

BABERGH DISTRICT COUNCIL

TO: Cabinet	REPORT NUMBER: BCa/22/27
FROM: Cabinet Member for Finance, Assets and Investments Dave Busby	DATE OF MEETING: 3 October 2022
OFFICER: Melissa Evans – Director Corporate Resources	KEY DECISION REF NO. CAB383

Council Tax Reduction (Working Age) Scheme 2023/24 - Consultation

1. PURPOSE OF REPORT

- 1.1 To outline proposed changes to the Council Tax Reduction (Working Age) Scheme and to seek approval from Councillors to enter a period of formal consultation before seeking adoption of the revised scheme to Cabinet and Council in early 2023. The Council Tax Reduction (Working Age) Revised Scheme will come into effect on 1st April 2023

2. OPTIONS CONSIDERED

- 2.1 Option 1
Renew the existing Working Age LCTR Scheme to allow an up to 100% maximum reduction for all households.
- 2.2 Option 2
Renew the existing Working Age LCTR Scheme to allow an up to 100% maximum reduction for all legacy benefit households and introduce a simplified scheme for UC customers that will allow 'passport' claims to be automated based on the UC financial data without additional verification.
- 2.3 Option 3
Renew the existing Working Age LCTR Scheme to allow an up to 100% maximum reduction for all legacy benefit households and introduce a simplified scheme for UC customers that will allow 'passport' claims to be automated based on the UC financial data without additional verification. Create a transitional protection scheme to support those households who would be worse off under the simplified UC scheme.
- 2.4 Option 4
Continue with the existing Working Age LCTR Scheme of up to 95% maximum reduction for all households

<p>3. RECOMMENDATIONS</p> <p>3.1 To consult on Option 3 as set out in Appendix B of this report as the basis for a revised (Working Age) Council Tax Reduction Scheme for 2023/24.</p> <p>3.2 To authorise the Director for Corporate Resources following consultation with the Cabinet Member for Finance to initiate the formal consultation on the proposed revision to the Babergh District Council (Working Age) Council Tax Reduction Local Scheme.</p>
<p>REASON FOR DECISION</p> <p>3.3 To increase the maximum reduction available to 100% and reduce the number of customers undergoing recovery processes.</p> <p>3.4 To avoid unnecessary means testing and provide equitable access to CTR for all customers who receive welfare benefits.</p> <p>3.5 To reduce the requirement for recalculation of awards for customers on UC with fluctuating earnings.</p> <p>3.6 To ensure that no customer is disadvantaged on the introduction of the new CTR Scheme</p> <p>3.7 To meet the statutory consultation requirements and inform future decision making.</p>

4. KEY INFORMATION

- 4.1 The Council currently operates two Council Tax Reduction (CTR) schemes:
- CTR State Pension Age Scheme; and
 - CTR Working Age (Local) Scheme
- 4.2 The State Pension Age Scheme is a prescribed scheme and councils are prohibited from changing any aspect of the scheme.
- 4.3 The Council's CTR Working Age (Local) Scheme (CTRS) was first introduced in April 2013 offering a maximum reduction in Council Tax to eligible households of 91.5%
- 4.4 The Scheme was subsequently revised in 2018 – increasing the maximum reduction available to 95% for both councils whilst allowing customers in receipt of the then new Universal Credit (UC) the same access to CTR as recipients of the legacy benefits which Universal Credit had replaced.
- 4.5 In response to the 'cost of living' crisis there is a proposal to renew the Working Age LCTR to allow an up to 100% reduction. Helping the most financially vulnerable across the districts and provide some much needed support within a well-established scheme.

- 4.6 In order to deliver this support three options have been reviewed with a recommendation for the option that protects the most financially vulnerable, will be least bureaucratic and can also deliver service efficiencies in the future. This is reflected in a new banded scheme that encompasses transitional protection in 2023/24.
- 4.7 Following the consultation, a recommendation for a revised scheme will be proposed to Cabinet and Council in early 2023.

