

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Corporate and Efficient Governance Committee : 25 February 2009

Subject : Former Tenant Rent Arrears – Quarter 3 2008/2009

1. Purpose

- 1.1** This report seeks Committee approval for rent arrears write-offs for the third quarter of 2008/09.

2. Background

- 2.1** Financial Regulations D4 gives the Head of Finance & ICT authority to write-off individual debts up to £500.
- 2.2** Individual debts exceeding £500 can be written off only with the approval of the Council.
- 2.3** The Corporate Services Committee at its meeting on 26 March 2008 agreed that the names of individual debtors should not be identified on the report. A detailed list is placed in the Members' library.

3. Main Issues

- 3.1** Each year the Council has to consider writing-off arrears of rent which it has not been possible to collect. It should be noted that, although these cases are written-off, there is nothing to prevent later pursuit of the debt if new information becomes available in the future.
- 3.2** The accounts for write off fall into the following categories:-

Deceased

- 3.2.1** When a tenant dies and leaves no estate.
Records are checked to determine whether any estate exists against which a claim could be made.

No Forwarding Address

- 3.2.2** Unfortunately, many tenants in arrears abandon their tenancies or terminate leaving no forwarding address. Every effort is made to trace these people. Records are checked and outside agencies are contacted to try and ascertain the debtor's address.

Prescribed

- 3.2.3** A former tenant's arrears become prescribed unless a "relevant claim" has been made against the former tenant, or the former tenant has acknowledged the debt within five years from the debt being incurred.

Unreasonable to Pursue

3.2.4 When a tenant is permanently hospitalised or goes into residential care, their income is used towards the cost of their care, as is any capital which the person may have. It is, therefore, unreasonable to pursue any arrears from people in this category. It is also unreasonable to pursue arrears from former tenants who cannot deal with their arrears problems due to mental illness, dementia or learning disability. Former tenants who receive a custodial sentence will have their debt written off for the period of their sentence, this will be reinstated upon their release.

3.3 The total proposed write-off is £60,043.79 and Appendix 1 shows the breakdown of this sum by category. A detailed list has been placed in the Members' library.

4. Personnel Issues

4.1 There are no personnel issues

5. Financial Implications

5.1 Sufficient budgetary provision exists for this write off.

6. Risk Analysis

6.1 If write offs are not approved this will affect the monitoring of performance against targets for performance indicators and budget monitoring within the Housing Revenue Account (HRA). .

7. Conclusions

7.1 This report seeks Committee approval for rent arrears write-offs totalling £60,043.79 for 2008/2009 as detailed in the appendix to the report.

8. Recommendation

8.1 **The Committee is requested to consider and approve the cases submitted for write-off totalling £60,043.79.**

Joyce White
Executive Director of Corporate Services
Date: 12 February 2009

Wards affected: All Council wards

Appendix : Details of individual debts

Background: None

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