

# COUNTY COUNCIL

## 13<sup>TH</sup> JANUARY 2016

### SUBJECT :

### Council Tax Reduction Scheme 2016/17

#### Purpose:

This report seeks formal adoption of the Council Tax Reduction scheme (which replaced Council Tax Benefit in April 2013) for 2016/17.

#### RECOMMENDATIONS / KEY DECISIONS REQUIRED:

It is recommended that for 2016/17 Council

1. Formally adopts the standard all-Wales Council Tax Reduction scheme provided for in the
  - a. Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, and
  - b. Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2014
2. Implements the annual up-rating figures (used in entitlement calculations) and other minor technical amendments included in the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2016 that are due to come into force on 20<sup>th</sup> January 2016.  
and
3. Continues to exercise its discretion with regard to the limited discretionary elements of the prescribed scheme as outlined in the Executive Summary.

#### REASONS:

- a) Welsh Government has made regulations that retain the 2013/14 Council Tax Reduction scheme (with limited amendments) for 2014/15 and subsequent years.
- b) There is an obligation upon authorities to formally (re-)adopt a Council Tax Reduction scheme by 31<sup>st</sup> January each year otherwise the "Default Scheme" will apply which means Council will be unable to exercise its discretion with regard to the limited discretionary elements in the prescribed scheme.
- c) If the Council wishes to exercise its powers in relation to the limited areas of discretion available to it, it is required to do so as part of the formal scheme adoption process.

Exec Board Decision Required

N/A

Council Decision Required

YES

Executive Board Member Portfolio Holder: Councillor D.M. Jenkins

Directorate: Corporate Services

Designations:

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# EXECUTIVE SUMMARY

## County Council

### 13<sup>th</sup> January 2016

#### Council Tax Reduction Scheme

1. Welsh Government made regulations in 2012 that introduced a single all-Wales Council Tax Reduction Scheme for 2013/14, replacing the former, UK-wide Council Tax Benefit Scheme. As the scheme for 2013/14 contained a “sunset-clause” it was necessary for Welsh Government to introduce a further scheme for 2014/15 and subsequent years.
2. Despite being an all-Wales scheme, individual Councils are required by the Prescribed Requirements Regulations to formally adopt a Council Tax Reduction Scheme by 31<sup>st</sup> January each year.
3. Apart from the normal annual up-rating of certain financial figures used for assessing entitlement (Regulations in respect of which are likely to come into force on 20<sup>th</sup> January 2016) the scheme will be materially unchanged for 2016/17. Nevertheless under the Prescribed Requirements Regulations it is still necessary for individual authorities to formally adopt the scheme for 2016/17 by 31<sup>st</sup> January 2016.
4. If the Council fails to formally make a scheme, then the default scheme shall apply under the provisions of the Default Scheme Regulations. The Council can only apply discretion if it makes its own scheme under the Prescribed Requirements Regulations.
5. The approach taken by the Council with regard to the (limited) areas of discretion open to it since CTR was introduced are shown below and there is no recommendation for change:
  - a. Council exercises its discretion and fully disregards War Disablement pensions, War Widows Pensions and other analogous payments when calculating income for the purposes of assessing entitlement to Council Tax Reduction.
  - b. Council does not exercise its discretion in relation to extended payments and therefore adopts the 4 week period specified within the standard scheme.
  - c. Council does not exercise its discretion in relation to backdating applications and therefore adopts the 3 month maximum period specified within the standard scheme

**DETAILED REPORT ATTACHED?**

**Yes**

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: C Moore Director of Corporate Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## 1. Policy, Crime & Disorder and Equalities

The Council Tax Reduction scheme retained for 2014/15 and subsequent years will continue to assess claimants' entitlement on their full Council Tax liability, as happened under the 2013/14 scheme and the former UK-wide Council Tax Benefit scheme.

A local equalities impact assessment was undertaken by the Council in anticipation of the original draft 2013/14 scheme which if implemented, would have reduced all claimants' entitlement. In the event the final 2013/14 scheme was more generous with claimants' entitlement being based on the full charge as will be the case for subsequent years, unless changed. It has not therefore been considered necessary to undertake a further EIA.

There are no proposed material changes to the scheme other than the normal annual up-rating of the financial figures used to assess applicant's entitlement, which are likely to be confirmed by Welsh Government in mid-January 2016. Council has no power to vary these.

## 2. Legal

Under the Prescribed Requirements Regulations the Council is obliged to make a Council Tax Reduction Scheme each year.

The legislation provides for a default scheme to apply in the absence of the Council making a scheme; the Council is nevertheless under a statutory duty to adopt its own scheme, even if it chooses not to apply any of the discretionary elements.

The National Assembly for Wales on the 26<sup>th</sup> November 2013 approved the Regulations governing the operation of Council Tax Reduction Schemes in Wales for 2014/15 and subsequent years.

The Council Tax Reduction Schemes amending Regulations for 2016/17, scheduled for approval by Welsh Government during January 2016 will up-rate figures contained in the main regulations that are used to calculate a claimant's entitlement to a reduction under a council tax reduction scheme. Council has no power to vary these.

### 3. Finance

The scheme for 2016/17 continues to have financial implications for authorities.

The former Council Tax Benefit system was fully funded by the Westminster Government however less funding was given to Welsh Government with regard to the replacement scheme.

The initial funding distributed to Councils by Welsh Government has not increased since the new scheme was introduced in 2013/14. Accordingly individual authorities must make up on-going shortfalls due to higher expenditure as a result of any additional caseload and/or higher Council Tax levels.

The Council's proposed budget provision for 2016/17 is £15.1m.

The additional cost to the Council to continue exercising its discretionary powers and disregarding War Widow and War Disablement Pensions (and other analogous payments) is estimated as £24k.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: C Moore Director of Corporate Services

1. Scrutiny Committee - n/a
2. Local Member(s) - n/a
3. Community / Town Council - n/a
4. Relevant Partners
5. Staff Side Representatives and other Organisations
6. As there are no proposed changes to the scheme other than the normal annual up-rating figures over which Council has no jurisdiction, no public consultation exercise has been undertaken.

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013	n/a	CFP - Council Tax Reduction folder <a href="http://www.legislation.gov.uk/all?title=The%20Council%20Tax%20Reduction%20Schemes%20and%20Prescribed%20Requirements%20%28Wales%29%20Regulations%202013">http://www.legislation.gov.uk/all?title=The%20Council%20Tax%20Reduction%20Schemes%20and%20Prescribed%20Requirements%20%28Wales%29%20Regulations%202013</a>
Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2014	n/a	CFP - Council Tax Reduction folder <a href="http://www.legislation.gov.uk/wsi/2014/66/contents/made">http://www.legislation.gov.uk/wsi/2014/66/contents/made</a>
Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2015	n/a	CFP - Council Tax Reduction folder <a href="http://www.legislation.gov.uk/wsi/2015/44/regulation/28/made">http://www.legislation.gov.uk/wsi/2015/44/regulation/28/made</a>
Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2016	n/a	<a href="http://www.assembly.wales/laid%20documents/sub-ld10462/sub-ld10462-e.pdf">http://www.assembly.wales/laid%20documents/sub-ld10462/sub-ld10462-e.pdf</a>