

Basingstoke & Deane Borough Council

**Discretionary Policy - Council Tax Hardship
Fund (COVID-19)**

**S13A (1) (c) Local Government Finance Act
1992**

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1.0 Introduction

- 1.1 The following policy outlines the Council's approach to the recent initiatives by Central Government to assist taxpayers who are suffering financial hardship due to the onset of the Corona virus (Covid-19).
- 1.2 Central Government have provided funds to the Council under S31 of the Local Government Act 2003 with the proviso that all monies are paid strictly in accordance with S13A (1) (c) of the Local Government Finance Act 1992 and in line their guidance issued on 25th March 2020.
- 1.3 The funds named by Central Government as the 'Council Tax Hardship Fund' are designed to meet the immediate needs of all taxpayers who are currently claiming Council Tax Reduction (CTR) under S13 A (1) (a) of the Local Government Finance Act 1992. The funds are primary designed to assist working age applicants with payment of their Council Tax.
- 1.4 This is particularly important given that working age applications are likely to be most affected by this crisis.
- 1.5 It is essentially down to individual authorities to determine how to use the funds however, Central Government through the Ministry of Housing, Communities and Local Government (MHCLG) state that, in order to retain the funding, Councils must look to use monies as directed by them.

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 (see subsection (2));

(b) (not applicable to English Local Authorities);

(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, allow 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.
- 2.3 In relation to the 'Council Tax Hardship Fund', MHCLG have stated that Councils will use the powers given under that act.

3.0 Finance

- 3.1 Any amounts granted under S13A (1) (c) are normally financed through the Council's general fund and do not form part of the collection fund. Central Government has provided funding directly to the Council to compensate for this and it expects the Council, wherever possible, to use all of the funds provided.
- 3.2 Any additional assistance, outside of the funding, would fall to be paid by the Council itself

4.0 The Covid-19 Council Tax Hardship Scheme

- 4.1 The scheme guidance issued by MHCLG states the following:
- (a) The Government's strong expectation is that billing authorities will provide all recipients of working age local council tax reduction during the financial year 2020-21 with a further reduction in their annual council tax bill of £150, using their discretionary powers to reduce the liability of council taxpayers outside of their formal scheme design;
 - (b) Where a taxpayer's liability for 2020-21 is, following the application of council tax reduction, less than £150, then their liability would be reduced to nil;
 - (c) Where a taxpayer's liability for 2020-21 is nil, no reduction to the council tax bill will be available;
 - (d) There should be no need for any recipient of council tax reduction to make a separate claim for a reduction under this scheme. The billing authority should assess who is eligible for support from the hardship fund and automatically rebill those council taxpayers;
 - (e) Whether or not a taxpayer has been affected by COVID-19, directly or indirectly, should not be taken into account in assessing eligibility for this reduction;
 - (f) The Government recognises that existing support mechanisms vary locally, including CTR schemes, discretionary council tax discount/hardship schemes and local welfare schemes;

- (g) Having allocated grant to reduce the council tax bill of working age CTR recipients by a further £150, billing authorities should establish their own local approach to using any remaining grant to assist those in need. Billing authorities will want to revisit their broader approach at intervals during the financial year, in order to ensure expenditure for 2020-21 remains within their allocation;
- (h) In determining any broader approach to delivering support, authorities are best placed to reflect on the financial needs of their most vulnerable residents. In doing so, they may wish to consider using their remaining grant allocation as part of wider local support mechanisms. These may include, but are not restricted to:
 - (i) Council tax relief using existing discretionary discount/hardship policies (adapted where necessary in order to capture those most likely to be affected by COVID-19); and
 - (ii) Additional support outside the council tax system through Local Welfare or similar schemes;
 - (iii) A higher level of council tax reduction for those working age CTR recipients whose annual liability exceeds £150.
- (i) The Government is keen to ensure that support is provided as quickly as possible to individuals who are eligible. It therefore considers that there is a strong case for councils to provide the support up front to enable the maximum benefit to be delivered promptly. However, the Government recognises that in some cases, authorities may consider that the most effective assistance could be profiled across the year.

5.0 The Council's Policy in respect of the Covid-19 Council Tax Hardship Scheme

- 5.1 The Council is keen to support all Council Taxpayers, where possible, within the area and, as such, will implement the scheme not only in accordance with Central Government guidelines but also enhancing the scheme by taking the following actions:
- (a) **An amount of up to £200 will be credited to the Council Tax account of all working age applicants who are in receipt of Council Tax Reduction on 1st April 2020** (it should be noted that where any residual liability of any taxpayer is less than £200, then an amount will be granted to ensure that the liability is reduced to zero). (There will be no requirement for any taxpayer to apply for this initial award and it shall be automatically applied to their account;
 - (b) Where the working age Council Taxpayer is not entitled to Council Tax Reduction on 1st April 2020 but subsequently becomes entitled, in line with guidance, an amount of up to £200 shall be paid in the same way as (a) above;
 - (c) In addition to (a) and (b), the Council, subject to its discretion, may pay a single direct grant of up to £200 to any working age Council Taxpayer who is entitled to an award of Housing Benefit or Universal Credit Housing Element in respect of rent. The single direct payment will be determined using the same principles as set out in

the Council's Discretionary Housing Payments Guidance Manual. The applicant will be expected to be accessing all other welfare benefits that they are eligible for.

Payments will only be considered following an application for a Discretionary Housing Payment and will be paid based on a flat rate of £25 per person who has an evidenced residence at the claim property.

Payments will be made via BACS to the applicant's bank account and only one payment of this direct payment will be made per household.

- 5.2 In line with Central Government guidance, the hardship funding provided to the Council shall be used in the following order: (a) then (b) then (c).

6.0 Delegated Powers

- 6.1 The scheme for the Council Tax Hardship fund has been approved by the Council. However, the Section 151 Officer is authorised to make technical scheme amendments to ensure it meets the criteria set by Central Government and is in accordance with the Council's policy.

7.0 Notification

- 7.1 In the case of payments made under 5.1(a) and 5.1(b) of this policy, taxpayers shall be notified by the issue of a revised Council Tax demand. In the case of payments made under 5.1(c), taxpayers will be notified of the decision by letter or email as appropriate.

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 calendar month of the decision letter.
- 8.2 The Council having reviewed the case, 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.