

Meeting of: Overview and Scrutiny Committee

Time: 6.30pm

Date: 13th March 2023

Venue: Council Chamber, The Business Centre, Futures Park, Bacup. OL13 0BB



Supported by: Carolyn Sharples, Committee and Member Services Manager, Tel: 01706 252422 or email carolynsharples@rossendalebc.gov.uk

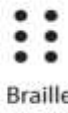
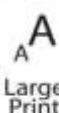
The meeting will also be live streamed at the following link:

<https://www.youtube.com/channel/UCrLsMDOP7AYxik5pNP0gTIA/streams>

ITEM		Lead Member/Contact Officer
A.	BUSINESS MATTERS	
A1.	Apologies for Absence	
A2.	To approve and sign as a correct record the Minutes of the Overview and Scrutiny Meeting held on 6 th February 2023.	
A3.	<p>Declarations of Interest Members are advised to contact the Monitoring Officer in advance of the meeting to seek advice on interest issues if necessary.</p> <p>Members are requested to indicate at this stage, any items on the agenda in which they intend to declare an interest. Members are reminded that, in accordance with the Local Government Act 2000 and the Council's Code of Conduct, they must declare the nature of any personal interest and, if the interest is prejudicial, withdraw from the meeting during consideration of the item.</p>	<p>Carolyn Sharples, Committee and Member Services Manager Tel: 01706 252422 Email: carolynsharples@rossendalebc.gov.uk</p>
A4.	<p>Urgent Items of Business To note any items which the Chair has agreed to add to the Agenda on the grounds of urgency.</p>	
B.	COMMUNITY ENGAGEMENT	
B1.	<p>Question Time Members of the public and councillors wanting to speak must be in attendance to participate.</p>	<p>Carolyn Sharples, Committee and Member Services Manager Tel: 01706 252422 Email: carolynsharples@rossendalebc.gov.uk</p>
C.	CHAIR'S UPDATE	
C1.	To receive any communications from the chair.	Councillor M.Smith

The agenda and reports are also available for inspection on the Council's website <https://www.rossendale.gov.uk/>. Other formats are available on request. Tel 01706 217777 or contact Rossendale Borough Council, Futures Park, Bacup, OL13 0BB

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D.	ORDINARY BUSINESS	
D1.	Rossendale Leisure Trust Annual Report and Annual Update - presentation	Cate Atwater, Head of Partnerships, Rossendale Leisure Trust
D2.	Refresh of Housing Benefit Overpayment Policy	Angela Richmond, Service Assurance Officer angelarichmond@rossendalebc.gov.uk
D3.	The Forward Plan	Carolyn Sharples, Committee and Member Services Manager carolynsharples@rossendalebc.gov.uk
E.	EXCLUSION OF PUBLIC AND PRESS To consider passing the appropriate resolution under Section 100 (A)(4) of the Local Government Act 1972 that the press and public be excluded from the meeting during consideration of the following items of business since they involve the likely disclosure of exempt information under Part 1 Paragraph 3 of Schedule 12A to the Local Government Act 1972.	
E1.	Refresh of Housing Benefit Write-Off Policy	Angela Richmond, Service Assurance Officer angelarichmond@rossendalebc.gov.uk



Adam Allen
Acting Chief Executive

Date published: 3rd March 2023

MINUTES OF: OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting: 6th February 2023

Present: Councillor M.Smith (Chair)
Councillors Cheetham (sub), McMahon, Marriott, Morris, Rooke, Procter and Thompson

In attendance: Adam Allen, Acting Chief Executive
David Smurthwaite, Director of Economic Development
Karen Spencer, Chief Finance Officer
Clare Law, Head of People and Policy
Anne Storah, Principal Planner- Forward Planning
Carolyn Sharples, Committee and Member Services Manager

Also Present: Councillors Kenyon and Walmsley
Kimberly Haworth, Accountant
1 member of the public

1. Apologies for Absence

Apologies for absence were submitted from Councillor Coogan, Foxcroft (Councillor Cheetham subbing).

2. Minutes

Resolved:

That the minutes of the meeting on 16th January 2023 be approved as a correct record.

3. Declarations of Interest

Councillors Cheetham, McMahon, Procter and Smith declared membership of the Credit Union.

4. Urgent Items of Business

There were no urgent items of business.

5. Question Time

There were no public questions.

6. Chair's Update

6.1 In relation to a query raised at a previous meeting, information was circulated to members in advance which included the following update:

When the Authority Monitoring Report was presented in November, it was agreed that officers would request an update from Historic England about Rawtenstall's reference on the Heritage at Risk register. Given that there had been improvements in both of Rawtenstall and Bacup Conservation Areas, and the addition of the Haslingden Conservation Area, the Planning Manager would be instructing the Council's consultants, Growth Lancashire, to provide Historic England with an update on the status of these. This would be recorded in the next Authority Monitoring Report if the information was available at that time from Historic England.

- 6.2 Briefing notes had been circulated prior to the meeting to keep members informed of the work of Citizens Advice Rossendale and Hyndburn, the First Choice Credit Union and also the Bacup Credit Union. The committee noted the updates.

ORDINARY BUSINESS

7. 2023/24 Council Budget and Medium Term Financial Strategy

- 7.1 The committee considered the 2023/24 Council Budget and Medium Term Financial Strategy report, which was presented by the Chief Finance Officer.

