

# Recovery Policy

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## **1 Policy Purpose**

- 1.1 This policy covers the collection of Housing Benefit overpayments and Council Tax Reduction excess payments, Council Tax and Non-Domestic Rates (Business Rates) and sundry debt, and should be read in conjunction with the Write Off Policy.
- 1.2 East Staffordshire Borough Council's Policy on Recovery is designed to set out a framework for employees and provide information to other advice agencies when dealing with the recovery of debts.

## **2 Policy Statement**

- 2.1 The Council has a legal duty to ensure cost-effective billing, collection, and recovery of all sums due to the Council.

## **3 Policy Objectives**

- 3.1 The key objectives of this policy are to:
  - To be firm and fair yet sympathetic when assessing an individual's ability to pay
  - To follow all appropriate legislative requirements and procedures in an efficient and effective way
  - To maximise recovery of debts using all methods available
  - To ensure that benefit entitlements are accurately and efficiently applied
  - That there is clarity in the enforcement action process
  - To identify and assist those who face difficulties in paying at an early stage and to actively encourage them to contact us at the earliest stage, to help to reduce the effect of debt on people on low income.
  - To help identify customers who face barriers in understanding what is expected of them e.g. because of age, language, culture or disability
- 3.2 The policy will:
  - help identify deliberate non-payers or people who delay payment
  - enable people who fall into arrears to make payment agreements appropriate to their circumstances
  - ensure that when we take enforcement action it is appropriate and likely to be effective
  - to enable the Council to remove barriers to fair and effective collection of debt

## **4 Legal Framework for Recovery**

### **4.1 Council Tax:**

4.1.1 Local Government Finance Act 1992

4.1.2 The Council Tax (Administration and Enforcement) Regulations 1992  
(as amended)

### **4.2 Housing Benefit Overpayment:**

4.2.1 Social Security Administration Act 1992 (Housing Benefits)

4.2.2 Local Authority Financial Regulations

4.2.3 The Housing Benefit and Council Tax Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations 2001.

4.2.4 Section 123 of the Social Security Administration Act 1992.

4.2.5 Section 134 of the Social Security Administration Act 1992 (Housing Benefit)

4.2.6 Section 139 of the Social Security Administration Act 1992 (Council Tax Benefit)

4.2.7 Sections 130, 131 of the Social Security Contributions and Benefits Act 1992

4.2.8 The Housing Benefit (General) Regulations 1987 – and subsequent varying regulations

4.2.9 Housing Benefit (Recovery of Overpayments) Regulations 1997

### **4.3 National Non Domestic Rates:**

4.3.1 Local Government Finance Act 1988

4.3.2 The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989

### **4.4 Sundry Income:**

4.4.1 Local Government Act 1972

## **5 Equality Statement**

- 5.1 We will be consistent and fair in our dealings, regardless of race, disability, gender, gender orientation, religion or belief, or age. The policy will contribute to the improvement and customer service of the Council.
- 5.2 By administering the policy we will assist in tackling poverty by offering the right advice to enable people to maximise their income and to help prevent the build-up of debt.
- 5.3 When people get into arrears, we will:
  - 5.2.1 ensure that as far as possible, payment arrangements reflect the ability to pay as well as the level of debt owed
  - 5.2.2 expect Priority Debts (see appendix 1) to be given priority over other debts owed
  - 5.2.3 work with recognised advice agencies wherever possible to reach an acceptable arrangement for the recovery of the debt.

## **6 Code of Practice**

- 6.1 We will provide clear and prompt information about bills and liabilities. The information we provide will show:
  - 6.1.1 what the bill or liability is for
  - 6.1.2 the amount due
  - 6.1.3 how to make payment
  - 6.1.4 a contact point for all enquiries
- 6.2 All correspondence will be clearly written, without the use of jargon and will include information on how to get independent advice.
- 6.3 The Council will advise people how they can reduce their payments where possible by:
  - 6.3.1 inform people of their entitlement to benefits, reductions, discounts, reliefs and exemptions
  - 6.3.2 ensuring that maximum take-up occurs and that net bills/liabilities are issued
  - 6.3.3 inform people of the general availability of all income-related benefits.
  - 6.3.4 training staff who advise the public on debt matters to be aware of the benefits, discounts, reliefs and exemptions that may be applied to ensure that take up is maximised.

