



How to apply for a review of the decision made by your Local Authority on Council Tax Reduction

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1. ABOUT THIS GUIDE

The aim of this guide is to help you if you wish to apply for a further review of the decision made by your Local Authority on Council Tax Reduction.

A 'further review' means applying to the Council Tax Reduction Review Panel (CTRRP) for an independent ruling as to whether the decision by your Local Authority is correct or not. The review panel makes an independent decision in most cases by means of a hearing.

2. WHAT TO CONSIDER

Can I apply for a further review?

You can only apply for a further review by the review panel where the law gives you a right to apply for a review. When you get an official letter giving a decision from the Local Authority, it must say whether you have a right to apply for a further review against that decision.

Should I apply for a review?

This guide deals with how to apply for a further review. It cannot tell you whether you have a good case or not. Council Tax Reduction Review Panel (CTRRP) staff will be happy to help with telephone queries about your case as it goes through the further review process, but they cannot give you an opinion about whether you are likely to win or lose, or whether you should take a particular step or not. This is a decision for you.

You may be able to get advice on whether you have a good case from a Citizens Advice Bureau, welfare rights service, advice centre, law centre, solicitor or trade union. Some may be willing to help you prepare your case and attend the review hearing with you. You can find out about sources of help from:

- Yellow Pages;
- Local council information services.

If you do decide to get advice, please do so at the earliest opportunity – when you are thinking about requesting a review. Please do not leave it until your further review is well under way.

In deciding whether to apply for a further review or not, you also need to know what the review panel can and can't do for you.

The review panel does not have unlimited powers. They can only do what the law gives them power to do. Basically, they have the power to decide whether you are legally entitled to a Council Tax Reduction. They can replace the decision by your Local Authority or they can say the original decision was right.

The review panel cannot:

- Change the regulations. The review panel has to apply the law as it stands, even if that leads to an outcome that you think is unfair; or,
- Deal with administrative complaints, like delay or lack of courtesy. If you think you have received a poor service from your Local Authority, you should take that matter up with their customer services.

3. APPLYING FOR A FURTHER REVIEW

PLEASE NOTE: The CTRRP **CANNOT** accept appeal requests for Council Tax Benefit, **ONLY** Council Tax Reduction review applications.

The Regulations

The regulations have certain rules about the review. Your application for a review can only be accepted if it meets the following legal criteria. Your request must:

- Be made in writing;
- Be in English;
- Include with it a copy of your Local Authority CTR decision letter;
- Give reasons for the request of a review;
- Be signed by you, unless a court has appointed someone else to act on your behalf; and,
- Be sent in within 42 days of the Local Authority review decision notification.

If your application for a further review does not meet all these criteria, the CTRRP may have to return it to you and may not be able to consider your application at all unless you provide these details.

Because of the legal requirement to include specific information, CTRRP strongly recommends that you use the application form provided. The form helps you gather the right information in a step-by-step way and has a checklist you can use to make sure that everything is included. Details of where you may obtain this are provided overleaf and on the website (counciltaxreductionreview.scotland.gov.uk).

The form also asks you questions about what type of hearing you would like, dates you would like us to avoid and whether you have any special needs.

If you prefer, you can still make your application just by writing a letter, but you risk missing out some of the information the law requires. Also, CTRRP may have to write to you separately to ask about your hearing requirements and availability and this creates a delay in the process. If you want to apply for a review by writing your own letter, use the application form as your guide and include in your letter all the things that the application form asks for.

Time limits

To apply for a further review you have 42 days from the date when the relevant Local Authority notified you in writing of their decision. If you have received no notification of review or determination by the Local Authority, when you did write to them seeking review, if this is more than 2 months ago then you may apply for further review. Your application for a review is not regarded as made until it has been received by CTRRP. For example, if the letter giving the decision is sent to you on 1st October, your application must arrive at the CTRRP by 12th November at the latest.

