

**North Yorkshire Council**  
**Council Tax**  
**S13A (1) (c)**  
**Local Government Finance Act 1992 Policy**

**Contents**

1.0 Introduction ..... 3

2.0 Legislation ..... 3

3.0 Council Tax Care Leavers ..... 4

4.0 The Flood Recovery Framework ..... 6

5.0 Applications for S13A (1) (c) in other cases ..... 7

6.0 Delegated Powers ..... 8

7.0 Notification ..... 8

8.0 Review of Decisions ..... 8

9.0 Duration of Reduction ..... 9

10.0 Changes in circumstances and misrepresentation ..... 9

## 1.0 Introduction

1.1 The following policy outlines the Council's approach to granting discretionary reductions in liability for Council Tax under S13A (1) (c) of the Local Government Finance Act 1992 (as amended). The Council has the ability to reduce liability for Council Tax in relation to individual cases or class(es) of cases that it may determine where national discounts and exemptions cannot be applied.

This policy is basically divided into three main areas namely:

- 1.2
- (a) **Council Tax Care Leavers** – this part of the policy covers the decision by the Council to support certain care leavers with their liability for Council Tax;
  - (b) **The Flood Recovery Framework** – this part of the policy covers situations outlined by Central Government where any parts of the Council's area were to be designated as a designated flood area; and
  - (c) **Granting of reductions in Council Tax liability in all other circumstances** - this part of the policy applies to all other circumstances where an application is made to the Council for a reduction in Council Tax liability under S13A (1) (c) of the Local Government Finance Act 1992 other than in respect of (a) and (b) above.

## 2.0 Legislation

2.1 The relevant legislation (S13 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012), states the following:

### Reductions by billing authority

- (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);
  - (a) in the case of a dwelling situated in the area of a billing authority in England, is to be reduced to the extent, if any, required by the authority's council tax reduction scheme;
  - (b) in the case of a dwelling situated in the area of a billing authority in Wales,  
.....
  - (c) **(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.**

2.2 The provisions stated in (c) above, allows the Council to reduce the Council Tax liability for any taxpayer in addition to any application for Council Tax Reduction under the Council's scheme. This is a general power that has always been available to the Council.

## 3.0 Council Tax Care Leavers

### Introduction

3.1 The Council has decided to provide assistance with Council Tax to certain persons who are leaving care. This has been implemented to reflect challenges faced by many care leavers as they learn to budget their finances independently.

3.2 Care leavers are a particularly vulnerable group for Council Tax debt, and as they move into independent accommodation and begin to manage their own budget, it can be a challenging time, exacerbated if they fall behind with Council Tax.

3.3 The Council, as a corporate parent, wants to support care leavers up to the age of 25, by the granting of a discretionary reduction of up to 100% of the Council Tax liability. This means that the Council will be providing financial support to care leavers whilst they develop independent lives and life skills.

3.4 Assistance will only be provided to care leaver's who reside within the North Yorkshire area.

### The Council's Policy in respect of Carers

3.5 The Council shall operate the scheme as follows. :

#### Part 1

This applies to the following:

- (a) Care leavers who are sole occupants of a dwelling and who have liability for Council Tax; and
- (b) Dwellings that are solely occupied by care leavers, where one or more of the residents are liable for council tax.

#### Part 2

This part applies to the following:

- (a) Care leavers who are jointly and severally liable with one or more other liable person (s) who is/are not a care leaver.

3.6 A reduction in liability will only be applied after the entitlement to other national discounts or exemptions have been applied and will only apply to Council Tax liabilities within the North Yorkshire area.

### Definition of a Care Leaver for the purposes of this scheme

3.7 The term 'care leaver' is defined in The Children (Care Leavers) Act 2000 and refers to eligible, relevant, and former relevant children:

- The person is someone for whom North Yorkshire Council has acted previously as

- a corporate parent;
- Relevant children are those young people aged 16 and 17 who have already left care, and who were 'looked after' for at least 13 weeks from the age of 14 and have been 'looked after' at some time while they were 16 or 17; and
- Former relevant children are those young people aged 18, 19 or 20 who have been eligible and/or relevant.

