

## The Council Tax 'Disability Reduction Scheme'

If you, or any other member of your household, are blind or partially sighted and are liable to pay Council Tax you may qualify for a reduction in your Council Tax.

### Blind and partially sighted people

In order to qualify for the reduction the law states that you, or a member of your household, are 'substantially or permanently disabled'. Blind and partially sighted people may qualify under the rules for the Disability Reduction Scheme if you, or any member of your household (including a child), use a room within your home for any purpose associated with your sight loss.

### The dwelling

The dwelling must have at least one of the following features:

- a room, but not a bathroom, a kitchen or lavatory, which is predominantly used (whether for providing therapy or otherwise) by the person with the disability; **or**
- an additional bathroom or kitchen within the dwelling which is necessary for meeting the needs of the person with the disability; **or**
- sufficient floor space to permit the use of a wheelchair.

### Equipment

If you have a room within your home which contains equipment that is used because of your sight loss, you may qualify under the first rule above. This equipment may include a CCTV, computer with speech or screen magnification software, talking book player, Braille equipment or specialist lighting, etc. The equipment must be 'essential, or of major importance to the disabled person's well being because of the nature of his/her disability'. You may also qualify if you use the room for any other reason related to your disability, such as having extra space for a guide dog.

### How much is it worth?

If you qualify for a reduction in your Council Tax under the Disability Reduction Scheme, your Council Tax bill will be reduced to the amount payable in the valuation band below yours. So, if your property is in band D, it will be reduced to band C. If your property is already in band A (the lowest band) it will be reduced by one-sixth of your bill.

### **The problem with the scheme**

Unfortunately, many Local Authorities do not recognise that people with a visual impairment should qualify under this scheme. This is mainly due to what we believe is a misguided view that only people with physical disabilities can qualify, despite there being nothing in the law to support this. We also believe that many Local Authorities misunderstand the findings of two important judgments, known as the 'Howell Williams' and the 'Sandwell' judgments.

### **Howell Williams v Wirral Borough Council (18 May 1981)**

In the case of Howell Williams v Wirral Borough Council, the claimant had been refused a disability reduction by her Local Authority. The claimant argued that as she suffered from arthritis, she needed additional heating in her living room in the form of an electric heater and a night storage heater. The claimant applied for a reduction in her Council Tax under Regulation 3 of the Council Tax (Reductions for Disabilities) Regulations 1992 using the section that states:

‘...a room, but not a bathroom, a kitchen or lavatory, which is predominantly used (whether for providing therapy or otherwise) by the person with the disability.’

The claimant's appeal was unsuccessful, as the court found that a 'causal link' had not been established between the room and the disabled person. Following the Howell Williams judgment, the need to show a 'causal link' between the room and the disabled person became essential when claiming a disability reduction.

A 'causal link' in this context is the link between the disabled person, the room in question and the equipment within the room that is used by the disabled person, where the equipment is essential or of major importance to their well-being.

### **The Sandwell Judgment (8 July 2003)**

In a more recent judgment, Sandwell Metropolitan Borough Council refused an application for a disability reduction for a claimant who had severe mobility problems and needed to convert the lounge in their family home into a bed-sit. Following an appeal, the claimant was granted the reduction. However, Sandwell Metropolitan Borough Council appealed to the High Court, where it was found that the tribunal had erred in law because they failed to apply a 'causal link' between the claimant and the room, as established by the Howell Williams case. The judge ruled in favour of the Council and recommended that the case be sent back to a new tribunal where the Howell Williams judgment (and the 'causal link' issue) should be applied.

The following are extracts taken from the Sandwell judgment:

- “It is important that any tribunal, which has to consider whether or not a person is entitled to exemption under Regulation 3, should consider if there has been the appropriate causative link between the disability and the requirement of the use of the room, because the use has to be essential or of major importance, because of the nature of the disability”.
- “...in this case the Tribunal failed to approach the appeal on the correct basis and, in particular, that it did not apply the principle in *Howell Williams v Wirral Borough Council* to which I have referred.”
- “It is important to stress that the *Howell Williams* case is authority for the need for the causal link to which I have referred. The tribunal, in my view, failed to take note of that point, and thus erred”.

It was hoped that by issuing guidance for the new tribunal, the claimant and representative would successfully apply the ‘causal link’ to their claim which would have set a useful precedent for future disability reduction claims. However, the claimant decided not to pursue the case further and the second tribunal hearing did not take place.

Although the *Sandwell* case did not establish new law as it was never fully resolved. Following the *Sandwell* judgment, some Councils have somehow seen the case as a triumph and refused applications for reductions in Council Tax under the Disability Reduction Scheme.

Action for Blind People believes that if you have a spare room within your home which contains equipment that you use because of your sight loss, then there is the necessary causal link between the visually impaired person and the room that contains the equipment. This is because without this room being available, you may not be able to communicate effectively, pursue hobbies and live what could be considered a ‘reasonable life’. It may also be of major importance to your well-being by reason of the nature and extent of your disability.

### **How to apply**

Obtaining a reduction in your Council Tax under the Disability Reduction Scheme is not automatic. You will need to contact your Local Authority and ask for an application form. Once you have submitted your application, the Council will normally send a representative to inspect your home. This is to ascertain whether or not they feel you qualify under the scheme. They will then write to you and send you a revised Council Tax bill if you are successful.

### **Appeals**

If you are refused a reduction in your Council Tax, you should appeal in writing to the office that dealt with your application. The letter should contain the reasons why you believe the Council’s decision is wrong. There is no time limit

for appealing against the decision. The Council then has two months in which to respond to your letter. If you are still not happy with the Council's decision, you should appeal to the Valuation Tribunal. You will need to submit this appeal within two months of the second decision. Full details on how to appeal to the Valuation Tribunal should be included with the second decision letter. Alternatively, you can contact us for more information.

### **Conclusion**

In Action for Blind People's experience it is not easy for visually impaired people to get a disability reduction. Therefore, it is important to include as much information as possible on your application form explaining why you need a spare room in your home, which is predominantly used by you because of your disability.

The Welfare Rights Team at Action for Blind People has previously successfully represented clients at tribunal following the refusal of their Council to award a disability reduction. We can send a copy of our Council Tax – Disability Reduction pack to you if you would like to use these cases to support your claim or appeal.

Please note:

It is unlikely that we can represent people at any future appeals but may be able to find a representative in your area.

This is only a brief guide about how blind and partially sighted people can benefit from the Council Tax – Disability Reduction Scheme. It is not a complete or exhaustive statement of law.

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