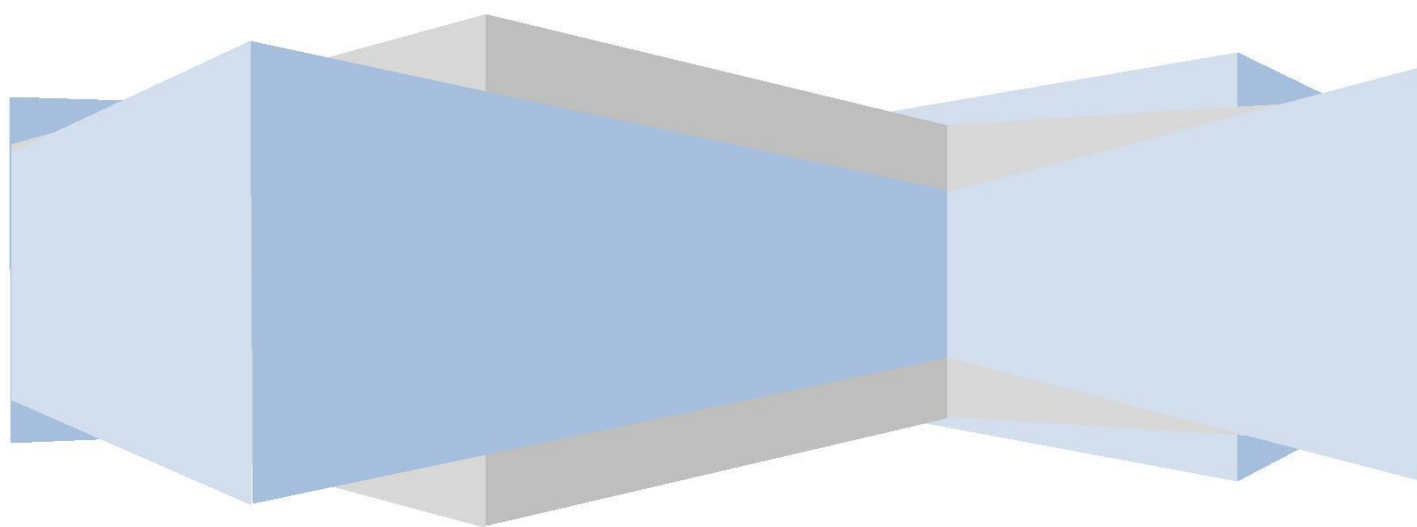


**Cheshire West and Chester Council**  
**Council Tax Reduction Scheme 2019/20**



## Introduction

This policy is summarised in the paragraphs below. The supporting appendix contains the detailed rules and regulations applicable to the scheme.

The definition of who is classed as working age or pension age is prescribed within legislation. The definition of the classes of applicants is outlined in the appendix and describes the groups of applicants that are entitled to specific protections.

The Government has stated that pension age applicants are to be protected through a national framework of rules and eligibility. The provisions of the scheme for pensioners are similar to those of the old Council Tax Benefit scheme.

Working age applicants will be subject to the provisions of this local scheme.

**1.1** This document outlines the principle features of the Cheshire West and Chester Council, Council Tax Reduction Scheme which also includes local additions to the prescribed pension age scheme (in respect of overpayments and war pensioners).

**1.2** This scheme is principally related to the following factors;

- The Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations
- Unknown factors regarding the assessment, entitlement, payment and notification of other reformed benefits under the Welfare Reform act. For example, Universal Credit, Personal Independence Payments and the Housing Element of Universal Credit
- The results of the Cheshire West and Chester Council consultation exercise and meeting of Council
- Local Government Finance act 1992
- In accordance with the consultation carried out by Cheshire West and Chester Council in 2012, any Legislation changes for Housing Benefit introduced will be linked to Council Tax Reduction Scheme under the same conditions and from the same effective date

## 2.0 Pensioner scheme

The prescribed regulations define “pensioners”, and requires “a person” to have “attained the qualifying age for state pension credit”

**2.1** The scheme in relation to pension age applicants is defined by Central Government within The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and the Local Government Finance act 1992 (as amended) Cheshire West and Chester Council has no discretion in relation to Council Tax Reductions in relation to pension age claims. It is designed to provide similar levels of support to the previous Council Tax Benefit scheme.

