APPENDIX A

APPENDIX A

TANDRIDGE DISTRICT COUNCIL

PAYMENTS FROM CUSTOMERS AND DEBT MANAGEMENT POLICY

19th January 2022

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1. Introduction

The purpose of this Policy is to make clear to customers Tandridge District Council's approach to collecting income.

- 1.1 Tandridge District Council has a duty to ensure that all income owed to the Council is collected efficiently and effectively for the benefit of all our taxpayers. This Policy aims to prevent our customers from falling into debt. This is best achieved by adopting the principles of clear communication with our customers, early contact and consistency in our approach.
- 1.2 The recovery process for overdue Council Tax and overdue Business Rates is set out in the legislation, so recovery notices will be issued in compliance with the law:
 - The Council Tax (Administration and Enforcement) Regulations 1992
 - The Local Government Finance Act 1988
 - The Housing Act 1985
 - The Non-Domestic Rating (Collection and Enforcement) (Local List) Regulations 1989

When contact is made by the customer, for example by telephone or email, a case is raised and managed by the relevant Team. We will encourage customers to pay what they can and then aim to discuss a payment arrangement if arrears are outstanding for longer periods.

1.3 The Council will use best practice methods, provide high standards of customer service and deal with all customers in a fair and inclusive manner. We will consider the needs of vulnerable customers. We will treat individuals consistently and fairly, ensuring that an individual's rights under the Data Protection Act 2018, and the Equality and Human Rights Act 2010 are protected.

2. Scope

- 2.1 This Policy covers all debts owed to the Council including:
 - Council Tax
 - Business Rates
 - Sundry Debts (e.g., charges for the Council's services and planning fees)
 - Parking Fines (managed by Sevenoaks District Council under an outsourced contract)
 - Housing Rents
 - Housing Benefit Overpayments
 - Service charges for leaseholders
 - Rechargeable repairs to current and former tenants

Please refer to Appendices 1-9 for the billing, recovery and customer support processes.

3. **Objectives**

3.1 Whilst different recovery mechanisms are used for different types of debt, all debt is recovered according to the objectives set out below.

The objectives of this Policy are to:

- Maximise income and collection performance for the Council.
- Be firm but fair in applying this strategy and take the earliest possible decisive and appropriate action.
- Be courteous, helpful, open, and honest in all our dealings with customers.
- Accommodate any special needs and vulnerabilities that our customers may have.
- Work with debt advice agencies and signpost customers to seek additional advice where this is helpful and appropriate.
- Consider the circumstances of individual customers based on the information provided or information we have been able to collect.
- Continuously develop and improve our services.
- Share knowledge, information, and expertise across the Council and with other agencies whilst complying with legislation such as the Data Protection Act 2018.

4. Principles

The Policy is underpinned by the following principles.

Making it easy to contact the Council

We will make it easy to contact the Council. Customers can reach us by any of the following means:

Website	Home - Tandridge District Council
Telephone	01883 722000
Or write to us at	Tandridge District Council, 8 Station Road East, Oxted RH8 0BT

If you are deaf you can dial 18001, followed by 01883 722000 from your textphone, to have a Text Relay conversation.

 Send Customer Services a text to 07786 200690, using the word TANDRIDGE at the start of your message.

Resolving customer disputes promptly

Where a customer disputes a bill or demand, the Council will aim to resolve the query as soon as possible and within 4 weeks in most cases. If a credit note or revised invoice is required, this will be raised as soon as the dispute is resolved.

Offering different methods of payment

The Council offers several different payment methods and dates for the customer to pay their account. Details of these are shown on customers' correspondence and on the Council's website.

The Council promotes direct debit for Council Tax and Business Rates as it is the most efficient method of payment; it also helps the customer to avoid missing instalments and being subject to recovery action. Direct debit may also be used for rent payments. It may not suit every individual, therefore the Council offers a wide range of alternative ways to pay, see Appendix 7.

Minimising debt

We will aim to reduce the levels of arrears. We will be consistent in the way customers in debt are dealt with across the Council and support our customers to manage their priority debts.

Taking a proactive approach

We will ensure customers are made aware promptly of their liabilities across all debt streams. We will be approachable and encourage customers to contact us at the earliest opportunity so that we can take account of customers' individual circumstances and their ability to pay. We will help customers to manage their finances and reduce hardship, by agreeing to realistic repayment plans.

Taking preventative measures

We will advise on any housing assistance or taxation discounts, reliefs and exemptions to which customers may be entitled. We will encourage customers to take up their entitlement to benefits. We will assist with applications when appropriate and signpost customers to free sources of money advice, debt counselling and other support services available through the voluntary sector and other agencies.

Avoiding conflict of interest or perceived conflict of interest.

All officers, members and contractors will ensure that they have no workrelated involvement with any account involving any relatives, friends, close associates, or organisations of which they or their relatives are members or previous employees. This includes making any decisions on how money owed to the Council is collected and recovered.

5 Working with Customers with Multiple Debts

- 5.1 The Council will work with customers who owe several debts, to agree an affordable payment plan. We will direct customers to organisations that offer debt counselling such as those listed in Appendix 8.
- 5.2 We will provide sufficient time to customers with multiple debts so that they can seek advice and agree sustainable payment arrangements.

6. Debt Priority

- 6.1 Some customers will owe more than one debt to the Council and may be on a low income or experiencing financial hardship. In such cases customers need to be clear about which debts the Council considers a priority.
- 6.2 It is not the size of a debt that makes it a priority, but the consequences to the customer. The Council gives priority to debts where non-payment could lead to loss of the customer's home or imprisonment, such as rent arrears and Council Tax arrears.
- 6.3 Payments made by the customer will be applied to repay debts in the following order:
 - Rent
 - Council Tax
 - Business Rates
 - Housing Benefit Overpayment
 - Gas and Electricity
 - Court Fines
 - Maintenance arrears
 - HMRC

7. Providing Support and Advice

- 7.1 We will ensure that staff are well versed in dealing with our customers and will encourage customers to contact us as soon as they begin experiencing difficulties in paying their bills.
- 7.2 Our bills and demands will clearly show how the amount owed has been calculated and we will make our bills and letters as easy to understand as possible.
- 7.3 We will also advise individuals and businesses of the range of discounts, reliefs, and reductions available at the time an account is issued and also in subsequent communications.
- 7.4 During face-to-face meetings and telephone communications, we will direct

customers to the Tandridge District Council website for further information and support. Our website provides contact details for other agencies that provide specialist advice on benefits and debt matters appropriate to their needs. Links are provided below to some websites that customers may find helpful:

- □ <u>Citizens Advice</u>
- <u>Money Advice Service</u>
- □ <u>Step Change</u>
- Armed Forces Royal British Legion and/or SSAFA
- □ and other appropriate support organisations (See Appendix 9)
- 7.5 We will work with other agencies to assist customers who are receiving help and liaise with them on a local level to solve issues and answer queries.

