

FINANCE AND EFFICIENCY PORTFOLIO DECISION RECORD

18 October 2007

The meeting commenced at 10.00 a.m. at the Avondale Centre, Dyke House School, Hartlepool

Present:

Councillor Robbie Payne (Finance and Efficiency Portfolio Holder)

Officers: John Morton, Assistant Chief Financial Officer
Graham Frankland, Head of Procurement and Property Services
Denise Wimpenny, Principal Democratic Services Officer

37. Irrecoverable Debts – Business Rates *(Chief Financial Officer)*

Type of decision

Non-key

Purpose of report

To seek the Portfolio Holder's approval to write-out a number of Business Rates debts which were now considered to be irrecoverable.

Issue(s) for consideration by Portfolio Holder

The Council's financial procedure rules provided that any debt due to the Council of £1,000 or more may only be written-out with the express permission of the Portfolio Holder. While every effort was made to collect debts due to the Council, certain debts had become irrecoverable and this report sought the Portfolio Holder's agreement to the writing out of Business Rate debts to the value of £30,435.73. Appendices to the report set out the individual Business Rate debts over £1,000 and the reasons why each debt remained unrecovered in relation to sole traders/partnerships and limited companies. Appendix A to the report in relation to sole traders/partnerships were exempt under Schedule 12A of the Local Government Act 1972, paragraph 3, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

Decision

That approval be given to the writing-out of debts to the value of £30,435.73 in

respect of irrecoverable Business Rates.

38. Irrecoverable Debts - Council Tax (Chief Financial Officer)

Type of decision

Non-key

Purpose of report

To seek the Portfolio Holder's approval to write-out a number of Council Tax debts which were now considered to be irrecoverable.

Issue(s) for consideration by Portfolio Holder

The report highlighted the Council Tax accounts with outstanding debts of £1,000 or more and details of reasons for each debt remaining unrecovered. Whilst every effort had been made to collect the debts due to the Council it was deemed that these debts had become irrecoverable and the report sought the Portfolio Holder's agreement to write-out debts totalling £56,615.04. Confidential appendices to the report set out the individual Council Tax debts over £1,000 and the reasons why each debt remained unrecovered in relation to absconded debtors, bankruptcies, miscellaneous and deceased debtors and were exempt under Schedule 12A of the Local Government Act 1972, paragraph 3, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Portfolio Holder congratulated the team on their improving performance relating to the collection of Council Tax recognising the sustained progress that had been made.

Following discussion in relation to the circumstances in which bankruptcies occurred and the arrangements to recover written-out Council Tax debts following bankruptcy to which the Assistant Chief Financial Officer provided clarification, the Portfolio Holder requested that any written-out debts as a result of a previous bankruptcy should be recovered in the event that subsequent recovery work indicated that an individual was now solvent.

Decision

That approval be given to the writing-out of debts to the value of £56,615.04 in respect of irrecoverable Council Tax.

39. The Energy Performance of Buildings (Certificates and Inspections) Regulations 2007 (Director of Neighbourhood Services)

Type of decision

Non-key

Purpose of report

To advise on the implications of the EU Directive on the Energy Performance of Buildings as the Government enacts the Energy Performance of Buildings (Certificates and Inspections) England and Wales) Regulations 2007 which introduces new energy management obligations.

Issue(s) for consideration by Portfolio Holder

The report outlined the background to the Energy Performance of Buildings Regulations and the duties which would be imposed by the regulations on building owners including the Council in relation to Energy Performance Certificates, Display Energy Certificates and the inspection of air conditioning systems with effect from 6 April 2008. A letter from the LGA, attached at Appendix A outlined the requirements and Appendix B showed a typical example of the likely format of Display Energy Certificates.

Accredited Energy Assessors were the only people who could produce Energy Performance Certificates and Display Certificates and advisory reports. Structured training would need to be undertaken, the costs of which were set out in the report. The Department of Communities and Local Government had acknowledged that there were not enough fully accredited assessors in place. To fulfill the need at Hartlepool Borough Council it was recommended that two existing members of technical staff be trained and accredited in that capacity. Details of software requirements, the cost of the production of the Energy Performance Certificates and the number of buildings requiring energy display certificates were included in the report.

The additional work equated to an estimated 300 additional person hours of work. As there was no specific funding in place for this it was recommended that the existing staffing structure be reviewed to allow the implementation of the requirements. A combined pressure had been included in CMT budget considerations.

Decision

That Portfolio Holder endorsed:-

- a) The contents of the report and the implications to the Council
- b) That two existing members of technical staff in the Procurement

and Property Services Division be trained and accredited in the capacity of Energy Assessors acknowledging a pressure on the corporate funding for maintenance.

- c) That a review of the existing staffing structure of the Procurement and Property Services Division to allow the implementation of the requirements of the new Legislation would take place and be considered as an additional pressure for 07/08 and as a legislative pressure in the 08/09 budget process.
- d) That, as far as possible the inspection of the air conditioning systems in buildings would be incorporated into the routine maintenance arrangements and additional costs minimised.

40. Land at 23 Ashwood Close (*Head of Procurement and Property Services*)

Type of decision

Non-key

Purpose of report

To obtain the Portfolio Holder's approval to the disposal of Council land to the side of 23 Ashwood Close, Hartlepool to attempt to resolve anti-social behaviour problems in the area.

Issue(s) for consideration by Portfolio Holder

On 13 June 2005 the Performance Management Portfolio Holder agreed to dispose of land to the rear of 24-35 Ashwood Close to the residents of these properties in order to resolve severe anti social behaviour problems. 23 Ashwood Close was not included in this as there had been a discrepancy with the section 38 Agreement which meant that the open space to the side of 23 Ashwood was omitted from the transfer of land from the developer to the Council. The area of land was highlighted in Appendix 1.

To resolve this matter, the Council's Legal section concluded that a Deed of Rectification was required to regularise the situation. The Legal Section had issued a draft Deed of Rectification and it was expected that ownership of this land would shortly be transferred to the Council.

Once ownership was vested with the Council it was proposed that the land be transferred to the owners of 23 Ashwood Close. This would complete a scheme recently undertaken to transfer land to other properties of Ashwood Close thereby resolving the anti-social behaviour problems.

The proposed terms were contained within the financial implications section attached as a confidential appendix to the report. The appendix contained exempt information under Schedule 12A of the Local Government Act 1972, paragraph 3, namely, information relating to the financial or business affairs of any particular person (including the authority holding that information).

Decision

The Portfolio Holder approved the disposal of land to the resident of 23 Ashwood Close at the agreed terms as outlined in a confidential appendix to the report.

J A BROWN

CHIEF SOLICITOR

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