



COUNCIL TAX REDUCTION REVIEW PANEL ANNUAL REPORT

2015/2016

2016/2017



Contact Details

Council Tax Reduction Review Panel

4th Floor, 1 Atlantic Quay

45 Robertson Street

Glasgow

G2 8JB

Tel: 0141 302 5840

(E-mail) CTRRPAdmin@scotcourtribunals.gov.uk

(Website) <http://>

counciltaxreductionreview.scotland.gov.uk/

Scottish Courts & Tribunals Service

www.scotcourtribunals.gov.uk



COUNCIL TAX REDUCTION REVIEW PANEL

Second Annual Report of CTRRP

2015/16 & 2016/17

Foreword by Donald W. Ferguson, Senior Convener

The CTRRP has now been operating for 4 years, since October 2013. This report covers the periods 1/04/15 to 31/03/16 and 1/04/16 to 31/03/17 and follows on from the first annual report issued in 2015. Given the workload of the panel, one of the smallest under the jurisdiction of the Scottish Tribunals and Courts system, it is considered appropriate to issue this type of report on a two yearly basis.

The origins of the Panel and the role it performs are fully set out in my foreword to the first annual report, extracts of which follow this foreword. The Panel administration and judicial process are now well established and the Panel continues to receive about 85-90 applications a year. Statistics are to be found later in this Report. We are holding about twenty oral hearings per financial year plus approximately a further 25 review applications determined on the papers, i.e., without an oral hearing. We are finding that, once we have registered an application, a significant number are then lapsed. That means, the local authority in question has looked at the issue again, revised the previous decision in favour of the applicant, and as a result, there is no longer a dispute which requires to be considered by a convener.

As before, all applications are dealt with by four conveners including myself.

The Panel's administrative office is within the Scottish Tribunal offices in Atlantic Quay. Hearings in Glasgow take place within Wellington House, the Glasgow hearing venue for HMCTS First-tier tribunal of the Social Entitlement chamber. I remain very grateful to the Resident Tribunal Judge for Scotland and her senior managers for facilitating the use of this venue. Elsewhere in Scotland, the Panel endeavours to arrange hearings close to where applicants live and so far we have held hearings in diverse locations such as Galashiels, Inverness, Dundee and Aberdeen as well as Edinburgh, Falkirk and elsewhere.

CTRRP regards training of staff and conveners to be important and training events are held regularly in Glasgow.

As before, I am very grateful to the Panel's administrative staff at Atlantic Quay for their hard work and dedication to the work of the Panel: Paul Putman, the manager and Alan Kerr, hearings clerk.

I also wish to acknowledge the ongoing support of senior management within the Scottish Courts and Tribunals Service and our colleagues in the Scottish Government Council Tax Policy unit in Edinburgh, all of which is much appreciated.

Foreword by Donald W. Ferguson, Senior Convener

1. The Council Tax Reduction Review Panel was created on 1st October 2013 by amendment to the Council Tax Reduction (Scotland) Regulations 2012.

This was by way of response by the Scottish Government to the abolition of Council Tax Benefit by the UK Government with effect from 1st April 2013.

This report covers the Panel's start-up period in October 2013 through to the financial year ending 31st March 2015.

2. The genesis of the new Council Tax Reduction scheme is to be found in the Report dated June 2013 by Jim McCafferty, IRRV, and commissioned by the Scottish Government. The recommendations contained in the report were duly accepted by the Scottish Government and following the passing of necessary legislation, the Panel was setup, initially with a complement of ten conveners based on the then anticipated caseload.

3. I was appointed as Senior Convener in early 2013 and have the pleasure of continuing in that role. At the present time there are seven other conveners listed and trained to undertake hearings, there having been two resignations since inception.

Despite the fact that the Panel is in its infancy, we have held two very lively and helpful training days at the Europa Building, the most recent of which was on 20/03/15. Most of the conveners attended and once again, we were very grateful to Jim McCafferty for his contributions and for providing us with the benefit of his extensive expertise and knowledge in the field of Local Authority finance.

4. The number of CTRRP applications have been fewer in number than first anticipated. The precise reason for this is difficult to identify and is probably due to a combination of factors, one of the main ones being the likelihood that some applicants, when appealing a linked Housing Benefit decision, do not also seek a Council Tax Reduction Review. We are receiving on average about 5 review applications a month since the commencement of the panel and this translates into an average of about 2 to 3 hearings per month, including paper cases. As a result, I decided in late 2014 to form a "mini-team" - namely, myself and two other conveners, to allow experience to be built up by sitting on a regular basis.

