



**Enfield Council  
Council Tax Support Hardship Policy  
2024-25**

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## 1.0 Background

- 1.1 A Council Tax Support Hardship fund (CTSH) has been created by the Council to assist applicants for Council Tax Support (CTS) who are facing 'exceptional hardship'. The fund has been created to provide further assistance where an applicant is in receipt of Council Tax Support but the level of support being paid by the Council does not meet their full Council Tax liability.
- 1.2 The Council Tax Support Hardship fund will be available to applicants where their daily award of Council Tax Support does not meet 100% of their Council Tax liability (less any appropriate discounts and any non-dependant deductions).
- 1.3 The main features of the fund are as follows:
- The operation of the fund will be at the total discretion of the Council;
  - The fund will be operated by the Revenues and Benefits section on behalf of the Council;
  - There is no statutory right to payments from the fund although the Council will consider all applications received;
  - Council Tax Support Hardship fund will only be available from 1<sup>st</sup> April 2024 and **will not be available for any other debt other than outstanding Council Tax**;
  - A pre-requisite to receive a payment from the fund is that an amount of Council Tax Support **must be in payment** for any day that a Council Tax Support Hardship fund payment is requested;
  - Where a Council Tax Support Hardship fund payment is requested for a previous period, exceptional hardship must have been proven to have existed throughout the whole of the period requested;
  - Council Tax Support Hardship fund payments are designed as a short-term help to the applicant only and it is expected that payments will be made for a short term only; and
  - All applicants will be expected to engage with the Council and undertake the full application process. Failure to do so will inevitably mean that no payment will be made.
- 1.4 In exceptional cases, the Council may make decisions which fall outside the provisions of this policy.

## 2.0 Council Tax Support Hardship fund and Equalities

- 2.1 The creation of a Council Tax Support Hardship fund facility meets the Council's obligations under the Equality Act 2010.
- 2.2 This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that the Council Tax Support Hardship fund is intended to help in cases of **extreme** financial hardship and not support a lifestyle or lifestyle choice. Whilst the definition 'Exception Hardship' is not exactly defined by this policy, it is accepted that changes to the level of Council

Tax Support generally will cause financial hardship and any payment made will be at the total discretion of the Council.

- 2.3 Exceptional Hardship should be considered as ‘hardship beyond that which would normally be suffered’.

### **3.0 Purpose of this policy**

- 3.1 The purpose of this policy is to specify how the Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if a Council Tax Support Hardship fund payment can be made.

- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in terms of access to the fund and also the decisions made.

### **4.0 The Council Tax Support Hardship fund process**

- 4.1 As part of the process of applying for additional support from the Council Tax Support Hardship fund, all applicants must be willing to undertake **all** of the following:

- (a) Make a separate application for assistance (where required by the Council);
- (b) Provide **full** details of **all** income and expenditure;
- (c) Accept assistance from either the Council or third parties such as the Citizens Advice or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
- (d) Identify potential changes in payment methods and arrangements to assist the applicant;
- (e) Assist the Council to minimise liability by ensuring that all discounts, exemptions, and reductions are properly granted; and
- (f) Maximise their income through; the application for other welfare benefits and grants; cancellation of non-essential contracts and outgoings; and identifying the most economical tariffs (or rates) for the supply of utilities and services generally.

- 4.2 Through the operation of this policy, the Council will look to:

- Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to “bridge the gap” during this time, whilst the applicant seeks alternative solutions;
- Enable households to managing their finances in the longer term;
- Help applicants through personal crises and difficult events that affect their finances;
- Prevent exceptional hardship;
- Help those applicants who are trying to help themselves financially; and
- Encourage and support people to obtain and sustain employment.

- 4.3 It cannot be awarded for the following circumstances:

- Where full Council Tax liability is already being met by Council Tax Support;
- For any other reason, other than to reduce Council Tax liability;
- Where the Council considers that there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these; or
- To pay for any additional Council Tax caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly.

## **5.0 Awarding a Council Tax Support Hardship fund payment.**

5.1 The Council will decide whether or not to make a Council Tax Support Hardship fund payment, and how much any award might be.

