



Council Tax Exceptional Hardship Policy (Section 13A(1)(c) Local Government Finance Act 1992)

Council Tax legislation was amended under Section 76 Local Government Act 2003, effective from April 2004, to allow Councils the discretion to reduce the amount a Council Tax Payer is liable to pay to nil, by way of allowing a discretionary discount or exemption in specific ad-hoc cases.

The Council does not have a blanket policy of refusal for applications in relation to this discretionary power. The council will treat each application on its individual merits, measured against a set of agreed criteria.

The granting of hardship relief is wholly discretionary and a reduction or remission of council tax on grounds of hardship is the exception rather than the rule.

This policy sets the formal approach to be used with criteria providing guidance for officers should such cases arise.

CRITERIA

- Each case will be considered on 'its merits', however the following criteria should be met for each case;
- Requests for reductions in Council Tax liability must be in writing from the customer, their appointee, or a recognised third party acting on their behalf;
- The tax payer must be able to satisfy the billing authority that they are not able to meet their full council tax liability or part of their liability;
- There must be evidence of hardship or personal circumstance that justifies a reduction in Council Tax liability;
- The Council must be satisfied that the customer has taken reasonable steps to resolve their situation prior to application;
- The Council's finances must allow for a reduction to be made;
- The customer must not have access to other assets that could be realised and used to pay Council Tax;
- All other eligible discounts/reliefs must have been awarded to the customer;
- Relief will not be granted in order to prevent recovery action being instigated by the Council or to stop bankruptcy or committal proceedings commenced by the Council or any other body;
- Receipt of an application for relief will not negate in any way the taxpayer's obligation to pay the council tax as demanded;
- The taxpayer must show that the current circumstances are unlikely to improve in the following 12 months, making payment of the council tax impossible;

DECISION MAKING PROCESS

Upon receipt of a written request all supporting information must be included for consideration.

Initial applications will be considered by a Revenues and Benefits Team Leader who will liaise with the customer in each case to obtain sufficient detail (in line with the criteria) to make a decision.

The Revenues and Benefits Team Leader will make a recommendation after considering each case on its merits and the information provided by the tax payer.

Once a decision has been made, the council tax payer will be advised in writing of the decision.

REVIEW OF DECISION

Chorley Council will accept a council taxpayer's request for a re-determination of its decision.

The appeal must be made within one month of the date of the notification letter confirming the original decision.

Appeals must be made in writing and must give the reasons why it is believed the decision should be amended. New or additional information may be included but only if it is relevant to the decision making process.

An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made and will make a decision within 14 days of referral or as soon as practicable. The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.

FINANCIAL /LEGAL IMPLICATIONS

The cost of granting relief in such cases is borne 100% by the Council.

IMPACT STATEMENTS

The introduction of a set of eligible criteria together with a decision making process ensures that Council Tax payers in all areas of the Chorley are treated fairly and consistently in applications to the Council for discretionary relief.

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