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Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

**Bill Cullen** MBA (ISM), BA(Hons) MRTPI  
*Chief Executive*

Date: 18 April 2017

**To: Members of the Executive**

Mr MA Hall (Chairman)  
Mr K Morrell (Vice-Chairman)  
Mr CW Boothby  
Mr C Ladkin

Mr M Nickerson  
Mr SL Rooney  
Mrs MJ Surtees  
Ms AV Wright

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **EXECUTIVE** in the De Montfort Suite - Hub on **WEDNESDAY, 26 APRIL 2017 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Officer

**EXECUTIVE - 26 APRIL 2017**

**A G E N D A**

1. APOLOGIES

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 21 December 2016.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. ISSUES ARISING FROM OVERVIEW & SCRUTINY

(If any)

7. COUNCIL TAX, NNDR AND OVERPAID HOUSING BENEFIT WRITE-OFFS (Pages 5 - 10)

Report seeking approval to write-off debts in respect of business rates.

8. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### EXECUTIVE

21 DECEMBER 2016 AT 6.30 PM

PRESENT: Councillor M Hall - Chairman  
Mr K Morrell – Vice-Chairman  
Mr C Ladkin, Mr M Nickerson, Mr SL Rooney, Mrs MJ Surtees and Ms AV Wright

Members in attendance: Councillors Mrs MA Cook and Mrs J Kirby

Officers in attendance: Steve Atkinson, Bill Cullen, Rebecca Owen, Caroline Roffey and Ashley Wilson

#### 301 APOLOGIES

Apologies for absence were submitted on behalf of Councillor Boothby.

#### 302 MINUTES

It was moved by Councillor Rooney, seconded by Councillor Nickerson and

RESOLVED – the minutes of the meeting held on 19 October 2016 be confirmed and signed by the Chairman.

#### 303 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 304 COUNCIL TAX, NNDR AND OVERPAID HOUSING BENEFIT WRITE OFFS

The Executive received a report which sought approval for writing off debts over £10,000 in respect of outstanding business rates and provided details of sums written off under delegated powers. It was moved by Councillor Rooney, seconded by Councillor Morrell and

RESOLVED – the six business rate write offs details in the report be approved and the amounts written off under delegated powers be noted.

#### 305 ENVIRONMENTAL ENFORCEMENT POLICY AND PROCEDURES

Members gave consideration to the updated Environmental Enforcement policy & procedures. It was moved by Councillor Nickerson, seconded by Councillor Ladkin and

RESOLVED – the updated policy and procedures be approved.

#### 306 SMOKE FREE PLAYGROUNDS INITIATIVE

The Executive received a report which recommended introduction of a no smoking scheme in children's play areas. It was moved by Councillor Wright, seconded by Councillor Ladkin and

RESOLVED – the introduction of a voluntary no smoking scheme in children's play areas owned and maintained by HBBC be supported.

307 LIGHTBULB - TRANSFORMATION HOUSING RELATED SUPPORT

Members received the Lightbulb business case for transforming practical housing support in Leicestershire and approval was sought to progress work within the authority to implement an integrated model of housing support. It was moved by Councillor Hall, seconded by Councillor Surtees and

RESOLVED –

- (i) The potential benefits of service transformation and integration, set out in the Lightbulb business case, be noted;
- (ii) The Lightbulb service model be agreed as the future mechanism for delivering the housing support offer across Leicestershire;
- (iii) Authority be delegated to the Chief Officer (Housing, Community Safety and Partnerships) and the Executive member for Housing and Community Safety to progress the practical actions set out in the business case to support implementation of the Lightbulb service model within the authority and to agree the financial model.

308 BURBAGE COMMON VISITORS' CENTRE FOUL DRAINAGE

The Executive gave consideration to a supplementary bid to allow for the removal of the old septic tank at Burbage Common Visitors' Centre and the installation of a suitably sized new system.

A member expressed concern about the cost of the work and asked whether any grants were likely to be available. In response it was felt that it was unlikely as it was a business, but that this would be explored before procuring the work.

In relation to the facilities on the extension car park which were currently closed due to antisocial behaviour, it was noted that they were closed occasionally to break the pattern of behaviour and that this had proven to be successful. It was, however, reiterated that the facilities in the café were open to the public, not just customers, and could therefore be used when the facilities on the car park were closed.

It was moved by Councillor Hall, seconded by Councillor Rooney and

RESOLVED – the virement of £50,000 from the leisure centre demolition budget to fund the scheme be approved.

309 FORMER CO-OP SITE, CASTLE STREET, HINCKLEY

The Executive was presented with an outline brief to guide further work in drafting a detailed development brief for future use of the Coop site. It was reported that there had been more interest in the site than anticipated and that the aim was re-use of the former Coop store. It was suggested that, if a deal could not be secured by June 2017, the brief be reviewed.

