

# Council Tax Discretionary Relief

## Care Leavers

### Introduction and purpose

Herefordshire Council is passionate about improving the lives and life chances of our care leavers. We recognise that care leavers are among the most vulnerable groups in our society, and by granting up to 100% discretionary relief from council tax, the Council will be providing practical help and financial assistance to care leavers whilst they are developing independent lives and their life skills.

Herefordshire Council aims to provide financial assistance with council tax bills to support our care leavers from the age of 18 until their 25<sup>th</sup> birthday.

The discretionary relief will be awarded only after entitlement to other legislative discounts or exemptions, including Council Tax Reduction, have been applied and will be awarded to all Herefordshire care leavers living in the area with immediate effect.

Councils have the power to reduce the amount of council tax a person has to pay. This includes the power to reduce an amount to nil, and may be applied to individual cases or by determining a class of case in which liability is to be reduced.

This scheme outlines:

- the procedures for awarding the relief to Herefordshire care leavers living in the area
- the appeals procedure for citizens dissatisfied with a decision made for this relief

### Definition

A care leaver, for the purposes of this policy, is a young person aged 18 – 25 who was formerly a child in the care of Herefordshire and then became a 'care leaver' as defined by The Children (Leaving Care) Act 2000 and is liable for council tax on a dwelling within the area. This means it will include young people who were in the care of the council by voluntary agreement or because of a court order. The legislative definition is reproduced below:-

- a child aged 16 or 17 years who has been looked after for at least 13 weeks since the age of 14 and who has left care, and
- the period of care includes at least one day when the child was age 16 years, and the child left care on or after 1st October 2001

### Legal provision

There are a number of statutory discounts, disregards and exemptions available under council tax legislation for people and properties in certain circumstances.

In addition to these, a council can award discretionary relief under section 13A(1)(c) of the Local Government Finance Act 1992 (as amended in 2012):

*“(1) The amount of council tax which a person is liable to pay in respect of any chargeable dwelling and any day (as determined in accordance with sections 10 to 13)-*

*...*

*(c) in any case, may be reduced to such extent (or, if the amount has been reduced under paragraph (a) or (b), such further extent) as the billing authority for the area in which the dwelling is situated thinks fit.”*

*....*

*(6) The power under subsection (1)(c) includes power to reduce an amount to nil.*

*(7) The power under subsection (1)(c) 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.”*

This therefore allows the council to reduce the amount of council tax payable, after statutory discounts and exemptions, by any amount. This provision is separate to and distinct from the published Council Tax Reduction Scheme.

### **Criteria**

Care leavers that meet the definition above will be eligible to apply for discretionary relief. Care leavers who are solely liable for council tax will be awarded 100% relief on the amount of council tax they are liable to pay after statutory discounts and exemptions have been applied, including any Council Tax Reduction. Where a care leaver is jointly liable with another person/s, a proportionate award will be made according to their individual circumstances. We would look to award relief of 50% if there is one other tenant, or 33% if there are two other tenants, however each case will be treated on its facts. Where a property is occupied only by care leavers, 100% discretionary relief will be applied.

No reduction will be made for care leavers of other authorities living within the Herefordshire Council boundary, and no assistance will be provided for Herefordshire care leavers who are living outside the Herefordshire Council boundary.

### **Application process**

A care leaver (or his/her appointee or a recognised third party acting on his/her behalf) will complete an application form, or provide sufficient detail to enable the relief to be processed.

Forms will be available from the care leaver's Personal Advisor or from the Revenues and Benefits Service.

An application should provide the following information:

- Full name
- Date of birth
- Current address
- Details of any other adults in the property and relationship to them

- Details of any circumstances that would be relevant to entitlement to legislative discounts, disregards or exemptions
- Contact details
- Name of personal advisor, if known

Upon receipt of an application, an officer will verify the status of the care leaver from council records and assess the award.

Awards will be made directly by a reduction in liability on the council tax account and notification of the award of discretionary relief will be by way of the council tax bill.

The Revenues and Benefits Service will undertake periodic reviews appropriate to the individual circumstances of each case.

The care leaver (or his/her appointee or a recognised third party acting on his/her behalf) must advise of any change of circumstances which may impact the council tax charge within 21 days.

Any overpaid discretionary relief will be reclaimed through the relevant council tax account and collected and recovered under the Council tax (Administration and Enforcement) Regulations 1992.

### **Review of Decision/Appeals**

The council will accept a written request from a care leaver (or his/her appointee or a recognised third party acting on his/her behalf) for a re-determination of its decision.

- Re-determination of the decision will be made by an officer who has not previously been involved with the award.
- In the case where the customer has been notified of a decision and they exercise their rights to appeal, they must make payment to their council tax account as requested. In the event that an appeal is successful, any credit on the account will be refunded.
- The council will consider whether any additional information has been provided that will justify a change to its original decision.
- The council will endeavour to notify the council tax payer of its final decision within 21 days of receiving a request for a re-determination.
- If an applicant remains dissatisfied with refusal of their application they may appeal to the Valuation Tribunal for England (VTE).