

Chesterfield Borough Council

Policy and procedure document in respect of evictions for arrears of water rates only

1. Policy statement

The objectives of this policy are to:

- prevent the eviction of a tenant who only owes water rates;
- support a tenant with arrears to pay their water rate liability;
- offer advice and guidance to minimise the impact of arrears of water rates for tenants.

The procedures that are to be followed in the administration of this scheme are outlined later in this document.

Chesterfield Borough Council (the Council) collects water rates on behalf of the local water authority. The annual charge is based on the rateable value of a dwelling and the current rate in the £ as notified by the water authority each year.

The annual charge is divided by the number of rent weeks in the year and added to the weekly rent liability as a service charge. Water rate is not a service charge which qualifies for housing benefit.

Different arrangements apply to some blocks of flats and a total charge for the block is divided by the number of dwellings to derive a weekly charge.

The primary aim of the Council in relation to rent arrears recovery is to maximise its collection of rent income and other charges from its tenants.

However, the Council recognises that in recovering arrears of water rates only, the ultimate penalty of eviction is not proportionate when compared to the ultimate recovery action of a County Council Judgement and possible bailiff action, available to the water authority.

This policy will apply to secure tenants and introductory tenants.

2. Administrative procedures

Usual rent arrears recovery procedures will be followed.

In cases of water rates only arrears, a Notice Seeking Possession is likely to be triggered by £100 and more than 13 weeks owing. At this point, for introductory tenancies, consideration will be given to a 6 month extension.

Tenants will be advised about the charitable reliefs available.

Should no acceptable payment arrangement be agreed and sustained, a water meter will be installed, subject to the agreement of the tenant who may have to personally apply to the water authority.

Consideration may be given to writing off any balances in cases of particular hardship in line with normal Council write-off procedures.

Where it has not been possible to install a water meter, and arrears are accumulating usual rent arrears recovery procedures will be followed, including court action.