

# Reading Borough Council

## Discretionary Council Tax Support Payment Policy 2020/2021

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# The Policy

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## **1. Introduction**

- 1.1. A Discretionary Council Tax Support Payment provides assistance to Council Tax Support claimants who are considered by Reading Borough Council to be in severe financial hardship and/or have exceptional circumstances and are unable to pay their Council Tax bill.
- 1.2. Discretionary Council Tax Support Payments are within Reading Borough Councils Council Tax Reduction Scheme and is an exercise of the Councils power under Section 13A(1)(c) of the Local Government Finance Act 1992. This allows the Council to make further reductions to the Council Tax bill of an individual dwelling at its discretion.
- 1.3. Discretionary Council Tax Support Payment awards are discretionary, applicants do not have a statutory right to an award.
- 1.4. The Council has set aside a limited fund for the purposes of this Discretionary Council Tax Support Payment Policy, which may be revised at any time throughout the year. Once this fund has been exhausted, it will not be possible to award any additional Council Tax reduction under this policy irrespective of the circumstances of each case or the volume of demand.
- 1.5. The Council may choose to amend or replace certain criteria used in this policy during the financial year 2020/2021 or in subsequent financial years.

## **2. Statement of objectives**

- 2.1. Our Discretionary Council Tax Support Payment Policy is designed to meet the Council's commitment towards helping vulnerable people within our area and has the following key objectives:
  - To enable the Council to consider making a further reduction in Council Tax to help people who experience financial difficulty as a result of the Council Tax Reduction Scheme;
  - To make a contribution to the alleviation of child poverty;
  - Supporting young people leaving care;
  - To provide short term financial assistance with payment of Council Tax for people going through personal crises or difficult events who are facing severe financial hardship;
  - To help people who have taken actions to help themselves;
  - Encouraging and sustaining people in employment;

- Recognising those persons who have demonstrated that they need additional financial support on account of medical grounds or on grounds of disability to pay their Council Tax.

### **3. Making an application**

- 3.1. A Discretionary Payment application form must be submitted. This can be done online at [www.reading.gov.uk/claiming](http://www.reading.gov.uk/claiming) (paper applications are available at the Civic Centre or can be posted by calling the Debt Advice Team on 0118 937 2197).
- 3.2. Applications will relate to the financial year within which it is submitted. Any application relating to a previous financial year must be made within one month from the date of the demand notice. Applications for a previous financial year made outside a month from the demand notice will be considered where a continuous good cause for not applying sooner is provided, in exceptional circumstances at the Councils discretion.
- 3.3. An application must be made by the person who is liable for the Council Tax at that dwelling or by somebody authorised to act on their behalf, in this case a signed letter of authority from the applicant needs to be posted/emailed to the Debt Advice Team.
- 3.4. The Council may request further information or reasonable evidence in support of an application. Where this is the case, the applicant will be asked to provide the necessary documentation within one month of the request. The timeframe to supply documentation may be extended in some circumstances if requested by the applicant. If documentation is not provided the application will be unsuccessful.
- 3.5. The Council may refer the applicant to internal departments and other agencies for housing and debt advice or further support where applicable.

### **4. Criteria for an award**

- 4.1. The applicant will have to be receiving Council Tax Support at the time of the application. All applications will be considered on their individual merits, including any special circumstances brought to the attention of the Council in the application.
- 4.2. In addition to this, the following will also be considered:
  - Information already submitted to Reading Borough Council, specifically in relation to a Housing Benefit, Council Tax Support claim or a homelessness application;

- The amount available in the Discretionary Council Tax Support Payment Fund at the time of the application;
  - The possible impact of not making a reduction under this policy from the Discretionary Council Tax Support Payment Fund;
- 4.3. The financial and medical circumstances of the applicant, their partner and any dependants as well as any other occupants of the applicant's home will be considered, along with the following:
- The income and expenditure of the applicant and their partner;
  - Any savings or capital held by the applicant and their partner;
  - The level of indebtedness of the applicant and their family;
  - If the applicant has an outstanding balance on their Council Tax liability
  - Payments made to the Council Tax bill by the date of application;
  - Consider whether the applicant and their family's circumstances are of an exceptional nature;
  - The effects of other welfare benefit reform changes affecting the applicant and their family.
- 4.4. Alternative means of support that may be available to the applicant will also be considered, including:
- Re-profiling Council Tax debts or other debts;
  - Applying for a Discretionary Housing Payment (where applicable);
  - Maximising other benefits;
  - Confirm that all other eligible statutory discounts/reliefs have been awarded;
  - Determining whether in the opinion of the decision maker the spending priorities of the applicant should be re-arranged to afford the Council Tax charge.
- 4.5. The applicant must satisfy the council that all reasonable steps have been taken to resolve their situation prior to application, including whether the applicant has received and acted on debt and/or benefit advice or other support offered.

