

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING
21ST FEBRUARY 2008

Scheme of Delegation to Officers – Amendment regarding the instituting of Form N322 in routine matters for the Recovery of Housing Benefit Overpayments

OPEN	
COMMUNITY STRATEGY THEME:	Internal Organisational Theme
CORPORATE PLAN THEME:	Delivering Quality Services
KEY PRIORITY:	Improving Customer Services
STRATEGY:	Benefits Service
CABINET MEMBER:	Councillor John Campion
RESPONSIBLE OFFICER:	Head of Financial Services
CONTACT OFFICER:	Joan Hill Extension No. 2102 joan.hill@wyreforestdc.gov.uk
APPENDICES	None

1. PURPOSE OF REPORT

- 1.1 To propose an amendment to the Scheme of Delegation to officers regarding the instituting of Form N322 in routine matters for the Recovery of Housing Benefit Overpayments.

2. RECOMMENDATION

The Cabinet is asked to RECOMMEND to Council:

- 2.1 Authority be delegated to the Benefit Manager, in addition to the Head of Legal & Democratic Services, to authorise Court documents for the instituting of court proceedings for the recovery of Housing Benefit overpayments.
- 2.2 The Scheme of Delegation to Officers, contained in the Council's Constitution, be amended accordingly.

3 BACKGROUND

- 3.1 Housing Benefit is a national welfare benefit administered by the Council in accordance with the Social Security Administration Act 1992.

- 3.2 Housing Benefit overpayments arise as a result of information coming to light that claimants or landlords have received housing benefit paid by the Council to which claimants were not entitled for example as a result of a change in circumstance of starting work or an increase in wages or for landlords for example as a result of a change in tenant. This information can be from the claimant, landlords or arising from referrals to the Benefits Fraud team.
- 3.3 The identification of overpayments and from whom recovery may be sought is covered by legislation.
- 3.4 The Benefits section has procedures and controls in place to ensure all overpayment debts are recovered on a cost-effective basis and the procedures are continuously reviewed and improved wherever possible. All overpayments are actively pursued with any request for write-off being prepared in accordance with council procedures as a last resort.
- 3.5 Council have approved a Housing Benefits Overpayments Policy and on a six monthly basis reports are made to Cabinet on the position of the Benefit overpayments debts and the recovery action being taken.

4. **KEY ISSUES**

- 4.1 A current review has identified that the recovery process can be amended and improved upon. This improvement is to “fast track” the recovery of housing benefit overpayments where all other methods of recovery have failed and ensures that the Benefits service under the control of the Benefit manager is able to:

- Maintain overall control of the debt; and
- Maximise speed of debt recovery.

- 4.2 This “fast track” arrangement is proven and one in use by a large number of local authorities.

5. **FINANCIAL IMPLICATIONS**

- 5.1 The costs of recovery of benefit overpayments are contained within current budgets.
- 5.2 The swift and successful recovery of debts maximises the council’s cash flow.

6. **LEGAL AND POLICY IMPLICATIONS**

- 6.1 Housing Benefit is a national welfare benefit administered by the Council in accordance with the Social Security Administration Act 1992.

- 6.2 The Head of Legal and Democratic Services has given her agreement to this proposal and has been consulted with on the detail of the forms specifically for which authority is being requested to be delegated.

7. RISK MANAGEMENT

- 7.1 The Benefit Section operates procedures and controls to ensure that all overpayment debts are collected as efficiently and effectively as possible.
- 7.2 If the Council does not have an efficient and effective procedure for the recovery of overpayment debts then the Council's income is not being maximised.

8. CONCLUSION

- 8.1 The delegation to the Benefit Manager regarding the instituting of court proceedings for the Recovery of Housing Benefit Overpayments would improve the efficiency and speed of the recovery of Benefit Overpayments.

9. CONSULTEES

- 9.1 Head of Legal and Democratic Services.

10. BACKGROUND PAPERS

- 10.1 Scheme of Delegation to Officers in Council's Constitution