

Discretionary Council Tax Payment Policy

**Policy for the Award of a
Discretionary Council Tax Payment.****1 Background**

1.1 Since the abolition of the National Council Tax Benefit Scheme and the implementation of the Local Council Tax Reduction Scheme, the Discretionary Housing Payment Fund can no longer be used to assist Council Tax payers who are now in receipt of Council Tax Reduction (CTR), as this is not a National Welfare Benefit.

The Council does have the power to make Discretionary Council Tax Payments (DCTP) to enable some assistance to be given to those Council Tax Payers that are experiencing severe financial difficulties in making payments towards their Council Tax.

1.2 The main features of this scheme in relation to DCTP's are: -

- Any Council Tax Payer, can make an application for assistance, the scheme is not restricted to just those in receipt of CTR
- A Council Tax payer does not have a statutory right to a payment
- The operation of the scheme is for the Council to determine

2 The Council's Policy

2.1 The purpose of this policy is to specify how this Council will operate this scheme and to indicate the factors that will be considered when deciding if a DCTP can be made. The aim is to treat all Council Tax Payers equally when administering the scheme. The Council has a duty to act fairly, reasonably and consistently when considering applications.

2.2 The Council is able to help those, with a DCTP, in exceptional circumstances where a Council Tax Payer is experiencing severe financial difficulties and is unable to meet their Council Tax liability. This payment is not restricted, so any Council Tax Payer, may make an application for assistance.

3 Claiming a DCTP

- Initially a request may be made in writing, verbally or electronically or be referred for consideration in conjunction with an application for a Discretionary Housing Payment.
- The Council will usually then ask for evidence to support the request. This could be in the form of a financial statement, detailing income and expenditure for the household.
- The applicant should provide the information within one calendar month. Evidence and information provided to decide any Statutory Housing Benefit or Council Tax Reduction claim will be taken into account.

Discretionary Council Tax Payment Policy

- If the applicant does not provide the required evidence, the Council may still consider the application. However any unsubstantiated statements may be disregarded and conclusions drawn from other evidence alone.
- The Council may in any circumstances verify any information and evidence provided by the Council Tax Payer by contacting third parties. This means that the Council may request information that relates to other debts, such as rent arrears.

4 Authorised Decision Makers

4.1 The scheme will be administered by the Revenues & Benefits Service Manager. In his/her absence, the Revenues Manager may make the decision.

5 Periods of Award

5.1 The Council will decide the length of time for which a DCTP can be awarded.

- The Council will not award a DCTP for a period that exceeds the liability for the financial year in question, unless there are exceptional circumstances.

6 The Amount of DCTP Awarded

6.1 The Council will consider whether to award a DCTP and the amount of any such award. It will take into account:

- The amount of outstanding Council Tax liability and the length of time that the debt has accrued.
- Reasonable steps have been taken by the Council Tax Payer to reduce their outgoings in order to meet their liability.
- The general circumstances surrounding the application.
- The financial and social health/medical circumstances of the applicant, their partner and any dependants and any other relevant occupants of the applicants home.
- The income and essential expenditure of the applicant, their partner and dependants or other relevant occupants of their home to determine whether the applicant could reasonably afford to pay the Council Tax.
- The savings or capital which is held by the applicant or their family, or could be made available to them.
- The availability and any steps taken by the applicant to obtain extra income or to reduce expenditure of the applicant or their family.
- The level of indebtedness of the applicant and their family.
- The exceptional nature of any circumstances surrounding the applicant and their family.

Discretionary Council Tax Payment Policy

6.2 The award of a DCTP at one time will not guarantee that a further award will be made at a later date, even if the Council Tax Payer's circumstances remain the same. The amount of any DCTP award will be decided by the Council taking into account the above matters.

7 **Changes of Circumstances**

7.1 Council Tax Payers who are in receipt of a DCTP must ensure that they report any changes, in their financial circumstances, to the Council.

7.2 The Council may decide to reconsider the award of DCTP, depending on the reason for the change in circumstances.

8 **Methods of Payment**

8.1 The Council will adjust the Council Tax liability with the amount of DCTP awarded. This may result in no liability for the period in question or a reduced amount to pay. In both cases an amended Demand Notice will be issued, showing the amount awarded and any adjusted reduced instalment amount due.

9 **Notification**

9.1 The Council will inform the Council Tax Payer of the result of the decision within 28 days of receiving the request and all of the supporting evidence having been received. The Council will notify:

(a) Those whose application is unsuccessful

- The reasons why there has been a decision not to award a DCTP
- Their review rights

(b) Those whose application is successful

- The amount of DCTP awarded, which will be detailed on an amended Demand Notice

10 **Appeal/Review Rights**

10.1 DCTP's are not subject to appeal rights, as this is a discretionary payment. The Council will however review a decision on request as follows:

- Any Council Tax payer who disagrees with a DCTP decision may request a review.
- Any such request may be made verbally, in writing or electronically and should in any case be made within 7 days of the notification of the initial decision being received.
- A different Officer to the one who made the original decision will then review the decision either by considering the available information again, or by contacting the applicant to have a verbal discussion to seek to resolve the situation.

Discretionary Council Tax Payment Policy

- If after the initial review the decision has not been changed, the details are passed to the Head of Revenues, Benefits & IT to re-review the decision.

11 Overpayments

- 11.1 The Council will seek to recover any DCTP found to be overpaid and will take into consideration the Council Tax Payer's circumstances and the reasons that gave rise to the overpayment in making arrangements for its repayment. No overpayment will be recovered if it has been caused by the Council's error and it was not reasonable for the applicant to have known the error had been made.

12 Fraud

- 12.1 The Council is committed to the fight against fraud in all its forms. Any Council Tax Payer who fraudulently claims DCTP by falsely declaring their circumstances, providing a false statement or evidence in support of their application, will have committed an offence under the Theft Act 1968.
- 12.2 Any cases where the Council suspects that this has occurred will be investigated and the Council reserves the right to prosecute under the Theft Act 1968.
- 12.3 If the Council Tax Payer is subsequently prosecuted for Housing Benefit or Council Tax Reduction Fraud, any DCTP overpayment will form part of the prosecution.