5. Background

- 5.1 The CTR schemes 'piggyback' on the means-tested Housing Benefit (HB) scheme using the same calculation method & rules for entitlement. This works well for those customers who receive both Housing Benefit and Council Tax Reduction although, for a number of customers, this means-testing is undertaken solely to calculate entitlement to CTR. I will refer to these as CTR only cases.
- 5.2 The number of CTR only cases have grown as Universal Credit becomes the primary benefit claimed by new customers requiring help with rent. Additionally, the Department for Work and Pensions (DWP) have been migrating all existing working age HB claimants onto Universal Credit. This migration will continue for legacy benefits at an unspecified date in the future. Whilst a 'natural' migration had been planned, the Coronavirus pandemic caused a significant acceleration in this migration as many existing customers experienced a significant change in their circumstances which required a move from HB to UC.
- 5.3 Since the introduction of the revised scheme in 2018, the caseload profile for recipients of Council Tax Reduction has changed significantly and now almost 60% of CTR customers receive Universal Credit.
- 5.4 The operation of the current CTR scheme is administratively burdensome. UC has award periods which require reviews to entitlement of UC every month for people who work. These reviews generate new award notifications to Local Authorities (LA's) for any change in circumstances which, in turn, prompt a reassessment of CTR awards. The proposals for an up to 100% reduction scheme will also produce a reduction in printing, postage and recalculation of awards.
- 5.5 The efficiencies highlighted above will deliver service savings within the Shared Revenues Partnership. These will be realised through potentially lower financial contributions from Babergh, Mid Suffolk and Ipswich for the financial year following the introduction of a 100% reduction scheme. This could be in the region of £75,000 to £150,000 in subsequent years to be shared amongst the partners.
- 5.6 The continual reassessments consequently create Council Tax (CT) adjustments which necessitate the production of a new CT bill. Each new bill notifies the customer that a new instalment plan has been set (satisfying the legal notice period) and of the date when the first instalment falls due. This effectively defers the customer from making CT payments and, just before that new instalment falls due, UC recalculates again, and the process is repeated. This constant deferral causes confusion for customers as to when and how much to pay and can lead to accrual of CT arrear debt. A mechanism which reduces the requirement to recalculate

awards would provide clarity for customers with fluctuating earnings and allow for any Council Tax due to be spread over the year.

- 5.7 As the current scheme requires that everyone contributes towards their Council Tax by at least 5%, many CTR customers are left with small balances to pay. These balances are difficult to collect, and recovery processes can lead to customers incurring costs – sometimes the cost of which exceeds the balance to pay. These balances are difficult to collect, and recovery processes can lead to customers incurring costs – sometimes the cost of which exceeds the balance to pay. Moving to a 100% reduction maximum scheme would mean those customers who are living on welfare benefits alone would have no Council Tax to pay and would not be subject to recovery processes or related costs. The reduction in recovery action will reduce the printing and postage of reminders, final notices and summons'. These processes themselves are generally automated and offer no potential for officer time savings.
- 5.8 The existing LCTR scheme does not work well for customers in receipt of UC and the proposals detailed within this report will significantly alleviate the pressures of financial uncertainty for this group of customers.
- 5.9 The additional financial pressures brought about by the current 'cost of living' crisis make this timely for the Council to offer additional financial support to its most financially vulnerable residents

6. Options To be considered

6.1 Option 1

Renew the existing Working Age LCTR Scheme to allow an up to 100% maximum reduction for all households.

- 6.2 Moving to a 100% reduction maximum scheme would mean those customers who are living on welfare benefits alone would have no Council Tax to pay and would not be subject to recovery processes or related costs.
- 6.3 This is the simplest change to introduce but perpetuates the existing problems of Universal Credit customers being put through a secondary means-test process and then being subject to monthly means-tested reviews as UC awards change. As the UC caseload increases, the workload is likely to become unmanageable and lead to long delays for all customers (including those on Housing Benefit) unless there is to be further investment in additional resources.
- 6.4 Approximately 2469 individuals will be better off, each customer will gain CTR equal to 5% of their Council Tax liability. An average increase of £1.15 per week.
- 6.5 **Option 2**
Renew the existing Working Age LCTR Scheme to allow an up to 100% maximum reduction for all legacy benefit households and introduce a simplified scheme for UC customers that will allow 'passported' claims to be automated based on the UC financial data without additional verification.
- 6.6 UC claims without additional earnings would be awarded a 100% reduction on their Council Tax automatically based on their calculated UC entitlement. Customers

with additional earnings will be managed within the scheme based on the level of earnings they receive as evidenced to and reported by DWP.

