

Council Tax Discretionary Relief Policy

1. Purpose of policy document

- 1.1 This policy has been designed to ensure that all council taxpayers making an application for relief are treated in a consistent and equitable manner.
- 1.2 This policy has been written to:
- set guidelines for the factors to be considered in determining an application.
 - set out the delegated authority to award relief in appropriate circumstances.
 - establish an appeals procedure for applicants dissatisfied with a decision.
 - safeguard the interests of the council taxpayers by ensuring funds allocated for the award of relief are used effectively and economically.

2. Background

- 2.1 Under Section 13A(1)(c), (6) and (7) of the Local Government Finance Act 1992, the Council has the power to reduce liability for council tax (including reducing it to nil) in relation to individual cases or class(es) of cases that it may determine:

13A Reductions by billing authority

- (1) The amount of council tax which a person is liable to pay in respect of any chargeable dwelling and any day (as determined in accordance with sections 10 to 13)—
- (a) in the case of a dwelling situated in the area of a billing authority in England, is to be reduced to the extent, if any, required by the authority's council tax reduction scheme (see subsection (2));
 - (b) in the case of a dwelling situated in the area of a billing authority in Wales, is to be reduced to the extent, if any, required by any council tax reduction scheme made under regulations under subsection (4) that applies to that dwelling;
 - (c) in any case, may be reduced to such extent (or, if the amount has been reduced under paragraph (a) or (b), such further extent) as the billing authority for the area in which the dwelling is situated thinks fit.
- (6) The power under subsection (1)(c) includes power to reduce an amount to nil.
- (7) The power under subsection (1)(c) may be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced to an extent provided by the determination.

- 2.2 There are financial implications to awarding any discounts under Section 13A(2) and the financial burden of these discounts must be met through an

increase in the general level of council tax for other council taxpayers. Consequently, the Council will only consider using its powers to reduce council tax liability for any council taxpayer or class of payer in exceptional circumstances.

3. Eligibility Guidelines

3.1 The Council will treat all applications on their individual merits and ensure that all claims are treated in an equal and fair manner.

3.2 The following factors will be taken into account when considering each claim:

- evidence of financial hardship or personal circumstances that justifies a reduction in council tax liability;
- any steps that have been taken to resolve the situation prior to application such as contacting an advice agency;
- eligibility for council tax reduction (CTR), housing benefit or other welfare benefits;
- eligibility to all relevant discounts, exemptions or reliefs;
- access to other assets that could be used to pay council tax;
- resolution of the situation by any other legitimate means that are available to the person;
- whether the Council's finances allow for a reduction to be made;
- whether the situation and reason for the application is outside of the council tax payer's control;
- whether the amount outstanding is the result of deliberate refusal to pay or negligence;
- efforts that have been made by the council tax payer to discharge their liability;
- where the council tax is in respect of an unoccupied property, consideration should be given to whether the council tax payer has made sufficient efforts to sell or let the property;
- whether it is reasonable for the Council to award a reduction having regard to the interests of other local council tax payers who have to meet the cost of any relief granted.

3.3 If the customer is not in receipt of full housing benefit, or the full housing element of universal credit, consideration should first be given to the award of a discretionary housing payment where appropriate.

4. Amount and period of relief

4.1 In all cases, relief will finish at the end of the financial year in which the claim is made (unless the claim is received within 6 weeks of the end of the financial year, in which case the decision may be taken to extend the relief into the following financial year), or sooner if:

- there is a change of liable person,
- the council taxpayer enters any form of insolvency,
- the council taxpayer's financial circumstances change significantly,
- the award has been made for a fixed period notified to the council taxpayer at the time of the award.

- 4.2 If the council taxpayer's circumstances are such that they wish to continue claiming relief after the end of a financial year or at a different address they will be required to complete a new application.
- 4.3 The amount of relief awarded must not exceed the amount of council tax owed for that year.
- 4.4 If, after the award of relief, there is a reduction in council tax liability, the level of relief awarded will be reduced accordingly.
- 4.5 The amount of relief awarded for one period does not guarantee that a further reduction will be made for a subsequent period even if the person's circumstances remain the same. The Council will not fetter its discretion in making one decision on an application with regard to a later claim by the same person.

