

North Tyneside Council Report to Council Date: 19 January 2017

ITEM 6

Title: Council Tax Support
Scheme 2017/ 2018

Portfolio(s): Elected Mayor
Finance and Resources

Cabinet Member(s): Norma Redfearn
Councillor Ray
Glindon

Report from Service Area; Finance and Resources

Responsible Officer: Janice Gillespie, Head of Finance, Finance Tel: (0191) 643 5701

Wards affected: All

PART 1

1.1 Executive Summary:

On 12 December 2016 Cabinet was presented with a report which provided the outcomes of the 6 week consultation exercise, which was carried out on three options for a Local Council Tax Support (CTS) Scheme for the financial year 2017/2018.

The report made recommendations based on the consultation outcomes and also budgetary pressures.

Cabinet was asked to consider the consultation outcomes and the recommendation that was made as to which Scheme should be adopted by the Authority for the financial year 2017/18. It is that Scheme that Cabinet invites Council to consider and agree as the Authority's Council Tax Support Scheme for the financial year 2017/18.

1.2 Recommendation(s):

It is recommended that Council:

- (a) note the recommended Scheme, set out as option 2, in paragraph 1.6.1 which is being proposed to Council by Cabinet following its meeting on 12 December 2016; and
- (b) agree this Scheme as the Council Tax Support Scheme for North Tyneside with effect from 1 April 2017.

1.3 Forward plan:

- 1.3.1 Twenty eight days notice of this report has been given and it first appeared on the forward plan that was published on 5 December 2016.

1.4 Council plan and policy framework

- 1.4.1 This report links directly to the priority 'Our people will be cared for and kept safe if they become vulnerable' in the 'Our North Tyneside Plan 2016 -2019'.

1.5 Information

- 1.5.1 Since April 2013 North Tyneside has had a Council Tax Support Scheme in place to help those on low income meet the cost of their Council Tax. National legislation prescribes the entitlement rules for pensionable age claimants and they currently receive support based on 100% of their Council Tax liability. Support for working age claimants is decided locally and currently entitlement is based on 90% of their Council Tax liability.
- 1.5.2 The Local Government Finance Act 1992, states 'For each financial year, each billing authority must consider whether to revise its [Council Tax Support] scheme or replace it with another scheme'. The Authority must make any revision to its Scheme, or any replacement no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 1.5.3 The legislation states that any revision to a Scheme or any replacement Scheme, which has the effect of reducing or removing a reduction to which a claimant is entitled, must include such transitional provision relating to that reduction or removal as the Authority thinks fit.
- 1.5.4 The Authority may only make changes to the Scheme in respect of working age claimants as the government provides prescribed requirements regarding the Scheme for pensionable age claimants. Any changes proposed to the Scheme are subject to consultation and as part of that consultation Local Authorities should, before making a scheme:
- a) consult any major precepting authority which has power to issue a precept to it,
 - b) publish a draft scheme in such manner as it thinks fit, and
 - c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.

The current scheme

- 1.5.5 The current Council Tax Support (CTS) is a means tested support which to promote simplicity generally follows the Housing Benefit rules around entitlement. It allows a maximum amount of CTS of 90% of the claimants' Council Tax liability for working age claimants. Pensionable age claimants receive support based on 100% of their Council Tax liability as prescribed under national rules.
- 1.5.6 As at the 30 September 2016 there were just under 20,000 claimants receiving CTS, this figure is split between pensioner claims 9,149 (46%) and working age claims 10,624 (54%). The caseload has continued to reduce since 2013/14 as more people move into employment or claimants' incomes increase and they no longer qualify for support; this is also what other Authorities are reporting. The forecast Scheme cost for 2016/17 is currently around £14,765,000.

- 1.5.7 The majority of CTS claimants live in a Council Tax Band A property and based on the maximum support of 90% currently available to working age claimants, couples will pay £1.98 each week and a single person will pay £1.49 each week.
- 1.5.8 The Authority continues to take a softer approach with regard to recovery costs with only £10.00 being applied to those on CTS instead of a maximum recovery cost of £80.00. Collection rates of those on CTS are still holding up with around 85% being recovered in year.
- 1.5.9 On 12 September 2016, Cabinet were presented with a report offering three options for the 2017/18 CTS Scheme. Due to the significant budgetary pressures the Authority faces the options included two Schemes that would reduce support for working age claimants.
- 1.5.10 Cabinet authorised the Head of Finance to undertake consultation between 13 September 2016 and 31 October 2016 on the three options being considered for the CTS Scheme for 2017/18.
- 1.5.11 The three options consulted on were:
- Scheme 1** - Continue to operate the current Council Tax Support scheme with the maximum level of Council Tax Support available of 90% for working age claimants.
- Scheme 2** - Reduce the maximum level of Council Tax Support available for working age claimants from 90% to 87.5%.
- Scheme 3** - Reduce the maximum level of Council Tax Support available for working age claimants from 90% to 85%.
- 1.5.12 The consultation exercise took place through established forums and groups at which stakeholders and partner organisations had access to, these were used to explain the different Schemes being consulted upon. A specific exercise at Customer Service Centres was also undertaken to obtain the views of customers during face to face interviews. Additionally partners helped to raise awareness of the consultation by publicising it on their websites or raising awareness among their customers. Citizens Advice Bureau (CAB) also undertook an exercise where customers were interviewed, the options and impacts explained and customer feedback gathered.

