



**SWINDON BOROUGH COUNCIL**  
**Municipal Year 2012/13**

**Thursday, 20 December 2012**

**COUNCIL CHAMBER  
CIVIC OFFICES  
SWINDON**

11 December 2012

Dear Councillor,

**Summons to attend AN EXTRA-ORDINARY Council Meeting**

An Extra-Ordinary MEETING of the **Council**, which you are requested to attend, is to be held at the CIVIC OFFICES, SWINDON, on **Thursday, 20 December 2012** at **7.00 p.m.**

The business to be transacted will be as follows:-

**AGENDA**

**1. Apologies for Absence**

**2. Return of Councillor Elected**

The Returning Officer will report that Councillor Steve Weisinger was elected on Thursday 15<sup>th</sup> November 2012 following a by-election in the Blunsdon and Highworth Ward. The percentage of voters who voted in the election was 32.5%.

**3. Communications**

To receive any communications or letters which the Mayor or Chief Executive may have to bring before the Council.

**4. Minutes (Pages 1 - 10)**

To receive the minutes of the previous meeting held on 8<sup>th</sup> November 2012.

**5. Declarations of Interest**

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

**6. Public Question Time**

See explanatory note below.

**7. Minutes for Confirmation (Pages 11 - 66)**

**(i) Council tax Discounts and Exemptions**

A copy of the Cabinet Minute relating to this item, arising from the meeting of the Cabinet held on 12<sup>th</sup> December 2012, will be tabled. A revised version of this report, including the latest position regarding Government Regulations to enable the Council to charge mortgagees in possession is attached for Members' information.

**(ii) Council Tax Support Scheme**

A copy of the Cabinet Minute relating to this item, arising from the meeting of the Cabinet held on 12<sup>th</sup> December 2012, will be tabled. The report considered by the Cabinet, including a revised Appendix 2 is also attached for Members' information.

**8. Motions**

**(a) Motion - Christmas Market**

**Councillor Mark Dempsey will move and Councillor Bob Wright will second:**

"This Council believes that a Town Centre market is necessary and should be encouraged, and requests that Officers work with InSwindon to identify an appropriate site to enable a Christmas Market to be held in the Town Centre, and that any issues around a weekly market are resolved as soon as practicable."

**(b) Motion - Videoing Council Meetings**

**Councillor Mark Dempsey will move:**

"This Council supports the development of a more open, transparent and accountable politics and press.

In order to rebuild trust and engagement with the decisions of this Council, at Full Council in April 2011 the Council passed a motion requesting the Chief Executive to provide a report to Cabinet on the feasibility of recording and broadcasting Council Meetings via the Council's web site. This simple measure is being implemented by Councils across the country. This Council is disappointed that 18 months since this motion, the report has still not been produced. This Council requests that this report is completed within three months, with a view to videoing Full Council Meetings by the 2013 Annual Council Meeting."

(c) **Motion - Council Funding**  
**Councillor Steve Allsopp will move:**

“This Council notes that the concerns raised in Swindon’s Big Conversation have not been heard by the Chancellor in his Autumn statement. It agrees to shout louder and ensure that the voice of those hurt most by the deepening Austerity measures is heard by the Chancellor by requesting the Chief Executive to write to him expressing our concern about the impact on the Statement on our community.”

(d) **Motion - Heathrow Airport**  
**Councillor Kevin Small will move and Councillor Des Moffatt will second:**

“This Council for local economic reasons opposes a Thames Estuary airport and advocates that the Swindon economy will benefit from better connectivity between Swindon and an improved Heathrow Airport.”

**9. Councillors Question Time**

Questions (if any) of which notice has been given by Councillors in accordance with Standing Order 15.

Yours faithfully

Director of Law and Democratic Services

**Questions by Members of the Public in accordance with Standing Order 11**

Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Council (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

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**COUNCIL**

**THURSDAY, 8 NOVEMBER 2012**

PRESENT:- The Worshipful The Mayor in the Chair; Councillors Junab Ali, Steve Allsopp, Abdul Amin, Paul Baker, John Ballman, Ray Ballman, Rex Barnett, Mike Bawden, Andrew Bennett, Alan Bishop, Roderick Bluh, Wayne Crabbe, Mark Dempsey, Michael Dickinson, Mark Edwards, Toby Elliott, Claire Ellis, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, Jim Grant, John Haines, Peter Heaton-Jones, Neil Heavens, Dale Heenan, Russell Holland, Fay Howard, Richard Hurley, Colin Lovell, Nick Martin, Cindy Matthews, Brian Mattock, Des Moffatt, Derique Montaut, Teresa Page, Stan Pajak, Maureen Penny, Garry Perkins, Julian Price, David Renard, Ann Richards, James Robbins, Rochelle Russell, Kevin Small, Vera Tomlinson, Joe Tray, Steve Wakefield, Nadine Watts, Peter Watts, Keith Williams, Robert Wright and Julie Wright.

