

## **Appendix 1**

### **Council Tax Support: Principles for a local scheme for Bury from 1 April 2013**

#### **Claims from people over pension age**

People over pension age are excluded from these changes. Their Council Tax Support will therefore be assessed using the rules which apply for the current Council Tax Benefit scheme.

The Government has defined a pensioner as someone over the state pensioner age for women, regardless of the gender of the person. This will gradually change over the coming years as pension ages are increased. Couples have been defined as being pensioners if the elder partner is older than state pensioner age for women, again regardless of their gender.

The Council has no power to change this.

The Council will retain the discretion to disregard income from war pensions above that statutory £10 per week. The Council proposes to continue to disregard war pensions and war disablement payments in full.

#### **Claims from people of working age**

The recommendations for consultation are:

- The following groups should be defined as 'vulnerable' and protected:
  - people in receipt of disability benefits;
  - carers;
  - lone parents with children under 5;
  - war pensioners.
- For working age households the maximum amount of Council Tax Support available will be the equivalent of a band B property charge.
- The provision for working age claimants to ask for backdated benefit will be abolished. The Council will introduce a discretionary award scheme to help claimants to were unable to claim at the correct time. This will protect people in genuinely vulnerable situations
- The second adult rebate scheme for working age claimants will be abolished.
- The capital limit for working age claimants will be reduced from £16,000 to £6,000. There may be exceptions to this limit.
- A minimum amount of £1 of Council Tax Support for working age claimants will be introduced.

- The Council develops a Discretionary Support Scheme to support vulnerable residents with extreme hardship and support the transition into work for low paid residents. Funding for this could be taken from the discretionary Social Fund that will be passed from DWP to the Council in April 2013.
- **The new scheme should contain a mixture of measures with the aim of spreading the effect of the Government cuts.**

Any reductions in Council Tax Support should be proportionate and in relation to the resources of a household.

The Council will not seek to impose a blanket reduction of benefits across all claimants. This approach does not recognise the individual needs and circumstances of different households in the borough. The Council will not reduce the benefits of residents with the lowest levels of income in the borough.

- **As far as possible, reflecting the outcome of the Plan for Change consultation, the local scheme should aim to protect vulnerable people in the borough from the effect of the changes.**

The Council will recognise the needs of lone parents with young children and people with disability or caring responsibilities by:

- retaining features of the current scheme that address those needs including current income disregards, applicable amounts and premiums
- excluding them from reductions to their benefit by the introduction of a maximum amount of benefit based on Council Tax Benefit band B.

75% of working age people currently claiming Council Tax Benefit will not be affected by the changes.

- **There should be a small cash-limited discretionary scheme to deal with anomalies and particularly difficult situations.**

At present the Council can use the Discretionary Housing Payments scheme, funded by the government, to smooth some of the rough edges and difficult situations found in the current Council Tax Benefit scheme. This will not be available for the Council Tax Support scheme.

The Council therefore proposes to make provision for some discretionary help outside the rules of its main Council Tax Support scheme, to support extremely vulnerable residents and support the transition for those residents moving into work but remaining on a low income.

- **Savings should not be found from other areas of the Council's budget.**

Due to existing pressures on the Council's budget this approach should be avoided.

- **The administrative burden of the scheme should be minimised as far as possible.**

Using means tested information from the DWP wherever possible will avoid further means testing by the Council. This simplifies the administration of the scheme and also provides a quicker and simpler service for the claimant.

People receiving or waiting for a decision on Council Tax Benefit when that scheme ends will be treated as having claimed Council Tax Support and the Council will use the information it holds for Council Tax Benefit as far as possible to assess entitlement to Council Tax Support at the start of that scheme.

The rules for Council Tax Support will be aligned wherever possible with those for housing benefit to maintain the efficiencies of administering the two benefits together.

- **The Council should seek to ensure that its scheme does not undermine incentives to work**

The government's wider welfare reform agenda seeks to make sure that work pays, and that increase in earnings are not undermined by similar or greater reductions in other income.

The Council Tax Support scheme will:

- Retain earnings disregards which are proportionate to the size and composition of the household
  - Maintain a 20% taper rate, which will ensure that increases in earnings are reflected by an accurate change in the amount of Council Tax Support. This also means that the scheme will dovetail with Universal Credit which has been designed to accommodate Council Tax Support schemes with a 20% taper rate.
  - Continue to provide a four week extended payment of Council Tax Support when a person starts work. This will provide an element of financial support to help people at the start of employment.
- **Where possible, the local scheme should not be more complex for claimants to understand.**

The Council will explore options to simplify the scheme through amending dates entitlements start and change, the evidence required to support a claim and the way claimants are notified about their entitlements.