**2.2** The attached appendix provides an overview of the prescribed regulations which are included in this scheme for pensioners.

A person is a “pensioner” if—

- (i) he has attained the qualifying age for state pension credit; and
- (ii) he is not ( or, if he has a partner, his partner is not) —

a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance;

or a person with an award of universal credit;

and

A “person is not a pensioner” if—

(i) he has not attained the qualifying age for state pension credit; or

(ii) he has attained the qualifying age for state pension credit and he ( or if he has a partner his partner) is—

a person on income support, on income-based jobseeker’s allowance or an Income-related employment and support allowance; or a person with an award of universal credit.

**2.3** The prescribed scheme for pension age applicants makes provision for a second adult rebate, where that person would normally be expected to contribute, but has a low income and cannot afford to contribute towards the council tax bill.

**2.4** Non dependents will be treated under the prescribed regulations for claims made by pensioners.

### **3.0 Working age applicants**

The Cheshire West and Chester, Council Tax Reduction Scheme is a local discount scheme which may reduce the amount of Council Tax due to be paid by an applicant. It is calculated using the criteria below and after applying a means test.

Only a person who is liable to pay council tax in respect of a dwelling of which they are a resident is eligible to claim for a local Council Tax Reduction. Council Tax Reduction will be only considered in respect of their main residence. This is outlined in section 131 of the Social Security Contributions and Benefits act 1992.

The amount of support payable will be dependent upon the circumstances of the individual making the claim and all other members of their household, and any changes in circumstances will require a recalculation of support entitlement.

**3.1** The Secretary of State prescribed requirements will also apply to working age applicants. Individuals must not be of a prescribed class exempted from support, such as a person from abroad with limited leave to remain.

**3.2** In calculating an applicant’s maximum Council Tax Reduction award, any reduction in the amount that person is liable to pay as a consequence of any enactment made by or under the Local Government Finance act 1992 such as the Disabled Persons Reduction, shall be taken into account.

**3.3** The classes of applicants who can apply for a Council Tax Reduction and the calculation are contained in the Cheshire West and Chester Council local scheme, appendix.

**3.4** For all working age claims under the Cheshire West and Chester Council local Council Tax Reduction scheme, awards will be restricted to the equivalent of a band D property charge. Some applicants will be exempt from the band D restriction. The applicants who will qualify for this protection are outlined in paragraphs 3.7 and 4.0 below.

**3.5** Except for applicants outlined in paragraph 3.7 below the amount of an applicants Council Tax Reduction in respect of a day in which they are liable to pay Council Tax, shall be 75% of the amount A/B where:

- A is the annual rate of council tax for that financial year in respect of the dwelling where they are resident and liable, subject to any discounts appropriate under the Local Government Finance act 1992.
- B is the number of days in that financial year.
- Subject to a means test
- Less any deductions for non dependents.

Where an applicant is jointly and severally liable for Council Tax in respect of their home with one or more other persons but excepting any person residing with the applicant who is a student excluded from entitlement to local Council Tax Reduction, in determining the maximum Council Tax Reduction in their case, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

Where a person is jointly and severally liable for Council Tax in respect of a dwelling with only their partner, the paragraph above will not apply.

**3.6** Where an applicant is entitled to an extended reduction, their entitlement shall be adjusted in such circumstances and by such an amount as defined within this local Council Tax Reduction Scheme, up to a maximum of four weeks.

**3.7** Specific protection will be afforded under the Cheshire West and Chester Council scheme which will substitute the 75% limit outlined in paragraph 3.5 for 100% liability, for the Council Tax Reduction calculation. This protection will mean that the means tested calculation will be based on 100% of council tax liability, there will; be no restriction to a band D liability and the capital limit will be £16,000 to apply to the following working age groups.

