

Cambridge City Council Discretionary Council Tax Reduction Scheme

Preamble

Cambridge City Council makes the following scheme in exercise of the powers conferred by section 13A of the Local Government Finance Act 1992¹

Section 13A subsections (1)(c), (6) and (7) of the 1992 Act empower the Council, as billing authority for the City of Cambridge, to reduce the amount of council tax which a person is liable to pay in respect of any chargeable dwelling, any day (as determined in accordance with sections 10 to 13 of the 1992 Act) and in any case to such extent (or if the amount has already been reduced under section 13A(1)(a) of the 1992 Act, such further extent) as the Council thinks fit. This includes power to reduce the amount to nil.

¹ S.13A of the 1992 Act was substituted by s.10 of the 2012 Act in relation to financial years beginning on or after 1st April 2013

1. Citation, commencement and application

(1) This scheme may be cited as the Cambridge City Council Discretionary Council Tax Reduction Scheme and comes into effect on the date this scheme is approved by the Council.

(2) This scheme applies in relation to the billing authority known as Cambridge City Council.

(3) This scheme applies in relation to council tax liability for the financial years beginning, but not restricted to, on or after 1st April 2015.

(4) The scheme is without prejudice to the Council's powers under section 13A(1)(c) to consider applications which do not fit the scheme criteria or to set up other such schemes under Section 13A(1)(c) of the 1992 Act.

2. Interpretation

(1) In this scheme –

“the 1992 Act” means the Local Government Finance Act 1992;

“the 2012 Act” means the Local Government Finance Act 2012;

“applicant” means the liable person or his representative who applies for a discretionary reduction under this scheme

“designated office” means the office at Cambridge City Council - Mandela House, 4 Regent Street, Cambridge, CB2 1BY

“discretionary reduction” means a reduction in council tax liability under this scheme;

“discretionary scheme” means the Cambridge City Council Discretionary Council Tax Relief Scheme;

“financial year” means 1st April to 31st March;

“reduction scheme” means the Cambridge City Council - Council Tax Reduction Scheme 2014 (Persons who are not Pensioners) and Cambridge City Council - Council Tax Reduction Scheme 2014 (Pensioners) and include any revisions or replacements of that scheme;

(2) Unless the context requires otherwise, words and phrases in this scheme shall have the same meaning as in the 1992 Act and any regulations or orders made under the 1992 Act

3. Assistance under this Scheme

(1) Subject to the following paragraphs of this scheme, the Council may, by approving a discretionary reduction, reduce to such further extent as it thinks fit the amount of council tax which a person is liable to pay in respect of a chargeable dwelling (as determined in accordance with sections 10 to 13 of the 1992 Act) –

(a) where the liable person is, or was, entitled to a reduction in the amount of council tax payable under the Council's reduction schemes, and

(b) it appears to the Council that the liable person is in need of further financial assistance in addition to the reduction to which that person is entitled under the Council's reduction schemes in order to meet his council tax liability, or

(c) in any particular case, where it appears to the Council that the liable person is in need of financial assistance under the discretionary scheme in order to meet his financial liability

(2) There is no statutory right to a discretionary reduction; the Council will consider all applications for such a discretionary reduction in accordance with ordinary principles of good decision making, its duties to act fairly, transparently, reasonably and consistently

4. Amount and period of assistance under this Scheme

(1) The amount of the discretionary reduction and the period for, or in respect of which, any such discretionary reduction is given is subject to the particular circumstances in any case.

(2) The discretion in sub-paragraph (1) includes discretion to reduce to nil the amount of council tax which a person is liable to pay in respect of a chargeable dwelling (as determined in accordance with sections 10 to 13 of the 1992 Act).

(3) The amount and period in sub-paragraph (2) is in respect of council tax liability for the financial year in which the application for a discretionary reduction is made.

(4) Notwithstanding sub-paragraph 3, applications for a discretionary reduction in respect of a previous financial year will be considered in each particular case with reference to –

(a) the circumstances stated in paragraph 5, and

(b) there being good reasons as to why an application was not made at an earlier date, and

(c) evidence and information being provided for the previous period that verifies the applicants financial circumstances at that time

(5) In all cases, a discretionary reduction will end –

(a) at such time as the applicants circumstances improve so as no longer be in need of additional financial assistance under this scheme;

(b) the applicant is no longer the liable person for the chargeable dwelling in which he resided at the time of the application for a discretionary reduction;

(c) the applicant enters into any form of formal insolvency, or

(d) the end of the financial year –

(i) in which a discretionary reduction is awarded; or

(ii) in respect of which the a discretionary reduction is awarded; whichever is soonest.

5. Circumstances to be taken into account by the Council in exercising discretion under the Discretionary Scheme

The Council will consider each application for a discretionary reduction taking into account the circumstances in each particular case with reference to –

(a) the extent of financial hardship;

(b) the amount of income in excess of essential expenditure according to the needs in each particular case;

(c) whether –

(i) any discounts, exemptions or reductions, and

(ii) social security benefits, to which the liable person may be entitled have been applied for;

(d) any capital or savings that the applicant is in possession of or has access to;

(e) assets that can reasonably be realised and whether any effort has been made, or is being made, to sell, let or dispose of those assets in order to alleviate the financial hardship; and

(f) any other extenuating circumstances.

