

## DEBTS PROCEDURE – FINAL VERSION

No	Stage	Responsibility	Action	Instruct/Advise	Time Table (working days)
1	<b>Finance Reporting</b>	Finance	Issue Reminders	N/A	
2		Finance	Produce Debt Report on agreed day each month	Estates Admin (KS/PO)	Monthly
3	<b>Estates Debt Man.</b>	Estates Admin (KS/PO)	Re-format Finance report to Estates format. Including copying over last month's actions.	N/A	2 days
4a		Estates Admin (KS/PO)	Review revised report – input proposed next actions to spreadsheet (Debt Report) and filter mini reports for each surveyor.	Estates Surveyors/ Technician/Estates Assistant	Within 2 days of receipt of debt list
4b(i)		Estates Admin (KS/PO)	Contact tenants where debts now > 28 days old to remind monies overdue and discuss reasons for debt. Record on spreadsheet.	Estates Case Officer	Within 5 days of receipt of debt list
4b(ii)		Estates Surveyors/ Technician/Estates Assistant	Contact tenants and discuss reasons for debt & proposals for repayment	N/A	Within 5 days of receipt of debt list
4c		Estates Surveyors/ Technician/Estates Assistant	Update Actions in Debt report	Estates Admin (KS/PO)	Within 5 days of receipt of debt list
4d		Estates Admin (KS/PO)	Request update of legal actions on Debt Report* <sup>1</sup>	Legal (L&L) (MS/SW)	At same time as sent to Estates staff at 4a
4e		Legal (L&L) (MS/SW)	Update Legal actions on Debt Report* <sup>2</sup>	Estates (AB) Finance Support Manager (JT)	Within 3 days of receipt of debt list
4f		Finance Support Manager (JT)	Advise of any any rent debtors also owing Non Domestic Rates (NDR)	Estates (AB)	Within 3 days of receipt of debt list
5a		Estates (AB) and Legal (HL)	Meet to review priorities* <sup>3</sup> agree actions and update Debt Report	Estates Manager (SB) and Legal Services	

				Manager (MF) Finance Support Manager (JT)	
5b		Estates Manager (SB) and Legal Services Manager (MF) Finance Support Manager (JT)	Review and approve/amend actions on Debt Report and any write offs*4	Estates (AB) Legal (HL)	Within 5 days of receipt of updated debt report
	<b>OPTIONS</b>				
6	Option 1	Estates (Surveyor)	Arrange Payment Agreement	Advise Finance and Legal (L&L)(MS/SW) as appropriate	Within 10 Days
7		Estates (Surveyor)	Review Lease Terms Record Payment Agreement	Estates prepare letter or docquet as appropriate	
8	Options 2/3/4	Estates (Surveyor)	Request account for charge/Surveyors fee	Estates Admin (KS/PO)	Within 1 day
9	Options 2/3/4	Estates Admin (KS/PO)	Prepare account for charge/Surveyors fee – raise invoice	Estates (Surveyor)	Within 1 day
10	Option 2	Estates (Surveyor)	Instruct Notice to Quit specify date and recovery of debt	Legal (P&C) & (L&L) Go to Line 14	Within 1 day
11	Option 3	Estates (Surveyor)	Instruct Irritancy	Legal (L&L) (MS/SW) Go to Line 19	Within 1 day
12	Option 4	Estates (Surveyor)	Instruct debt recovery	Legal (L&L) (MS/SW) Go to Line 25	Within 1 day
13	Option 5	Estates (Surveyor)	Instruct additional/alternative remedies & actions	Legal (L&L) Go to Line 28	Within 1 day
	<b>Legal Debt Management</b>				
14	Option 2 (Notice to Quit)	Legal (P&C)	Issue NTQ prior to notice period limit as per memo from Estates	N/A	Within 7 days
15		Legal (P&C)	Scan NTQ and pass to surveyor and Legal (L&L)	Estates (Surveyor) Legal (L&L) (MS/SW)	Within 1 day
16		Estates (Surveyor)	Liaise with tenant on obtaining vacant possession and payment	Legal (L&L) (MS/SW) should tenant refuse to vacate	Within 14 days
17		Legal (L&L)(HL)	If tenant refuses to vacate - pursue eviction (line 29)	Advise Estates (Surveyor)	Within 0 - 3 days
18		Estates (Surveyor)	Process Termination via RE10 in normal manner	Finance (payments, NDR, Council Tax, Insurance),	Within 5 days

