

**APPENDIX A**

**KNOWSLEY METROPOLITAN BOROUGH COUNCIL**

**COUNCIL TAX SECTION 13A (1)(C) DISCRETIONARY LOCAL DISCOUNT  
POLICY**

**1. Background**

Section 13A (1)(c) of the Local Government Finance Act 1992 (as amended by Section 76 of the Local Government Act 2003 and the Local Government Act 2012) gives power to a billing authority to reduce liability for council tax in relation to individual cases or class(es) of cases that it may determine and where national discounts and exemptions cannot be applied. It states:

- 1) *Where a person is liable to pay council tax in respect of any chargeable dwelling and any day, the billing authority for the area in which the dwelling is situated may reduce the amount which he is liable to pay as respects the dwelling and the day to such extent as it thinks fit.*
- 2) *The power under subsection 1) above includes the power to reduce an amount to nil.*
- 3) *The power under subsection 1) may be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced to an extent provided by the determination.*

The cost of awarding discounts under Section 13A (1)(c) has to be met in full by the billing authority. Therefore, the Council will only consider using its powers to reduce council tax liability for any council taxpayer, or class of council taxpayer, in accordance with this Policy. The decision to provide a discount will be considered against the needs of the Borough's other council taxpayers and the financial constraints of the Council.

Section 2 of this Policy introduces a class of cases with effect from 1 April 2017, referred to as "Care Leavers", which may be awarded a local council tax discount in accordance with section 13A (1)(c). Section 3 of this Policy outlines the conditions that should be satisfied in order for the Council to consider relief under section 13A (1)(c) for all other cases not covered in Section 2.

## **2. Discretionary Local Discount for Care Leavers**

### **2.1 Eligible Care Leavers**

The Council may reduce to nil the council tax liability of care leavers who satisfy all of the following criteria:

- The person is a Former Relevant care leaver as defined within The Children (Leaving Care) Act 2000
- The person is someone for whom Knowsley Council has acted previously as a corporate parent
- The person has left care and is aged between 18 and 25
- The person has left care or will leave care after 1 April 2014
- The person resides in Knowsley and is liable to pay council tax to Knowsley Council.

Where the care leaver is liable for more than one property, the discretionary local discount will be awarded in respect of only one property, that being the person's sole or main residence.

A discretionary local discount may only be awarded after all other statutory discounts and/or exemptions have been applied. This includes a discount under the Council's Local Council Tax Reduction Scheme which operates under Section 13A(1)(a) of the Local Government Finance Act 1992 (as amended).

### **2.2 Requesting a Discretionary Local Discount**

Requests for a discretionary local discount will normally be made by Children's Services. Requests will:

- Be submitted by email to the council tax team
- Confirm that the care leaver has been informed of the intention to submit the request on their behalf and that information will be shared with the council tax service for this purpose, and has not objected to this
- Confirm that the care leaver satisfies the requirements of entitlement
- Confirm the care leaver's name, address and date of birth

Eligible care leavers may submit requests in writing directly to the council tax team. In such cases, eligibility will be confirmed with Children's Services.

### **2.3 Decision-making and Appeals**

Decisions in respect of discretionary discounts for care leavers will be made by Revenues Officers within the council tax team. Requests for decisions to be reconsidered will be considered in accordance with the provisions outlined in Section 4 below.

### **3. Discretionary Local Discount for Persons other than Care Leavers**

Council Tax legislation provides a wide range of discounts, exemptions and reductions that have the effect of reducing the level of council tax due. Applicants will be expected to have exhausted all other options before making an application under this Policy. This includes a discount under the Council's Local Council Tax Reduction Scheme which operates under Section 13A (1)(a) of the Local Government Finance Act 1992 (as amended).

Applications for relief under this section of the Policy will only be considered in exceptional circumstances, normally due to severe financial hardship. However, applications due to crisis (e.g. fire, flooding) or exceptional personal circumstances may be considered. A discretionary local discount will only be awarded where it is fair and reasonable to do so having regard to the needs of the Borough's council taxpayers.

The Authority will treat all applications on their individual merits, against the guidelines set out in this Policy. It is expected that some or all of the criteria shown in Section 3.2 below should be met for each case. In addition, where relevant, the council taxpayer will be expected to take reasonable steps to resolve their financial situation, for example, by engaging with support services or accessing money advice or debt support.

Where taxpayers fail to take advantage of the support offered, without reasonable justification, financial support may be refused, ended or withdrawn.

#### **3.1 Applications**

- Requests for reductions in Council Tax liability will be required in writing from the taxpayer, their advocate/appointee or a recognised third party acting on their behalf.
- Anyone applying for support will be expected to agree to engage with support or assistance as a condition of the award.

- The application should normally relate to the current council tax year. However, previous years could be considered in exceptional circumstances, for example, where the liable person has received an account following late valuation for a previous year(s).
- The Council may request any reasonable evidence in support of an application.
- The length of time of the proposed reduction will be determined on an individual case by case basis according to individual circumstances.

### **3.2 Considerations**

The Revenues and Benefits Service will be responsible for assessing applications and will consider the following factors when applying this Policy:

- There must be evidence of financial hardship or personal circumstances which justify a reduction in Council Tax liability.
- The Council Taxpayer must satisfy the Council that all reasonable steps have been, or are being, taken to resolve their situation prior to application.
- The Council Taxpayer must have applied for assistance under the Local Council Tax Reduction Scheme. The Scheme exists to ensure that those on low incomes receive financial assistance with their Council Tax.
- All other eligible discounts/reliefs must already have been awarded.
- The Council Taxpayer must not have access to any other monetary assets which could be used to pay Council Tax, where it would be reasonable for them to be used for this purpose.
- The Council's finances must allow for a reduction to be made.
- The amount outstanding must not be the result of any wilful refusal to pay, culpable neglect or fraud/dishonesty.
- The Council Taxpayer must demonstrate that the current circumstances are unlikely to improve in the period under consideration and that payment of the Council Tax liability would result in severe hardship (e.g. insufficient money available for basic needs such as food and housing).

The amount of discount to be awarded is entirely at the Council's discretion. The Council will notify the applicant of its decision within one calendar month of receiving sufficient information to make a decision. If the situation can be resolved by some other legitimate means, it is unlikely that a local discount will be awarded.

#### **4. Reconsiderations and Appeals**

If an applicant is not satisfied with the decision, they can ask for the decision to be reviewed by submitting a request in writing within one calendar month of the decision being made. If they are still not satisfied with the decision, they retain the right to make a complaint under the Council's corporate complaints procedure. If the applicant remains dissatisfied with the outcome of their claim, an appeal may be made to the independent Valuation Tribunal. Further details on this process will be notified with the outcome of any review or complaint mentioned above.

#### **5. Fraudulent Claims**

Anyone who tries to claim a discretionary discount under this Policy by falsely declaring their circumstances or providing a false statement or evidence may have committed an offence under the Theft Act 1968 or the Fraud Act 2006. The Council will investigate all cases where fraud may have been committed. If a discount has been awarded due to a false or fraudulent claim, the award will be withdrawn and criminal proceedings or other sanctions may be applied in appropriate circumstances.