8. Assessing the Customer's Ability to Pay

- 8.1 During the process of recovery, we will act in accordance with statutory regulations and consider advice issued by professional bodies, for example Citizens Advice, Money Advice Service and Money & Pensions Service.
- 8.2 When recovering multiple debts, we will help to break the cycle of debt by encouraging payment for the current year, particularly for Council Tax arrears and NNDR arrears. We will work with customers to agree an acceptable payment arrangement for recurring debts such as rent and Council Tax. Payment arrangements will be agreed within the customer's means, whilst at the same time ensuring a satisfactory level of repayment for the Council.
- 8.3 We will review payment arrangements to offer flexible options, including different payment dates and amounts to assist those on irregular incomes.

9. Supporting Vulnerable Customers

- 9.1 We will ensure that arrears are pursued in a timely and fair manner. It is Council policy to balance customer care with the responsibility of collecting the debt efficiently. We will take individual circumstances into account.
- 9.2 We recognise that everyone requires a sensitive and considered approach and that some customers do not pay their debts for a variety of reasons. This may include poverty or other financial hardship. We will endeavor to balance customers' circumstances with our duty to collect.
- 9.3 Some examples of vulnerability include:
 - Young people leaving care or those who have left care and are under the age of 25.
 - The elderly or frail.

- Customers with mental health needs affecting their ability to sustain independent living.
- Customers with substance misuse, learning disability or physical disability support needs.
- Victims of Hate Crime.
- Victims of serious anti-social behaviour.
- Victims of domestic violence.
- Customers with sensory impairment support needs.
- Customers with serious ill health.
- Customers who have been homeless recently.
- 9.4 A vulnerable person will be required to pay the amounts they are legally obliged to pay, but the Council will take their circumstances into consideration. Help and extra time may be provided in the form of advice and assistance to understand processes and complete forms. Please go to the Council's website for access to the Council's Anti-Poverty Policy.

10. Debt Recovery and Enforcement Action

10.1 The Council's primary aim is to collect debt efficiently and cost-effectively. demonstrate best practice in the collection of debt. We follow a three-step process.

Step One: Issue requests for payment promptly and accurately, providing clear bills, invoices, reminders, and recovery notices which show what to pay, when to pay it, how to pay and the consequences of not paying which may include legal action and additional costs being incurred.

Step Two: Referrals will be made to collection agents, enforcement agents and other measures will be considered such as special payment arrangements, attachment of earnings/benefits, bankruptcy, liquidation or charging order.

Step Three: Legal proceedings will be pursued through the Magistrates Courts when sums remain unpaid.

10.2 Timeline for the recovery of Sundry Debts

The table below sets out the timescales collecting sundry debts (Appendix 3):

Action	Timescale for Sundry Debts
Original invoice	30 days to pay
Reminder Letter 1	30 days from original invoice
Reminder Letter 2	44 days from original invoice

Letter Before Action	58 days from original invoice
Refer to Business and	72 days from original invoice
Income Team	

10.3 The timescales for collecting different types of debt and the ways to pay are set out in the Appendices as follows:

Appendix 1	Business Rates Recovery
Appendix 2	Council Tax Recovery
Appendix 3	Sundry Debts Recovery
Appendix 4	Unpaid Parking Penalties
Appendix 5	Housing Benefits Overpayment Recovery
••	Housing Benefits Overpayment Recovery Code of Practice for Enforcement Agents
Appendix 6	0 1 9 9
Appendix 6 Appendix 7	Code of Practice for Enforcement Agents

10.4 A range of recovery options may be used to secure payment for Council Tax and Business Rates. If the Council and the customer have failed to agree on discretionary arrangements, an application for a liability order may be made. This is an order made by the Magistrates Court which gives the Council the power to take further action to enforce payment.

The following recovery measures may also be considered:

- Attachment of Earnings Order.
- Deductions from Benefits.
- The use of an Enforcement Agent.
- Insolvency action (Bankruptcy) for debts over £5,000.
- Securing the debt by obtaining a charging order against property Committal action
- 10.5 We will only employ certificated enforcement agents (Bailiffs) who comply with the Taking Control of Goods Regulations 2014 and will ensure they comply with the standard Code of Practice which protects our customers.

11. Evasion and Fraud

- 11.1 Fraud and the evasion of payment have a direct impact on all our residents, businesses and other organisations that use Council services.
- 11.2 If fraud or the evasion of payment is identified, in addition to enforcing payment, the Council will pursue further penalties or sanctions.

12. Withdrawal of Service

- 12.1 For some services the Council will consider not continuing to provide a service in future to those customers who already owe money to the Council or have been identified as persistent late payers.
- 12.2 For housing rent, if a tenant does not respond to the Council's communications, or breaches Court Orders and arrangements to pay, the final stage would be to evict the tenant. At this stage the relevant Officer will send an eviction warning letter to the tenant to advise that an eviction is being arranged. The tenant may also be excluded from applying for another home through Tandridge's housing allocation process.

13. Right to offset

- 13.1 The Council will transfer any credit that is on an account to pay off other debts that are owed to the Council. This is known as the right to "offset" or to combine accounts. Before using the right to offset, consideration will be given as to whether a customer is in financial difficulty and whether they have enough money to cover reasonable day-to-day priority debts such as:
 - Mortgage
 - Rent
 - Council Tax
 - Food bills.

The right to offset accounts also applies to suppliers to the Council and other payees. In other words, if a supplier is due a payment from the Council, but owes business rates, it is possible for the Council to use the payment due for supplies to the Council to reduce the outstanding business rates owed by the supplier to the Council.

