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Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 5 September 2022 at 6.30 pm

Present:

Councillor Barry Wood (Chairman), Leader of the Council and Portfolio Holder for Policy and Strategy

Councillor Phil Chapman, Portfolio Holder for Healthy Communities
Councillor Colin Clarke, Portfolio Holder for Planning
Councillor Nicholas Mawer, Portfolio Holder for Housing
Councillor Richard Mould, Portfolio Holder for Performance
Councillor Adam Nell, Portfolio Holder for Finance
Councillor Lynn Pratt, Portfolio Holder for Property
Councillor Eddie Reeves, Portfolio Holder for Safer Communities
Councillor Dan Sames, Portfolio Holder for Cleaner and Greener Communities

Also Present:

Councillor John Broad
Councillor Sean Woodcock (virtual)

Apologies for absence:

Councillor Ian Corkin, Deputy Leader of the Council and Portfolio Holder of Regeneration and Economy

Officers:

Yvonne Rees, Chief Executive
Nathan Elvery, Chief Operating Officer Interim
Ian Boll, Corporate Director Communities
Stephen Hinds, Corporate Director Resources
Michael Furness, Assistant Director Finance & S151 Officer
Shahin Ismail, Assistant Director Law, Governance, Democratic Services & Procurement & Monitoring Officer Interim
Ed Potter, Assistant Director Environmental Services
Celia Prado-Teeling, Assistant Director Customer Focus Interim (Virtual)
Simon Hope, Interim Head of Communications and Marketing
Natasha Clark, Governance and Elections Manager

Declarations of Interest

There were no declarations of interest.

26 **Petitions and Requests to Address the Meeting**

There were no petitions.

The Chairman advised the meeting that he had agreed to Councillor Woodcock addressing the meeting on agenda item 6, Monthly Performance, Risk and Finance Monitoring Report July 2022, and Councillor Broad addressing the meeting on item 7, Climate Change – Carbon Management Plans.

27 **Minutes**

The minutes of the meeting held on 4 July 2022 were agreed as a correct record and signed by the Chairman.

28 **Chairman's Announcements**

There were no Chairman's announcements.

29 **Monthly Performance, Risk and Finance Monitoring Report July 2022**

The Assistant Director of Finance and Interim Assistant Director – Customer Focus submitted a report which summarised the Council's Performance, Risk and Finance monitoring positions as at the end of July 2022.

In introducing the report the Portfolio Holder for Performance highlighted the clarification that had been included on the published report and agenda front sheet for the meeting regarding the Performance, Risk and Finance Executive Report presented on Monday 6 July – section 5.4. Cherwell District Council always fully considers the needs of all clients when offering placements. The council does not 'impose' offers out of area, but in some cases, it may be in the best interests of the client.

It was further explained that the council takes this responsibility very seriously and to date this year had only made 6 such placements and all by agreement. Examples would be to move for safety reasons or to be closer family to provide additional support needs and that these are all right and proper reasons. The ability to house residents out of District is set in legislation - Part 7 of the 1996 Housing Act, affording the power to all housing authorities to discharge a responsibility out of area if it is suitable and reasonable to do so. If within 24 months, the client decides they want to return to CDC they maintain a local connection, the council would welcome them back to the Cherwell District.

Reassurance was given that Cherwell District Council always follows due process and critically puts the needs of the client at the centre of the support and advice given.

The phrasing of the previous report was not helpful and if it caused confusion or concern, for which the council unreservedly apologised.

The Portfolio Holder for Performance subsequently introduced the performance aspects of the report and the Portfolio Holder for Finance introduced the finance aspects of the report.

Councillor Woodcock addressed Executive and referred to the clarification given by the Portfolio Holder for Performance and sought clarity regarding who the apology was from.

In response to Councillor Woodcock's address the Chairman explained that the apology was a corporate apology through him as Leader on behalf of the council and the Executive.

The Portfolio Holder for Housing confirmed that a full explanation had been given to Councillor Woodcock after he had first raised the matter.

Resolved

- (1) That the monthly Performance, Risk and Finance Monitoring Report July 2022 be noted.
- (2) That the following proposed changes in the use of reserves and detailed in the Annex to the Minutes (as set out in the Minute Book) be approved:

Directorate	Type	Description	Amount £m
Resources	Earmarked	Projects reserve	0.146
Resources	Earmarked	Elections Reserve	0.038
Resources	Earmarked	Commercial Risk Reserve	(2.573)
		Total Earmarked Reserves	(2.389)

- (3) That the reduction in the Castle Quay capital scheme of £3.370m be approved.
- (4) That the budget virement between Executive Matters and the Property Budget of £0.927m be approved.

Reasons

This report provides an update on progress made during July 2022, to deliver the Council's priorities through reporting on Performance, Leadership Risk Register and providing an update on the Financial Position. The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.

Alternative options

Option 1: This report illustrates the Council's performance against the 2022-23 Business Plan. Regarding the monitoring aspects of the report, no further

options have been considered. However, members may wish to request that officers provide additional information. Regarding the recommendation to approve changes in use of reserves, members could choose not to reject the change of use, however, the request is in accordance with the councils Reserves Policy and within existing budgets. If members chose not to agree to the changes in transfers to reserves, then this would mean resource would need to be found for these projects separately in future years.

30

Climate Change - Carbon Management Plans

The Assistant Director Environmental Services submitted a report which set out the Carbon Management Plans for the period of 2022-2025 to guide the Council towards its net zero target.

Councillor Broad addressed Executive acknowledging and commending the work that had been done the council's estate to date. His understanding however, when the council declared a Climate Change Emergency in 2019 was that the intention was to bring the district to net zero by 2030 and the report only referred to the council's actions. Councillor Broad commented that achieving net zero across the district was closely linked to planning developments in the Local Plan review and in the future. He had hoped the Local Plan review would address these issues however the Member advisory sub-group, of which he was a member, had not been engaged in the review process to date and it now seemed too late which was disappointing as he was keen to be involved.

In response to Councillor Broad's address, the Chairman explained that with regards climate change, the council had no direct control over district wide emissions and could only change the way it did things for its own climate management and 2030 net zero commitment. The council did however have a duty and responsibility to be a facilitator encouraging stakeholders, businesses and residents to move forward district wide carbon management. With regards the climate change agenda within the Cherwell Local Plan, this could be built on and there would be a role for engagement with Members at different stages in the process.

The Portfolio Holder for Cleaner and Greener Communities added that whilst the council could not commit the district to carbon zero, as the Chairman had highlighted it had a facilitating role and was already leading by example.

In relation to the Local Plan Advisory Sub-Group, the Portfolio Holder for Planning confirmed that the sub-group would meet well in advance of Executive considering the Cherwell Local Plan for consultation at its 7 November meeting.

Resolved

- (1) That the significant progress in the Council moving towards net zero by 2030 be noted.

- (2) That the proposed carbon management plans (Annex to the Minutes as set out in the Minute Book) in making further steps to reach net zero by 2030 be supported and approved.

Reasons

The Carbon Management Plans set out plans for this year and future years to reduce the overall emissions of the Council in its journey to reach net zero by 2030.

Alternative options

Option 1: To adopt the proposed carbon management plans.

Option 2: To reject the proposed carbon management plans and ask officers to reconsider the overall management plans

31

Car Parking Agency Agreement

The Assistant Director Environmental Services submitted a report to seek approval to move into an Agency Agreement with Oxfordshire County Council to cover enforcement of the Council's off street car parks.

Resolved

- (1) That the entering into an agency agreement for five years with an option to extend for up to a further five years with Oxfordshire County Council regarding car parking and an option to cease the agreement with twelve months' notice on either side be approved.
- (2) That authority be delegated to the Corporate Director Communities in conjunction with the Monitoring Officer to agree the details of the agency agreement.

Reasons

The current car parking contract has been extended until the end of November 2022. From 1 December 2022 new arrangements must be put in place.

Having considered the options, entering into an agency agreement with the County Council will deliver a very good service with a significant reduction in service delivery cost.

Alternative options

Option 1: To adopt the recommendations.

Option 2: To reject the recommendations and ask officers to reconsider the overall project

32 **Notification of Urgent Action - Letting of Unit at Castle Quay**

The Interim Assistant Director – Corporate Property submitted a report to advise the Executive of an urgent Executive decision which was taken on the 12 July 2022 by the Chief Executive regarding the letting of Unit 4 Castle Quay, Waterfront Banbury.

Resolved

- (1) That the urgent action by the Chief Executive in relation to the letting of a unit at Castle Quay be noted.

Reasons

There is a Constitutional requirement for urgent action to be notified to the body that would ordinarily have taken the decision.

Alternative options

Option 1: As the decision has been taken there no alternative options.

33 **Urgent Business**

There were no items of urgent business.

34 **Summary of Debt Write Offs - public cover report and Appendix C**

The Chairman advised that the papers for the item had originally been published as exempt items, however the cover report and Appendix C had subsequently been published as public documents. Appendices A and B remained exempt and it would be necessary to exclude the press and public should there be any questions on the exempt appendices.

The Assistant Director of Finance submitted a report which provided Members with a summary of the accounts proposed for write-off and sought approval for the write-offs in line with the Council's financial procedure rules.

Resolved

- (1) That, having given due consideration, the proposed bad debt write offs summarised in the exempt Annexes A1 to A14 to the Minutes (as set out in the Minute Book), which contain debts recommended for write-off relating to Housing Benefit Overpayments where the value exceeds £5,000 be approved.
- (2) That, having given due consideration, the proposed bad debt write offs summarised in exempt Annexes B1 to B10 to the Minutes (as set out in

the Minute Book), which contain other sundry debts recommended for write-off where the values exceeds £5,000 be approved.

- (3) That the proposed write off of debts for each service area where the value is less than £5000.00 but all recovery methods have been exhausted, which have been reviewed by the S151 Officer and are available to be reviewed on request, be approved.
- (4) That the Corporate Debt Policy (Annex to the Minutes as set out in the Minute Book) be approved.

Reasons

The Council's financial procedure rules require that recommended write offs with an outstanding balance of £5,000 and above for Council Tax, Overpayment of Housing Benefit or Sundry Debtors, and £10,000 and above for Non- Domestic Rates must be approved by the Executive.

Adopting the Corporate Debt Policy makes is clear that wherever possible the Council should collect income prior to providing a service. The Policy also updates the process and flow charts for collecting debt at each stage of recovery.

Alternative options

Option 1: To not write off the debt. This old and irrecoverable debt places additional administration on the team as periodically, it is required to be reviewed and pursued. By writing off the debt, more time will be able to be focussed on reviewing debt that is more likely to be recoverable.

35 **Exclusion of the Press and Public**

There being no questions on exempt appendices, it was not necessary to exclude the press and public.

36 **Summary of Debt Write offs - Exempt Appendices A and B**

Resolutions as set out at Minute 34

37 **Notification of Urgent Action - Letting of Unit at Castle Quay - Exempt Appendix**

Resolved

- (1) That the exempt appendix be noted.

The meeting ended at 7.40 pm

Chairman:

Date:

Appendix 5 - Reserves and Grant Funding

Uses of/ (Contributions to) Reserves

Specific requests

Directorate	Type	Description	Reason	Amount £m
Resources	Earmarked	Projects Reserve	To mitigate the revenue impact of a technical change in costs from capital to revenue linked to Castle Quay works	0.146
Resources	Earmarked	Elections Reserve	To cover overspend in District Elections	0.038
Resources	Earmarked	Commercial Risk Reserve	The Council had previously received rental income in advance for Castle Quay, which had been budgeted to use as a revenue contribution to capital works. Firm plans are not yet in place for these capital works and so following a review, the revenue contribution is no longer required. A more appropriate use of this resource is to mitigate the in-year position for Castle Quay with the balance of £2.573m being put into reserves to act as a contingency to support Castle Quay in the medium term.	(2.573)
Total Earmarked Reserves				(2.389)

Minute Item 30

Appendix 1

CDC Carbon Management Plan 2022-25

Introduction

Cherwell District Council committed to reach net-zero carbon emissions in our estate and operations by 2030 and to embed climate considerations into all our decision making. In 2020, we published our Climate Action Framework, setting out how we are going to reduce our emissions, transform into a climate active organization and play our part in Cherwell's transition to net zero.