The application form

CTRRP strongly recommend that you use the application form to make your application for review. The form will help you record the type of information you require in a simple step-by-step process.

You can obtain the forms from:

- The website, counciltaxreductionreview.scotland.gov.uk; or,
- The Local Authority website; or,
- Visiting local independent advice agencies who may stock the form.

If you need advice on completing the application form you may call CTRRP on 0141 302 5840.

In the next section instructions are provided on how to complete the application form.

4. COMPLETING THE APPLICATION FORM

Not all parts of the form need to be completed by everybody. People making an application for review appeals have different circumstances, so you may find that you only need to complete some sections of the form. **Everyone**, however, must complete Sections 1, 2, 4, 5 and 7.

You should use black ink to complete the form. This is because the form must be photocopied by CTRRP and coloured ink, even blue ink, does not show up well in photocopies.

You should also complete the form using BLOCK CAPITALS so that all the important details are clear unless the section on the form tells you otherwise.

Section 1 General details

Section 1 is for general details about your Local Authority and the decision they have made about Council Tax Reduction. You will need to have a copy of your decision letter to hand when you are completing this part of the form. The regulations says you can only apply for a review against certain decisions and that you must include a copy of the letter from the Local Authority with the application for review. This section helps you make sure you do that.

In this section you need to:

- 1) Fill out information about which Local Authority you live in.
- 2) Provide your Council Tax Reference Number – available from your Council Tax bill.
- 3) Insert the Local Authority Council Tax Reduction Review decision date.
- 4) Insert the Local Authority Council Tax Reduction Review decision reference number, available from the decision notification made by the Local Authority. If you have not received a letter notifying you of the Local Authority decision and more than 2 months have elapsed since the date when you requested that decision from the Local Authority, then you may seek a further review.
- 5) Please enclose a copy of the letter you sent to your Local Authority seeking a review of your Council Tax Reduction.
- 6) Confirm whether there is an outstanding Housing Benefit application.
- 7) Insert the full address of the relevant property for which you are seeking a review.

Section 2 About you

This section is all about you. When we are referring to 'You' we mean the person who the decision by the Local Authority was addressed to. Here we need you to tell us who you are and where you live so that we can write to you and so that the Local Authority can identify who you are when we ask them to explain why they came to their decision in your case.

In this section you will need to:

- Give your title, first name(s) and surname;
- Give your date of birth;
- Give your National Insurance Number;
- Give your address;
- Give your daytime phone number;
- Give your mobile phone number (if you have one); and,
- Give your email address (if you have one).

When we say 'title', we mean things like 'Mr', 'Mrs' or 'Miss'.

Your phone number and email address will be helpful to us if we need to contact you at short notice, for example if a hearing date becomes available sooner than we expected or if it is easier to explain something to you by telephone rather than in writing.

Section 3 About your representative (if you have one)

This section is all about your representative, if you have one. Not everyone has a representative and if you do not have one you can skip this section and move straight to Section 4.

You are entitled to have a representative of your choice, but you must make the arrangements for this yourself. Your representative does not have to be legally qualified. He or she could be a friend or relative, but bear in mind that your representative will be provided with evidence relevant to your review, which you may regard as confidential. In choosing a representative, you should bear in mind what the role of a representative is.

A good representative should be able to:

- Advise you on what kind of evidence will help your case;
- Obtain that evidence for you or assist you to obtain it;
- Liaise with Local Authority to see if the case can be settled without going to the review panel;
- Research the law;
- Prepare a written statement for the review panel summarising your case;
- Advise you on related matters, including other benefits; and,
- Deal with the consequences of the review panel's decision, favourable or otherwise.

You are only likely to get such support from a trained representative from a reputable agency. Most people who have a representative are represented by a professional organisation such as an advice centre or welfare rights service.

In this section on the form you will need to:

- Give the name and address of the organisation or person representing you;
- Give the phone number of the organisation or person; and,
- Give the name of the person in the organisation representing you (if you know this).