5. The work of the Panel is very much dependant on applications being submitted by members of the public. Anyone who is liable to pay council tax can have their liability reduced in certain circumstances as set out in the regulations. They must apply in the first place to the relevant Local Authority for reduction and thereafter seek an internal review of that decision. The application to the panel is for a further review of the Local Authority's decision in respect of the applicant's award of Council Tax Reduction. The nature of the disputes are very similar to the type seen in Housing Benefit appeals which remain under the auspices of HMCTS and are heard by tribunals within the Social Entitlement Chamber, and Council Tax Benefit appeals, now abolished, but formerly heard in the same jurisdiction as HB appeals.

Some applicants are represented and we believe that there is now a sound working knowledge by representation groups of the work of the CTRRP. However, we are not complacent in this regard and as the work of the Panel develops, we will continue to liaise, through our Scottish Government colleagues, with Local Authorities and representations groups to ensure that access to the CTRRP is well known and its services used to the full.

6. The Panel's base is within the Scottish Courts and Tribunals Service offices in the Europa Building in Glasgow and most hearings have been held there. However, the Panel is committed to access to justice and we are able to hear applications in any part of Scotland as required and subject to the availability of a suitable hearing venue. As a result, for example, the Panel was pleased to convene a hearing in Aberdeen in the Autumn of 2014, and the local SEC tribunal hearing centre used.

7. The CTRRP is one of the smallest and newest tribunal panels in Scotland. Accordingly, we are still "finding our feet" in respect of our procedures and delivery. As more applications are made, we are well placed to move forward on a well organised and dedicated basis.

COUNCIL TAX REDUCTION REVIEW PANEL

Outcome Breakdown April 2015 to March 2016

April 15 to March 16		%
Closed (Other)	0	0%
Decided - Reduction Rejected	40	44%
Decided - Reduction Upheld	5	6%
Lapsed (Revised LA Decision)	22	24%
Rejected - Incomplete	3	3%
Rejected - Invalid (Official Error)	2	2%
Rejected - Invalid (Other)	9	10%
Withdrawn	9	10%
TOTAL	90	

For the financial year April 2015 to March 2016 the panel made a decision on a total of **90 applications**. The amounts for each type of decision are displayed above along with a percentage value of the total.

2015/16 Hearings	
Oral	15
Paper Decision	13
N/A	39
Double Hearings	4

For the financial year April 2015 to March 2016 the decisions made were broken down into oral hearings, paper decisions, N/A (Not Applicable as the application did not reach the decision stage) and double hearing days. The amounts are shown above.

Some hearings did not actually take place until the following reporting year (2016/2017) but have been added to show the appropriate outcome for all applications received in 2015/2016.

COUNCIL TAX REDUCTION REVIEW PANEL

Local Authority Breakdown April 2015 to March 2016

2015-2016 LA Totals	
Aberdeen City	1
Aberdeenshire	2
Angus	0
Argyll and Bute	3
City of Edinburgh	8
Clackmannanshire	0
Dumfries and Galloway	3
Dundee City	5
East Ayrshire	1
East Dunbartonshire	1
East Lothian	0
East Renfrewshire	0
Eilean Siar (Western Isle)	2
Falkirk	4
Fife	2
Glasgow City	12
Highland	2
Inverclyde	12
Midlothian	1
Moray	0
North Ayrshire	4
North Lanarkshire	7
Orkney	0
Perth and Kinross	2
Renfrewshire	6
Scottish Borders	5
Shetland	0
South Ayrshire	1
South Lanarkshire	7
Stirling	0
West Dunbartonshire	0
West Lothian	0
TOTAL	91

The number of applications received from each Local Authority in Scotland are shown in the above table. A graphical representation of all figures from 2015/2016 can be found at Appendix 1.