Applicants who qualify for the severe or the enhanced disability premiums, using the criteria specified by the appendix to this policy

**These applicants or their partners must receive the higher or middle rate of the care component of Disability Living allowance, or the enhanced rate of the Daily Living component of Personal Independence Payments, and satisfy the other criteria specified in the schedule.**

- Applicants with resident disabled children who are classed as dependents, where the child is in receipt of Disability Living allowance or is blind.

**Applicants who qualify for the disabled child premium as specified in schedule 3 of the Housing Benefit regulations 2006.**

- Applicants who provide care for another person for at least 35 hours each week and are entitled to Carers allowance.

**Applicants who qualify for the carer premium as specified in schedule 3 of the Housing Benefit regulations 2006.**

**3.8** The final protection for applicants who are specifically protected and outlined in paragraph 3.7 above will be covered in detail in the capital disregard criteria. This makes provision for a higher capital disregard for these applicants (see paragraph 7.5).

**3.9** All income and earnings disregards will be in accordance with the old Council Tax Benefit provisions. There will however be an additional maximum £10 earnings disregard for families engaged in remunerative work, where at least one child is under 5 years of age.

#### **4.0 War Pensioners**

Applicants who are in receipt of a war disablement pension or a war widows (and war widowers) pension and are of pensionable age will be treated under the pensioner scheme.

Applicants who are in receipt of a war disablement pension or a war widows ( and war widowers) pension and are of working age will be treated under the working age scheme, and subject to a means test but their entitlement will be assessed at 100% of their council tax liability. They will be subject to an overall limit of £16,000, including tariff income rules within the working age scheme for protected groups. They will not be subject to a band D restriction.

The Housing Benefit and Council Tax Benefit (war pension disregards) regulations 2007 will be used under the Cheshire West and Chester Council scheme to define and determine what can be treated as a war pension and how this is disregarded.

Any war pension which is defined within this regulation will be *disregarded* in full from the means test which is applied.

#### **5.0 Applicable amounts**

Applicable amounts will be calculated in accordance with the appendix.

The amounts in respect of the various personal allowance, premiums and components will be the amounts specified in schedule 3 of SI 2006 no 213 (The Housing Benefit Regulations 2006)

#### **6.0 Income**

An applicant's earned and unearned income is compared to their applicable amounts in calculating the amount of Council Tax Reduction a person is entitled to, and the local rules of the Cheshire West and Chester Council scheme will be applied. The meaning of income is defined in the prescribed regulations which differentiate between earned and unearned income.

**6.1** Any income and capital held by an applicant or a member of their family (including polygamous marriages) will be taken into account as prescribed in legislation. Further details are in the appendix.

**6.2** Treatment of all income which is not specified otherwise will be as per the prescribed regulations or as detailed in the appendix.

**6.3** Universal Credit will be treated as income in full, except where it is possible to identify and evidence that part of the benefit which is specifically paid for housing and childcare costs, in which case this part of Universal Credit may be disregarded. This may be revised at a later date.

**6.4** All income and earnings disregards will be in accordance with the old Council Tax Benefit provisions. There will be an additional maximum £10 earnings disregard

for families engaged in remunerative work of 16 hours or more each week, where at least one child is under 5 years of age.

## **7.0 Calculation of capital**

Provisions for treatment of capital are covered in detail in the appendix .

**7.1** For the purposes of Council Tax Reduction an applicant is treated as possessing any capital belonging to the applicant or their partner. Capital belonging to any child or young person will not be treated as belonging to the applicant or partner.

Cheshire West and Chester Council will take into account any capital belonging to a non dependent or other third party where it deems that this arrangement is designed to take advantage of the Council Tax Reduction scheme, and will seek additional evidence where this is deemed to be the case.

**7.2** The whole of any capital held by the applicant or their partner will be taken into account from the date it is received, unless it falls to be disregarded under the scheme.

