

# Council Tax Reduction Discretionary Payments Policy

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## **1 Policy Purpose**

- 1.1 This policy covers the award of Discretionary Payments of Council Tax Reduction from 1<sup>st</sup> April 2018.
- 1.2 East Staffordshire Borough Council's Policy on awarding Council Tax Reduction Discretionary Payments (CTRDP) is designed to set out a framework for employees and provide information to other advice agencies when dealing with an award of Council Tax Reduction (CTR) from 1<sup>st</sup> April 2018.

## **2 Policy Statement**

- 2.1 East Staffordshire Borough Council is committed to working with the local voluntary sector and other interested parties to maximise entitlement to all available state benefits and this will be reflected in the administration of the CTRDP scheme.

## **3 Policy Objectives**

- 3.1 The key objectives of this policy are to:
  - 3.1.1 To assist those who face difficulties in paying their Council Tax.
  - 3.1.2 To assist in tackling poverty by offering the right advice to enable people to maximise their benefit entitlement and to help prevent the build-up of debt.
  - 3.1.3 To be consistent and fair in our dealings, regardless of race, disability, gender, gender orientation, religion or belief, or age. The policy will contribute to the improvement and customer service of the Council.
  - 3.1.4 Each case will be decided strictly on its merits and all customers will be treated equally and fairly.
- 3.2 The policy will help to:
  - alleviate poverty
  - encourage and sustain residents in employment;
  - tenancy sustainment and homelessness prevention;
  - safeguard residents in their homes;
  - help those who are trying to help themselves;
  - keep families together;
  - supporting domestic violence victims who are trying to move to a place of safety;
  - support the vulnerable in the local community;
  - help customers through personal crises and difficult events.
- 3.3 The scope of the scheme covers shortfalls between Council Tax liability and payments of Council Tax Reduction.

- 3.4 The main features of the scheme are that:
- 3.4.1 the scheme is discretionary: a claimant does not have a statutory right to receive a payment;
  - 3.4.2 the administration of the scheme is for East Staffordshire Borough Council to determine;
- 3.5 The Council must be satisfied that the claimant is entitled to:
- Council Tax Reduction; and
  - Has a liability to pay Council Tax; and
  - Requires further financial assistance with their Council Tax payments.
- 3.6 CTRDP's are not a payment of CTR. The minimum amount of CTR must be in payment in the benefit week that a CTRDP is awarded for.

## **4 Legal Framework for Council Tax Reduction Discretionary Payments**

- 4.1 section 13A (1) (c) of the Local Government Finance Act 2012

## **5 Equality Statement**

- 5.1 We will be consistent and fair in our dealings, regardless of race, disability, gender, gender orientation, religion or belief, or age. The policy will contribute to the improvement and customer service of the Council.
- 5.2 By administering the policy we will assist in tackling poverty by offering the right advice to enable people to maximise their income and to help prevent the build-up of debt.
- 5.3 When claimants make a claim for a CTRDP we will:
- 5.2.1 ensure that each claim is considered individually;
  - 5.2.2 work with recognised advice agencies wherever possible to enable the claimant to pay their Council Tax liability.

## **6 Code of Practice**

- 6.1 We will provide clear and prompt information about CTRDP. The information we provide will show:
- 6.1.1 if the application has been accepted, or if it has been rejected and the reason(s) why;
  - 6.1.2 if the application has been accepted, the weekly award of CTRDP;
  - 6.1.3 if the application has been accepted, the period the award relates to;
  - 6.1.4 how to request a review of our decision;

- 6.1.5 a contact point for all enquiries.
- 6.2 All correspondence will be clearly written, without the use of jargon and will include information on how to get independent advice.
- 6.3 The Council will advise people how they can reduce their Council Tax payments and maximise their income where possible by:
- 6.3.1 informing people of their entitlement to benefits, discounts, reliefs and exemptions;
  - 6.3.2 ensuring that maximum take-up occurs;
  - 6.3.3 informing people of the general availability of all income-related benefits;
  - 6.3.4 training staff who advise the public on debt matters to be aware of the benefits, discounts, reliefs and exemptions that may be applied to ensure that take up is maximised;
  - 6.3.5 advising people where they can get independent advice with financial problems, for example Citizens Advice Mid Staffordshire;
  - 6.3.6 we will make information available in a variety of formats and languages when required.
- 6.4 East Staffordshire Borough Council will work with all interested parties to publicise the scheme. A copy of this policy will be posted on the Council's website.

## **7 Information and Advice**

- 7.1 The Council provides information to all taxpayers on its website [www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk) which covers the following areas:
- How to make a claim
  - How to calculate entitlement to Council Tax Reduction
  - How to report a change in circumstances
  - How to claim backdated Council Tax Reduction
  - How to appeal a Council Tax Reduction decision
  - How the Council Tax is spent
- 7.2 We will make information available in a variety of formats and languages when required.

## **8 The CTRDP claim process**

### **8.1 Claiming a CTRDP**

8.1.1 A claim for a CTRDP must be made in writing and signed by the customer. A letter, claim form or signed statement, delivered by hand, or via Royal Mail or electronically, will be deemed as satisfactory.

8.1.2 Where a letter or signed statement or email is received, whether by hand or Royal Mail or electronically, a CTRDP claim form will be issued to the customer. The customer will be required to return the form and will be asked to include any relevant supporting evidence.