COUNCIL TAX REDUCTION REVIEW PANEL

Outcome Breakdown April 2016 to March 2017

April 16 to March 17	%	
Closed (Other)	0	0%
Decided - Reduction Rejected	25	29%
Decided - Reduction Upheld	1	1%
Lapsed (Revised LA Decision)	38	44%
Rejected - Incomplete	4	5%
Rejected - Invalid (Official Error)	3	3%
Rejected - Invalid (Other)	8	9%
Withdrawn	7	8%
TOTAL	86	

For the financial year April 2016 to March 2017 the panel made a decision on a total of **86 applications**. The amounts for each type of decision are displayed above along with a percentage value of the total.

2016/17 Hearings	
Oral	21
Paper Decision	3
N/A	32
Double Hearings	0

For the financial year April 2016 to March 2017 the decisions made were broken down into oral hearings, paper decisions, N/A (Not Applicable as the application did not reach the decision stage) and double hearing days. The amounts are shown above.

Some hearings did not actually take place until the following reporting year (2017/2018) but have been added to show the appropriate outcome for all applications received in 2016/2017.

COUNCIL TAX REDUCTION REVIEW PANEL

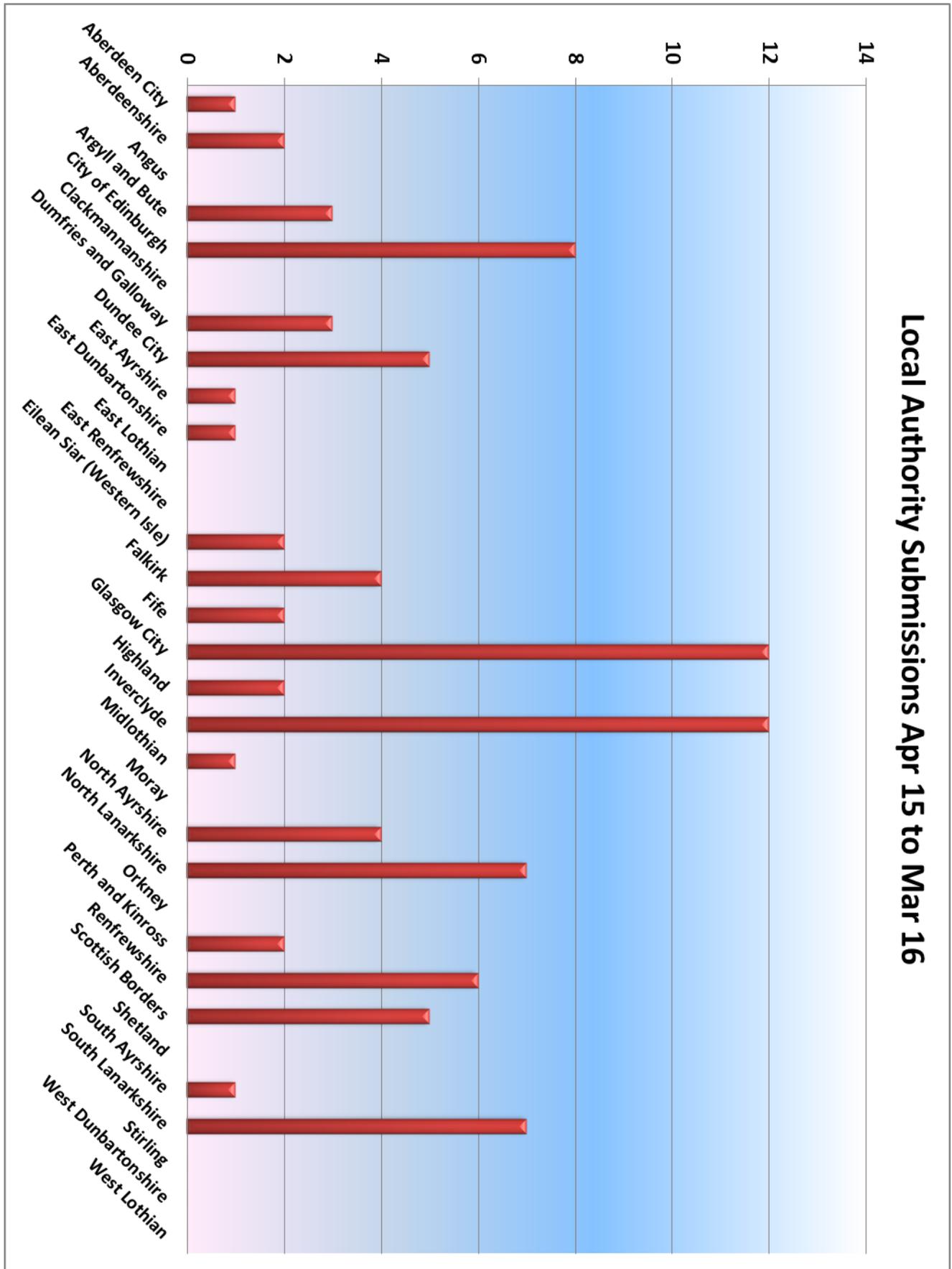
Local Authority Breakdown April 2016 to March 2017