An applicant will not be entitled to an award under the Cheshire West and Chester Council, Council Tax Reduction Scheme if they or their partner have capital of £6,000 or more, unless they are detailed in paragraph 3.7 and fall into a protected group. There will be no tariff income applied to capital of up to £6,000.

**7.3** Provision relating to capital other than the revised £6,000 capital savings limit, including for example what is to be regarded as capital and what is to be disregarded as capital: will operate in accordance with the appendix.

**7.4** Any applicant may be treated as possessing capital which they have deprived themselves of for the purposes of securing a Council Tax Reduction. This notional capital will be considered as reducing over time to reflect the additional council tax payments incurred. This will be considered under the appendix.

**7.5** Protected groups who are defined in paragraph 3.7 above will be treated under the same provisions for capital. Except the overall capital limit will be £16,000 as defined in the appendix. Tariff income will be applied for the specified protected group according to the appendix.

## **8.0 Students**

Most full time students will be exempt from paying Council Tax and therefore will not qualify for a Council Tax Reduction. However where a student does have a liability for Council Tax they may qualify for support. Further details are included in the appendix .

## **9.0 Maximum Council Tax Reduction**

This rule shall have effect as described in Regulation 57 of SI 2006 no. 215, but paragraph (1) will be substituted for;

“Subject to paragraphs 2 to 4, the amount of a person’s maximum Council Tax Reduction in respect of a day for which he is liable to pay Council Tax, shall be 75% of the amount of A/B where – “

Regulation 57 of SI 2006 no. 215 paragraph (1) (a) will be substituted for;

“A is the relevant amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, in the cases of dwellings in valuation bands, A, B, C or D, subject to any discount which may be appropriate to that dwelling under the 1992 act. For dwellings in valuation bands E, F, G and H then A will be the amount as it would have applied to dwellings in valuation band D.”

**9.1** For protected groups specified in paragraph 3.7, applicants of pension age and war pensioners this rule will be applied using 100% liability with no restriction at band D.

## **10.0 Non dependent deductions**

Non dependents will be treated under the prescribed regulations for claims made by pensioners, with the exception of paragraphs 10.1 and 10.2.

**10.1** War pensioners who are not of pension age will be treated under the provisions of the working age scheme for treatment of non dependents.

**10.2** For all working age applicants a flat rate charge will be applied to all non dependents regardless of their circumstances or income. There will be an exception to this rule where an applicant or their partner receives Disability Living Allowance (Care), or Personal Independence Payments (Daily Living) or is blind. If these exceptions apply no non dependent charge will be applied.

For working age applicants this rule will be as described in Regulation 58 of SI 2006 no. 215, but for paragraph one substitute the following,

“Subject to the following provisions of this regulation, the non dependent deductions in respect of a day shall be £5 x 1/7 in respect of a non dependent aged 18 or over”.

## **11.0 Extended reductions**

Extended reductions help to provide work incentives for long term unemployed people of working age who find work by giving them four weeks extra support , without the requirement to reassess the claim, also called a “run on”.

**11.1** Cheshire West and Chester will apply a 4 week run on for Council Tax Reduction under the following conditions, whilst resident in Cheshire West and Chester Council area and remain liable for council tax.

- a) An applicant who is entitled to a council tax reduction (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where –
  - The applicant or their partner was entitled to a qualifying benefit for a continuous period of at least 26 weeks immediately prior to;
  - The applicant or their partner commencing employment or self employment for at least 16 hours per week, or
  - The applicant or their partner increasing their hours of employment or self employment to 16 hours per week, and

- That employment, self employment or those increased hours in employment or self employment are expected to last at least 5 weeks.
- b) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately after the reduction week in which the employment, self employment, or additional hours commenced and the extended reduction shall be paid for four reduction weeks, or until the payable applicant ceases to have a council tax liability at the dwelling he resided in at the start of the reduction period
- c) The qualifying benefits (Income and contribution based) referred to in paragraph (A) are defined in the appendix of this scheme. In addition to this Universal Credit can be a qualifying benefit but only when the applicant and any partner were not in remunerative work before the extended reduction period.