14. Monitoring and Reporting on the Council's Performance

- 14.1 The collection of Rent, Council Tax, Non-Domestic Rates and Sundry Debts are all under public scrutiny as Key Performance Indicators (KPIs). The efficiency of this policy and associated procedures will be monitored through the following KPIs, which are currently reported quarterly as part of the Corporate Performance framework:
 - % of Council Tax debt recovered.
 - % of Non-domestic Rate debt recovered.
 - % of BID debt recovered.
 - % of Sundry debt recovered.
 - % of Housing Benefit overpayment.
 - % of debt outstanding year-on-year, on a quarterly basis.
 - % of rent collected.

Aged debt profiles for review by the Executive Leadership Team will be provided

monthly. Similar debt profiling reports will be provided to Council Members on no less than a quarterly basis. Monthly, or if necessary, more frequent reports will be provided to the Finance Business Partners.

15. Equality Duty

Under the Equality Act 2010, the Council, in exercising any of its functions, must have due regard to the need to:

- eliminate unlawful discrimination
- advance quality of opportunity
- foster good relations between people of different backgrounds
- be fair to all.

16. Use of data

- 16.1 The Council will collect and store personal data for the purposes of the effective billing, collection, and recovery of sums due. Data retained for this purpose will be processed in accordance with the Data Protection Act 2018 and will be always stored securely.
- 16.2 Data will be shared with agents or contractors appointed by the Council for the purposes of the billing, collection, and recovery of sums due. Data may also be shared within the Council or with external organisations where the law allows, where it is in the interests of the debtor or where it will prevent fraud or the unlawful evasion of payment of sums due.

17. Review of the Debt Management Policy

- 17.1 The Chief Finance Officer has overall responsibility for the implementation, monitoring and review of this Policy. It will be monitored and updated at least every two years to take account of changes in legislation and best practice.
- 17.2 The Council's Business and Income Service, Exchequer Services and service teams such as Parking will work with customers to resolve matters before enforcement action is taken. This may include the agreement of payment arrangements and signposting customers to other agencies that can provide money advice.

Appendices

Appendix 1 - Business Rates/Recovery

The bills for business rates are issued on an annual basis to all open accounts in March. New and amended accounts are issued daily throughout the rest of the year. Business rates are payable in line with legislative requirements.

The business rates bill will detail when instalments are due to be paid and the methods which can be used to pay. If an instalment for business rates is not paid on time, a reminder will be issued following non-payment.

Two reminder notices are issued for business rate bills. On occasions, in the case of default, the Council may issue one reminder and then follow it with a final reminder. Any further default will result in a final notice being issued. A final notice withdraws from the customer the right to pay by instalments for business rates and requires full payment of the outstanding amount to be made within seven days. If the business rate account remains unsettled, the Council will make an application to the Magistrates Court by issuing a summons notice for a Liability Order to be granted.

The Liability Order enables the Council to consider other enforcement remedies, for example, instructing enforcement agents to collect the balance of debt that is outstanding.

If an appeal is made against the rateable value to the Valuation Office Agency, payment must still be made against the business rates until the appeal is settled.

Enforcement agents will be appointed. Enforcement agent services will comply with Taking Control of Goods: National Standards, issued by the Ministry of Justice. The performance of enforcement agents will be monitored by the Council.

Responsibility for the procedure for issuing bills and the collection and recovery of debt is held by the Chief Finance Officer.

Appendix 1A – Local Discretionary Relief Scheme for Business Rates

- 1. This local discretionary business rate relief scheme assists businesses that are facing rising bills because of a national revaluation of all business properties.
- 2. Government funding for this local scheme is spread over four years. In Tandridge, the total funding available has been confirmed as follows:
 - 2017/18 £243,000
 - 2018/19 £118,000
 - 2019/20 £49,000
 - 2020/21 £7,000.
- 3. This scheme compares a property's 2016/17 bill with the property's 2017/18 bill, before reliefs are considered. This is the same comparison used to determine the Government's transitional relief scheme and ensures any change is purely as a result of the 2017 revaluation.
- 4. To qualify for relief, the increase in the 2017/18 bill must be more than 12.5% and the ratable value of the property must be £200,000 or less.
- 5. This is a local scheme and hence the following types of property are excluded:
 - National companies and/or companies with three or more premises (the relief is designed to be applied locally, and nationally revaluation is neutral, meaning national chains may have seen rate reductions in other parts of the country offsetting increases elsewhere).
 - **Empty Properties** (the Council wants to encourage properties being brought back into use).
 - **Charities** (Charities receive 80% mandatory relief under a separate statutory scheme).
 - New ratepayers becoming liable on or after 1 April 2017 (New Ratepayers would not have seen an increase in their bills at the property).
 - **Tandridge District Council** (as the billing authority, we are barred from making any discretionary awards to ourselves)
- 6. The remaining business ratepayer accounts will be awarded discretionary relief as a percentage of their 2017/18 chargeable bill (after all other reliefs and entitlements). No application will be required. Any ratepayer, who believes they qualify but have not been awarded the relief, will be re-considered against the scheme criteria.
- 7. The percentage of relief is the same for all qualifying ratepayers and is based on the funding available (Total funding available/Total chargeable amount of qualifying properties x 100). A small percentage of the funding will be held back to account for in year bill changes that may increase the total relief awarded. This percentage will be reviewed each year based on experience.
- 8. The government have not yet confirmed if any under spend can be carried forward to the following financial year. To maximise the benefit to local ratepayers, the Council may review and increase the percentage of relief available to qualifying premises at any time.

- 9. All relief will be set for a period expiring on 31 March. The amount of relief may go up or down in line with any change to the daily chargeable amount.
- 10. Further relief will be awarded to existing qualifiers under the same conditions each year the Government provide funding under a section 31 grant, with the percentage of relief adjusted to meet each year's funding level.

Ends

Appendix 1B – Hardship Relief for Business Rates

Under Section 49 of the Local Government Finance Act 1988 Tandridge can reduce the amount of business rates payable providing:

- the ratepayer would sustain hardship if the authority did not grant relief; and
- it is reasonable for the Authority to grant the relief having due regard to the interests of the Council Taxpayers.

Some guidance has been provided by the government on what is meant by hardship. This guidance has been used by Tandridge as the basis for awarding hardship relief for business rates. Applications can be made by business ratepayers using the form below.