6.3.5 advise people where they can get independent advice with financial problems, for example the Citizens' Advice Bureau

## **7 Information and Advice**

7.1 The Council provides information to all taxpayers on its website [www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk) which covers the following areas:

- Valuation Bands
- Discounts
- Reductions for people with disabilities
- Exempt Dwellings
- Council Tax Reduction
- Appeals
- How the Council Tax is spent

7.3 The Council provides information to all Business Ratepayers on its website [www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk) which covers the following areas:

- Rateable Values
- Reliefs and Exemptions
- Appeals
- Small Business Rate Relief
- Information as supplied by the Department for Communities and Local Government (DCLG)

7.3 We will make information available in a variety of formats and languages when required.

7.4 A Housing Benefit overpayment is any amount of Housing Benefit which has been paid but to which there was no entitlement. An Excess Payment is any amount of Council Tax Reduction which has been paid but to which there was no entitlement.

7.5 When an overpayment or excess payment is identified the claimant is notified in writing and given the following information: -

- The reason for the overpayment/excess payment
- The amount
- The benefit period covered
- The method of recovery
- Their right of appeal

Information on the above can be viewed on the Council's website: [www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk).

## 8 Making a Payment

8.1 We will provide a choice of convenient methods of payment for bills and invoices and details of these options are shown on each bill:

8.1.2 How payments can be made:

- Direct Debit (Council Tax and Business Rates ONLY)
- Cheque Payment
- Cash Payment
- Debit Card
- Credit Card

8.1.3 Where payments can be made:

- PAYzone
- Council's Website
- Cheques posted to the Council
- Internet Banking
- By visiting the Customer Service Centres at Market Place, Burton on Trent DE14 1HA and High Street Uttoxeter ST14 7JQ
- Using the Council's automated debit and credit card telephone line (01283 508223) This facility is available 24 hours a day, 7 days a week

8.2 Whatever the method of payment individuals must ensure that payments made reach the Council by the due date.

8.3 At all times, the Council's preferred method of payment for Council Tax and Business Rates is Direct Debit. However, Direct Debits need not be considered where a customer has a proven history of dishonoured payments due to insufficient funds or cancellations and reinstatements of mandates on more than one occasion within one financial year. In such circumstances, the customer should be advised of the reason for refusal and offered advice as to alternative means of payment (eg Debit/Credit card, Payzone payment, standing order, etc).

8.3.1 Where direct debit payments fails for the reasons specified in paragraph 8.3, above, the taxpayer will be informed in writing that this method of payment will no longer be permitted for the remainder of that financial year, nor in relation to previous year's arrears arising from such default.

8.4 Housing Benefit overpayments will be recovered from on-going benefit where possible.

8.5 Council Tax Reduction excess payments will be recovered from the claimant's Council Tax account where possible.

## **9 Making arrangements for people in arrears**

- 9.1 We will encourage people to contact us early if they are having difficulty paying and advise them where to get independent advice. Many people are unaware of their rights and responsibilities and of the availability of a variety of payment options. If people contact us early we will be able to discuss the situation and prepare a payment plan. This will help to keep people out of debt.
- 9.2 When people contact us we will:
  - 9.2.1 check whether they should be paying less or nothing at all by ensuring that all the relevant benefits, reductions, discounts, reliefs, exemptions and rebates are being claimed
  - 9.2.2 advise on the most appropriate payment methods
  - 9.2.3 advise them to contact an independent advice agency.
  - 9.2.4 expect priority debts (see appendix 1) to be given precedence over other debts
- 9.3 When a person makes contact a realistic agreement for payment will be made. If there is any doubt as to whether the agreement is realistic (either because it appears to be too high or too low), staff will help the individual to complete an income and expenditure form. It is important to remind the individual to contact the Council if they anticipate problems in meeting any instalment due date. They will be advised not to wait until they have received a written response to their offer of payment, but to start and maintain payments.
- 9.4 When negotiating arrangements for payment, staff should ensure that current instalments are being maintained, i.e. the arrangement will be in addition to and conditional on, the current debt being paid. When an arrangement is made on a total balance the minimum arrangement will be the usual current instalment plus a contribution towards the arrears.
- 9.5 Where arrangements are sought to clear outstanding Council Tax and / or Business Rates debts, the period of arrangement should not extend beyond the date upon which the taxpayer's original instalments were due to finish. Arrangements may be extended beyond that date, but only where mitigating circumstances exist. The period of extension will be at the discretion of the Shared Service Centre Team Leader (Revenues) as in Appendix 4, paragraph 1.3.
- 9.6 Where an arrangement is made by a recognised advice agency, an Income and Expenditure form will normally be provided. Where an individual appears to have complex benefit or money advice problems, staff will refer them to an appropriate agency or welfare benefit officer.
- 9.7 Staff will try to get as much detail as possible of a person's circumstances to make the best assessment of their ability to pay. Where a customer refuses to