## **12.0 Procedure for making applications**

A claim for a reduction under the Council Tax Reduction Scheme must be made in writing on the prescribed form provided by Cheshire West and Chester Council, and sent to the address designated by the Council for that purpose. Details of the designated offices are on the application form and on the website.

**12.1** An application form shall be signed in writing by the applicant and by their partner, and submitted with any information and evidence which is reasonably required to determine entitlement to Council Tax Reduction. Cheshire West and Chester Council will not determine any incomplete or unsigned claims, unless they are received within one month from the date of receipt, or such longer period as is deemed by Cheshire West and Chester Council to be reasonable in the circumstances.

Claim forms are available at any designated council office or online.

## **13.0 Evidence and information**

Cheshire West and Chester Council will request any information and evidence which it deems to be necessary to establish evidence of identity and entitlement, and to determine and calculate an award of Council Tax Reduction. Any request for information or evidence must be provided within one calendar month, or within such longer period as Cheshire West and Chester Council deems to be reasonable.

**13.1** Cheshire West and Chester Council will require applicants who wish to apply for a Council Tax Reduction to provide evidence of their national insurance number and that of their partner

**13.2** Under the Council Tax (administration and Enforcement) Regulations 1992 Local authorities have a duty to take reasonable steps to ascertain whether a person is entitled to a discount. There is a duty upon Council Tax payers to inform a Local authority where, after being informed of an assumption as to a discount granted in their case they have reason to believe they are in fact not entitled to a discount, or are entitled to a discount of a smaller amount.



## **14.0 Date of claim and date on which entitlement begins**

Claims for a Council Tax Reduction will be paid in accordance with A-F outlined below. There will be no backdating of awards under the scheme.

- a) The date of claim for a reduction will be the date of the applicant first notifying, by whatever means, the authority of an intention to make an application where a properly completed application is received within one month, or such longer period as the authority considers reasonable of the date the application form was issued to the applicant.
- b) In any other case, the date of claim will be the date on which the application is received at the offices of the authority
- c) Subject to paragraph (D) any person to whom or in respect of whom an application for a reduction under an authority's scheme is made, and who is otherwise entitled to that reduction, shall be so entitled from the reduction week following the date of claim
- d) Where a person is otherwise entitled to a reduction under that scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his date of claim falls, he shall be so entitled from the first day of liability in that reduction week
- e) Any claim where a customer makes an intention to claim Council Tax Reduction (or where the LA receives an early notification), for Universal Credit, the date of claim will be paid from the Monday after the intention to claim is made as long as the form is received at a designated office within 4 weeks of the date issued.
- f) Where a customer becomes liable for the first time for Council Tax, whether newly liable or backdated change in liability, the date of claim will be treated as made from the date of liability as long as the form is returned to a designated office within 4 weeks of being made liable or from when the form is issued, whichever date is the later.

**14.1** Any claim which is received through the Department for Work and Pensions will be treated as made on the day that they receive representation of an intention to claim, and advise the council of that intention, so long as the actual claim for Council Tax Reduction is made to the council within one calendar month of that date or such longer period as the Local authority considers is reasonable.

**14.2** An award will be made for a specific address and will end upon the applicant leaving that address. The award will cease when liability ceases or from the first day of the reduction week following the date on which the change actually occurs. An applicant must reapply for Council Tax Reduction on moving to a new address.

**14.3** Where a change of circumstances is reported on an existing Housing Benefit application, which creates an entitlement to CTRS, the date of claim for CTRS will be the date we are notified of the change of circumstances, by whatever means and CTRS will commence from the Monday following, so long as the actual claim for CTRS is made within one calendar month of our action being taken on that change of circumstances. Where Housing Benefit is in payment a statement signed by the claimant requesting CTRS can be accepted as an application.

## **15.0 Periods of absence from home**

Applicants who are temporarily absent from home may still qualify for help in certain circumstances, where they have an intention (not just a desire) to return home, as outlined in the appendix.