The Council's general fund pays for 25% of any award, therefore the impact of the award on the council taxpayer must be considered when granting relief.

These guidelines assist in considering applications for relief on the grounds of hardship, but each case will be considered on its own merits.

- 1. The reduction or remission of National Non-Domestic Rates on the grounds of hardship is to be the exception rather than the rule and will be granted only to those with a liability to pay Business Rates to Tandridge District Council.
- 2. The Chief Finance Officer must be satisfied, by examination of the accounts of the business and any other documentation considered reasonable for the applicant to supply, that the rate payer will sustain hardship if relief is not granted.
- 3. It must be reasonable to grant hardship relief after having regard to the interests of the Council Taxpayers.
- 4. Copies of accounts, bank statements and current lists of creditors and debtors must be provided. The Business and Income Lead Specialist or Chief Finance Officer will also have the discretion to request additional supporting information.
- 5. The maximum award of relief will be limited to 100% of the net rate liability, after other available reliefs (such as small business rate relief), whether they are applied for or not. There shall be no minimum award threshold.
- 6. In cases where hardship relief is awarded for an ongoing liability, this should be for a maximum period of one financial year or a shorter period as the Chief Finance Officer determines appropriate.
- 7. All applications should be completed on a form prescribed by the Authority.
- 8. Any additional relevant information and factors may be considered by the Chief Finance Officer as she sees fit, to enable a thorough assessment to be made.
 - a) Each application will be considered on its own merits.
 - b) All relevant factors affecting the ability of a business to meet its liability for rates should be considered, not just financial factors.
 - c) The interests of local taxpayers in an area may be wider than direct financial interests. For example, where the employment prospects would be worsened by a company going out of business, or the amenities of an area might be reduced by, for instance, the loss of the only shop in a village.

- d) where the granting of the relief would have an adverse effect on the financial interests of local taxpayers, the case for reduction of rates may still on balance outweigh the cost to the local taxpayers.
- e) There must be proof that hardship exists.
- f) All factors to be considered must be provided with evidence to support the application.
- g) A copy of the previous two years audited accounts for the organisation should be provided.
- h) Relief will be withdrawn on the sale of the business
- 9. Applicants will be advised of the decision within 28 days of all the relevant paperwork being received by the Authority. The letter will also contain appeal rights.
- 10. Any appeal must be in writing and give clear and concise reasons and be received within one calendar month from the date of the original decision. The appeal will progress to the next scheduled Strategy and Resources Committee (or relevant succeeding committee).
- 11 Authority to award this relief is delegated to the Chief Finance Officer. Exceptional awards, with costs to Tandridge of £5,000 or more, will be referred to the relevant Committee for decision.

The Application Form is set out below.

Application for Section 49 Hardship Relief from Non-Domestic Rates payable to Tandridge District Council

Name of Business / Applicant:

Address of Property for which relief is applied:

Account Reference (this is quoted on your bill):

Briefly what is the nature of the business:

How does the business bring benefits to the community / what would be the effect on the community should the business cease to trade in the area?

How many staff, who live in Tandridge District, do you employ?

What has been the reason for the business suffering hardship?

What steps have you taken to improve the situation?

How long do you expect the hardship to continue for?

Explain what outcome this relief will provide (please note that relief will not be awarded if there is no realistic expectation of the business being sustainable)

Do you currently or have you during the past two years owned or run any other business? If so, please give details

I declare that the information given is true and complete to the best of my knowledge;

I understand that any award is at the discretion of Tandridge District Council and can be revised or withdrawn if my circumstances change.

I have enclosed two years' worth of trading accounts in support of my application and all other relevant evidence of factors that I wish to have considered,

Signature of Ratepayer or Authorised	Person
Capacity of the signatory	
Contact telephone number	
Email address	
Date	

Ends

S49 Hardship Request for Reduction or Remission of National Non-Domestic Rates

Request to local Ward Member for views / local knowledge of the applicant

An application for the above has been received from

In accordance with the Council's policy, you are asked whether the above business is known to you and whether there are any factors that you feel should be considered by the officers in preparing a recommendation for this application. A brief reasoning for the request is included in the above box, however if you wish to view the entire application, please contact Tracey Hicks (Assistant Revenues Manager) on 01883 722000,

Signed Ward Member for.....

Dated.....

Business Rates Hardship Relief - Decision

To be completed by the Revenues Manager or Head of Revenues and Benefits Services

1 An application has been made? Yes/No (If no an application is required to progress further).

2 The Ward Councillor(s) have been advised of the application and asked for local input? Yes/No (if no this must be carried out before a decision is made)

2 The Business is a current NNDR payer in Tandridge District? Yes / No

3 Two years audited accounts and other evidence have been submitted Yes /No

If these criteria are not satisfied, end here.

Matters for Consideration

Explain: how the council taxpayers' interest is met, the factors considered from the application, the background to the hardship, the likelihood of recovery and other relevant matters.

Record of Decision

Recommendation to award Hardship Relief including the financial implications.

Initials and date of recommending officer/..../..../..../

* 1 Approved / rejected by CFO Date

Additional comments from CFO (especially where rejected)

* 2 Approved / rejected by Committee (where recommendation over £1000 financial implication for TDC) date of Committee decision/...../.....

* Delete as appropriate depending where the decision is made.

Ends

Appendix 2 - Council Tax Recovery

The Council will issue a council tax bill, which will give instructions on when the instalments are due to be paid. The preferred method of payment for council tax is direct debit and flexibility is available on the date on which the direct debit is collected. Unless paid by Direct Debit the first instalment is due by the first of the month.

A reminder notice will be issued if an overdue instalment is not paid within seven days of the instalment due date. If the instalment is paid as requested, then no further action will be taken. If the instalment is not paid or only partly paid, a final notice will be issued. Recovery action will then proceed to the summons stage. Within a council tax year (April – March) only two reminders will be issued for late payment of instalments.

A final notice will be issued on the third occasion that an instalment is paid late. The final notice will be a request for the full balance to be paid. The balance must be paid within seven days of a final notice being issued.

If payment is not received within 14 days after the first or second reminder notice or within seven days of a final notice, the Council will take legal action and a summons will be issued against the customer. All costs incurred are recoverable by the Council and will be added to the amount due when the summons is issued.