**54. Minutes Silence**

The Mayor reported that Councillor Doreen Dart had sadly died on 5<sup>th</sup> October 2012. The Council held a Minutes Silence in respect of Councillor Doreen Dart.

**55. Apologies for Absence**

Apologies for absence were received from Councillors Nicky Sewell and Dave Wood.

**56. Section 100(4)(b) of the Local Government Act 1972**

In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Mayor determined that an additional item concerning “a request for a Leave of Absence from Council Business for a period exceeding six months” be considered as a matter of urgency in order to allow the request to be considered by the Council prior to the expiry of the six month period. (Minute 70 refers.)

**57. Communications**

The Chief Executive reported that no communications had been received.

**58. Minutes**

Resolved – That, subject to the removal of the name of Councillor Stan Pajak from those voting against the Motion in Minute 45, the minutes of the meeting held on 20<sup>th</sup> September 2012 be confirmed and signed.

**59. Declarations of Interest**

Councillor Cindy Matthews made a personal declaration of interest in respect of Agenda Item 9 as she was a Trustee of the Swindon Branch of the Citizen’s Advice Bureau.

**60. Public Question Time**

Mr. Barrie Thompson asked a public question regarding the time allocated to care workers to visit elderly patients, and whether this was sufficient to provide a meaningful service to users.

The Cabinet Member for Health and Adult Social Care responded at the meeting.

Mr. Barrie Thompson asked a supplementary question relating to the provision and funding of future Adult Social Care services.

The Cabinet Member for Health and Adult Social Care responded at the meeting.

Mr. Martin Wicks submitted public questions relating to (a) Council ownership of Thamesdown Transport Ltd., (b) the social and environment role of local bus services, (c) the meaning of the use of “key principle” in the Council’s Transport Strategy, (d) Government grant funding of free bus passes, and (e) the continuation of free bus passes for pensioners.

Written responses were tabled.

Mr. Martin Wicks asked a supplemental question seeking clarification on the consultations referred in answer 4 of the tabled responses.

The Cabinet Member for Leisure and Strategic Transport responded at the meeting.

Mr. Martin Wicks asked a supplemental question on the current funding of free bus passes for pensioners.

The Cabinet Member for Leisure and Strategic Transport responded at the meeting.

Mr. Tim French asked the Leader of the Council a public question regarding the siting of circuses in Swindon.

The Leader of the Council responded at the meeting.

Mr. Brian Cockbill asked public questions relating to (a) Digital City (UK) Ltd, (b) the legal position relating to surcharging Councillors, and (c) whether there were any Ultra Vires decisions in respect of Digital City (UK) Ltd.

The Leader of the Council indicated that written responses would be provided to these questions.

Mr. Brian Cockbill tabled three public questions in respect of (a) arrangements with Clear Channel for the provision of bus shelters, (b) bus shelter provision at Greenbridge Retail Estate under Section 106 Planning Agreements, and (c) signage on Drakes Way, Swindon.

The Leader of the Council indicated that written responses would be provided to these questions.

**61.**

**Minute for Confirmation**

Councillor Dale Heenan moved and Councillor Roderick Bluh seconded:

“That Minute 51 of the Cabinet (Swindon Borough Local Plan – Pre-Submission Draft) as amended by the Cabinet be confirmed and adopted.”

The Motion was put to the vote and unanimously carried.

**62.**

**Motion - Section 106 Funding**

Councillor Bob Wright moved and Councillor Peter Watts seconded:

“This Council recognises the need for Section 106 money from developers to both mitigate the effects of development on local communities and to assist local authorities in addressing future affordable housing, transport and education demand. Furthermore with substantial Government funding cuts already taking place which has significantly reduced the Council’s ability to commit to significant capital projects without increasing its borrowing levels, this Council is committed to negotiating Section 106 agreements with developers that get the best deal for local residents.

This Council is concerned about recent government announcements, including from the Prime Minister, which have encouraged local authorities to renegotiate existing Section 106 agreements with developers in order to stimulate the economy. Indeed this Council is worried that measures are already taking place which could be reducing Section 106 income from developers.

This Council does not think that renegotiating existing Section 106 agreements with developers will have any impact on the local economy and should the administration be considering renegotiating existing Section 106 agreements, requests that this be done in the most open, democratic and transparent way. With this in mind Council requests the Lead Member for Strategic Planning to bring forward a report to the next Cabinet Meeting detailing which Section 106 agreements are currently in the process of being renegotiated and why they are being renegotiated.”