- 7.2 In response to members' questions the following clarification was given:

- It was hard to predict what would happen in relation to business rate revaluations. The calculations had been done and some businesses would receive additional reliefs.
- Although the Council would collect c£41m in Council Tax, the Council only kept a small proportion.
- There were difficult decisions to be made to be able to recover costs, this included fees and charges.
- Most contracts were rising by 10% and the Council had looked at benchmarking data when setting fees and charges, as well as cost recovery.
- The Council has a duty to set a balanced budget and in some instances costs had gone up by over 20%, which needed to be recovered where possible.
- Wages in 2022/23 had risen by 10.5% at the lower paid end, to 1.7% for Chief Executives.
- Costs had increased for burials from outside the area as there was a shortage of burial spaces. Even with the charges proposed for burials, costs would still not be recovered or break even.
- By 2025/26 the Council would struggle to set a balanced budget, and if this occurred the legal process would be to issue a section 114 notice.
- If a section 114 notice was issued the government would step in and tell the Council what to do. This usually involved selling off assets and delivering statutory services only.
- The Council was in a different position last year estimating a deficit of £56k in 2022/23 increasing to £600k for 2023/24, but no grant income had been factored in.
- Easily achievable savings had already been made and work was going on behind the scenes to identify other savings. Anything identified that was achievable would be brought to members attention.
- It was proposed that partner grants would be reduced for Credit Unions and Citizens Advice, and also for community events. These were being consulted on.
- Leisure was a big risk and Rossendale Leisure Trust (RLT) had been hit with the same inflation rises for utilities and wages. Their wages were linked to the living wage and in 2023/24 these would rise by c10%. Officers were working closely and meeting regularly with RLT to look at minimising spend.
- RLT cash flow provided more of a risk and they were included in the budget as a debtor.
- In the budget there was nowhere from which to replenish reserves and unless circumstances changed they would not be replenished in the near future.

Whilst understanding the need to create a balanced budget it was noted that Councillor McMahon and Morris were not comfortable with the proposed increases in Council Tax.

Finance officers were thanked for putting together the report, which was well laid out and with easy to understand fees and charges.

A recommendation was proposed by Councillor Thompson and seconded by Councillor Morris as follows:

Given the significant and precarious position of the Council's current financial position, we request that the Portfolio Holder for Resources attends every Overview and Scrutiny Meeting going forward as a standing item to talk to the committee about the actions being taken to reduce the financial risk of the Council in the Medium Term Financial Strategy.

The recommendation was discussed and the following points noted:

- It was clarified that financial reporting was already in place through quarterly reports to Cabinet as well as reports to the Audit and Accounts Committee.
- The possibility of having a deep dive into the finances.
- Work would be duplicated with Cabinet.
- Responsibilities had previously been moved from Overview and Scrutiny to the Audit and Accounts Committee to undertake this function and were better placed to scrutinise the finances.
- If there was a specific reason and area identified for a deep dive, it would be welcomed.
- Happy for the reports to continue to go quarterly to Cabinet. Historically reports had been monthly, but had been reduced to quarterly owing to previous staffing cuts.
- Financial performance was also in the Corporate Risk Register which noted the contents of the Medium Term Financial Strategy and already came to the Overview and Scrutiny Committee quarterly.

The Chief Finance Officer informed that it might be difficult to bring anything meaningful at every meeting. The timing of the quarterly reports were already a tight squeeze for going to Cabinet and there might not be anything to add at every meeting.

A vote was requested on the above recommendation, which was not carried.

The committee voted on the recommendations of the report.

Resolved:

The Overview and Scrutiny Committee considered the recommendations of the report and made the following recommendations to Cabinet:

To recommend Council to approve:

1. The proposed revenue budget for 2023/24 of £10.256m, as detailed in the report.
2. The proposed increase of 2.99% to the council tax rate for a Band D property for 2023/24, increasing from £290.80 to £299.49, an increase of £8.69 pa.
3. The proposed use of £756k from the Transitional reserve to support the 2023/24 revenue budget.
4. The proposed fees and charges attached as Appendix 1.

8. Capital Strategy 2022/23 - 2026/27 and Capital Programme 2023/24

8.1 The committee considered the Capital Strategy 2022/23 - 2026/27 and Capital Programme 2023/24, which was presented by the Chief Finance Officer.

8.2 In response to members' questions the following clarification was given:

- Funds for Disabled Facilities Grants had been rolled over and the Council was looking at ways to be more flexible in undertaking improvements.
- The recruitment and retention of Occupations Therapists had been an issue.

- The balance in relation to borrowing was covered in the Treasury Management report.
- A full business case was produced for each project and would only make it as far as members if it was feasible.

Resolved:

The Overview and Scrutiny Committee considered the recommendations of the report and made the following recommendations to Cabinet:

To recommend Council to approve:

1. The capital programme for 2023/24 – 2026/27 which includes capital expenditure of £5.963m in 2023/24.
2. The Capital Strategy 2023/24 attached at Appendix B.

9. Re-use and Re-development of Employment Land SPD

9.1 The committee considered the Re-use and Re-development of Employment Land Supplementary Planning Document, which was presented by the Principal Planner-Forward Planning.