The Council reserves the right to take recovery action where a customer does not pay and does not indicate that they are having trouble paying. Customers are informed of:

- entitlement to housing benefit and council tax support and other income relatedbenefits.
- discounts, reliefs, and exemptions.

The ability to refer debt to an enforcement agent is an important tool in the recovery process. The Council appreciates the sensitivity attached to the use of enforcement agents and will only use them if it is deemed necessary. The Council will seek to use enforcement agents only where it has been determined that this is the most effective collection method for the debt in question. The Council will use other routes for recovery where possible, such as attachment of earnings and benefit deductions.

Enforcement agents will be appointed based on the contracts which have been procured in line with contract procedure rules. Enforcement agent services will comply with the Taking Control of Goods: National Standards, issued by the Ministry of Justice.

Responsibility for the issuing of council tax bills, council tax collection and recovery of debt is held by the Council's Chief Finance Officer.

Appendix 3 - Sundry Debts Recovery

(To be revised in accordance with the development of Exchequer Services through the Transformation Programme)

Tandridge District Council will, wherever possible, obtain payment in advance or at the time when a service is delivered.

The Council will only raise an invoice where payment in advance for a service is inappropriate.

The general settlement terms for sundry debts are 30 days from the date of the invoice.

The table below sets out the timeline for case escalation:

Action	Timescale
Original invoice	30 days to pay
Reminder Letter 1	30 days from original invoice
Reminder Letter 2	44 days from original invoice
Issue letter before legal	58 days from original invoice
action and then,	
Refer to Business & Income	
Team	

For an explanation of recovery action, see Section 10 of this Policy.

Overall responsibility for the collection and recovery of sundry debt is held by teSection 151 Officer. Exchequer Services will be responsible for ensuring that guidance is provided to the managers for each service in recovering the debt due to their service, where appropriate.

Appendix 4 - Unpaid Parking Penalties

Tandridge District Council undertakes parking enforcement to control and regulate parking in its off-street car parks and on the streets in Tandridge as the enforcement agent for Surrey County Council. This enforcement is necessary to minimise dangerous and inconsiderate parking on our roads and in our car parks. The Council contracts with Sevenoaks District Council to carry out this duty on its behalf.

Where a Civil Enforcement Officer discovers a car parked in contravention of a parking control, they are required to issue a Penalty Charge Notice.

After a Penalty Charge Notice has been issued, and if it is not cancelled by the Council within the appeals process or paid within statutory timescales (about 60 days from the date of its issue), parking law makes provision for the unpaid Penalty Charge to be referred to the Traffic Enforcement Centre (TEC) for registration of the civil debt and application for an Order for Recovery.

To ensure that appropriate arrangements are in place for the recovery of the debt the order/warrant will be referred to a bailiff company to be executed.

This Policy aims to ensure that the arrangements and activities undertaken in seeking to recover the Debt:

- are applied in a fair and equitable way
- comply with the law, guidance and local policies including the Enforcement Concordat, and the Council's Finance Procedure Rules
- maintain public confidence in parking enforcement processes
- encourage the prompt payment of otherwise undisputed parking penalties.

It is normal practice to appoint one or more bailiff companies that are specialised in the recovery of traffic and parking enforcement debts. The Council will incur no direct cost as a result of the bailiff companies' services since their charges are passed on to the debtor, with the level of these charges being set by regulation.

A good working relationship and good communication is maintained with bailiffs to ensure that public queries are dealt with quickly to establish in advance of its execution that the Warrant is still appropriate and necessary.

In the first instance where the debt is not settled by way of a cash or similar payment, bailiff action may include the removal and sale of goods up to the value of the total of the outstanding debt and subsequent bailiff charges. The Council will only consider authorising the bailiff company to clamp or remove a vehicle in circumstances where the vehicle owner has incurred multiple debts with the Council and where there are three or more outstanding Warrants. However, this will be avoided where it is proved that the vehicle is essential for the employment of the debtor.

The Parking Services Section will, at every stage of the recovery process, consider any information from the bailiff company or the debtor and reserves the option to agree to either defer or to cancel a debt if circumstances justify this. At their discretion bailiffs are authorised to set up payment plans to encourage payment of debts where there is a proven claim of financial hardship.

If during the execution of a Warrant, the bailiff receives new information, for example a new address for the debtor, the bailiff company is required to refer the case back to the Parking Services Section for review before further debt recovery action can be undertaken.

Warrants that the bailiff company are unable to recover are classified as "no trace" or "executable" and are returned to the Council. These can be either:

- i) Reviewed and passed to a second bailiff company
- ii) Referred to the Traffic Enforcement Centre after 12 months (on expiry of the initial warrant) for a further warrant application
- iii) Recommended to be "written off" as unrecoverable.

Ends

Appendix 5 - Housing Benefits Overpayment Recovery

Policies Specific to Recovery of Benefit Overpayments

Overpayments of Housing Benefit are recovered through a change in benefit entitlement. They are described as an amount of benefit that has been awarded but to which there is no or reduced entitlement under the regulations.

The Council believes that the prevention of the overpayment of debt is vital.

The following measures are taken to prevent Housing Benefit overpayments occurring:

- Using a well laid out application form to collect accurate information which contains an unambiguous statement that failure to provide correct information could lead to overpayments of benefit and to prosecution.
- Ensuring all benefit notification letters and relevant correspondence ask people to tell the Council of any change in circumstances that may affect their claim.
- Making use of evidence in support of claims or changes in circumstances, for example:
 - using checks for identity.
 - residency and National Insurance numbers.
- Ensuring all staff involved with overpayments receive suitable training with access to overpayment recovery procedures and an awareness of problems faced by customers in debt.
- Providing fraud awareness training for staff.

Using information technology to identify and recover overpayments and to reduce error by:

- Publishing information on responsibility for reporting changes in circumstances.
- Dealing as quickly as possible with reported changes in circumstances.
- Ensuring that benefit awards are suspended and terminated in line with current regulations and case law.
- Participating in data matching exercises with external agencies and cross matching against internal databases whilst adhering to principles laid down by the Data Protection Regulations 2018, Data Protection and Human Rights Act 1998.

The Council aims to calculate overpayments quickly and accurately and to provide quality information to the people affected, ensuring it recovers the correct amount. To achieve this, the Council will:

• Invite claimants to apply for their entitlement to benefits.