The Carbon Management Plan 2022-25 sets out the approach to reducing the emissions from our buildings, leisure centres, fleet, and staff business travel in their own vehicles. These are the emissions that we committed to reduce to net zero this decade. The Plan is part of a wider Climate Action Programme that also includes our actions to embed climate action into the organizational DNA and to enable Cherwell's transition to net zero, with particular emphasis on our role as planning authority.

Putting our own house in order

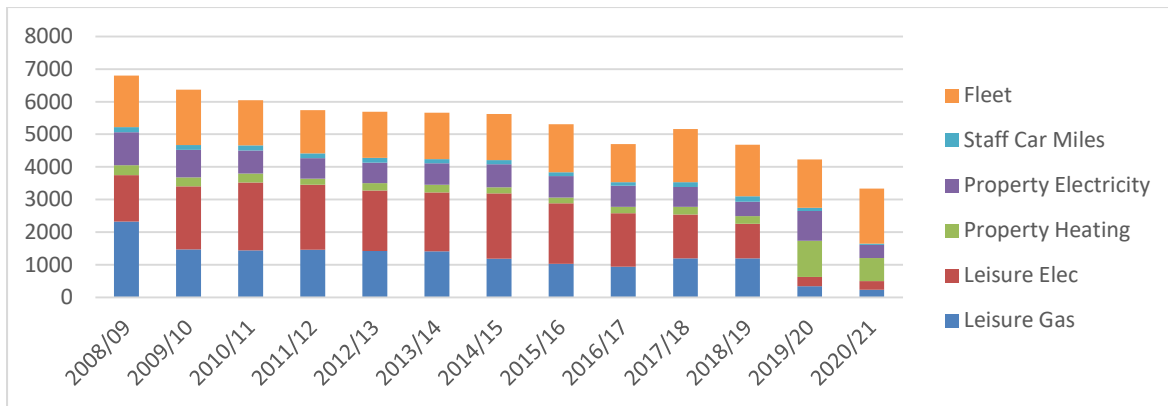
While our emissions represent only 0.27% of Cherwell's total¹, we are conscious that we all need to play our part in the transition to net zero, adopting more efficient ways of working, travelling, and consuming. By leading the way and seeking to become net zero significantly ahead of the national 2050 timeline, we hope to demonstrate what can be achieved and inspire residents and local businesses to join us on this rewarding journey.

The Carbon Management Plan 2022-25 outlines the decarbonisation approach taken for each area of our corporate emissions, as well as short-term and longer-term actions that add up to the council's emissions trajectory to 2024/25.

Progress so far

Since our baseline year of 2008/09 and 2020/21, our emissions have decreased 51% from 6,804t CO₂e to 3,334t CO₂e.

¹ Cherwell total 2018 emission as provided by SCATTER



Key past projects and initiatives to decarbonise our estate and operations:

- £6m for heat decarbonisation, energy efficiency and renewable generation in corporate buildings and leisure centres, funded by Public Sector Decarbonisation Scheme
- 8 electric vehicles and 10 charge points on council sites, including 2 Vehicle-to-Grid charge points at Thorpe Lane Depot
- Virtual meetings and agile working policies

Our emissions

Nearly half of our emissions come from the leisure centres, 35% from our fleet and 15% from our corporate buildings. Staff travel emissions represent about 2%.

In 2020/21, due to COVID restrictions and changes in work practices, staff travel, leisure centres and corporate buildings emissions dropped by 54%, 46% and 19% respectively, while fleet emissions increased by 14%. We expected that, in 2021/22, fleet emissions will have decreased slightly, returning to pre-Covid levels, while staff travel, leisure centres and corporate buildings emissions are likely to show a degree of bounce back as services resume, but remaining below pre-Covid levels.

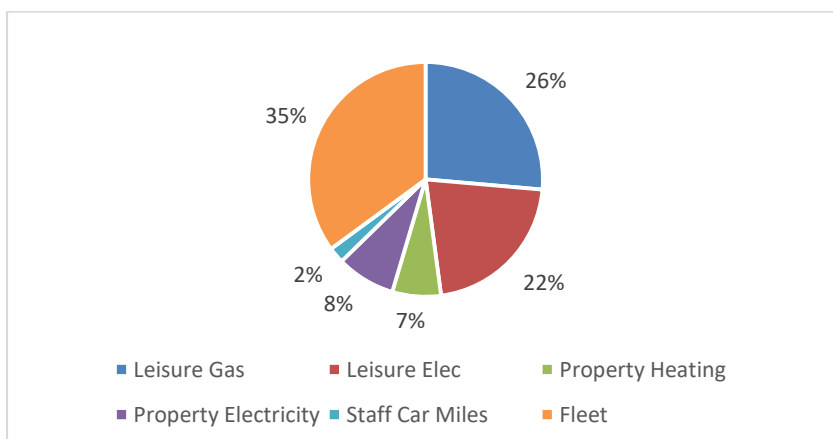


Figure 1: CDC emissions 2019/20 Source: 2019/20 Greenhouse Gas report

Scope 1, 2 and 3 emissions

This carbon management plan covers the following emissions, as described in our annual greenhouse gas report:

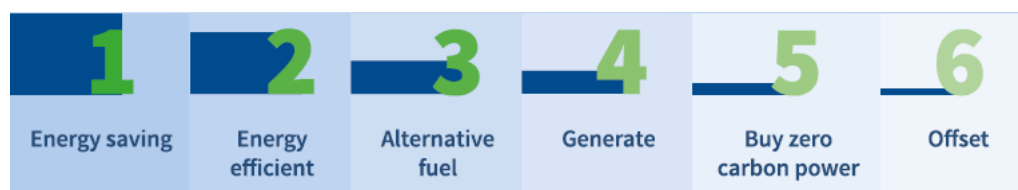
Scope 1	direct emissions from fuel use on council estate and fleet, as well as fuel used by landscaping contractor
Scope 2	indirect emissions from purchased electricity for corporate buildings
Scope 3	indirect emissions from leisure centres gas and electricity, staff travel, electricity distribution, and well-to-tank emissions (electricity, gas, fleet fuel and staff miles)

Our approach

Guiding principles

Our decarbonisation approach is guided by the following principles:

Demand reduction (avoid-shift-improve). Our actions embody the ‘energy hierarchy’ to reduce demand and ensure best value. We prioritise actions that avoid energy consumption, such as avoiding unnecessary journeys, and actions that save energy, such as replacing lighting with LEDs. Saving energy not only reduces the amount of carbon emitted but protects against price increases. Once energy demand has been minimized, fossil fuels are replaced with cleaner energy, ideally locally produced renewables. Offsets are only used as a last resort.



Inclusive transition. We consider the potential impacts of our decarbonisation measures on local communities. We take a participatory approach, ensuring communities are engaged and supported to take action, particularly those most vulnerable to the impacts of the climate and ecological emergency.

Innovation. Our estate is a ‘living lab’ to trial new ideas and accelerate innovation. We share our learning and are actively seeking new business models to make investment for zero-carbon viable.

Decarbonisation approach

Corporate buildings and leisure centres

Corporate buildings account for 15% of the council’s carbon emissions and include:

Corporate	Emissions in 2019/20 (tCO ₂ e)	% of corporate estate emissions
Bodicote House	356	57%
Banbury Museum	127	20%

Thorpe Lane Depot	65	10%
Franklin's House	19	3%
Highfield Depot	12	2%
Public conveniences	5	1%
Other facilities	43	7%

Leisure centres and sports pavilions account for 48% of the council's emissions and include:

Leisure	Emissions in 2019/20 (tCO2e)	% of leisure emissions
Spiceball Leisure Centre	884	44%
Bicester Leisure Centre	654	32%
Kidlington Leisure Centre	282	14 %
Woodgreen Leisure Centre	192	9%
Drayton Sports Pavilion	12	1%

The **renewable energy generated** by the solar panels installed on corporate buildings and leisure centres provides a negative emissions equivalent. In the case of Thorpe Lane Depot, the negative emissions from energy generated in 2019/20 exceeded the site's annual energy consumption emissions.

Solar generation	Negative emissions in 2019/20 (tCO2e)
Thorpe Lane Depot	-69
Woodgreen Leisure Centre	-38
Kidlington Leisure Centre	-29
Spiceball Leisure Centre	-9
Bodicote House	-5
Franklin's House	-4
Bicester Leisure Centre	-4

The **decarbonisation approach** for corporate estate and leisure centres aims to move away from any form of fossil fuel by electrifying the heating component of the buildings and using renewable electricity. This includes ensuring that future properties are built to a zero-carbon standard, moving away from gas heating.

The immediate action is to complete the projects funded under the Public Sector Decarbonisation Scheme (PSDS), which are expected to deliver a reduction of up to 1,000 t CO2e (25% of total CDC emissions). The £6m grant has allowed CDC to conduct energy efficiency, heat decarbonisation and

renewable energy improvements to leisure centres, Thorpe Lane Depot, Banbury Museum and Franklins House. The PSDS measures included LED lighting upgrades, insulation measures, replacement of hand dryers, heating system upgrades, upgrades to air handling units, chiller upgrades, air source heat pumps, solar PV, battery storage and solar thermal.

The next step will be to monitor the energy use for a year. Investment-grade energy audits will then be carried out in 2023/24 to identify actions to decarbonise the remaining emissions e.g., replacement of gas radiant heating and gas boilers.

Clarity on the future of Bodicote House and Highfield Depot is needed to determine the necessary actions for reducing the emissions associated with these two sites.

Finally, to address the remaining emissions from the electricity supply, the Council can then explore the possibility of entering into a power purchase agreement (PPA) with a local solar farm, or alternatively invest in a solar farm and transfer the electricity.

Fleet

The Council operates around 90 vehicles that account for 35% of the Council’s carbon emissions. The fleet has been increasing at the pace of one additional waste collection crew and refuse collection vehicle every two to three years due to the rapid housing growth in the district.

The current fleet includes refuse collection vehicles (RCV), mechanical sweepers, large goods vehicles (LGV), 3.5 tonne box vans, 3.5 tonne street cleansing vehicles, 4X4 vehicles and small vans. 90% of vehicles are diesel powered and 10% electric.

Type of vehicle	Total	EVs
Small vans	14	8
Medium vans	20	1
Small sweepers	2	-
Large goods vehicles (LGV)	18	-
Mechanical sweepers	2	-
Refuse collection vehicles (RCV)	23	-
Other vehicles	8	-

The approach to decarbonising CDC’s fleet is to move the current fleet from diesel to electric by 2030, starting with smaller vans. Four Nissan NV 200e vehicles were purchased in 2018 followed by an additional five small vans in subsequent years. The remaining six small diesel vans will be converted to electric by 2024.

For larger vehicles, other zero-carbon options (e.g., hydrogen) will be considered. However, there are a number of dependencies and current obstacles to decarbonising the larger vehicles in the fleet:

- Charging infrastructure and grid capacity at the depots.
- Vehicle technology – for larger vans (Ford Transit size), the number of available types is very low; there is currently nothing on market for a zero-carbon large goods vehicle. For refuse collection vehicles, due to the required charging infrastructure, the costs and the capability, it is likely to be 2024/25 before electrification of these vehicles can be considered.
- Procurement lead times due to competition for electric fleet vehicles - as an example, the earliest delivery dates for the new electric Transit van (launching in April 2022) will be in 2023.

An outline plan for fleet electrification is set out below. Timescales are currently notional due to the multiple dependencies. As the bulk of the fleet will be replaced on the second part of the decade as the technology becomes available and economically viable, the timeline extends past the period covered by this plan (2022-25).

