
The Discretionary Council Tax Rebate Scheme



Council of the
ISLES OF SCILLY

29th April 2022

Ratified	10 May 2022
Review date	One-off
Policy owner	Russell Ashman, S151 Officer

VERSION HISTORY – FOR FURTHER DETAIL SEE CHANGE LOG			
Date	Version	Author role	Purpose of change <i>[eg scheduled review; administrative change; change in legislation; change following feedback]</i>
29.04.22	1.0	S151 Officer	New Government Initiative

EQUALITY IMPACT ASSESSMENT (EqIA) RECORD					
Date	Is this an existing, revised or new/proposed policy?	Type of assessment conducted	Summary of actions taken & decisions made	Approved by	EqIA review date
29.04.22	New Policy – enactment of new Government funding initiative aimed at providing financial support to households in respect of rising energy costs	None	N/A	N/A	N/A

DOCUMENT RETENTION	
Document retention period	Until superseded

Full title, including version number

The Discretionary Council Tax Rebate Scheme v1.0

Purpose

The policy details the actions to be taken by the Council in respect of the Discretionary Council Tax Rebate scheme announced by Government on 3rd February 2022. The policy identifies who will receive a rebate, the amount to be awarded and the administrative requirements.

The policy also details the Council's responsibilities to both taxpayers and Government in relation to the correct administration of the scheme.

Why this policy is needed

1. The purpose of this policy is to determine eligibility for a payment under the Council's Discretionary Council Tax Rebate scheme (the 'Discretionary Scheme').
2. The scheme has been designed based on general guidance issued by the Secretary of State for Levelling Up, Housing and Communities on 3rd February 2022. However, it is separate to the mandatory Council Tax Rebate scheme which is largely determined by Government

Scope

This policy is to support a Government initiative to provide financial support to households in respect of rising energy costs in the period of an energy crisis. A mandatory scheme has been provided by central government and this discretionary scheme is aimed at supporting those households in difficulty that do not get captured in the mandatory scheme.

Objectives

The purpose of this policy is to determine eligibility for a payment under the Council's Discretionary Council Tax Rebate scheme (the 'Discretionary Scheme') and how those payments will be made.

Policy details

1. The purpose of this policy is to determine eligibility for a payment under the Council's Discretionary Council Tax Rebate scheme (the 'Discretionary Scheme').
2. The scheme has been designed based on general guidance issued by the Secretary of State for Levelling Up, Housing and Communities on 3rd February 2022. However, it is separate to the mandatory Council Tax Rebate scheme which is largely determined by Government
3. The Council's Discretionary Scheme is part of a package of support for households in respect of rising energy costs.
4. Government has determined that Councils can decide locally how best to make use of the discretionary funding to provide payments to other households who are energy bill payers but not covered by the mandatory Council Tax Rebate. However, Government has stated that occupants of class M (student halls) are unlikely to be eligible for discretionary support, unless they are exposed to rising energy prices in a similar way to other households and discretionary support should **not** be offered to occupants of property in exemption class O, where the Ministry of Defence will provide cost of living support.

FUNDING

5. Government has provided funding to the Council; however, all payments will have to be made prior to the 30 November 2022 which is the deadline for this scheme.

ELIGIBILITY CRITERIA AND AWARDS

Basic eligibility

6. The Council has decided that the payments will be made provided:
 - (a) the household has their sole or main residence in a dwelling; and
 - (b) the Council Tax liable person is not a local authority, a corporate body or other body such as a housing association, the government or governmental body.

Awards

7. Where the criteria in (a) and (b) above are met, the following awards will be made:

- a single one-off payment of £150 to all households who reside in dwellings with a Council Tax Band E to H who are in receipt of Council Tax Support;
 - A 'top up' payment of £20 to all households who reside in dwellings with a Council Tax Band A to D who are in receipt of Council Tax Support (this will be awarded in addition to the mandatory Council Tax Rebate of £150 as required by Government).
8. In all of the above cases, payment will be made to the person liable for Council Tax in those dwellings.
- In addition to the payments outlined in 9 and for households who have not already received a payment, the Council will also encourage applications from households who: -
 - are not liable for Council Tax but are responsible for energy bills and who reside within all banded properties
 - reside in dwellings with a Council Tax Band E to H who are in receipt of either of the following council tax disregards, reduction or exemptions;
 - (i) carer's disregard;
 - (ii) severely mentally impaired disregard;
 - (iii) a reduction for disability (Disabled Banding Reduction);
 - (i) Class S exemption (all occupiers are under 18); or
 - (ii) Class W exemption (an annexe occupied by a dependent relative who is either over 65 years of age or a person who is substantially and permanently disabled or severely mentally impaired for the purpose of council tax)
9. In the cases in point 10 above, a single one-off payment of £150 will be awarded where:
- The weekly household income from earnings or a state, private or occupational pension no greater than £425 per week. (For the sake of clarity, a household is defined as the applicant and their partner); **and**
 - The household has capital of less than £6,000 (Capital will be determined by the Council in line with the Housing Benefit regulations).
10. For the purpose of the discretionary scheme, a household is a person or group of persons occupying a single dwelling, as defined in section 3 of the Local Government Finance Act 1992. No award will be made for any unoccupied premises or second homes.

Effective date

11. The effective date for this scheme is 1 April 2022. The Council will determine eligibility based on the position at the end of that day.

