

<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>27<sup>th</sup> FEBRUARY 2019</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR CORPORATE RESOURCES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KEVIN STACKHOUSE (01283 595811)</b> <a href="mailto:Kevin.stackhouse@south-derbys.gov.uk">Kevin.stackhouse@south-derbys.gov.uk</a>	<b>DOC:</b> u/ks/council tax and precepts/council tax support scheme/scheme1920/SDDC local scheme regulations 2019
<b>SUBJECT:</b>	<b>COUNCIL TAX REDUCTION SCHEME REGULATIONS 2019</b>	<b>REF</b>
<b>WARD (S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: Article 4.02 paragraph 7</b>

## **1.0 Recommendations**

1.1 Under Section 10 of the Local Government Finance Act 2012, a Local Council Tax Support Scheme for South Derbyshire is adopted for the financial year commencing 1 April 2019.

1.2 Regulations are approved and cited as the Council Tax Reduction Scheme Regulations (South Derbyshire District Council Local Scheme 2019) and come into force on 28 February 2019.

1.3 These regulations amend the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013, as amended, set out in the Schedule to those Regulations for the purposes of paragraph 4 of Schedule 1A to the Local Government Finance Act 1992, by:

- Continuing the insertion of Section 18a Class G: exempt persons who are not pensioners.
- Continuing the insertion of Section 18b Class H: persons who are not pensioners.
- Continuing the amendment to Regulation 32 to vary the maximum entitlement in prescribed cases, i.e. to give effect to the designation of war pensioners and the disabled as protected groups (in addition to pensioners under the Prescribed Requirements) and to reduce benefit entitlement in non-protected groups by 8.5% for persons on passported benefit and by 10% in all other cases.
- Continuing the amendment to Schedule 8 (20) to ensure the disregard of war pensions, to include other payments made under the Armed Forces Compensation Scheme.

- Continuing the insertion at Part 12 Chapter 6 the provision to increase the period of extended payments (as defined in the Regulations) from 4 to 8 weeks.

1.4 That the amounts of pensions, tax credits, income related and non-income related social security benefits and allowances, component parts, applicable amounts, premiums and deductions are uprated in accordance with the 2013 Regulations in 1.3 above as set out in Housing Benefit Circular HB A8/2018

## **2.0 Purpose of Report**

2.1 To adopt the detailed regulations for the proposed Local Council Tax Reduction Scheme for South Derbyshire for the financial year 2019/20.

2.2 This is based on the recommendation of the Finance and Management Committee of 14 February 2019. After considering options available, the Committee recommended that the scheme in place for 2018/19 should be continued into 2019/20, with no changes.

2.3 As a billing authority, the Council is statutorily required to adopt a local scheme before 11 March 2019. The Regulations will come into force immediately and will be effective from 1 April 2019.

## **3.0 Detail**

### **Council Tax Reduction Scheme**

3.1 The South Derbyshire regulations are based on the previous national scheme that applied to Council Tax Benefit prior to 2013/14.

3.2 In summary, the Local Scheme incorporates the previous parameters and thresholds for calculating Council Tax Reduction for claimants, adjusted to reflect the following parameters:

- That working age claimants currently receiving 100% benefit are deducted 8.5% from their entitlement calculated under the Local Scheme.
- That all other working age claimants are deducted 10% from their entitlement calculated under the Local Scheme.
- That full Council Tax Reduction for claimants entering work is extended from 4 weeks to 8 weeks in the Local Scheme.
- That working age only claimants receive the full child personal allowance for all children.

3.3 Within the Local Scheme, certain claimants are protected and continue to receive the same level of support as existed under the previous national scheme. Protection is afforded to the following groups:

- All claimants of pensionable age (this is a statutory requirement).
- All households who qualify for benefit through disability premiums.
- Working-age claimants with more than two children.
- All war widow and war disabled claimants.
- All military compensation payments are fully disregarded in calculating Council Tax Reduction.

3.4 The Local Scheme will also apply to all new claimants after 1 April 2019

3.5 The detailed regulations, guidance and supporting information will be published on the Council's web site.

#### **4.0 Financial Implications**

4.1 Detailed implications were considered by the Finance and Management Committee on 14 February 2019. The cost of the Local Scheme is currently being contained within the Council's Budget and it is anticipated that this will continue for 2019/20.

#### **5.0 Corporate Implications**

##### **Employment Implications**

5.1 None

##### **Legal Implications**

5.2 None

##### **Corporate Plan Implications**

5.3 The Local Scheme contributes to the Corporate Plan key aim of "*protecting and helping support the most vulnerable, including those affected by financial challenges*" (PE 2)

##### **Risk Impact**

5.4 None

#### **6.0 Community Impact**

##### **Consultation**

6.1 None required.

## **Equality and Diversity Impact**

- 6.2 A full Equality Impact Assessment was undertaken in August 2012 on the Council's Local Scheme. A local discretionary scheme that is awarding financial assistance has the potential to discriminate against one of the nine protected characteristics under the 2010 Equality Act and in particular those relating to age and disability.
- 6.3 A person's age and whether they are of working age, together with disability, are factors that are considered in awarding some benefits as this data is collected in assessing entitlement.
- 6.4 Under the Council's Local Scheme, Pensioners receive statutory protection and the Council has used its discretion to protect disability households. Additional liability falls on working age claimants.
- 6.5 It is not considered that the other seven characteristics are affected as they are not relevant to the calculation of Council Tax reduction (*this includes gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation*).
- 6.6 In addition, the Local Scheme provides additional support to war widows and war disabled claimants under the Armed Forces Covenant.

## **Social Value Impact**

- 6.7 As highlighted above.

## **Environmental Sustainability**

- 6.8 None

## **7.0 Background Papers**

- 7.1 None