## **16.0 Annual uprating of benefits**

Cheshire West and Chester Council will review its local Council Tax Reduction scheme each year. Any updates to the scheme in relation to working age applicants will be considered at the same time, including decisions on whether to change the applicable amounts or premiums used to determine basic needs for the purpose of the means test.

**16.1** On 1<sup>st</sup> April of each financial year benefit rates will be increased according to section 150 of the Social Security administration act, and unless specifically decided, otherwise annually thereafter.

Where a change of circumstances is an order under Section 150 of the Social Security administration act, the change shall take effect on 1 April

## **17.0 Review of the local Council Tax Reduction scheme**

Cheshire West and Chester Council will review its local Council Tax Reduction scheme each year. Regard will be made to legislative changes, budget requirements, and any other factors which may be relevant.

## **18.0 Changes in circumstances**

Applicants will be required to report changes within one calendar month of the change occurring.

**18.1** Changes in circumstances will take effect from the first day of the reduction week following the date on which the change actually occurs.

The time limit for a beneficial change to be applied is one calendar month from the date of change. For any detrimental change this will apply from the reduction week following the date of the change. For any beneficial change which is not notified within one calendar month the change will be applied from the first day of the reduction week following the date notified.

However there are exceptional circumstances in which beneficial changes notified outside one calendar month can be applied from the reduction week following the date notified and this is detailed in the appendix.

**18.2** Any changes in circumstances which reduce Council Tax Reduction entitlement but which are not reported within a month of the change occurring will be recovered in full. Consideration will not be given to any entitlement which would have arisen if the change had been correctly reported.

## **19.0 Excess reduction**

All excess Council Tax Reduction, however caused, is recoverable in full. This includes all errors made by the applicant or their partner, family members, appointees, errors by Cheshire West and Chester Council or its agents or other areas of government.

## **20.0 Notification of award**

The yearly award of Council Tax Reduction will be shown on the Council Tax bill. A summary of the Council Tax Reduction Scheme summary calculation will be sent at the same time.

**20.1** When an award is made or changed a notification will be sent to the applicant advising of the details of the award. This will normally be within 14 days of the decision being made or as soon as reasonably practicable afterwards.

**20.2** Additionally applicants may access details of their bill and award online.

## **21.0 Suspension and termination of awards**

Cheshire West and Chester Council may suspend an award of Council Tax Reduction if any of the following situations apply:

- Any doubt regarding entitlement to Council Tax Reduction
- Failure to comply with a request for information

The customer will be asked to provide information and evidence within one calendar month of the date of the request or such longer period as Cheshire West and Chester Council deems to be reasonable.

**21.1** Cheshire West and Chester Council may terminate an award at the end of a suspension period, if the applicant fails to provide evidence within one calendar month or does not satisfy the council of their continuing entitlement.

## **22.0 Methods of recovery**

Any awards of Council Tax Reduction which have been overpaid will be added to the Council Tax bill which it relates to for that year. Cheshire West and Chester Council will recover any overpaid Council Tax Reduction by debiting the Council Tax account, invoicing the individual, or by any other method which is in line with The Council Tax (administration and Enforcement) Regulations 1992.

## **23.0 Fraud**

Where a claim is deemed to have been made with intent to defraud and that claim is proved to be false Cheshire West and Chester Council will take action against the individual, both to recover the money and to prosecute any offences or apply other sanctions when it is appropriate to do so.

**23.1** The Local Government Finance act 1992 sections 14a -14d, inserted clause 13 of the Local Government Finance bill clarifies the powers for Local authorities to require information for prescribed council tax purposes and for the creation of certain offences and powers to impose penalties in prescribed circumstances.

**23.2** Section 14A enables the Secretary of State to make regulations providing for powers to require the provision of information for prescribed Council Tax purposes. This will also provide a person to enter into arrangements under which access is permitted to the person's electronic records. Section 14b provides that regulations may be made providing for the creation of criminal offences that may be committed by a person in prescribed circumstances. Section 14C enables provision to be made in regulations allowing billing authorities to impose penalties in prescribed circumstances.