2016-2017 LA Totals	
Aberdeen City	1
Aberdeenshire	2
Angus	1
Argyll and Bute	2
City of Edinburgh	3
Clackmannanshire	0
Dumfries and Galloway	2
Dundee City	1
East Ayrshire	1
East Dunbartonshire	3
East Lothian	0
East Renfrewshire	2
Eilean Siar (Western Isle)	0
Falkirk	5
Fife	5
Glasgow City	23
Highland	1
Inverclyde	5
Midlothian	0
Moray	1
North Ayrshire	2
North Lanarkshire	13
Orkney	0
Perth and Kinross	0
Renfrewshire	10
Scottish Borders	3
Shetland	0
South Ayrshire	0
South Lanarkshire	1
Stirling	0
West Dunbartonshire	0
West Lothian	0
TOTAL	87*

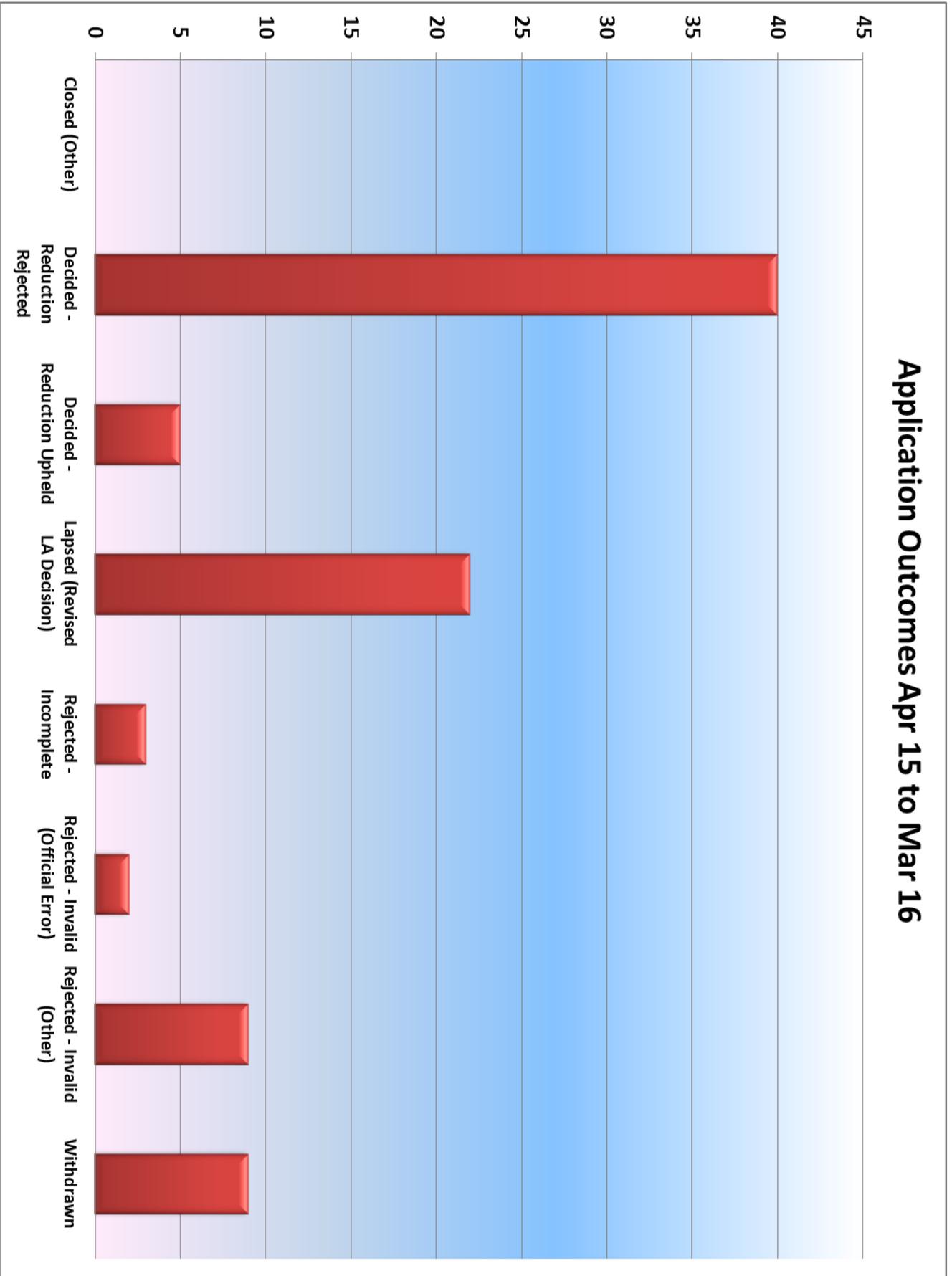
The number of applications received from each Local Authority in Scotland are shown in the above table. A graphical representation of all figures from 2014/2015 can be found at Appendix 2.