6. Circumstances for which a discretionary reduction will not be made by the Council under the Discretionary Scheme

Without prejudice, the Council reserve the right under the discretionary scheme not to approve a discretionary discount in the following circumstances –

- (a) subject to paragraph 4(4), council tax liability in respect of a previous financial year;
- (b) in any case, council tax liability in respect of any financial year prior to 1st April 2013;
- (c) an increase in council tax liability due to a decrease in entitlement to a reduction as a consequence of –
 - (i) any delay or failure to notify the Council of a relevant change in circumstances, or
 - (ii) a failure to provide evidence and information requested; or
 - (iii) whether fraudulently or otherwise, any misrepresentation or failure to disclose a material fact;
- (d) Any financial penalty imposed as a consequence of –
 - (i) any delay or failure to notify the Council of a relevant change in circumstances, or
 - (ii) a failure to provide evidence and information requested; and
- (e) any costs incurred as a consequence of enforcement action

7. Applications

(1) An application to the Council for a discretionary reduction must be made –

- (a) in writing; or
- (b) by means of an electronic communication in accordance Part 5 of the Council's reduction scheme; or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

(2) An application may be made by –

- (a) the liable person or persons; or
- (b) in the case of a couple with joint and several liability, either member of the couple; or

(c) in the case of a person who is unable to act; an appointee in accordance with paragraph 25 of the Council's reduction scheme; or

(d) where it appears reasonable in the circumstances of a particular case, a person acting on behalf of the liable person or persons

(3) Where the Council has received an application for a discretionary reduction, and the applicant would otherwise be entitled to a reduction under the Council's reduction schemes, that application may also be treated as an application under that reduction scheme;

(4) Where –

(a) the Council has made a determination in accordance with its reduction schemes under section 13A(1)(a) of the 1992 Act in relation to a class of case in which liability is to be reduced; and

(b) a person in that class would otherwise be entitled to a reduction under its schemes, that person's application for a reduction under the Council's reduction schemes may also be treated as an application for a discretionary reduction under section 13A(1)(c) of the 1992 Act.

8. Decisions

The Council shall give a person who has applied for a discretionary reduction or who has requested a review of a decision made in respect of that person's application, written notice of its decision in respect of that application or review and the reasons for that decision within 14 days or as soon as is reasonably practicable thereafter.

9. Adjustments to the amount of or removal of a discretionary reduction

Where, due to a change of circumstances or other correction, the amount of discretionary reduction that an applicant is awarded is adjusted or removed, the Council will issue a revised Demand Notice and adjust payments of council tax liability in accordance with the Council Tax (Administration & Enforcement) Regulations 1992

10. Duty to notify of a change of circumstances

(1) An applicant (or any person acting on his behalf) must comply with subparagraph (2) if there is a relevant change of circumstances at any time –

(a) between the making of an application for a discretionary reduction and a decision being made on it, or

(b) after the decision is made (where the decision is a discretionary reduction is approved) including at any time while the applicant is in receipt of such a discretionary reduction

(2) The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a discretionary reduction (a “relevant change of circumstances”) by giving notice to the authority –

(a) in writing; or

(b) by telephone –

(i) where the authority has published a telephone number for that purpose;
or

(ii) in any case where the authority determines that notice may be given by telephone; or

(c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

(3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying -

(a) changes in the amount of council tax payable to the authority;

(b) subject to paragraph 5, changes in the age of the applicant or that of any member of his family;

(c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority’s scheme to which he is entitled, other than the cessation of that entitlement to the benefit.

(4) For the purposes of sub-paragraph (3)(c) “relevant benefit” means income support, an income-based jobseeker's allowance, an income-related employment and support allowance, universal credit or state pension credit (guarantee credit).

(5) An applicant is required by sub-paragraph (1) to notify the Council of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

11. Provision of information

(1) A person applying for or receiving a discretionary reduction shall provide the Council with sufficient information and documentary evidence that is reasonably required by the Council to support –

(a) the grounds of application for a discretionary reduction;

- (b) a changes in circumstances which may be relevant to the continuance of a discretionary reduction;
- (c) as the case may be, particulars of the grounds for a review; or
- (d) such other information as may be specified by the Council within such time as the Council thinks appropriate in each case

12. Reviews initiated by the Council

- (1) The Council may review any decision it has made with respect to the making, adjusting or ending of a discretionary reduction in such circumstances as it thinks fit.
- (2) Without prejudice to the generality of sub-paragraph (1), the Council may, on any such review, recover any council tax already remitted because of a discretionary reduction where the Council has determined that:-
 - (a) whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, a material fact and, as a consequence of that misrepresentation or failure to disclose, a discretionary reduction has been given; or
 - (b) an error has been made when determining the application for a discretionary reduction, and as a consequence of that error, a discretionary reduction has been made which would not have been made but for that error.

13. Reviews initiated by a person applying for a discretionary reduction

- (1) A person who is aggrieved by a decision of the authority which affects -
 - (a) the person's entitlement to a discretionary reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled, may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- (2) The authority must -
 - (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing -
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- (3) Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.