9.2 In response to members' questions the following clarification was given:

- The consultation was regarding the criteria in the policy around retaining employment land.
- Land designated B2 and B8 planning use classes is industrial or storage and distribution land and did not include shops or pubs.
- One of the aims was to protect existing jobs and look for other suitable occupier e.g. another business.
- It elaborated on the Local Plan Policy EMP3 which sets out the criteria about what information needed to be produced by developers.
- The consultation would commence later this week, hopefully on Wednesday until the 8th March and run for 4 weeks, after which the consultation comments would be assessed. It was expected the final document would go to Cabinet later in the year.
- In relation to job density, planning was a key factor, but there was also a need to consider the Economic Development Strategy and the growth corridor.
- There was a need to identify sites and get businesses involved and also to protect land, so it was a multi-pronged approach to increase job density.

Minor amendments were suggested to the draft SPD at 3.6 to amend the wording to Greater Manchester and to amend the numbering at section 3 on page 5.

Resolved:

1. Overview and Scrutiny reviewed and provided comments on the Re-use and Re-development of Employment Land Supplementary Planning Document (SPD) and agreed statutory consultation be undertaken for 4-weeks prior to approval and adoption by Cabinet.
2. Minor amendments to the Draft SPD to be delegated to the Head of Planning and Lead Member prior to the public consultation exercise commencing, including the minor amendments suggested by the committee.

10. Quarter 3 Performance Management Report (October, November & December) 2022/23

10.1 The committee considered the Quarter 3 performance report, which was presented by the Head of People and Policy.

- 10.2 In response to members' questions the following clarification was given:
- It was clarified that there was a standing item on the financial sustainability of the Council, which came each time as part of the quarterly report.
 - If staff went off sick with stress or anxiety, managers would arrange to meet as soon as possible to offer support.
 - Return to work measures could be put in place such as phased returns.
 - In relation to dog fouling a tender went out in October/November and District Enforcement were appointed as there would be no cost to the Council.
 - They had been focussing more on dog fouling and education in schools, but a balance of activities was needed to make the contract financially viable.
 - Work was being undertaken with staff in relation to complaints and providing complaint responses within a timely manner. Customer Service training had already been delivered and would be refreshed this year.
 - In relation to assisted bins, the in-cab technology and checklists were being considered to ensure assisted collections were not missed when agency staff were covering.
 - Before Christmas recycling campaigns had been done as well as pilots in certain areas and a short film had also been done to get recycling messages out.
 - The new Head of Operations, Andy Taylor, would commence 1st March 2023.

Thanks was given to the refuse collectors who had worked hard during the bad weather conditions to deliver the service and to provide staff cover elsewhere.

The Acting Chief Executive agreed to provide a breakdown of the 117 fixed penalty notices for environmental crime detailed in the Key Performance Indicators.

Resolved:

Overview and Scrutiny Committee considered and noted the performance of the council as detailed in the report.

11. The Forward Plan

- 11.1 Members were updated on the Forward Plan and Overview and Scrutiny Work Programme for March.

Resolved:

The Forward Plan and Overview and Scrutiny Work Programme items were noted.

(The meeting commenced at 6.30pm and concluded at 8.45pm)

Signed.....

(Chair)

Date

Subject:	Housing Benefit Overpayment Policy	Status:	For Publication
Report to:	Overview & Scrutiny	Date:	13 th March 2023
Report of:	Head of Customer Services & I.C.T.	Lead Member:	Housing and Customer Services
Key Decision:	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: No	Attached:	No
Biodiversity Impact Assessment:	Required: No	Attached:	No
Contact Officer:	Angela Richmond	Telephone:	01706 252588
Email:	angelarichmond@rossendalebc.gov.uk		

1. RECOMMENDATION

That Overview and Scrutiny Committee consider the draft Housing Benefit Overpayment Policy as set out in this report and make recommendations to Cabinet.

2. EXECUTIVE SUMMARY

- This policy document sets out Rossendale Borough Council's commitment to the recovery of Housing Benefit overpayments as laid down by The Housing Benefit Regulations 2006.
- The aim of this policy is to act as a guide to the Council's Administration of Housing Benefit overpayment recovery and to set out a clear Debt Recovery strategy.
- Recovery of Housing Benefit overpayments is a potential source of income for the Authority.

3. BACKGROUND

- 3.1 It is essential for Rossendale Borough Council to demonstrate that it carries out administration and recovery of Housing Benefit overpayments efficiently and effectively. A light touch review has been regularly undertaken however the current policy has not been updated since 2011. There are no fundamental changes to the existing policy other than format and presentation.
- 3.2 DWP data sharing arrangements have improved over recent years which means that overpayments are identified sooner, and are usually lower amounts. However, Universal Credit migration is eroding the Housing Benefit caseload reducing the opportunity to recover overpayments from ongoing benefit entitlement, which is the easiest and most cost effective method. Recovery via sundry debtor invoice can be protracted depending on the debtors' circumstances and the recovery options available to us.
- 3.3 Housing Benefit debt stands at £880k having fallen by £320k over the past five years. This trend is expected to continue as the Housing Benefit caseload declines and DWP data sharing arrangements reduce the value of overpayments raised. Rossendale Borough Council are proactive in preventing and/or reducing the value of overpayments created in the first instance. In recent years the levels of overpayments raised have fallen sharply, whilst collection rates have increased. In 2017/18 £675k of overpayments were raised in-year, with £399k collected, a rate of 59.7%. In 2021/22 £313k of overpayments were raised with £280k collected, at a rate of 89.3%. Overpayment recovery rates are a performance indicator and are reported to Overview & Scrutiny quarterly.
- 3.4 Overpayments created are classified for subsidy purposes and levels of Local Authority error are monitored by the DWP. Error level thresholds are between 0.48% - 0.54% of the total

Housing Benefit spend. 2022/23 Housing Benefit expenditure is £10.4m to date, so the lower threshold is currently £50k. We are well below the threshold with a £10k error rate. Processing accuracy is a performance indicator which is reported to Overview & Scrutiny.

