

Appendix A

Name:	Leicestershire & Rutland Council Tax Support Scheme
Date:	31 January 2014
Author:	Leicestershire and Rutland Welfare Practitioners Group
Release/Version	V3.4

Approvals:

This document forms part of the Leicestershire and Rutland Council Tax Support Scheme. Please note this scheme does not include Leicester City Council. The following people are points of contact for the scheme and are the point of contact for the approval of the scheme within each authority.

Name	Authority
Martyn Bowen	Melton BC
Leigh Butler	Hinckley & Bosworth BC, Harborough DC and North West Leicester DC
Jason Firth	Leicestershire County Council
Andrea Grinney	Rutland County Council
Daren Nowlan	Oadby & Wigston BC
Graham Perkins	Blaby DC
David Platts	Charnwood BC
James Rossell	Leicestershire County Council

Distribution

This document has been distributed to:

Name	Title	Date	Version
LALAT	Chief Accountants group	08-08-12	V2.0
WRPG	Welfare Reform Practitioners Group	15-08-12	V3.0

Revision History

Version	Date	Summary of Changes
1.0	August 2012	Draft Policy by D Nowlan
2.0	September 2012	Updated version by D Nowlan, A Grinney and M Bowen circulated to WPG
3.0	October 2012	Comments added from D Platts and L Butler
3.1	2 October 2012	WPG policy design team, D Nowlan, M Bowen, D West, J Aimson, S Short.
3.2	2 November 2012	Advice from CIPFA
3.3	12 December 2012	Legal Advice
3.4	31 January 2014	Updated for 2014-15 revised non-dependent deductions

Appendix A

Rutland County Council COUNCIL TAX SUPPORT SCHEME

Introductory Notes

The Council, in accordance with Section 13A of the Local Government Finance Act 1992 (c. 14), substituted by section 9 of the Local Government Finance Act 2012, requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of council tax payable by persons, or classes or persons, whom the authority considers are in financial need. This scheme, entitled the Council Tax Support Scheme (the scheme) complies with that requirement. Assistance under said scheme shall be referred to as Council Tax Support (CTS). The Council is under a further duty to comply with all the requirements set out in the Council Tax Reductions Schemes (Prescribed Requirements) Regulations (SI2012/2885) and any other provisions prescribed by law.

1) Introduction

- a) Government legislation has abolished Council Tax Benefit (CTB) from 1 April 2013. Accordingly, all Councils are required to implement new arrangements to replace CTB. The new scheme is called the Council Tax Support Scheme (CTS). This change is part of a wider set of welfare reforms currently being implemented and this scheme is intended to work closely within the framework of national welfare reform.
- b) The authorities below in 1 b (i) to 1 b (vii) have cooperated and shared best practice to develop this Council Tax Support Scheme.
 - i) Blaby District Council
 - ii) Charnwood Borough Council
 - iii) Harborough District Council
 - iv) Hinckley and Bosworth Borough Council
 - v) Leicestershire Combined Fire Authority
 - vi) Leicestershire County Council
 - vii) Leicestershire Police Authority
 - viii) Melton Borough Council
 - ix) North West Leicestershire District Council
 - x) Oadby and Wigston Borough Council
 - xi) Rutland County Council
- c) The authorities have devised and agreed this shared scheme to allow each Council to tailor its scheme locally to suit its community needs, while ensuring the scheme is effective, affordable and seeks to protect the vulnerable.
- d) The Government has determined that pensioners should be protected from the impacts of these reforms and has developed a prescribed scheme to ensure that pensioners are not adversely affected by these reforms. This scheme fully complies with the prescribed requirements.
- e) The Government has further provided a default scheme that will be applied to all Councils where that Council has not implemented its own CTS scheme by 31 January 2013. The provisions of the default scheme are such that it broadly prescribes to the requirements of the existing CTB scheme and would deliver similar outcomes for recipients. Whilst this would ensure that the impacts of the changes were minimised it would also mean that the Council and its preceptors would have suffered a loss in income equal to the cut in the Government grant in excess of 10% of prior CTB expenditure.

