



HYNDBURN

The place to be
an excellent council

Council Tax Support Exceptional Hardship Fund

2021/22

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1. Policy Aim

- 1.1 Hyndburn Borough Council is the billing authority responsible for the billing and collection of Council Tax and the administration of Council Tax Support in Hyndburn.
- 1.2 We are committed to maximising the income available for local services and residents and as such we have produced a series of policies through which we manage the collection and recovery of Council Tax and the administration of Council Tax Support in Hyndburn. We have two main aims:
 1. **To provide an efficient, proactive and accessible service to our residents and taxpayers. We will administer accounts quickly, accurately and fairly.**
 2. **To provide an effective, legal and fair recovery policy to all outstanding debts. We will use all available methods of enforcement to ensure that our local services are funded.**
- 1.3 The collection of Council Tax is crucial to the operation of many local services; we are sensitive to the needs of all our taxpayers and consider that our collection and recovery processes are a fair reflection of the balance between individual circumstances and the responsibility we have to the majority of taxpayers who pay on time.

2. About this policy

- 2.1 This document outlines the Council's policy intentions for the operation of an Exceptional Hardship Scheme for Council Tax Support claimants.
- 2.2 As part of our commitment to transparency this policy is an accurate record of our practices and will be maintained, updated and published so that it is available to taxpayers and applicants.
- 2.3 This policy covers the main processes adopted by Hyndburn Borough Council and is intended only as an overview and not as a comprehensive explanation of the whole of the Council Tax or Council Tax Support systems. As such there are aspects of Council Tax and Council Tax Support policy, law and practices not included in this document but which are nevertheless followed and applied by us in the billing, collection and recovery of Council Tax and the administration of Council Tax Support.
- 2.4 While the process of billing and collecting taxes is sometimes complicated, it is our intention that this policy is straight forward and written in Plain English. We welcome your questions or feedback, please email enquiries@hyndburnbc.gov.uk if you require any help with this document.

3. Introduction

The Council Tax Support Exceptional Hardship Fund has been established by the Council to assist applicants of Council Tax Support who are facing exceptional financial hardship. The fund has been created to provide further financial assistance where an applicant is in receipt of Council Tax Support which does not meet their full Council Tax liability.

- 3.1 The Council Tax Support Exceptional Hardship Fund will be made available to all persons liable to pay Council Tax (whether working age or pension age) and who have been awarded Council Tax Support.
- 3.2 The Council Tax Support Exceptional Hardship Fund will be administered by Hyndburn Borough Council.
- 3.3 This fund is cash-limited and provides for temporary assistance to Council Tax Support Claimants to reduce their Council Tax liability. The operation of the fund is at the total discretion of the Council.
- 3.4 Council Tax Support Exceptional Hardship Fund awards are not payments of Council Tax Support as defined by the Council Tax Reduction Schemes (Prescribed Regulations) (England) 2012 and there is no statutory right to payments from the Fund, although the Council will consider all applications which have been properly made.
- 3.5 Council Tax Support Exceptional Hardship Fund awards will not be awarded in the following circumstances:
 - Where the full Council Tax liability is being met by Council Tax Support;
 - Where the Council Tax liability is nil as a result of any other discount or exemption;
 - For any other reason other than to reduce the Council Tax liability;
 - To reduce any Council Tax Support overpayment caused through the failure of the applicant to notify the Council of any changes which may affect their claim in a timely manner or where the applicant has failed to act correctly or honestly or;
 - To cover Council Tax arrears from previous years.
- 3.6 All applicants must be able to provide evidence of exceptional, unforeseen circumstances and any application made to the Council Tax Support Exceptional Hardship Fund should be one of last resort after any entitlement to benefit, discounts or exemptions or Valuation Office/Valuation Tribunal action and appeal has been explored. The Council Tax Support Exceptional Hardship Fund is intended to support residents in extreme exceptional financial hardship and will not be awarded to support a lifestyle or lifestyle choice.

