

Council Tax Discretionary Discount Policy

Introduction

Under Section 13A of the Local Government Finance Act 1992 (as inserted by Section 76 of the Local Government Act 2003), the Council has the power to reduce liability for council tax in relation to individual cases or classes of cases that it may determine and where national exemptions and discounts cannot be applied. Epsom & Ewell Borough Council has not specified any class of case in which liability is to be reduced. However, we will consider claims on individual cases. The Discretionary Discount Policy is intended to provide short term help to alleviate financial hardship

Financial Implications

The financial burden of awarding a Section 13A discount has to be met through an increase in the general level of council tax for other payers. Because of this, the granting of Section 13A discounts will only be made in exceptional circumstances.

Eligibility

The applicant must be liable for a council tax charge levied by Epsom & Ewell Borough Council.

Where such a person is unable to act for themselves, a suitable third party may act on their behalf with the agreement of the Discretionary Discount Officer.

The application must be for a period where the applicant is liable for council tax

Where the charge is for an unoccupied council tax charge, the applicant must show that they have made reasonable efforts to sell the property or return the lease.

Applications

The Council will administer this discount from within the Revenues & Benefits Division

Applicants wishing to claim a Discretionary Discount under this policy must:

- Make a claim for discount in writing, preferably on the form provided for this setting out the reasons for this claim
- Sign a declaration that the information is true and complete and agree that the Council may make enquiries to verify the information
- Agree to repay any Discretionary Discount believed to have been overpaid for whatever reason

- Supply requested information in support of the application both at the outset and following any additional request, including a financial statement and evidence of income and outgoings, within one calendar month of the request.

Criteria for making a claim

Each application will be looked at on its own merits and having regard to the factors outlined below

- There must be evidence of financial hardship or personal circumstances that justify a reduction in council tax liability
- The applicants income and expenditure including unusual and/or avoidable expenditure
- Whether there are exceptional circumstances that contribute to the financial hardship
- The applicant must satisfy the Council that all reasonable steps have been taken or will be taken to resolve the situation
- The Council's finances allow for a reduction to be made
- Entitlement to all other eligible discounts/reliefs/income/welfare benefits have been explored and are being claimed
- The amount outstanding must not be the result of wilful refusal to pay or culpable neglect
- The taxpayer does not have access to other assets that could be used towards their council tax liability
- Whether the situation can be resolved by some other legitimate means
- Whether an award will assist the applicant towards a position where they can pay their council tax within a reasonable time frame without further recourse to this discount
- Any social or health issues currently being faced by the resident and/or their immediate family
- The effect the situation is having on vulnerable members of the resident's family (e.g the elderly, the young, the infirm etc.)
- Other evidence in support of an application (such as information from Doctors and/or Social Workers
- Where applicable, what information/advice has been sought and obtained previously
- The size and banding of the current accommodation
- The possibility of moving to a smaller and lower banded property
- The lifestyle choices of the applicant and their household
- Whether there is a threat of court action in relation to council tax arrears

This list is neither prescriptive or exhaustive

Discount Period

The discount will be granted for a specific period

A discount will only be granted within the financial year in which the application is made and will terminate when either the applicant is no longer entitled to the discount or at the end of the financial year, whichever is the sooner

The discount is intended as short term help. It is not the intention to award or re-award in perpetuity

Amount of discount

The discount will be calculated against the daily council tax liability after deducting any other reliefs, discounts or council tax support and will not exceed that figure

The discount to be awarded is entirely at the Council's discretion

Notification of a decision

The applicant will be notified in writing of a decision

The decision notice will include reasons for the decision

If a discount is granted, the notice will include the amount of the discount and the period for which it is granted

Any discount will be credited to the applicant's council tax account

Review of decision

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 customer's written request for a review of its decision.

That review will be made by a Senior Revenues Officer and no further appeal will be allowed

Duty to notify changes in circumstances

Where a discount is granted, applicants are required to notify the Council of any relevant changes in their circumstances that could affect the award

Examples of these changes include, but are not limited to:

- If the applicant changes address
- If the applicant or a member of their household leaves their home temporarily or permanently
- If an applicant's or a member of their household's income or capital changes
- If the number and/or circumstances of others in the household changes

In addition, the applicant must inform the Revenues and Benefits Division:

- Of a change to any factor that caused or contributed towards their hardship
- If their hardship ends
- If the severity of their hardship decreases (including a Discretionary Hardship Fund grant or an increase in Council Tax Support)
- Of a change to any of the circumstances that were included in the application for the discount

Recovery of overpaid discount

Council Tax Discretionary Discount will generally be recovered directly from the applicant's council tax account, increasing the amount of council tax payable.

Examples of circumstances where the Council will seek recovery of an overpaid discount include, but are not limited to:

- Misrepresentation or failure to disclose a material fact, whether fraudulently or otherwise
- Failure to notify any relevant change in circumstance whether fraudulently or otherwise
- An error made in the provision of information or evidence or the interpretation of that information or evidence which led to an incorrect award