- 6.7 This scheme will maximise the opportunity for automation of UC notifications, offer a transparent scheme that will allow customers to calculate their own entitlement 'at a glance' and dramatically reduce the number of transactions that would lead to new bills/notifications being produced.
- 6.8 Approximately 2155 individuals will have the same/better reduction with an average benefit increase of £1.32 per week and a maximum benefit increase of £32.77 per week.
- 6.9 This option could deliver future operational savings of £75,000 to £150,000 in subsequent financial years following the introduction to be shared amongst the partners.
- 6.10 **Option 3**
Same as Option 2 above but introduces a Transitional Protection Scheme for Universal Credit customers that would otherwise receive a lower entitlement at the introduction of the new scheme.
- 6.11 This scheme could operate until a change in circumstances or break in claim. The details of operation are part of the consultation.
- 6.12 As with Option 2 except approximately an additional 314 individuals will receive Transitional Protection. This results in 2469 individuals having the same/better reduction.
- 6.13 This option could deliver future operational savings in subsequent financial years following the introduction.
- 6.14 This option will ensure that no customer is financially 'worse off' on the introduction of a new CTR Scheme.

7. LINKS TO CORPORATE PLAN

- 7.1 Ensuring that the Council makes best use of its resources is what underpins the ability to achieve the priorities set out in the Corporate Plan.

8. FINANCIAL IMPLICATIONS

- 8.1 The costs for Babergh of the three options are set out below, as mentioned in paragraph 6.9 there is likely to be operational savings that would offset these costs.

Option 1 Increase CTR from 95% to 100%	£13.4k
Option 2 Increase CTR from 95% to 100% and introduce a Banded Earnings scheme for UC customers	£15.5k
Option 3 Increase CTR from 95% to 100% and introduce a Banded Earnings scheme for UC customers and Transitional Protection.	£28.5k

9. LEGAL IMPLICATIONS

- 9.1 Section 13A(1) of the Local Government Finance Act 1992 (as amended) states that the amount of council tax which a person is liable to pay in respect of any chargeable dwelling and any day (a) is to be reduced to the extent if any required by the Council's council tax reduction scheme under section 13A(2). Subsection 13A(1)(c) allows that in any case the council tax liability may be reduced, or if the amount has already been reduced under section 13A(1)(a), to such further extent, as the Council thinks fit. Under Section 13A(2) the Council must make a scheme specifying the reductions which are to apply to amounts of council tax payable in respect of dwellings situated in its area, by (a) persons whom the Council considers to be in financial need, or (b) persons in classes consisting of persons whom the Council considers to be, in general, in financial need. Section 13A(6) confirms the power under subsection (1)(c) includes the power for the Council to reduce an amount of council tax liability to nil.
- 9.2 Schedule 1A sets the arrangements for council tax reduction schemes. Paragraph 2 details the matters to be included in schemes, for example Paragraph 2(1) states that a scheme must state the class of persons who are to be entitled to a reduction under the scheme, and paragraph 2(3) says a scheme must set out the reduction to which each person in each class are to be entitled, and different reductions may be set out for different classes. Paragraph 4(d) confirms a reduction may be the whole amount of council tax (so that the amount payable is nil). Paragraph 5 of Schedule 1A requires the Council each financial year to consider whether to revise its scheme or replace it with another scheme.
- 9.3 Before making a scheme, the Council has a duty to (in the following order): (a) consult any major precepting authority which has the power to issue a precept to it; (b) publish a draft scheme, and (c) consult "such other persons as it considers are likely to have an interest in the operation of the scheme." (Schedule 1A Paragraph 3(1)). Once the Council has made the scheme it must publish it in the manner it thinks fit (Paragraph 3(3) of Schedule 1A).
- 9.4 If a Council fails to consult in accordance with the Act and the so-called Gunning principles on consultation, there is a possibility that any scheme could be subject to a challenge of Judicial Review, and if successful may be set aside. These principles are: (1) proposals are still at a formative stage; (2) there is sufficient information to give 'intelligent consideration'; (3) there is adequate time for consideration and response; and (4) 'conscientious consideration' must be given to the consultation responses before a decision is made. The Council should therefore ensure that it consults with anyone who is likely to have an interest in the scheme, provide enough information of the scheme, and sufficiently reasonably time to respond, and it must then properly consider and take into account any responses received.