- Calculate the overpayment, on average, within 14 days of receiving all necessary information.
- Use the proper effective date of change to fix the correct overpayment period.
- Take into consideration uncashed or returned cheques or underpayment of benefit.
- All necessary invoices, reminders and pre-debt collector stage letters/Financial Enquiry will be raised according to recovery stage, using the Housing Benefits and Debt Management system.
- Invoices will only be issued when the overpayment cannot be recovered from benefits.
- The Council aims to ensure the correct classification of overpayments for subsidy purposes is always used to prevent loss of subsidy.

The Council has a responsibility to act in accordance with all relevant legislation and regulations, when recovering overpayments.

Social Security Administration Act 1992.

Social Security Administration Act 1992 (Housing Benefit).

Social Security Administration Act 1992 (Council Tax Benefit).

Social Security Contributions and Benefits Act 1992.

The Housing Benefit (General) Regulations 1987 - and subsequent varying regulations.

The Council Tax Benefit (General) Regulations 1992 - and subsequent varying regulations.

Housing Benefit (Recovery of Overpayments) Regulations 1997.

Social Security (Overpayment and Recovery) Regulations 2013.

The Housing Benefit and Council Tax Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations 2001.

Welfare Reform Act 2012.

Housing Benefit Overpayment Guide 2015.

Where the Council decides an overpayment is recoverable, the most appropriate method of recovery will be considered and arrangements will follow the general hierarchy below:

- From arrears of Housing Benefit.
- On-going deductions from further payments of continuing Housing Benefit. This will include payments that are sent directly to the Landlord on the claimant's behalf. The Council will base recovery rates as laid down by regulation and will initially seek to recover the standard weekly deduction calculated, unless the health or financial circumstances of the claimant suggests, a more appropriate rate should be used. In all cases, however, a minimum amount of fifty pence per week Housing Benefit must remain in payment. The debtor has the right of appeal against the rate of recovery chosen by the Council.
- Overpayments of recoverable Council Tax Benefit/Support, apart from in exceptional circumstances, will result in an adjustment being made to the respective Council Tax account for the appropriate year. An amended bill

will be issued, and any unpaid monies will be subject to recovery action under the Council Tax regulations.

- By deductions from certain Department of Work and Pensions benefits. Section 75(1) of the Social Security Administration Act 1992 allows recovery of overpaid Housing Benefit by deduction from prescribed benefitswhich are defined in Regulation 105 of the Housing Benefit Regulations 2006.
- With effect from 08 April 2013, Sections 105 and 106 of the Welfare Reform Act 2012 amend the Social Security Administration Act 1992 and allow the Council to recover by attachment of earnings without court authority. Known as DirectEarnings Attachments (DEA), their primary purpose is to enforce recovery where a liable person is in Pay as You Earn (PAYE) employment.
- Referral to an external debt collection agency (after all the above avenues of recovery are considered and/or exhausted).
- In extreme circumstances Civil Proceedings Application to the County Court for a County Court Judgement (after all avenues of recovery are considered and/or exhausted). With a County Court Judgement (CCJ) further recovery actions can be taken, e.g., application to the High Court to instruct High Court enforcement agents.

The Housing Benefit (Recovery of Overpayments) Regulations 1997 provide for the opportunity if deemed appropriate for the Council to recover overpayments from landlords, when the landlord has been classed as responsible for their current tenants' entitlement. The Council will, in appropriate circumstances, reduce payments to landlords for their current tenants to recover overpayments that arose for former tenants, known as 'blameless tenant,' recovery. It will take this action when the original tenant has no continuing Housing Benefit entitlement.

We will ensure recovery is applied in a fair and equitable way. We will also set up payment plans wherever possible to encourage payment of debts. We will consider the claimant's financial circumstances to try to prevent financial hardship but we will also take into account the need to clear any outstanding debt.

Only if after all attempts at recovering the overpayment have become exhausted and there is no hope of recovery, or there are qualifying circumstances, shall the debt be recommended for write-off.

Appendix 6 - Code of Practice for Enforcement Agents

Below is the Code of Practice detailing the practices to be followed by any Enforcement Agent acting for and on behalf of Tandridge District Council

What happens if an enforcement agent is sent to my home?

As part of a liability order, enforcement agents can be sent to your home to seize your personal belongings should you be unable to set up a repayment plan.

There are three stages that enforcement agents follow:

1. Compliance stage

A written request is sent to pay your outstanding council tax (or other bill) together with the compliance fees in full, or to arrange a payment plan.

This written request is an official notice that an enforcement agent will visit your property in seven days to take control of goods if you do not respond.

A fee of £75 is added to the debt being collected by the enforcement agent. Every time a liability order is passed from the Council to an enforcement agent a fee of £75 is charged to your account balance.

2. Enforcement stage

If you do not pay in full or agree to a payment plan for the outstanding balance of your account, an enforcement agent can seize goods - up to the value of what is owed; this is known as Taking Control of Goods. The value of the goods may not be as much as you paid for them, and the value might not be as much as you owe. This means you will still have a balance to pay.

An enforcement agent visits your property and takes control of your goods - if you do not contact them within 7 days to pay the account in full or to arrange a payment plan.

If you arrange a payment plan, the enforcement agent may let the goods stay in your property and you enter into a Controlled Goods Agreement. This agreement means a list of all items is created. Should you fail to honour the payment plan then items can be taken.

An enforcement fee of £235 is added to your account balance as soon as an enforcement agent visits your property for the first time. Should you owe more than £1,500 then 7.5% of the total amount above £1,500 along with the enforcement fee will be added to your account balance.

For multiple liability orders, only one enforcement stage fee is charged.

3. Sale or disposal stage

An enforcement agent attends your property to remove goods for auction or prepare goods to be sold – if the sale takes place at your home.

A fee of £110 is added to your account at the sale or disposal stage, for multiple liability orders, only one enforcement stage fee will be charged.

Should you owe more than \pounds 1,500 then 7.5% of the total amount above \pounds 1,500 along with the enforcement fee will be added to your account balance.

In addition to the above fees, enforcement agents may also recover fees for associated costs that are reasonable such as storage fees following removal of goods, locksmith's fees, and auctioneer's fees.

Please note: Once your account is passed to an enforcement agent your account balance and all fees must be paid to the enforcement agent, not the Council.

