

# **POLICY AND RESOURCES COMMITTEE**

**[14 December 2016]**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

## **IRRECOVERABLE BUSINESS RATES**

<b>Final Decision-Maker</b>	Policy and Resources
<b>Lead Head of Service</b>	Stephen McGinnes
<b>Lead Officer and Report Author</b>	Sheila Coburn
<b>Classification</b>	Public
<b>Wards affected</b>	All

### **This report makes the following recommendations to this Committee:**

1. That the unpaid Business Rates debt identified within Appendix A is approved for write off.

### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all -
- Securing a successful economy for Maidstone Borough -

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Policy and Resources Committee	14 December 2016

# Irrecoverable Business Rates

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To approve the write off of Business Rates debt where the council has exhausted all options to collect the debt and has no prospect of recovery

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## 2. INTRODUCTION AND BACKGROUND

2.1 The council collects Business Rates each year amounting to £70 million from 4,820 ratepayers, with an average collection rate of 98.5%.

2.2 Where the council is unable to collect the business rates that are payable, it takes a robust approach to recovery. This involves progressive action which would typically include;

- Reminder for non payment
- Final Notice for non payment
- Summons for non Payment
- Application to the Magistrates Court for a liability order
- Instruction of an enforcement agent to recover
- Bankruptcy or Liquidation, where appropriate
- Proceedings to seek committal to prison (individuals)

2.3 Throughout the collection process the Council actively encourages contact from any business experiencing difficulty in order to negotiate arrangement for payment.

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## 3. AVAILABLE OPTIONS

3.1 The council has exhausted all recovery processes in trying to collect the unpaid business rates from 18 businesses identified within appendix A, with no prospect of recovering the arrears. The outstanding Business Rates arrears and amount identified as irrecoverable can be broken down as follows.

Financial Year	Gross Debt	Arrears outstanding	Proposed write off	Write off as % of gross debt
2009/10	£59,975,085	£31,286	£6,444.08	0.01%
2010/11	£59,162,504	£110,007	£25,376.17	0.04%
2011/12	£60,912,607	£133,148	£37,644.89	0.06%
2012/13	£63,986,563	£189,957	£72,223.62	0.11%
2013/14	£66,572,476	£381,145	£103,439.68	0.15%

2014/15	£67,990,994	£796,437	£249,177.47	0.37%
2015/16	£69,898,713	£1,613,965	£244,316.20	0.35%
2016/17	£70,395,476	-	£1,238.28	-
	£518,894,418	£3,255,945	£739,860.39	0.14%

3.2 Please note that information relating to individuals is protected by data protection legislation and has therefore been redacted within Appendix A.

#### 4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Whilst the council can continue to hold the debt as outstanding, it has no prospect of recovery and this will therefore distort the council's true financial position, and is therefore not recommended.

#### 5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

5.1 The councils accounts will be amended to reflect the fact that the payments identified are not expected to be recovered.

#### 6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Financial</b>	The Council maintains a provision for bad debts, the extent to which the provision is used is linked to the level of arrears at the end of the financial year. There is sufficient resource available from the provision and the in-year budget for non-collection to cover the value of write off proposed while retaining adequate provision for the projected outstanding debt at 31st March 2017	Section 151 Officer & Finance Team
<b>Legal</b>	There are no legal implications in the decision to be taken	Estelle Culligan Interim Head of Legal Partnership

#### 7. REPORT APPENDICES

Appendix A: table of irrecoverable business rates

## **8. BACKGROUND PAPERS**

None