



# Frequently Asked Questions Guide (Local Authorities)

## **Contents**

<b>1. CTRRP background</b>	<b>3</b>
<b>2. How to apply</b>	<b>3</b>
<b>3. The process</b>	<b>5</b>
<b>4. Further information and contact details</b>	<b>7</b>

## 1. CTRRP background

### What does CTRRP stand for?

Council Tax Reduction Review Panel

### What is a review panel?

It is an addition to the Scottish Tribunals Service, providing a further review service to safeguard individual's rights to administrative justice when assessing an individual's Council Tax Reduction.

The review is drawn from a judicial panel appointed by the Cabinet Secretary for Finance, Employment and Sustainable Growth. To be appointed, members of the panel have to be a suitably qualified and experienced tribunal judge and possess personal qualities appropriate to holders of judicial office. Independence and impartiality are among those qualities.

### What is the Scottish Tribunal Service?

The Scottish Tribunal Service (STS) is a delivery unit of the Scottish Government's Justice Directorate. STS staff are civil servants.

Tribunals are a central part of the Scottish justice system and play a vital role in safeguarding the rights of the people they serve.

They hear cases on a range of issues including the compulsory care and treatment of people with mental health disorders; disputes between tenants and landlords; disputes involving land and property; and cases concerning children and young people with additional support needs.

### What is the Council Tax Reduction scheme?

The United Kingdom Welfare Reform Act 2012 abolished Council Tax Benefit from April 2013, removing support for council tax from the benefits system. In Scotland, providing support now falls to the Scottish Government. Local authorities now administer applications for Council Tax Reductions and Housing Benefit (HB) separately from April 2013.

The Scottish Government's Council Tax Reduction scheme started on 1 April 2013. It creates a schedule of means tested reductions to an individual's council tax liability.

### What is a Council Tax Reduction review request?

A review request is when an applicant wishes a further review of their local authority Council Tax Reduction review decision. They have a right in law to ask an independent review panel to look at it, providing the panel application criteria has been met.

## 2. How to apply

### When can applications be made from?

1<sup>st</sup> October 2013

**Can an applicant apply to the CTRRP to request an appeal against their Council Tax Benefit?**

No – The CTRRP cannot accept appeal requests for Council Tax Benefit, only Council Tax Reduction review applications.

**What part of the regulations can a Council Tax Reduction Review application be made under?**

Regulation 70B of the *Council Tax Reduction (State Pension Credit) (Scotland) regulations 2012* or Regulation 90B of the *Council Tax Reduction (Scotland) Regulations 2012*.

(Both regulations are contained within *The Council Tax Reduction (Scotland) Amendment (No. 2) Regulations 2013* which can be found on the [legislation.gov](http://legislation.gov) website)

**If a review request has been made to the CTRRP, can the applicant stop paying their Council Tax bill until the review application is decided?**

No - the applicant should continue to pay their council tax bill. If the review panel decides the review in the applicants favour, any overpayment made should be taken into account when the Council Tax bill is re-calculated.

**If the Council Tax Reduction Scheme started on 1<sup>st</sup> April 2013, why can applicants only apply from 1<sup>st</sup> October 2013?**

The Council Tax Reduction Review Panel was established by *The Council Tax Reduction (Scotland) Amendment (No.2) Regulations 2013* and came into effect from 1 October 2013.

**Is it mandatory to use the application form when requesting a review?**

Only requests for review to the panel will be accepted on the formal application form, available to download from the CTRRP website.

**Is it mandatory to supply a National Insurance number when filling in an application form?**

Yes – this is a unique data identifier that is captured to support data protection security checks to be carried out when dealing with applicants over the telephone.

**If an applicant writes a letter rather than submits an application form, how will that be treated with regards to time limits etc.?**

Although a letter would not be an acceptable application format, the panel will determine, on a case by case basis, if the review request date is to be backdated, after receiving a formal application form.

**What is the process for cases where the appeal concerns a period of CTB but extends into a period covered by CTR?**

CTB & CTR regulations are governed separately by UK and Scottish Government jurisdictions. Any on-going CTB cases would, from 1 April 2013, become a CTR case. A separate application of review would then have to be raised by an applicant to the CTRRP.

**Can an applicant appeal to the CTRRP even if the local authority has revised the decision on review? i.e. they are still unhappy?**

Yes – if the applicant still remains aggrieved with the revised decision then they may apply to the panel for a review.

**What are the criteria for applying to CTRRP for a review?**

All of the following **must** have happened first:

- 1) There has been an initial Council Tax Reduction decision made by the Local Authority.
- 2) An applicant has made a formal request to the Local Authority, within 2 months of the initial CTR decision notification, to request that they review again their Council Tax Reduction decision.
- 3) Upon receipt of the Local Authorities internal review decision, the applicant has 42 days to apply to the CTRRP.

**What if an application meets the above criteria, but is over 42 days as there was a 6 month gap between Council Tax Reduction coming into effect and the CTRRP being established?**

Any application that meets the above criteria and is over 42 days, (between 1<sup>st</sup> April – 30<sup>th</sup> September 2013), will be considered as an exception to this rule. This is because there was no further review option in place during this period. This does not imply, however, that the review panel will change the Local Authority decision. All applications will be reviewed on a case, by case basis.

