



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET – 19 JUNE 2023
Subject	WRITE OFF IN EXCESS OF £5,000
Wards affected	Bourton Vale
Accountable member	Cllr Mike Evemy – Deputy Leader and Cabinet Member with responsibility for Finance Email: <a href="mailto:mike.evemy@cotswold.gov.uk">mike.evemy@cotswold.gov.uk</a>
Accountable officer	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: <a href="mailto:mandy.fathers@publicagroup.uk">mandy.fathers@publicagroup.uk</a>
Report Author	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: <a href="mailto:mandy.fathers@publicagroup.uk">mandy.fathers@publicagroup.uk</a>
Summary/Purpose	To seek approval for the writing off of council tax debt in excess of £5,000
Annexes	None
Recommendation(s)	That Cabinet resolves to: <i>a) Approve the write off of £7306.65 as detailed within the report</i>
Corporate priorities	<ul style="list-style-type: none"><li>• Deliver the highest standard of service</li></ul>
Key Decision	NO
Exempt	YES
Consultees/ Consultation	Leader, Deputy Leader and Member for Finance, Chief Executive and Deputy Chief Executive, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Assistant Director, Director of Finance (Publica)



## **1. EXECUTIVE SUMMARY**

- 1.1 This report seeks approval to write off a council tax debt from a deceased persons account.
- 1.2 Officers have followed the council's recovery procedures with the aim to recover the debt prior to notification being received that the debtor had passed away.

## **2. BACKGROUND**

- 2.1 The Council Tax is in respect of Mr M Smith of Grey Gates, Tally Ho Lane, Guiting Power.
- 2.2 In 2017 the council was notified by Mr M Smith that his mother, who was at that time in occupation of Grey Gates (the property), had moved into a nursing home. He advised that the property would be furnished, but unoccupied and would be for the foreseeable future. He also advised that he would contact the council should this situation change.
- 2.3 Following this information, a full 100% exemption was applied to the council tax account.
- 2.4 In July 2019 the council received a telephone call from a concerned resident to advise that Mr M Smith had moved into the property approximately 18 months ago and that he had admitted to numerous neighbours that he was not paying council tax for the property.
- 2.5 Following this information the council sent a letter to Mr Smith at the property requesting details of his occupancy.

## **3. MAIN POINTS**

- 3.1 Mr Smith failed to respond to the council, which resulted in an officer visiting the property with the aim to make contact. Unfortunately, all attempts to make contact with Mr Smith were unsuccessful.
- 3.2 Following further investigations officers were able to trace Mr Smith to a previous address and were able to use the end date of that tenancy to establish the date of occupation of Grey Gates.
- 3.3 Mr Smith was therefore made liable for council tax at the property from 2 August 2017.
- 3.4 The amount of council tax owing for the period of 2 August 2017 to 31 March 2020 is as follows:



Financial Year	Annual Liability	Payments Received
2017	£1,249.32	0.00
2018	£1,964.86	0.00
2019	£2,072.27	0.00

- 3.5 As the council was not made aware until July 2019 that Mr Smith had taken up occupation in the property, all notifications sent for those three years were included as a multiyear recovery action and the following notices were issued:

Date	Notice
31 October 2019	Reminder
28 November 2019	Final Notice
10 February 2020	Court Hearing
28 February 2020	Notification of Liability Order

- 3.6 As the council received no response from Mr Smith in respect of the notices issued, the debts were referred to Bristow and Sutor, the council's contracted enforcement agency.

- 3.7 The amounts owing for the financial year 2020 was £2,020.20.

- 3.8 The following notices were used in respect of this financial year as follows:

Date	Notice
13 October 2020	Reminder
9 November 2021	Reminder 2
27 June 2022	Final Notice
2 September 2022	Court Hearing
30 September 2022	Notification of Liability Order



- 3.9** It should be noted, that due to the pandemic, recovery action on all debts was placed on hold as a directive from the council; hence the delay in notices being issued for this individual year. The Magistrates Court also suspended all hearings regarding the collection of Council Tax and Business Rate debts.
- 3.10** Once the restrictions on recovery were lifted and as the council had received no response from Mr Smith in respect of this debt, the case was referred to Bristow and Sutor.
- 3.11** Following a letter left at the property by Bristow and Sutor it became apparent that Mr Smith no longer resided in the property and had sold it in March 2021.
- 3.12** Bristow and Sutor traced Mr Smith to another address in Cheltenham, but following a visit by them to the address, found he had absconded.
- 3.13** Further traces were undertaken on Mr Smith, with information being obtained, that he had passed away in September 2021.
- 3.14** The council does not hold any details of any next of kin and are therefore unable to claim the outstanding amount of £7306.65 against an estate.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1** The impact of the write off will be shared across the Gloucestershire County Council, the District Council and the Gloucestershire Police and Crime Commissioner in proportion to the overall demand upon the collection fund.
- 4.2** For Cotswold District Council that share would be £526.8 and will be funded from the Council tax provision for bad debt.

#### **5. LEGAL IMPLICATIONS**

- 5.1** The Council's Financial Rules state that any amounts in excess of £5,000 that are requested for write off must be approved by Cabinet.

#### **6. RISK ASSESSMENT**

- 6.1** A provision for bad debts is made in the accounts and reflected in council budgets. The write off outlined within this report will be funded from this provision and have no adverse effect on the MTFP.



**7. EQUALITIES IMPACT**

7.1 None

**8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

8.1 There are none associated with this report.

**9. ALTERNATIVE OPTIONS**

9.1 As the debtor is deceased there are no other options available than to write the debt off.