Consultation outcomes

- 1.5.13 On 12 December 2016 Cabinet considered the consultation outcomes (Appendix 1) against a background of significant budgetary pressures that the Authority faces. The feedback showed that:

Scheme 1

- a) 579 strongly agreed or agreed that the maximum support available for working age claimants should remain unchanged
- b) 247 neither agreed or disagreed
- c) 253 strongly disagreed or disagreed that the maximum support available for working age claimants should remain unchanged

Scheme 2

- a) 345 strongly agreed or agreed that maximum support available to working age claimants should be reduced from 90% to 87.5%

- b) 203 neither agreed or disagreed
- c) 532 strongly disagreed or disagreed that the maximum support available for working age claimants should be reduced from 90% to 87.5%

Scheme 3

- a) 320 strongly agreed or agreed that maximum support available to working age claimants should be reduced from 90% to 85%
- b) 202 neither agreed or disagreed
- c) 555 strongly disagreed or disagreed that the maximum support available for working age claimants should be reduced from 90% to 85%

1.5.14 The feedback showed that out of the two Schemes that would reduce the support for working age claimants a greater number of respondents were in favour of a reduction to 87.5% than 85%.

Financial impacts on the Authority

1.5.15 Table 1 below (Estimated cost of Schemes) compares the costs associated with the 3 Schemes that were consulted on; the current Scheme (Scheme 1) and Scheme 2 and 3. As both Scheme 2 and 3 reduce support for working age claimants they both provide savings that the Authority could use to manage budgetary pressures.

Table 1 – Estimated cost of Schemes

	Scheme 1 Current Scheme (maximum 90% CTS for working age claimants)	Scheme 2 Reduce maximum CTS from 90% to 87.5% for working age claimants	Scheme 3 Reduce maximum CTS from 90% to 85% for working age claimants
Current cost of scheme as at September 2016 (forecast for 2017/18)	£14,765,000	£14,765,000	£14,765,000
Estimated potential savings in 2017-18 due to implementing different options		(£227,981)	(£455,312)
Adjustment to reflect assumption of 85% collection rate		£34,197	£68,297
Total forecast cost of scheme for 2016/17	£14,765,000	£14,571,216	£14,377,985
Deduct cost applicable to Fire and Police Authorities (10.93%)	(£ 1,613,815)	(£ 1,592,634)	(£ 1,571,514)
Forecast cost of Scheme to North Tyneside Council 2016/17	£13,151,185	£12,978,582	£12,806,471
Change for North Tyneside	£ 0	(£ 172,603)	(£ 344,714)

Financial impacts on claimants

1.5.20 All working age claimants would be affected if either Scheme 2 or Scheme 3 were implemented, Scheme 2 to a lesser degree. As the majority of claimants on CTS live in a band A property the reduction by either Scheme 2 or 3 would be minimal. Table 2 (Weekly levels of Council Tax Support for working age claimants) shows the financial effects of Scheme 2 (87.5% support) and Scheme 3 (85%) against the current Scheme 1 support (90%).

Table 2 – Weekly levels of Council Tax Support for working age claimants

% Level of Support		*Weekly amount that claimants in a Band A property would pay	
		Couple	Single
Scheme 1	90% (Current)	£1.98	£1.49
Scheme 2	87.5%	£2.47	£1.86
Scheme 3	85%	£2.97	£2.23

Transitional Provision

1.5.21 Legislation advises that ‘any revision or replacement of a Scheme, which has the effect of reducing or removing a reduction to which a claimant is entitled, must include such transitional provision relating to that reduction or removal as the authority thinks fit’.

1.5.22 Under Scheme 2 or Scheme 3 working age claimants would see a reduction in support; however the level of reduction is minimal at 2.5% or 5% respectively and the financial impact small in relation to the overall support that is provided and therefore transitional protection is not necessary.

1.5.23 The Authority has in place a Discretionary Policy that is currently used in exceptional circumstances and this, if the Authority thinks fit, could be used to address an individual’s negative impact, should the circumstances warrant such action. See Appendix 2- Policy for the awarding of Local Taxation Discretionary Relief.

1.6 Decision Options

1.6.1 The following options are available to Council:

- a) **Option 1** – (Scheme 1) Continue to operate the current Council Tax Support scheme with the maximum level of Council Tax Support available of 90% for working age claimants, or
- b) **Option 2** – (Scheme 2) Reduce the maximum level of Council Tax Support available for working age claimants from 90% to 87.50%, or
- c) **Option 3** – Council may choose to reject Options 1 or 2 and refer the matter back to officers for the further consideration of an alternative Scheme

Option 2 is the recommended option.