give financial information an arrangement cannot be made and therefore we will continue to follow the debt recovery procedure

9.8 In some cases it may be necessary to request documentary evidence to confirm particular details when arriving at a payment arrangement. Individuals should not however be asked for documentary evidence unless it is absolutely necessary.

9.8.1 if it is necessary the individual should be told of the particular items that require confirmation and be given a specified reasonable time limit within which they are required

9.8.2 the individual should be advised that if the evidence is not produced within the agreed timescale the offer of payment may be rejected and further action could be taken.

**All information collected is governed by the Data Protection Act 1998 and the Council has a procedure and policy in place to comply with the Act.**

## **10 Monitoring Payment Arrangements**

10.1 All payment arrangements will be closely monitored.

10.2 Recovery action will be taken in respect of missed payments following the detailed procedure within the recovery team.

10.3 Action may be taken, even where payment is received shortly after the due date.

10.4 The responsibility for making sure that payment reaches the account by the due date remains with the individual

10.5 The individual should be reminded that the date on which instalments are to be paid is the final date on which money should reach the account. **This means that individuals must allow sufficient time for the payment to reach the Council by the due date.**

10.6 When payment arrangements are not maintained the next course of recovery action will commence, and could include sending out bailiff letters advising that payment in full is required or attachment of earning or benefit orders.

## **11 Write offs**

11.1 The Council will exercise their discretion when deciding to write off debts and will only consider this as a final option when:

11.1.1 All methods of recovery have been exhausted

11.1.2 Claimant deceased and no funds available from the estate

- 11.1.3 No trace of the debtor and the debt has become uneconomical to pursue
- 11.1.4 Claimant declared bankrupt and evidence from the Official Receiver available confirming the overpaid benefit is a non-priority debt
- 11.1.5 Limitations Act, debt is 6 years old and expired
- 11.1.6 Debtor has emigrated and been out of this country for over 2 years
- 11.1.7 Debtor is terminally ill (usually for benefit overpayment cases)
- 11.2 Where circumstances change and it becomes possible to collect the debt then it will be written back on and pursued.

## **12 Monitoring the Policy**

- 12.1 It is the responsibility of the Council to ensure the policy is effective through their monitoring and complaints procedure, taking into account the indicators listed below:
  - 12.1.1 rate of collection, including recovery of housing benefit overpayments
  - 12.1.2 number of cases reaching each stage of recovery
  - 12.1.3 number of cases where attachments of benefit/earnings are made
  - 12.1.4 number of cases being referred to the bailiffs
  - 12.1.5 number of cases where recovery is suspended due to arrangements being made
  - 12.1.6 number of cases with arrears outstanding at year end
  - 12.1.7 amount of arrears outstanding at year end
  - 12.1.8 number of complaints received where policy is not being followed
  - 12.1.9 Audit checks

**What is a Priority Debt?**

1 Priority debts are those debts that can result in loss of essential service, loss of your home or imprisonment

**1.1 HOUSING**

1.1.1 Mortgage/Rent

1.1.2 Council Tax

**1.2 UTILITIES**

1.2.1 Electricity

1.2.2 Gas

1.2.3 Telephone

1.2.4 Water

**1.3 OTHER**

1.3.1 Business Rates

1.3.2 Child Support Agency deductions

1.3.3 Court Fines

1.3.4 Income Tax

1.3.5 Maintenance Arrears

1.3.6 Secured Loan

1.3.7 VAT

1.3.8 Council Sundry Debts

## Council Tax Recovery Process

### 1 Explanation of Recovery terms

#### 1.1 Reminder

A document issued when an instalment is overdue

#### 1.2 Final Notice

A document issued when an account is in arrears and there is no right to pay by instalments

#### 1.3 Summons

A document issued summoning the person to Magistrates Court when there has been no satisfactory response to one of the above. At Court, the Council will make an application for a Liability Order to be granted.

