



Llywodraeth Cymru
Welsh Government

PUBLICATION

Consultation on the removal of eligible care leavers workers liability for payment of council tax

Care leavers are liable for the payment of council tax where another person in the household who is not exempt fails to pay their council tax. We want your views on the proposal to remove this liability.

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Introduction

This consultation relates to the proposal to remove the risk to care leavers of being held liable for the payment of council tax where another person (who is not exempt) in the household fails to pay their council tax.

This consultation applies to Wales only.

The Welsh Government is committed to doing everything we can to support care leavers and enable their successful transition into adulthood and independent living.

Following a period of engagement and consultation with local government, the third sector and individual taxpayers, subordinate legislation came into force in 2019 to make eligible care leavers aged 24 or under, residing in Wales exempt from council tax.

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The Council Tax (Exempt Dwellings) (Amendment) (Wales) Order 2019 means that where dwellings are occupied by one or more care leaver or where every resident is either a care leaver, student or severely mentally impaired person, that dwelling is exempt from paying council tax.

The Council Tax (Additional Provisions for Discount Disregards) (Amendment) (Wales) Regulations 2019 provide that persons who are considered care leavers are disregarded when a billing authority calculates the amount of discounts applicable to a chargeable dwelling in Wales.

The introduction of this subordinate legislation was an important milestone in delivering our ongoing commitment to make council tax fairer.

However the enabling powers did not enable Welsh Ministers to make subordinate legislation in relation to the joint and several liability of care leavers or other persons to pay council tax.

What is joint and several liability?

Where care leavers are living with a spouse or partner, or in households with more than one adult, all of the adults may be held jointly and severally liable for the council tax bill on their home. Therefore a risk remains that a care leaver could be held liable for payment of council tax where another person (who is not exempt) fails to pay their council tax. While such cases are not commonplace, we are aware of instances where care leavers have been held liable for shared bills.

Proposed approach

To provide care leavers living in Wales with an exemption from joint and several liability, changes to primary legislation have been made. Provisions in the Local Government and Elections (Wales) Act 2021 enable Ministers to specify in regulations that care leavers who are disregarded for the purposes of a council

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tax discount may not be held jointly or severally liable for council tax in relation to any chargeable dwelling.

To mitigate the risk to care leavers living in Wales being held jointly and severally liable for the council tax bill on their home, it is proposed the relevant subordinate legislation be amended to provide an exemption for care leavers from 1 April 2022. Should the consensus from this consultation be to introduce this exemption a separate technical consultation on the relevant draft statutory instruments will follow later in the year.

Consultation questions

Question 1

Do you agree with the policy intent to remove care leavers from joint and several liability for council tax? Please give your reasons.

Question 2

We have proposed changes be made to the relevant legislation to remove care leavers from joint or several liability for council tax. Do you agree with this approach or can you suggest an alternative?

Question 3

We would like to know your views on the effects that these proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

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Question 4

Please also explain how you believe the proposed policy approach could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 5

We have asked a number of specific questions. If you have any related points which we have not specifically addressed, please use this space to record them.

How to respond

Submit your comments by **12 November 2021**, in any of the following ways:

- complete our [online form](#)
- download, complete our [response form](#) and email LGFR.Consultations@gov.wales
- download, complete our [response form](#) and post to:

Council Tax Policy Branch
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

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- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please **tell us**.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer

Data Protection Officer
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

E-mail: data.protectionofficer@gov.wales

Information Commissioner's Office

Information Commissioner's Office
Wycliffe House
Water Lane

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Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: ico.org.uk

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

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