Should you miss an enforcement agent visit, their details will be left, and you should contact the agent to make payment or arrange another visit.

Use our **<u>payment system</u>** to pay for:

- Council tax (please use your billing number as a reference).
- Business rates (please use your account number as a reference).
- Housing rent (please use your rent account number as a reference).

as well as many other invoices we send you including:

- Annual licences.
- Building regulations inspection fees.
- Community alarm.
- Handyperson service.
- Leasehold management expenses.
- Leasehold insurance.

Direct debit <u>Telephone or internet banking</u> <u>Automated telephone payment line</u> <u>Rent payment cards</u> <u>Planning payments</u> <u>Parking payments</u> <u>Council tay payment cards</u>

Internet & Automated Telephone Payments for Sundry Debt

Payment by Debit or Credit Card can be made using the Council's Internet Payment facility using:

- our website https://www.Tandridge.gov.uk/pay-online
- or, by automated telephone service on 03300884684

These services are available 24 hours a day 365 days a year.

On the Website:

www.tandridge.gov.uk/pay Using Debit / credit card and invoice number as a reference.

Through Internet Banking / BACS payments to:

Bank: HSBC Oxted Branch Sort Code: 40 35 40 Account: 91098098 Using the invoice number as reference.

By Telephone:

Using the automated Service 03300884684 Using Debit / credit card and invoice number as reference.

At the Bank:

Customers can pay directly at the bank. Please state that you want to pay Tandridge District Council and provide your name and reference number.

By Chip & Pin at Reception:

Your invoice reference is required.

By Cash & Cheque at our main reception:

Cash & Cheques can be deposited in the till in the main reception.

- 1. Fill in the envelope with your name, address and phone number.
- 2. Tick the relevant selection 'chq/cash' and write on the amount.
- 3. Add the billing, Invoice or account number so that the payment can be correctly allocated to your account.

By Standing Order:

Customers can set up a standing order on their bank account. Please set an amount, a date to pay and include an invoice or reference number.

At the Post Office:

Customers can pay at the post office. State that you want to pay Tandridge District Council and provide your name and reference number.

HOUSING RENTS

Website:

www.tandridge.gov.uk/pay

Using Debit / credit card and Housing Rent number as reference

Internet Banking / BACS payments:

Bank: HSBC Oxted Branch Sort Code: 40 35 40 Account: 91098098

Account: 91098098

Using the Housing Rent number as reference

By Telephone:

Using the automated Service 03300884684

Using Debit / credit card and Housing Rent number as reference

At Bank:

Customers can pay directly at the bank. Hopefully leaving their name and reference number! Stating they want to pay TDC. The bank can transfer the payment, sometimes without taking a name or any reference number

Direct Debit:

Payment

Processed on the Collect on the. Cut off ------ for a new DD to be set up

Cash & Cheques:

Cash & Cheques can be deposited in the till in main reception. Customer will need to fill in the envelope with their name, address, phone number. Ticking relevant selection chq/cash and marking the amount in the correct column and then adding Housing Rent number.

Standing Order:

Customer can set an amount and a date to pay TDC hopefully with an Housing Rent reference number

Post Office:

Customers can pay directly at the post office. Hopefully leaving their name and Housing Rent reference number!

Stating they want to pay TDC. The bank can transfer the payment, sometimes without taking a name or any reference number

Chip & Pin at Reception:

Process through Adelante and Housing Rent reference required

Appendix 8 - Helping Customers to Pay and get 'Breathing Space'

Breathing Space, officially called the Debt Respite Scheme, is a government scheme which could help relieve some of the pressure and stress caused by being in debt. Here, you can find everything you need to know about this scheme, including:

- 1. What is Breathing Space
- 2. How to apply for the Breathing Space scheme
- 3. What happens during Breathing Space
- 4. What happens after Breathing Space
- 5. Breathing Space scheme FAQs



HELP WITH MANAGING YOUR MONEY AND DEBT

It is often the case that customers do not know where to turn if they are concerned about managing their money or they have debts, and many customers are not opting for advice that is available. Customers are still unwilling to access the services of a financial adviser or debt advisor which means customers make complex choices without support.

Ignoring the problem will not make it go away. Customers must ask for help and there are many organisations that can provide advice on welfare, debt, and money problems. Please note the following agencies/bodies:

Advice UK

Advice UK is a registered charity and is the UK's largest support network for free, independent advice centres.

For more details:

- visit their website https://www.adviceuk.org.uk
- call them on 0300 777 0107
- write to them at: Advice UK, 101E Universal House, 88 94 Wentworth Avenue, London, E1 7SA

Age UK

Age UK is a registered charity in the UK and is the country's largest charity dedicated to helping everyone make the most of later life. For more details:

- visit their website: www.ageuk.org.uk
- call them on 0800 678 1602 •
- write to them at: Age UK, Tavis House, 1-6 Tavistock Square, London WC1H 9NA

Local – Age UK Surrey:

- visit their website www.ageuk.org.uk/surrey
- email enquiries@ageuksurrey.org.uk
- write to them at: Age UK Surrey, Rex House, William Road, Guildford. GU1 4QZ

Armed Forces – Service Charities

The Royal British Legion and SSAFA

- visit their website: www.britishlegion.org.uk/
- call them on 0800 802 8080
- visit their website: www.ssafa.org.uk/
- call them on 08007314880

Christians Against Poverty

Christians Against Poverty is a national Christian charitable company specialising in debt counselling for people in financial difficulty, including those in need of bankruptcy or insolvency regardless of their religious beliefs. It also provides other services and

courses.

For more details:

- visit their website: <u>https://capuk.org/</u>
- call them on 01274 760720
- write to them at: Christians Against Poverty, Jubilee Mill, North Street, Bradford BD1 4EW

Citizens Advice

Citizens Advice (CA) to offer advice on financial advice and debt problems. The CA also provide a very wide range of advice on other money and non-money topics. Your local Citizens Advice can be contacted at:

• <u>www.citizensadvice.org.uk/</u>

[Add in details of local Citizens Advice]

Money Advice Service (MAS) (from 8 April 2019 Money and Pensions Service)

This is an independent service set up by the Government. The MAS provide a financial health check service. This can help you work out your financial priorities and make decisions about your money.

