



## **Section 13A 1(c) Policy**

# **Council Tax – Discretionary Reduction**

## Version Control

<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Changes</b>
V1.1	Head of Revenues and Benefits	10/05/21	2021/22 Wording refresh and inclusion of special constabulary discount class.

## Section 13A Council Tax Discretionary Reduction

### Background

Section 13A (1) (c) of the Local Government Finance Act 1992 allows the council to reduce the amount of council tax payable. It can be used for individual cases or the council can determine classes of case in which liability is to be reduced.

There are financial implications to awarding any discounts other than those currently available under the statutory legislation. The financial burden of discounts and reductions awarded under Section 13A (1) (c) must be met through an increase in the general level of council tax for other payers.

The Council would expect that there would be evidence of exceptional, unforeseen circumstances to justify any reduction and that any discretionary reduction would be intended only as short-term assistance, and not a means to reduce Council Tax liability indefinitely.

#### 1. How to claim a discretionary reduction

Applications can be made by the taxpayer, or by someone authorised to act on their behalf:

- in writing and sent, clearly headed 'Section 13A Application' to Council Tax, South Holland District Council, Council Offices, Priory Road, Spalding, PE11 2XE;
- by e-mail, with a subject title "Section 13A Application to Council Tax" and sent to [counciltax@sholland.gov.uk](mailto:counciltax@sholland.gov.uk)

The application should: -

- Usually relate to the current council tax year, unless the liable person has just received an account following late valuation for a previous year(s)
- Clearly set out the circumstances on which the application is based, and any hardship or personal circumstances relating to the applicant

We may request any reasonable evidence in support of an application. Separate claims must be made in respect of different dwellings and/or council tax accounts.

#### 2. Discretionary Reduction Criteria

South Holland District Council will only use its powers to reduce council tax liability for a council tax payer or class of payer in exceptional circumstances or when failure to make an award is likely to lead to exceptional financial hardship.

We will treat all applications on their individual merits; however we will have regard to the following criteria for each case: -

- Evidence of financial hardship or personal circumstances of an exceptional nature;

- Whether the taxpayer has taken all reasonable steps to resolve their situation prior to application;
- That all other eligible discounts/reliefs/benefits have been awarded;
- The taxpayer does not have access to other assets that could reasonably be used to pay council tax;
- The interests of the wider taxpayers who will ultimately bear the cost of the award;
- Whether the taxpayers of the District would consider it fair and reasonable to make an award in the circumstances.

Where a situation could be resolved by some other legitimate means, such as the complaints procedure, it is unlikely that an award under Section 13A would be made.

The situation and reason for the application must be outside of the taxpayer's control, and the amount outstanding must not be the result of wilful refusal to pay or culpable neglect.

For the purpose of this policy, the Council considers that a circumstance or set of circumstances is exceptional if it is one that:

1. a taxpayer would not expect to encounter in their normal lifetime; and;
2. only affects a small number of taxpayers.

### **3. Classes of taxpayer**

The Council has determined, from financial year 2021/22, that Police Special Constables are a class of taxpayer who will receive a discount for any day on which the following conditions are met:

- the Council has been notified that by the Police and Crime Commissioner for Lincolnshire that they were a Special Constable;
- they are liable for the Council Tax at their sole or main residence within the District;
- they are not already subject to two 25% discounts from their council tax;
- they are up to date with payment of their Council Tax.

The discount will be 25% and applied in addition to any other discounts (up to a maximum of 50%). In the event that more than one Special Constable is liable for the Council Tax at a property, more than one discount can be applied, but all the discounts cannot exceed 50%.

The discount will be awarded at the end of the financial year for the preceding year.

### **4. Decision making process**

Decisions in respect of applications for Section 13A relief will be made by senior officers. All decisions will have regard to the district's Council Taxpayers.

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

The amount of any relief awarded will be at the council's discretion, taking into account the amount of the debt and the extent to which the criteria is met.

The period of reduction will be a maximum of 6 months. Taxpayers may apply for further reductions after the initial award has expired, but they will need to persuade the Council that their circumstances remain exceptional and it is in the interests of the wider taxpayers to make a further award.

## **6. Notification of Decision**

The Council will notify a Council Taxpayer in writing within 14 days of receiving sufficient information to make a decision.

## **7. Request for Review**

If an applicant is dissatisfied with the decision a request for a review must be made in writing, stating why they are aggrieved by the decision.

The letter of appeal should be accompanied by any additional information that the applicant feels might justify a change in the original decision. The review will be considered by a senior officer who is independent of the original decision.

If following the submission of a letter of appeal, the taxpayer is still unhappy with Council's decision, he may make a further appeal to the Valuation Tribunal for England. Any such appeal must be made within 2 months of the letter of appeal to the Council or the Council's response to that letter, whichever is the later.