**23.3** Under the Council Tax (administration and Enforcement) Regulations 1992 Local authorities have a duty to take reasonable steps to ascertain whether a person is entitled to a discount. There are also duties upon Council Tax payers to inform a Local authority where, after being informed of an assumption as to a discount granted in their case they have reason to believe they are in fact not entitled to a discount, or are entitled to a discount of a smaller amount.

**23.4** Where there is evidence of fraud Cheshire West and Chester Council will also consider whether offences should be prosecuted under the Fraud act 2006.

**23.5** The Local Government Finance act 1992 section 14A (3) gives Local Authorities powers to authorise individuals to exercise certain investigatory powers. These powers will allow Local authorities to name individual officers who can require information from certain bodies for certain purposes prescribed in regulations relating to a person's liability to pay Council Tax. These will include the purpose of ascertaining in relation to any case whether a person was entitled to a reduction in Council Tax and preventing, detecting and securing evidence of the commission of offences relating to Council Tax Reduction schemes.

**23.6** The persons from whom authorised authorities can obtain information include employers, banks, utilities companies, credit reference agencies and other bodies from whom local authorities may need information to confirm details supplied to them in applications for council tax support.

**23.7** A range of sanctions will apply for fraud offences, which will be applied proportionately, but will include fines and prosecution.

## **24.0 Data**

The Local Government Finance act 1992 Schedule 2, paragraph 15 provides powers for the Local authority to obtain data held by the Her Majesties Revenues and Customs for purposes relating to council tax.

**24.1** Section 131 of the Welfare Reform act 2012 enables relevant information to be shared between the Department for Works and Pensions, Local authorities and others in relation to prescribed purposes connected with welfare services, council tax and housing benefit.

**24.2** Her Majesties Revenues and Customs data used by the Department for Work and Pensions in the calculation of a social security benefit will be supplied to billing authorities for prescribed purposes relating to Council Tax.

**24.3** Information that is supplied by the Her Majesties Revenues and Customs or Department for Work and Pensions may be used for other purposes relating to the administration of Council Tax, including debt recovery and fraud investigation.

**24.4** Any data held or collected as part of a claim for Council Tax Reduction may be shared with other parts of Cheshire West and Chester Council to prevent fraud and to collect outstanding debts to Cheshire West and Chester Council.

**24.5** An individual has the right under section 7 of the Data Protection act 1998 to make a subject access request, and to be informed of the personal data that a data controller holds about them.

## **25.0 Universal Credit, Personal Independence Payments and other welfare reform changes**

**25.1** Universal Credit payments will be fully taken into account as income, except for any elements of the award which are specifically made for and identifiable by Cheshire West and Chester Council as being paid for housing or childcare. This will be subject to further review as further details emerge around Universal Credit.

**25.2** Personal Independence Payments will be fully disregarded in the calculation of Council Tax Reduction.

## **26.0 Discretionary fund**

This fund will help applicants who do not receive specific protection under this scheme but are considered to be suffering exceptional hardship. This would include, but not be limited to, people who are terminally ill or who are looking after a partner who is terminally ill. Applications will be made in writing on a properly completed form approved for the purpose by Cheshire West and Chester Council and considered on a case by case basis.

**26.1** Requests for backdating may be considered under this fund, but only where the applicant is considered to be vulnerable, on an individual basis, at Cheshire West and Chester Council discretion.

Backdating requests will only be considered under this fund where the applicant is deemed to be vulnerable and they did not make the claim at the correct time due to bereavement or illness.

Requests will normally only be considered for backdating if the applicant has suffered a recent bereavement, or they have been too ill to make a claim at the correct time and have been continuously too ill until such time as the claim is made. Evidence will be required in support of any application.

**26.2** The amount of the fund will be set annually each year by Cheshire West and Chester Council. Any awards under this cash limited scheme will be subject to budgets being available within the financial year. Any individual may qualify for a limited amount of funding which when added to any support entitlement under the

core local scheme, does not exceed their liability for council tax. This will be an overriding consideration in all cases.