Legislation

3.7 Council Tax and Council Tax Support are covered by several pieces of legislation and regulation (listed below, as amended), all of which are followed closely and which form the basis of many of our policy decisions.

- The Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government Finance Act 1992
- The Council Tax (Administration and Enforcement) Regulations 1992
- The Local Government Finance Act 2012
- Council Tax Reduction Schemes (Prescribed Regulations) (England) 2012

Council Tax Support for working age claimants is administered as a local scheme by Hyndburn Borough Council in the following guidelines which are available on our website.

4. Applications

Who can apply?

4.1 All persons liable to pay Council Tax in Hyndburn and who are in receipt of Council Tax Support can apply, these include:

- Owner occupiers,
- Tenants,
- Persons acting on behalf of liable person i.e. an appointee, solicitor or someone with power of attorney.

Who cannot apply?

4.2 Any person not liable to pay Council Tax on a dwelling and/or not eligible to claim Council Tax Support in Hyndburn, including:

- Landlords of properties where the tenant is liable;
- Landlords if liable (for example the landlord of a HMO);
- Owners of empty properties;
- Estate agents/managing agents on behalf of a landlord;
- Friends/relatives of the liable person (unless acting as an appointee or under a power of attorney);
- Lodgers or other residents who are not liable to pay Council Tax;
- Support agencies (unless acting as an appointee or under a power of attorney);

- Banks or other holders of a mortgage or other legal charge on a property;
- Any tenant or owner occupier not eligible to pay Council Tax in Hyndburn;
- Any tenant or owner occupier not eligible to claim Council Tax Support in Hyndburn.

4.3 Each application will be treated on its own merits having regard to the provisions of this policy.

Individual applications

4.4 Applications to the Council Tax Support Exceptional Hardship Fund will be accepted from individuals - or more than one person where both/each person is liable for the Council Tax on a single property and are in receipt of Council Tax Support either as a couple or as individuals. Each application will be taken on its own individual merits.

Applying for a Council Tax Support Exceptional Hardship award

4.5 Application forms will be provided (Appendix 1). This form and accompanying policy is available online as well as on request. Once issued there is no deadline by which the form must be submitted but applicants are encouraged to apply as soon as possible.

4.6 An application to the Council Tax Support Exceptional Hardship Fund must be received in order for an award to be considered.

Duties of the Applicant and the Applicant's household

4.7 A person claiming a Council Tax Support Exceptional Hardship Fund award is required to:

- Submit an Council Tax Support Exceptional Hardship Fund application form;
- Provide the Council with such information as it may require to make a decision;
- Inform the Council of any changes of circumstances that may be relevant to their on-going claim.

Backdating

4.8 Council Tax Support Exceptional Hardship Fund awards will be made from the date that the Council receives the application form. The Council will not backdate awards from the Council Tax Support Exceptional Hardship Fund. See amount and period of award for more details.

Subsequent and multiple applications

4.9 Applicants may make subsequent applications once their award has expired or if their circumstances change again or worsen if they have previously been refused. There is no limit to the number of applications that can be made.

4.10 The Council will only accept one application at a time.

Applications from joint and severally liable parties

- 4.11 Each individual may make an application on behalf of themselves for their proportion of the Council Tax liability as is included on their CTS claim. For example, joint tenants who are not partners may have their CTS claim assessed based on a 50/50 split of Council Tax liability; one or both may apply for a Council Tax Support Exceptional Hardship Fund award separately provided that they are also in receipt of Council Tax Support for their proportion of their Council Tax liability. This does not affect the joint and several liability provisions in the Council Tax (Administration and Enforcement) Regulations 1992.