We will contact your representative about your review and tell them things like hearing dates and we will ask the Local Authority to send them, as well as you, a copy of the papers relating to your application for review.

If you want to have a representative, but have not managed to get in touch with an advice agency yet, you may still submit your application for review and tell us when you have a representative at a later stage, however, you must do this in writing. This is because we need your written consent to take instructions from a person acting on your behalf. Often your representative will arrange this for you.

Please remember, even if you have a representative, at a hearing the review panel will almost certainly want to speak directly with you, person-to-person, asking you questions and listening to your answers. This is because you will have first-hand knowledge and experience of the things the review panel will most want to hear, whereas your representative would only be able to give a second-hand version.

Please note that ALL hearing papers are disclosed to all named representatives.

Section 4 About your application for review

This section is about the reasons for your application for review.

Grounds for review

The section is all about the **reasons** or 'grounds' for your request for application and whether your application is within the time limit.

In the section headed Grounds for review you should write down the reasons why you think the decision is wrong. You do not need to complete this section in BLOCK CAPITALS. Your reasons do not have to be lengthy or written in legal language, but you need to say more than just, 'I disagree'. You should explain simply why you think the decision you are appealing against is incorrect. It might be useful for you to state what you consider the correct decision should be.

The more specific you are about the points of dispute, the easier it is for the review panel to understand what your grievance is and to focus their attention on this before the hearing.

You are welcome to attach evidence which you feel may be supportive to your review, but you should not delay appealing while you obtain this.

If you need more space to write your reasons you can attach a separate sheet of paper.

5. PREPARING FOR THE REVIEW HEARING

Evidence

You will want to consider what evidence you need to support your case, since most reviews involve some dispute over the facts of the case.

The Local Authority will have set out in their response the evidence they are relying on to support the decision you are requesting a review against. It is unusual for the Local Authority to produce any new evidence at the review hearing.

The type of evidence you might provide is, first and foremost, what you yourself can tell the review panel. Sometimes it is easy to overlook the fact that what you say to the review panel is classed as 'evidence'. The review panel will be treating it as evidence, giving it due importance and taking a written note of the key points.

You may bring witnesses to the hearing in support of your case if their evidence is relevant to the issues. It is your responsibility to make all arrangements for your witnesses to attend. They cannot be paid expenses by CTRRP. Please advise us beforehand if you intend to bring a witness. Please note that a request to adjourn a hearing on the day to call a witness at a later date may not be granted.

There is also evidence in the form of a document. Depending of course on the particular facts you want to prove, this might, for example, take the form of a print-out of an itemised telephone bill to show that you rang the Local Authority on a particular day, or gas and electricity bills to show that you were living at a particular address, or a copy of accounts showing your earnings if you are self-employed, or a copy of correspondence you have had with a former spouse about shared care arrangements.

If for any reason you have not been able to submit documents in support of your case before the date of the hearing, which is the normal rule, you should nevertheless bring any documents with you to the hearing which you think important. The panel convener will decide if they can be admitted, although late. However, if important documents are produced for the first time at the hearing, it may have to be adjourned to a later date to allow proper consideration of this new information.

Looking up the law

The review panel's decision will be based upon applying the relevant law to the facts of the case, The Council Tax Reduction (Scotland) Regulations 2012 and associated amendments and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 and associated amendments.

You can look up the law:

- In public libraries;
- On websites, such as www.legislation.gov.uk for Acts of Parliament and regulations, and www.osscsc.gov.uk/Decisions/decisions.htm for Commissioners' decisions;
- In legal reference books (professional representatives will have these).

CTRRP cannot research the law for you or supply you with extracts.

6. KEEPING IN TOUCH

Things we need to know about if they change

It is important to let us know if any of your circumstances change, so that we can provide you with the type of hearing you want, meet any special requirements you have and correspond with you at the correct address. CTRRP is independent of local authorities, so even if you have notified a new address to your Local Authority, you will have to also do the same for CTRRP. This can be done in writing or by telephone.

