



# **Guidance notes on the Council Tax Reduction Review Scheme for Local Authorities**

## Application for further review

[The Council Tax Reduction \(Scotland\) Amendment \(No.2\) Regulations 2013](#) (Part 11A) outlines the procedure local authorities must follow when a request for redetermination is served on them.

The local authority must, upon receipt of the initial request for review of its determination by the applicant:

- Re-determine the original review decision within 2 months of their receipt of the notice.
- Notify the applicant in writing of its decision and inform the applicant that if they remain aggrieved that a request for further review can be made within 42 days of the notification, to the CTRRP, supplying our contact details and address.

The applicant can then:

- Apply for a further review to the review panel within 42 days from the date when the local authority notified them in writing of their decision.

In order for the application to be accepted as valid, the applicant must have exhausted their local authorities review process.

## Notification of application

If the review panel determine that the application is a complete and valid submission, notification shall then be sent to the local authority, informing them of the applicants request for review.

This will be sent in writing, attached with a copy of the applicants CTRRP application form. The letter will refer to:

- The property referred to.
- The timeframe for local authorities to submit their responses by (**42 days**).

The letter will also ask:

- If the local authority wishes to have the application considered through a written determination or at an oral hearing.
- If the local authority wishes to have a representative at any potential hearing, and if so, what dates in the next 3 months they are unavailable on.

The format of submissions will mirror submissions made previously to HMCTS with regards to Council Tax Benefit and can be sent in via email to [CTRAdmin@scotcourtsribunals.gov.uk](mailto:CTRAdmin@scotcourtsribunals.gov.uk) or via post.

The submission should contain all the material the LA wishes the convener to consider, such as:

- A summary of the local authorities evidence submitted
- Extracts of the applicants Council Tax Reduction application
- The local authorities CTR decision
- The applicants request for a review of their CTR decision

- The local authority notification letter of review sent to the applicant (The decision under review)
- Summary of the local authority response to review and its decision
- Any other relevant documents

Please note that if no response is received from local authority within the highlighted timeframe, the Local Authority may no longer be a party to the proceedings.

We also request that local authorities forward a copy of their response to this letter to the applicant as well as to the review panel.

### **Data Protection**

We will only ask for such details from local authorities once given the authority to do so by the applicant. This is given through their signing of Section 7 of the application form. This gives the applicants consent for their personal data to be used for the CTRRP process and to aid in assessing the review application.

This data will be securely stored, with access granted only to relevant Civil Servants and Conveners for the sole purpose of the CTRRP review.

### **What happens next?**

The review panel will then ensure they have all the information they require before proceeding further. The convener will then reach a decision on the determination method to be used for the case (hearing or written determination) based on the wishes of both parties. The process will then move on to either an oral hearing or written determination.

### **Hearing**

If the local authority wishes, they are entitled to send a representative to take part in the hearing. This information will be sought within the notification letter initially sent to local authorities.

Upon scheduling a hearing, both applicant and local authority will be issued with a Notice of Hearing letter, detailing the time & location of the hearing. It is not incumbent on either party to attend the hearings if they do not wish to. Both parties will be issued with any additional relevant documentation received by the review panel from either parties (evidence to be used by applicant etc.) at this time.

### **Written determination**

If the convener decides that the case will be a written determination, the case will be heard based on the papers submitted by both parties. The convener will only proceed with a determination once they have ensured they have all the relevant information they require. The decision will then be communicated to the parties shortly after the decision has been made.

## Keeping in touch

For any issues, local authorities may use the general contact details for CTRRP. It is advised that local authorities should notify the review panel of any changes, particularly if:

- They have a new (or a change of) representative acting for the authority.
- No local authority member can attend or has decided not to attend a hearing that has been arranged.

Please note, in such cases the hearing will continue with the applicant (and/or applicant representative). The written submission supplied by local authorities will be taken as their evidence.

## After the review panel has made its decision

If you have had an oral hearing, a notice setting out the decision of the review panel will be given or posted to the applicant and local authority on the day of the hearing. If the case has been a written determination, our aim will be to post out the decision to the applicant and local authority within 2 days of considering the review.

Once the review panel has made its decision, the applicant is notified to direct any queries about how the decision is implemented to the local authority **as they now have the responsibility for implementing the review panel's decision.**

### Full Statement of Reasons and further appeal

**There is no right of appeal to a panel decision.** Both applicant and local authority are entitled to a full statement of reasons. This can be requested by writing to the review panel, at the address below, quoting your reference number which will be on all documentation sent by the review panel:

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