Years	Vehicles to be replaced by electric	Dependencies
2022/23	Remaining 6 small diesel vans Vehicle maintenance breakdown vehicle	
2023/24	5 street cleansing vehicles	Charging infrastructure to be installed at Thorpe Lane depot
2024/25	5 street cleansing vehicles 5 electric refuse collection vehicles	Subject to electrical infrastructure being in place Subject to availability of budget and suitable vehicles
2025/26	3 electric refuse collection vehicles 5 street cleansing vehicles 2 small electric sweepers	
2026/27	3 electric refuse collection vehicles 5 street cleansing vehicles or box vans 2 large mechanical sweepers	Subject to new depot
2027/28	3 electric refuse collection vehicles	
2028/29	3 electric refuse collection vehicles	
2029/30	3 electric refuse collection vehicles 9 electric food waste vehicles	

CDC fleet emissions also includes emissions from the **outsourced landscaping fleet**. The contract will come up for renewal/retender in March 2024 and discussions have commenced with the incumbent supplier on the potential for decarbonisation.

Staff business travel (in staff's own vehicles)

The decarbonisation approach for staff business travel prioritises avoiding travel (e.g., by meeting online when possible), reducing miles (e.g., by optimising routes), and replacing travel in cars with walking and cycling when possible. In addition an electric car benefit scheme is being explored for staff to potentially gain the use of a new electric or plug in hybrid car, with payments deducted from gross salary and consequently savings in income tax and national insurance contributions. No final decision has been made on that potential approach.

The overall approach involves retaining some of the mileage-saving initiatives put in place due to Covid-19 restrictions and new ways of working. In 2020/21, staff business travel emissions decreased by almost 54% compared to 2019/20.

To maintain a low level of travel-related emissions while ensuring service provision, the following CO2e reduction targets were proposed (from 2019/20 baseline):

- Environment and Place: 10% reduction by 2022/23 and 25% by 2024/25
- Commercial Development, Assets & Investment: 15% reduction by 2022/23 and 30% by 2024/25
- Customer Service Centre: 50% reduction by 2022/23.

Overall staff business travel represents a relatively small proportion of the Council's overall emissions. However, it is still important to take actions to minimise emissions associated with staff travel.

The targets allow for post-Covid bounce back and are reductions in carbon emissions associated with business travel, not necessarily reductions in the number of miles. This way, services are not restricted in their ability to travel, but encouraged to use low-carbon modes of transport.

Staff business travel targets will be reviewed next year following analysis of the 2021/22 mileage data, which will provide a more realistic post-Covid picture of carbon emissions.

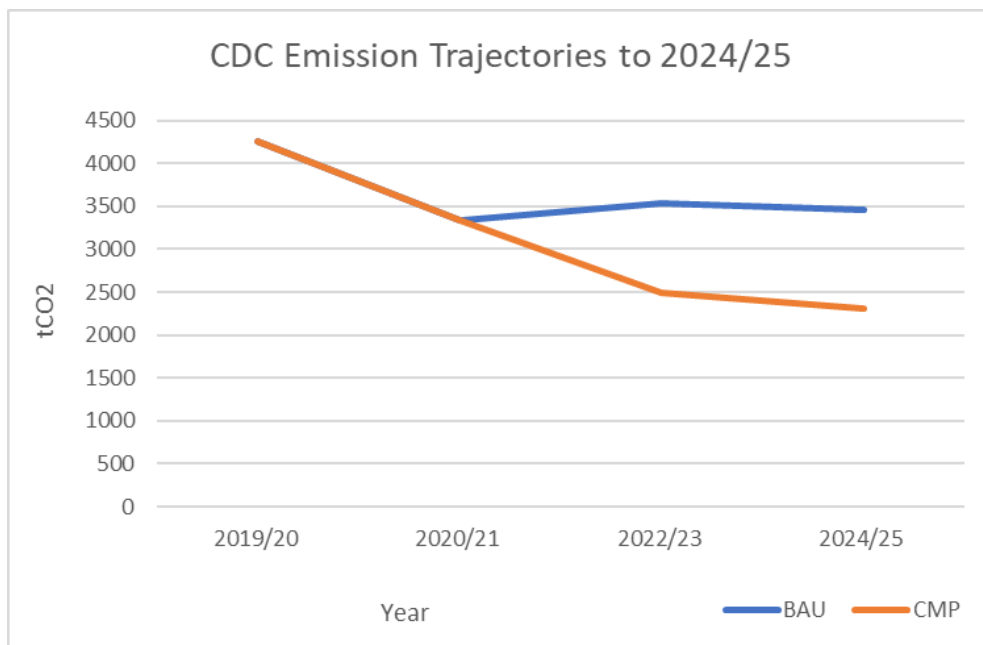
Implementation of the **staff business travel programme** will support services to meet their targets:

Year	Staff business travel programme activities
2022/23	<ul style="list-style-type: none">• Possible launch electric car benefit scheme• Increased digital training provision• Enforce the travel hierarchy and encourage active travel• Explore opportunities for service-specific electric pool cars and/or vans
2023/24	<ul style="list-style-type: none">• Encourage better route planning• Offer driver training
2024/25	<ul style="list-style-type: none">• Promote car sharing -

Estimated emissions reduction

The actions set out in this plan, combined with the decarbonisation of the electricity supply, are likely to put the council emissions on a trajectory to reduce emissions to about 2,320t CO₂e by 2024/25, which is equivalent to a 65% reduction from our 2008/09 baseline. An estimated 3,300 t CO₂e will be saved over this period, equivalent to about 1,330 return flights from London to New York or the amount of CO₂ absorbed by 800,000 trees over the 3-year period.

The annual carbon savings from each action will only be realised in full in the following year and reflected in that year's greenhouse gas report.



Financing the transition

The grant-funded projects being delivery across leisure centres and corporate estate will reduce CDC's emission by about a quarter. In the period covered by this plan, further audits will be carried out to assess remaining emissions and enable future business cases for investment and/or grant applications.

Continuing the decarbonisation of CDC's fleet will require investment on charging infrastructure at depots. Business cases will be put forward for funding for infrastructure and specialist vehicles, as these become available on the market.

Carbon Management Plan 2022-25

The carbon management plan includes **direct actions** that generate measurable emissions reductions – e.g., replacing lighting with LEDs – and **enabling actions** that create the conditions for future reductions – e.g., carrying out energy audits.

The Officer Leads (see table below) will be accountable for the delivery of the Carbon Management Plan. Progress on the actions will be reported to:

- Strategic Place Shaping Programme Board quarterly
- Overview & Scrutiny every 6 months
- CLT and Members quarterly via Corporate Performance report
- Executive annually

When possible, progress will be monitored using the council's Carbon Neutrality dashboard, which displays the latest data on energy and fuel consumption, carbon emissions, and progress on key projects, along with KPIs and targets agreed with services.

Planned actions for 2022/23

Action	Type	Estimated investment	Status and source of funding	KPI	Estimated annual CO2e savings ²	Officer Lead	Executive Lead
Corporate buildings							
Complete the delivery of PSDS projects – including air source heat pumps, solar PV, batteries at Thorpe Lane, LED lighting, Car Port PV	Direct	£1.1m	Approved funding - Public Sector Decarbonisation Scheme grant	% CO2e reduction	83 t CO2e	Director Resources	Lead Member for Regeneration & Economy
Upgrade lighting to LED in smaller sites (landlord areas, bus stations and public conveniences)	Direct	£54k	Reprofiled from 21/22 revenue budget	% CO2e reduction	12.4 t CO2e	Director Resources	Lead Member for Regeneration & Economy
Leisure Centres							
Complete the delivery of PSDS projects	Direct	£2.2m	Approved funding - Public Sector Decarbonisation Scheme grant	% CO2e reduction	955 t CO2e	Assistant Director Wellbeing	Lead Member for Healthy Communities
Ensure new pool design and operations compatible with carbon neutrality by 2030	Direct	TBD	TBD	% CO2e reduction	TBD	Assistant Director Wellbeing	Lead Member for Healthy Communities

² The full year carbon savings for actions implemented in 2022/23 will be realised in 2023/24 and reported in the 2023/24 Greenhouse Gases report

target							
Fleet							
Vehicle maintenance breakdown vehicle and remaining six small diesel vans to be replaced.	Direct	TBD	Capital vehicle replacement programme	% fleet electrified (target 16%)	10 t CO2e	Assistant Director Environmental Services	Lead Member for Cleaner Greener
Upgrade to incoming electricity connection at Thorpe Lane Depot	Enabling	£270k	Approved funding – capital programme	--	--	Assistant Director Corporate Property	Lead Member for Regeneration & Economy
Staff travel							
Implement staff business travel programme	Direct	--	Staff time only	% CO2e reduction	13.4 tCO2e ³	Assistant Director HR	Lead Member for Corporate Services

³ Assumed directorates agree to carbon reduction targets. Actions to support this reduction include a 'digital by default' approach to meetings, engagement with high-mileage users, enforcement of the travel hierarchy, take up of the electric car benefit scheme, explore opportunities for electric pool cars and vans, and encouraging better route planning.

Later actions for 2023-25

Action	Type	Estimated investment	Status and source of funding	Estimated annual CO2e savings ⁴	Officer Lead	Cabinet Lead
Corporate buildings						
Carry out energy audits to identify actions to reduce residual emissions	Enabling	£5-7k	Pending funding – Low Carbon Skills Fund application, revenue budget, capital bid	--	Assistant Director Corporate Property	Lead Member for Regeneration & Economy
Deliver funded measures to reduce residual emissions	Direct	TBD	Pending funding – PSDS, capital bid	TBD	Assistant Director Corporate Property	Lead Member for Regeneration & Economy
Investigate costs of meeting higher standards for new build including Highfield Depot	Enabling	TBD	To be covered by project budgets Ongoing	--	Assistant Director Corporate Property	Lead Member for Regeneration & Economy
Leisure Centres						
Carry out energy audits to identify actions to reduce residual emissions (e.g., replacement of gas boilers and gas radiant heating)	Enabling	£5-7k	Pending funding – Low Carbon Skills Fund application, revenue budget, capital bid	--	Assistant Director Wellbeing	Lead Member for Healthy Communities
Deliver funded measures to reduce residual emissions	Direct	TBD	Pending funding – PSDS, capital bid	TBD	Assistant Director Wellbeing	Lead Member for Healthy

⁴ The full year carbon savings for actions implemented between 2023-25 will be realised in either 2024/25 or 2025/26 & reported in the 2024/25 and 2025/26 GHG report.

						Communities
Fleet						
Charging infrastructure to be installed at Thorpe Lane depot	Enabling	TBD	Pending funding – capital bid	--	Assistant Director Corporate Property	Lead Member for Regeneration & Economy
10 street cleansing vehicles to be replaced	Direct	TBD	Capital vehicle replacement programme + capital bid for additional cost	30 t CO2e	Assistant Director Environmental Services	Lead Member for Cleaner & Greener
Encourage electrification of the landscaping fleet when renewing contract (March 2024)	Direct	--	Potential impact on contract cost TBD	TBD	Assistant Director Environmental Services	Lead Member for Cleaner & Greener
First electric refuse collection vehicle delivered.	Direct	TBD	Capital vehicle replacement programme + capital bid for additional cost	30 t CO2e	Assistant Director Environmental Services	Lead Member for Cleaner & Greener
Staff travel						
Implement further low carbon staff travel programme	Direct	--	Staff cost funded	21.2 tCO2e ⁵	Assistant Director HR	Lead Member for Corporate Services

⁵ Assumed directorates agree to carbon reduction targets. Actions to support this reduction include continuation of a digital by default approached to meetings, continued enforcement of the travel hierarchy, continued take up of the electric car benefit scheme, continued take up of electric pool cars and continued better route planning and from 2024/25 offer driver training and promote car sharing.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Corporate Debt Policy

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Appendix E – Write Off Policy

1. Introduction

- 1.1** It is good practice to have a Corporate Debt Policy and ensures that all the people involved in the collection of money owed to the Council have a consistent approach and an understanding what that approach is. This promotes efficiency, effectiveness and consistency in the collection of debt. An understanding of an individual's or a commercial organisation's problems will enable them to access the appropriate help, assistance and benefits to allow them to pay their bills.