3.8 Care leavers can also be classified as a 'qualifying' care leaver. This category applies to young people who:

- (a) Left care after 1st October 2001, after they had turned 16, but who are not 'eligible' or 'relevant' because they did not fulfil the 13-week criteria;
- (b) Were accommodated, but in residential education, mental/health provision private fostering or Special Guardianship; or
- (c) For the purposes of this policy 'qualifying care leavers' will be treated in the same way as 'care leavers'.

3.9 Additionally former care leavers born before 2001 will be designated as a qualifying care leaver for the purposes of this policy.

### **Reductions for care leavers falling into Part 1 of this scheme**

3.10 The Council, under this policy will reduce the amount of Council Tax payable to nil, after the application of all other discounts, exemptions, and any entitlement to Council Tax Reduction, where a care leaver, as defined in this policy, is liable for Council Tax, and any other adult residents in the dwelling also meet the definition of care leaver as defined within this policy.

### **Reductions for care leavers falling into Part 2 of this scheme**

3.11 The Council, under this policy will reduce the amount of Council Tax payable, by applying a reduction of 50%, after the application of all other discounts, exemptions, and any entitlement to Council Tax Reduction, where one or more care leavers, as defined in this policy, are liable for council tax, and other adults residents the property who are not care leavers.

### **Exclusions**

3.12 This reduction will only apply where the property is occupied. No reduction will apply where premises are no one's sole or main residence or where the premises is defined as a second home.

3.13 Where the care leaver is liable for more than one property, the reduction will only be awarded in respect of the dwelling which is deemed to be their sole or main residence.

3.14 Where a care leaver lives in a household and the dwelling would be deemed exempt from Council Tax if the care leaver did not reside at the property, a 100% reduction will be awarded.

## Changes in circumstances

3.15 The Council may revise any reduction in liability where the applicant's circumstances or situation changes.

## The award and duration of a reduction in liability

3.16 Both the amount and the duration of the reduction are at the discretion of the Council and will be awarded on the basis of the evidence supplied and the circumstances of the individual.

## 4.0 The Flood Recovery Framework

4.1 In a severe weather event with significant wide area impacts, local authorities may need central support to help their communities and businesses return to normal. Building on these principles, a core package of business and community recovery support has been developed by Central Government to serve as a framework for flood recovery funding when needed.

4.2 It will be for Government Ministers to determine when this support will be made available. Weather incidents with localised impacts will not usually trigger a recovery support package.

4.3 In relation to Council Tax, Central Government have developed a Council Tax discount package that is available under S13A (1) (c).

### Who is eligible for a council tax discount?

4.4 Where the Council Tax Discount Scheme is activated following severe weather, The Department for Levelling Up, Housing and Communities (DLUHC) will refund eligible local authorities for granting discounts in the following circumstances:

(a) 100% discount for a minimum of 3 months, or while anyone is unable to return home if longer, for **primary residences** whereas a result of the relevant weather event:

- Flood water entered into the habitable areas; or,
- Flood water did not enter into the habitable areas, but the local authority regards that the residence was otherwise considered **unliveable** for any period of time. **AND**

(b) 100% council tax discount on temporary accommodation for anyone unable to return to their home, in parallel with the discount on their primary residence where applicable.

4.5 Second homes and empty homes will **not** be eligible.

4.6 Instances where households might be considered **unliveable** could include:

- where access to the property is severely restricted (e.g., upper floor flats with no access);

- key services such as sewerage, draining, and electricity are severely affected;
- the adverse weather has resulted in other significant damage to the property such that it would be, or would have been, advisable for residents to vacate the premises for any period of time, regardless of whether they do vacate or not;
- flooded gardens or garages will **not** usually render a household eligible but there may be exceptions where it could be demonstrated that such instances mean effectively that the property is unliveable.

4.7 It will be for the Council to determine eligibility under the scheme.

#### **Properties affected by multiple instances of flooding**

4.8 Residences impacted in multiple flood events will not be precluded from repeat support where this is made available by Government in respect of separate weather events.

4.9 Where the scheme is activated for two separate instances of flooding within 3 months of each other, the two discount periods will run concurrently. For example, if the second flood event occurred after 2 months, flooded properties already receiving support could be eligible for another 3 months discount, making the total period of reimbursement 5 months.

