


London Borough of Waltham Forest

Discretionary Council Tax Hardship Scheme

2015 -2017

Final Scheme

Approved by: 
Director of Finance

10th February 2016

1. Introduction

- 1.1. The Discretionary Council Tax Support Scheme (DCTS) is one of three discretionary funds operated by the Revenues and Benefits department, the other two being the Discretionary Housing Payment Scheme (DHP) and the Waltham Forest Social Fund (WFSF).
- 1.2. The purpose of DCTS is to relieve people in particular need of the requirement to meet all, or part of, their liability to pay the Council Tax.
- 1.3. The council recognises that many people who may be entitled to assistance under DCTS may also be entitled to assistance under the DHP and/or WFSF schemes and will integrate DCTS with the other two schemes where it is appropriate and practical to do so.
- 1.4. The council also recognises that Council Tax is a tax and a priority debt; taxpayers are therefore obliged to treat their liability as taking precedence over expenditure on what may be described as luxuries or life-style choices. The scheme may, therefore, appear harsh when compared to other discretionary schemes.
- 1.5. The scheme will be administered by the Council's Revenues & Benefits Service.

2. Statutory Background

- 2.1. Authority to introduce a scheme is provided by s 13A of the Local Government Finance Act 1992 which states:

"13A 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 (see subsection (2));

(b)...

(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 following provisions are also relevant to this scheme:

- 2.2.1. The Local Government Finance Act 2012
- 2.2.2. Welfare Reform Act 2012
- 2.2.3. Child Poverty Act 2010
- 2.2.4. Equality Act 2010
- 2.2.5. Housing Act 1996

5.3. If a person is unable to make an application on-line a written application may be accepted so long as it contains all of the information required to enable a decision to be made. No paper application form will be made available for this purpose.

5.4. If a person is unable to make an application either personally or through a third party due to particular vulnerability a telephone assisted claim or home visit will be offered and an officer will complete the on-line application on that person's behalf.

5.5. The Council may make an award without any application being made in the following circumstances:

5.5.1. There are arrears of Council Tax and the council has obtained a liability order in respect of those arrears, and

5.5.2. The council is satisfied that that, on the basis of information either already in its possession or provided to it by another agency, the person against whom any liability order has been obtained would receive an award were an application made, and

5.5.3. It is appropriate to make such an award having regard to the principals of this policy.

6. Information and Evidence Required in Support of a Claim.

6.1. All applicants for assistance under this scheme will be required to provide:

6.1.1. A detailed statement of income and expenditure either using the council's prescribed form or such alternative form as may be accepted as adequate by the council.

6.1.2. Evidence to support any of the content of the statement of income and expenditure as decided by the decision maker.

6.2. Applicants may be required to provide further information or evidence including, but not limited to;

6.2.1. Evidence of medical conditions where relevant to the application

6.2.2. Evidence of steps taken by the applicant to improve his or her financial position

7. Eligibility for Assistance

7.1. A person may be eligible for assistance under this scheme if;

7.1.1. The applicant has an outstanding amount of council tax liability.

7.1.2. An application has been made for a reduction under the council's local Council Tax Support scheme, any resulting information requests have been complied with and that application has been decided (for the avoidance of doubt it is not a requirement that a reduction under that scheme is granted)

7.1.3. A properly completed application has been accepted by the council

7.1.4. Any questions arising from that application have been answered to the council's satisfaction

7.1.5. The council is satisfied that the applicant is suffering from financial hardship

7.1.6. The applicant has exhausted all other options with regard to improving his or her financial circumstances.

8.4.3. In the case of renewal or subsequent claim only, an applicant has failed without good cause, to comply with any requirements imposed as part of the previous award that the applicant take measures to improve his or her financial situation.

8.4.4. The applicant has no outstanding liability for Council Tax or any such liability relates to an empty property normally let on a commercial basis.

8.4.5. The application is made by a non-natural person.

8.5. Decision makers will be able to vary the amount of an award, including refusing an award altogether and making an award where one would not normally be made if, considering the circumstances of an individual case, it is appropriate to do so.

8.6. Any award will be made by reducing the the Applicant's liability for council tax .

8.7. In cases where paragraph 5.5. applies the award shall be the amount that the council believes would have been awarded under the provisions of paragraphs 8.1-8.3 and 8.5 of this scheme had a properly completed application been made.

8.8. Once an award has been made under the provisions of paragraph 5.5 no further award will be made to that person under those provisions unless the Authority is satisfied that there are exceptional circumstances which means the making of a further award is appropriate.

8.9. No award shall be made under the provisions of paragraph 8.7 if the person to whom the award would otherwise be made has, without good reason;

8.9.1. Failed to complete an application for assistance under this scheme when requested to do so or,

8.9.2. Having completed an application for assistance under this scheme, failed to comply with a request for information

9. Determination of Awards

9.1. Detailed provisions regarding the determination awards and in particular, of what an applicant is able to afford will be provided in a separate guidance document for decision makers, the content of which will be periodically reviewed.

9.2. A person will be considered to be suffering from financial hardship if they are unable to meet their essential needs relating to heating, food and hygiene having regard to their age, health and family make up.

9.3. Applicants will generally be treated as possessing expenditure incurred in respect of non-essential expenditure such as;

9.3.1. Regular payments for T.V., satellite and internet other than a basic broadband package,

9.3.2. Unreasonably high usage charges for telephone services,

9.3.3. Repayment of debts such as store cards, credit cards and loans unless the applicant;

9.3.3.1. incurred the liability before he or she encountered financial difficulties and these difficulties could not have been reasonably foreseen and,

12. Appeals and Disputes

- 12.1. A person who disagrees with a decision made under the provisions of this scheme may require the authority to review it by serving written notice setting out the ground on which the decision is disputed.
- 12.2. A person serving written notice under the provisions of paragraph 12.1 who is challenging a decision made under the provisions of paragraph 5.5 must provide, as part of their written request, a claim form for an award under the provisions of this scheme accurate as of the date on which the decision was made.
- 12.3. If the person still disagrees with the decision after receiving the council's response or a period of two months has elapsed and no response has been received, the applicant may appeal to the Valuation Tribunal.

13. Financial Constraints and Controls

- 13.1. The DCTS fund is cash limited and the scheme will be closely monitored to ensure
 - 13.1.1. applications can be submitted and considered throughout the year and
 - 13.1.2. decisions are both fair and consistent
 - 13.1.3. the available funds are directed towards those in greatest need
 - 13.1.4. the decision-making process reflects the council's financial constraints.
- 13.2. Waltham Forest Council is committed to fighting fraud. The making of a false declaration with a view to obtaining or increasing an award of DCTS may amount to a criminal offence under the Fraud Act 2000. Where the council suspects that an offence may have been committed the matter will be investigated and appropriate action taken including the initiation of criminal proceedings.