The Council recognises that the minimisation of and effective management of debt is crucial in terms of maximising resources available and providing cost effective services. A high percentage of the Council's revenue expenditure is for local services and is funded from the council tax, business rates, fees and charges and sundry debt income collected. Therefore, it is vital that the Council collects taxes, along with other debts and income, in order to support the local services offered. The full range of collection and recovery methods will be used as appropriate where debts are not paid (see appendices A-D).

- 1.2** We will treat individuals consistently and fairly, ensuring that individual's rights under Data Protection, Equality and Human Rights legislation are protected

2. Scope

- 2.1** The Policy covers all debts owed to the Council including:

- A.** Business Rates
- B.** Council Tax
- C.** Sundry Debts (Domestic & Commercial Charges/Rents)
- D.** Housing Benefit Overpayments

Please refer to Appendices A-D for the billing and recovery process

3. Purpose and Objectives

- 3.1** To set out the general principles of debt management across all services provided by the Council
- 3.2** To seek payment in advance for a service being provided where possible and make it easy for customers to pay
- 3.3** To raise debt/invoices and collect those due to us in as soon as reasonable possible.
- 3.4** To identify and assist those who face difficulties in paying at an early stage and to actively encourage them to contact us to help to reduce the effect of debt

- 3.5 To ensure that where customers can't pay their debt that we consider their individual circumstances and take action on a case by case basis and to negotiate repayment plans that do not cause unnecessary financial hardship
- 3.6 To signpost potential debtors to advice agencies and other sources of support and do everything possible to encourage them to use them.
- 3.7 To have clarity in the enforcement action process and ensure that customers know their obligations and potential consequences of not paying
- 3.8 To recover and enforce debts in accordance with relevant legislation and guidance and in a proportionate, consistent and fair manner
- 3.9 To undertake a proactive stance on recovery by promoting awareness of discount, exemptions, reliefs and council tax reduction to reduce outstanding liabilities where applicable

4. Assessing the Customer's Ability to Pay

- 4.1 During the process of recovery, the Council will act in accordance with statutory regulations and advice issued by professional bodies e.g., Citizens Advice, Money Advice Service, and Money & Pensions Service.
- 4.2 When recovering multiple debts, the Council will endeavour to break the cycle of debt more specifically towards Council Tax and Business Rates by encouraging payment for current year, and then work with the customer to achieve an acceptable payment arrangement for previous year debts such as Council Tax whilst ensuring a satisfactory level of repayment for the Council.
- 4.3 The Council will review payment arrangements to offer flexible options, including different payment dates and amounts to assist those on irregular incomes.
- 4.4 The Council will endeavour to make payment arrangements with customers who are unable to settle their debt(s) in full. However, this may involve legal action being taken against the customer where appropriate.
- 4.5 Debts will only be written off in line with the Council's Financial Procedure Rules.

5. Arrangements for Repayments of Arrears

- 5.1 More detailed information is likely to be required where the debtor claims to be unable to pay the debt over a short space of time and where the debt will not be repaid in full by the end of the financial year.

- 5.2** Where a debtor refuses to divulge any information that is considered essential to assessing their ability to pay then no payment agreement will be entered into.

6. Supporting Vulnerable Customers

- 6.1** We will ensure that arrears are pursued in a timely manner with a firm but fair approach. It is Council policy to try to balance customer care with the responsibility of collecting all debts efficiently. We endeavour to be responsive to individual circumstances wherever possible.
- 6.2** We recognise that everyone will need to be treated in a sensitive way and a more considered approach will need to be taken with our individual customers; the Council recognises that customers do not pay their debts for a variety of reasons. This may include poverty or other financial hardship, which we will endeavour to balance their circumstance against our duty to collect.
- 6.3** Vulnerability does not mean that a customer will not be required to pay amounts they are legally obliged to pay. The cause of vulnerability may be temporary or permanent in nature and the degree of vulnerability will vary widely.
- 6.4** Whilst there are several characteristics which may cause an individual to be judged as vulnerable, we will consider each case on an individual basis, and take all relevant factors into account.
- 6.5** Whilst there is no legal definition of a vulnerable person. Generally, persons considered vulnerable are likely to be those who:
- Are elderly.
 - Appear to be physically or mentally ill, severely disabled or suffering mental confusion.
 - Have young children and severe social deprivation is evident.
 - Are heavily pregnant.
 - Are in mourning due to recent bereavement (of immediate family).
 - Have difficulty communicating e.g., due to profound deafness, blindness, or language difficulties.
 - Are in receipt of state benefits and/or on a low income and severe social deprivation is evident; and/or
 - Are suffering from long term sickness or serious illness including the terminally ill.

- Are in a refuge.

7. Breathing Space

- 7.1** The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020, effective from 4 May 2021, introduce a scheme known as ‘breathing space’ for people in problem debt who receive professional debt advice.
- 7.2** Upon seeking professional debt advice from an accredited debt advisor, a person in problem debt may be entered into a 60-day period which pauses enforcement action from creditors and freezes charges, fees and certain interest on qualifying debts for up to 60 days.
- 7.3** For people receiving mental health crisis treatment, this scheme creates an alternate route where the protections of a moratorium may be accessed and remain in place for the duration of their crisis treatment, plus 30 days. An approved Mental Health Professional (AMHP) will need to certify that an individual is in receipt of mental health crisis care. The AMHP must be satisfied that in their professional judgement, the person meets one of the three criteria as follows:
- has been detained in hospital under the Mental Health Act for assessment or treatment (including under Part 3 of the Mental Health Act 1983). has been removed to a place of safety by a Police Constable or;
 - is receiving a specialist mental health crisis service such as Home Treatment Team. In addition, the AMHP also needs to: Ask for consent to share personal information Identify a nominated point of contact, as specified in the guidance.
 - Submit the evidence form at www.maps.org/mhcbs. On receipt of the evidence form, a debt advisor will decide if the individual is eligible for a mental health crisis breathing space, linking in with the nominated point of contact.
- 7.4** This scheme is administered by the Insolvency Service who will send notifications to the council and upon receipt we will search for all qualifying debts owed to the council and suspend all recovery action for the duration of the breathing space period. The intention of the breathing space is to give the professional debt advisor time to review the individual’s financial situation and propose a solution which might include a payment plan to cover the debts owed to the council. It is a matter between the professional debt advisor and the individual as to whether or not a solution is found.

7.5 The council is not involved in and has no say in this process

8. Write-off Policy

8.1 The Council recognises that a small proportion of its overall debt may not be collectable due to matters beyond its control and where a debt is assessed to be irrecoverable it will be considered for write-off. However, the Council will seek to minimise the cost of write-offs by taking all appropriate action to recover what is due.

8.2 Furthermore, if a debt is written off but an individual or businesses circumstances change such debts will be considered for write-on and pursued to the full extent of the law. An example of when this may occur is if a debtor absconds with no forwarding address but is subsequently traced. A further example would be in insolvency cases where an individual/company goes bankrupt or is made insolvent, partial/full dividend(s) can be received many years later.

8.3 All officers, members and contractors will ensure that they have no work-related involvement with any account involving any relatives, friends, close associates, organisations of which they or their relatives are members or previous employees of. This includes making any decisions on how money owed to the Council is collected and recovered.

8.4 Please refer to write off policy in Appendix E

9. Monitoring Performance

9.1 The collection of Council Tax, Non-Domestic Rates and Sundry Debts are all under public scrutiny as Key Performance Indicators (KPIs). The efficiency of this policy and associated procedures will be monitored through the following KPIs:-

- % of Council Tax debt recovered
- % of Non-domestic Rate debt recovered
- % of Sundry debt recovered
- % of Housing Benefit overpayment recovered
- % of previous year's Council Tax Recovered
- % of previous year's Business Rates Recovered

10. Evasion and Fraud

10.1 The evasion of payments owed to the Council reduces the financial resources available to the Council, this has a direct impact on all our residents, businesses and other organisations that rely on Council services

- 10.2** Evasion or fraud to avoid payment will not be tolerated and where this is identified then in addition to enforce payment, the Council will seek to impose such further penalties or sanctions as the law allows. We are currently in partnership with Oxfordshire County Council where referrals are made to them for Business Rates, Council Tax and Housing Benefit Overpayments for the investigation and detection of fraud.

11. Equality Duty

- 11.1** Under the Equality Act 2010, the Council, in exercising any of its functions, must have due regard to the need to:
- Eliminate unlawful discrimination
 - Advance quality of opportunity; and
 - Foster good relations between people of different background

12 Use of Data

- 12.1** The Council will collect and store personal data for the purposes of the effective billing, collection, and recovery of sums due. Data retained for this purpose will be processed in accordance with the Data Protection Act 2018 and will be always stored securely.
- 12.2** Data will be shared with agents or contractors appointed by the Council for the purposes of the billing, collection, and recovery of sums due. Data may also be shared within the Council or with external organisations where the law allows and where it is in the interests of the debtor or where it will prevent fraud or the unlawful evasion of payment of sums due.
- 12.3**

13. Complaints

- 13.1** Should any customer feel dissatisfied with how they have been treated the Council has a complaints procedure which can be accessed and complete an online complaints form at: <https://www.cherwell.gov.uk/complaints> or write to: Customer Complaints Cherwell District Council Bodicote House Whitepost Road Bodicote OX15 4AA or send an email to: complaints@cherwell-dc.gov.uk Call us on: 01295 227001

14. Rights of Appeal

- 14.1** There are a number of ways in which customers can appeal about decisions the Council may have taken:
- 14.2** Valuation Tribunal: For people who believe the Council has acted incorrectly on a Council Tax billing matter.
- 14.3** Magistrates Court: For people who are aggrieved by the recovery process for Council Tax and Non-Domestic Rates and for Non-Domestic Rates payers who believe the Council acted incorrectly on a billing matter.
- 14.4** Appeal Tribunal: For decisions made on Housing Benefit claims
- 14.5** County Court: For action taken to recover Housing Benefit overpayments and for Sundry Invoices.

15. Review

- 15.1** This Policy will be monitored and regularly reviewed and updated where necessary to take account of changes in legislation and best practice. A full review of the Policy will be scheduled for September 2023

Appendix A - Business Rates Recovery

The bills for Business rates and for any BIDs operating within the District, are issued on an annual basis and the responsibility for issuing bills and the collection and recovery of debt is held by the Chief Finance Officer. Business rates and BID levy payments are payable in line with legislative requirements.