Councillor Dale Heenan moved and Councillor Brian Ford seconded that the Motion be amended to read:

“This Council recognises the need for Section 106 money from developers to both mitigate the effects of development on local communities and to assist local authorities in addressing future affordable housing, transport and education demand. Furthermore with substantial Government funding cuts already taking place which has significantly reduced the Council’s ability to commit to significant capital projects without increasing its borrowing levels, this Council is committed to negotiating Section 106 agreements with developers that get the best deal for local residents.

This Council believes that the cross party Planning Committee continues to be the most open, democratic and transparent way to deal with Section 106 agreements in a transparent and public way.

This Council notes that:

- The Planning Committee receives its next regular report on Section 106 agreements in December 2012.
- No Councillor is involved with negotiating Section 106 agreements with developers.
- Any Council officer who negotiates on Section 106 agreements ensures that developers are required to pay all contributions, which can be obtained within the law.”

The Amendment was put to the vote and declared carried becoming the Substantive Motion.

With the agreement of the mover and seconder of the new Substantive Motion it was amended to read:

“This Council recognises the need for Section 106 money from developers to both mitigate the effects of development on local communities and to assist local authorities in addressing future affordable housing, transport and education demand. Furthermore with substantial Government funding cuts already taking place which has significantly reduced the Council’s ability to commit to significant capital projects without increasing its borrowing levels, this Council is committed to negotiating Section 106 agreements with developers that get the best deal for local residents.

This Council believes that the cross party Planning Committee continues to be the most open, democratic and transparent way to deal with Section 106 agreements in a transparent and public way.

This Council notes that:

- The Planning Committee receives its next regular report on Section 106 agreements in December 2012.
- No Councillor is involved with negotiating Section 106 agreements with developers *but officers should consult with local Members*.
- Any Council officer who negotiates on Section 106 agreements ensures that developers are required to pay all contributions, which can be obtained within the law.”

The Substantive Motion, as amended, was put to the vote and declared carried.

### **63. Motion - Use of Bailiffs**

Councillor Des Moffatt moved and Councillor Stan Pajak seconded:

“This Council recognises the fact that bailiffs need to be used by Swindon Borough Council in order to help the Council claw back as much money from those in arrears of Council-Tax, as possible. However, Council believes that the bailiffs acting on its behalf should fully comply with the law and its intent and is concerned by allegations that this isn’t always happening.



Furthermore, with recent proposals to make full council-tax benefit recipients pay 20% of their council-tax bill and the government's housing benefit changes, this Council is concerned that such unseemly practices will become more widespread.

With this in mind, this Council instructs its Director of Finance, Revenues, Benefits and Property to present a report to Cabinet detailing ways the Council can ensure bailiffs who are acting on behalf of the Council fully comply with the law and its intent."

With the agreement of the mover and seconder the Motion was amended to read:

"This Council recognises the need to collect promptly and efficiently Council tax and other payments and recognises that bailiffs may be used for the recovery of monies owed. This Council however wishes to ensure that any bailiff acting on behalf of the Council operates in a way that is fair and lawful, particularly having regard to the Council's function as a Public Authority, including due regard to any of its functions under the Equality Act 2010 and Human Rights Act 1998.

This Council therefore requests that the Cabinet Member for Finance prepare a report to Cabinet outlining the circumstances in which bailiffs may be used and the measures that are being taken to ensure that bailiffs are acting appropriately and lawfully."

The Amended Substantive Motion was put to the vote and declared carried.

#### **64. Motion - Development**

Councillor Stan Pajak moved and Councillor Ann Richards seconded:

"This Council wishes the Secretary of State for Communities and Local Government to note the following:

Swindon Borough Council believes that local people, through their democratically elected local authorities, are the most suitable judges of what development is acceptable in an area and the suitable level of contributions that developers need to make:

This Council opposes:

- The Secretary of State's proposals for the Planning Inspectorate to have powers to override agreements between Councils and developers over the number of affordable housing units allocated to planning applications.
- The Secretary of State's proposals for planning permission – currently required for extensions of more than three or four metres from the rear wall of any home – to only be needed for those reaching beyond 8m for detached homes and 6m for others
- The Secretary of State's intention to override Section 106 of the Town and Country Planning Act of 1990 which will allow developers to immediately appeal to the Planning Inspectorate over the allocation of affordable housing units in any scheme they may be concerned with.

- The Secretary of State's proposals for the Planning Inspectorate to take planning powers away from local authorities which he deems to be slow or of making poor quality planning decisions in determining applications.