10. RISK MANAGEMENT

- 10.1 This report is most closely linked with the Council's Corporate / Significant Business. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Successful legal challenge to the Working Age CTR scheme changes	Highly unlikely	Bad/Serious	Follow legal requirements for public consultation
Failure to meet the deadlines for agreeing/ implementing the scheme	Highly Unlikely	Bad/Serious	Project Management Committee Scheduling Gateway Reviews Test system set-up

11. CONSULTATIONS

- 11.1 The Leader of the Council and the Cabinet Member for Finance were consulted in the designing of the options for consideration.
- 11.2 Before any such changes can be adopted, the Council is required to
- consult any major precepting authority which has power to issue a precept to it,
 - publish a draft scheme in such manner as it thinks fit, and
 - consult such other persons as it considers are likely to have an interest in the operation of the scheme.
- 11.3 In 11.1 above:
- 11.4 Major precepting authorities would be Suffolk County Council and the Police & Crime Commissioner for Suffolk, both of whom can be approached direct.
- 11.5 Publishing the scheme would be satisfied by publishing the revised CTR Scheme on the Council's Web Site, provided that attention is drawn to it on the "Home" page and elsewhere, such as:
- in Social Media posts,
 - in the signature panel of Council e-mails,
 - in a standard paragraph in every Council Tax, CTR and Housing Benefit letter sent, and
 - in a local press release.
- 11.6 Consultation would include:

- a) Council Tax liable persons.
- b) Those currently in receipt of a Council Tax Reduction (CTR):
- c) Advisers regarding debt problems – including SCC Financial Inclusion Advice Service, Citizens Advice, Anglia Care Trust, Step Change, and National Debt Line; and
- d) Landlords, in particular, Social Landlords and the Council’s Housing Departments.

11.7 Consulting those above can be carried out in tandem with the publication of the scheme by inviting comments from those who view it on-line and by the publicity suggested regarding publication above.

11.8 A draft timeline for the consultation and decision making is shown below

Cabinet decision on consultation	6-week consultation	Earliest date to make a decision		Latest date to make the decision	
		Cabinet	Council	Cabinet	Council
3 rd October 2022	13 th October to 24 th November	9 th January 2023	24 th January 2023	6 th February 2023	20 th February 2023

12. EQUALITY ANALYSIS

- 12.1 The proposals in this report equalise the Pension Age CTR Scheme and the Working Age CTR Scheme by offering up to 100% Council Tax Reduction thus ensuring that as well as age, there won’t be discrimination against the other protected characteristics under the Equality Act 2010 (disability, sex, gender reassignment, pregnancy, maternity, race, sexual orientation, religion or belief or because someone is married or in civil partnership)
- 12.2 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 12.3 The proposals in this report equalise the pension age CTR scheme and the working age CTR scheme by offering up to 100% council tax reduction thus ensuring age is not a reason for difference in treatment under either scheme.
- 12.4 Equality Impact Assessment (EIA) not required for consultation but will be undertaken prior to any scheme change implementation.

ENVIRONMENTAL IMPLICATIONS

- 12.5 The proposal to amend the Local Council Tax Reduction Scheme does not have a detrimental impact on the Council’s climate change objectives.

13. APPENDICES

Title	Location
Option 1 Increase the maximum rate of CTR from 95% to 100%	Appendix A
Option 2 Increase the maximum rate of CTR from 95% to 100% and introduce a Banded Earnings scheme for UC customers	Appendix B
Option 3 Increase the maximum rate of CTR from 95% to 100% and introduce a Banded Earnings scheme for UC customers and Transitional Protection.	Appendix C

14. BACKGROUND DOCUMENTS

14.1 None.

Option 1

Increase the maximum rate of CTR from 95% to 100% reduction of the Council Tax charge maintaining alignment with the Housing Benefit Scheme.

This provides for the simplest change and allows for all customers to be treated in the same way. The caseload changes on a daily basis but the table below demonstrates the approximate cost of change.

Table 1

	Council Tax Net Collectable Liability	Cost of CTR 22/23 95% Scheme	Cost of CTR 22/23 100% Scheme	Cost of uplift to 100% Scheme (+5% liability)	Caseload on 30th June 2022
Based on data as of 30 th June 2022					
Working Age	£780,579	£2,510,697	£2,658,111	£147,414	2,469

The cost of the CTR scheme is borne proportionally by precepting authorities.