#### 1.4 Liability Order

The Magistrates will grant a Liability Order if they are satisfied for the Council Tax outstanding. The order gives the Council the power to take further action if the account remains unpaid. The main options are:-

1.4.1 Attachment of earnings or benefit (Income Support or Job Seekers Allowance)

1.4.2 Referral to the Bailiffs who have the power to remove and sell goods

1.4.3 Committal to prison

1.4.4 Bankruptcy proceedings

1.4.5 Charging Order placed on property

### 2 Where payments due have not been made the Council will take the following action:

2.1 A **Reminder** notice is issued which requires the account to be brought up to date within seven days.

2.2 When there is no payment to satisfy the reminder within 14 days a **summons** will be issued.

2.3 If the person brings the account up to date within seven days but falls into arrears a second time a **second reminder** is issued. It is important that payment is made on or before the instalment due date.

2.4 Final notices are issued where there has been a third failure to pay an instalment on time within a financial year.

2.5 A summons is issued when any one of the above notice are not satisfied by the specified date.

- 2.6 When a **Summons** is issued and Summons Guidance Notes and current court costs are debited to the Council Tax account. Wherever possible employment/benefit details are obtained to enable an attachment to be made when the Liability Order has been granted, if a satisfactory arrangement is not negotiated or has not been maintained. Arrangements may still be agreed but they will not stop the Liability Order being granted at this stage along with the hearing fee costs. The summons costs must be paid.
- 2.7 Once a **Liability Order** has been obtained in court the Council will:
- 2.7.1 monitor payment arrangements where tax payers have already contacted the Council.
  - 2.7.2 make deductions from Benefit/Income Support or Job Seekers Allowance/Universal Credit where appropriate
  - 2.7.3 make an attachment of earnings order where appropriate
- 2.8 In all other cases a **Liability Order** is sent requesting information about the person's Income.
- 2.9 If there is no response to the liability order within 14 days a Bailiff notice is sent giving a further 14 days. A list of the Bailiffs fees is enclosed with the notice. If there is still no response after 14 days the case is referred to the Bailiffs for collection.
- 2.10 Whilst undertaking any of these activities, as a result of obtaining a Liability Order, the Council may apply for an Attachment of Earnings or deductions from benefit. A payment arrangement may be discussed at any stage and the Council aims to consider an individual's circumstances and ability to pay.
- 2.11 If all other enforcement options fail, the Council may apply to the Magistrates Court with a view to a prison sentence in absence of payment. We may consider Bankruptcy and apply for a Charging Order to secure the debt.

## Business Rates Recovery Process

### 1 Explanation of Recovery terms

#### 1.1 Reminder

A reminder is issued when an instalment is overdue

#### 1.2 Final Notice

A document issued when an account is in arrears and the right to pay by instalments has been lost.

#### 1.3 Summons

A document issued summoning the ratepayer to the Magistrates Court when there has been no satisfactory response to one of the above. At Court the Council will make an application for a Liability Order to be granted.

#### 1.4 Liability Order

The Magistrates will grant a Liability Order if they are satisfied that the Business Rates are outstanding. The order gives the Council the power to take further action if the account remains unpaid.

The main options are:

1.4.1 Referral to the Bailiffs who have the power to remove and sell goods

1.4.2 Committal to prison

1.4.3 Bankruptcy or winding up proceedings

### 2 Where payments due have not been made the Council will take the following action:

2.1 A **reminder notice** is issued which requires the account to be brought up to date within seven days.

2.2 When there is no response to the **reminder notice** within 15 days a **Summons** is issued.

2.3 If the ratepayer brings the account up to date within seven days but falls into arrears a second time a **final notice** is issued for the whole year's Business Rates. The right to continue paying by instalments will normally only be reinstated if a direct debit form is completed

2.4 The whole amount must be paid within 7 days of the notice to prevent the issue of a summons.

2.5 When a **Summons** is issued and Summons Guidance Notes and costs are added to the account. Special payment arrangements may still be agreed but they will not prevent application for a Liability Order at this stage.