1.7 Reasons for recommended option:

1.7.1 Option 2 (Scheme 2) is recommended for the following reasons:

- a) Whilst the results of the consultation for Option 2 show that 532 respondents (49%) did not agree that the CTS for working age claimants should be reduced from 90% to 87.5%, the financial pressures on the Authority are such that by marginally reducing the discount level, the cost of the Scheme will reduce and this will help the budgetary position of the Authority.
- b) As the majority of claimants live in a Band A property the additional 2.5% represents a minimal reduction for working age claimants. Single people on maximum support will pay an additional 37p per week, and couples will pay an additional 49p per week (based on current Council Tax levels).
- c) Scheme 2 still provides a high level of support and when compared to the national picture. It is more generous than is currently offered by the majority of Authorities (186 out of 326).
- d) The Authority will continue to take the current approach of applying a reduced recovery cost for those on CTS.

Appendices:

- Appendix 1 – Outcomes of consultation
- Appendix 2 - Policy for the awarding of Local Taxation Discretionary Relief
- Appendix 3 – Equality Impact Assessment

1.9 Contact officers:

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1.8 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- [Local Government Finance Act 1992](#)
- [Cabinet Report 12 September 2016 - Council Tax Support 2017/18](#)
- [Cabinet Report 12 December 2016 – Council Tax Support 2017/18](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1. Finance and Other Resources

The detailed financial implications of the recommended Local Council Tax Support Scheme for April 2017 are covered in Table 1 at point 1.5.16. In summary, the Scheme is implemented through a discount on the Council Tax liability for eligible claimants, thereby

reducing the amount of Council Tax collectable by this Authority. Scheme 2 is expected to cost around £14.380m based on current claimants and cost projections. These calculations are based on the assumption that there is no change to the rate of Council Tax.

Whilst the change to the level of CTS will not directly impact on the Housing Revenue Account (HRA), there is an acknowledgement that any reduction in support which has an impact on a claimant's household income may reduce the claimant's ability to meet their rental obligation.

The projected cost is based upon current claimant numbers and levels of entitlement. The cost of the Scheme has reduced in each of the last three financial years due to decreasing numbers of claimants. If this trend continues then it is likely that the costs of the Scheme will reduce.

2.2 Legal

The Local Government Finance Act 1992 was amended by the Local Government Finance Act 2012 in that each Local Authority had to have in place by 31 January 2013, and each subsequent year, a Council Tax Reduction Scheme (referred to as a Council Tax Support scheme by this Authority) to replace the previous support arrangements.

Schedule 1A of the 1992 Act sets out the steps that must be taken before adopting a Council Tax Reduction Scheme and prescribes what must be included in the scheme. The existing scheme was duly consulted on before it came into force.

The Authority is also required by virtue of Schedule 1A each year to determine if the scheme should be revised or replaced. Consultation has taken place and outcomes considered by Cabinet on 12 December 2016 in order to make the proposed 2017/18 CTS Scheme.

Where a scheme is revised or replaced then legislation also outlines that Transitional Provision must be considered relating to that reduction or removal as the authority thinks fit.

Section 67 of the Local Government Finance Act 1992 specifies the functions that can be discharged only by the Authority as a whole, meaning full Council. Included in those functions is the ability to make or revise a Council Tax Support Scheme.

2.3 Consultation/community engagement

Consultation was carried out over the period 13 September to 31 October 2016, and Cabinet considered the outcomes in its report on 12 December 2016.

Should the recommended option (Scheme 2) be accepted by Council a communication strategy will be developed to notify residents of the change.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

An Equality Impact Assessment (EIA) was carried out prior to consultation on the changes proposed in the recommended option. The EIA is included as Appendix 3 to this report.

There is an acknowledgement in the EIA that proposals in the recommended options will have a negative impact on working age claimants but actions are identified to reduce or remove the negative impacts.

Other potential negative impacts around communications for some claimants with protected characteristics were noted in the EIA, however a communication plan will be developed that will help mitigate against this potential impact.

2.6 Risk management

A consultation exercise was carried out on a number of options considered by Cabinet.

The 2.5% reduction in the amount of Council Tax available for support for working age claimants represents a minimal reduction for claimants. The Authority has in place a Discretionary Policy which if exceptional circumstances are met by claimants could help to mitigate the negative outcomes introduced by this reduction.

Should Council chose Option 3 at 1.6 there would be a significant risk that officers would be unable to comply with its legislative duty to consult any major precepting authority which has power to issue a precept to it, and consult such other persons as it considers are likely to have an interest in the operation of the scheme. To not carry out consultation on a Scheme that is adopted poses a risk to the Authority should it be challenged.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environmental and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Deputy Chief Executive
- Head(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer

- Head of Corporate Strategy

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