Appendix A

2) Aims

- a) The Council intends where possible to ensure that this CTS scheme will operate in a consistent manner across Leicestershire and Rutland but will permit variation according to local needs and funding arrangements. In doing so this CTS scheme ensures that:
 - i) Residents moving between authorities do not experience significant variations in the available assistance;
 - ii) Vulnerable persons are protected; and
 - iii) Work is incentivised.

3) Administration of the Scheme

- a) Administration of the scheme is set out in the Prescribed and Default Regulations. Unless specified otherwise, the scheme will be operated in full compliance with these regulations.
- b) The scheme will include the regular monitoring of expenditure which will include reporting to:
 - i) The Councils Section 151 officer;
 - ii) The Councils management team;
 - iii) The precepting authorities.
- c) The Council may administer Housing Benefit, other welfare payments and discretionary payments alongside the administration of Local Council Tax Support
- d) Personal data obtained by the Council for any lawful purpose may be used in the assessment and management of Local Council Tax Support entitlements.
- e) Personal data obtained by the Council for the purposes of processing or managing Local Council Tax Support may be shared in relation to Housing Benefit, Discretionary Housing Payments or any other fund administered under section 13A of the Local Government Finance Act 1992.
- f) Personal data obtained by the Council for the purposes of processing or managing Local Council Tax Support may be shared with any other body where:
 - i) The data subject (or their representative) provides formal consent;
 - ii) It is in the beneficial interest of the data subject to do so;
 - iii) To prevent fraud;
 - iv) The law permits sharing of the data, (for example to prevent or detect a crime).
- g) Persons in receipt of Local Council Tax Support shall be deemed to be in receipt of a means tested entitlement for the purposes of any Council policy where entitlement under that policy was linked to the receipt of Council Tax Benefit.

4) Legislative Framework

- a) The following legislation and guidance are relevant to this scheme.
 - i) Local Government Finance Act 2012 – referred to as the ‘Act’
 - ii) Child Poverty Act 2010

Appendix A

- iii) Equality Act 2010 (incorporating the Disabled Persons Act 1986)
- iv) Housing Act 1996
- v) Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (SI 2012/2885) – referred to as the ‘Prescribed Scheme’
- vi) Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (SI 2012/2886) – referred to as the ‘Default Scheme’
- vii) Housing Benefit Regulations 2006
- viii) Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006
- ix) Council Tax Benefit Regulations 2006 – referred to as the ‘CTB scheme’
- x) Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 – referred to as the ‘CTB pensioner scheme’
- xi) Housing and Council Tax Benefit (Decisions and Appeals) Regulations 2001 – referred to as the ‘Appeal Regulations’
- xii) Social Security Act 1992
- xiii) Taking Work Incentives into Account (DCLG, May 2012)
- xiv) Vulnerable People – Key Local Authority Duties (DCLG, May 2012)
- xv) Council Tax Reduction Schemes (Prescribed Requirements)(England)(Amendment) Regulations 2013

5) Savings Provision

- a) Designing and writing a CTS scheme is inherently complicated and there is a significant risk of omission and error that could lead to significant unintended consequences for both CTS recipients and Council finances. To mitigate and reduce these risks the Council adopts all regulations, provisions and schedules in the default scheme except where these are amended, deleted, supplemented or other provisions are made in this scheme. Furthermore, the Council will:
 - i) Maintain a schedule of the amendments made under paragraph 5a;
 - ii) Publish the scheme including any amendments on its website.
- b) The “default scheme” is the scheme prescribed in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 SI No 2886, including any subsequent amendment to those Regulations or any re-enactment thereof, with or without amendments.

6) Scheme Amendments

- a) Amendments to the scheme must be made and agreed at Full Council before the 31 January in any year to apply from the next 1 April.
- b) Any changes made under paragraph 6a may be applied from any date from 1 April or a later date as approved by the Council.
- c) Where changes to the scheme are being considered public consultation will take place for a period of not less than 8 weeks.

