

Council Tax

Liability, Discounts, Exemptions and Council Tax Rebate

Introduction

Council Tax is a property-based tax you pay to West Somerset Council. We charge Council Tax on domestic, self-contained dwellings. A dwelling can be a house, flat, bungalow, or a mobile home, that is owned, mortgaged or rented.

Every dwelling gets one Council Tax bill. If a property contains non-self-contained units (for example, a house divided into bedsits with a shared bathroom and kitchen) it is one dwelling and gets one bill.

The Valuation Office Agency put each dwelling in a valuation band based on its value as at April 1991. This band decides the amount of Council Tax you have to pay. There are eight Council Tax bands - A is the lowest band and H is the highest.

The amount of Council Tax you have to pay depends on how much West Somerset Council and other public bodies including the County Council, the Police and Fire Authorities and Parish Councils need to spend on services. The amount you pay also depends on the valuation band of your property.

Who has to pay Council Tax?

An adult resident of a dwelling is normally liable for Council Tax. For Council Tax purposes you are “resident” in a dwelling if it’s your sole or main residence. You can only reside in one dwelling at a time.

It is usually easy to work out who is resident. If it is not is straightforward, your sole or main residence will be the dwelling that a “reasonable onlooker” who knew the facts would decide was your home. The time you spend at different addresses, your security of tenure and where you are registered for voting and medical treatment may be relevant.

For the dwelling where you live the liability rules are:

- If you own your home you are liable for Council Tax and if a partner lives with you they are jointly liable, whether or not they are joint owners. A partner can be a spouse, civil partner or someone you live with as if married or civil partners. Any joint owners that live in the property with you are also jointly liable.
- If you rent your home from a non-resident landlord, you are liable for Council Tax. If you have a partner who lives with you they are jointly liable (even if not mentioned on the tenancy agreement) as are any joint tenants.
- If you rent your home from a landlord who lives in the property, your landlord is liable.
- If you are a tenant or licensee in a house in multiple occupation (for example a bedsit, hostel or non-self-contained accommodation), the landlord/owner is liable whether resident or not.
- If you live in a care home, hostel, or religious community, the owner is liable whether resident or not.
- If you are an asylum seeker, the owner may be liable whether resident or not –ask us for advice if this applies.



Liability rules



We have the right to ask residents and property owners for information to help us decide who is resident and who is liable for Council Tax. We have the power to impose penalties if you do not respond to a request for information. You can appeal to the Valuation Tribunal against any penalty we impose.

I don't think my banding is correct; what shall I do?

You can appeal to the Valuation Office Agency under certain circumstances, but your current bill remains payable until any appeal is settled.

The Valuation Tribunal deals with appeals about Council Tax. Appeals arise when the Valuation Office Agency or the Council do not agree with the person paying Council Tax and the taxpayer is not satisfied. The Valuation Tribunal is independent of the Council and the Valuation Office Agency, who value homes for Council Tax.

The last page of this factsheet tells you how to contact the Valuation Office Agency or the Valuation Tribunal.



Your Council Tax bill

We send out a Council Tax bill every year to every dwelling. We usually send bills out in March with the first payment due in April. We send one bill to each dwelling regardless of how many people are living there. One person or several people may be liable to pay the bill, depending on who lives in the property. The people in a household can decide how to share the bill between them, but the liable person/people will remain responsible in law.

Your bill will show the full amount of Council Tax for the dwelling according to its valuation band for the whole year. It will also show any reductions for discounts, exemptions or Council Tax Rebate (CTR). We will assume you will remain eligible for any CTR or discounts for the whole of the financial year. The bill may show any credits due from past periods, penalties and changes to CTR and will end with the "chargeable amount" for the year. This is the amount you need to pay.

We will send a new bill if your chargeable amount changes, for example if you become entitled to a discount or a different amount of CTR.

If you were liable for Council Tax in the past but were not billed, we can back-date your bill - there is no time limit. If you overpay your Council Tax or an adjustment puts your bill in credit it is usually possible to get a refund.

I think I may struggle to pay my bill – how can you help me?

There is help available and many flexible ways for you to pay your bill. Contact us to discuss a payment plan.



You may qualify for Council Tax Rebate. This is a local scheme provided by West Somerset Council to replace Council Tax Benefit from April 2013.

Council Tax Rebate can help anyone on a low income who pays Council Tax - you can claim if you are in full-time work or get social security benefits, Tax Credits or Pension Credits.