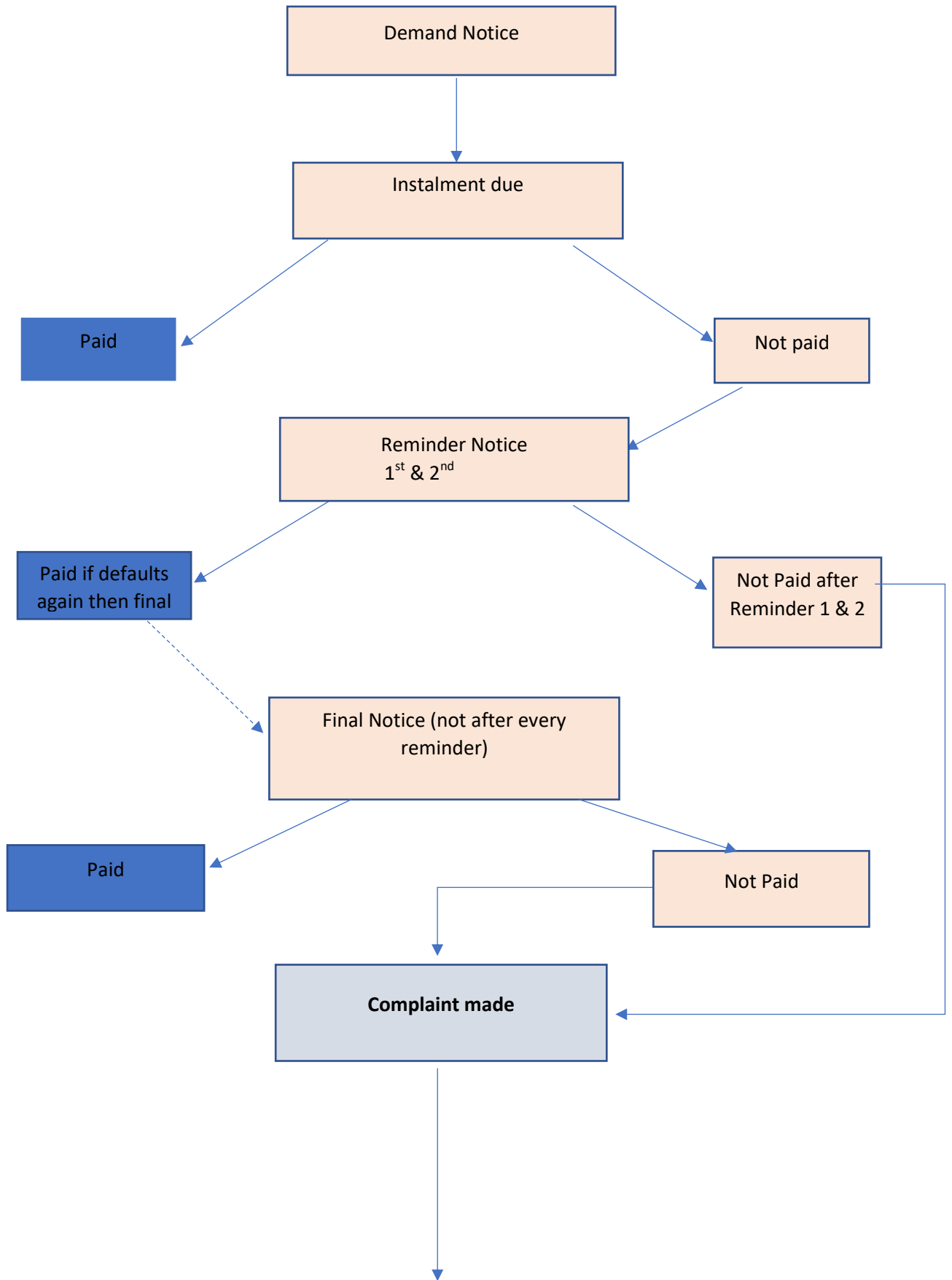
The business rates bill will detail when instalments are due to be paid and the methods which can be used to pay, whereas the BID levy payment is payable in one instalment. If an instalment for either business rates or BID are not paid on time, then a reminder will be issued following non-payment.

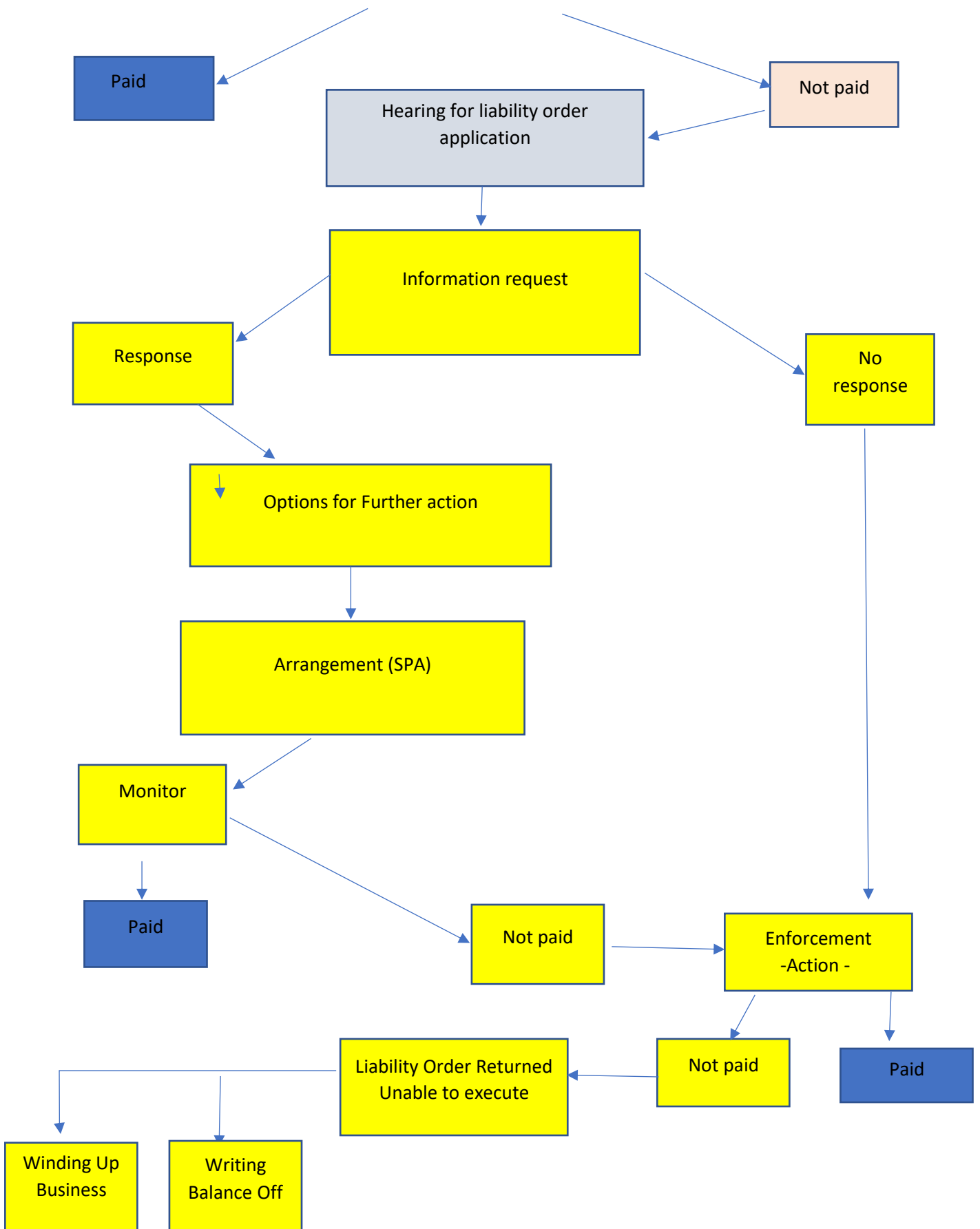
Only one reminder notice will be issued for business rate bills and those of the BID; any further default will result in a final notice being issued. A final notice withdraws from the customer the right to pay by instalments for business rates and requires full payment of the outstanding amount to be made within seven days. The enforcement action to be taken for the BID mirrors that of business rates and therefore the final notice issued will give the ratepayer their final opportunity to settle the outstanding levy payment. If the business rate account or the BID levy payment remains unsettled, the Council will make a complaint to the Magistrates Court by the issue of a summons notice for an application to apply for a liability order to be granted.

The Liability Order enables the Council to consider other enforcement remedies for example: instructing enforcement agents to collect the balance of debt that is outstanding.

If an appeal is made against the rateable value to the independent Valuation Officer, payment must still be made against both the business rates and the BID account until the appeal is settled.

Enforcement agents will be appointed based on the contracts which have been procured in line with contract procedure rules. Enforcement/agent's performance and contract management will be in place to ensure compliance with codes of conduct and good practice. Enforcement/agent's services will comply with the Taking Control of Goods: National Standards, issued by the Ministry of Justice.





Appendix B - Council Tax Recovery

The responsibility for the issuing of council tax demand notices, its collection and recovery of debt is held by the Council's Chief Finance Officer.

The Council will issue a council tax demand notice, which will give instructions on when the instalments are due to be paid. The preferred method of payment for council tax is direct debit and flexibility is available on the date on which the direct debit is collected. Unless paid by Direct Debit the first instalment is due by the first of the month.

A reminder notice will be issued if an overdue instalment is not paid within seven days of the instalment due date. If the instalment is paid as requested, then no further action will be taken. If the instalment is not paid or only partly paid, recovery action will proceed to the summons stage. Within a council tax year (April – March) only two reminders will be issued for late payment of instalments.

A final notice will be issued on the third occasion that an instalment is paid late. The final notice will be a request for the full balance to be paid. The balance must be paid within seven days of a final notice being issued.

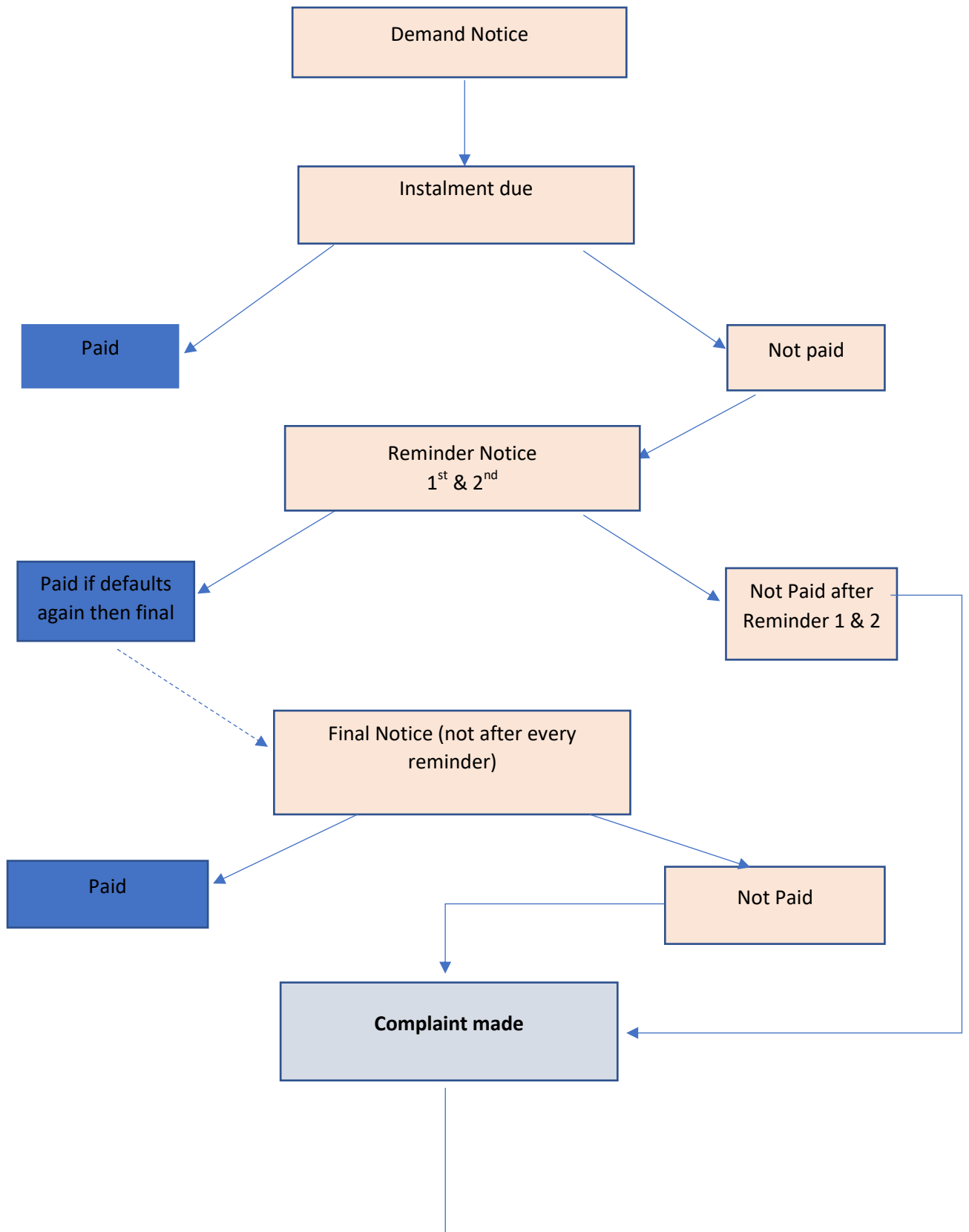
If payment is not received within 14 days after the first or second reminder notice or within seven days of a final notice, the Council will take legal action and a summons will be issued against the customer. All costs incurred are recoverable by the Council and will be added to the amount due when the summons is issued.

