

Swindon Borough Council

Discretionary Council Tax Reductions

VERSION CONTROL

Version	Date	Author	Comments
1	1 st April 2013	Andy Stevens	Local CTS scheme begins
2	20 th November 2015	Andy Stevens	Update to reflect other circumstances
3			
4			
5			

Contents	Page
1. Introduction	3
2. Categories for Consideration	3
3. Changes in circumstances	5
4. The Award and Duration	5
5. Payment & Notification	6
6. Appeals	6
7. Fraud	6

Discretionary Discounts

1. Introduction

1.1 Section 13A 1c of the Local Government Finance Act 1992, provides the Council with additional discretionary powers to enable it to reduce the council tax liability, where statutory discounts, exemptions and reductions do not apply.

1.2 These discretionary awards can be given to:

- Individual Council Taxpayers;
- Groups of Council Taxpayers defined by a common set of circumstances;
- Council Taxpayers within a defined area: or
- To all Council Taxpayers within the Council's area.

1.3 When deciding on whether to grant a discretionary award, the Council will consider each application on its merits. Principles of reasonableness will apply in all cases with the authority deciding each case on relevant merits.

1.4 Any decision made will be without reference to any budgetary considerations notwithstanding the fact that any awards must be balanced against the needs of local taxpayers who will ultimately pay for an reduction in Council Tax income.

1.5 Likewise the period of any reduced liability will be considered in conjunction with the circumstances of the Council Taxpayer

2.0 Categories for Consideration

Mainly for the purposes of administration the following categories shall be used when considering cases.

2.1 Council Tax Support Scheme for Working Age Claimants

The Council has agreed a scheme under which low income households are awarded reductions. There are set calculations and rules, which are followed. A national statutory scheme awards reductions to pensioners.

2.2 Council Tax Empty Property Discounts Scheme

The Council has also agreed a scheme under which discounts are awarded to the Council Taxpayers responsible for empty properties for limited periods.

2.3 Properties Uninhabitable due to Flooding & Fire

The Council also allows exemptions for those who cannot reside in their homes following flooding. It can take several months or years in order to repair such properties and exemptions will be allowed, providing the Council Taxpayer is ensuring that work is undertaken to bring the property back into

use. Similar consideration should be given to fire damaged properties, if the Valuation Office Agency (HMRC) has not removed the property from the Council Tax banding list.

2.4 Exceptional Financial Hardship

2.4.1 In accordance with Section 13A 1a of the Local Government Finance Act 1992, the Council has a Council Tax Reduction Scheme which provides support, through a discount, to those deemed to be within financial need. The Scheme has been designed to take into account the financial and specific circumstances of individuals through the use of applicable amounts, premiums and income disregards.

2.2 Applications may be made under this part of the policy for people who have qualified for support under the Council Tax Reduction Scheme but who are still experiencing severe financial hardship and other taxpayers who can show that they are experiencing financial hardship.

2.3 As part of the process of applying for additional support, all applicants must be willing to undertake **all** of the following:

- a. Make a separate application for assistance;
- b. Provide full details of their income and expenditure;
- c. The taxpayer is able to satisfy the Council that they are not able to meet their full Council Tax liability or part of their liability;
- d. Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non essential expenditure;
- e. Identify potential changes in payment methods and arrangements to assist the applicant;
- f. Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted
- g. The taxpayer is able to demonstrate that all reasonable steps have been taken to meet their full Council Tax liability, including applications for employment or additional employment, if that is appropriate, or using alternative, legal and appropriate lines of credit;
- h. The taxpayer has no access to assets that could be realised and used to pay the Council Tax, and
- i. Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.

2.4.4 The Council will be responsible for assessing applications against this policy and will consider the following factors when making any recommendations:

- a. Current household composition and specific circumstances including disability or caring responsibilities;
- b. Current financial circumstances;
- c. Determine what action(s) the applicant has taken to alleviate the situation;
- d. Consider alternative means of support that may be available to the applicant by:
 - i. re-profiling council tax debts or other debts;

- ii. applying for a Discretionary Housing Payment for Housing Benefit (where applicable);
- iii. maximising other benefits;
- iv. determining whether in the opinion of the decision maker the spending priorities of the applicant should be re-arranged

2.5 Other Circumstances

2.5.1 The Council will consider requests from Council Taxpayers for a reduction in their liability based on other circumstances, not specifically mentioned within this document. However the Council must be of the opinion that the circumstances relating to the application warrant further reduction in their liability for Council Tax having regard to the effect on other Council Taxpayers.

2.5.2 No reduction in liability will be granted where any statutory exemption or discount could be granted.

2.5.3 No reduction in liability will be granted where it would conflict with any resolution, core priority or objective of the Council.

2.6 Units at the Women's Refuge

The 22 separate units at the Women's Refuge were granted 100% discounts by full Council in December 2012.

3 Changes in Circumstances

3.1 The Council may revise any discretionary reduction in liability where the applicant's circumstances or situation has changed.

3.2 The taxpayer agrees that he/she must inform the Council immediately either by phone or in writing about any changes in their circumstances which might affect the claim for under this policy. Failure to do so may result in the withdrawal of the reduction granted for the year and the requirement to repay any outstanding amount to the Council. All changes in circumstances should be notified within 21 days in accordance with the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 as amended.

3.3 Where a reduction in liability has been granted incorrectly or in error either due to a failure to provide the correct or accurate information to the Council or some other circumstances, the Council Taxpayers account will be adjusted in the normal way.

4 The award and duration of a reduction in liability

4.1 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.

4.2 The start date of such a payment and the duration of any payment will be determined by the Council. Awards will usually be made up to the end of the financial year in which the award is given, but consideration can be given of the likelihood for extending awards.

5 Payment & Notification

In line with legislation, any award shall be granted as a reduction in the liability of the Council Tax Payer thereby reducing the amount of Council Tax payable. The Council will notify the outcome of each application in writing and this may be via the issue of a revised bill.

6 Appeals

6.1 Appeals against the Council's decision may be made in accordance with Section 16 of the Local Government Finance Act 1992.

6.2 The Council Taxpayer must in the first instance write to the Council outlining the reason for their appeal. Once received the Council will reconsider its decision and notify the Council Taxpayer accordingly.

6.3 Where the Council Taxpayer remains aggrieved, a further appeal can then be made to the Valuation Tribunal. This further appeal should be made within 2 months of the decision of the Council not to grant any reductions. Full details can be obtained from the Councils website or from the Valuation Tribunal.

7 Fraud

7.1 The Council is committed to protecting public funds and ensuring funds are awarded to the people who are rightfully eligible to them.

7.2 An applicant who tries to fraudulently claim a reduction in liability 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.

7.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.