

Decision Number: 15(2016/17)

Portfolio Holder Executive Decision Statement

The Local Authority (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

Subject:

Write off of Housing Benefit Overpayments

Details of Decision taken

Agreed Write off of £ 35102.31

Reason for Decision

Debts are considered to be uncollectible for the reasons set out in each individual report.

All Documents considered:

Summary of cases attached

Details of any alternative options considered and rejected by the Member when making the Decision:

Leaving aged, uncollectible debts outstanding on the system is not considered appropriate.

Financial implications

Set out in the individual case summaries

Legal Implications and Risk Assessment Statement

Further legal action is unlikely to be successful due to the age of the debts and the taxpayers' circumstances


Equality Impacts (Consideration of impacts under the Public Sector Equality Duty)

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

When completed a copy of this record must be sent to the Democratic Services Section by e-mail and a signed copy by internal mail

(For Democratic Services use)

Decision Number: 15(2016/17)

Local Member (s), other Portfolio Holders and/or Directors/Heads of Service Consulted Adrian Rowbotham	
Details of any conflicts of interest a) declared by any executive member who is consulted by the Decision Taker b) and any details of dispensations granted by the Chief Executive in respect of any declared conflict	
Decision taken by:	Portfolio Holder for Finance & Resources
Signed by Portfolio Holder	
Date of Decision	3/10/16
Record made by:	
Date of record:	

When completed a copy of this record must be sent to the Democratic Services Section by e-mail and a signed copy by internal mail

APPLICATION TO WRITE OFF HOUSING BENEFIT OVERPAYMENTS

SEVENOAKS DISTRICT COUNCIL

Cases relating to Housing Benefit overpayment over £5000.00, for reasons stated below. All relevant correspondence and notes are held within Academy notes and Idox

Codes		Number	Amount
AB	Gone Abroad/unable to collect		
AM	All means exhausted	3	22726.16
BR	Bankrupt Regs - cannot recover		
CM	Compassionate		
CS	Court Costs Invoice for Write Off		
DE	Debtor Deceased - no funds		
DO	Debt Relief Order		
DP	Discretionary Housing Payment		
GA	Gone Away - no trace		
HA	Hardship Write Off		
IV	Individual Voluntary Arrangement	1	12376.15
LD	LA discretion		
LE	SDC Error		
OD	Old Debt - to old to recover		
PR	In Prison		
RA	Returned collection agency account		
SY	System Error		
TD	Time Delay		
UN	Uneconomical to collect		
TOTAL AMOUNT		4	35102.31

Overpayments Team Leader

Dated 7/9/16

F & R Portfolio Holder

Dated 3/10/16

Reference Number – [REDACTED]

Customer Number – [REDACTED]

[REDACTED]

Shoreham

Kent

Debt relates to – [REDACTED] Swanley, Kent

Outstanding Overpayment value - £9233.92

Recommendation

Following checks against outstanding invoice the above outstanding balance was identified. The above outstanding is made up of one invoice totalling £9325.05, which covers the period 30.07.2007 – 31.08.2009. The current o/s balance is ££9233.92 a payment of £91.10 being received via a deduction from Housing Benefit that was in payment at the time.

The overpayment arose due to living together and she was investigated for Fraud, however I am unable to establish if she was prosecuted.

The following action have been taken to try to collect the outstanding debt –

Oct 2010 – original invoice and notification letter issued

Nov 2010 – 1st reminder issued

Dec 2010 – 2nd reminder issued

Jan 2011 – account referred to Newlyn collection agency

Jun 2011 – account returned from Newlyn

Sept 2013 – 2nd reminder issued, Locta check done – employment details requested, CIS check done – forwarding address found but no state benefits in payment, Experian search done - no results shown

Oct 2013 – account referred to Rundles collection agency

Jan 2015 – account returned from Rundles

Feb 2015 – CIS check done – shows forwarding address already held and no state benefits, Locta check done – employment details requested, Experian check done – no financial activity

Sept 2015 - CIS check done – shows forwarding address already held and no state benefits, Locta check done – employment details requested as previous search returned no results, Experian check done – no financial activity at debt address or forwarding address

Oct 2015 – potential employer found via Locta – enq form sent, form returned left emp April 2015

Feb 2016 – Enq carried out by CTax found potential employer - Attachment of Earnings issued – info recd does not work for company, new Locta search carried out - no employment matches

[REDACTED] is currently shown as a Non Dependant on her sons Housing Benefit claim, but there is no income details, the son is blind and I assume she is his carer, but there is no state benefits in payment i.e. carers allowance.

The sum of £417.32 Council Tax debt has been recommended for write off as they are also unable to collect the debt.

Due to the age of the debt and despite the Councils effort we cannot collect the debt. I therefore request that the debt of £9233.92 is written off – all means exhausted.

Signed

Overpayment Team Leader



Dated

7/9/16

F & R Portfolio Holder



Dated

3/10/16

Reference Number – [REDACTED]

Customer Number – [REDACTED]

[REDACTED]
Gravesend

Kent

DA12 [REDACTED]

Debt relates to – [REDACTED] Hartley, Longfield, Kent

Outstanding Overpayment value - £12376.15

Recommendation

Following checks against outstanding invoices the above outstanding balance was identified. The above overpayment is made up of one invoice totalling £12376.15, this is the remaining balance of a larger debt which totalled £14695.15. The debt covers the period 16.04.2007 to 20.09.2010 due to Income Support ending.

[REDACTED] was investigated for Fraud but was not prosecuted.

The sum of £2319.00 has been collected via deductions from [REDACTED] Housing Benefit entitlement, the last payment being recovered July 2015 by this method when [REDACTED] vacated.