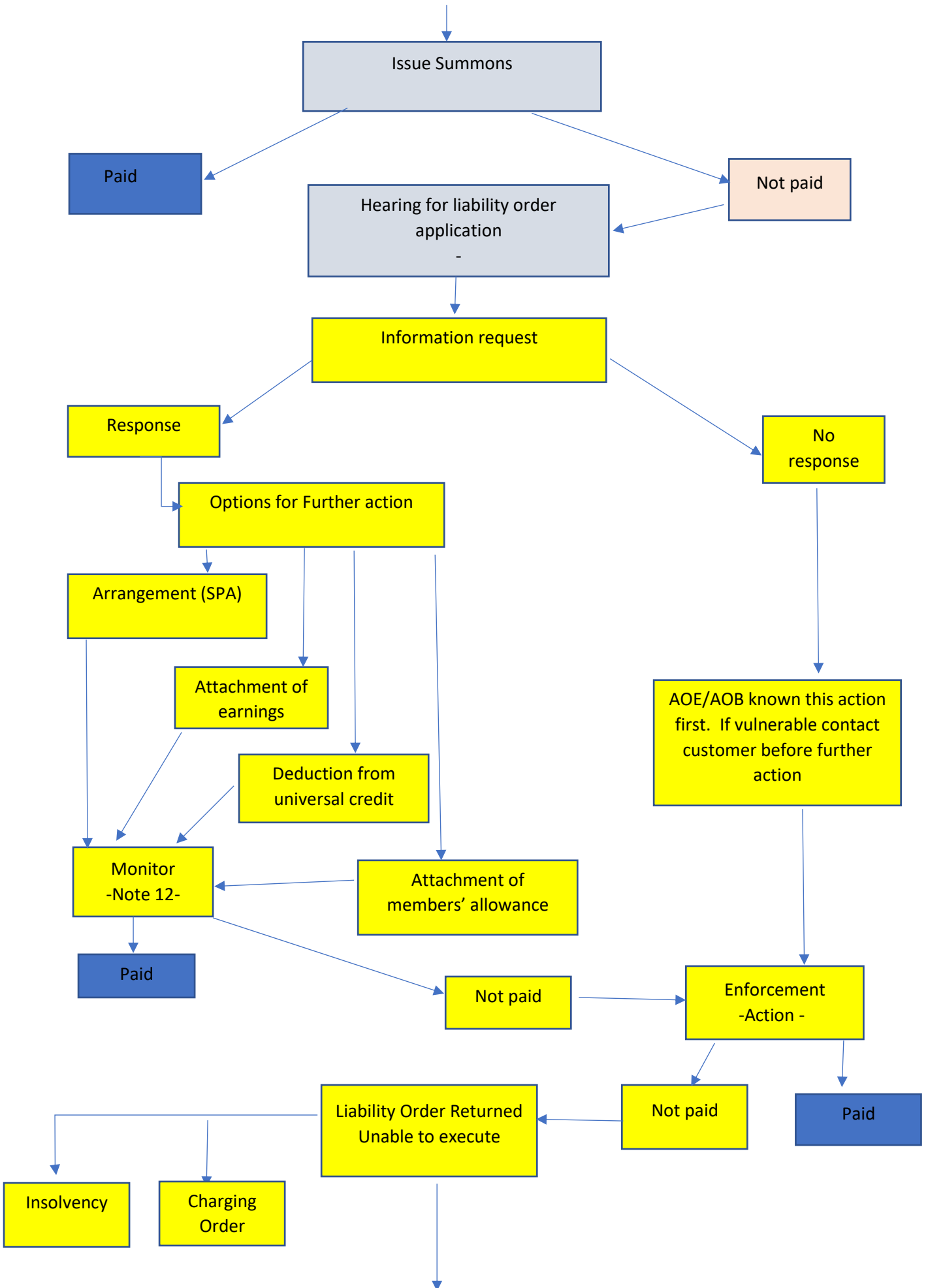
The Council reserves the right to take recovery action where a customer does not pay and does not indicate that they are having trouble paying. Customers are informed of:

- entitlement to housing and council tax support and other income related benefits
- discounts, reliefs, and exemptions

The ability to refer debt to an enforcement agent is an important tool in the recovery process. The Council appreciates the sensitivity attached to the use of enforcement agents and will only use them if it is deemed necessary. The Council will seek to use enforcement agents only where it has been determined that this is the most effective collection method for the debt in question.

Enforcement agents will be appointed based on the contracts which have been procured in line with contract procedure rules. Enforcement/agents performance and contract management will be in place to ensure compliance with codes of conduct and good practice. Enforcement agent's services will comply with the Taking Control of Goods: National Standards, issued by the Ministry of Justice.





Appendix C Sundry Debts Recovery

The responsibility for the raising of sundry debts against a debtor account is set up by Customer Services, each service will request for an invoice to be raised via a 'Finance Sundry Debt' form that can be found on Spelnet via online forms.

The overall responsibility for the collection and recovery of sundry debt is held by the Council's Chief Finance Officer. Revenues and Benefits will be responsible for ensuring that assistance/guidance is provided to the senior managers for each service in recovering the debt due to their Service, where appropriate.

Wherever possible, Cherwell District Council should endeavour to obtain payment in advance or at the time when a service is delivered.

The council will only raise a debtor's invoice where payment in advance for a service is inappropriate. All sundry debtor invoices must be raised using the corporate finance system.

The general settlement terms for sundry debtors are 30 days from the date of the invoice, there are on odd occasions other dates, these are specified by the individual service areas.

A reminder notice will be issued to the debtor, days after the invoice date, which requires the account to be brought up to date within seven days. Some service areas do fall within vulnerable groups, where this applies, consideration on the best way to proceed will be taken in line with the Council's policy on debt collection for vulnerable people.

A final notice letter will be issued after a further period of 14 days which will give a further seven days for the account to be brought up to date.

A further final notice before recovery action is sent asking for payment within seven days.

At this stage an arrears analysis report is run for all outstanding debts that are at reminder letter three stage. This is produced on a quarterly basis and forwarded to the Budget Holder responsible.

All Service areas are required to return this report within four weeks, failure to do this, will result in Revenues and Benefits exercising their professional judgement as

to what action should be taken. The Council's Corporate Leadership Team will receive regular aged debtor reports and monitor performance.

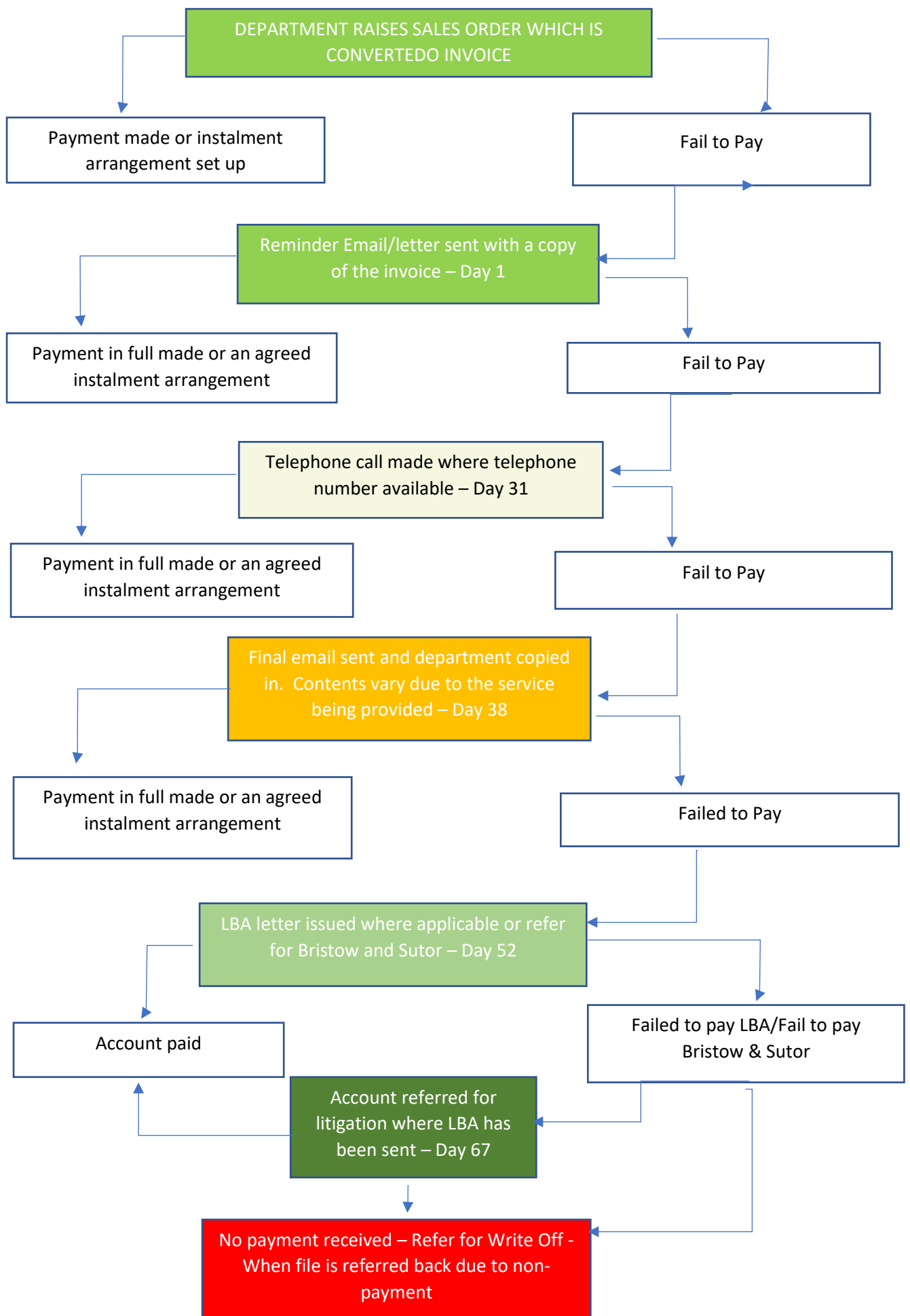
The recovery options are as follows:

- Letter before action allowing the debtor 14 days to pay
- Referral to the Council's approved debt collection agent

(where additional costs may be incurred)

- A Collection Agency
- Money Advice Service (previously known as County Court action seeking a Judgement e.g., Attachment of Earnings)
- Refer to the Council's own Legal Team.

The list is not exhaustive, and the Council will seek to recover outstanding debt via the most practical and cost-effective manner. Where debt proves uneconomical to collect or the debtors have absconded, we would have to consider to write-off the debt in accordance with the Council's write-off Policy.



Appendix D Housing Benefits Overpayment Recovery & Council Tax Reduction Schemes

Overpayments of Housing Benefit and Council Tax Benefit/Support are established through a change in benefit entitlement. They are described as an amount of benefit that has been awarded but to which there is no or reduced entitlement under the regulations.

The Council believes that the prevention of overpayment debt is better than the cure. Therefore, measures are to be employed to prevent overpayments occurring. These will include:

- Using a well laid out application form to collate accurate information which contains an unambiguous statement that failure to provide correct information could lead to overpayments of benefit and to prosecution.

Ensuring all benefit notification letters and relevant correspondence informs the people affected of their responsibility to tell the Council of any change of circumstances that may affect their claim.

Making use of reasonable evidence in support of claims and changes or circumstances for example, using checks for:

- identity
- residency and
- National Insurance numbers

Targeted interventions that are risk profiled where possible and appropriate.

Ensuring all staff involved with overpayments receive, suitable training with Comprehensive access to overpayment recovery procedures and an awareness of problems relating to debt.

- Providing fraud awareness training for staff.

Using and developing information technology to automate the identification and recovery of overpayments and to reduce error:

Including publicity material and information on responsibilities for reporting changes of circumstances.

