

Cheltenham Borough Council

Council Tax Discount Scheme for Care Leavers April 2024

1. Background

The government made recommendations in its care leavers strategy “Keep on Caring” published in July 2016, that local authorities should consider exempting care leavers from council tax, using their existing discretionary powers under Section 13a of the local Government Finance Act 1992. Many Councils have since introduced discounts for care leavers.

The 6 Gloucestershire District Councils (billing authorities) and Gloucestershire County Council worked together to agree a common council tax discount scheme for Care Leavers up to the age of 22 from April 2019.

It was agreed in December 2023 that the discount scheme should be extended to enable a better outcome for Care Leavers within Gloucestershire. From April 2024 Care Leavers up to the date of their 25th birthday will be eligible.

Discounts made using this power have to be funded by the billing authority. Gloucestershire County Council, by agreement, will fund its share of the cost of any Care Leavers discounts proportionate to its share of the council tax.

2. Legal Provision

Billing authorities have discretion under Section 13A(1)(c) of the Local Government Finance Act 1992 to reduce the amount of council tax payable for individuals, or for classes of council taxpayer. This includes the power to reduce the amount payable to nil.

This provision is separate to and distinct from the Council Tax support scheme which is made under Section 13A(1)(a) of the Local Government Finance Act 1992. It allows the Council to reduce the amount payable after all statutory discounts and exemptions and local council tax support.

3. Eligibility Criteria

- From 01 April 2019 to 31 March 2024 an eligible care leaver, for the purpose of this policy, is defined as a young person aged 18 – 21 who was formerly a child in the care of Gloucestershire County Council and then became a ‘Former Relevant Child’ as defined by The Children (Leaving Care) Act 2000. The Care Leaver must be resident and liable for council tax in respect of a property within the Cheltenham Borough Council area. A Care Leaver will cease to qualify for the discount from the date of their 22nd birthday.
- From 01 April 2024 an eligible care leaver, for the purpose of this policy, is defined as a young person aged 18 – 24 who was formerly a child in the care of a local Authority and then became a ‘Former Relevant Child’ as defined by The Children (Leaving

Care) Act 2000. The Care Leaver must be resident and liable for council tax in respect of a property within the Cheltenham Borough Council area. A Care Leaver will cease to qualify for the discount from the date of their 25th birthday.

- The Care Leaver must be the liable person for council tax, either solely or jointly and severally with other(s), at the dwelling in respect of which the application is made. The council tax bill must be in their name.
- Where a Care Leaver lives in a house in multiple occupation or other property where they are not the council taxpayer no discount will be awarded
- The Care Leaver discount will apply to occupied properties only.
- Confirmation that a claimant is a Gloucestershire County Council Former Relevant Child must be received from Gloucestershire's 11-25 Permanency Service.
- Where the care leaver is a Former Relevant Child in the care of a local authority other than Gloucestershire the care leaver will be required to provide confirmation from the relevant authority.
- No discounts will be awarded without the confirmation from the relevant authority.

4. Care Leaver Discount

Care Leavers that meet the eligibility criteria above will be eligible to apply for a discretionary council tax discount as follows.

- Where a property is solely occupied by Care Leaver(s) 100% discount will be awarded
- Where a Care Leaver is in occupation and jointly liable with others 50% discount will be awarded

The Care Leaver discretionary discount will be awarded after statutory discounts, exemptions, disability discount and local council tax support.

5. Application Process and Administration

Gloucestershire County Council's 11-25 Permanency Service will provide information to confirm the name, address and date of birth of Care Leavers, living in the Cheltenham area who will qualify for the discount.

A Care Leaver discount may also be awarded where the following information is provided and the Care Leaver status has been verified with Gloucestershire County Council's 11-25 Permanency Service.

An application should provide the following information:

- Full name
- Date of birth
- Current address
- Details of any other adults in the property and relationship to them

- Details of any circumstances that would be relevant to entitlement to legislative
- discounts, disregards or exemptions
- Contact details
- Name of Leaving Care Worker if known

Awards will be made directly by a discount in council tax liability and notification of the discount being awarded will be by way of the council tax bill.

The Revenues and Benefits Service will undertake periodic reviews appropriate to the individual circumstances of each case.

The care leaver (or his/her appointee or a recognised third party acting on his/her behalf) must advise Cheltenham Borough Council of any change in circumstances which may affect entitlement to the discount within 21 days of the change occurring.

Any overpaid Care Leaver discount will be reclaimed through the relevant council tax account and collected and recovered under the Council tax (Administration and Enforcement) Regulations 1992.

6. Review of Decision / Backdating

The care Leaver discount Scheme is administered in accordance with the Local Government Finance Act 1992 and is subject to a statutory appeals process. If the applicant disagrees with the decision they must put this in writing giving their reasons. This should normally be received by Cheltenham Borough Council within a month of the date of the decision although more time can be given in exceptional circumstances.

If a decision is challenged a reconsideration will be made by the Executive Director Finance, assets and Regeneration. The applicant will then be notified of the reconsideration which will clearly state the reasons for the decision made.

If the applicant remains dissatisfied with the decision, an appeal may be made to the independent Valuation Tribunal. Further details on this process will be notified to the applicant with the outcome of any previous review of the decision.

The Council will accept applications backdated to the beginning of the financial year, or to the date the care leaver became responsible for council tax so long as the date is not more than 12 months prior to the date of the application. The Care Leaver discount cannot be awarded prior to 1st April 2019 for care leavers aged 18 to 21 and cannot be awarded prior to 01 April 2024 for care leavers aged 22 to 24.