3.5 Subsidy arrangements mean that Housing Benefit overpayments can generate income for the Council. Rossendale Borough Council receive 100% subsidy on all qualifying Housing Benefit expenditure. This means there is no cost to the authority. However, when an overpayment is identified subsidy is reduced to 40%, as a result there is a 60% cost to the Council. To provide an incentive for Local Authorities to recover overpayments, the DWP allow them to retain all monies recovered from the debtor.

4. DETAILS

4.1 This policy will act as a guide for staff. Recovery procedures need to be documented, effective and time managed to maximise the Council's performance.

4.2 Having a current and relevant policy ensures the Council:

- Helps reduce the loss from overpayments
- Mitigate the risk of loss to public funds
- Provides revenue for the Council
- Deters fraud and error
- Demonstrates commitment to accuracy and provision of a quality service to customers

5. RISK

There are no specific risk issues for members to consider arising from this report.

6. FINANCE

The Council only receives a 40% subsidy for Housing Benefit overpayments, with the unfunded 60% being an additional cost to the Council. Therefore it is essential that the Council seeks to recover overpayments where possible. Any recovery over the 60% is retained as additional income for the Council.

7. LEGAL

It is essential for the Council to demonstrate that it carries out the administration and recovery of Housing Benefit overpayments efficiently and effectively to mitigate the risk of legal challenge.

8. POLICY AND EQUALITIES IMPLICATIONS

There has been no significant changes to the policy. Consultation has undertaken with the Capita Governance Board, Corporate Management Team and Lead Member.

9. REASON FOR DECISION

Councils have a duty to protect public funds and recovery Housing Benefit overpayments in a timely and cost effective way. This policy sets out the Councils commitment to this as laid down by The Housing Benefit Regulations 2006.

Background Papers	
Document	Place of Inspection
Housing & Council Tax Benefit Overpayments Policy, Strategy & Procedures 2011	Financial Services
Housing Benefit Write-Off Policy 2011	Financial Services

Housing Benefit Overpayment Policy 2023

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Responsible Service	SAT and ICT	Version/Status	Final
Responsible Author	Angela Richmond	Date Agreed/ Agreed At	O&S: 13/03/2023 Cabinet: 15/03/2023
Date last Amended	13/02/2023	Due for Review	March 2026

Housing Benefit Overpayment Policy

1. Policy Statement

- 1.1 This policy document sets out Rossendale Borough Council's commitment to the recovery of Housing Benefit overpayments as laid down by The Housing Benefit Regulations 2006.
- 1.2 The Council acknowledges that overpayments of Housing Benefit and Council Tax Reduction will occur. We will aim to minimise overpayments by making accurate and timely payments of benefits. We will also take our duty to recovery overpaid benefits seriously and will seek repayment of monies owed whilst remaining responsive to the needs of individual customers.
- 1.3 Where overpayments do occur we will seek full repayment of monies owed but at the same time will be responsive to the needs of individual customers. This policy is flexible in its approach to the recovery of Housing Benefit overpayments with each case treated on its own merit.
- 1.4 At all times we will act in accordance with Rossendale Borough Council's prevailing Equality Strategy and Equal Opportunities Policy, adhere to the Equality Act 2010 and ensure that in carrying out this policy we will not discriminate against any customer.

2. Introduction

- 2.1 It is essential for Rossendale Borough Council to demonstrate that it carries out administration and recovery of Housing Benefit overpayments efficiently and effectively. By doing so the Council:
 - Helps reduce the loss from overpayments;
 - Mitigate the risk of loss to public funds;
 - Provides revenue for the Council;
 - Deters fraud and error;
 - Demonstrates commitment to accuracy and provision of a quality service to customers.

3. Aims of the Policy

- 3.1 The aim of this policy is to act as a guide to the Council's Administration of Housing Benefit overpayment recovery and to set out a clear Debt Recovery strategy.

4. Housing Benefit Overpayments

4.1 What is a Housing Benefit Overpayment?

Overpayments of Housing Benefit happen when an amount of benefit is paid to which there is no entitlement under the regulations.

4.2 What causes a Housing Benefit Overpayment?

Overpayments can be caused by a failure to report a change in circumstances, late notification of a change in circumstances, delays in processing a change in circumstances, incorrect

information being supplied, official error made by the Local Authority or official error made by the Department for Work and Pensions.

4.3 **What is a recoverable Housing Benefit Overpayment?**

A recoverable Housing Benefit overpayment is generally any overpayment unless it is due to an official error and the claimant, someone acting on their behalf, or the person to whom the payment was made could not reasonably have been expected to realise that an overpayment was taking place at the time of payment or upon receipt of any notification relating to the payment.