2.6 Once a **Liability Order** has been obtained in court the Council will:

2.6.1 Monitor payment arrangements where business ratepayers have already contacted the Council.

- 2.6.2 In most other cases the **Liability Order** is referred to the Council's bailiff.
  - 2.6.3 In other cases the Council may start bankruptcy/winding up proceedings.
  - 2.6.4 If all other enforcement options fail, the Council will, where appropriate, apply to the Magistrates Court to have the ratepayer committed to prison for failing to pay.
- 2.7 A payment arrangement may be discussed at any stage and the Council aims to consider an individual's circumstances and ability to pay.

**Payment Arrangements for Council Tax and Business Rates**

- 1.1 Council Tax payers will be encouraged to move to the 12 month instalment payments scheme if they currently pay their Council Tax under the statutory 10 month instalment scheme.
- 1.2 Instalment arrangements to pay outside of the statutory scheme and the 12 month instalment scheme will be considered at any stage, but in most circumstances a liability order will be applied for. This is to avoid any frustration of the recovery process.
- 1.3. Arrangements must clear the balance within the financial year at the latest unless there are exceptional circumstances and approval is obtained from the Shared Service Centre Team Leader (Revenues).
- 1.4 We encourage Direct Debit as the preferred payment method for both Council Tax and Business Rates. This is the most cost effective and reliable payment method.



## **Housing Benefit Overpayment and Council Tax Reduction Excess payment Recovery Process**

### **1 Housing Benefit Overpayments**

- 1.1 Overpayments are created when Benefit entitlement decreases because circumstances are not correctly declared from the outset of the claim, where changes are not reported promptly, or where an error is made by the Department for Works and Pensions or the Local Authority.
- 1.2 Once an overpayment has occurred, the Authority must then determine
  - 1.2.1 Eligibility to underlying entitlement
  - 1.2.2 Classification of the overpayment
  - 1.2.3 Whether the overpayment is recoverable
  - 1.2.4 From which party recovery will be taken
  - 1.2.5 The most effective recovery method
- 1.3 All overpayments are recoverable, regardless of the reason they occurred, where the claimant or person to whom the benefit was paid can reasonably have been expected to know they were receiving benefit to which they were not entitled.
- 1.4 When an overpayment is classed as recoverable the Shared Service Centre Officer dealing with the case must make a separate decision as to whether or not the overpayment is to be recovered.
- 1.5 Housing Benefit Overpayments will be recovered from ongoing benefit at the maximum rate allowed (DWP supply current recovery rates). In addition, to this rate of recovery, where appropriate, deductions may be increased by 50% of any applicable disregard, subject to the overall maximum deduction. However, a reduction in the week recovery rate will be considered on health or financial grounds.

### **2 Council Tax Reduction Excess Payments**

- 2.1 Council Tax Reduction excess payments will be recovered from the claimant's Council Tax account. If the claimant is currently paying their Council Tax under the statutory 10 month instalment scheme, they will be offered to move onto the 12 months instalment scheme. If the claimant is unable to afford their instalment payments on either scheme, a payment arrangement can be agreed but will be subject to summons and liability order costs.

### **3 Non-Recoverable Overpayments**

- 3.1 Arise as a result of a Local Authority or Department Error, where the claimant or person to whom the benefit or reduction was paid cannot reasonably have been expected to know they were receiving benefit or reduction to which they were not entitled.
- 3.2 Non-recoverable overpayments are referred to the Shared Service Centre Team Leader (Benefits) for authorization to write off the debt.

### **4 Classification of Housing Benefit Overpayments**

- 4.1 The overpayment must be correctly classified so that the correct subsidy can be claimed.
  - 4.1.1 Fraudulent: A person knowingly fails to report a relevant change of circumstances contrary to Regulation 75 (HB Regulations) or Regulation 65 (CTB Regulations).
  - 4.2.2 Claimant error: The claimant or the person acting on the claimant's behalf has notified us of a change in circumstances of their own accord, but that report was not prompt and there was no intent to claim benefit fraudulently.
  - 4.2.3 Local Authority error: Where information provided has not been actioned within the specified time limits or has been input incorrectly and the claim calculated.
  - 4.2.4 Other, such as DWP, Pension Service: Information provided by the departments is incorrect at the time of the calculation.