For more information on Council Tax Rebate see page 6

If you have problems paying other bills then contact the organisations below, explain your problem and they will work out a way in which to help you.

Age UK	0800 169 6565
Community Legal Service	0845 345 4345
West Somerset Advice Bureau	01643 704624

What happens if I don't pay my Council Tax?

If you are liable for Council Tax, it is important you prioritise it for payment because non-payment can lead to serious consequences.

If you do not pay a Council Tax instalment on time we will send you a reminder telling you that you must pay within seven days. If you don't pay, we can demand that you pay the full amount for the year and we will apply to the Magistrates' Court for a liability order. If this happens, you may become liable for costs in addition to your Council Tax.



We have different ways of enforcing a liability order, such as a direct deduction from wages or benefits, or seizure of your possessions by enforcement agents.

Discounts

Usually, if two or more people aged 18 or over live in your property, you will need to pay the full amount of Council Tax. However, certain groups of people are not counted and we disregard them. If one or more of these people live in your home, you may be able to get a discount: To work out if you qualify, the first thing to do is to count up the number of people resident in your property for Council Tax purposes leaving out:

- Anyone whose sole or main residence is somewhere else
- Students, student nurses and foreign language assistants
- Apprentices and youth trainees
- People for whom Child Benefit is payable
- School leavers under 20 years old
- People in detention
- Members of religious communities
- Residents of hostels or night shelters
- Certain care workers, carers and certain patients who are in care
- Spouses of students where they are prevented (by immigration rules) from paid work or claiming benefit
- Foreign service personnel, members of international headquarters/defence organisations and diplomats
- People who have a severe mental impairment - the cause of the mental impairment is not important - it could be impairment from birth, like a learning disability, or a condition such as Alzheimer's disease
- For us to consider a person to have a severe mental impairment, a doctor has to confirm the person is severely mentally impaired. They must also be entitled to (although not necessarily getting):
 - Attendance Allowance (AA)
 - Severe Disablement Allowance
 - Incapacity Benefit
 - Employment and Support Allowance with the Support Component
 - Income Support (with a disability premium)
 - Working Tax Credit (with a disability element)
 - the highest or middle rate care component of Disability Living Allowance (DLA)



or would have been entitled to one of these benefits if they were under State Pension age.

The amount of discount

When you have worked out how many people count as living in your property, the following discounts will apply:

- a discount of one quarter (25%), if only one person is resident. This is often called the single person discount
- a discount of one quarter (25%), if only one person is counted as resident.
- a discount of up to one half (50%) if no one is counted as resident - remember you can get total exemption if no one counts as resident in the dwelling because all the residents are severely mentally impaired or students.

The rules on discounts are separate from the rules on liability. This means that there can be situations where a person who is not counted for Council Tax liability is still liable to pay the Council Tax bill.

Examples

Louise is a widow living alone. Her bill is £1,200 and she is not yet getting a discount. She tells us she would like her Council Tax discounted and we reduce her bill to £900 because we award a single person discount.

Jill and Stuart are married and no one else lives with them. Stuart has Alzheimer's disease and receives Attendance Allowance. His doctor signs a form to say that he is "severely mentally impaired". Stuart becomes invisible for Council Tax and Jill is now the only person in the property who counts for Council Tax. We will give a 25% discount.

Karen has Alzheimer's disease and gets the higher rate of Attendance Allowance. Her son lives with her and looks after her for at least 35 hours a week. Karen is invisible for Council Tax because she is severely mentally impaired and so is her son because he can be discounted as Karen's carer. No one in the household counts for Council Tax and so a 50% applies. Karen remains liable to pay the (discounted) Council Tax because she is the owner of the property.

Exemptions

Some properties are exempt from Council Tax. You may not have to pay if:

Your property is **not occupied** because:

- It is owned by a charity
- It was left unoccupied by a student
- It has been repossessed
- It is being held by a bankrupt's trustee
- It is a caravan pitch or boat mooring
- Occupation is reserved for a minister of religion
- The occupant is now in prison
- The occupant is now in a care home or hostel
- The occupant has left to receive or provide care
- The former occupant has died
- Occupation is prohibited by law
- Planning law prevents an annexe being let

Your property is only **occupied** by:

- Students or is a student hall of residence
- People aged under 18
- People with a severe mental impairment
- A diplomat and dependents
- A dependent relative in an annexe
- Visiting Armed Forces personnel or used for Armed Forces accommodation



Note: Some exemptions are time-limited and exceptions may apply. This list is a guide only and is not intended to represent a definitive legal position.