7) Review and Appeals of Decision(s)

- a) The Council will accept the decisions of the Valuation Tribunal (VT) in respect of appeals but reserves the right to protect its legal interests in cases where the decision of the VT

Appendix A

is considered unreasonable or perverse, following any legal advice the Council has sought.

8) Explanatory Note

- a) The schedules that follow are provided with the following summary scheme intentions. To make provision for:
 - i) The reduction in maximum liability that can be awarded below 100%;
 - ii) The restriction of maximum liability by Council Tax band;
 - iii) The setting of taper levels at any rate;
 - iv) The removal of the Alternative Maximum Council Tax Reduction Scheme in respect of non pensioners;
 - v) The setting of non dependant deductions in respect of non pensioners at rates other than defined in the default scheme and the uprating of those rates;
 - vi) The inclusion of additional provisions required to ensure continuity in the treatment of War Pensions and War Widows Pensions for pensioners and non pensioners;
 - vii) Allowing variations to capital limits, the treatment of capital and the calculation of tariff incomes in respect of non pensioners;
 - viii) Amendments to the rates of earned and unearned income disregards for working age claimants;

Appendix A

Schedule of Scheme Amendments

The following schedules provide for the changes to the paragraphs approved by Full Council. In all cases amendments include the date when this amendment was approved and the date from which the amendment will be effective from.

Appendix A

Calculation Parameters

Amendment	Maximum Reduction	
Reference	Explanatory Notes (i) and (ii)	
Approved	7 January 2013	Applicable From 1 April 2013
Paragraph	Amendment of Paragraph 29	
Description	Setting of the Maximum council tax reduction under this scheme and making provision for the restriction of CTS to a lower Council Tax band.	

A. In sub-paragraph (1), for “100 per cent” substitute “a percentage determined in accordance with sub-paragraph (1B)”.

B. In sub-paragraph (1), for “(2)” substitute “(1A)”.

C. Insert a new sub-paragraph (1A) as follows:

“(1A) In relation to a person who is not a pensioner, the value of A in sub-paragraph (1) shall not exceed the amount set by the authority as the council tax for the relevant financial year in respect of a dwelling in valuation band D.”

D. Insert a new sub-paragraph (1B) as follows:

“(1B) The percentage determined in sub-paragraph (1) shall be:

- (a) In relation to a person who is a pensioner, 100%;
- (b) In relation to a person who is not a pensioner, 75%.”

Appendix A

Alternative Maximum Council Tax Reduction

Amendment	Class F: Alternative maximum council tax reduction – persons who are not pensioners		
Reference	Explanatory Note (iv)		
Approved	7 January 2013	Applicable From	1 April 2013
Paragraph	Deletion of paragraph 18		
Description	Removal of Second Adult Rebate Scheme (non pensioners only)		

Paragraph 18 - Deleted

Appendix A

Amendment	Alternative maximum council reduction under this scheme: pensioners	
Reference	Explanatory Note (iv)	
Approved	7 January 2013	Applicable From 1 April 2013
Paragraph	Amendment of paragraph 31	
Description	Retained for pensioners only	

- A. Delete the words “and person who are not pensioners” from the title of the paragraph.
- B. In sub-paragraph (1), delete the words “or 18 (alternative maximum council tax reduction: persons who are not pensioners)”

Appendix A

Amendment	Duty to notify changes of circumstances	
Reference	Explanatory Note (iv)	
Approved	7 January 2013	Applicable From 1 April 2013
Paragraph	Amendment to paragraph 115	
Description	Requirement to report changes (non pensioners only)	

Delete sub-paragraph (6)(b).

Appendix A

Amendment	Amount of reduction under this scheme: Classes A to F	
Reference	Explanatory Note (iv)	
Approved	7 January 2013	Applicable From 1 April 2013
Paragraph	Amendment to paragraph 32 and associated schedules	
Description	Amendment to remove mention of class F	

- A. In sub-paragraph (4), delete the words “or F(c)”.
- B. In paragraph 1(a) of Schedule 4, delete the words “or 18(2) (class F) (as the case may be)”.
- C. Delete paragraph 49 of Schedule 10.