4.4 **What is a ‘fraudulent’ Housing Benefit Overpayment?**

A “fraudulent overpayment” is an overpayment that has been designated as fraudulent following investigation and intervention by a designated Fraud Officer. Recovery of such overpayments is given priority.

4.5 The Council will seek repayment of all incurred Housing Benefit or Council Tax Reduction overpayment that has arisen as a result of fraudulent activity.

4.6 Where an individual has committed a benefit fraud offence, Rossendale Borough Council will actively seek to recover the overpayment in full, prioritising these cases for urgent action taking all legal steps available.

4.7 All benefit overpayments resulting from a benefit fraud offence are recorded and taken into consideration if the perpetrator commits any further benefit offence when determining what further action to take.

4.8 **What is an ‘administrative penalty’?**

Where a fraudulent overpayment has been identified the debtor can, in some cases, be offered the chance to pay an “administrative penalty” as an alternative to prosecution.

4.9 Recovery of the overpayment takes priority over the administrative penalty so should be paid first.

5. **Identification/classification of Housing Benefit Overpayments**

5.1 Accurate and prompt identification of overpayments is important in order to ensure that the incorrect payment of benefit is discontinued, maximise the chances of the successful recovery of the overpayment and reduce the number of complaints and appeals.

5.2 In order to help identify overpayments promptly the Council works closely with the Department for Work and Pensions and shares information in accordance with the legislation.

5.3 The Council identifies overpayments and establishes the cause of the overpayment and whether it is recoverable and from whom it should be recovered.

5.4 The Council receives subsidies from the Government for certain types of overpayment so it is important that classification is accurate.

6. Decision Making

6.1 Correct decision-making regarding whether or not there is an overpayment and whether or not it is recoverable is essential because there are consequences concerning the rights of claimants and other affected persons. The decision can affect the finances of the Council if it is not recoverable and decisions made and the reasons for them can provide an indication of the levels of fraud and error compared with inefficiency in our benefit administration.

6.2 Whether a recoverable overpayment is recovered is at the discretion of the Council and regard will be given to individual circumstances when deciding whether recovery is appropriate.

7. Claimant or Third Party error

7.1 An official error does not include circumstances where the claimant, someone acting on their behalf or the person to whom the payment was made caused or materially contributed to the error. These are claimant or third party errors and are recoverable.

8. Calculation of a Housing Benefit Overpayment

8.1 A recoverable overpayment is calculated by deducting the amount of benefit that should have been paid for the period in question from the amount of benefit that was actually paid. Any underpayment of benefit is taken into account. Claimants are given the opportunity to provide evidence of any possible underlying entitlement, which may reduce the overpayment.

9. From whom should the overpayment be recovered?

9.1 If the overpayment was caused by misrepresentation or failure to disclose information then it must be recovered from the person who actually misrepresented or failed to disclose that information.

9.2 If the overpayment was caused by an official error it must be recovered from the person who at the time of receiving the overpayment or any notices relating to the payment, could reasonably have been expected to realise that it was an overpayment.

9.3 If neither of the above applies, the overpayment can be recovered from:

- The claimant.
- Housing Benefit payable to the claimant's partner, if they were members of the same household both at the time of the overpayment and when it is being recovered.
- The person to whom the overpayment was paid.

9.4 Overpayments must not be recovered from a joint tenant, unless that joint tenant is also a partner of the claimant and regulation 101(4) applies or they are the person to who benefit was paid.

9.5 If a deceased person has an outstanding overpayment recovery can be sought from their estate.

10. Notification of an Overpayment

10.1 The Housing Benefit regulations state that any person affected by a decision relating to an overpayment must be notified in writing e.g. if the debt is to be recovered from a landlord notification must be sent to the claimant and the landlord. A notification is sent out within 14 days of the decision stating clearly the reasons for the overpayment and advising the debtor of their right of appeal/review.

11. Recovery of Housing Benefit Overpayments

11.1 A Housing Benefit overpayment is a high priority debt and Rossendale Borough Council has a duty to recover any outstanding amount as quickly as possible.

12. Recovery from on-going Benefit

12.1 Where the claimant is still entitled to Housing Benefit the overpayment can be recovered from their on-going benefit entitlement.

12.2 The Government sets the weekly rate that Councils can recover; however, this amount can be increased with the consent of the debtor.

12.3 Where the overpayment is to be recovered from on-going benefit, details of this are shown on the notification letter. If the debtor is still in receipt of Housing Benefit but the amount in payment is not enough to allow the recovery rate to be taken, the Council will recover all but £0.50 per week.

12.4 In cases where a debtor indicates they are unable to pay the standard deduction amount an Income and Expenditure form will be issued in order to consider reducing the weekly deduction amount. Completion of an income and expenditure form allows maximum recovery whilst taking essential expenditure into account. Debtors are expected to review their outgoings to make additional income available and to reduce non priority expenses.

12.5 It should be noted that recovery from on-going benefit is counted as recovery from the claimant, not the landlord. Consequently the landlord is not a person affected and cannot apply for a revision of the decision or appeal against it. The claimant must make up the shortfall in their rent in order to avoid any arrears. If a rent arrears situation does develop then the landlord should pursue recovery accordingly.