Alterations to liability or the Council Tax Band

12. Where the Council has reason to believe that the information they hold about the valuation list, liable taxpayer(s) or residents' circumstances in respect of 1 April 2022 is inaccurate, it will withhold the payment and take reasonable steps to determine the correct information.
13. Where records relating to the liable taxpayer(s) or the residents' circumstances in respect of 1 April 2022 are retrospectively updated, the Councils will take reasonable steps to either pay the discretionary award or potentially reclaim any payment made.
14. In any case, where the Council Tax band of the chargeable dwelling is amended retrospectively after 1 April 2022, for example where a successful appeal is made to the Valuation Office Agency (VOA) that concluded after this date, the Council is not required either to pay any discretionary award or to reclaim any payment made.

Eligibility Disputes

15. The decision of the Council on any eligibility matter will be final. Should any tax payer feel aggrieved by any decision, then matters will be dealt with through the Council's complaints procedure. Full details will be made available on the Council's website.

HOW THE COUNCIL TAX REBATE WILL BE PAID

16. Where the Council determines that all of the eligibility criteria are met in full, payment will be made to the household as defined above. It should be noted that **only one discretionary payment** will be made per household, regardless of the number of occupants or liable Council Taxpayers.

Direct Debit payers

17. Where the Council holds a current direct debit instruction for a liable Council Taxpayer of an eligible household, payment will be made using the bank account details held. Payments will be made as soon as practicable.
18. The Council is required to verify that the bank details held are those of the eligible household and where multiple residents of an eligible household are jointly and severally liable for Council Tax, the full payment will be made to the account for which the direct debit is held only. Payment of the award, however, is for the benefit of the household as a whole.
19. No payment will be made where the name on the bank details does not match a liable party. Should the Council require additional information in order to establish the correct person to receive the payment, it is expected that the household provides all necessary details as soon as possible. Further details of how this request will be made and responsibilities to supply such information are detailed below.
20. It should be noted that the award will be paid on the assumption that the person receiving the payment is the liable Council Taxpayer (or would have been if the property were not exempt) and that the property meets the criteria on 1 April 2022.
21. Payments must be made no later than 30th November 2022, the scheme will close from this date.
22. The funding is limited and any applications will be awarded on a first come first served basis. If the funding has been fully allocated before 30th November 2022, the scheme will be closed.

Where the Council does not hold current a direct debit instruction for an eligible household

23. Where the Council does not hold a current direct debit instruction for an eligible household, it will make reasonable efforts to contact the household and obtain the necessary bank details.
24. Where the Council is unsuccessful in contacting the household but where it is of the opinion that the household meets the eligibility criteria, the discretionary award will be credited to the Council Tax account.

25. In all cases, the Council must ensure that payments are made correctly and where appropriate, require households to verify that that they are eligible for the payment. Where no such verification can be made or where a household fails to respond to the Council's request, no payment whatsoever shall be made.

PROVISION OF INFORMATION TO THE COUNCIL

26. Residents, owners and managing agents should note that the Council has powers available to it under Regulation 3 (1) (c) of the Council Tax (Administration and Enforcement) Regulations 1992, to request such information to determine the correct liable person for Council Tax purposes. Government has stated that these powers may also be used for Council Tax Rebate purposes.
27. Failure to respond to such a request, without a reasonable excuse, within 21 days could lead to penalties being imposed. The Council therefore encourages all such persons to provide any requested information as soon as possible.

SCHEME OF DELEGATION

28. The Council has approved this scheme. The Council's Section 151 Officer is authorised to make technical policy amendments to ensure the scheme meets the criteria set by the Government and the Council.

NOTIFICATION AND REVIEW OF DECISIONS

29. All Council Tax Rebate payments shall be made by the Assessment Billing and Collection Team within the Customer and Business Operations Service.
30. The Council will operate an internal review process and will accept a taxpayer's request for a review of its decision.
31. All such requests must be made in writing to the Council and should state the reasons why the taxpayer is aggrieved with the decision of the Council. New information may be submitted at this stage to support the taxpayer's review

32. The case will be reconsidered by a review panel as soon as practicable, and the taxpayer informed in writing or by email of the decision. That decision shall be final.

TAXATION AND THE PROVISION OF INFORMATION TO HER MAJESTY'S REVENUE AND CUSTOMS (HMRC)

33. The Council does not accept any responsibility in relation to a taxpayer's HMRC tax liabilities and all recipients should make their own enquiries to establish any tax position.

MANAGING THE RISK OF FRAUD

34. The Council will not accept deliberate manipulation of this policy or fraud. Any person caught falsifying information to gain a discretion payment will face prosecution and any amount awarded will be recovered from them.

RECOVERY OF AMOUNTS INCORRECTLY PAID

35. If it is established that **any** payment has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by a taxpayer or any other person, the Council will look to recover the amount in full.

DATA PROTECTION AND USE OF DATA

36. All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.

Policy communication

This is public policy and should be made available via the Council's web site.

Performance management

All data will be managed and retained by the Assessment Billing and Collection team, with the premium measure being that all residents identified as in scope being paid in a timely and accurate manner.

Policy management

The S151 Officer along with the Assessment Billing and Collection team in Cornwall Council who provide support on Council tax administration under the collaboration arrangement will be responsible for the management of the policy.

Breaches and non-compliance

From an internal perspective any breaches or non compliance may result in the Council being liable for the incorrect payment of the rebate. From an external perspective a breach or non compliance may result in an award not being made, being made incorrectly thereby the money having to be recovered. As stated above, failure to supply information requested by the Council, may result in a fine.

Policy review and evaluation

This is a policy for a one off scheme, however should an additional scheme be announced, the policy would be reviewed prior to the administration of said additional scheme.

Further information

Website link will be added when live

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If you would like this information in an audio format, Braille, large print, any other format or interpreted in a language other than English, please contact:

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Change log

Use this table to provide further detail for updates recorded in the version history.

DATE	COMMENTS	NAME, ROLE
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