- **The Council will develop and introduce an appeals process**

Council Tax Support will be classed a discount scheme as opposed to the benefits one, and will therefore fall outside the scope of existing appeals legislation. The Council will design and introduce a robust appeal procedure to ensure that residents have an appropriate method of dealing with disputes and have confidence that the scheme is fair.

## **Appendix 2:**

### **Bury Council Draft Local Council Tax Support Scheme for 2013/2014**

#### **Introduction**

The Welfare Reform Act 2012 abolishes Council Tax Benefit and the Local Government Finance Bill currently before Parliament makes provision for local authorities to devise their own schemes for a Council Tax Support discount to assist people on low incomes to pay their Council Tax.

People over pension age will be protected by a national scheme that recreates the current Council Tax Benefit scheme. People below pension age will be covered by a local scheme unless a local authority fails to make a scheme by 31 January 2013 in which case a national default scheme will apply.

The funding provided by the government for Council Tax Support will be approximately 10% less than for Council Tax Benefit and determined before the start of the year rather than reflecting actual expenditure and fluctuating caseloads.

As people over pension age are protected from the impact of this funding reduction, the consequence for people of working age in Bury is a reduction of between 15% and 20%. The Council cannot fund this reduction but is minded to mitigate the effects by use of new discretions related to Council Tax discounts for empty properties and second homes.

The Council therefore proposes a scheme that reduces the level of support paid in as fair a way as possible and which is less burdensome to administer than the present scheme.

The government intends to prescribe a small number of mandatory features, for instance in relation to persons from abroad and rights of appeal. Bury's scheme will incorporate these.

#### **People over pension age**

People over pension age are excluded from these changes. Their Council Tax Support will therefore be assessed using the rules which apply for the current Council Tax Benefit scheme.

The Government has defined a pensioner as someone over the state pensioner age for women, regardless of the gender of the person. This will gradually change over the coming years as pension ages are increased. Couples have been defined as being pensioners if the elder partner is older than state pensioner age for women, again regardless of their gender.

The Council has no power to change this.

## **Council Tax Support for people of working age**

The classes of person entitled to Council Tax Support under this scheme for any week are, subject to defined exclusions, those

- § who are not entitled to Council Tax Support under the national scheme for people over pension age; and
- § who have a liability to pay Council Tax in Bury for a dwelling which they occupy as their home; and
- § who apply for Council Tax Support or who were entitled to Council Tax Benefit on 31 March 2013 or who applied for Council Tax Benefit on or after 1 March 2013 or who had an application for Council Tax Benefit outstanding at 31 March 2013 (whether pending assessment, pending review or pending appeal); and
- § who are entitled in that week to Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance; or
- § who do not have assessed capital in excess of £6,000 and who have assessed income that is no more than their applicable amount; or
- § who do not have assessed capital in excess of £6,000 and who have an excess of assessed income over their applicable amount that when multiplied by 20% does not exceed their eligible Council Tax.

A person from abroad, as defined in the Council Tax Benefit Regulations 2006 as at 31 March 2013, is not eligible for Council Tax Support.

A person temporarily absent from home, as defined in the Council Tax Benefit Regulations 2006 as at 31 March 2013, or whose normal home is elsewhere is not eligible for Council Tax Support.

A person who is a student is only eligible for support in the circumstances specified in the Council Tax Benefit Regulations 2006 as at 31 March 2013.

## **Household and applicable amount**

People normally resident in the applicant's household shall be treated as dependant members of the family or as members of the household (whether as jointly liable persons, non-dependants, boarders or sub-tenants) as appropriate in accordance with the provisions of the Council Tax Benefit Regulations 2006 as at 31 March 2013.

The applicant's entitlement to Council Tax Support shall be assessed by reference to an applicable amount determined in accordance with the provisions of the Council Tax Benefit Regulations 2006 as at 31 March 2013 but with the various values amended in line with the values in force at any time under the Housing Benefit Regulations 2006.

## **Income and capital**

Income and capital, including notional income and notional capital, shall be assessed in accordance with the provisions of the Council Tax Benefit Regulations 2006 as at 31 March 2013 with the following exceptions.

Pensions for war disablement and for war widows, widowers and surviving civil partners as defined in the schedule to the Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 as substituted by the Housing Benefit and Council Tax Benefit (War Pension Disregards) (Amendment) Regulations 2009 shall be disregarded completely.

Money, property or other assets held in the name of the applicant or a member of the family shall be treated as belonging to that person unless it is shown clearly, and to the satisfaction of the Council, by documentation relating to the acquisition or initial investment of the asset, that it is held in trust, and only used, for the benefit of a person or persons none of whom is a member of the family.