5. Claiming discretionary relief

- 5.1 Requests for discretionary relief must be made in writing from the council taxpayer, their advocate or appointee, or a recognised third party acting on their behalf. Applications must be made on an approved application form (see attached). The application form and any supporting information should be completed and returned to:

Medway Council
Medway Revenues & Benefits Service
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

Alternatively, an on-line application form can be completed on the Council's website (when available).

- 5.2 The application should be made as soon as possible. If a reduction is requested for a backdated period, the council taxpayer should explain why the application was not made at the time the need arose and provide any relevant evidence.
- 5.3 The applicant must supply full details of the household's income and expenditure on the form provided and the Council may request any reasonable evidence to verify information contained within the application.

6. Decision making process

- 6.1 The Council will decide every application for relief based on the criteria as laid out in this policy.
- 6.2 The responsibility for making discretionary awards will initially rest with the Senior Revenues Officer or in their absence the Revenues Manager

- 6.3 The application will be reviewed initially by a Revenues and Benefits Officer to ensure the form has been completed correctly and any relevant supporting information has been provided. If any information on the application is missing or unclear, the officer will contact the claimant for clarification.
- 6.4 The Revenues and Benefits Officer will forward the review sheet, with their findings, financial implications, and initial recommendations to the Senior Revenues Officer or in their absence Revenues Manager who will make a final decision on the claim.

7. Notification of Decision

- 7.1 The Council will notify the customer of its decision within 28 days of receiving sufficient information to make a decision and provide details of the process for having the decision reviewed.
- 7.2 If an application for discretionary housing payments (DHP) has also been received, a decision in respect of council tax discretionary relief will be notified within 14 days of the DHP decision being made.

8. Review of decision

- 8.1 If the customer is not satisfied with the decision, they can ask for the decision to be reconsidered and may provide additional evidence to support their case.
- 8.2 Reconsideration will be undertaken by the Revenues Manager unless they made the original decision in which case it will be escalated to a senior manager as identified by the Section 151 Officer. This will ensure an independent review.
- 8.3 The Revenues Manager (or senior manager see paragraph 8.2) will review the decision taking account of any additional information that has been provided.
- 8.4 The Council will notify the customer of its decision within 21 days of receiving a request for a review.
- 8.5 Where the original decision is upheld, the Council will provide details of the customer's right of appeal to the Valuation Tribunal.

9. Failure to comply with timescales

- 9.1 Whilst every effort will be made to meet the deadlines outlined in sections 7 or 8 above, failure by the Council to do so does not invalidate the decision or automatically entitle the claimant to relief.

10. Fraud

- 10.1 The Council is committed to fighting fraud in all its forms. Anyone who tries to fraudulently claim relief by falsely declaring their circumstances or by providing a false statement or evidence in support of an application may have

committed an offence. Where the Council suspects such a fraud has occurred, the matter will be investigated, and this could lead to criminal proceedings being instigated.

11. Publicising council tax discretionary relief

The availability of the relief, together with a copy of this policy document, is published on the council's website.

12. Monitoring

All awards of relief are recorded on the council's computer system. Total discretionary relief expenditure will be monitored on a regular basis to ensure budgetary limits are not exceeded without the required authorisation.

**APPLICATION FOR COUNCIL TAX REDUCTION UNDER SECTION 13A OF THE
LOCAL GOVERNMENT FINANCE ACT 1992**

Please note that if a council tax bill has been issued in more than one name then the application must also be made in joint names.

Name of applicant/s:

Contact Address:

Telephone:

Email Address:

Address of property for which relief is being claimed:

Owner Name/s:

Is the property currently vacant? YES/NO

What is the value of equity in the property? £

Is the property currently marketed for sale? YES*/NO

*Please provide details of market agent / estate agent for the property

Is the property currently marketed for rent? YES*/NO

*Please provide details of marketing agent/estate agent for the property?

Please provide details of any other properties owned by yourself and value of any rental income you are in receipt of

If you have left a property empty to move to more suitable accommodation or to receive or provide care due to old age, disablement, illness, alcohol or drug abuse or mental disorder, then please provide details below

Please provide the detailed reasons why you are applying for a reduction in Council Tax. This should fully explain the circumstances that are creating financial difficulty and how long you expect these circumstances to continue.

