.</p> <p>The 12-month moratorium has passed and the Official Receiver has not advised of any changes to the Debtors circumstances.</p> <p>No further action can be taken to recover the debt.</p>
Total	£9963.72		

Resource Implications:

Writing off £9963.72 of former tenant debt in accordance with Financial Regulations.

The provision for bad and doubtful debts for housing rents and related charges for 2018/2019 is £120,000.

Legal and Governance Implications:

Housing Act 1985

Safer, Cleaner and Greener Implications:

None

Consultation Undertaken:

None

Background Papers:

None

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Key Decision Reference (Y/N):

No

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix 1 to the report.

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