8.1.3 Private Interview facilities and appointments will be available for all customers to the Customer Service Centres wishing to make a claim for CTRDP, and where appropriate a welfare visitor will call to assist applicants.

8.1.4 East Staffordshire Borough Council may request any (reasonable) evidence in support of an application for a CTRDP. The customer will be asked to provide the evidence within one month of such a request although this will be extended in appropriate circumstances.

### **8.2 Period of Award**

8.2.1 In all cases, East Staffordshire Borough Council will decide the length of time for which a CTRDP will be awarded on the basis of the evidence supplied with the claim, the known facts, and taking into consideration 'Best Practice' guidance.

8.2.2 The start date of an award will normally be the Monday after the satisfactory request for a CTRDP is received by East Staffordshire Borough Council.

8.2.3 East Staffordshire Borough Council cannot award a CTRDP for any period outside an existing CTR period granted under the Council's Council Tax Reduction scheme.

8.2.4 East Staffordshire Borough Council will consider any reasonable request for backdating an award of a CTRDP but such consideration will usually be limited to the current financial year.

### **8.3 Awarding a CTRDP**

8.3.1 In deciding whether to award a CTRDP, East Staffordshire Borough Council will take into account:

- any steps taken by the customer to reduce their outgoings on non-priority debts;
- the financial and medical circumstances of the customer, their partner and any dependants or other occupants of the customer's home;
- the income and expenditure of the customer, their partner and any dependants or other occupants in the customer's home;
- any savings or capital that might be held by the customer or their family;
- the level of debt of the customer and if appropriate their family;
- the exceptional nature of the customer and their family's circumstances;
- the amount available in the CTRDP budget at the time of the application;
- the shortfall between Council Tax Reduction and the Council Tax liability;
- the possible impact on the Council of not making such an award, e.g. increased Council Tax arrears & the effect on the provision of local services;
- any other special circumstances brought to the attention of East Staffordshire Borough Council.

8.3.2 East Staffordshire Borough Council will decide how much to award based on the circumstances defined by the claimant. This may be an amount below the difference between the Council Tax liability and the payment of Council Tax Reduction.

8.3.3 An award of a CTRDP does not guarantee that a further award will be made at a later date even if the customer's circumstances have not changed. The Council may refer the claimant, under an agreed process, to other advice bodies to help them resolve the issues that bring the claimant to request a CTRDP.

8.3.4 East Staffordshire Borough Council considers that the CTRDP scheme should be seen as a short term emergency fund. It is not and should not be considered as a way around any current or future entitlement restrictions set out within the Council's Council Tax Reduction scheme.

#### 8.4 Changes of Circumstances

8.4.1 The claimant has a duty to notify East Staffordshire Borough Council immediately where any changes in their circumstances occur during the period that an award of CTRDP is in payment.

8.4.2 East Staffordshire Borough Council may need to revise an award of a CTRDP where the claimant's circumstances have changed.

## 8.5 Method of Payment

8.5.1 East Staffordshire Borough Council will pay an award of CTRDP by direct credit to the claimant's Council Tax account

## 8.6 Notification

8.6.1 East Staffordshire Borough Council will inform customers of the outcome of their application within 14 days of receipt or where reasonable. Where the application is unsuccessful, East Staffordshire Borough Council will set out the reasons why the decision was made and explain the right of review.

8.6.2 Where the application is successful, East Staffordshire Borough Council will advise:

- the weekly amount of CTRDP awarded
- the period of the award
- how the award will be paid
- the requirement to report a change in circumstances

## 9 Appeals

9.1 CTRDPs are not payments of Council Tax Reduction and are therefore not subject to the statutory appeals process.

9.2 East Staffordshire Borough Council will operate in the following way when dealing with queries about a refusal to award a CTRDP, a decision to award a reduced amount of CTRDP, a decision not to backdate a CTRDP or a decision that there has been an overpayment of a CTRDP.

9.2.1 A customer (or their appointee or agent) who disagrees with a CTRDP decision may dispute the decision. A request for a review shall be made to East Staffordshire Borough Council within one calendar month of the written decision about the CTRDP being issued. Where appropriate, officers from East Staffordshire Borough Council will explain the CTRDP decision to the customer by telephone, at interview or in writing and will seek to resolve the matter.

9.2.2 Where the disagreement can't be resolved the case will be reviewed by a Senior Officer who was not part of the original decision making process. All the evidence will be reviewed and a decision will be made within 14 days of referral or as soon as practicable.

9.2.3 Where the decision is not revised the customer will be notified in writing, setting out the reasons for the decision. Their decision will be final and binding and may only be challenged via the judicial review process or by complaint to the Local Government Ombudsman.

## **10 Overpayments**

- 10.1 East Staffordshire Borough Council can decide whether it is appropriate to recover overpayments of CTRDP. If recovery action is decided the Council will recover the overpayment directly from the claimant's Council Tax account that the original CTRDP award was credited to.
- 10.2 Recovery will not usually be attempted for any overpayments that occur as the result of a Local Authority error unless the person who received the payment could reasonably have known they were being overpaid or they contributed to the overpayment.
- 10.3 Action on the recovery of overpayments is detailed in the Council's Recovery Policy.

## **11 Fraud**

- 11.1 East Staffordshire Borough Council is committed to fighting fraud in all its forms.
- 11.2 A customer who tries to fraudulently claim a CTRDP by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968.
- 11.3 Where East Staffordshire Borough Council suspects that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings.