

# Blaenau Gwent County Borough Council

## **Council Tax Discretionary Relief Policy**

### **Section 1**

#### **Purpose of the policy**

The policy enables the Council to provide temporary assistance to all persons liable for Council Tax, who require assistance in respect of council tax costs and fall into any of the categories outlined in section 2.

The Council already provides a Council Tax Reduction Scheme in accordance with section 13A(b) of the LGFA 1992.

This discretionary relief policy is separate and independent of the Council's Council Tax Reduction Scheme(CTRS) and may be awarded in addition to any CTRS entitlement.

#### **Background**

Section 13A, subsections (1) (c) of the Local Government Finance Act (LGFA 1992) gives power to a billing authority to reduce the amount of tax payable as follows:

*(1) (c) in any case, may be reduced to such extent (or, if the amount has been reduced under paragraph (a) or (b), such further extent) as the billing authority for the area in which the dwelling is situated thinks fit;*

*The power under subsection (1) (c) includes power to reduce an amount to nil; and*

*The power under subsection (1) (c) may be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced to an extent provided by the determination.*

This policy sets out how Blaenau Gwent County Borough Council will consider and apply relief under Section 13A (1) (c).

#### **Application for Relief**

All applications for discretionary relief under section 13A(1)(c) of LGFA 1992 must be made in writing to the Strategic Director Resources.

#### **Decision**

Any relief granted in accordance with this policy will be approved by the Strategic Director Resources following submission of a report from the Revenues section. Applicants will be notified of the decision, and reasons for the decision in writing, no later than 14 days following the decision.

#### **Appeals**

If an applicant is unsatisfied with the decision they may request a review of the decision by an independent officer. This must be submitted within 28 days of the date of notification. Should the original decision be upheld the applicant can make an appeal to the Valuation Tribunal for Wales(VTW), If it is further upheld the applicant can request a "judicial review" by the High Court.

#### **Policy Review**

It is expected that the policy will be reviewed when there are legislative changes that affect this policy.

## **Section 2**

### **Discretionary relief schemes**

Section 13A (1) (c) allows the Council the discretion to provide assistance to council 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.

Any discretionary relief is intended to offer short term assistance rather than a long term solution. Therefore, relief may only be awarded for the financial year in which the application is made. Each application will be considered on its own merits and circumstances of the applicant, and may be subject to review should those circumstances change during the period of award. However some or all of the following criteria will be considered when reaching a decision in each case:

- a) The council tax payer must show evidence of financial hardship or personal circumstances that justifies a reduction in council tax liability.
- b) Where required, the council tax payer must satisfy the Council that all reasonable steps have been taken to resolve their situation prior to application.
- c) All other eligible discounts/reliefs have been awarded.
- d) Where required, all other legitimate means of resolving the situation have been investigated and exhausted by the applicant.
- f) Where appropriate, that the situation and reason for the application is outside of the council taxpayer's control.

Any award has a financial implication of reducing potential council tax income and therefore must be balanced with the needs of the local taxpayers.

For the purposes of administration, the Council proposes that the discretionary power to grant any reduction in liability for Council Tax shall be considered within the following categories:

- a) Crisis – Flood, Fire etc
- b) Exceptional Financial Hardship
- c) Care Leaver

### **Section 3**

#### **Qualifying Criteria for discretionary reliefs**

##### **a) Crisis – flood, fire etc**

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 dwelling 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 nor have recourse to any statutory exemptions or discounts.

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

The Council will consider applications on a case by case basis in consultation with other services or 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 not to any statutory exemptions or discounts or where the crisis or event is not covered by any insurance policy.

The Council will not consider requests from taxpayers where assistance may be accessed by other methods. e.g, flood relief schemes.

##### **b) Exceptional financial hardship**

All council tax payers within the County Borough can apply for assistance.

In accordance with Section 13A (1) (b) of the LGFA 1992, this Council has a Council Tax Reduction Scheme(CTRS) which provides support, through a reduction, to those who need assistance to meet their Council Tax costs. The scheme is designed to take account of the financial and specific circumstances of individuals through the use of applicable amounts, premiums and income disregards. Any applicants would be expected to have submitted an application for assistance from the CTRS prior to having a discretionary relief application considered. Receipt of assistance from CTRS does not prevent a discretionary relief application from being considered.

As part of the process of applying for a discretionary reduction in Council Tax, all applicants must be willing to undertake **all** of the following:

- Make a written application for assistance
- Provide full details of their income and expenditure (a form will be provided for the purpose)
- 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
- Accept assistance from either the Council or third parties such as the Citizens Advice Bureau or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure
- Identify potential changes in payment methods and arrangements to assist the applicant
- The taxpayer to assist the Council to minimise his/her liability by ensuring that all discounts, exemptions and reductions are properly been applied and granted, and
- The taxpayer has no access to assets that could be realised and used to pay the Council Tax.

##### **c) Care leavers**

A care leaver is a person who satisfies the criteria as set out in the Children(Leaving Care)Act 2000.

The Council will consider applications for discretionary relief from care leavers who are between the age of 18 to 25 years and whose sole or main residence is within the County Borough. Care leavers relief will be awarded following the award of any council tax reduction scheme and or other council tax

## Appendix 1

Exemption/discount that the individual may be entitled to.

Where the care leaver is the sole resident at a dwelling, or joint and severally liable with another care leaver, the council tax liability on the dwelling will be reduced to nil. Where the care leaver is jointly and severally liable for the council tax on the dwelling, with a person who is not a care leaver, a 25% reduction will apply to the council tax liability on the dwelling.

Any relief awarded will finish on the date of the applicants 25<sup>th</sup> Birthday.

Applications for relief must be submitted in writing and must confirm the care leaver's name, address and date of birth, along with details of the Local Authority that acted as "Corporate Parent" up until the date that the applicant left Local Authority care.

Once confirmation is received of the applicant's eligibility from the local authority acting as "Corporate Parent", relief will automatically be awarded to the appropriate council tax account.