

11th January 2016 Executive – Council Tax Section 13A Policy
Appendix 6: Extract from Policy Scrutiny Committee Minutes 17th December 2015

42. Section 13A Policy

The Head of the Shared Revenues and Benefits Service:

- a. presented the report 'Section 13A Policy'.
- b. advised members of the discretionary powers that were available under Section 13A Local Government Finance Act.
- c. informed that it gave the Council the option to give relief at times of need and hardship.
- d. explained to members the case law as set out at paragraph 3.2 of the report and the SC v East Riding of Yorkshire Council case.
- e. advised members of the 16 points that were designed to assist billing authorities.
- f. highlighted this policy was in place to minimise the risk of challenge that could come about through judicial review.
- g. invited members questions and comments.

Members made the following questions and comments and received the relevant response.

Question So to clarify Section 13A could be used when we would like to help someone in difficult circumstances?

Answer Yes, or where we would like to help a group, such as a community hit by flooding for example.

Question On the application form it asks to list assets, would we try and claim back on these?

Answer We need to make sure they display hardship and try to work with applicants looking at a number of ways that we could assist with their problem.

Question Could it be made clearer to residents that this would only be a short term measure?

Answer The funding was only set per annum as no one could predict what future monies would be available.

Question There were a number of languages the form had been translated into, but Mandarin was not available, could the form be translated for the Chinese population?

The Legal and Democratic Services Manager reassured members that popular languages within the city were regularly monitored and if necessary this form would be translated in to Mandarin.

Question The form appears to be 'geared' toward owners, could this not be split up to make it clear anyone could apply?

Answer I would be reluctant to create another form for this reason only, though valid point, but anyone could apply, not just property owners.

Question Do we require proof of income? Otherwise these forms could be completed fraudulently?

Answer We would normally request proof of income and money in bank accounts. Each application under Section 13A would be considered on a case by case basis.

Question The term 'asset' had an incredibly broad definition within the policy was there no way to define that further?

Answer No, it had to be kept deliberately vague as we may need to claim back against these.

Question Could the President of the Valuation Tribunal overturn a decision based on the 16 points as shown at 4.8?

Answer As an authority there had never been a need to take a Section 13A case to court, however, it was crucial that the policy remained as unchallengeable as possible.

RESOLVED that the report and members comments be noted.