5. Awards

Amount and period of award

- 5.1 Both the amount and period of an Exceptional Council Tax Support Hardship award is at the discretion of the Council.
- 5.2 An award from the Council Tax Support Exceptional Hardship Fund may reduce Council Tax liability to nil. However, in the interests of being able to support as many people as possible with a finite pot of money, this will not be the usual level of award and will happen only in limited cases of extreme or very unusual hardship.
- 5.3 The amount of the award will not exceed the full Council Tax liability. The amount of the award may be less than the difference between Council Tax liability and the amount of Council Tax Support paid.
- 5.4 When making decisions on Council Tax Support Exceptional Hardship Fund applications, we will consider:
- The shortfall between Council Tax Support and Council Tax liability;
 - Whether or not all other avenues of financial assistance have been pursued;
 - Whether or not there is evidence of hardship or personal circumstances that justifies a reduction in Council Tax liability;
 - Any savings or capital that may be held by the applicant, their partner and any other relevant member of the household, irrespective of whether the capital is disregarded with the Council Tax Support scheme;
 - The exceptional nature of the applicant's and/or their family's circumstances that impact on their current financial position;
 - The amount available in the Council Tax Support Exceptional Hardship Fund;

- The income and expenditure of the applicant, their partner and any other relevant dependants or occupants of the applicant's home;
- That the applicant has made reasonable steps to resolve their situation prior to application;
- Whether or not the applicant has other financial assets which could be released and used to pay Council Tax;
- All other eligible discounts available to the applicant;

5.5 The above list is not exhaustive and other relevant factors and circumstances will be considered. The weight to be placed upon any factor considered by the Council will be a matter for the Council in its discretion.

5.6 An award from the Council Tax Support Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the applicant's circumstances do not change.

5.7 Applications may be refused, or the level of award may be reduced, if:

- The Council does not consider the applicant's circumstances to be exceptional;
- The applicant has failed to comply with the application process;
- The Council considers that the applicant can make financial savings in other areas of expenditure or outgoings;
- The applicant's expenditure is considered unreasonable or excessive in any area.

How the award will be made

5.8 The Council Tax Support Exceptional Hardship Fund award will be a reduction in Council Tax liability. The award will be applied to the applicant's Council Tax account and a revised bill will be issued – this award will not be given to the applicant as a sum of money, and no cash alternative is available.

Notification letters

5.9 Notification letters and relevant adjustment notices will be sent to all successful applicants. Notification of decisions will be sent within 14 days of receipt of an application where practicable.

5.10 Letters sent to refuse an application will contain useful information about other sources of financial support. The letter will contain the Council's reasons for refusing the application.

5.11 Notification letters sent to successful applicants will contain:

- The amount of the award,
- The period of the award,
- Notification to expect a revised bill if it is to be sent separately.

Overpaid Awards

5.12 Overpaid Council Tax Support Exceptional Hardship Fund awards will generally be recovered directly from the applicant's Council Tax account, thus increasing the amount of Council Tax due and payable. Overpayments may occur as a result of administrative error by the Council or where the Council is induced to award a Council Tax Support Exceptional Hardship Fund award (or a higher award than it might otherwise have done) as a result of false, inaccurate, incomplete or misleading information provided to the Council by the applicant or by another person on the applicant's behalf or at their request.

6. Appeals and reconsiderations

- 6.1 As this is a discretionary scheme there is no right to appeal against decisions made under the Council Tax Support Exceptional Hardship Fund.
- 6.2 All applications for reconsideration must be made in writing or by email and must outline the reasons for the reconsideration request. The applicant will be notified in writing detailing the decision made and the reasons for the decision.

7. Fraud

- 7.1 The Council is committed to protecting public funds and to ensure that funds are awarded to people who are rightly eligible to them.
- 7.2 Any applicant who tries to claim a Council Tax Support Exceptional Hardship Fund award by declaring false circumstances or providing false statements or evidence in support of their application may have committed an offence under the Fraud Act 2006.
- 7.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

8. Publication

- 8.1 Details of the Council Tax Hardship Support Exceptional Hardship Fund will be published on the Council's website and paper copies of this policy and the application form will be made available to residents by request.

Complaints

- 8.2 The Council's Complaints Procedure will apply in the event of any complaint about the application of this policy.

Policy Review

- 8.3 The Council Tax Support Exceptional Hardship Fund will be reviewed annually and may be subject to change to ensure that the scheme remains fair and equitable as well as affordable.