Where the applicant or a member of the family has disposed of any income or capital asset other than as normal reasonable household expenditure or of necessity, the Council may treat that person as still possessing that income or capital.

## **Amount of Council Tax Support**

The Council will calculate Council Tax Support as a weekly amount by reference to

- The applicant's share of actual liability for Council Tax at the dwelling occupied as the home
- A cap on the amount of that share by reference to the Council Tax valuation band if appropriate
- The presence and financial position of other members of the household not counted as members of the applicant's family
- The applicant's assessed income
- The applicant's applicable amount
- The taper [20%]

The applicant's share of Council Tax is all, or a proportion, of the actual or capped liability for Council Tax for a period (the financial year, or the relevant part of the financial year where there are changes in the calculation of the liability), divided by the number of days in the period and multiplied by 7.

The applicant's share of actual or capped Council Tax liability for the calculation of Council Tax Support shall be reduced where applicable by an amount in respect of any non-dependant assessed in accordance with the provisions of the Council Tax Benefit Regulations 2006 as at 31 March 2013 except that the amount of the deduction shall be increased on the same basis as comparable deductions under the Housing Benefit Regulations 2006 and the income bands to which these levels apply shall be amended in line with those in the Housing Benefit Regulations 2006. The resulting amount, if any, is the "eligible Council Tax".

Where the applicant receives Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance, the weekly entitlement to Council Tax Support shall be their eligible Council Tax.

Where the applicant does not receive Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance, and assessed income is no more than the applicable amount, the weekly entitlement to Council Tax Support shall be their eligible Council Tax.

Where the applicant does not receive Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance, and assessed income is more than the applicable amount, the weekly entitlement to Council Tax Support shall be their eligible Council Tax less [20%] of the amount by which that income exceeds the applicable amount.

In any case, if the assessed weekly entitlement is less than £1, there shall be no entitlement in that week.

### **Applications, periods of entitlement, effect of changes**

Except where the Council treats an applicant of Council Tax Benefit as having applied for Council Tax Support under transitional arrangements, a person may make an application in writing, including by e-mail to [benefits@bury.gov.uk](mailto:benefits@bury.gov.uk) or on-line using the Council's web site ([www.bury.gov.uk/benefits](http://www.bury.gov.uk/benefits)).

In the case of a couple jointly liable for Council Tax, either may make the application.

Where a person who would otherwise make an application for Council Tax Support has an existing appointee or attorney, that appointee or attorney must make the application, and deal with all aspects of the application, on the liable person's behalf.

Where the Council decides that any other person who would otherwise make an application for Council Tax Support is for the time being unable to act, it may appoint a person to act for the liable person, to exercise any powers and rights and to meet any obligation of the liable person on their behalf. Such arrangements will follow those set out in part 8 of the Council Tax Benefit Regulations 2006 as at 31 March 2013.



The applicant must provide information and evidence reasonably required by the Council within one month of the application.

A request for Council Tax Support made to the Council by telephone will be treated as an application if the applicant provides a written application and information and evidence reasonably required by the Council within one month of the application.

The Council will assess a complete application as soon as practical. Where the Council has received an application but has not received the information and evidence required to assess it within one month, it may refuse the application or extend the time limit if there are good reasons for doing so.

An award of Council Tax Support will begin on the date the Council received the application, as above, except where there is no immediate entitlement but the Council can confidently assess an entitlement beginning on the date of a change anticipated to take place within three months of the date of the application.

Where a person makes an application within one month of receiving the first Council Tax demand on first becoming liable for Council Tax in Bury or at a new property, the Council may award Council Tax Support from the start of the new liability.

The Council may award Council Tax Support for a fixed period but will usually make an open ended award with entitlement initially assessed until the end of the current financial year.

At any time the Council may ask an applicant to provide information and evidence relating to their current or past circumstances and may end an award of Council Tax Support if the applicant does not provide such information and evidence within one month or such longer time as the Council may exceptionally agree.

Entitlement to Council Tax Support shall end on the death of the applicant but if another member of the household consequently applies for Council Tax Support within one month of that death, entitlement to Council Tax Support will begin on the day following the death.

Entitlement to Council Tax Support shall end on the same day as any liability ends or the applicant becomes exempt from Council Tax, save that if there is consecutive liability at a different address within Bury, the Council shall treat this as a change rather than end entitlement.

People applying for or receiving an award of Council Tax Support have a duty to notify any change which they can be expected to believe may affect their entitlement to Council Tax Support or which the Council's notifications to them have required them to notify.