5.2 When making this decision the Council will consider:

- The shortfall between Council Tax Support and Council Tax liability;
- Whether the applicant has engaged with the Council Tax Support Hardship fund payment process;
- If a Discretionary Housing Payment for Housing Benefit or Universal Credit (Housing Element) has already been awarded to meet a shortfall in rent;
- The personal circumstances, age, and medical circumstances (including ill health and disabilities) of the applicant, their partner, any dependants, and any other occupants of the applicant's home;
- The difficulty experienced by the applicant, which prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will exist;
- The income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home;
- How reasonable expenditure exceeds income;
- All income received by the applicant, their partner, and any member of their household irrespective of whether the income may fall to be disregarded under the Council Tax Support scheme;
- Any savings or capital that might be held by the applicant, their partner, and any member of their household irrespective of whether the capital may fall to be disregarded under the Council Tax Support scheme;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances; and
- The length of time they have lived in the property.

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.

5.4 An award from the Council Tax Support Hardship fund does not guarantee that a further payment will be made at a later date, even if the applicant's circumstances have not changed.

5.5 A Council Tax Support Hardship fund payment may be less than the difference between the Council Tax liability and the amount of Council Tax Support paid. The level of payment may be nil if the authority feels that, in its opinion, the applicant is not suffering 'exceptional hardship' or where the applicant has failed to comply with the Council Tax Support Hardship fund process.

## **6.0 Publicity**

6.1 The Council will make a copy of this policy available for inspection and will be published on the Council's website.

## **7.0 Claiming a Council Tax Support Hardship fund payment.**

7.1 An applicant must make a claim for a Council Tax Support Hardship fund award by submitting an application to the Council. The application form can be obtained via the telephone, in person, at one of the Council offices and/or via the Council's website.

7.2 Applicants can request assistance with the completion of the form from the Revenues and Benefits Service or Customer Services at the Council.

7.3 The application form must be fully completed and supporting information or evidence provided, as reasonably requested by the Council.

7.4 In most cases the person who claims the Exceptional Hardship Fund payment will be the person entitled to Council Tax Support. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable by the Council.

## **8.0 Changes in circumstances**

8.1 The Council may revise an award from the Council Tax Support Hardship fund where the applicant's circumstances have changed which either increases or reduces their Council Tax Support entitlement.

## **9.0 Duties of the applicant and the applicant's household**

9.1 A person claiming a Council Tax Support Hardship fund payment is required to:

- Provide the Council with such information as it may require making a decision;
- Tell the Council of any changes in circumstances, within 21 days, that may be relevant to their ongoing claim; and
- Provide the Council with such other information as it may require in connection with their claim.

## **10.0 The award and duration of a Council Tax Support Hardship fund payment**

- 10.1 Both the amount and the duration of the award are determined at the discretion of the Council and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 10.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

## **11.0 Award of the Council Tax Support Hardship fund payment**

- 11.1 Any Council Tax Support Hardship fund payment will be made direct onto the applicant's Council Tax account, thereby reducing the amount of Council Tax payable.

## **12.0 Incorrectly paid Council Tax Support Hardship fund payments**

- 12.1 Incorrectly paid Council Tax Support Hardship fund payments will generally be recovered directly from the applicant's Council Tax account, thus increasing the amount of council tax due and payable. Recovery will be undertaken in line with the remedies available for Council Tax.

## **13.0 Notification of an award**

- 13.1 The Council will notify the outcome of each application for Council Tax Support Hardship fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

## **14.0 Appeals**

- 14.1 If the applicant is not satisfied with the decision in respect of an application for a Council Tax Support Hardship fund payment, a decision to reduce the amount of Exceptional Hardship Fund payment, a decision not to backdate a Council Tax Support Hardship fund payment or a decision that there has been an overpayment of a Council Tax Support Hardship fund payment, the Council will look at the decision again.
- 14.2 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 14 days of referral or as soon as practicable.
- 14.3 The outcome of the appeal will be set out in writing, detailing the reasons for the decision, or upholding the original decision. That decision will be final.

## **15.0 Fraud**

- 15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.
- 15.2 An applicant who tries to fraudulently claim a Council Tax Support Hardship fund payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.
- 15.3 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.

## **16.0 Complaints**

- 16.1 The Council's Corporate Complaints Policy (available on the Councils website) will be applied in the event of any complaint received about this policy.

## **17.0 Policy Review and Delegated Powers**

- 17.1 This policy will be reviewed every year and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.
- 17.2 The Council's Section 151 Officer has delegated to make adjustments to this policy to ensure it continues to meet the Council's requirements and objectives.