*1 application from 2016/2017 remains outstanding and has not yet had a decision. This is due to an ongoing issue with the Local Authority.

APPENDIX ONE

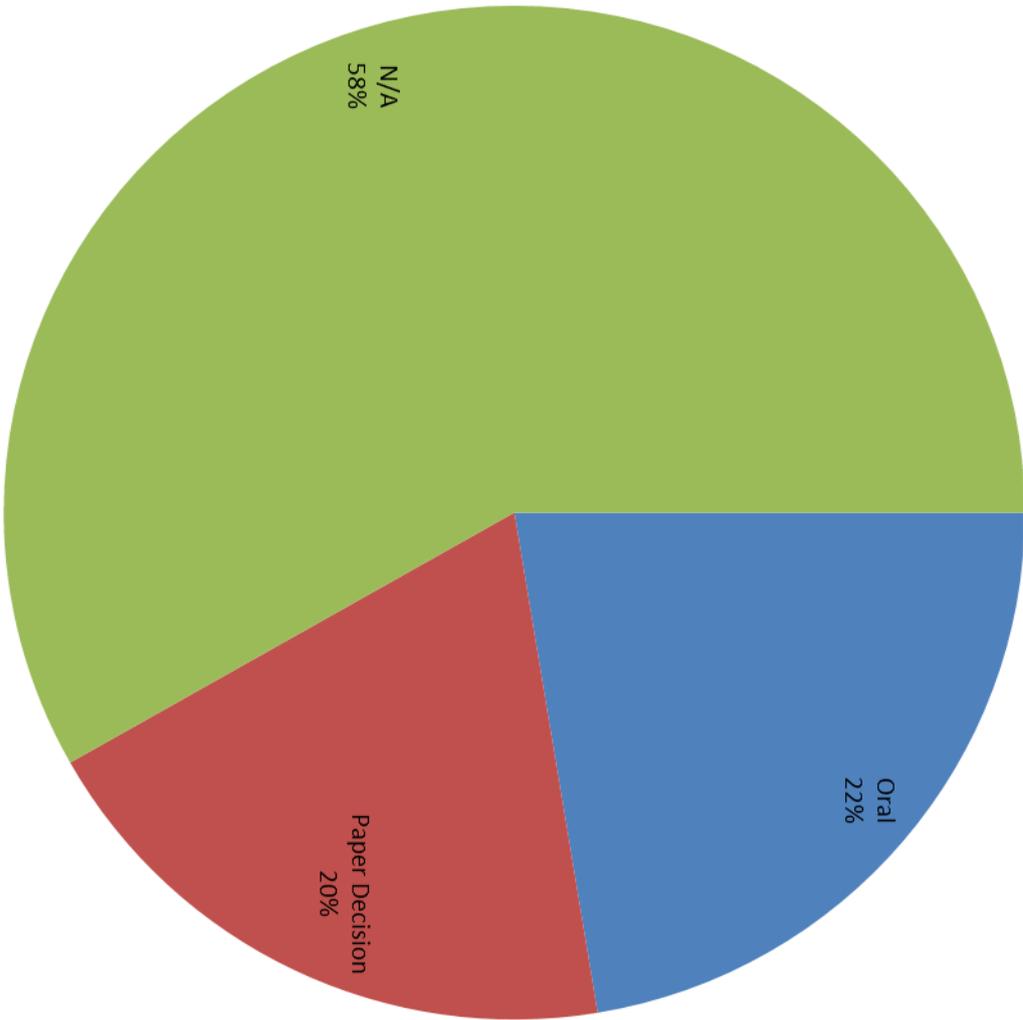


APPENDIX ONE (Continued)