Equalities

- 8.4 The Council's intention is to make the Council Tax Support Exceptional Hardship Fund fair and equitable for all applicants.
- 8.5 This policy is accompanied by a Customer First Analysis which has been produced in response to the Council's obligation to the Public Sector Equality Duty as outlined in the Equality Act 2010. No adverse impact on any protected characteristic has been identified as a result of this policy.

Data Protection

- 8.6 For details of how we use personal data please visit www.hyndburnbc.gov.uk/privacy-notice



HYNDBURN
**The place to be
an excellent council**

**BENEFITS, REVENUES
AND CUSTOMER CONTACT**

Accrington Town Hall
Broadway Offices
Accrington
Lancashire
BB5 1EZ
T: 01254 388 111

**Discretionary Housing Payments and
Council Tax Support Exceptional Hardship Fund**

This information guide and application form is for both Discretionary Housing Payments and Council Tax Support Exceptional Hardship Fund payments – as we require very similar information to process these applications we have made it easier for you to apply on one form. However, the two funds are administered separately using different regulations and your application will be assessed twice using different policies which may mean that you are awarded payment from one fund but not both.

Discretionary Housing Payments

Discretionary Housing Payments are payments awarded at the discretion of Hyndburn Borough Council to you if you need short term help towards your rent to support you while you find cheaper housing, re-organise your budget or help with payments for deposits, rent in advance or removal fees. DHP's are not payments of benefit but **you must be in receipt of Housing Benefit or Universal Credit to qualify**. If you are moving into Hyndburn from another borough and wish to apply for help with a rent in advance, deposit or bond, please apply to your current Council. If you are applying for rent in advance, a deposit or bond because you are homeless or you are at risk of becoming homeless, please contact our Housing Advice Team on 01254 388 111 as you may qualify for help under the Council's rent deposit scheme.

Council Tax Support Exceptional Hardship Fund

The Council Tax Support Exceptional Hardship Fund has been set up by the Council to assist applicants of Council Tax Support who are facing exceptional financial hardship. The fund has been created to provide further financial assistance where an applicant is in receipt of Council Tax Support and is suffering exceptional hardship. You must be in receipt of Council Tax Support to qualify.

What happens next?

We may need to contact you to ask you to provide proof of the details you have provided on this form. We aim to write to all applicants within two weeks of receiving their application.

Where to send this form

You can email this form to us at enquiries@hyndburnbc.gov.uk, provide this information by post to the address at the top of this page or by using our secure postbox on the outside of our Broadway Offices.

We are open for enquiries from 9am-5pm on weekdays (Wednesdays from 10am)

For details of how we may use your data please visit

www.hyndburnbc.gov.uk/privacy-notice

Discretionary Housing Payments and Council Tax Support Exceptional Hardship Fund

Section 1: Your details (the applicant)

Your Housing Benefit Council Tax Support reference number

8	0								
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Your Title:

Your surname:

Your first name(s):

Your date of birth:

Your full address:

Postcode:

Preferred telephone number:

Email address:

If someone else is helping you with this form, please give their details:

Their surname:

Their first name(s):

Their full address:

Postcode:

Their preferred telephone number:

Relationship to you:

Please tell us which fund you are applying for:

DHP (for help with your rent)		EHF (for help with your Council Tax)	
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For Discretionary Housing Payments, please tell us why you are applying:

For a rental deposit		For rent in advance		For removal fees		For my rent	
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Section 2: about your current circumstances

To help us make a decision we need information about your current financial circumstances and what in particular has caused you hardship. For each answer, if you have any documents to support the information you have provided, please provide it with this form. Originals will be returned to you. Please answer each question with as much detail as you can.

1. What is the address that the request for help is for?

2. How much is the rental deposit/rent in advance? And what period does this cover? **Please provide evidence of deposits or rent in advance.**

3. If you are applying for help with rent in advance, a deposit or bond, have you contacted our Housing Advice Team about the Rent Deposit Scheme?

