

POLICY OF REMISSION OF PENALTIES

This Policy is made in accordance with sections 102 and 109 of the Local Government Act 2002 and is applied as per sections 85 and 86 of the Local Government (Rating) Act 2002.

OBJECTIVES

To enable the Council to act fairly and reasonably in its consideration of penalties charged on rates which have not been received by the Council by the due date.

1. CONDITIONS AND CRITERIA

- 1.1 This Policy applies to ratepayers within the Tasman District.
- 1.2 Remission of penalties on late payment of rates may be made when it is considered just and equitable to do so. In determining justice and equity, one or more of the following criteria shall be applied.
 - a) Where there exists a history of regular, punctual payment over the last two years and payment is made within a short time following the ratepayer being made aware of the non-payment, a one-off reduction of the most current penalty may be made.
 - b) Where an agreed payment plan by direct debit is in place, penalties may be suppressed or remitted, where the ratepayer complies with the terms of the agreed payment plan.
 - c) Where the rates instalment was issued in the name of a previous property owner.
 - d) Where a ratepayer has been ill or in hospital or suffered a family bereavement or significant tragedy of some type and has been unable to attend to payment. On compassionate grounds, a one-off reduction of the most current penalty may be made.
 - e) Where an error has been made on the part of the Council staff or arising through error in the general processing which has subsequently resulted in a penalty charge being imposed.
 - f) Where the remission will facilitate the collection of overdue rates and it results in full payment of arrears limited to a one-off reduction per ratepayer.
 - g) Where the remission facilitates the future payment of rates by direct debit within a specified timeframe.
 - h) Where ratepayers can reasonably expect a rates remission for the rating year where their application has not yet been approved, or where the final date for lodging the remission application has not yet passed.
 - i) Where the sole ratepayer is deceased and the solicitor is waiting on probate to be granted for the estate, limited to a maximum 12 month period of penalties being remitted.
 - j) Where the rates invoice has not been received, limited to a maximum of one reduction of the most current penalty every two years.

2. PROCEDURE

- 2.1 A ratepayer may request that the penalty applied for late payment be remitted. The request must be received within 12 months of the penalty being applied.

- 2.2 In implementing this Policy, the circumstances of each case will be taken into consideration on their individual merits, and a remission will be conditional upon the full amount of such rates due having been paid.
- 2.3 The Council may delegate authority to consider and approve applications to Council staff. In the event of any doubt or dispute arising, the application is to be referred to the Full Council or any committee it delegates to for a decision.