

Decision by Portfolio Holder



Report reference: HPS-008-2018/19

Date of report: 12 April 2019

**Epping Forest
District Council**

Portfolio: Housing and Property Services – 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 £18,733.37 (for the period January 2019 to March 2019) 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 re-instated.

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-A Stavrou

Date: 25th April 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: 26 April 2019

Expiry of Call-in period: 3rd May 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.

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, page 295 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 £18,733.37 for the period January 2019 to March 2019. The following table shows the case reference numbers, the tenancy termination dates, the amounts to be written-off and the reason:

Case Ref. Number	Former Tenant Arrears Written-off (£)	Tenancy Termination Date	Reason
44819-001-1010	£9,658.30	29/10/17	Evicted due to rent arrears. The former tenant passed away in January 2019. Essex County Council (Appointee) has confirmed that there are insufficient funds in the estate to repay the debt.
63254-003-1013	£6,374.10	10/07/16	Evicted due to rent arrears. All Directorates were asked to provide any information they might hold which relates to the whereabouts of the former tenant. No information was available. Several traces were carried out by a Tracing Agent, however no fixed address was established. There are no other lines of enquiry available by which to trace this former tenant.

61436-003-1019	£2,700.97	05/10/14	<p>Evicted due to rent arrears.</p> <p>In January 2015, the former tenant made a repayment agreement to repay their former tenant debt by monthly instalments. At that time the debt amounted to £3,250.19.</p> <p>Payments were received between January 2015 and September 2017, however payments then stopped.</p> <p>Several reminder letters were sent however no response was received.</p> <p>All attempts to locate a new fixed address have been unsuccessful, which includes the interrogation of Council records to identify any new links to this individual. Several traces were conducted by a Tracing Agent, however no fixed address has been established. There are no other lines of enquiry available at this to trace this former tenant.</p>
Total	£18,733.37		

Resource Implications:

Writing off £18,733.37 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

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 as an Appendix to the report.

<p>Initialed as original copy by Portfolio Holder:</p>

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Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, i.e. have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: Housing Management

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: Former Tenant Arrears and Credits - Write-offs

Officer completing the EqIA: Rachel Smith Tel: Extension 2710 Email: rsmith@eppingforestdc.gov.uk

Date of completing the assessment: 08 April 2019

Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p>No</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>Writing off debts as all avenues of collection have been exhausted.</p> <p>What outcome(s) are you hoping to achieve (i.e. decommissioning or commissioning a service)?</p> <p>As above.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? <p>Will only affect the former tenants themselves as, although they are either untraceable or cannot be held liable for the debt, they have the advantage of having the debt written off.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>No</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The decision requested would be in accordance with Council policy on debt collection.</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, e.g. service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>There will be no effect on the population as this only relates to a very small number of former tenants. The Council's policies generally on debt collection will not have any bearing on any particular group.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>Consultation not necessary.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>Not necessary as the decision only relates to the writing-off of debt and affects a very small number of former tenants, who will be advantaged by the decision.</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	No impact as only a small number of former tenants are affected and as they are either untraceable or the debt is clearly not recoverable, it is to their advantage that the former debt is written off.	L
Disability	As above	L
Gender	As above	L
Gender reassignment	As above	L
Marriage/civil partnership	As above	L
Pregnancy/maternity	As above	L
Race	As above	L
Religion/belief	As above	L
Sexual orientation	As above	L

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No x	
		Yes <input type="checkbox"/>	If 'YES', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
None	None	N/A

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Service Director (Housing and Property): Paul Pledger	Date: 08 April 2019
Signature of person completing the EqIA: Rachel Smith	Date: 08 April 2019

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, e.g. after a consultation has been undertaken.