

## APPENDIX C

### Report to Cabinet on 12 July 2017

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#### APPENDIX 2

### FRAMEWORK FOR ASSESSING APPLICATIONS FOR LOCAL DISCRETIONARY COUNCIL TAX DISCOUNTS UNDER S13A (1)(C) LOCAL GOVERNMENT FINANCE ACT 1992

#### Exceptional Hardship Applications

1. Applications will only be considered where:
  - a) The Council Tax payer would sustain hardship if the Authority did not grant discount; and
  - b) It would be reasonable for discount to be granted having regard to the interests of all Council Tax payers.
2. Applications for discretionary discount must be submitted in writing by the Council Tax payer or by someone authorised to act on their behalf.
3. An application form is provided so that an applicant can provide sufficient information reasonably required by the council to enable a decision to be made.
4. Council Tax payers will be asked to provide the following information in support of their application:
  - Details of the circumstances leading up to the application;
  - Details of their financial circumstances;
  - The period over which discount is requested;
  - Details of any financial hardship or difficult personal circumstances/crises or events relating to the application. If the application is in respect of an unoccupied property, an explanation as to why the property is unoccupied and what plans (if any) are in place to re-occupy or dispose of the property;
  - Any other information they wish to provide in support of the application, including a letter of support from, for example, the Citizen's Advice Bureau, doctor or social worker.

The above list is not exhaustive and the Council will consider all applications on a case by case basis and on their individual merits.

5. There is no firm legislative definition of hardship, however the following factors will be taken into consideration and inform the decision making process:
  - The Council Tax payer should be able to satisfy the billing authority that they are not able to meet their full Council Tax liability or part of their liability;
  - That they are unable to cope with day to day financial matters;
  - If the council tax account is in arrears the Council must be satisfied that non-payment was due to a reasonable basis of withholding payment and not the result of wilful refusal to pay or culpable neglect;

- The Council Tax payer should demonstrate that all reasonable steps have been taken to meet their full Council Tax liability, including applications for council tax reduction, discounts and exemptions and other sources of income prior to making their claim;
  - Whether the Council Tax payer's current circumstances are likely to improve in the following 12 months;
  - Whether the Council Tax payer has access to other assets or owns property; in these circumstances it may be possible for the debt to be secured through a solicitors undertaking or a charging order on the property;
  - The source of the Council Tax payer's income i.e. are they in employment or do they have no other funding except for that available through public funds;
  - Whether enforced payment of the full Council Tax liability would leave insufficient money available for basic needs such as food or medical prescriptions;
  - Whether any previous awards have been granted;
  - The Council will signpost Council Tax payers to debt advice services, evidence of taking and adhering to advice may be requested when making an application for discretionary discount;
  - The cost of granting, or not granting, the relief.
6. If an application is made for an unoccupied domestic property the Council Tax payer must have made their best efforts to sell or let the property. There will be close links with the Council's Private Sector Housing Division as they may be able to offer assistance to help owners of empty property's to bring them back into use. The owner's response to any offer of assistance will be taken into account in the decision making process.
  7. The period and amount of the award is at the discretion of the council. This will be appropriate to the application.
  8. Awards are only intended as short term assistance and the amount awarded will generally not exceed the value of 1 year's worth of charge; it is not intended that relief should be awarded on an ongoing basis.
  9. The Council may revise an award, either upward or downward, if the applicant's circumstances change.
  10. Reduction or remission of Council Tax under this scheme will be the exception rather than the norm.
  11. The Council will notify a Council Tax payer in writing within 15 working days of receiving sufficient information to make a decision.

## **FRAMEWORK FOR ASSESSING APPLICATIONS FOR LOCAL DISCRETIONARY COUNCIL TAX DISCOUNTS**

### **Class Application – War Pensioners in receipt of Savings Credit**

12. Applications will be considered where:

- a) The applicant is a war pensioner also in receipt of savings credit, who is claiming Local Council Tax Support under the Council's Local Council Tax Reduction Scheme.

13. Applications for discretionary discount will be identified automatically from the claim for Local Council Tax Support made under the Council's Local Council Tax Reduction scheme. No separate application is required.

14. Applications from war pensioners will be assessed by deducting the amount of any war pension listed in Schedule 5 (1) of the Stockton-on-Tees Borough Council Tax Reduction Scheme, which has not already been deducted in the calculation or estimate of the applicants income by the Secretary of State, when calculating the application for Local Council Tax Support at s 36 of the Stockton-on-Tees Scheme.

15. The period of award will be linked to the period of any application for Local Council Tax support.

16. The Council may revise an award, either upward or downward, if the applicant's circumstances change.

17. The amount of award will be included within the notification of entitlement to Council Tax Support, and will not be separately identified on the letter.

### **Class Application- Care Leavers living within the Borough**

1. Applications will be considered from care leavers living within the borough and liable to pay council tax.

- a. For the purpose of this relief, a care leaver is defined as somebody under the age of 25, whom Stockton-on-Tees Borough Council looked after up to the point that they left care. The legal definition of a care leaver is someone who has been looked after for at least 13 weeks since the age of 14, and includes at least one day after the age of 16.

Where such a person becomes liable to pay Council Tax, their liability will be reduced to nil from 1 April 2017, until they reach the age of 25. The discount would be awarded against any liability arising from 1 April 2017 and the Council will have the discretion to backdate future awards to that date.

1. All other discounts and exemptions, including any entitlement to Council Tax Support, will be applied before reducing any remaining balance to nil.

2. Where a "care leaver is jointly liable with other tax payers, the discount will be applied to the household and so non care leavers may be benefit inadvertently.

3. Where a Stockton care leaver moves out of the area the discount can be claimed again should they return to the area before their 25 birthday.

4. The discount will not be means tested or responsive to the individual circumstances of the care leaver if he or she is between the ages of 18-25.
5. The date of the day before the care leaver's 25<sup>th</sup> birthday determines the last day of the period of the award.
6. The scheme will administered by the Council's Revenues and Benefits Service. Arrangements will be put in place between the Revenues and Benefit Service and the Leaving Care Service to ensure that care leavers are automatically registered for the reduction.

#### Appeals about Discretionary Reductions

7. If an applicant is dissatisfied with the decision regarding the award of a discretionary reduction there is a right of appeal to the Revenues and Benefits Service Manager. The appeal must be made in writing. The outcome of the appeal will be given in writing by the Council within two months of the request, detailing the reasons for changing or upholding the original decision.
8. If the Council does not respond to the appeal within two months of the request for a review or the Council Tax payer considers the Council's decision is wrong, they can appeal directly to the Valuation Tribunal. Where an appeal against entitlement to Council Tax Support is made which will also affect an award of discretionary reduction, the Council will review the discretionary reduction at the same time as considering the appeal relating to Council Tax Support.