



West Devon Borough Council Council Tax Rebate Scheme 2022-23

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Definitions

The following definitions are used within this document:

‘Chargeable Dwelling’; means any dwelling that appears on the Council’s Council Tax Valuation List on 1 April 2022;

‘Council Tax Exemption or Exempt Dwelling’; means any chargeable dwelling which is determined by the Council as exempt from Council Tax as prescribed by the Council Tax (Exempt Dwellings) Order 1992 as amended;

‘Council Tax Rebate Scheme or Mandatory Scheme’; means the scheme announced by the Secretary of State for Levelling Up, Housing and Communities on 3 February 2022 as part of a package of support for rising energy costs;

‘Council Tax Payer or Liable Person’ means the liable person determined by the Council as being responsible for Council Tax under section 6 of the Local Government Finance Act 1992;

‘Council Tax Reduction (or Support)’ means any entitlement awarded under section 13A 1(A) of the Local Government Finance Act 1992;

‘Discretionary Scheme’; means the scheme determined by the Council in line with the guidance issued by the Department for Levelling Up, Housing and Communities announced on 3 February 2022;

‘Effective Date ; means the effective date of this scheme. The effective date shall be the situation as at the end of the day on 1 April 2022

‘Empty Dwelling (or premises)’ means any dwelling that is not deemed to be the sole or main residence of a person and are substantially unfurnished;

‘Liability for Owner’; means any dwelling determined to fall within the Council Tax (Liability for Owners) Regulations 1992, for example, House in Multiple Occupation or Residential Care homes;

‘Second Home’ means any dwelling not deemed to be the sole or main residence of the liable person and which is furnished as defined by the Council Tax (Prescribed Class of Dwellings) (England) Regulations 2003 as amended; and

‘Sole or main residence’ means the dwelling determined by the Council to be the sole or main residence of a person.

1.0 Purpose of the scheme and background.

- 1.1 The purpose of this policy is to determine eligibility for a Council Tax Rebate under the mandatory scheme as set out by the Secretary of State for Levelling Up, Housing and Communities on 3rd February 2022. This scheme together with the Council's associated Discretionary Fund are part of a package of support for households in respect of rising energy costs.
- 1.2 The Government has also issued statements on a discount on electricity bills to be paid later in the Autumn. It should be noted that this is not part of the responsibility of local authorities and is separate from the Council Tax Rebate Scheme.
- 1.3 The Council Tax Rebate Scheme is effectively in two parts, the mandatory scheme which is covered within this policy and which is largely determined by Central Government, and the Discretionary scheme which forms parts of a separate policy which has been agreed by the Council.
- 1.4 This Council Tax Rebate Scheme is designed to provide single one-off grant of £150 to all eligible households who meet the criteria shown within Section 3.

2.0 Funding

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

3.0 Eligibility criteria

- 3.1 To provide some immediate relief to households experiencing rising energy costs, while targeting those most likely to require support, Government expects the Council to provide a £150 one-off payment to a liable Council Tax payer (or a person who would otherwise be liable where the dwelling is exempt) for every household that occupies a property which meets all of the following criteria on 1 April 2022:
 - (a) The chargeable dwelling is valued in Council Tax bands A to D. This includes property that is valued in band E but has an alternative valuation band of band D, as a result of the disabled band reduction scheme (Reduction for disabilities);
 - (b) It is someone's sole or main residence; or
 - (c) is a chargeable dwelling which receives an exemption under classes N (other than HMOs for council tax purposes), S, U or W.
- 3.2 The above list is not exhaustive and the Council will use its judgement in consideration of the aims of the scheme, which is to support households with domestic energy costs.
- 3.3 The scheme will **not** cover any premises which are armed forces accommodation. The Ministry of Defence will be in touch with residents in those premises that are currently exempt under Class O.

- 3.4 For the sake of clarity, a property that meets all the criteria but has a nil Council Tax liability as a result of Council Tax Reduction will be eligible. However, a premises which is no one's sole or main residence, a second home or an unoccupied premises will not be eligible.
- 3.5 For the purpose of the Council Tax Rebate 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.

Effective date

- 3.6 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

- 3.7 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.
- 3.8 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 Council Tax Rebate or potentially reclaim any payment made.
- 3.9 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 Council Tax Rebate or to reclaim any payment made.
- 3.10 The Council will however make an exception where a property is a new build and awaiting an official banding from the VOA. In these cases, eligibility will be determined based on the official band subsequently allocated by the VOA, where this has an effective date before or on 1 April 2022.
- 3.11 Where a review, proposal, or appeal pre-dating the Government's announcement of the scheme on 3 February 2022 is successful after 1 April 2022 and, as a result, a property would have been eligible for the Council Tax Rebate, the Council *may* accept applications under its discretionary scheme.

Eligibility Disputes

- 3.12 Government has stated that it is for the Council to determine eligibility for the Council Tax Rebate and, as such, the decision of the Council in this matter will be final. Should any taxpayer feel aggrieved by any decision, then matters will be dealt with through the Council's complaints procedure. Full details are available on the Council's website.

4.0 How the Council Tax Rebate will be paid

- 4.1 Where the Council determines that all of the eligibility criteria are met in full, a single one-off payment of £150 will be made to the household. It should be noted that **only one payment** will be made per household, regardless of the number of occupants or liable Council Taxpayers.
- 4.2 Government has stated that only one mandatory payment should be made to a household and therefore if, for whatever reason a household receives more than one payment (for example if they move to another Council area), then the payment will be reclaimed.

Direct Debit payers

- 4.3 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.
- 4.4 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 rebate, however, is for the benefit of the household as a whole.
- 4.5 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.
- 4.6 It should be noted that the rebate 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 as defined with section 3 above.

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

- 4.7 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.
- 4.8 Where the Council is unsuccessful in contacting the household but where it is of the opinion that the household meets the eligibility criteria, the Council Tax Rebate will be credited to the Council Tax account.

- 4.9 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.

5.0 Provision of information to the Council

- 5.1 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.
- 5.2 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.

6.0 Scheme of Delegation

- 6.1 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.

7.0 Notification of Decisions

- 7.1 All Council Tax Rebate payments shall be made by the Revenues and Benefits Service.
- 7.2 All decisions made shall be notified to the liable person either in writing or by email.

8.0 Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept a taxpayer's request for a review of its decision.
- 8.2 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
- 8.3 The case will be reconsidered by a senior officer as soon as practicable, and the taxpayer informed in writing or by email of the decision. That decision shall be final.

9.0 Taxation and the provision of information to Her Majesty's Revenue and Customs (HMRC)

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

10.0 Managing the risk of fraud

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

11.0 Recovery of amounts incorrectly paid

11.1 If it is established that **any** Council Tax Rebate 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.

12.0 Data Protection and use of data

12.1 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.