**Would the CTRRP accept late requests for further review out with the 42 days of the date of the first review?**

Such cases would be reviewed on a case by case basis based on their merits.

**3. The process**

**What happens after the CTRRP receive a review request?**

We will notify the applicant when we have received their review application. If they have provided all the required information, we will then request that the local authority provide a submission regarding the applicants Council Tax Reduction application and an outline of their review decision. The panel gives the local authority 42 days to do this. Once the review panel have all the information that they require we will either proceed with your choice of a written decision or a hearing, taking into account the wishes of the local authority with regards to determination method.

If the applicant requests a written determination only, we may be able to provide a quicker decision.

If the applicant has chosen a hearing we will usually aim to schedule this within 14 - 21 days in advance of the hearing, but in some circumstances it could be less than that.

If the applicant cannot come to the hearing on the date we give them, they can ask us for another hearing date, or, if they ask us early enough, we can deal with the case without them being there.

When we know how many people will be attending the review, we can provide an estimated start time for the review. Where possible we will try to take into account any preferences or special requirements that the applicant may have, but that the start time cannot be guaranteed, as it will depend on how long the previous cases on the day have taken.

**Could you provide a list of the various venues where reviews will be held?**

Hearings will be held in the local authority area as far as practicable, using Scottish Government buildings. If a government building cannot be secured then an appropriate venue will be sought.

**Can the same format be used to submit information to CTRRP if there is a HB appeal - in effect can we copy over the HB submission?**

Yes – The CTRRP will accept the same submission information that would be prepared for a HB appeal.

**What is the process for submitting to the panel combined HB/CTR reviews?**

CTB & CTR regulations are governed separately by UK and Scottish Government jurisdictions. There can be no combined HB/CTR reviews. Local authorities must process HB/CTR reviews separately, based on their separate legislative timeframes. Similarly a separate application of review would have to be raised by an applicant to the CTRRP.

**Will Local Authorities be issued with a template on which to submit details to CTRRP?**

No - the CTRRP will accept the same submission information that would be prepared for a HB appeal.

**Has a submission template been developed for local authority submissions and will there be an equivalent AT37 as with MHTS?**

No - the CTRRP will accept the same submission information that would be prepared for a HB appeal.

**How long will it take the panel to make a decision?**

There is no set timeline. The Panel will work as quickly as possible to give a decision.

**What is the appeal process against a CTRRP decision?**

The review decision of the CTRRP is final. The review decision can only be reviewed on a point of law. Any legal review would require the applicant to take their case to the Court of Session.

**Will there be non-appealable decisions incorporated into regs?**

This is a matter reserved for the Scottish Government. Presently the review decision of the CTRRP is final. The review decision can only be reviewed on a point of law. Any legal review would require the applicant to take their case to the Court of Session.

### **What do LA's need to notify CTRRP of regarding an associated HB appeal?**

It would be helpful if LA's could advise the panel of the outcome of a HB appeal, if known, in their submissions to the panel. Also, if this information becomes available to the local authority before any hearing/determination, then it would be helpful if this information could be forwarded to the panel.

### **Would a Local Authority have to notify the review panel if an applicant's HB appeal was withdrawn?**

No - HB & CTR regulations are governed separately by UK and Scottish Government jurisdictions. It would however, be helpful to the panel if local authorities could advise of the outcome of an HB appeal if known.

### **Would the review panel consider withdrawing a CTR review if a HB appeal is withdrawn?**

No - HB & CTR regulations are governed separately by UK and Scottish Government jurisdictions. A CTR review application to the panel would proceed until it was formally withdrawn by the applicant notifying the panel. The panel would check with the applicant that they still want to proceed, if they are made aware that an HB appeal has been withdrawn.

### **If LA receive a revision to HB and the claimant has an on-going CTR, does the law give LA the right to auto revise CTR?**

If a CTR review application has been lodged with the panel, there is no impediment to Local Authorities revising or changing their previous decision at any time. If revised, the new decision must be sent to both the applicant (and any representative) and to the review panel. If the applicant still remains aggrieved, the review will proceed based on the new revised decision.

### **What is the procedure if an HB appeal is revised and there is an on-going CTR review at the CTRRP?**

If a CTR review application has been lodged with the panel, there is no impediment to Local Authorities revising or changing their previous decision at any time. If revised, the new decision must be sent to both the applicant (and any representative) and to the review panel. If the applicant still remains aggrieved, the review will proceed based on the new revised decision.

## **4. Further information and contact details**

### **Where can I find more info?**

The CTRRP website contains further information for your guidance. Within the 'Apply' section, is an application form, guidance notes and FAQ's on the process and a copy of our expenses policy (for applicants only).

Legislation regarding the Council Tax Reduction Scheme can be found on the legislation.gov website: <http://www.legislation.gov.uk/>

General information about Council Tax Reduction, including frequently asked questions, can be found on the [Scottish Government website](#)

Independent advice can be accessed via Citizens Advice Scotland by telephone (0808 800 9060) or online, where you can obtain details about your nearest Citizens Advice office.

### **How can I contact CTRRP?**

Website: <https://counciltaxreductionreview.scot>

Telephone: 0141 302 5840

Email: [CTRAdmin@scotcourtsribunals.gov.uk](mailto:CTRAdmin@scotcourtsribunals.gov.uk)