You must tell us if:

- You have a change of home address;
- You have a change of telephone number;
- You have a change of email address;
- You have a new (or a change of) representative acting for you;
- You have changed your mind about the type of hearing you want (oral/paper);
- You cannot attend or have decided not to attend a hearing that has been arranged; or
- You no longer want to request a review.

If you have a new representative, you must notify us of this in writing as we need your written consent to take instructions from a person acting on your behalf. Normally your representative will arrange this for you.

7. ATTENDING YOUR HEARING

The notice of hearing

You will be sent notification in writing of the date and place of the hearing. A time will also be given to you. The time in your notice of hearing is the expected time your hearing should take place.

Getting to the hearing

If you need help with travelling expenses, CTRRP can reimburse reasonable travelling expenses by public transport or private motor vehicle. You can do this by completing a claim form after your hearing and a payment will be made into your bank account. You will need to keep any receipts and travel tickets as proof of your purchase and include these with your claim. If you are unable to use public transport, for example, because of a disability, CTRRP can authorise payment of a taxi fare, but only if this is agreed in advance. Your notice of hearing will explain to you the rules about claiming travelling expenses.

You should plan your journey to arrive at least 15 minutes before the start of the hearing. You should take with you the response made by your Local Authority and the originals of any documents you have sent to us as evidence.

If you are likely to be late for your hearing, please telephone us and we will relay a message to the review panel.

If you have decided in the end not to attend the hearing, please telephone us to let us know. You are entitled to do this, but it helps if we know this so that the review panel are not kept waiting for you on the day.

At the hearing

When you arrive at the venue you will be greeted by the clerk to the review panel. This is the CTRRP member of staff appointed to make sure hearings proceed as smoothly as possible. It is the clerk's responsibility to explain the process to you, answer any questions, deal with claims for travel or other expenses and handle the administrative tasks associated with your hearing. The clerk must also liaise with the review panel, telling them who has arrived and dealing with any paperwork. The clerk also liaises with the review panel dealing with any last-minute messages received by telephone, such as from people who are delayed.

The review panel will endeavour to start your hearing at the time given in your notice of hearing, but because it is not always possible to predict how long each case will take, the actual start time may be a little later.

When you arrive, the clerk will show you into a waiting area and give you an indication of when your hearing will begin. The clerk will sort out any expenses claim you may have and deal with any last minute enquiries about the arrangements for the hearing. You should feel free to ask your clerk any questions about the hearing and its procedures.

The clerk will also be present from time to time in the room during the hearing in case the review panel needs administrative assistance. The clerk takes no part in the decision making of the review panel.

The Review Panel

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 suitable qualified and experienced tribunal judge and possess personal qualities appropriate to holders of judicial office. Independence and impartiality are among those qualities.

The composition of the review panel is set by the regulations. You do not have the right to choose.

If you recognise a member of the review panel hearing your review as someone you know, you should tell the review panel at the start of the hearing, as it may be inappropriate for that person to be involved in your case. Equally, if a member of the review panel recognises you, they will not be able to consider your case.

Others present

Your Local Authority is entitled to send a representative (called a 'Presenting Officer') to take part in the hearing. Local authorities examine each review on a case-by-case basis and only send a Presenting Officer if they think one is required. You or your representative may meet with the review panel alone.

Review panel hearings are, by law, open to the public, though it is fair to say that it is very unusual for a member of the public to attend. You may ask the review panel for the public to be excluded in the interests of your personal privacy.

Review panel procedure

The review panel shares some of the characteristics of courts, but not all.

They are like courts in that they:

- Operate within a set of rules laid down by law;
- Act independently of government;
- Are judges of questions of fact and law;
- Decide facts on the basis of hearing and testing the evidence; and,
- Are obliged to be fair to both or all sides.