Between the dates of August 2015 to May 2016 the Council have issued 1st and 2nd reminder notices to her new address without success and the account has also been passed to Rundles collection agency, the account was recalled from Rundles in May 2016.

With effect from 25.05.2016 [REDACTED] entered into an IVA – under current Housing Benefit regulations the Council must cease recovery of any debt included in the proposal and wait for the agreed dividends.

The sum of £3359.96 has been written off for Council Tax.

Due to the restrictions within the regulations I request that the debt of £12376.15 is written off pending dividends due which will be written back on to the system – IVA

Signed

Overpayment Team Leader

Dated 7/9/16

F & R Portfolio Holder

Dated 3/10/16

Reference Number – [REDACTED]

Customer Number – [REDACTED]

[REDACTED]

West Kingsdown

Sevenoaks

Kent

TN15 [REDACTED]

Debt Relates to – [REDACTED] Swanley, Kent & [REDACTED] South Darenth, Dartford, Kent

Outstanding Overpayment value - £6153.84

Recommendation

Following checks against outstanding invoice the above outstanding balance was identified. The above overpayment is made up of one invoice totalling £6153.84, which covers the period 07.01.2008 to 06.04.2009 due to Income Support ending.

[REDACTED] was prosecuted for Housing Benefit Fraud and was cautioned in Feb 2011 – for claiming whilst working and living together.

No payments have been received despite recovery action being taken.

The following actions have been taken to try to collect the outstanding debt, but to no avail –

Dec 2010 – original invoice and benefit letters issued

Feb 2011 – 1st reminder issued

Mar 2011 – payment arrangement set – no payments received

Mar 2011 – 2nd reminder issued

Mar 2012 – CIS check done – no state benefits in payment, Locta check done – requested employment details, Register of Electors checked – not registered at [REDACTED] Experian check – records at [REDACTED] show 'gone away' & no records at [REDACTED]

April 2012 – account referred to collection agency – Newlyn

May 2012 – telephone call from debtor – unhappy as she has received letters from Newlyn – was advised to contact Newlyn direct to set an agreement.

Sept 2013 – account returned from Newlyn

Sept 2013 – account referred to collection agency – Rundles

Jan 2015 – account returned from Rundles

Feb 2015 – Locta check done – employment details requested, CIS check done – confirms [REDACTED] address but no state benefit in payment, Experian check done – no financial activity at forwarding address, Land search requested for [REDACTED]

Sept 2015 – Experian check – shows financial activity as the West Kingsdown address, Locta check done – emp details requested.

Sept 2015 – 1st reminder reissued

Oct 2015 – letter recd from debtor – replied to by Housing Benefit Section

Oct 2015 - 2nd reminder reissued

Mar 2016 – CIS check done – no state benefit in payment

April 2016 – Locta check shows no employment details

July 2016 – account recommend for write off

Aug 2016 – call credit checked – shows financial activity at debt address – unable to confirm the value of debt held.

██████████ is aware of the outstanding debt balance based on correspondence issued and telephone calls received, however despite the Councils efforts to try and collect the outstanding debt the balance is still due.

Due to the reason why the Overpayment arose ie Benefit Fraud, there would also be an element of money owed to the Dept of Work and Pension but I do not know how much this would be.

Due to the age of the debt and despite the Council efforts we cannot collect the debt. I therefore request that the debt of £6153.84 is written off – all means exhausted.

Signed

Overpayment Team Leader

██████████

Dated

7/9/16

F&R Portfolio Holder

Dated

3/10/16

Reference Number – [REDACTED]

Customer Number – [REDACTED]

[REDACTED]
Dunton Green
Sevenoaks
Kent

Debt relates to the above address

Outstanding Overpayment value - £7338.40

Recommendation

Following checks against outstanding invoice the above outstanding balance was identified. The above overpayment is made up of one invoice totalling £7338.40, which covers the period 08.06.2009 to 15.03.10 due to Housing Benefit being paid under a contrived tenancy.

The case was investigated for Fraud, however I am unable to establish if he was prosecuted.

The following actions have been taken to try to collect the outstanding debt –

April 2010 – original debt raised

July 2010 – 1st reminder notice issued, this was returned as gone away

Oct 2010 - account in trace

Nov 2010 – Locta check done – requested employment details – no results shown

Dec 2010 – new address found. Experian check done – no outstanding debt

Jan 2011 – 1st reminder notice issued

Feb 2011 – post returned gone away

Mar 2011 – account to trace

Mar 2012 – CIS check done – forwarding address found

Aug 2012 - new forwarding address found – 1st reminder reset, telephone call with [REDACTED] – transferred to benefits as wanted to discuss how overpayment arose.

Sept 2012 – 2nd reminder issued, [REDACTED] called advise was going to make himself bankrupt – advised would require confirmation paperwork

Dec 2012 – no bankruptcy shown, locta search done

Mar 2013 – account referred to Newlyn Collection Agency

Nov 2013 – account returned by Newlyn

Feb 2014 – contacted Bromley Council to check resident a forwarding address – resident shown different name, contacted employers as per latest locta check – not employed

Jan 2015 – 1st reminder reset

Feb 2015 - 2nd reminder reset

Sept 2015 – account referred to Rundles Collection Agency

Mar 2016 – account returned from Rundles

Jun 2016 – CIS and Locta requested, CIS shows forward address already held and no state benefit in payment, no employment details found

[REDACTED] would appear to be aware of the outstanding debt following on from earlier telephone calls, however despite the Councils efforts to trace and try and collect the outstanding debt the

balance is still due. Due to the age of the debt and despite the Council efforts we cannot collect the debt. I therefore request that the debt of £7338.40 is written off – all means exhausted.

Signed

Overpayment Team Leader

Dated

7/9/16

F & R Portfolio Holder

Dated

3/10/16