13. Where there is no on-going benefit entitlement

13.1 If there is no on-going benefit entitlement the debt will be recovered via invoicing after a calendar month has lapsed. This period allows for a revision, appeal or new claim being received. The invoice will request payment within 14 days. If there is no response to the invoice a reminder is

automatically issued after 14 days, followed by a final notice 14 days later. Official notices may be supplemented by text or email messages.

14. Non-payment

- 14.1 If payment or an arrangement for payment is not made a final demand will follow the invoice. This requests payment within 7 days.

15. Arrangements

- 15.1 If the debtor cannot pay the overpayment invoice in full then the Council encourages them to make contact immediately, as it may be possible to make a payment arrangement. In addition to this, debtors can seek advice as to where they can go for independent advice.
- 15.2 Each case will be considered on its own merits - taking the amount due, personal circumstances and financial circumstances into account. Arrangements will be at a level equivalent to the DWP prescribed deduction from ongoing Housing Benefit. There are no rules limiting the maximum amount that can be asked for. The aim is to agree a realistic arrangement to collect unpaid debts within a reasonable time, without the need for more serious recovery action.
- 15.3 It may be necessary to issue an Income and Expenditure form in order to obtain a clear picture of the person's financial circumstances and thereby act as a basis for reaching a mutually acceptable instalment plan. Completion of an income and expenditure form allows maximum recovery whilst taking essential expenditure into account. Debtors are expected to review their outgoings to make additional income available and to reduce non priority expenses.
- 15.4 Once the arrangement is agreed, a letter confirming the details is issued along with a Standing Order to facilitate payment. Payments can also be made online. A payment arrangement will be reviewed on an annual basis.

16. Monitoring Arrangements

- 16.1 If the claimant defaults on their arrangement a final notice will automatically be issued. The instalment plan/arrangement is cancelled and the debtor is asked to make payment in full.

17. Further Recovery Action

- 17.1 Where payment has not been made in accordance with an arrangement or no payment has been made at all a decision on further action will be made based on the circumstances of each case. See below for further information on the type of action that may be taken.
- 17.2 **Recovery from Department for Work and Pensions (DWP) Benefits**
If the debt is not paid and no repayment arrangement is made, deductions from certain prescribed DWP benefits (such as Universal Credit, Income Support, Jobseekers Allowance or State Retirement Pension) will be considered.

17.3 In these instances, the Council will request that the DWP implement deductions. The regulations state that the DWP will recover overpayments from social security benefits where:

It is requested by the Council to do so and;

- They are satisfied that the overpayment arose as a result of a misrepresentation or failure to disclose a material fact by, or on behalf of, the claimant; or by some other person to whom payment has been made; and
- That person is receiving sufficient amounts of one or more benefit to enable deductions to be made.

17.4 Recovery from landlord payments

Where an overpayment is recoverable from the landlord and payment is not made by the invoice due date, the debt can be deducted from their next Housing Benefit payment.

17.5 The landlord cannot seek to recoup these monies from any tenant other than the tenant under whose tenancy the overpayment arose. The rent liability in respect of all other tenants covered by the Housing Benefit payment is discharged to the full amount of their Housing Benefit.

17.6 Recovery via Direct Earnings Attachment

The Council can ask an employer to deduct any Housing Benefit overpayment an employee owes direct from their earnings.

17.7 County Court Action

Where appropriate and taking into account the size and reason for the overpayment, we may seek recovery through the County Court. This allows us to enforce recovery of the overpayment in a number of ways including charging orders.

17.8 Decisions to take action through the County Court will be authorised by the Service Assurance Team, taking into account;

- i. The likelihood of successful recovery.
- ii. The level of potential costs to be incurred.
- iii. The circumstances of the customer.

17.9 Debt Collection Agency

We may pass the account to an external Debt Collection Agent and request that they pursue the customer for payment on our behalf.

17.10 Changes of address and returned post

If correspondence is returned undelivered and marked “Gone Away”, or similar, and a forwarding address is not already known every effort is made to find a new address for the debtor.

17.11 The Council will make all legally allowable checks on different records and systems to trace the individual and so continue to recover the debt.

17.12 All cases where an individual has not been traced will be regularly checked with the aim of continuing debt recovery.

18. Vulnerable Debtors

18.1 There is no simple definition of vulnerability. The Citizens Advice Bureau suggests that:

‘Generally, a person is considered to be vulnerable if it would be unreasonable to expect them to be able to deal with a problem themselves.’

18.2 Some characteristics which may lead to vulnerability are:

- Persons with a physical and/or sensory disability
- Persons affected by mental illness
- Persons with a learning disability
- Persons suffering a serious illness
- Older People
- Language Difficulties
- Literacy Issues
- Families with Children
- Young People Leaving Care
- Those at risk of homelessness
- People suffering from bereavement
- Fleeing or subject to domestic violence
- Prisoners and detainees
- Pregnancy

18.3 This list is not exhaustive or prescriptive. A person is not automatically vulnerable if they can be identified from the list above. Relevant and appropriate support may be in place. A person may be vulnerable for other reasons not mentioned above.