Following a change of circumstances, the Council will change entitlement to Council Tax Support appropriately for the change in question. Where the applicant is also entitled to Housing Benefit and the change is relevant to Housing Benefit, the change will take effect on the day it takes effect under the Housing Benefit regulations.

Where the change relates to the liability for Council Tax at the property (before any discount is applied for Council Tax Support), the Council will change entitlement to Council Tax Support from the day of that change in liability. Where the change is the result of the annual uprating of national benefits or tax credits at the start of the financial year, the Council will change entitlement to Council Tax Support from 1 April rather than from the date that benefit or tax credit changed.

Where a change is a change of entitlement to a national benefit or tax credit as a result of an appeal, the Council will change entitlement to Council Tax Support in line with the date determined in that appeal.

Otherwise, where a change would increase the amount of Council Tax Support and the Council learns of the change more than a month after it took place, the Council will change entitlement to Council Tax Support from the date it learned of the change.

In situations other than the above, the Council will change entitlement to Council Tax Support from the date of the change in circumstances.

### **Reviews and appeals**

The Council will review a decision if asked to do so by the applicant within one month of the date of the notification of the decision. Such a review shall not extend to aspects of the decision which are unchanged from previous decisions on the applicant's entitlement.

On review, the Council may confirm or change its decision, whether to the advantage or disadvantage of the applicant.

An applicant may appeal to an independent body in accordance with national regulations and the Council will provide a response to such appeals.

The Council may review and change any decision relating to Council Tax Support to correct an accidental error or to take into account new caselaw relevant to the decision in question but shall be under no obligation to do so in respect of entitlement in any previous financial year.

### **Payments, overpayment, suspension of payment**

The council will apply an award of Council Tax Support as a discount to the relevant Council Tax account for the remainder of the financial year, thereby reducing the amount of Council Tax payable. The Council may adjust this amount as a result of changes through the year or of the end of entitlement to Council Tax Support

The Council may suspend any adjustment to the amount, or further award, of Council Tax Support if there is doubt about a person's entitlement to or the level of entitlement to Council Tax Support but in such a case shall take all necessary steps to resolve such doubts as soon as practical. The Council may also suspend any adjustment to the amount, or further award, of Council Tax Support if an applicant does not provide information or evidence requested within one month of the request and may end the award of Council Tax Support from the date the information or evidence was requested if it is not provided within one month of the date of the suspension.

Where the Council decides that it has overpaid Council Tax Support, it will usually reduce the amount applied to the account but reserves the right to waive such recovery in cases of "official error" where the applicant could not be considered to have caused or contributed to the overpayment, had no reason to doubt the amount awarded and could not be expected to repay the overpayment quickly without difficulty. Adjustments for the remainder of the financial year from the date of a change or the correction of an error will always be applied.

### **Extended payment**

Where an applicant receiving Council Tax Support starts work and notifies the Council of this within a month of starting work, in the circumstances set out in part 6 of the Council Tax Benefit Regulations 2006 the Council will not reduce the amount of the discount for Council Tax Support already applied in respect of the period of four weeks from the date the applicant started work.

### **People who receive Universal Credit**

During 2013/14 some people who would have claimed benefits such as Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Housing Benefit and tax credits will instead claim Universal Credit. In future years Universal Credit will replace those benefits entirely. This scheme is therefore required to make provision for the assessment of entitlement to Council Tax Support where a person receives Universal Credit.

Entitlement to Universal Credit will not automatically entitle its recipients to full Council Tax Support in the way that Income Support, income-based Jobseeker's Allowance and income related Employment and Support Allowance do.

When sufficient detail of the Universal Credit scheme and its administration is available, the Council will seek to define a readily identifiable level of Universal Credit that will entitle its recipients to the highest level of Council Tax Support available under this scheme to a similar extent as that given by the present national means tested benefits.

For other Universal Credit applicants, the Council will in general use the government's assessment of income for Universal Credit as the income for Council Tax Support and additionally count the amount of Universal Credit received as income in its own calculation of income. The Council will consider whether this should be subject to any disregard, whether in respect of the housing element or otherwise.

### **Personal Independence Payments**

The Welfare Reform Act 2012 paves the way for the replacement of Disability Living Allowance (DLA) by a new scheme of Personal Independence Payments (PIP). The assessment of Council Tax Support will disregard PIP as it does DLA. Where DLA impacts features of the assessment, for example in the inclusion of premiums in the applicable amount, the Council will seek to treat PIP on a comparable basis and align its rules with the rules for Housing Benefit as intended to reflect the change from DLA to PIP.