Based on the 2022/23 Council Tax Band D figures, the increase in the scheme costs would impact the preceptors by the following amounts:

Table 2

Cost of uplift to 100% Scheme	Suffolk County Council 73.7%	Police & Crime Commissioner 12.7%	Babergh 9.1%	Parish Average 4.6%
£147.4k	£108.6k	£18.7k	£13.4k	£6.7k

Option 2

Increase the maximum rate of CTR from 95% to 100% reduction of the Council Tax charge maintaining alignment with the Housing Benefit Scheme for legacy customers and introduce a Banded Earnings element to the scheme to account for Universal Credit customers.

This scheme (as modelled) costs just £22,810 more to support than option 1. The cost of the CTR scheme is borne proportionally by precepting authorities. Based on the 2022/23 Council Tax Band D figures, the increase in the scheme costs would impact the preceptors by the following amounts:

Table 3

Cost of uplift to 100% Scheme and UC Banded Scheme	Suffolk County Council 73.7%	Police & Crime Commissioner 12.7%	Babergh 9.1%	Parish Average 4.6%
£170.2k	£125.4k	£21.6k	£15.5k	£7.7k

Option 2 was modelled assuming the following income thresholds for customers on UC. These are completely flexible, and both the band thresholds and weekly contribution can be amended.

Table 4 – Income Bands

Income Bands (Monthly)	monthly contribution	Income Bands (Weekly up to)	Weekly contribution
Not in work or less than £290	£0	Not in work or less than £66.92	£0
£290 - £609.99	£35	£140.77	£8.08
£610 - £1159.99	£80	£267.69	£18.46
£1160 to £1844.99	£120	£425.77	£27.69
£1845 - £2369.99	£185	£546.92	£42.69
£2370 - £2899.99	£240	£669.23	£55.39
Over £2900	No entitlement to CTS	over £669.23	No entitlement to CTS

Only those UC customers who earn over £290 per month would need to make any contribution towards their Council Tax and, provided their earnings do not fluctuate greatly, payments would remain the same throughout the year.

The main groups of people who benefit from this scheme are those where the claimant or partner had Carers Allowance or Employment Support Allowance included within their Universal Credit. This is counted as income within the current scheme and 20% of that income is used to reduce weekly entitlement to CTR. Under the new scheme, those customers who do not work are 'passported' to full CTR. Those customers who work and have Carers/Employment Support Allowance, have this 'other' income disregarded as additional income and, as such, see less of a reduction to their weekly entitlement.

93.67% of customers receive the same/better reduction than under the current scheme.

The customers who are adversely affected by this change are those who have Housing Costs included within their UC. The current scheme assumes that the assessed UC level is equivalent to the 'basic living allowance' used for legacy benefit customers and results in higher entitlement to CTR.

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Option 3

Increase the maximum rate of CTR from 95% to 100% reduction of the Council Tax charge maintaining alignment with the Housing Benefit Scheme for legacy customers, introduce a Banded Earnings element to the scheme to account for Universal Credit customers and Transitional Protection.

Option 3 details are as for Option 2 but, for those customers who would be adversely affected under Option 2, Transitional Protection would be awarded to 'top up' entitlement to that of entitlement levels at the 31st March 2022.

Transitional Protection is awarded under Section 13A (1)(c) of the Local Government Finance Act 1992 which gives Local Authorities the ability to make a further reduction to an established LCTR scheme in saying that the amount of Council Tax which a person is liable to pay in respect of any chargeable dwelling and any day 'may be reduced to such extent (or, if the amount has been reduced under paragraph (a) or (b), such further extent) as the billing authority for the area in which the dwelling is situated thinks fit'. Such additional awards are made at the Councils discretion.

Awards made at the Council's discretion are to be financed by the Council.

Due to the multiple ways that a Transitional Protection scheme can operate the costs will be calculated post consultation based on feedback received.

Introducing a Transitional Protection Scheme to preserve the award for 23/24 to at least that of the entitlement in 22/23 would have the following estimated cost **£28.5k**

These estimates assume a Transitional Protection award for the whole of the financial year 2023/24.