4. Who is the landlord of the property?

5. How much are the removal fees? **Please provide evidence of charges.**

Questions 5 - 12 are about your rent – please answer these questions if you are applying for a Discretionary Housing Payment for help with your rent:

6. When did you move in to this address? If it was within the last 12 months please provide your previous address.

7. Were you able to afford the rent when you moved in? If so, how?

8. Have you asked your landlord to reduce your rent? If so what was the outcome?

9. If you owe rent, how much do you owe? **Please provide a copy of your rent book and any evidence of rent arrears.**

10. What is your landlord doing to get this money?

11. Have you been served with a notice to quit by your landlord?

12. Do you have anyone that could help you with accommodation or with your rent, even temporarily?

13. If your request is based on a medical need for you or someone in your household, please give any details that you think are relevant to your claim:

Please answer questions 13-16 if you are applying to the Council Tax Support Exceptional Hardship Fund:

14. Is the property undergoing any major structural renovations?

15. Is the property occupied? If not by you, please provide the occupant's details:

16. Please outline other current debts and how you are meeting these payments. Please specify if any debts are subject to any court orders.

17. Please outline how you are paying for utilities and food.

Questions 17-23 are for all applicants.

18. Has there been a death in the household in the last 12 months?

19. Do you have any savings or property here or abroad? **If yes, please provide evidence – e.g. banks statements.**

20. Are you receiving financial support from any other fund or have you applied to any other hardship funds? If so, please tell us which:

21. What are the current circumstances which are causing you hardship?

22. How long do you expect these circumstances to continue?

23. What have you done to improve this situation?

24. Please provide any additional information you think will support your claim. Please continue on a separate piece of paper if you need to:

Section 3: statement of income and expenditure – for all applicants.

Please provide details of all people living with you:

Name	Date of Birth	Relationship to you

Please provide details of all income for you and your partner if you have one:

Type of income	You: £ per week	Your partner: £ per week
Wages		
Jobseeker's allowance (JSA)		
Employment Support Allowance (ESA)		
Incapacity Benefit		
Income Support		
Working Tax Credits		
Child Tax Credits		
Child Benefit		
Pension Credit		
Saving Credit		
Maintenance payments		
Disability Living Allowance		
Personal Independence Payments		
Universal Credit		
Any other income		

Please provide proof of all income listed above.

Please provide details of all expenditure for you and your partner combined if you have one:

Type of expenditure	Amount per week
Rent/Mortgage	
2 nd mortgage or secured loan	
Council Tax	
Water Rates	
Gas	
Electricity	
Food/household expenses	
TV Licence	
Building and contents insurance	

Telephone bills (including all mobile phones)	
Sky or cable television	
Internet or broadband	
Car payments	
Car insurance	
Petrol	
Other travel expenses	
Medication inc. prescription charges	
Clothing/laundry	
Credit cards	
Loans	
Store cards	
Hire purchase agreements	
Socialising (including cigarettes)	
Child care	
Child maintenance	
Student loans	
Court fines	
Any other insurance (inc. life, ill health etc.)	
Any other expenditure (please specify below)	
1.	
2.	
3.	
4.	
Total expenditure:	£

Section 4: declaration

I declare that the information I have given on this form is true and correct. I understand that I may be prosecuted if I try to get a Discretionary Housing Payment and/or Council Tax Support Exceptional Hardship Payment dishonestly. I authorise Hyndburn Borough Council to make enquiries necessary to verify the details I have given on this form.

Your signature:

Date

Section 4a: declaration to be signed if you have completed this form on behalf of someone else:

I declare that the information I have given on this form is true and correct. I understand that I may be prosecuted if I try to get a Discretionary Housing Payment and/or Council Tax Support Exceptional Hardship Payment dishonestly on behalf of the person named in Section 1 as the applicant.

I confirm that I have been given permission by the applicant to complete this form on their behalf. I confirm that I understand that I may not be entitled to any information about this applicant or this application as a result of completing this form. I authorise Hyndburn Borough Council to make enquiries necessary to verify the details I have given on this form.

Your signature:

Date: