

Policy for the award of Discretionary Council Tax reductions

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This policy relates to a Council Tax Discretionary Relief scheme to support local Council Tax payers experiencing financial hardship.

1. Policy Principles

The Council recognises that in some circumstances residents whom are liable to pay Council Tax may experience periods of financial hardship. In such circumstances the Council may exercise its power to grant a reduction in the amount of Council Tax paid.

The purpose of this reduction is to allow the Council Tax payer the opportunity to regain control of their finances, prevent further hardship.

2. This Policy includes:

- The Council's Legal Requirements
- Cost to the Council
- The Application Process
- Reapplications
- Eligibility Criteria & Decision-Making Process
- The Appeals Process
- Cancellation of relief and fraudulent applications
- Appeals

3. The Council's Legal Requirements

1. The Local Government Finance Act 2012
2. Section 13A Local Government Finance Act 1992 – the award of discretionary discounts
3. Section 4, Local Government Finance Act 1992 - Dwellings may be exempt from Council Tax if they fall within one of the specified classes
4. Section 11, Local Government Finance Act 1992 - The amount of Barking and Dagenham's Council's Council Tax Reduction Scheme 2013
5. Child Poverty Act 2010
6. Equality Act 2010 (incorporating the Disabled Persons Act 1986)
7. Housing Act 1996
8. The Barking and Dagenham Council Tax Reduction Scheme (Prescribed
9. The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 Default Scheme
10. Social Security Act 1992
10. Universal Credit Regulations 2012
11. Local Government Act 1972 section 222
12. The Fraud Act 2006, section 2
13. Data Protection Act 1998
14. Homelessness Reduction Act 2017

4. Cost to the Council

- 4.1 The scheme will be funded by the Council and a budget will be determined by the 31st January of the preceding year in which the budget will apply. The budget will be kept under review during the course of each year and can be increased by the agreement of the Chief Operating Officer.

5. The Application Process

- 5.1 Applications must be made by the registered Council Tax payer or by a person with authority to act on behalf of the Council Tax payer. Whilst the application is being considered the Council Tax payers should continue to pay instalments.
- 5.2 Where further supporting evidence is required the applicant will be contacted. If evidence is not provided within the given timescale, the application will not be considered.
- 5.3 There is no statutory requirement that a claim be made for an award. The Council will consider making and award in the absence of a claim if there are Council Tax arrears.

6. Eligibility Criteria & Decision-Making Process

- 6.1 Discretionary Council Tax Relief is not a matter of right; the Council is entitled through this policy to determine different levels of relief according to the nature and circumstances of individual cases.
- 6.2 A claimant will only be entitled to an award providing:
- The Council is satisfied that the applicant is suffering from financial hardship
 - All other options to improve the applicant's financial situation have been exhausted
 - The Council has sufficient funds to award the relief
- 6.3 Relief will only remain where the applicant remains in occupation of the property.
- 6.4 The following applicants will not be eligible for relief:
- Landlords
 - Housing associations

7. Cancellation of relief

7.1 The Council may end or remove relief under the following circumstances:

- Information supplied by the applicant is incorrect
- Information supplied by the applicant is fraudulent
- The applicant's financial circumstances change
- The applicant vacates the property

7.2 Where the relief is removed or reduced under the amount of the reduction it will be added to the applicant's Council Tax bill for the relevant period.

8. Fraudulent applications

8.1 Where an applicant applies for relief and provides false information or evidence they may have committed an offence under the Fraud Act 2006. If the Council suspects that fraud may have been committed the matter will be investigated and may lead to criminal proceedings.

9. Appeals

9.1 Appeals must be sent to the Council in writing stating the reason for the appeal.

9.2 Appeals must be received 30 days after the issue date of the letter of refusal. Appeals received after this date will not be considered.

9.3 Appeals will be considered by an officer of the Council delegated to do so by the Council's Chief Operating Officer. The applicant shall be notified of the outcome within 30 days of receipt of the appeal.

9.4 Appeal decisions are final.

10. Chief Operating Officer discretion

10.1 Under special and extreme circumstances the Chief Operating Officer has the authority to make awards and cancellations outside of the parameters of the policy.