## **5. Amount and period of award**

- 5.1. The amount and period of the award is at the discretion of the Council. When considering the length of the award the Council will:
- Ensure that any award made is fair to other Council Tax charge payers and Council Tax Support claimants.

- Consider the likelihood of any future changes affecting the applicant's financial position;
- Take into account any forthcoming changes of circumstances which might affect the need for such an award;
- Any exceptional circumstances as outlined within this policy;
- An award will be made by the application of a further reduction to the applicant's Council Tax account.

5.2. The Council may increase or decrease an award at any time where there are any changes in the applicant's circumstances.

## **6. Notification**

6.1. The applicant will be notified in writing of the outcome of their application for a Discretionary Council Tax Support Payment under this scheme within one month of receiving all the necessary information and supporting evidence to make the decision.

6.2. Where the application is successful, we will inform the applicant of:

- The amount of the award;
- The period of the award;
- The reason for the award;
- The need to report changes of circumstances.

6.3. Where the application is unsuccessful, we will explain the reasons why the decision has been made and explain the right of appeal.

## **7. Rights of Appeal**

7.1. The following procedure will operate where an applicant (or their appointed representative) has requested that we reconsider a decision not to make an award, or is disputing the amount of an award:

- Where the applicant is dissatisfied with a decision they will need to write to the Entitlement and Assessment Team within one month of the date of notification and request a review of the decision;
- The request must contain the reasons why the applicant does not believe the decision to be correct or the grounds on which they are aggrieved;
- Where it is apparent that the original decision was made in ignorance of a material fact, either because that information was not available at the

time the decision was made or because the information was overlooked, then the decision will be revised accordingly;

- Where possible, the Entitlement and Assessment Team will try to resolve the matter by explaining the reasons for the decision to the applicant in writing, and also verbally where appropriate within two months;
- An officer not involved in making the original decision will carry out the review;
- The applicant will have one month to provide any supplementary information that is required in order to review the original decision. After this time, the review of the decision will be made based solely on the information held.

7.2. If we decide that the original decision should not be revised, we will provide full written reasons to the applicant, including any other steps that have been taken to resolve the issue.

7.3. Where the applicant remains dissatisfied with the outcome of their review request, or where the Council has failed to come to a decision on the request as discussed above within two months, the applicant may then submit an appeal to the Valuation Tribunal Service.

## **8. Fraud Prevention**

8.1. The Council is committed to the prevention and tackling of fraud. Any applicant who tries to fraudulently claim a Discretionary Council Tax Support Payment award may have committed an offence under the Fraud Act 2006.

8.2. Where fraud or potential fraud is suspected the matter will be investigated and this could lead to criminal proceedings.

## **9. Publicity**

9.1. This Discretionary Council Tax Support Payment Policy will be publicised, and information will be provided to relevant agencies, stakeholders and other Council departments, as appropriate.

## **10. Monitoring and review**

10.1. A review of the Discretionary Council Tax Support Payment policy will take place annually at the end each financial year, or in response to any legislative changes, welfare reform or other factors that impact on its effectiveness.

- 10.2. Information will be monitored and analysed to inform future decision making and to ensure that our policy continues to meet our objectives.

## **11. Legislation**

- 11.1. The Discretionary Council Tax Support Payment Scheme falls within our Local Council Tax Reduction Scheme.
- 11.2. Reading Borough Council have in accordance with Section 13A (2) of the Local Government Finance Act 1992, (substituted by section 10 of the Local Government Finance Act 2012), set out their local Council Tax Reduction Scheme which comes into effect from 1st April 2016. Our Discretionary Council Tax Support Payment Policy is an associated policy to this scheme and is designed to meet the Council's commitment towards helping vulnerable people within our area.
- 11.3. The Discretionary Council Tax Support Payment Policy is distinct from the exercise of the Council's power under Section 13A(1)(c) of the Local Government Finance Act 1992 which allows the Council to make any further reduction to the Council Tax bill of an individual dwelling at the discretion of the Council. In exercising discretion whether to grant a discretionary payment under this policy, the Council will have regard to the needs of vulnerable groups, and in particular, the Council's obligations under the Equality Act 2010, the Child Poverty Act 2010, Housing Legislation (1996 and 2002 Acts) and the Armed Forces Covenant.

## **12. Contact**

- 12.1. Reading Borough Council Entitlement and Assessment Team

Civic Offices

Bridge Street

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E-mail: [benefits@reading.gov.uk](mailto:benefits@reading.gov.uk)

Housing Benefit Customer Services: 0118 937 3707

Council Tax Customer Services: 0118 937 3727

Web: [www.reading.gov.uk](http://www.reading.gov.uk)