Members were informed of further discussions since the publication of the report, in relation to housing the Hansom Cab in the former Shopmobility premises on Castle Street, to facilitate its return to the town following refurbishment. Concern was expressed that this may limit options for the future use of the site as a whole, but in response it was explained that this was a temporary, medium term arrangement and, at present, the interest was in returning the Hansom Cab to Hinckley.

In light of the above and other discussions that had taken place, Councillor Hall, seconded by Councillor Surtees, proposed the following amended resolution:

“The Executive agrees

- (i) That, subject to (ii) below, the former Coop site be marketed for re-use for retail and other complementary uses, in accordance with a marketing brief, and that negotiations with any retail interest in the building (in relation to lease or purchase) be concluded as soon as possible on the best possible terms for the council;
- (ii) That arrangements be made for the Hansom Cab to be relocated on a medium term/temporary basis in the former Shopmobility premises on Castle Street, Hinckley;
- (iii) That any/all options for the interim occupancy/use of the building by retail concessions be given positive consideration and decisions be delegated to the Director of Corporate Services, along with the Executive member for Regeneration, Asset Management and Growth and the Executive member for Town and Urban Communities.”

The motion was CARRIED and it was

RESOLVED –

- (i) Subject to (ii) below, the former Coop site be marketed for re-use for retail and other complementary uses, in accordance with a marketing brief, and that negotiations with any retail interest in the building (in relation to lease or purchase) be concluded as soon as possible on the best possible terms for the council;
- (ii) Arrangements be made for the Hansom Cab to be relocated on a medium term/temporary basis in the former Shopmobility premises on Castle Street, Hinckley;
- (iii) Any/all options for the interim occupancy/use of the building by retail concessions be given positive consideration and decisions be delegated to the Director of Corporate Services, along with the Executive member for Regeneration, Asset Management and Growth and the Executive member for Town and Urban Communities.

(The Meeting closed at 6.52 pm)

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CHAIRMAN

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Hinckley & Bosworth  
Borough Council

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FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

FINANCE & PERFORMANCE SCRUTINY 30 JANUARY 2017  
EXECUTIVE 26 APRIL 2017

WARDS AFFECTED ALL WARDS

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## COUNCIL TAX, NON DOMESTIC RATES AND OVERPAID HOUSING BENEFIT WRITE-OFFS

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### Report of Director (Corporate Services)

#### 1. PURPOSE OF REPORT

- 1.1 This report seeks approval to write-off debts over £10,000 in respect of outstanding business rates and to provide the details of the sums written off under delegated powers.

#### 2. RECOMMENDATION

- 2.1 The Executive approve the six business rate write offs detailed in part 3.5 of this report and note the amounts written off under delegated powers.

#### 3. BACKGROUND TO THE REPORT

##### 3.1 Write off limits

The write off limits for Council tax, Business Rates and Housing Benefit Overpayments are contained within the Financial Procedure Rules 2013.

- For debts up to but not exceeding £100 (including aggregated debts for one debtor), the delegated authority rests with the Council Tax or Business Rates Team Leader.
- For debts greater than £100 but not exceeding £1,000 (including aggregated debts for one debtor), the delegated authority rests with the Authority's Partnership Manager.
- For debts greater than £1,000 but not exceeding £10,000 (including aggregated debts for one debtor) (and for all credit balances), the delegated authority rests with the Senior Partnership Manager.
- For debts greater than £10,000 (including aggregated debts for one debtor) the request for write-off must be made in a report to the Executive.

3.2 Writing off debts is only considered where appropriate recovery and enforcement options have been taken, or, where the council are legally prohibited from pursuing the debt.

These include:

- Bankruptcy or a Debt Relief Order is in place
- Deceased – No assets within the estate.
- Debtor Absconded / No Trace
- Company in liquidation/dissolved or ceased trading with no assets
- Severe hardship and/or serious health Issues
- Statute barred i.e. we cannot legally pursue the debt as there has been six years since the debt fell due and no action has been taken to collect the debt.
- Uneconomical to collect i.e. it is not financially viable to take further action for example due to the low level of the debt or they have gone abroad.

3.3 In respect of outstanding Business Rates and Council Tax the following action is taken:

- If payment is not received by the instalment due date a reminder notice is issued.
- If payment is received within seven days the tax payer may continue with their original instalment plan. If they default again within the year, then one further reminder notice is issued. If they do not pay, the following steps are taken.
- If payment is not received by the date on the reminder notice, a court Summons is issued. The Summons advises them of the date and time that the council will attend the Magistrates Court in order to apply for a Liability Order.
- Once a Liability Order is obtained, the council has a number of enforcement options available to recover the sum due.