**26.3** There is no right of appeal against decisions made under the discretionary fund. However a request for a review can be made in writing within one calendar month of the decision notification. The request should include details of why the applicant considers that the decision should be revised.

**26.4** A person, other than the original decision maker, will review the decision and will explain the reason for the decision in writing, usually within one calendar month of the request for a review is received.

## **27.0 Changes to State Pension Credit age**

The Department for Works and Pensions will be making changes to the way in which mixed new applicants comprising couples of mixed age (where one has attained State Pension Credit age and one has not) are treated for new applications. Currently such couples would generally be treated under pension credit age regulations apart from a few exceptions.

**27.1** It is anticipated that in future (from the point of change and for new Pension Credit applicants only) it will not be possible for a couple to claim Pension Credit until both members have reached the qualifying age. It is anticipated that such couples will have access to Universal Credit if they meet eligibility criteria.

**27.2** The government proposes to align this change for new applicants to local Council Tax Reduction schemes on the same basis once it takes effect, so that Councils use the same definition for a mixed age customer as the Department for Works and Pensions.

**27.3** Mixed age couples already applying for or receiving Pension Credit age Council Tax Reduction at the point of change (whether or not they receive Pension Credit), will retain Pension Credit age Council Tax Reduction whilst their entitlement continues.

## **28.0 Transitional arrangements**

A person who is in receipt of Council Tax Benefit immediately before 1<sup>st</sup> April 2013 is to be treated as having made an application for a reduction under the local Council Tax Reduction Scheme.

**28.1** For any applications made prior to 1<sup>st</sup> April 2013 where these have not been determined by 1<sup>st</sup> April, the claim will also be treated as a claim under the Council Tax Reduction scheme from 1<sup>st</sup> April 2013.

**28.2** Prior to entitlement being determined an applicant may amend or withdraw their claim in writing at any time.

**28.3** Between 1<sup>st</sup> April 2013 and 31st March 2014 for any existing applicant who transfers from Council Tax Benefit to a Council Tax Reduction where capital details are not recorded on the claim, these applicants will receive a Council Tax Reduction as if they have capital below £6,000 until such time as their claim is reviewed After review the local Council Tax Reduction Scheme will be applied in full.

## 29.0 Rounding

There may be a discrepancy between the annual Council Tax liability and the award of Council Tax Reduction which is due to rounding at any stage of the award, or in respect of any other discounts or exemptions that are applied. The rounding will be in accordance with the old Council Tax Benefit scheme.

## 30.0 Dispute procedure

An applicant, or other person liable to make payments in respect of a dwelling or person acting on their behalf may dispute Cheshire West and Chester Council decision's concerning entitlement to a reduction under the local Council Tax Support scheme or the amount of the reduction.

This can be done by the applicant (or person acting on their behalf) affected writing to Cheshire West and Chester Council at its designated offices, within one calendar month of the date of decision, or such longer period as is deemed reasonable, detailing the nature of the dispute and the grounds on which this is made.

The dispute process for applicants is explained below

**If you think the decision about your Council Tax Reduction is wrong** – You can ask us to look at our decision again. This request should be made in writing within one calendar month or such longer period as deemed reasonable of the date on the front of the award notification.

Cheshire West and Chester Council will then respond to you setting out the reasons for its decision and where appropriate include a written statement showing the calculations we have made.

If we do not respond to you within 2 months, or if you are still unhappy with our decision you may appeal to the Valuation Tribunal. Contact details relating to the Valuation Tribunal will be provided to you as part of the above process or on request

<b>Elements of the scheme which are subject to a dispute</b>	<b>Elements of the scheme which are not subject to a dispute</b>
Eligibility to support	The local Council Tax Support scheme provisions as set out by the Council including premiums, applicable amounts and disregards.

The amount of support	The amount of any overpayment
The date of claim	The recoverability of any overpayment and who this is recovered from.
The date of payment	Suspension or restoration of support
	Any elements which are prescribed by the Secretary of State
	Any decision to refuse support under Section 13A(1)(b) of the Local Government Finance act 1992