Ensuring that benefit awards are suspended and terminated in line with current regulations and case law.

Dealing as quickly as possible with reported changes of circumstances.

Participating in various data matching exercises with external agencies and cross matching against internal databases whilst adhering to principles laid down by the Data Protection Regulations 2018, Data Protection and Human Rights Act 1998.

The Council aims to calculate overpayments quickly and accurately and to provide quality information to the people affected, ensuring it recovers the correct amount. To achieve this, the Council will:

Invite claimants to apply for underlying entitlement.

Calculate the overpayment, on average, within 14 days of receiving all necessary information.

Use the proper effective date of change to fix the correct overpayment period.

The Council aims to ensure the correct classification of overpayments for subsidy purposes is always used to prevent loss of subsidy.

All necessary invoices, reminders and pre-debt collector stage letters/Financial Enquiry will be raised according to recovery stage, using the Housing Benefits and Debt Management system.

Invoices will only be issued when the overpayment cannot be recovered from benefits.

The Council has a responsibility to act in accordance with all relevant legislation and regulations, when recovering overpayments.

- Social Security Administration Act 1992.
- Social Security Administration Act 1992 (Housing Benefit).
- Social Security Administration Act 1992 (Council Tax Benefit).
- Social Security Contributions and Benefits Act 1992.
- The Housing Benefit (General) Regulations 1987 - and subsequent varying regulations.
- The Council Tax Benefit (General) Regulations 1992 - and subsequent varying regulations.
- Housing Benefit (Recovery of Overpayments) Regulations 1997.
- Social Security (Overpayment and Recovery) Regulations 2013.
- The Housing Benefit and Council Tax Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations 2001.
- Welfare Reform Act 2012.

- Housing Benefit Overpayment Guide 2015.

Where the Council decides an overpayment is recoverable, the most appropriate method of recovery will be considered in all cases and arrangements will follow the general hierarchy below:

- From arrears of Housing Benefit.
- On-going deductions from further payments of continuing Housing Benefit.

This will include payments that are sent directly to the Landlord on the claimant's behalf. The Council will base recovery rates as laid down by regulation and will initially seek to recover the standard weekly deduction calculated, unless the health or financial circumstances of the claimant suggests, a more appropriate rate should be used. In all cases, however, a minimum amount of fifty pence per week Housing Benefit must remain in payment. The debtor has the right of appeal against the rate of recovery chosen by the Council.

- Overpayments of recoverable Council Tax Benefit/Support, apart from in
- exceptional circumstances, will result in an adjustment being made to the respective Council Tax account for the appropriate year.

An amended bill will be issued, and any unpaid monies will be subject to recovery action under the Council Tax regulations.

By deductions from certain Department of Work and Pensions benefits. Section 75(1) of the Social Security Administration Act 1992 allows recovery of overpaid Housing Benefit by deduction from prescribed benefits which are defined in Regulation 105 of the Housing Benefit Regulations 2006.

As of 8 April 2013, Sections 105 and 106 of the Welfare Reform Act 2012 amends the Social Security Administration Act 1992 allows the Council to recover by attachment of earnings without court authority. Known as Direct Earnings Attachments (DEA), their primary purpose is to enforce recovery where a liable person is in Pay as You Earn (PAYE) employment.

Referral to an external debt collection agency (after all the above avenues of recovery are considered and/or exhausted).

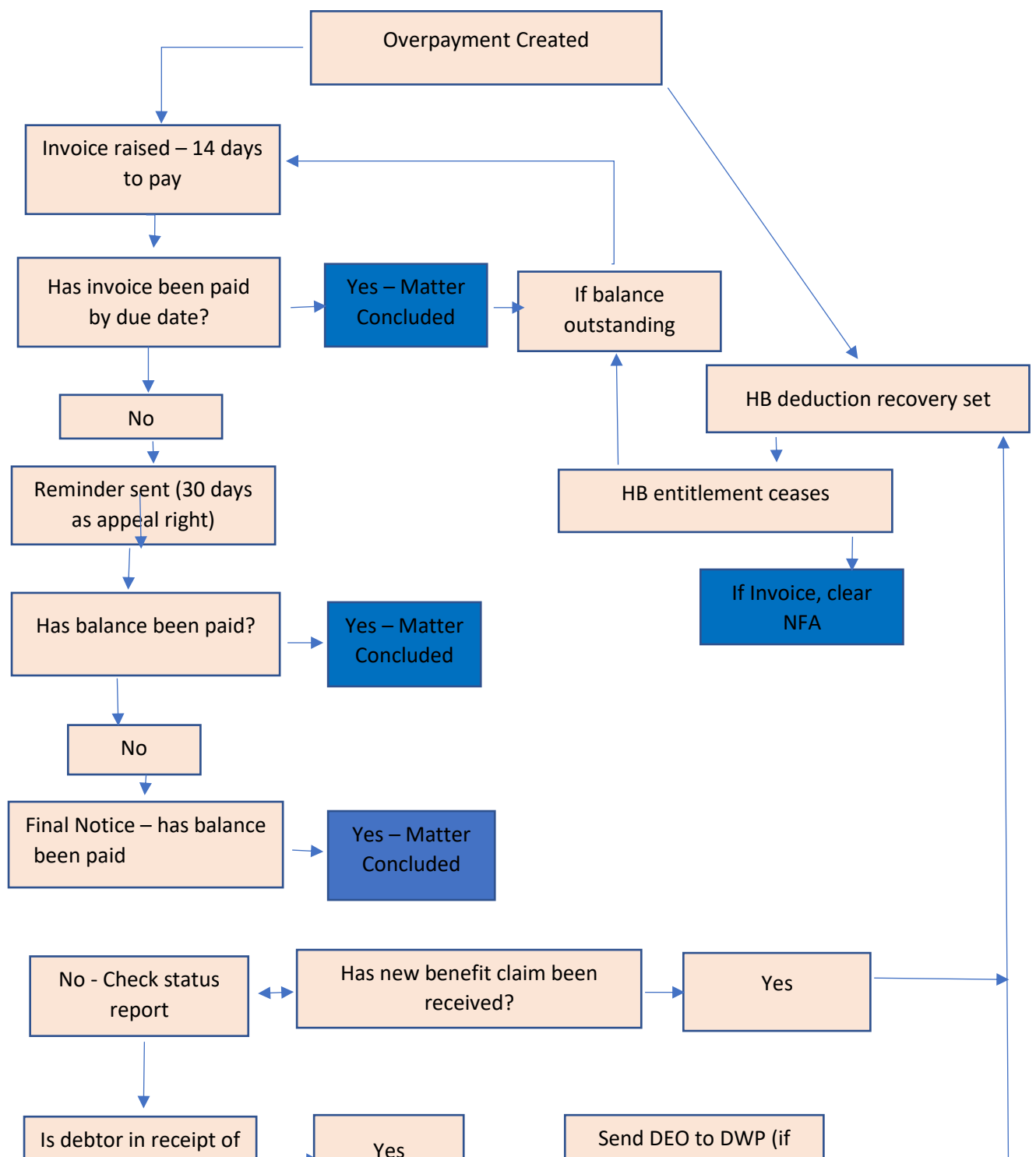
In extreme circumstances Civil Proceedings Application to the County Court for a County Court Judgement (after all avenues of recovery are considered and/or exhausted). With a County Court Judgement (CCJ) further recovery actions can be taken, e.g., application to the High Court to instruct High Court enforcement agents.

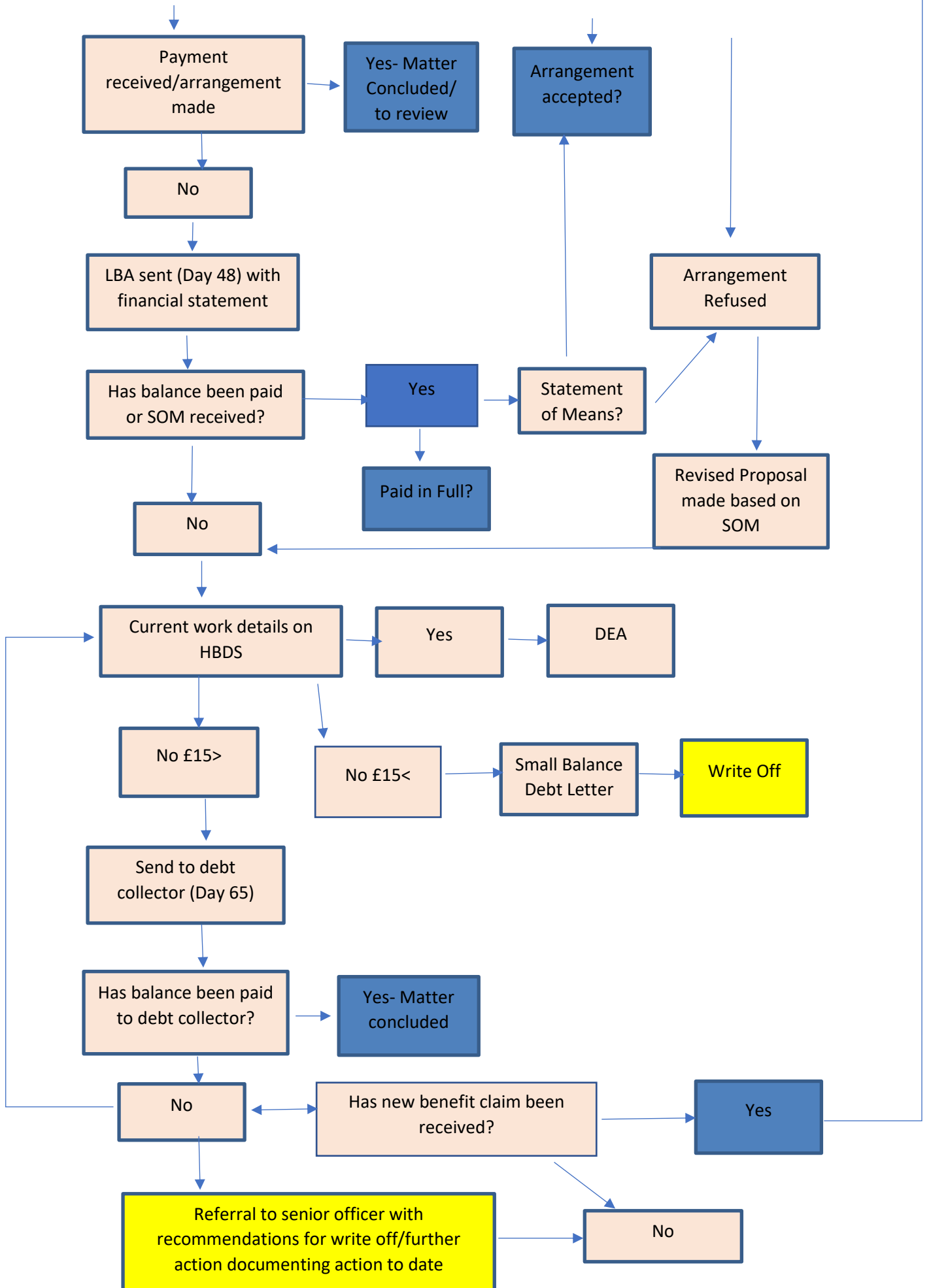
The Housing Benefit (Recovery of Overpayments) Regulations 1997 provide for the opportunity if deemed appropriate for the Council to recover overpayments from landlords, when the landlord has been classed as responsible from their current tenants' entitlement. The Council will, in appropriate circumstances, reduce

payments to landlords for their current tenants to recover overpayments that arose for former tenants, known as 'blameless tenant,' recovery. It will take this action when the original tenant has no continuing Housing Benefit entitlement.

We will ensure recovery is applied in a fair and equitable way. We will also set up payment plans wherever possible to encourage payment of debts considering the claimant's financial circumstances to try and prevent financial hardship but considering the need to clear any outstanding debt.

Only if after all attempts at recovering the overpayment have become exhausted and there is no hope of recovery, or there are qualifying circumstances, shall the debt be recommended for write-off.