Examples

William and Rosie are a married couple with two children. They build a self-contained annexe to their property for William's mother, aged 68, to live in. As William's mother is aged over 65 and counts as a dependent relative, the annex is exempt from Council Tax. William's mother does not have to pay any Council Tax (and William and Rosie do not have to pay any extra Council Tax).

Natalie usually lives alone in her own home. Her father is severely disabled with arthritis and Natalie decides to move in with him for the foreseeable future to care for him. We will grant an exemption from Council Tax on Natalie's usual home because she has left it to care for someone who is disabled.

Long Term Empty Properties

From 1 April 2013 dwellings left empty and unfurnished for longer than 1 month, or that have already been empty for between 1 month and 2 years, will be charged 100% Council Tax.

Unoccupied and substantially unfurnished properties

By "substantially unfurnished" we mean that the property doesn't have kitchen equipment, beds and furniture. We will give a 100% discount for 1 month from the date the property first became unoccupied and unfurnished. **The discount applies to the property, irrespective of ownership.** After 1 month the discount will stop and the full Council Tax will be due.



Properties needing structural alterations or major repairs to make them habitable

We can give 100% discount for up to 12 months from the date the property required the work and was unoccupied. After 12 months the discount will stop and the full Council Tax will be due. **The discount applies to the property, irrespective of ownership.**

If the property remains empty after 2 years, we will charge a 50% premium meaning the Council Tax payable will be 150%.

Second Homes



From 1 April 2013 there is no discount for furnished dwellings in which no one has their sole or main residence. Owners need to pay full Council Tax for second homes.

Empty Homes Premium

From 1 April 2013, long term empty properties that remain empty and unfurnished for more than 2 years, or have already been empty for longer than 2 years, will attract an Empty Homes Premium. The premium will be an extra 50% charge. This means owners of these properties will need to pay 150% Council Tax. The aim of this is to reduce the number of long-term empty properties in our area so we can get as many as possible back into use for local people.

Need help bringing an empty property back into use?

West Somerset Council has a dedicated Empty Property Officer who can advise you on how your empty property can be brought back into use. For more information, please telephone the Somerset West Landlord and Tenant Service on **0845 408 5328** or go to their website **www.swpshp.org**

Disabled Person's band reduction

People with disabilities whose homes have been adapted for their use may be entitled to a disabled band reduction. This means that we will work out how much Council Tax they have to pay as if their property is one band lower than it would normally be. Having a disability does not automatically entitle you to a reduction.

You may qualify for this if a disabled person lives in the property and the home has certain features that are essential to the disabled person because of his or her disability. An extra room does not need to have been specially built or of major importance, but your home will not qualify for a reduction unless the criteria below are met. Simply rearranging rooms, for example, having a bedroom on the ground floor rather than the first floor, is unlikely to make your home eligible for a reduction.

Where someone is already a band A, we cannot apply a lower band but there will be a reduction that will be the same in cash terms as reductions for homes in bands B, C or D.

To get a reduction:

- The dwelling must be the disabled person's sole or main residence
- The person must be substantially and permanently disabled
- The person can be an adult or child
- The disabled person does not have to be the liable person
- The property must have at least one of the following features:
 - A room (not a bathroom, kitchen or toilet) that the disabled person predominantly uses, for example, downstairs bedroom, a room used to store therapy equipment, dialysis equipment, Braille machine or oxygen cylinders and where the use of the original room has changed to accommodate the disabled person.
 - A second bathroom or kitchen that has been adapted to meet their needs (a sole bathroom or kitchen even if adapted would not qualify)
 - Enough space in the property to use a wheelchair indoors



If you think you may be entitled to a Disabled Person's Band Reduction, contact us so we can arrange to visit the property to confirm the adaptation.

You will also need to supply a letter from the disabled person's GP, Social Worker or Physiotherapist, stating how the adaptations or facilities provided at the property are essential or are of major importance to the disabled person's well-being, due to the nature and extent of their disability.

Please remember you will need to pay your current bill until we grant any reduction or exemption and you receive a revised bill.

Council Tax Rebate

Council Tax Rebate is a means-tested benefit to help people on low incomes pay their Council Tax bill. It is a local scheme run by West Somerset Council to replace Council Tax Benefit. No money is paid to the people who claim it. Instead, we reduce their Council Tax bill by the amount of rebate they are entitled to.

