

## COLCHESTER BOROUGH COUNCIL

### RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

#### Explanatory Note

The Leader of the Council has established Delegation Schemes by which certain decisions may be made by the relevant cabinet member or specific officers.

Cabinet member decisions are subject to review under the Call-in Procedure.

From the date the notice of the decision made is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed (called in) and deliver it to the Proper Officer.

If, at the end of the period, no request has been made, the decision may be implemented. If a valid call- in request has been made, the matter will be referred to the Scrutiny Panel

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#### Part A – To be completed by the appropriate Cabinet Member/Officer

##### Title of Report

Irrecoverable Debts over £5,000 – sundry debt

##### Delegated Power

The of operation of Council and residual Community Charge legislation, Council Tax Benefits Scheme legislation, Housing benefit Scheme legislation and the national Non-Domestic rate NNDR legislation.

Collection, enforcement and matters of security in relation to the General Fund monies payable to the Council.

##### Decision Taken

To approve the writing off of the following Sundry Debt totalling £108,000.00 which have proved irrecoverable.

##### Key Decision

Not a key decision.

## **Forward Plan**

- Not applicable

## **Reasons for the Decision**

A regular and effective review of outstanding debts enables the council to achieve prompt collection of all debts and allows resources to be directed towards pursuing recoverable debts.

Part 3 of the Council's constitution provides procedures delegated to the appropriate Portfolio Holder for reviewing debts over £5,000, which have been identified as difficult to recover. The Section 151 Officer reviews the cases and approves write-offs where there is no prospect of recovery and the debts are less than £5,000.

Once a liability order has been obtained from the Magistrates Court, Business Rates and council Tax debts are referred to the Council's enforcement agent for recovery.

Housing Benefit and Sundry Debts are referred to the Council's collection agents.

If no payment is received, further investigations are carried out to see why the debt has not been paid. If necessary, tracing agencies are used to locate the current addresses of debtors.

The cases shown in Appendix A have been reviewed and details of the history of the debt are given. No further action is considered possible and authorisation for write off is recommended.

Where businesses go into liquidation or individuals are declared bankrupt, debts are put forward for write off when it has become clear that it is unlikely that a dividend will be received in the near future. If dividends are received after the debt has been written off, the debt is re-raised for the amount received.

## **Alternative Options**

The debts could be retained on the ledger but this would give a misleading view of the potential for recovery as all possible options for recovery have been pursued.

## **Conflict of Interest**

None

## **Dispensation by Head of Paid Service**

None

**Approved by Portfolio Holder for Business and Resources**

**Signature Councillor David King**

**Date 13 January 2021**

(**NB** For Key Decisions the report must be made available to the public for five clear days prior to the period for call-in commencing)

**Part B – To be completed by the Proper Officer (Democratic Services)**

**Portfolio Holder Decision Reference Number**

*RES-003-20*

**Implementation Date**

This decision can be implemented if no request for the decision to be reviewed (call-in) has been made **after 5pm on Wednesday 20 January 2021.**

**Call-in Procedure**

The Decision Notice for this decision was published on the internet on **Wednesday 13 January 2021.**

A request for reference to the Scrutiny Panel must be made by **5pm on Wednesday 20 January 2021.**

**Signature of Proper Officer**  
**K Barnard**