18.4 It is important that where recovery action is in place, no customer is unfairly discriminated against because they are unable to manage responsibilities or protect their rights in the face of that action. At the same time, potential or actual vulnerability does not mean that an overpayment is rendered irrecoverable provided that appropriate consideration is taken of each customer’s circumstances.

19. Write-Off

19.1 We recognise that in certain circumstances it may not be practical or appropriate to recover an overpayment. In those cases consideration will be given to non-recovery or write off the debt.

19.2 The circumstances in which this will be considered are as follows:

- Where the overpayment was caused as a result of Local Authority error and where the claimant or person receiving the payment could not reasonably have been expected to know the overpayment was occurring.
- Where all recovery processes have been exhausted.
- It is uneconomic to recover where the debt is under £50.
- The overpayment becomes unrecoverable due to the Limitations Act.
- The customer has demonstrated exceptional circumstances or extreme financial hardship.

19.3 In considering a debt for write off the following conditions will apply:

- Each case will be considered on its merits.
- Each request will be supported by relevant documentation.
- Each case will receive authorisation from the appropriate authorised officer and/or Members
- Appropriate records of all authorised write offs will be maintained and reviewed periodically against live caseload.

19.4 A separate, detailed write off policy for Housing Benefit debt sets out in full the conditions for write off.

ROSSENDALE BOROUGH COUNCIL FORWARD PLAN

The Forward Plan sets out the details of the key decisions which the Cabinet or Officers expect to take. The Plan is updated 28 days prior to each Cabinet meeting and is available on the website. All items will be for publication, unless otherwise stated.

Publication dates for 2022/23 Municipal Year are as follows:

- 20th June 2022
- 9th August 2022
- 8th November 2022
- 10th January 2023
- 14th February 2023

Definition of a Key Decision

1. A Key Decision means an executive decision which is likely:
 - a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates, or
 - b) to be significant in terms of its effects on communities living or working in an area comprising of two or more Wards in the Borough.
2. For the avoidance of doubt, the Council would regard any of the following as 'significant':
 - Any decision by the Cabinet in the course of developing proposals to the full Council to amend the policy framework.
 - Any single item of in-budget expenditure or savings in excess of £100,000.
 - Any decision which is likely to have a permanent or long term (more than 5 years) effect on the Council and the Borough.

Cabinet Membership

- Councillor Alyson Barnes - Leader of the Council and Lead Member for Economic Development
- Councillor Jackie Oakes - Deputy Leader of the Council and Lead Member for Planning, Licensing and Enforcement
- Councillor Steve Hughes – Lead Member for Housing and Customer Services
- Councillor Adrian Lythgoe – Lead Member for Environment and Corporate Services
- Councillor Barbara Ashworth – Lead Member for Communities, Health and Wellbeing
- Councillor Andrew Walmsley – Lead Member for Resources

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Chief Executive Directorate managed by the Acting Chief Executive – Adam Allen

- Executive Office
- Oversees the services listed below.

Economic Development Directorate managed by the Director of Economic Development – David Smurthwaite

- Planning and Building Control
- Economic Development
- Business Development
- Tourism
- Property Services/Surveying (Estates)
- Strategic Housing
- Private Sector Housing

Communities Directorate managed by the Director of Communities – Adam Allen

- Housing, Health & Communities
- Public Protection Unit
- ICT, SAT & Customer Services
- Housing Options
- Operations
- Rossendale Leisure Trust

Legal Services managed by the Head of Legal (Monitoring Officer), Clare Birtwistle

- Legal Services
- Committee and Member Services
- Elections
- Land Charges

Head of Finance (Section 151 Officer), Karen Spencer

- Finance & Audit
- Revenues and Benefits
- Risk Management & Procurement
- Asset Register
- Rossendale Leisure Trust (Accounting and Project Appraisals)

HR managed by the Head of People & Policy, Clare Law

- People and Policy
- Corporate Support
- Communications

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- Safeguarding
- Emergency Planning/Health and Safety
- Facilities Management

Anyone wishing to make representations about any of the matters listed in the Forward Plan, or obtain copies of the documents listed (subject to disclosure restrictions), may do so by contacting the relevant officer listed against each key decision.

Under the Access to Information Procedure rules set out in the Council’s Constitution, a key decision may not be taken, unless:

- It is published in the Forward Plan
- 28 clear days have lapsed since the publication of the Forward Plan; and
- if the decision is to be taken at a meeting of the Cabinet, 5 clear days’ notice of the meeting has been given

The law and the Council’s Constitution provide an exception that allows urgent key decisions to be made, even though they have not been included in the Forward Plan. This is provided for in Rule 15 (General Exception) and Rule 16 (Special Urgency) of the Access to Information Procedure Rules.

The Forward Plan also contains details of significant decisions which will be considered by the Cabinet with recommendations to Full Council.

Copies of the following documents may be inspected at the Rossendale Borough Council Offices or accessed from the Council’s website https://www.rossendale.gov.uk/info/210159/about_the_council/10526/how_decisions_are_made

- The Council’s Constitution
- The Forward Plan
- Reports on the key decisions to be taken
- The minutes or decision notice for each key decision, which will normally be published 4 working days after having been made.

Members of the public are welcome to attend meetings of the Cabinet and the dates and times of the meetings are published on the Council’s website www.rossendale.gov.uk/meetings or you may contact the Committee and Member Services Section on telephone number 01706 252422 or email democracy@rossendalebc.gov.uk for further details.