People who have reached the age for State Pension Credit will have their rebate assessed under a national scheme decided by the Government that is very similar to the old Council Tax Benefit scheme.

We also work out Second Adult Rebate for people who claim Council Tax Rebate and who get Pension Credit. Second Adult Rebate is a form of Council Tax Rebate for anyone sharing their home with someone aged over 18 who is on a low income. You can claim Second Adult Rebate if:

- you have reached the age for state Pension Credit; and
- you are the only person in the property liable to pay Council Tax, and
- there is at least one other person living with you who is not your partner, or your tenant.

For people of working age, the maximum help we can give is 85% of your liability to pay Council Tax. This applies to everyone of working age, even those who get state benefits and are not working. We pay Council Tax Rebate at a level that would be no more than for a Band C property. If your home is either Band D, E, F, G or H, we work out the rebate based on the 85% of the amount payable for a Band C property.

How do you work out Council Tax Rebate?



We base the amount of rebate you can get on who lives in the household, the money they have coming in and the Council Tax charged for the property. We compare your income to figures that reflect your basic weekly needs. These figures make up your “Applicable Amount” that will vary according to your circumstances. If you have a partner living with you, we work out Council Tax Rebate on your joint income and savings. The lower your income and the greater your needs, the more rebate you will receive.

To get Council Tax Rebate, your income and capital must be below a certain level. However, if you get certain benefits, different rules apply. Capital can be savings, land or property. However, we ignore some capital for example, your personal possessions.

If you or your partner have reached the age for State Pension Credit and have more than £16,000 in capital, you will not get Council Tax Rebate, unless you are getting the guarantee credit part of Pension Credit. If you are of working age, we cannot pay Council Tax Rebate if you have more than £6,000 in capital or savings.

How much Council Tax Rebate can I get?

The amount you can get depends on the Council Tax you have to pay after we have applied any discounts or exemptions. It also depends on your age, income and capital and who lives with you.

Council Tax Rebate for people of working age will not cover all the Council Tax.

All working age people will have to pay at least 15% towards their Council Tax.

If you are get Pension Credit, Income Support, income-based Jobseeker’s Allowance, income-related Employment and Support Allowance (ESA) you will be entitled to maximum Council Tax Rebate, but, we may reduce the Council Tax Rebate you can get if another person lives with you who could be expected to contribute to your household expenses.

If you're not getting Income Support, income-based Jobseeker’s Allowance, income-related Employment and Support Allowance (ESA) or Pension Credit, you may still get Council Tax Rebate. The help you get depends on your income and capital, but remember, the maximum support we can give to people of working age will be 85% of their Council Tax liability. Support for people who are of pension age may cover all their Council Tax. The income you can have before it reduces your Council Tax Rebate depends on your circumstances, for example, your age, if you have a partner or children, or if you are disabled or care for a disabled person.

If you or your partner have reached the qualifying age for Pension Credit and you have capital of over £10,000, we will assume you to have some income from capital.

Regardless of your income, we may reduce the Council Tax Rebate you can get if another person lives with you who could be expected to contribute to your household expenses. We call these people non-dependants.



Non-dependants

A non-dependant is someone who is aged 18 or over who is not your partner and who lives with you, such as an adult son, daughter, relative or friend. We make a deduction from your Council Tax Rebate for each non-dependant living in your home. This is called a “non-dependant deduction”. This is because we assume they will contribute towards your Council Tax regardless of whether this actually happens. The amount varies because it depends on their income.

If the non-dependant is working, we need to know their gross weekly income and we will apply the following weekly deductions:

Working Age claimants

- £5.80 where earnings are less than £195
- £10.55 where earnings are from £195 to £338
- £13.50 where earnings are from £338 to £420
- £16.40 where earnings are more than £420

State Pension Age claimants

- £3.77 where earnings are less than £195
- £7.58 where earnings are from £195 to £338
- £9.56 where earnings are from £338 to £420
- £11.45 where earnings are more than £420

For **claimants** who are **of Pension Age**, the following weekly deductions apply:

- No deduction for any non-dependant getting Pension Credit, Income Support, income-based Jobseekers Allowance, income-related ESA or Universal Credit where the award calculated does not include earnings.
- £3.77 for each non-dependant who is not working and does not get Pension Credit, Income Support, income-based Jobseekers Allowance or income-related ESA.