Has an application for Council Tax Reduction been made? YES/NO

Are you receiving financial assistance from any other source? YES*/NO

*please provide details:

Have you approached any organisation to assist with your current financial situation such as Citizen Advice Bureau / Welfare Rights etc YES*/NO

*please provide details:

Please provide details of any stocks/shares/savings/money you may have or money you are owed:

Please provide any additional information you wish to provide in support of your application:

**DISCRETIONARY COUNCIL TAX SUPPORT PAYMENTS CLAIM FORM
YOUR HOUSEHOLD EXPENDITURE**

Source	Amount £	How often is this paid?	How much do you owe?	Source	Amount £	How often is this paid?	How much do you owe?
Rent you pay (the amount not covered by benefit)				Travel expenses (bus, train, taxi etc)			
Mortgage you pay				Clothing / School uniform			
Council Tax you pay				School dinners			
Household shopping (Food, toiletries etc)				Other school expenses(after school)			
Payments to catalogues				Childminding fees			
Phone (land line)				Children's clubs / pocket money			
Phone (mobile)				Sky / Cable / digital TV			
Personal Insurance				Internet access			
Home insurance				Loan repayments (including car & bank)			
Health / Medical (insurance/ optical/ dental / prescription)				Credit card payments			
Water rates				HP payments			
Gas				Pension contributions			
Electricity				Regular savings			
Other household fuel (Oil etc)				Subscriptions			
TV Licence				Cigarettes / tobacco			
Fines (including court orders attachment of earnings order)				Alcohol			
Maintenance / Child Support Payments				Entertainment/ Eating out/ Takeaways/DVD rental/Lottery			
Shopping club				Social fund repayments			
TV / Video hire				Other			
Newspapers / magazines				Company / Person I owe money to		Balance owing	Repayment offer (if any)
Car - Petrol				1.			
Car - Insurance				2.			
Car - Tax				3.			

**DISCRETIONARY COUNCIL TAX SUPPORT PAYMENTS CLAIM FORM
YOUR HOUSEHOLD INCOME**

Source	Claimant Amount £		How often is this paid?	Partner Amount £		How often is this paid?
	Gross	Net		Gross	Net	
Wages / Salary						
Universal Credit						
Income Support or Jobseekers Allowance						
Statutory Sick / Maternity Pay / Company Sick pay						
Working Tax Credits						
Child Tax Credits						
Retirement pension						
Private or occupational pension						
Pension credit						
Incapacity Benefit						
Employment Support Allowance						
Personal Independence Payments						
Disability Living Allowance – Care						
Disability Living Allowance – Mobility						
Attendance Allowance						
Maintenance						
Housekeeping / money from non dependants / boarders / lodgers / sub tenants						
Other income / benefits						
Child Benefit						

**DISCRETIONARY COUNCIL TAX SUPPORT CLAIM FORM
YOUR HOUSEHOLD CAPITAL**

Capital	Claimant £	Account – name & number	Partner £	Account – name & number
Bank / Building Society Accounts				
Assets & Investments - shares / bonds etc				
Property or land	Property / Land – address:			Value £

Please use the box below to enter any further information regarding income, capital or expenditure.

For example:

- If you have taken steps relating to the management of your debts please explain your action – contacted CAB etc
- If you have more than 2 bank / building society accounts.

Declaration

Even if someone else has filled the form in for you, you and any partner must sign this declaration if you can.

Please read this declaration carefully before you sign and date it.

- **I declare** that the information I have given on this form is correct and complete.
- **I understand** that if I give information that is incorrect or incomplete, you may take action against me. This may include court action.
- **I agree** that you will use the information I have provided to process my Discretionary Housing Payment application. You may check some of the information with other sources as allowed by the law.
- **I understand** that you may use any information I have provided in connection with this and any other claim for social security benefits that I have made or may make. You may give some information to other organisations, such as government departments, local authorities and private-sector companies such as banks and organisations that may lend me money, if the law allows this.
- **I know** that I must let you know in writing about any change in my circumstances which might affect my claim.

Signature of person claiming

Partner's signature

Date

Date

If this form has been filled in by someone other than the person claiming, please tell us why you are filling in this form for the person claiming.

I declare that, as far as possible, I have confirmed with the person claiming that the answers I have written on this form are correct.

Name of person who filled in form

Signature

Relationship to the person claiming

Date