



WELWYN HATFIELD

EXECUTIVE MEMBER DELEGATED POWERS DECISION NOTICE

LOCAL GOVERNMENT ACT 2000 SECTION 9E

1 DETAILS OF EXECUTIVE MEMBER TAKING THE DECISION

- 1.1 Councillor Fiona Thomson, Executive Member, Housing and Climate Change

2 TITLE OF REPORT

- 2.1 Former Tenant Arrears Policy

3 DECISION TAKEN

- 3.1 To approve the amendments to the Former Tenant Arrears Policy

4 IF URGENT, REASONS FOR URGENCY

- 4.1 There is no specific urgency, however the sooner this is approved the sooner this policy will be in line with the council's updated financial regulations.

5 DETAILS OF OTHER EXECUTIVE MEMBER(S) CONSULTED

- 5.1 The original Former Tenant Arrears Policy was signed of by Cabinet in January 2019

Name _____

Councillor Fiona Thomson

Signature _____

Date this decision was taken _____ 2 July 2021 _____

Date of circulation/publication of this decision _____ 7 July 2021 _____

6 EXPLANATION/BACKGROUND

- 6.1 The aim of this Policy is to set out the council's approach to recovering former tenant arrears on both council (housing) tenancy and garage rent accounts.
- 6.2 We will be proactive in collecting Former Tenant Arrears (FTA), using a range of methods in a flexible, but fair and consistent way. We will use the methods which are considered to be the most effective on a case by case basis and that deliver value for money.
- 6.3 Write-offs will be managed effectively, only being proposed for write-off once all avenues for tracing and collecting have been exhausted.

- 6.4 Due to changes in the council's financial regulations, the policy has been updated to align the write off approval levels to the updated regulations.
- 6.5 The policy has also been updated to include the Government's new Debt Respite Scheme, otherwise known as 'breathing space' and allows enforcement action to be frozen for a certain period for our debtors.

7 Legal Implications:

- 7.1 The policy has been updated to take into account the legislative guidance released by the Government on 'Breathing Space' for debtors.
- 7.2 All reasonable attempts should be made with the debtor to settle the debt prior to commencing legal proceedings. The requirements for the Pre-Action Protocol for Debt Claims came into force on 1 October 2017 and applies to public bodies.
- 7.3 The appropriateness of legal action will be considered where the address of the former tenant is known. The costs of court action will need to be balanced against amounts to be recovered.
- 7.4 We will consider the most appropriate course of legal actions to recover any money due, except warrant of control of goods.
- 7.5 Legal action will only be taken where we have taken reasonable action to collect the debt but have been unsuccessful and we feel court action will be effective.
- 7.6 When a Money Claim Online is made, any legal fees incurred by the council will be added to the former Tenants arrears.

8 Financial Implications:

- 8.1 The total amount of collectable Former Tenant debt at the end of February 2021 is approximately £680k.
- 8.2 The team are targeting a 10% collection rate (£78k) which if delivered will cover the full costs of resourcing this service.
- 8.3 Debt levels, write-offs and collection performance will be monitored on a monthly basis to ensure delivery of value for money.
- 8.4 Commission of 18% at present is payable to the council's partner debt collection agency. Any commission costs incurred will be covered from existing budgets.
- 8.5 Delegated authority has been determined by the Section 151 Officer for debt write offs under £5,000 in line with the Financial Regulations.

9 Risk Implications:

- 9.1 The Former Tenant Arrears Policy provides clarity on how we collect FTA Debt.
- 9.2 The policy ensures that the council is not incurring either a reputational or legal risk from not having a clear, up to date policy.

10 Security and Terrorism Implication(s)

- 10.1 There are no obvious implications arising from this policy.

11 Procurement Implication(s)

- 11.1 There is a service level agreement in place with a debt collection agency, of which longer term we will look to review.

11.2 Any review or tender and procurement of a new supplier will be compliant with the council's Contract Procedure Rules.

12 Climate Change Implication(s)

12.1 There are no climate change implications arising from this policy.

13 Human Resources Implication(s)

13.1 There are no human resources implications arising from this policy.

14 Health and Wellbeing Implication(s)

14.1 There are no implications arising from this policy.

15 Communication and Engagement Implication(s)

15.1 The original policy approved in January 2019 was reviewed by the Tenants Panel when it was originally drawn up and there is no need to consult on the updated policy.

16 BACKGROUND PAPERS USED TO INFORM THE DECISION

- Draft Former Tenant Arrears Policy

17 DETAILS OF ANY MEMBERS OR OFFICERS WHO HAVE DECLARED AN INTEREST IN THIS MATTER AND NATURE OF ANY SUCH INTEREST AND ANY DISPENSATIONS GRANTED

17.1 None.

18 ADDITIONAL CONFIDENTIAL OR EXEMPT INFORMATION CONSIDERED

18.1 None.

Contact Officer: Simon Kiff – Income and Home Ownership Manager
s.kiff@welhat.gov.uk
01707357067

From: [Fiona Thomson](#)
To: [Alison Marston](#)
Cc: [Stuart Pearson](#)
Subject: Fwd: FTA policy
Date: 02 July 2021 09:40:16

Hi Alison

I confirm approval of the Former Tenant Arrears Policy, exercising powers delegated to me under paragraph 18 of the Cabinet Procedure Rules within the Constitution.

Kind regards
Fiona

Cllr F Thomson, Handside Ward
Executive Member Housing and Climate Change
Welwyn Hatfield Borough Council
Chair of Welwyn Hatfield Dementia Action Alliance (WHDAA)
01707 395932