They differ from courts in that:

- The lay-out of the room is less formal;
- No-one wears wigs or gowns;
- The review panel is addressed as Mr... or Mrs/Miss/Ms... or Dr;
- Evidence is given seated at a table, not from a witness stand;
- Evidence is not usually given on oath or affirmation; and,
- When hearing evidence, the review panel itself will take the lead in asking questions.

It is up to the review panel to decide how the hearing is to be conducted. The review panel is given that power by law. The sequence of the proceedings will vary from case to case, depending on the nature of the issues to be decided. The following is a general outline of a typical hearing:

Introductions

The review panel will introduce everyone present and establish the part they will play in the proceedings, checking that any interpretation or signing services required are suitable. The review panel will also ensure that everyone has all the necessary sets of papers. The review panel will take a formal note of the proceedings – 'the record of proceedings'.

Opening statements

The review panel will summarise the issues in the review according to the papers and agree with the parties present what ground needs to be covered in the hearing and in what order.

Giving evidence

In a court, evidence is given by way of the lawyer for one side asking a witness questions, then the lawyer for the other side asking the witness questions. In the review panel, where it is rare for either side to be legally represented, the review panel assumes responsibility for asking the questions. Please bear in mind the following:

- The review panel is likely to want to focus on those issues that are in dispute, so don't worry if they don't ask about every aspect of your case;
- Where there are conflicts in the evidence (for example, you might have said one thing on your application form but are telling the review panel something different), the review panel is likely to ask questions, which could be quite searching, to try to resolve what are the true facts;

- The review panel will do its best to try to ensure that you don't forget or overlook all the points in your case;
- Giving evidence is a serious and important part of the proceedings. Neither you nor the review panel should be distracted by interruptions from representatives or others. Everyone will get their turn to speak at the appropriate time; and,
- If, after the review panel has finished asking its questions, you think it has missed anything, do tell the panel. The review panel will also allow relevant questions from any representatives.

Recording the proceedings

The proceedings are digitally recorded in the event of any dispute as to what evidence was heard where this is relevant to review hearing or in the event of any complaint. Copies are only issued to the parties on application at the discretion of the Senior Covenor. The recording remains with the file and is destroyed after 6 months.

The decision

After the hearing has ended, the panel will reach a decision in private. The decision will either be given on the day or sent out in the post, depending on the circumstances of the case and the location of the hearing. If the decision is given on the day, the panel cannot enter into any further discussion with you regarding the decision.

Adjournments

The panel may come to the conclusion that it cannot reach a decision on the day and there will have to be an adjournment. When adjourning, the panel will aim to set a date for the next hearing and give directions to minimise the risk of any further delay to the completion of the case.

The above description is a general outline. Sometimes the panel may have formed the view from reading the papers that the review turns on a single issue and it may decide to concentrate on that point from the start of the hearing.

8. AFTER THE REVIEW PANEL HAS MADE ITS DECISION

Implementing the decision

If you have had an oral hearing, a notice setting out the decision of the review panel is given or posted to you and to your Local Authority on the day of the hearing. If your case has been decided on the papers, you will receive a notice of the decision through the post a day or two after the hearing and a copy of the decision will also be sent to the Local Authority.

Once the review panel has made its decision, **you should direct any queries about how the decision is implemented to your Local Authority as they now have the responsibility for implementing the review panel's decision.** You should expect a short delay following the Local Authority's receipt of the decision whilst they consider the outcome and next steps.

Full Statement of Reasons and further appeal

There is no right of appeal to a panel decision. You are entitled to a full statement of reasons. If you would like a full Statement of Reasons you can request it in writing to the CTRRP, at the address below, quoting your reference number which will be on your documentation.

Council Tax Reduction Review Panel
4th Floor, 1 Atlantic Quay
45 Robertson Street
Glasgow
G2 8JB

If you remain dissatisfied with the panel's decision it is open to you to take legal advice.