**Commented [SB1]:** Estates to create template documents for Property Database to automatically populate a lot of the information – run past L&L. These would be emailed as attachments

				Assessor, Services, Maintenance etc	
19	Option 3 (Irritancy)	Legal (L&L) (MS/SW)	Request copy invoices	Finance (Payments)	Within 1 day
		Finance (Payments)	Supply copy invoices	Legal (L&L) (MS/SW)	Within 3 days
20		Legal (L&L) (HL)	Issue Irritancy Notice	Advise Estates (Surveyor)	Within 10 days
21		Legal (L&L) (MS/SW)	Scan Irritancy Notice and send copy to surveyor	Advise Estates (Surveyor)	Within 1 Day
22		Estates (Surveyor)	Liaise with tenant on obtaining vacant possession and payment	Legal (MS/SW) should tenant refuse to vacate	Within 0- 28 days
23		Legal (L&L) (HL)	Pursue eviction (line 29)	Estates (Surveyor)	Within 5 days
24		Estates (Surveyor)	Process Termination via RE10 in normal manner	Finance (payments, NDR, Council Tax, Insurance), Assessor, Services, Maintenance etc.	Within 5 days
25	Option 4 (Debt recovery)	Legal (L&L) (MS/SW)	Request copy invoices	Finance (Payments)	Within 1 day
		Finance (Payments)	Supply copy invoices	Legal (L&L) (MS/SW)	Within 3 days
26		Legal (L&L) (MS/SW)	Issue 14 day demand letter and invoice tenant for recovery charge	Advise Estates Surveyor	Within 3 days
27a	Sub option (a)	Legal (L&L) (HL)	If Lease registered for preservation and execution - instruct Sheriff Officers	Sheriff Officers Advise Estates (Surveyor)	Within 3 days
27b	Sub option (b)	Legal (L&L) (HL) or Sheriff Officers	Court Action to seek decree	Sheriff Officers Advise Estates (Surveyor)	Within 5 days
	Option 5 (alternative remedies & actions)				
28 a	Sub option (a)	Legal (L&L) or Sheriff Officers	Arrange for Company to be Wound Up	Sheriff Officers Advise Estates (Surveyor)	Within 10 days
28b	Sub option (b)	Legal (L&L) or Sheriff Officers	Arrange Attachment (moveable property and/or money)	Sheriff Officers Advise Estates (Surveyor)	Within 10 days
28c	Sub option (c)	Legal (L&L) or Sheriff Officers	Arrestment	Sheriff Officers Advise Estates (Surveyor)	Within 10 days

28d	Sub option (d)	Legal (L&L) or Sheriff Officers	Inhibition	Sheriff Officers Advise Estates (Surveyor)	Within 5 days
28e	Sub option (e)	Legal (L&L) or Sheriff Officers	Dilligence on the Dependence of a Court Action	Sheriff Officers Advise Estates (Surveyor)	Within 5 days
29	Legal Eviction Procedure	Legal (L&L)	Once court decree obtained, Legal (L&L)(MS/SW) to instruct Sheriff Officers	Sheriff Officers Advise Estates (Surveyor)	Within 5 days

Debt recovery actions can be a combination of options 1-5.

\*<sup>1</sup> At same time as Estates up date Debt Report

\*<sup>2</sup> Debt Report will be available via Sharepoint.

\*<sup>3</sup> Priority cases marked red and red or red and yellow on Debt Report.

\*<sup>4</sup> Actions where eviction (by Notice to Quit or irritancy) or any court action to pursue debt.

\*<sup>5</sup> Depending on lease terms

Any instructions from Estates to commence recovery/eviction not discussed agreed at lines 5a/5b above to be approved by Estates Manager and sent to Legal Services Manager

Tenant can make payment at any time. However Council may continue to pursue eviction.

Complaints/Appeals – if tenants complain to the Council this will be referred with a briefing to the Head of Housing and Property.

#### **WRITE OFF**

<u>No</u>	<u>Stage</u>	<u>Responsibility</u>	<u>Action</u>	<u>Instruct/Advise</u>
1	Identify	Estates Surveyor	Advise debts to be considered for write off	Legal (L&L)
2	Agree	Estates/Legal (L&L)	Agree debts to be recommended for write off	Estates Manager (SB) and Legal Services Manager (AS)
3	Advise	Estates (Clerical PO)	Provide Finance with details of write offs as each case agreed individually	Finance
4	Report	Finance	Report write offs on an annual basis	Estates (AB) and Legal Services Manager