This Council notes that the current Coalition government did listen earlier in the year over concerns regarding the National Planning Policy Framework and revised its plans accordingly, so urges the Government to listen to the concerns being expressed by the cross-party LGA:

This Council however welcomes other parts of the stimulus package including:

- £300 million to provide 15,000 affordable homes across the country
- An extension of the refurbishment programme to bring an extra 5,000 empty homes back into use
- £280m for FirstBuy, the shared equity scheme to give a further 16,500 first time buyers the chance to own their own homes
- Up to £10bn of guarantees to housing associations, property management companies and developers which will be able to use the guarantees to secure lower borrowing costs. This will lead to hundreds of thousands of extra rental homes being built.

With the agreement of the mover and seconder the Motion was amended to read:

“In the spirit of the Coalition Government’s commitment to localism, this Council wishes the Secretary of State for Communities and Local Government to note that:

- Swindon Borough Council believes that local people, through their democratically elected Local Authorities, are the most suitable judges of what development is acceptable in an area and the suitable level of contributions that developers need to make.

This Council asks the Secretary of State to:

- Consider actively how to make the Planning Inspectorate accountable to local residents, instead of all decisions being made by un-elected Inspectors;
- Work with top performing Planning Authorities like Swindon to enable them to have greater freedom and abilities to make local decisions; and
- Urges the Government to listen to the concerns being expressed by the cross-party Local Government Association.

However, this Council welcomes other parts of the stimulus package including:

- An extension of the refurbishment programme to bring 5,000 empty homes back into use;
- £280million for FirstBuy, the shared equity scheme to give a further 16,500 first time buyers the chance to own their own homes;

- Up to £10 Billion of guarantees to housing associations, property management companies and developers, which will be able to use the guarantees to secure lower borrowing costs.

This Council requests that the Leader of the Council write to the Secretary of State to convey its concerns.

The Amended Motion was put to the vote and declared carried.

## **65. Motion - Future Cities**

Councillor Dale Heenan moved and Councillor Mark Dempsey seconded:

“This Council notes the recent successful bid of £50k from the Technology Strategy Board to help towns and cities evaluate the potential benefits of integrating their city systems around energy, transport and ICT and to develop a full proposal for a large scale demonstrator project.

This Council notes that Swindon’s study will build on already innovative projects in the Borough and investigate the potential benefits of an integrated “smart” energy, data and transport system, and the wider economic benefits this could bring to Swindon.

This Council resolves in principle to support the Future Cities Demonstrator project to be undertaken if Swindon is the preferred proposal and is awarded the £24m to implement this project.

Council notes that the Leader of the Council along with the Leaders of the Opposition and Minority Groups will sign a joint letter to the Technology Strategy Board in support of the bid.”

The Motion was put to the vote and unanimously carried.

## **66. Motion - Street Market**

This Motion was withdrawn at the request of the mover and seconder.

## **67. Corporate Strategy**

The Board Director Commissioning submitted a report regarding the adoption of a Council Corporate Strategy.

Councillor Roderick Bluh moved and Councillor David Renard seconded:

“(1) That the Corporate Strategy, as set out in Appendix 1 to the report of the Board Director of Commissioning, be adopted for the period up to and including 2015.

(2) That the Board Director Commissioning, in consultation with the leaders of the Council’s political groups, be authorized to make minor amendments to the content and presentation of the Corporate Strategy, if required, prior to publication.

(3) That the Board Director Commissioning, in consultation with the Leader of the Council, be authorized to develop and implement a system for embedding the

approved Corporate Strategy into commissioning, financial and business plans, other key strategies and the Council's corporate performance management framework."

The Motion was put to the vote and declared carried.

**68. WG Little Trust Fund Properties**

The Cabinet Member for Finance and the Board Director of Finance, Revenues, Benefits and Property submitted a joint report seeking approval to dispose of property assets held within the WG Little Fund to gain a better financial return for the Trust Fund.

Councillor Mark Edwards moved and Councillor Roderick Bluh second:

"(1) That the properties at 1 and 3 Faringdon Road, Swindon, be disposed of and their sale proceeds be invested for the continued benefit of the WG Little Trust Fund.

(2) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for Finance and the Board Director of Finance, Revenues, Benefits and Property, be authorised to complete the sale of 1 and 3 Faringdon Road, Swindon, on such terms and conditions as he considers reasonable in order to protect the interests of the Council ."

The Motion was put to the vote and declared carried.

(Councillor Cindy Matthews made a personal declaration of interest in respect of this item as she was a Trustee of the Swindon Branch of the Citizen's Advice Bureau.)