3.4 Options available to recover the debt

Once a Liability Order has been obtained each debt is reviewed and the most appropriate course of action determined. It is only after all of these have been considered and/or pursued that the debt is put forward for write off.

- Apply to the debtor's employer for an Attachment of Earnings.
- Apply to the DWP for a deduction from the debtor's benefits
- Instruct an external enforcement company (bailiffs) to collect the debt on the council's behalf.
- If the bailiff company are unsuccessful, the council could commence committal proceedings against the debtor.
- If the debtor owns their own home a Charging Order could be placed on the property.
- If the debt is over £5000, bankruptcy proceedings could be commenced against the debtor.

3.5 Business Rate Write offs

There are six cases over £10,000 which approval is sought for write off. One sole trader has little effects to cover the debt and has no prospect of payment. The account is now closed and the trader has left the area. The other sole trader has absconded with only an email address for communication. Three of the limited companies are no longer trading so we are unable to locate their whereabouts to



continue action. The last limited company is in administration so we are legally prohibited from taking any further action to recover the debt.

<b>Company</b>	<b>Address</b>	<b>Status on Account</b>	<b>Amount to be Written Off</b>
Sole Trader	Hinckley	Nil effects & no prospect of payment	£21,071.48
Limited Company	Desford	In Administration 08.11.16	£35,270.58
Limited Company	Hinckley	Ceased trading	£20,710.24
Limited Company	Hinckley	Ceased trading	£21,649.87
Limited Company	Market Bosworth	Ceased Trading	£28,867.92
Sole Trader	Hinckley	Absconded	£13,378.13
<b>TOTAL</b>			<b>£140,948.22</b>

### 3.6 Summary of Business Rates Debts Written off under delegated authority

<b>Reason</b>	<b>Amount</b>
Debtor Absconded / No Trace	£28,433.44
Company in liquidation/dissolved or ceased trading with no assets	£43,254.11
Uneconomical to Pursue	£11,876.73
<b>Total</b>	<b>£83,564.28</b>

### 3.7 Summary of Council Tax Debts Written off under delegated authority

<b>Reason</b>	<b>Amount</b>
Bankruptcy or a Debt Relief Order	£33,862.93
Debtor Absconded / No Trace	£36,362.24
Deceased – No assets in the estate	£3,710.21
Severe Hardship and/or Serious health Issues	£0
Statute Barred	£1,675.09
Uneconomical to collect / insufficient recovery data	£3,209.94
<b>Total</b>	<b>£78,820.41</b>

### 3.8 Summary of Housing Benefit Overpayments Written off under delegated authority

<b>Reason</b>	<b>Amount</b>
Bankruptcy or a Debt Relief Order	£625.68
Debtor Absconded / No Trace	£1,287.29
Deceased – No assets in the estate	£0
Uneconomical to collect	£129.26
<b>Total</b>	<b>£2,042.23</b>

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 The report can be taken in open session as the individuals' details have been omitted from this report.

5. FINANCIAL IMPLICATIONS [FM]

5.1 The Business Rates provision at 31/03/2016 was £63,798 which would not cover an additional write off of £140,948. Currently there have been write offs in 2016/17 of £184,272 (which includes £83,564 in part 3.6) which is already in excess of the provision by £120,474 this will result in an additional charge on the collection fund of £120,474 in 2016/17. As the provision to 31/03/2017 has not been calculated an additional provision of £140,948 can be provided for in 2016/17 and thus the total additional charge on the collection fund for 2016/17 would be £261,422.

This total is not a charge to the general fund however part of this will impact on the overall position attributable to the general fund. This final impact on the general fund will be reported to Council in July 2017 as part of the outturn position.

All other write offs covered in parts 3.7 and 3.8 have been covered by the provisions shown below.

	Provision @ 31/03/2016
Business Rates	£63,798.23
Council Tax	£918,447.71
Housing Benefits	£249,015.83

6. LEGAL IMPLICATIONS

6.1 Set out in the report

7. CORPORATE PLAN IMPLICATIONS

7.1 This report supports the Corporate Plan objective for supporting individuals.

8. CONSULTATION

8.1 None required in respect of this update report.

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 There are no implications as the decision to write-off is debt is dealt with consistently and in accordance with adopted policies and procedures across the Borough.

## 11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
  - Environmental implications
  - ICT implications
  - Asset Management implications
  - Procurement implications
  - Human Resources implications
  - Planning implications
  - Data Protection implications
  - Voluntary Sector
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Background papers: None

Contact Officer: Ms S Williams-Lee Ext 8148

Executive Member: Cllr M Hall

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