#### **Funding**

4.10 In such cases, Central Government will make payment to the Council via a Section 31 grant.

#### **The Council's Policy in respect of the Flood Recovery Framework**

4.11 The Council shall operate the scheme strictly in accordance with Central Government guidelines.

### **5.0 Applications for S13A (1) (c) in other cases**

5.1 Where the Council receives an application for a reduction in liability in any other case (other than listed within the Central Government sponsored scheme specified above), all applications will be treated on their individual merits.

- 5.2 In such cases, the Council will require the applicant (where appropriate) to:
- Make a formal application for Council Tax Reduction in an appropriate format;
  - Consider potential changes in payment methods and payment arrangements;
  - Assist the Council to minimise liability by ensuring that all discounts, exemptions, and reductions are properly granted;
  - Maximise their income through the application for other welfare benefits;
  - Have taken all reasonable steps to resolve their situation prior to application;
  - Provide evidence of exceptional financial hardship or exceptional personal circumstance that would merit a reduction in the Council Tax liability; and

- Not have access to assets, capital or other financial remedy that could be used to meet the Council Tax liability;
- 5.3 The circumstances affecting the ability to meet Council Tax liability must not be intentional by the applicant and must be deemed to be out of the applicant's individual control.
- 5.4 If information or evidence requested for the taxpayer has not been received within 21 days from the date of the request, then the Council will determine the application on the basis of the evidence and information in its possession.
- 5.5 The Council may refuse to award a discount where lack of this information and /or evidence does not enable the Council to reach an informed decision regarding the applicant's circumstances.

## **6.0 Delegated Powers**

- 6.1 This S13A (1) (c) policy has been approved by the Council. However, the Council's S151 Officer is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and, for certain defined schemes, Central Government guidance.

## **7.0 Notification**

- 7.2 The Council will issue a written decision letter to the applicant within one month of the request or as soon as practicable thereafter. This will include:
- the level of the award, if relevant;
  - full reasons for the decision;
  - how it will be paid; and
  - information about how to ask for a review of the decision.

## **8.0 Review of Decisions**

- 8.1 Notwithstanding any reductions applied automatically to the Council Tax account, where any application is refused, the applicant will be notified that they can ask for the decision to be reviewed. Any request for a review must be made, in writing or by email, within one month of the decision letter.
- 8.2 A relevant officer of the Council shall undertake the review and shall respond within two months and will have regard to any further evidence supplied.
- 8.3 If the applicant is dissatisfied with the outcome of the review, they can, within two months of the Council's reply, appeal to the independent Valuation Tribunal Service to consider their case.

## **9.0 Duration of Reduction**

9.1 The duration of any award will depend of the circumstances of each case. However, in all cases the following principles will apply:

- (a) Where the reduction is applied under a Central Government Scheme, the reduction shall be applied to the Council Tax account for the period specified in Government guidance;
- (b) In all other case:
  - (i) the application for the reduction can only relate to the current Council Tax financial year in which the application is made unless the delay was due to an exceptional circumstance; and
  - (ii) If an application is successful, the award period will be specific to the applicant's circumstances, but it cannot exceed a period greater than the financial year it has been awarded in or exceed the total Council Tax charge for that period.

## **10.0 Changes in circumstances and misrepresentation**

10.1 A reduction in liability under S13A (1) (c) can be recovered if it has been made as a result of misrepresentation or failure to disclose a material fact, either fraudulently or otherwise. It can also be recovered as a result of the subsequent application of a national discount or adjustment in banding by the Valuation Office Agency

10.2 Changes of circumstances that subsequently negate the need for a reduction in liability under this policy will be recovered by the Council. Where this occurs, the Council shall notify the taxpayer accordingly.

10.3 Reductions in liability are not transferable following a change in address.

10.4 The Council reserves the right to recover any reductions in liability as a result of a change in legislation or regulation.

10.5 The Council is mindful that it is important to protect public funds and, as such, will take action to prosecute any case where the applicant acts fraudulently in applying for a reduction in Council Tax liability.