Appendix E - Cherwell District Council -Write Off Policy

Introduction

This document sets out the procedure to be followed when writing off irrecoverable amounts (including credit balances) of Council Tax (CTax), Non-Domestic Rate (NDR), Housing Benefit Overpayments (HB), the Local Council Tax Support Scheme and sundry debtors.

Under the Accounts and Audit Regulations 2003 (as amended by the 2006 and 2009 Regulations), bad debts should not be written off without approval of the Chief Finance Officer (subject to limits of delegation), or such member of staff as is nominated by him or her for this purpose. There are no equivalent rules for credit balances although it is prudent to have these written off on a regular basis.

A debt should only ever be written off in accordance with the Council's Financial Procedure Rules; proposed write offs should be reported to Members for approval periodically.

The Council sets rigorous performance targets for the collection of CTax, NDR and sundry debtors. In addition, we strive to minimise HB / CTS overpayment. The Council is committed to accurate collection and timely recovery and will ensure that sums outstanding are correctly recorded and recovery is taken where a debtor is in arrears.

Staff are required to take robust action to collect all debts; however, in some cases, recovery might not be possible, and debts do become irrecoverable. Where a debt is deemed to be non-recoverable (or a credit non-refundable), it needs to be identified at the earliest possible opportunity and properly dealt with. Irrecoverable debts must also be identified and written off promptly.

Writing off irrecoverable items represents good financial management. It allows staff to concentrate on recoverable debts and ensures that the level of debtors / arrears within the accounts is accurate and represents a true and fair reflection of the council's financial position.

Reasons for Write-Off

Every effort will be made to recover a debt owing to the council before it is considered for write off. This includes using tracing agents, contacting the occupants / owners. There is a separate policy that sets out the CTax and NDR billing / reminder processes and the actions to be followed if a debt is not paid. Only where all recovery action has failed, is a debt regarded as irrecoverable.

The circumstances where a debt may be written off have been categorised as follows:

Reason	Description
Insolvency	Debtor or the Company is the subject of bankruptcy, individual voluntary arrangement, liquidation, company voluntary arrangement & administration order or administrative receivership proceedings or has ceased to trade or is subject to a Debt Relief Order.
Unenforceable	Debtor is overseas or outside of jurisdiction or the debt is over 6 years old
Abscond	Tracing agents have been unable to find the debtor
Uneconomical to Collect	Balance is too small for further action
Uncollectable	Custodial sentences / remitted debts / vulnerable people / hardship / local authority error / system roundings
Deceased	No funds in an estate

Should a debtor be subsequently traced, a debt will be re-instated if considered economically viable to recover and it is within the statute of limitations.

In cases where the debtor is jointly and severally liable for the debt with another party, recovery action will continue against all liable individuals and only if this action fails, will monies be recommended for write off.

There will be instances where the Council will need to write off a credit that remains on a closed account. Not knowing the whereabouts of the creditor (or not having sufficient information to determine how or when a credit is to be refunded) will be the reasons for writing off a credit.

Procedures to be undertaken prior to obtaining write-off approval

General

The procedures to be followed prior to the writing off of a debt / credit are analysed below. Once the actions have been undertaken, only then will a debt / credit be included on a list of cases submitted for write off.

Insolvency

The Council will seek to establish the status of the company and if an insolvency practitioner has been appointed discuss with them the outstanding debt.

Bankruptcy

Upon notification of a bankruptcy, a proof of debt will be completed for the outstanding debt that is due at the date of the bankruptcy order and submitted as a claim to the trustee in bankruptcy. In the event of payment being received in full or part from the bankrupt's estate, this money will be credited back to the relevant account.

Individual voluntary arrangement

A voluntary arrangement is an alternative route available to an individual wishing to avoid the restrictions placed upon them by a bankruptcy order. It involves the debtor making an offer to all creditors, which is less than the full amount of the debt outstanding, and agreeing that it be repaid over a period of time in full and final settlement. If 75% (in value) of creditors agree to the offer as an alternative to proceedings for bankruptcy, an insolvency practitioner will be appointed to administer the voluntary arrangement. In the event of payment being received in full or part, this money will be credited back to the relevant account. In the case of part payment the remaining balance will be considered for write off.

Liquidation

Liquidation may either be compulsory (your company cannot pay its debts and you apply to the courts to liquidate it) or creditors voluntary (your company cannot pay its debts and you involve your creditors to liquidate it) or members voluntary (sometimes referred to as a shareholders' liquidation, your company can pay its debts but you want to close it. Upon notification of liquidation, a proof of debt will be completed for the outstanding debt that is due at the date of the winding-up order and submitted as a claim to the liquidator. In the event of payment being received in full or part, this money will be credited back to the relevant account. In the case of part payment the remaining balance will be considered for write off.

Company voluntary arrangement / administration order

A company voluntary arrangement is an alternative route available to a company wishing to avoid the making of a winding up order. It involves the directors making an offer to all creditors, which is less than the full amount of the debt outstanding, and agreeing that it be repaid over a period of time in full and final settlement. If 75% (in value) of creditors agree to the offer as an alternative to liquidation, an insolvency

practitioner will be appointed to administer the voluntary arrangement. In the event of payment being received in full or part, this money will be credited back to the relevant account. In the case of part payment the remaining balance will be considered for write off.

Administrative receivership

This involves an individual being appointed by a lender, usually a bank, which holds a debenture as security over a floating charge on assets of the company, and usually takes effect where the company is in default of agreed lending terms. An insolvency practitioner will assume immediate control of the company in an attempt to sell it as a going concern. However, although remaining in occupation, no action can be taken against the receivers appointed to enforce payment of previous or on-going rate charges. In the event of payment being received in full or part, this money will be credited back to the relevant account. In the case of part payment the remaining balance will be considered for write off.

Company has ceased to trade leaving no assets

On occasions, limited companies will cease to trade on the grounds of having no assets to pay an outstanding and / or on-going debts. They do not go through the formal process of winding-up proceedings, which carry a cost and have legal implications.

In these circumstances, if it is proven that an enforcement agent has failed to recover monies due, or identify assets on which to levy distress, a recommendation for write-off will be made.

Debt Relief Order

A Debt Relief Order (DRO) is a way of dealing with debts if the individual cannot afford to pay them. It means debtors don't have to pay for debts for a specified period, usually 12 months.

An application for a DRO is made through an authorised debt advisor such as Citizens Advice, Christians Against Poverty, Step Change

At the end of the specified period, the debts included will be written off.

If any of the debts have been obtained through fraud, you will need to commence payment of these once the DRO has ended.

- you owe less than £30,000
- you have less than £75 a month spare income
- you have less than £2,000 worth of assets
- you do not own a vehicle worth £2,000 or more

- you have lived or worked in England and Wales within the last 3 years
- you have not applied for a DRO within the last 6 years

The debt will be recommended for write off but will be monitored periodically, as the debtors circumstances must remain the same for a period of usually 12 months in order for the DRO to remain in place.

Unenforceable

Certain debts will fall outside of legal jurisdiction either because the debtor is overseas or six years may have passed since recovery action had been instigated against a debtor and the debt was last acknowledged.

If a debtor is overseas and contact in writing has failed to result in payment or an arrangement to pay, a recommendation for write off will be made. Evidence supplied from external sources would be used to determine this.

In cases where six years may have passed since recovery action had been instigated against a debtor and the debt was last acknowledged, the whole debt will be submitted for write off. Evidence on what action, if any, has been taken will be used to determine this.

Abscond

Closed accounts where no forwarding address is known, there has been no contact for 4 years and the debt is under £250.

For any finalised account with a balance of under £50.00, staff will make basic checks of the authority systems and known third parties, (i.e. solicitors and letting agents). If, after a three month period, a new address is not established, the debt will be submitted for write off.

Before the debt can be recommended for write off, the following enquiries will be undertaken by staff:-

- Check CTax or NDR database to identify if the person has re-registered at another address within the Council's area.
- Check electoral register.
- Contact landlord or letting / estate agent.
- Contact other local authorities where appropriate.
- Undertake visits to property if required.
- Conduct third party searches (i.e. through 'Experian' or similar companies).

If, after all enquiries have been completed, a forwarding address has not been established, the amount will be submitted for write-off.

Uneconomical to Collect

Prior to annual billing, every debt of up to £1, on each financial year, on both live and finalised accounts will be submitted for write off to prevent bills being issued for small sums. These will automatically be written off prior to printing production. The Council Tax system automatically adjusts penny roundings. No adjustment notice or demand is issued if the balance outstanding is less than a £1. Any small balances will be written off to allow the demand / adjustment notice to be produced.

Uncollectable

Debts where the debtor has served a custodial sentence in respect of the debt

If a debtor is the subject of a means enquiry and has been imprisoned for non-payment of CTax or NDR, whilst a debt is not legally remitted on imprisonment, an authority cannot enforce the debt again in the event of continued non-payment.

Therefore, an authority has no option but to write off the debt. Debts which are remitted by the court on the grounds of inability to pay

Debts that have arisen because of local authority error / system roundings

If a debt has arisen as a result of a local authority error or system rounding, the possibility of recovering the debt would be considered in the first instance. If that proves impossible (i.e. legislation prevents recovery where the fault is not of a debtors doing) the debt will be written off. Details of the events that gave rise to the debt being incurred will be taken to evidence this.

Deceased

Where a debtor has died and the estate is insolvent, the debt will need to be written-off. A letter from the executor confirming there are no assets from which to discharge any outstanding liability will be taken to determine this.

Credits

There will be instances where an account is closed and a credit balance remains on an account. If it has not been possible to refund the money, for whatever reason (i.e. forwarding address unknown and debit/credit card expired or paid by a method other than direct debit), the credit will be written off after a period of one year. Credits will

be used to reduced other balances the debtor owes to the Council if the credit remains unclaimed.

Authority for Write off up to £5,000 (£10,000 NDR)

At officer level, only the Assistant Director of Finance (S151 Officer) (or his or her nominated representatives) has the authority to write off a debt.

Debts of over £5,000 (including aggregated debts for one debtor) (over £10,000 NDR)

For the write off of debts of over £5,000 (over £10,000 NDR), it will require a full report to be submitted to the Executive requesting its approval to write the debt off. In this instance, they will be accompanied by an individual write off application stating the reason for the request for the debt to be written off and will be submitted to the Executive on a quarterly basis.

HB and CTB/CTS Overpayments

Factors that should influence the decision whether an overpayment is economical to pursue are:-

- The size and age of a debt in relation to where it is in the recovery process and the cost of certain action, which could be taken to try and secure recovery.
- Any previous action taken on the case and the results.
- Whether we know the current address of the debtor.
- When was the last action taken to try and recover the overpayment?
- Are all documents in sufficient order to support the recovery of the overpayment?

From here, council officers will calculate how much it would cost the authority to proceed with certain action and whether it is economically viable to do so.

Exceptional Circumstances

Whilst rare, it may be necessary to recommend an overpayment for write-off, whether it is claimed in error or fraudulently, due to:-

- A person's age, health or personal circumstances, which would make any prosecution or penalty unsuitable.
- The claimant's diligence in reporting a change of circumstances (if applicable).

- The standard of advice and notification given to the claimant in respect of the overpaid amount.
- Whether it is reasonable to expect the claimant or any other person affected to repay the overpayment.
- Whether recovery will cause unacceptable hardship to the claimant or any other person affected.

The authority (and procedure) for writing off debits and credits will follow the practice adopted for Ctax , NDR and sundry debtors referred to earlier in the document.

Write Off Reporting up to £5,000 (£10,000 NDR)

All debts will be batched as follows:-

- Listed on a spread sheet showing the reference number, amount and year the debt was raised and supported by documentary evidence for each case which demonstrate the steps that have been taken to recover the debt and, if appropriate, the steps that have been made to trace the debtor.
- Sorted into the debt type and reason for the write off, (e.g. insolvency, unenforceable etc.).
- Summarised on a front sheet detailing the number of cases and amount of debt.

Reports will be submitted on a quarterly basis for consideration by the Assistant Director of Finance (S151 Officer)