

Policy for the Award of Discretionary Reductions in Council Tax Liability under Section 13A(1)(c) Local Government Finance Act 1992

Council tax payers in financial hardship

1. Introduction

- 1.1 Section 13A(1)(c) of the Local Government Finance Act 1992 allows the Council to reduce the amount of council tax that a person is liable to pay to such an extent as it thinks fit, or if the amount has already been reduced under the Haringey Council Tax Reduction Scheme, by such further extent as it thinks fit. This includes the power to reduce the amount to nil. This power may be exercised in relation to particular cases or by determining a class of cases or a class of case in which liability to pay council tax is to be reduced to an extent provided by the determination.
- ~~1.2 This relief is discretionary. The Council has not specified any class of case in which liability is to be reduced. However, it will consider claims on an individual basis.~~
- 1.3 *This relief is discretionary, and this policy outlines how claims for discretionary relief are to be assessed. This policy is intended to enable the council to provide relief for those experiencing financial hardship due to extenuating circumstances.*
- 1.4 *In response to the Council recognising that care leavers are more vulnerable to council tax debt, and in light of the Council's role as corporate parent to care leavers, the Council has adopted a separate discretionary policy under which a class of case known as "Care Leavers" may be entitled to a reduction in accordance with S13A(1)(c). The full policy is set out in the Care Leavers Relief Scheme (CLRS). Care leavers should consult this policy for assistance with their council tax liability.*

2. Scope and Definition

- 2.1 Under this policy a reduction under section 13A(1)(c) may be awarded to council tax payers who are experiencing financial hardship due to extenuating circumstances. The amount of the discretionary relief to be awarded will be at the Council's discretion. Each case of a discretionary reduction will be assessed on its individual merits.
- 2.2 The cost of section 13A(1)(c) reductions *will* be met in its entirety by Haringey Council and therefore Haringey council tax payers. The granting of such reductions must be balanced against their financial impact on residents and will therefore only be granted in exceptional circumstances.

3. How to apply for a discretionary reduction

- 3.1 An application must be submitted in writing by the council tax payer(s) or his/her representative. Applications should be submitted to Revenues, Benefits and

Customer Services Division and clearly marked **Council Tax Discretionary Reduction.**

- 3.2 All applications must be supported by evidence. The maximum award that may be applied for is the council tax owed for one financial year. The Council can only assess an application on the basis of the evidence before it. Where evidence is weak or insufficient it is likely that an application will be refused.

4. How claims for a discretionary reduction will be assessed

- 4.1 The Council will consider each application for a discretionary reduction on its merits. However, some or all of the following criteria should be met in each case:
- Evidence of financial hardship or exceptional personal circumstances.
 - Details of how the council tax payer(s) has attempted to meet council tax payments prior to application.
 - An application under the Haringey Council Tax Reduction Scheme has been made and assessed.
 - All other eligible reductions, discounts and relief in respect of council tax have been considered and where applicable awarded.
 - The council tax payer(s) occupies rented accommodation, is not a home-owner and has no access to other assets that could be used to pay council tax.
 - The Council can meet the financial cost of the award.
 - The amount outstanding must not be the result of wilful refusal or culpable neglect.
- 4.2 Written applications will be assessed together with all supporting evidence. A reduction may be awarded in respect of council tax liability from 1st April 2013, and may only be applied in respect of the financial year in which it is made or to which it pertains. Any reduction awarded may meet part or all of the council tax liability for that financial year.
- 4.3 Applications will be considered by service managers within Revenues, Benefits and Customer Services and recommendations submitted to the Head of Service for authorisation within 21 days of receipt of all information. Once approved, the council tax payer(s) will be notified of the decision within 14 days. An application submitted is not an entitlement to withhold payment of council tax.

5. Review of Decision

- 5.1 Under the Local Government Finance Act 1992, there is no right of appeal against the Council's use of discretionary powers. However, the Council will accept a resident's written request for a further review of its decision if it is supported by further information or evidence and is made within one calendar month of the decision.
- 5.2 Any review will be carried out by a different person from the person who made the decision to which the review relates and shall normally be completed within 28 days from the date the review is received by the Council.

6. Ending or Cancelling the Reduction

- 6.1 In all cases the reduction will end either; at the end of the financial year or; on the same day as the closing of the council tax payer's account or; where information indicates the council tax payer's circumstances have changed; on the date of the change.
- 6.2 Where it transpires that a reduction has been awarded based on false information or evidence the decision will be revoked and the Council reserves the right to recover any council tax already remitted.

7. Decision Making

- 7.1 The levels of decision making are outlined in the table below. In addition the annual audit of council tax will encompass the application and award of reductions.

Service Manager	Assistant Head	Head of Service
To review and consider applications in accordance with guidelines recommending approved cases and level of award to Head of Service	To review and consider applications in accordance with guidelines recommending approved cases and level of award to Head of Service	To authorise or reject cases submitted.
To reject any case which does not meet guidelines set.	To reject any case which does not meet guidelines set.	
	To review any re-applications.	
	To monitor and ensure compliance with policy.	
	To review and control expenditure.	

8. Equalities and Diversity

- 8.1 This policy is discretionary and therefore all council tax payers will be eligible to apply for reductions. The policy has been written with due regard for those council tax payers who are affected by the changes as a result of the introduction of the council tax reduction scheme.

9. Review of Policy

- 9.1 This policy will be monitored any revisions necessary will be brought back to Cabinet at a future date.

Council Tax Discretionary Reduction: Application Form

Your personal details

Name of Council Tax Payer/s:

Council Tax Account Number:

Property Address:

Telephone Number:

Email Address:

Your financial circumstances:

1. Are you a care leaver? <i>(If 'yes' Please, provide proof of care leaver status).</i>	
2. Do you own the above-mentioned property or any other property?	
3. Provide details of the circumstances causing hardship?	
4. What efforts have you made to improve your financial position?	
5. Are you receiving financial help from any other source? If yes, please provide details.	
6. Please complete the	

financial statement of income and expenditure.	
7. Please provide any additional information in support of your claim.	

You must include evidence to support your claim. As a minimum the following is required:

- Completed Income & Expenditure Form
- Confirmation of all household income
- Confirmation of current expenditure
- Recent bank statement(s)

Your application will be considered in line with the evidence provided. Once a decision has been made you will be notified within 14 days.

Please note than any existing repayment plans remain in place and therefore you should continue to pay your council tax as set out in your bill or notification of repayment plan.