



Council Tax Discretionary Discount Policy

St. Helens Council

Introduction

Section 13A(1)(c) of the Local Government Finance Act 1992 (amended), provides the Council with additional discretionary powers to reduce the council tax liability where national discounts and exemptions cannot be applied. This can apply to individual council taxpayers or groups of taxpayers who have similar circumstances, e.g. those that have had to leave their home due to flooding.

Council tax legislation provides a wide range of discounts, exemptions and reductions that have the effect of reducing the level of council tax due. Applicants will be expected to have exhausted all other options before making an application under this policy. Officers applying this policy will similarly consider whether alternative actions should be undertaken before applying this policy. As such, this policy will only consider exceptional circumstances, due to financial need or crisis, where it is appropriate and fair to provide a discretionary discount.

The cost of this policy is borne by the Council and the decision to provide a discount will be considered against the needs of other local taxpayers and the financial constraints of the Council.

Exceptional Financial Hardship

In accordance with Section 13A(1)(a) of the Local Government Finance Act 1992 (amended), 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.

The level of support provided through the reduction scheme is the maximum support that the Council can financially afford to provide to applicants. As part of developing the scheme, it has been necessary to restrict maximum relief of 80% to working age applicants.

Applications will be accepted under this policy for people who have qualified for support under the Council Tax Reduction Scheme but who are still experiencing severe financial hardship. Before applying, applicants will be expected to have taken appropriate steps to alleviate their financial situation, e.g. through employment, moving to a lower banded property, reducing outgoings or maximising income and other benefits. Priority under this policy will be given to applicants who are unable to work due to long-term sickness, who are disabled or have caring responsibilities.

All applications from those who consider themselves to be within severe financial need, or their appointees, must be in writing on a form approved for the purpose. An application form and e-form will be available from 1 April 2013. In addition, information provided on other application forms for financial support, e.g. Discretionary Housing Payments or similar, may be used to assess relief under this policy.

The Revenues and Benefits Service will be responsible for assessing applications against this policy. A decision maker will consider the following factors when applying this policy:

- Current household composition and specific circumstances including disability or caring responsibilities;
- Current financial circumstances; the applicant will be expected to provide details of their weekly/monthly income and expenditure. In considering an applicant's financial circumstances it is expected that priority debt, such as: council tax, rent or mortgage payments, are prioritised over unsecured loans.
- Determine what action(s) the applicant has taken to alleviate the situation.
- Consider alternative means of support that may be available to the applicant, e.g.:
 - re-profiling council tax debts or other debts;
 - applying for a Discretionary Housing Payment;
 - maximising other benefits;
 - determining whether in the opinion of the decision maker the spending priorities of the applicant should be reanalysed.

In certain circumstance, it may be appropriate to refer the applicant to a financial literacy, money or debt advice prior to awarding a discretionary discount.

The awarding of a discount will normally be restricted to maximum amount of 20% of the council tax liability. This may be set at a lower percentage, depending on the financial assessment process. The maximum length of the award will be for a financial year but may be set at a shorter period depending on the applicant's individual circumstances or the financial constraints of the Council.

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

If an applicant is not satisfied with the decision they can, within 28 days of the decision, request in writing for the decision to be reviewed. If they are still not satisfied with the decision they retain the right to make a complaint under the Council's corporate complaints procedure.

Other circumstances – e.g. Crisis

The Council will consider requests for relief from other 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, where they remain liable to pay council tax and for which they have no recourse for compensation.

All such requests must be made in writing detailing the exact circumstances of why relief is required and specifying when the situation is expected to be resolved.

The Assistant Chief Executive (Finance) will consider applications on a case by case basis in consultation with other Chief Officers, as appropriate. In arriving at this decision, consideration will be made whether there is alternative solution available and whether it is appropriate to offer relief having taking into account the needs of the local taxpayer as a whole.

If the applicant is not satisfied with the decision they have the right to make a complaint under the Council's Corporate Complaints system.

Reporting Changes in Circumstances

Applicants must report changes in their circumstances within 21 days of the change occurring.

Fraudulent Claims

The Council takes the treat of fraud seriously. Anyone who tries to claim a discretionary discount under this policy by falsely declaring their circumstance or providing a false statement or evidence may have committed an offence under the Theft Act 1968 or the Fraud Act 2006. The Council will investigate all cases where fraud may have been committed. Criminal proceedings or other sanctions may be applied in appropriate circumstances.

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