**69. Standards Committee Annual Report**

The Council considered (a) the Council's Standards Committee's Annual Report for the period June 2011 to June 2012, and (b) an oral report on the work of the Standards Committee during this period, by its current Vice-Chair, Councillor Richard Hurley, including his and the Chair's thanks and appreciation to (i) the co-opted representatives serving on the Standards Committee, (ii) Mr. Keith Carby (Chair for this period), (iii) Mr. Trevor Davies (Vice-Chair for this period), (iv) the Monitoring Officer (Mr. Stephen Taylor) and (v) Committee Officer (Ms. Sarah Lawrence).

Councillor Roderick Bluh moved and Councillor Jim Grant seconded:

"That the Standards Committee Annual Report for the period June 2011 to June 2012 be welcomed and endorsed."

**70. Request for Leave of Absence from Council Business**

The Director of Law and Democratic Services tabled a report setting out a request from Councillor Nicky Sewell, for a leave of absence from Council Business for a period of more than six months on the grounds of ill health.

Councillor Stan Pajak moved and Councillor Ann Richards seconded:

“That approval be given, under section 85(1) of the Local Government Act 1972, for the absence, because of illness, of Councillor Nicky Sewell from all Council meetings until 18<sup>th</sup> January 2013.”

The Motion was put to the vote and declared carried.

**71. Minutes of Cabinet and Decisions Delegated to Cabinet Members**

The Council considered (a) the minutes of the meetings of the Cabinet held on 17<sup>th</sup> October 2012, and (b) questions to the Cabinet Members regarding their portfolio responsibilities and answers received.

**72. Minutes of other Council Bodies**

The Council (a) received the Minutes set out in the “Minutes of Other Council Bodies” circulated with the Agenda, and (b) considered questions to Chairs regarding the work of their Committees and other bodies and answers received.

**73. Councillors Question Time**

The Director of Law and Democratic Services reported that Standing Order 15 Questions have been received from Councillors Steve Allsopp, Mark Dempsey, Cindy Matthews and Dave Wood. Details of the questions and responses provided were tabled.

Councillor Steve Allsopp asked the Leader of the Council for clarification on the timescales for the investigation referred to in his answer.

The Leader of the Council indicated the investigation would be carried out as soon as possible.

Councillor Mark Dempsey asked if the Cabinet Member’s response would be reflected in the Minutes

The Cabinet Member for Strategic Planning and Sustainability indicated that the answer was on public record and would be available on the Council’s website.

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## Council Tax Discounts and Exemptions

**Council**

**Date: 20th December 2012**

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Author: Cabinet Member for Finance  
Head of Revenues and Benefits

Wards: All

Locality Affected: All

Parishes Affected: All

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### **1. Purpose and Reasons**

- 1.1 This report recommends changes to Council Tax Discounts and Exemptions in order to encourage empty houses to be used.
- 1.2 Provide an exemption from Council Tax for the Women's Refuge as part of the Council's commitment to supporting victims of domestic abuse.

### **2. Recommendations**

Council is asked to :

- 2.1 That the following changes to Council Tax discounts come into effect from 1<sup>st</sup> April 2013:
  - 2.1.1 Unoccupied and unfurnished properties (Class C). It is recommended that the 6 month exemption is ended. A charge of 50% will be levied for 3 months followed by a 100% charge thereafter.
  - 2.1.2 Charge 150% Council Tax on empty and unfurnished properties that have been empty for 2 years.
  - 2.1.3 Second Homes. Currently the Council awards a 10% discount to owners of second homes (or empty furnished properties). The recommendation is to reduce this to 0% from 1<sup>st</sup> April 2013
  - 2.1.4 Properties requiring structural repair (Class A). It is recommended that the 12 month exemption is ended and a charge of 50% levied for the 12 months.
- 2.2 Award a 100% discount for the self-contained units occupied or owned by the Women's Refuge in accordance with section 13A of the Local Government Finance Act 1992.

### **3. Detail**

Council Tax Discounts

- 3.1 The Local Government Finance Act 2012 and ensuing statutory instruments gives Local Authorities further discretion to amend the discounts and exemptions

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Further information on the subject of this report can be obtained from Andy Stevens  
Direct Dial 01793 464661, [anstevens@swindon.gov.uk](mailto:anstevens@swindon.gov.uk).

# Council Tax Discounts and Exemptions

**Council**

**Date: 20th December 2012**

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on empty properties. The exemption for persons leaving their house empty whilst they are in care will remain unaltered, as will the discount for Single Persons and Students. The purpose of the changes is to encourage empty homes to be sold or let and to generate additional revenues to local authorities, whose Council Tax Benefits subsidies are being reduced. The Council Tax Benefit subsidy reduction for Swindon is estimated at £2 million per annum.