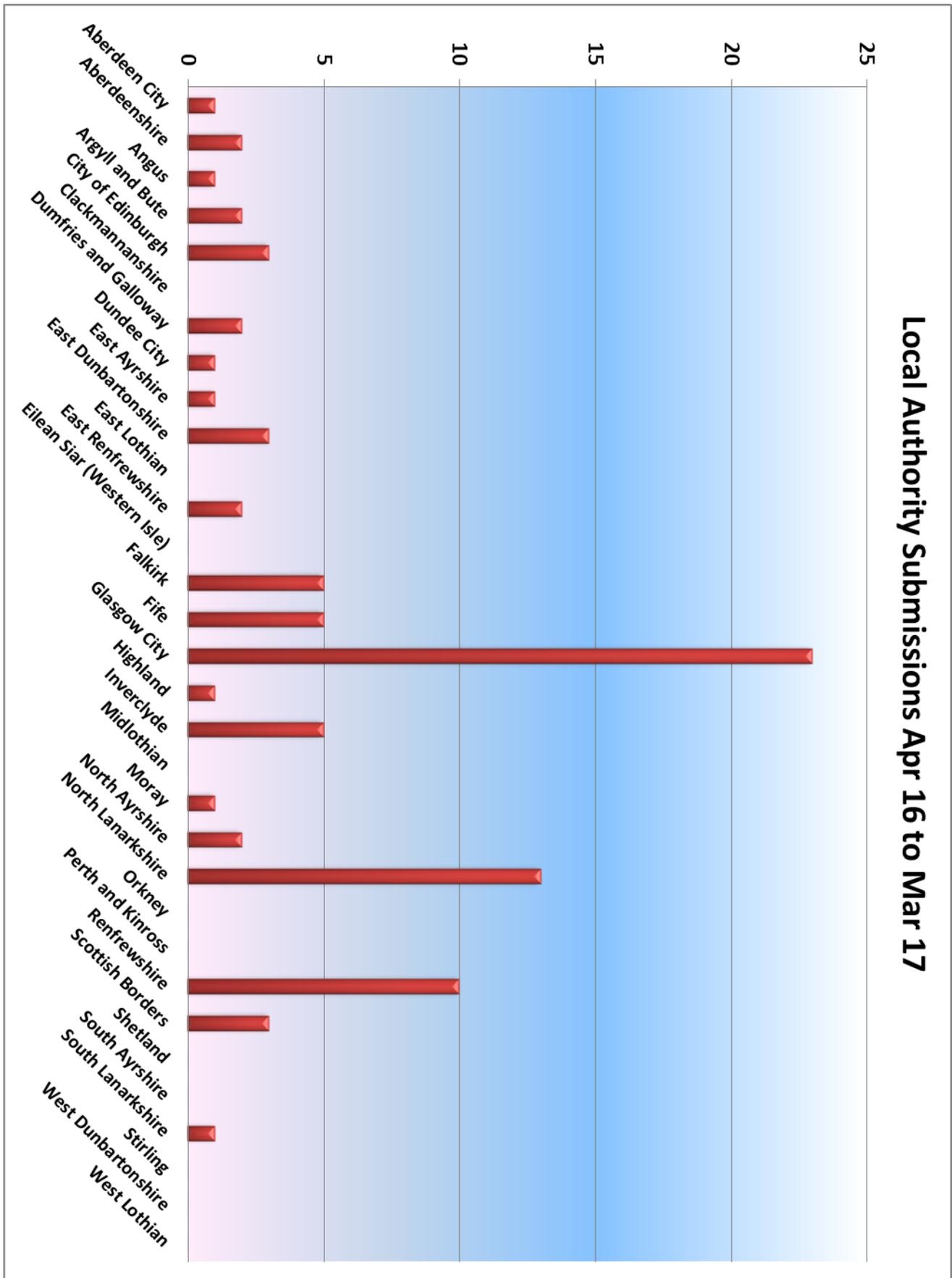


APPENDIX ONE (Continued)

