



Council Tax Discretionary Relief

February 2022



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CONTROL SHEET FOR Council Tax Discretionary Relief

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Council Tax Discretionary Relief Scheme
Current status – i.e. first draft, version 2 or final version	Final draft
Policy author (post title only)	Revenues & Benefits Manager
Location of policy (whilst in development)	
Relevant Cabinet Member (if applicable)	Cllr Moesby
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council	Customer Service Scrutiny Committee then Executive
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications (to include on Extranet and Internet if applicable to the public)	

1. Introduction

1.1 Section 13A of the Local Government Finance Act 1992 allows the billing authority to reduce the amount of Council Tax payable. The legislation allows for either specific classes of cases to be identified or for cases to be determined on an individual basis.

1.2 The Local Government Act 2012 inserted a new Section 13A and in effect created two discounts:

- Local Council Tax Support schemes under 13A(1)(a) and
- 13A (1) (c), which is the original 13A discounts, as amended.

1.3 There is a financial implication to awarding discounts under Section 13A (1) (c) as they are funded directly by the Council. Therefore, there is a direct impact on local Council Tax payers.

2. Scope

2.1 Section 13A (1) (c) discounts will be used to provide relief to care leavers (as defined within the policy statement) and those in the most extreme financial hardship or in cases of unforeseen or exceptional circumstances that affect tax payers ability to meet their Council Tax liability.

As the cost falls to be met by local tax payers, any applications for a discount must be considered with due regard for the financial implications. Therefore, normally the Council will **not** grant local discounts unless there are very exceptional circumstances, however, where the circumstances meet the criteria outlined in this policy a discount may be granted. The Council will give consideration to all matters before it when determining a discretionary discount award.

In addition, the Government may introduce a specific scheme in response to an event such as a natural disaster e.g. flooding, or pandemic. Where such schemes are introduced, funding is normally fully met by Government without impact on the local Council Tax. Any such schemes, even though they fall to be administered under Section 13A, will be administered in accordance with instructions and guidance set out by Government.

This discretionary relief policy is independent of the Council's Council Tax Support Scheme (CTS).

3. Principles

3.1 This policy will support the delivery of the Council's Ambition.

In particular this policy supports the 'Customer' key objective and the priorities of:

- Increasing customer satisfaction with our services.
- Improving customer contact and removing barriers to accessing information.
- Promoting equality and diversity and supporting vulnerable and disadvantaged people.

4. Award Criteria

4.1 Section 13A (1) (c) relief will be used in cases of unforeseen or very exceptional circumstances that threaten taxpayers abilities to fund the cost of their council tax.

The main features of this relief are that:

- it is discretionary;
- an applicant does not have a statutory right to a payment;
- the operation of the scheme is for the Council to determine;
- the Council may choose to vary the way in which funds are allocated according to community needs and Council resources;
- in the interests of fairness the Council will operate an internal review procedure in a non-discriminatory way;
- Appeals can be made to the Valuation Tribunal under Section (1) (b) of the Local Government Finance Act 1992.

5. Policy Statement

5.1 There will be no formal application form. All applications should be made in writing and submitted to the Revenues Section under the heading Section 13A Discount Application.

5.2 Where the scheme relates to a Government scheme, the method of application, eligibility criteria, award of any discount and any appeal rights will be set out by Government or, where local discretion is allowed, as defined by the Council for that specific instance.

5.3 With exception of discounts for 'care leavers' each application must set out the circumstances upon which the application is based and should include:

- The level of discount being requested (i.e. is this for the full year's council tax or part of it, such as 50%);
- The reason for the request (i.e. why is the discount wanted and how this meets our policy);
- The period of time the discount is wanted for (i.e. the full financial year, part of the financial year, or some other period of time);
- Details of steps that have been taken to meet or mitigate the council tax liability (i.e. what other reductions or discounts have been applied).

5.4 To determine eligibility each application will be considered on its individual merits against the criteria above. Regard will be given to the circumstances of the applicant. This may include, but is not limited to:

- The applicant's financial circumstances, including their income and expenditure.
- Other help that may be available to the applicant.
- Other special circumstances.

5.5 Applications for council tax discount for care leavers may be made by the care leaver or by the Leaving Care Team, or equivalent, for and on behalf of the care leaver previously registered with a local authority in the financial year immediately preceding their 18th birthday. The following criteria will apply:

- A care leaver is defined as a young person aged 18 to 25 who was formerly a child in care of a local authority and who then became a 'care leaver' as

described in The Children (Leaving Care) Act 2000 and is liable for Council Tax on a dwelling within the Bolsover District Council area.

- Applications may be backdated to 1 April in the year of the application if the 18th birthday fell in the previous year.
- Council Tax Discount will be awarded on a single occupied property as the sole or main residence in the District Council's area from the date of the care leavers 18th birthday until the day immediately preceding their 25th birthday, as follows:
 - a. Sole occupation by a care leaver of 100% of residual balance of Council Tax payable after the award of any other discount relief or exemption.
 - b. Where a care leaver is jointly liable a proportionate award will be made according to their individual circumstances, e.g. if there is one other occupier then a discount of 50% will apply.
 - c. Where the care leaver is not liable for Council Tax no discount will apply.
- Discounts awarded will be subject to annual review to determine continued eligibility.
- The Scheme may be varied or ended on 12 months' notice on a decision by the Council.

5.6 The Council Tax Discount for Care Leavers will only be applied after all other relevant discounts (including Council Tax Support (CTS)) and exemptions have been applied. Where these other discounts and exemptions do not cover the full Council Tax charge, then under this scheme the qualifying care leaver will receive this further support.

6. Decision making and appeals

6.1 Where information or evidence requested has not been received within a calendar month of the application being received by the Council, the Council may refuse to grant relief where the absence of this information and evidence prevents an informed decision being reached.

6.2 Decisions on eligibility for a discount will be made by senior Revenues staff.

6.3 The amount of discretionary relief and period for which relief may be awarded will be at the Council's discretion and any amount granted will be credited to the council tax account.

6.4 The Council will notify the applicant in writing of the decision within 5 working days of the date of that decision. Where the applicant is unsuccessful, the Council will explain the reasons why the decision was made and explain the right of appeal.

6.5 There is a right to have the decision reviewed by the Revenues & Benefits Manager.

6.6 If still dissatisfied with the decision, an appeal can be made to the Valuation Tribunal. The Valuation Tribunal is independent of the Council and will consider the case at a hearing.

7. Overpayments

7.1 If the Council becomes aware that the information contained in an application for Section 13A (1) (c) Relief, was incorrect or that relevant information was not declared, either intentionally or otherwise, the Council may seek to recover the value of any award made as a result of that application. The award will be removed from the relevant council tax account and any resulting balance will be subject to normal methods of collection and recovery actions.