For **claimants** who are **of Working Age**, the following weekly deductions apply:

- No deduction for any non-dependant getting Pension Credit
- £4.80 for each non-dependant who is not working and receives Income Support, income-based Jobseekers Allowance or income-related ESA.
- £5.80 for each non-dependant who is not working and does not get Pension Credit, Income Support, income-based Jobseekers Allowance or income-related ESA.

How to claim Council Tax Rebate

You can claim Council Tax Rebate using our electronic form on: www.westsomersetonline.gov.uk. The online Council Tax Rebate claim form has been designed to be easy to fill in. Please remember to write down and keep safe your unique reference number exactly as you see it so that you can return to it at a later date if you do not wish to complete straight away. This number is given to you when you start a new electronic claim.

If you need help to complete the electronic claim you can telephone us on 01643 703704. Our lines are open Monday to Thursday from 8.30am to 5.00pm and on Friday from 8.30am - 4.30pm. If you prefer we can arrange a private appointment to help you with your claim at either our Williton or Minehead offices. You will need to provide proof of your circumstances so if you call into the offices, it would be useful if you bring information to support your claim (see below).

Information to support your claim

When you claim Council Tax Rebate, you must give us your national insurance (NI) number. If you do not have a national insurance number, you must apply for one. We will need to see proof that the number belongs to you. If it is your first claim from West Somerset Council, we will need to see evidence of your identity, for example, a birth certificate.

If you get Pension Credit, we can get details of your income and capital from the Pension Service. We will use these details to work out your Council Tax Rebate.

If you don't get Pension Credit you will need to see proof of your income and capital, for example, a savings book or wage slips.

If your circumstances change

If your bill says you are exempt or paying reduced Council Tax and your circumstances change you must tell us within 21 days. If you do not, you could face a £70 penalty.

You should tell us about any changes of circumstances that could affect your entitlement to Council Tax Rebate, for example, a change in the people who live with you, or a change in your income or capital. If you move, you must tell us your new address and we will tell you what other information we need to work out Council Tax Rebate for your new home.



If you are not sure whether to report a change, you should do so anyway. If you do not report a change, you may be paid less than you are entitled to, or be overpaid, or you may even be investigated for fraud.

If you want more information about what changes to report, you should contact us.

For more help and advice contact the Revenues and Benefits Service:

Telephone: 01643 703704 (lines open Monday -Thursday 8.30am - 5.00pm, Friday 8.30am - 4.30pm)
Email: revenues@westsomerset.gov.uk (Council Tax enquiries)
benefits@westsomerset.gov.uk (Council Tax Rebate enquiries)

Post: Revenues and Benefits Service, West Somerset House,
Killick Way, Williton, TAUNTON, TA4 4QA

In person: WILLITON : West Somerset House, Killick Way, Williton, TA4 4QA
Monday to Thursday 8.30am to 5.00pm, Friday 8.30am to 4.30pm
MINEHEAD: Customer Centre, 1-3 Summerland Avenue, MINEHEAD, TA24 5BP
Monday to Thursday 9.00am to 12.30pm and 1.30pm - 5.00pm
Friday 9.00am to 12.30pm and 1.30pm - 4.30pm

Download: Forms, factsheets and information from our website at www.westsomersetonline.gov.uk



Independent Advice

The West Somerset Advice Bureau can offer a wide range of advice on Welfare Benefits and can help those who are dealing with financial difficulties.

Telephone: 01643 704624

Website: www.westsomersetadvice.org.uk

Valuation Office Agency

For appeals against the Council Tax band applied to a dwelling, contact:

Charlotte Corkish MRICS CMgr MCMl
Listing Officer, Council Tax West
Valuation Office Agency
Overline House, Blechynden Terrace
Southampton SO15 1GW

Telephone: 03000 501501

Website: www.voa.gov.uk

Email: ctwest@voa.gsi.gov.uk

Valuation Tribunal Office

For appeals against decisions on Council Tax made by the Council or the Valuation Office Agency

VT Office, London
2nd Floor
120 Leman Street
London E1 8EU

Telephone: 0300 123 2035

Website: www.valuationtribunal.gov.uk

Email: VTWhitechapel@vts.gsi.gov.uk

**If you need this document in another language or format,
such as large print, audio cassette or Braille, please call: 01643 703704
or e-mail: revenues@westsomerset.gov.uk**

**This factsheet contains general advice that we hope will be helpful.
Nothing in this factsheet should be considered as giving specific advice.
You should not rely on it for any decision or action we may take based on
your specific circumstances.**