### **5 Classification of Council Tax Reduction excess payments**

- 5.1 The overpayment must be correctly classified so that the Council can monitor action and implement further procedures as it sees fit.
  - 5.1.1 Fraudulent: A person knowingly fails to report a relevant change of circumstances contrary to East Staffordshire Borough Council Council Tax Reduction Scheme.
  - 5.1.2 Claimant error: The claimant or the person acting on the claimant's behalf has notified us of a change in circumstances of their own accord, but that report was not prompt and there was no intent to claim benefit fraudulently.
  - 5.1.3 Local Authority error: Where information provided has not been actioned within the specified time limits or has been input incorrectly and the claim calculated.

5.1.4 Other, such as DWP, Pension Service: Information provided by the departments is incorrect at the time of the calculation.

## **6 Notification of a Housing Benefit Overpayment and/or a Council Tax Reduction excess payment**

6.1 Housing Benefit and Council Tax Reduction notification letters must be sent to all affected parties to include:

6.1.1 The fact that a recoverable overpayment / excess payment has occurred

6.1.2 The reason that the overpayment / excess payment occurred

6.1.3 The amount of the overpayment / excess payment

6.1.4 How the overpayment / excess payment was calculated

6.1.5 Effective dates of the overpayment / excess payment

6.1.6 Who the overpayment will be recovered from

6.1.7 The rights of appeal of the affected party.

## **7 Methods of Recovery**

7.1 In the case of Housing Benefit Overpayments, recovery direct from ongoing entitlement to Housing Benefit at the prescribed Department of Works and Pension rates, dependent upon the cause of the overpayment.

7.2 In the case of Council Tax Reduction excess payments, recovery direct from the claimant's Council Tax account.

7.3 Invoice raised and arrangement agreed when no further entitlement to Housing Benefit or Council Tax Reduction exists.

7.4 Allowable deductions from certain State Benefits through the Government Debt Management System, recovery rates as per the Department of Works and Pensions deduction rate.

7.5 Direct payment from the Landlord where appropriate

7.6 Direct Earnings Attachment order via the claimant's Employer.

7.7 Debt collection agency.

7.8 In the case of Housing Benefit, direct recovery through another Local Authority assuming an entitlement to Housing Benefit at the Authority.

7.9 County Court Orders enabling further recovery action to secure payment of the debt, attachment of earnings, warrant of execution, charging order or third party debt orders. (The most appropriate method being selected in each case to maximise the recovery of the debt.)

## Appendix 6

### Sundry Debts

- 1.1 Invoices will be raised for services provided by the Council but for charges below £100 payment should be made in advance of the service provision where ever possible (there will be exceptions to this for example peppercorn rents). This avoids chasing debts that are potentially uneconomical to pursue.
- 1.2 **Sundry Debt Payment Arrangements**
  - 1.2.1 Instalment arrangements to pay will be considered at any stage.
  - 1.2.2 Arrangements must clear the balance within the financial year at the latest unless there are exceptional circumstances and approval is obtained from the Shared Service Centre Team Leader (Revenues).
  - 1.2.3 We encourage Direct Debit as the preferred payment method. This is the most cost effective and reliable payment method.
- 1.3 **Where payments due have not been made the Council will take the following action:**
  - 1.3.1 A reminder is issued when full invoice amount is not paid
  - 1.3.2 Second reminder to remind that payment is still outstanding and the debt may be referred to a Debt Collection Agency or progressed for County Court proceedings if payment or a suitable arrangement is not made.
  - 1.3.3 Cases may be referred to a Debt Collection Agency – when the Agency's process has been completed they will return those cases which they have been unable to collect or make arrangements for. In these cases the Agency will have advised that failure to pay may result in a county court judgment.
  - 1.3.4 A letter will be sent to those cases over an agreed amount (financially viable compared to the court costs incurred), advising that they are being referred to the county court.
  - 1.3.5 County Court Summons to be issued followed by a 'County Court Judgment' if payment is still not received. This will involve in further costs to the debtor.
- 1.4 In the case of a Housing Benefit overpayment – the Fast Track method of obtaining a County Court Judgement will be used and throughout the process, checks will be made to see if Housing Benefit is back in payment. Arrangements will be made to recover debt from ongoing benefit if appropriate. In all cases, where a successful new claim is processed and the claimant has an outstanding overpayment the overpayment will be recovered from underpaid and/ or ongoing benefit unless the claimant has made and is maintaining a reasonable repayment arrangement.