- 3.2 In 2006 Swindon Borough Council reduced both the long-term empty and unfurnished and the unoccupied and furnished (or second home) discounts on properties to 10%. With effect from 1<sup>st</sup> April 2011 the 10% discount on long-term empty and unfurnished properties (empty more than 6 months) was ended.
- 3.3 The numbers of properties shown as long-term unoccupied and unfurnished reduced from 1,178 in October 2005 to 504 in October 2012. The reduction in discount may have helped encourage owners to sell or rent out such properties. However, the numbers of properties empty and unfurnished less than 6 months has increased from 847 in October 2010 to 1,022 in October 2012. The levying of Council Tax charges during these 6 months may provide a further incentive to owners.
- 3.4 The provision to charge 150% Council Tax on empty and unfurnished properties that have been empty for 2 years is subject to two exceptions. The national regulations provide these exceptions. These are for properties that are the main residences of members of the armed forces absent from the property as a result of service and an annex deemed unoccupied because it is being treated by the occupier of the main dwelling, as part of that main dwelling.
- 3.5 A Second Home discount of 10% is currently granted. There are currently 451 properties receiving this discount. This includes all properties that are empty and furnished. It is recommended that this discount is withdrawn.
- 3.6 Properties requiring structural repair (Class A). Currently properties undergoing structural alterations can receive a 12 month 100% exemption from council tax. The new legislation will allow Local Authorities to set the amount of any discount (to as low as 0%), but will not allow Councils to alter the period concerned. It is proposed that a charge of 50% is levied, as this will still provide some incentive for such houses to be repaired.
- 3.7 Mortgage companies in possession of empty properties (Class L). As at the 10<sup>th</sup> December the national regulations have not been amended to allow the Council the ability to end such exemptions, if it so wished. It is believed that the Department of Communities and Local Government are still in discussion with mortgage companies regarding this. If the regulations are forthcoming the Council may be asked to consider ending this exemption at a later date.
- 3.8 The additional annual revenue generated and shared by the Council, Police and Fire authorities would be as follows:

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Further information on the subject of this report can be obtained from Andy Stevens  
Direct Dial 01793 464661, [anstevens@swindon.gov.uk](mailto:anstevens@swindon.gov.uk).



## Council Tax Discounts and Exemptions

**Council**

**Date: 20th December 2012**

<b>Discount or Exemption Type</b>	<b>Number of Properties (31<sup>st</sup> Oct 2012)</b>	<b>Proposed Changes</b>	<b>Additional Annual Revenue collection fund</b>	<b>Swindon B.C. share (85%)</b>
<b>Unoccupied &amp; unfurnished less than 6 months (class C) exemption</b>	<b>1022</b>	<b>3 months 50% charge &amp; 3-6 months 100%</b>	<b>£525,000</b>	<b>£446,250</b>
<b>Unoccupied &amp; unfurnished more than 2 years</b>	<b>20</b>	<b>Charge 150%</b>	<b>£5,000</b>	<b>£4,250</b>
<b>Second Homes – furnished &amp; unoccupied</b>	<b>451</b>	<b>End 10% discount</b>	<b>£50,000</b>	<b>£42,500</b>
<b>Properties requiring structural repair (Class A).</b>	<b>78</b>	<b>50% discount</b>	<b>£40,000</b>	<b>£34,000</b>
<b>Additional Annual Revenue if all measures adopted</b>			<b>£620,000</b>	<b>£527,000</b>

### Swindon Women's Refuge

- 4.1 The Swindon Women's Refuge has moved to new premises. Their previous property was given a Non-Domestic Rating Assessment and the Council granted 100% charity and discretionary relief from rates payments. The new property has self-contained units and due to this the Valuation Office (who are part of HM Revenues & Customs) has determined that each unit be given a separate Band A Council Tax rating.
- 4.2 Under Council Tax regulations it is the occupiers of the individual units who would be liable for the Council Tax, but the Refuge do not want the individuals to be issued with bills. This would also have many practical difficulties for the Council Tax office, since some of the occupiers are only resident for a few hours or days and may be paying Council Tax on other properties.
- 4.3 During any periods of non-occupancy, as a charity the refuge can claim and will be able to continue to claim an exemption from empty Council Tax charges.
- 4.4 The Women's refuge has asked the Council to grant a discount or exemption from charges that fall due during periods of occupation. The Council can grant Discretionary Discounts under section 13A of the 1992 Local Government

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Further information on the subject of this report can be obtained from Andy Stevens  
Direct Dial 01793 464661, [anstevens@swindon.gov.uk](mailto:anstevens@swindon.gov.uk).

