

## **APPENDIX A**

### **Southwark Council Tax Section 13A Policy**

#### **Southwark Council Tax – Discretionary Relief**

##### **Background**

Section 13A 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. Southwark Council has not specified any class of case in which liability is to be reduced. However, we will consider claims on individual cases. There are financial implications to awarding any discounts other than those currently available under the statutory legislation and the financial burden of Section 13A discounts has to be met through an increase in the general level of council tax for other payers.

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

- The application should relate to the current council tax year, unless the liable person has just received an account following late valuation for a previous year(s)
- It must be made in writing by the taxpayer or by someone authorised to act on their behalf to the standard Council Tax address and titled “Section 13a Application”
- The Council 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 Relief Policy**

Southwark Council will only consider using its powers to reduce council tax liability for any council tax payer or class of payer in exceptional circumstances. We will treat all applications on their individual merits. However some or all of the following criteria should be met for each case;

- There must be evidence of financial hardship or personal circumstances that justifies a reduction in council tax liability
- The taxpayer must satisfy the Council that all reasonable steps have been taken to resolve their situation prior to application
- All other eligible discounts/reliefs/benefits have been awarded
- The taxpayer does not have access to other assets that could be used to pay council tax
- Can the situation be resolved by some other legitimate means, such as the complaints procedure? If it can it is unlikely that an award will be made
- The Council's finances allow for a reduction to be made
- The situation and reason for the application must be outside of the taxpayer's control
- The amount outstanding must not be the result of wilful refusal to pay or culpable neglect

As a consequence of this the power to reduce under this section should only be applied in exceptional circumstances. Any reduction must take into consideration the Borough's Council Taxpayers.

### **3. Amount of relief**

The relief to be awarded is entirely at the Council's discretion.

### **4. Review of decision**

Under the Local Government Finance Act 1992, there is no right of appeal against the Council's use of discretionary powers. However, the Council will accept a customer's written request for a further review of its decision. The Council will then consider whether the customer has provided any additional information against the required criteria that will justify a change to its decision.