The MAS also have a budget calculator to help you to think about your spending and to work out whether you have enough money coming in to cover your outgoings. For more details:

- visit <u>https://www.moneyadviceservice.org.uk/en/tools/health-check</u>
- call them on 0800 138 7777

National Debt line

This is a telephone-based service and is a national helpline for people with debt problems in Wales. England, and Scotland. They will discuss debt problems with you and explain the options available to you.

For more details:

- visit their website https://www.nationaldebtline.org/
- call them on 0808 808 4000 or have a web chat with an advisor
- write to them at: National Debt line, Tricorn House, 51-53 Hagley Road, • Edgbaston, Birmingham B16 8TP

Payplan

Pavplan provide free debt advice and management. For more details:

- visit their website https://www.payplan.com
- call them on 0800 280 2816 or have a web chat with an advisor
- write to them at: Payplan Ltd, Kempton House, Dysart Road, PO Box 9562, Grantham, NG31 7LE

Shelter

Shelter is a registered charity that gives advice, information, and advocacy to people in need.

For more details:

- visit their website https://england.shelter.org.uk/
- call them on 0808 800 4444 or have a web chat with an advisor
- write to them at: 88 Old Street, London, EC1V 9HU ٠

Step Change Debt Charity

The Step Change provides free debt advice over the phone. Everything is free and confidential, from budgeting advice to practical Debt Management Plans. This service is available to everyone in the UK.

For more details:

- visit their website https://www.stepchange.org
- call them on 0800 138 1111 or have a web chat with an advisor
- write to them at: Step Change Debt Charity, Wade House, Merrion Centre, Leeds, LS2 8NG

The Money Charity

The Money Charity provides information and guidance for people with debt or money worries.

For more details:

- visit their website https://www.themoneycharity.org.uk •
- email hello@themoneycharity.org.uk •
- call them on 0207 062 8933 •
- write to them at: The Money Charity, 15 Prescott Place, London, SW4 6BS •

End

Appendix 9 - Struggling to Pay Your Rent



"I am struggling to pay my rent"

If you are struggling to pay your rent, do not ignore it as that will only make your situation worse. Not paying your rentwill lead to rent arrears which could eventually put you at risk of losing your home.

There are many options available to you which will help you manage your rent.

What can I do?

It is vital you contact your landlord or housing provider to make them aware that you are currently facing financial difficulties and you are trying your best to resolve this. By keeping your landlord / housing provider informed, they might be more sympathetic towards your case and allow you time to sort out your finances rather than penalising youor considering eviction. Make sure you pay what you can.

Benefits

You may be entitled to some benefits to increase your income. Contact your local Citizens Advice Bureau or Get Wise. They will be able to advise you about the benefits you may be able to claim (see contact details below in the 'Useful contacts' section). Additionally, the government website provides in depth information and qualification rules about various types of benefits. You can apply for Housing Benefit through the Council's website.

Manage your income - create a personal budget

Learn to maximise your own income by changing the way you spend. You can do this by creating a personal budget. This involves listing all your income and all your spending to see your complete financial activity. The more honest youare with your budgeting sheet, the more useful it will be.

This should help you plan your future spending by seeing how you can focus your spending on essential commitments such as your rent, Council Tax, utility bills (water, gas, electricity) and see where you can reduce non-essential spending.

Applying for Discretionary Housing Payments (DHP)

DHP's are paid in addition to housing benefit and council tax support for those who need more help to pay their housing costs. You can apply for a DHP through the Council website. For more information or to get a claim form sentto you call the Benefits team on 01883 732900. For more information and to get a claim form call Customer Services on 01883 722000.

Other ways to save money

Cheaper utility tariffs

Try searching for cheaper tariffs for your gas and electricity. You can call up your provider to see if they offer cheaper deals; otherwise have a lookat comparison websites to see whereyou can save some money.

Cheaper mobile contracts

Try looking for cheaper contracts/ tariffs for your mobile phone. Manymobile companies offer a good rateof minutes and texts for reasonableprices.

Shop smart

Try saving on your grocery and householdshopping by browsing different shops and supermarkets to see where you can get the cheapest priced items. Often buying in bulk and/or buying items during multi- buy offers can work out to be cheaper in the long run. Don't be afraid to take out

a calculator (app available on mobiles) to work out cheaper prices when you're shopping. Also, most large supermarketssell 'Value' items which are usually much cheaper than branded items; you can temporarily switch to these whilst you sort out your finances.

Cheaper accommodation

It may be worthwhile to consider finding accommodation that requires less rent than your current accommodation if you feel you will continue to struggle keeping up with rent payments despite adjusting your finances to help you savemoney. Use our Guide to finding accommodation in the district to help you see what options may be available to you. You can find this guide on our website.

I have rent arrears

- Seek advice from financial advice agencies (see 'Useful Contacts' section below) that can help you with managing your finances, help you draft your personal budget and putting repayment plans in place based on what you can afford. Such agencies may be able to liaise with your landlord on your behalf to ensure yourlandlord is happy with your repayment plan.
- It is important you pay what you can to maintain a good relationship with your landlord as he/she will be able to see you are trying your hardest to keep your tenancy. Your landlord may then be more sympathetic towards your situation and give you time to sort out your finances. Avoiding contact with

your landlord whilstyou accumulate rent arrears may lead to the landlord evicting you. Therefore to ensure your accommodation is not at risk; a good relationship with your landlord is vital.

We can arrange for you to see our Money Advice Officer for help with all aspects of budgeting, boosting your income, cutting your costs and getting on top of debt. The Money Advice Service also provides step bystep guides on how to set up a budget, make the most of your money, pay off debts and start saving. If you think that you would benefit from this service, please contact us by telephone on 01883 732825 or by emailhomelessness@tandridge.gov.uk to explain your situation.

Useful Collacts	Useful	Contacts
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Citizens Advice Bureau	03444 111 444 www.citizensadvice.org.uk
Step Change (Debt Charity)	0800 138 1111 www.stepchange.org
Money Advice Service	0300 500 5000 www.moneyadviceservice.org.uk
National Debtline	0808 808 4000 www.nationaldebtline.org
Shelter	0808 800 4444 www.shelter.org.uk
Government website	www.gov.uk
Jobcentre Plus	0800 055 6688

If you need further help and advice, please complete our contact us form or phone us on 01883 722000.