# Council Tax Discounts and Exemptions

Council

Date: 20th December 2012

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Finance Act (introduced by the Local Government Act 2003). The Council Tax concerned would be approximately £15,000 per annum, since after giving a single person discount of 25%, the Council Tax on each unit would be £689.09 per annum. There are 22 units.

4.5 The reasons for granting a discount in this case would be:

4.5.1 The Refuge is a charity providing accommodation to homeless women many with children. It is helping discharge one of the Council's duties.

4.5.2 Until now, no Council Tax or Business Rates have been paid by the Refuge. The council granted 100% charity & discretionary relief at their previous property.

4.5.3 Short-term occupiers may already be paying Council Tax elsewhere.

4.5.4 Administratively, it would be very difficult to collect and recover Council Tax from the residents of the refuge. The occupancies are short-term and often the occupiers will have left before the debt is billed or chased. Any unoccupied periods would be charged to the Refuge and as a charity, it would be able to claim exemption for the empty periods.

4.5.5 If the Refuge pays the Council Tax on the flats, it has advised that it will have to increase rents, which may make the flats unaffordable to women seeking refuge.

4.5.6 Some of the occupiers work and any increase in rents may make benefits a better option for the women concerned.

4.5.7 Some of the women do not have recourse to public funds, but are allowed to stay in the U.K. because they are escaping violence. The charity would have to finance the Council Tax payments or turn these individuals away.

## 5. Alternative Options

5.1 Since Council Tax Benefit subsidy payable to local authorities is being reduced, in order to help raise the necessary revenue, the choices would be to increase any reductions in Council Tax Support (Benefit), increase the Council Tax payable by all Council Taxpayers (subject to any necessary referendum) or reduce expenditure on Council Services.

## 6. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

6.1 The changes to the discounts and exemptions will increase the collection fund by approximately £620,000 per annum. This will offset part of the £2 million reduction in Council Tax Benefit subsidy.

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Further information on the subject of this report can be obtained from Andy Stevens  
Direct Dial 01793 464661, [anstevens@swindon.gov.uk](mailto:anstevens@swindon.gov.uk).

# Council Tax Discounts and Exemptions

**Council**

**Date: 20th December 2012**

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- 6.2 The Council's Housing Revenue Account will be impacted by these changes. It is estimated that on average 800 properties per annum are empty and unfurnished for on average 1 month. There will be an annual cost of approximately £35,000 for the Housing Revenues Account. Housing Associations may also be similarly impacted. Under the Council's Public Sector Leasing scheme the Council may also be liable for any charges during gaps in tenancies, which have been estimated as approximately £1,500 per annum.
- 6.3 The reduction in Council Tax income by granting a 100% discount to the Swindon Women's Refuge would be £15,000 per annum.

## Legal and Human Rights Implications

- 6.4 The Local Government Finance Act 2012, The Council Tax (Prescribed Classes of Dwellings) 2012 and The Council Tax (Exempt) Dwellings Order 2012 allow Local Authorities to change the empty discounts or exemptions as recommended.
- 6.5 With respect to the Women's Refuge the Council can grant Discretionary Discounts under section 13A of the 1992 Local Government Finance Act (introduced by the Local Government Act 2003)

## All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 6.6 It is hoped that the changes will help encourage empty homes to be brought back into use.

## Links to One Swindon, Strategic Objectives, Plans and Policies

- 6.7 A reduction in empty homes should assist in the One Swindon aims of I like where I live and of Living Independently, protected from harm, leading healthy lives and making a positive contribution.
- 6.8 The assistance to the Swindon Women's refuge will also support this aim.

## Diversity Impact Assessment

- 6.9 A Diversity Impact Assessment has been undertaken. Older people and those with disabilities who need to leave houses empty to receive care are exempt from empty Council Tax. It is believed that no other equality groups will be impacted disproportionately. Any available advice will be given to those who are having difficulty selling or renting their property.

## Risk Management

- 6.10 Changes to the Northgate Revenues & Benefits system are required to enable the changes to be implemented and billed.

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# Council Tax Discounts and Exemptions

**Council**

**Date: 20th December 2012**

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## **7. Consultees**

- 7.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 7.2 Supported People & Housing Strategy officer & Area Housing officers.

## **8. Background Papers**

- 8.1 None attached.

## **9. Appendices**

- 9.1 None.

## **10. Key Decision/Decision in Forward Plan**

- 10.1 The Council is asked to agree these changes in order to compensate for part of the lost £2 million per annum Council Tax Benefit subsidy.

