

Tewkesbury Borough Council

Council Tax Discretionary Relief Policy (S13A Local Government Finance Act 1992)

1. Introduction and scope

- 1.1 Section 13A 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, exemption and reductions do not apply. The Council is required to pay for any awards out of its own funds and therefore awards must meet the underlying principle of offering value for money to taxpayers.
- 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 the council taxpayers within the Council's area
- 1.3 The power to grant discretionary reductions in council tax is found in Section 13A of the Local Government Finance Act 1992.
- 1.4 The provision allows the Council the discretion to help taxpayers where either the existing legislation does not provide a discount, exemption or reduction or in such circumstances where the Council feels that the level of discount, exemption or reduction is insufficient given the circumstances.
- 1.5 When deciding on whether to grant a discretionary award the Council will consider each application on its own merits. Principles of reasonableness will apply in all cases with the authority deciding each case on relevant merits.
- 1.6 Any decision made will be made 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 any reduction in council tax income.

2. Exceptional Financial Hardship

- 2.1 In accordance with Section 13A of the Local Government Finance Act 1992 the Council has a Council Tax Reduction Scheme which provides support through a discount to those in need of financial support. The Scheme has been designed to consider the financial and specific circumstances of individuals by applicable discounts, premiums and income disregards
- 2.2 Applications will be accepted under this part of the policy from people who have qualified for support under the Council Tax Reduction Scheme, but who are still experiencing severe financial hardship. Other taxpayers may also apply, however the Council would normally expect the taxpayer to apply for Council Tax Reduction in any case where there is potential entitlement

2.3 As part of the application process all applicants must supply evidence to substantiate their application including, but not limited to:

- Making a separate application for assistance;
- Providing full details of their income and expenditure;
- Being able to satisfy the Council that they are unable to meet their full council tax liability or part of their liability;
- Show that they have no access to assets which could be realised and used to pay the Council Tax;
- Accept assistance from either the Council or third parties such as Citizens Advice or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
- Maximising 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 The Council will be responsible for assessing applications against this policy and the following factors will be applied:

- Current household composition and specific circumstances including disability or caring responsibilities;
- Current financial circumstances;
- Determine what actions the applicant has taken or could take to alleviate the situation, including whether the applicant has the opportunity or ability to increase their income;
- Consider alternative means of support that may be available to the applicant by:
 - (a) reprofiling of council tax or other debts.
 - (b) applying for a Discretionary Housing Payment or Housing Benefit (where applicable).
 - (c) maximising other benefits.
 - (d) determining whether in the opinion of the decision maker the spending priorities of the applicant should be rearranged

3. Crisis situations

3.1 The Council will consider requests for assistance from Council taxpayers who, through no fault of their own have experienced a crisis or event that has made their property uninhabitable e.g. due to fire or flooding and where they remain liable to pay council tax and for which they have no recourse for compensation or to any statutory council tax discounts or exemptions.

3.2 All such requests should be made in writing detailing the exact circumstances of why a reduction in liability is required and specifying when the situation is expected to be resolved.

- 3.3 The Council will consider applications on a case-by-case basis in consultation with other organisations as appropriate. Any reduction will be applied where they remain liable to pay council tax and for which they have no recourse for compensation or to any statutory discounts or exemptions or where the crisis or event is not covered by an insurance policy. The Council will not consider requests from taxpayers where government guidance or policy provides for a reduction in liability in specific circumstances, for example flood relief schemes.

4. Other circumstances

- 4.1 The Council may 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 believe the circumstances relating to the application warrant further reduction in their liability for Council Tax having regard to the effect on other council taxpayers.
- 4.2 No reduction in liability will be granted where any statutory exemption or discount could be granted.
- 4.3 No reduction in liability will be granted where it would conflict with any resolution, core priority or objective of the Council.

5. Period of Award

- 5.1 Relief will start from the date of the application or the date when the need for financial assistance is required. Any reductions allowed will only apply in the current financial year and therefore the earliest start date will be 1 April of the current financial year in which the application was made.
- 5.2 Relief will end on either the last day of the current financial year or the date on which the need for relief ended, whichever is earlier.

6. Responsible officers

- 6.1 The responsibility for making discretionary decisions will rest with the Head of Corporate Services.
- 6.2 The Revenues and Benefits Service will liaise with the applicant in each case to obtain enough evidence and information (in line with the criteria as laid out in the policy) to decide in their case.

7. Decision making process

- 7.1 The Council will decide every application for a reduction in liability where the applicant has satisfied the required criteria as laid out in this policy.
- 7.2 The decision-making process will involve the Revenues and Benefits Manager making a recommendation to the Head of Corporate Services after considering

each application on its own merits based on the information provided by the applicant.

- 7.3 Based on the recommendation the Head of Corporate Services will decide whether to award a reduction in liability.

8. Change of circumstances

- 8.1 The applicant has a duty to notify the Council where a change in their circumstances would affect the granting of a reduction in liability.

9. Notification

- 9.1 The Council will notify the applicant of its decision within 14 days of receiving enough information to make a decision.

10. Appeals

- 10.1 Appeals against the Council's decision may be made in accordance with Section 16 of the Local Government Finance Act 1992.
- 10.2 The Council taxpayer must in the first instance write to the Council outlining their reason for appeal. Once received the Council will reconsider its decision and notify the applicant.
- 10.3 Where the Council taxpayer remains aggrieved by the decision a further appeal can then be made to the Valuation Tribunal. This further appeal should be made within 2 months of the decision notice. Full details can be obtained from the Valuation Tribunal Service <https://www.valuationtribunal.gov.uk/>