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Details of the decision to be taken	Decision to be taken by	Expected Date of Decision	Relevant Lead Member	Documents to be considered by the decision taker	Representations may be made to the following officer
Refresh of Housing Benefit Overpayment Policy	Overview & Scrutiny Cabinet	13 th March 2023 15 th March 2023	Housing and Customer Services	Report	Angela Richmond, Service Assurance Officer 01706 252588 angelarichmond@rossendalebc.gov.uk
Refresh of Housing Benefit Write-Off Policy - Confidential	Overview & Scrutiny Cabinet	13 th March 2023 15 th March 2023	Housing and Customer Services	Report	Angela Richmond, Service Assurance Officer 01706 252588 angelarichmond@rossendalebc.gov.uk
Housing Strategy	Council	22 nd March 2023	Housing and Customer Services	Report	David Moore, Interim Director of Economic Development, 01706 252429 davidmoore@rossendalebc.gov.uk
Armed Forces Covenant	Council	22 nd March 2023	Communities, Health and Wellbeing	Report	Adam Allen, Acting Chief Executive/Director of Communities 01706 252428 adamallen@rossendalebc.gov.uk
Shared Prosperity Update	Council	22 nd March 2023	Economic Development	Report	David Smurthwaite, Director of Economic Development 01706 252429 davidsmurthwaite@rossendalebc.gov.uk
Constitution Review	Council	28 th June 2023 To be taken to each meeting unless no changes identified.	Environment and Corporate Services	Report	Carolyn Sharples, Committee and Member Services Manager 01706 252422 carolynsharples@rossendalebc.gov.uk

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Details of the decision to be taken	Decision to be taken by	Expected Date of Decision	Relevant Lead Member	Documents to be considered by the decision taker	Representations may be made to the following officer
Food Standards Agency Annual Report - yearly item	Council	28 th June 2023	Planning, Licensing and Enforcement	Report	Phil Morton, Public Protection Manager 01706 252442 philmorton@rossendalebc.gov.uk
Rossendale Works Employability project extension	Council	28 th June 2023	Economic Development	Report	Megan Eastwood, Head of Housing, Regeneration, Economic Development 01706 252568 meganeastwood@rossendalebc.gov.uk
Approval of the Open Space Strategy and the Indoor Built Sports Strategy	Cabinet	19 th July 2023	Communities, Health and Wellbeing	Report	Anne Storah, Principal Planner (Forward Planning) 01706 252418 annestorah@rossendalebc.gov.uk
Re-use of Employment and re-development of Land Supplementary Planning Document	Overview & Scrutiny Cabinet	6 th February 2023 19 th July 2023	Planning, Licensing and Enforcement	Report	Anne Storah, Principal Planner (Forward Planning) 01706 252418 annestorah@rossendalebc.gov.uk
Council Tax, Non-Domestic Rate & Housing Benefit Overpayment Write-offs - yearly item	Cabinet	19 th July 2023	Housing and Customer Services	Report	Ian Walker, Service Assurance Team Leader 01706 252592 ianwalker@rossendalebc.gov.uk
Climate Change Strategy Update - yearly item	Council Overview & Scrutiny	13 th September 2023 25 th September 2023	Environment and Corporate Services	Report	Phil Morton, Public Protection Manager 01706 252442 philmorton@rossendalebc.gov.uk

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Local Council Tax Support Scheme – yearly item	Overview & Scrutiny Council	25 th September 2023 15 th November 2023	Housing and Customer Services	Report	Ian Walker, Service Assurance Team Leader 01706 252592 ianwalker@rossendalebc.gov.uk
Medium Term Financial Strategy (MTFS) Update – yearly item	Cabinet	6 th December 2023	Resources	Report	Karen Spencer, S151 Officer 01706 252465 karenspencer@rossendalebc.gov.uk ,
Annual Air Quality Report – yearly item	Cabinet	6 th December 2023	Planning, Licensing and Enforcement	Report	Phil Morton, Public Protection Manager 01706 252442 philmorton@rossendalebc.gov.uk
Corporate Priorities, Budget, Council Tax and the Medium Term Financial Strategy – yearly item	Overview & Scrutiny Cabinet Council	5 th February 2024 7 th February 2024 28 th February 2024	Resources	Report	Karen Spencer, S151 Officer 01706 252465 karenspencer@rossendalebc.gov.uk
Capital Strategy and Capital Programme – yearly item	Overview & Scrutiny Cabinet Council	5 th February 2024 7 th February 2024 28 th February 2024	Resources	Report	Karen Spencer, S151 Officer 01706 252465 karenspencer@rossendalebc.gov.uk ,
Treasury Management Strategy & Treasury Management Practises – yearly item	Cabinet Council	7 th February 2024 28 th February 2024	Resources	Report	Karen Spencer, S151 Officer 01706 252465 karenspencer@rossendalebc.gov.uk ,

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Details of the decision to be taken	Decision to be taken by	Expected Date of Decision	Relevant Lead Member	Documents to be considered by the decision taker	Representations may be made to the following officer
Pay Policy Statement – <i>yearly item</i>	Council	28 th February 2024	Environment and Corporate Services	Report	Clare Law, Head of People and Policy 01706 252457 clarelaw@rossendalebc.gov.uk

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