Appendix A

Non Dependant Deductions

Amendment	Non dependant deductions: pensioners and persons who are not pensioners	
Reference	Explanatory Note (v)	
Approved	7 January 2013	Applicable From 1 April 2014
Paragraph	Amendment to paragraph 30	
Description	Adding additional non-dependent deductions in the case of claimants who are not pensioners	

- A. In paragraph 30(1)(a), for “£9.90” substitute “D”.
- B. In paragraph 30(1)(b), for “£3.30” substitute “A”.
- C. In paragraph 30(2)(b), for “£6.55” substitute “B x 1/7”.
- D. In paragraph 30(2)(c), for “£8.25” substitute “C x 1/7”.
- E. In paragraph 30(2)(a) and (b), for “£183.00” substitute “X”.
- F. In paragraph 30(2)(b) and (c), for “£316.00” substitute “Y”.
- G. In paragraph 30(2)(c) for “£394.00” substitute “Z”.
- H. Insert a new paragraph 30(2A) as follows:

“(2A) The values of A, B, C, D, X, Y and Z in sub-paragraphs (1) and (2) above shall be determined according to the table below.

Value	Amount (pensioners)	Amount (persons who are not pensioners)
A	£3.70	£3.70
B	£7.45	£7.45
C	£9.40	£9.40
D	£11.25	£11.25
X	£188.00	£201.00
Y	£326.00	£348.00
Z	£406.00	£433.00

Appendix A

War Pension and War Widow's Pension Additional Disregard Scheme

Amendment	Amounts to be disregarded in the calculation of income other than earnings		
Reference	Explanatory Note (vi)		
Approved	7 January 2013	Applicable From	1 April 2013
Paragraph	Additional paragraphs for Schedules 6 and 8		
Description	Disregarded in full of War Pension and War Widows Pension		

A. After paragraph 1 of Schedule 6, insert:

“(1A) The whole of any war disablement pension, war widow’s pension or war widower’s pension not disregarded under paragraph (1) above will be disregarded.”

B. After paragraph 20 of Schedule 8, insert:

“(20A) The whole of any war disablement pension, war widow’s pension or war widower’s pension not disregarded under paragraph (20) above will be disregarded.”

Appendix A

Capital Limits and Tariffs

Amendment	Class of person excluded from this scheme: capital limit	
Reference	Explanatory Note (vii)	
Approved	7 January 2013	Applicable From 1 April 2013
Paragraph	Amendment to paragraphs 23, 55, and 72	
Description	Changing of capital limit and tariffs for persons who are not pensioners	

A. After paragraph 23(2) insert:

“(3) In relation to persons who are not pensioners, the sum of £10,000 shall be substituted for the sum of £16,000 in sub-paragraph (1).”

B. After paragraph 55(1), insert:

“(1A) In relation to persons who are not pensioners, the sum of £10,000 shall be substituted for the sum of £16,000 in sub-paragraph (1).”

C. In paragraph 72, substitute “£200” for “£250” and “£10,000” for “£16,000”.

Appendix A

Disregards of Earned & Unearned Income

Amendment	Sums Disregarded in the calculation of earnings: persons who are not pensioners	
Reference	Explanatory Note (viii)	
Approved	7 January 2013	Applicable From 1 April 2013
Paragraph	Amendment to Schedule 7	
Description	Changes in the disregards to be applied to earnings	

A. In paragraph 18(1), for “£17.10” substitute “£20.00”.

B. In paragraph 18(3)(c), for “£17.10” substitute “£20.00”.

Appendix A

Amendment	Sums Disregarded in the calculation of income other than earnings: persons who are not pensioners	
Reference	Explanatory Note (viii)	
Approved	7 January 2013	Applicable From 1 April 2013
Paragraph	Amendment to Schedule 8	
Description	Changes in the disregards to be applied to Working Tax Credit where an additional amount is paid for working a higher number of hours	

A. In paragraph 58, for “£17.10” substitute “£20.00”.