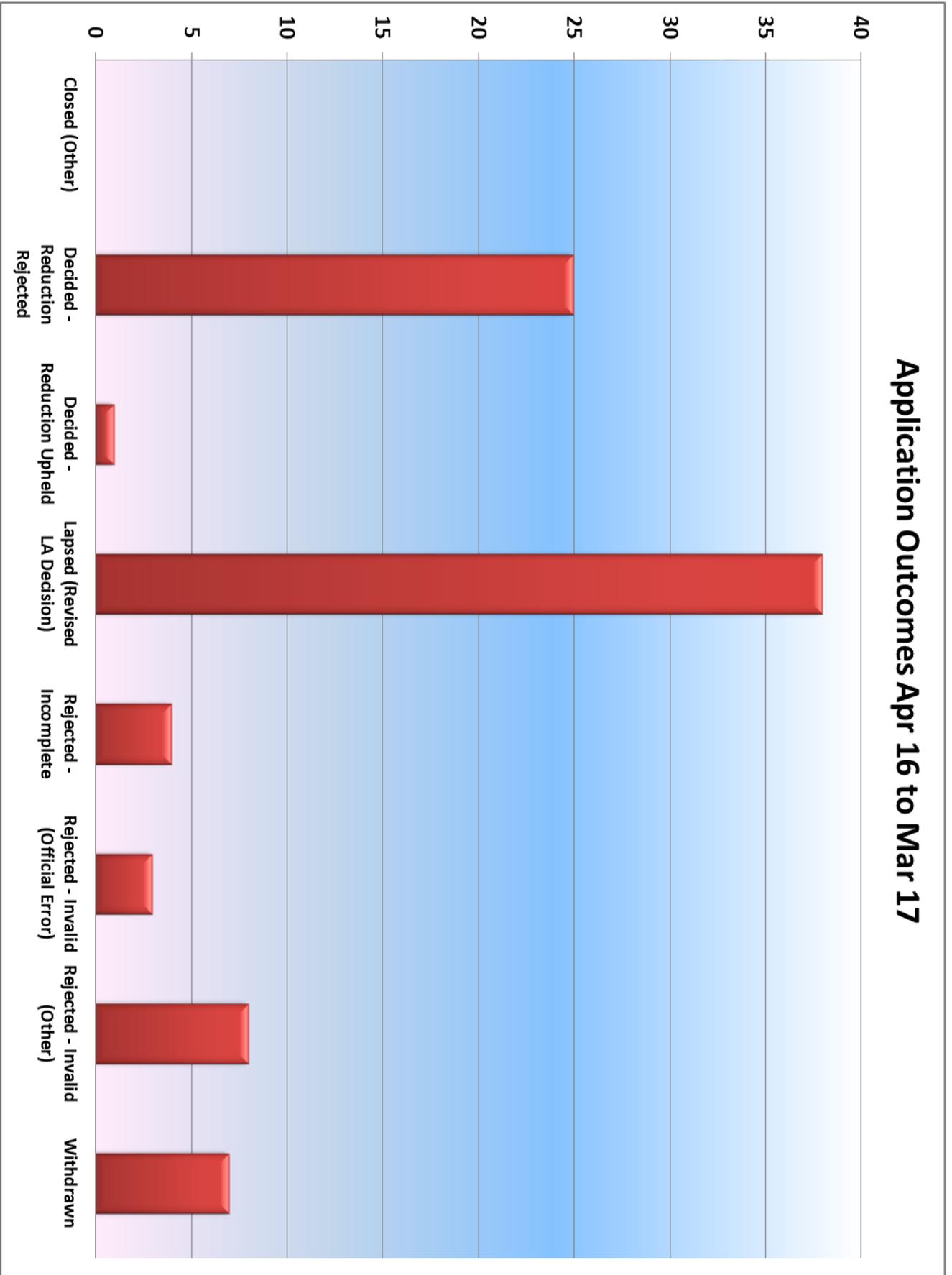
Hearings Apr 15 to Mar 16



APPENDIX TWO



APPENDIX TWO (continued)



APPENDIX TWO (continued)

Hearings Apr 16 to Mar 17