# Council Tax Support Scheme

**Council**

**Date: 20th December 2012**

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Author: Cabinet Member for Finance  
Head of Revenues and Benefits

Wards: All

Locality Affected: All

Parishes Affected: All

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## **1. Purpose and Reasons**

- 1.1 This report seeks approval for a Council Tax Support scheme for Swindon.
- 1.2 The Council Tax Support scheme is being introduced in response to the national changes in Benefit Regulations and as a result of a £2 million reduction in Council Tax Benefit subsidy being paid to the Council by Central Government.
- 1.3 The Council Tax Support scheme is designed to support and protect the most vulnerable.

## **2. Recommendations**

Council is requested to:

- 2.1 Having considered the responses from the public consultation on the draft Council Tax Support Scheme, the proposed scheme for Council Tax Support set out in Appendix 2 of this report be adopted and the Board Director Finance, Revenues, Benefits and Property to implement it from 1<sup>st</sup> April 2013.

## **3. Detail**

Background

- 3.1 The main aims of the Government's Welfare Reform Act are to ensure that families in work are better off than those on benefits (there is an incentive to work) and that Benefits expenditure is reduced. Council Tax Support is being introduced as part of this.
- 3.2 Currently there is a national scheme for Council Tax Benefits, under which Central Government reimburses Councils in full for the amount of benefit granted.
- 3.3 From 1<sup>st</sup> April 2013, Central Government is reducing what it pays to Councils by at least 10%. Councils are being asked to develop their own 'support' schemes and to encourage claimants to take work where available.
- 3.4 Pensioners are being protected and so their Council Tax Benefit will continue to be calculated in a similar way. Councils are asked to consider who else should be protected. Council Tax Benefit is to be known in future as Council Tax Support or Council Tax reduction.

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# Council Tax Support Scheme

**Council**

**Date: 20th December 2012**

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- 3.5 Local schemes must be agreed by 31<sup>st</sup> January 2013.

## Impact on Swindon Council Tax Benefit Subsidy

- 3.6 For Swindon Borough Council and the local Fire and Police Authorities, Council Tax Benefit subsidy is currently £13 million per annum. This is being reduced to approximately £11 million.
- 3.7 The Council has the following options or combination of options to meet this shortfall:
- 3.7.1 Reduce Council Tax Benefit (Support) payments for persons with low incomes and make some changes to empty property discounts;
  - 3.7.2 Increase Council Tax for all residents by 3%. Increases above certain levels trigger referendums and the Coalition Government has indicated that this will be 2% for 2013/14. Also members have to consider that many households have reduced incomes at the current time; or
  - 3.7.3 Make £2 million savings in services, in addition to those already being found.
- 3.8 If the Council introduces a support scheme as a result of the reduction in subsidy, it will ensure the most vulnerable are protected.

## Consultation on Council Tax Support Scheme

- 3.9 Before adopting a scheme, the billing authority has to consult major precepting authorities, publish a draft scheme and consult such persons as it considers are likely to have an interest.
- 3.10 A draft scheme was produced and authorised by the Cabinet Member for Finance, and the Fire and Police Authorities were consulted. The Fire Authority responded that the scheme seems reasonable in meeting the objectives set out, i.e. incentivising people back into work, localism and reduced expenditure on welfare, but they were not sure if the proposals protected their precept income. There was also some concern that reductions in support to low income households may have an impact for the Fire Service and requested locality information to mitigate or reduce this. This has been provided and it is believed that the Fire Authority will use this to target community fire safety activity. The Police Authority considered the Swindon Borough Council and Wiltshire Council schemes at the same time and understood and accepted the position taken by both local authorities, noting the difference with regard to Child Benefit being included as an income source for Swindon.
- 3.11 The public consultation ran from 16<sup>th</sup> August 2012 until 9<sup>th</sup> November 2012. There were 348 formal responses. These are available for Members inspection. A consultation report is shown in Appendix 1.
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Further information on the subject of this report can be obtained from Andy Stevens  
Direct Dial 01793 464661, [anstevens@swindon.gov.uk](mailto:anstevens@swindon.gov.uk).

# Council Tax Support Scheme

**Council**

**Date: 20th December 2012**

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3.12 The key messages from the consultation are as follows:

- 3.12.1 59% of respondents overall agreed that households that contain an individual with disabilities should be protected from the changes.
- 3.12.2 That the majority of respondents (67%) did not believe that other groups should be protected (although 65% of Council Tax Benefit claimants believe other groups should be).
- 3.12.3 The majority of respondents (75% or 260 responses) indicated that the maximum support should be set at 80% or less.
- 3.12.4 175 (50.3%) of respondents agree that the maximum level should be 80%. A further 85 respondents believed that the maximum amount should be lower than 80%.
- 3.12.5 68% of respondents overall indicated that Benefit (Support) for the second adult rebate scheme should be withdrawn. Second adult rebate can be claimed if there is second adult in the property, and that second adult is not the Council Tax payer's partner and is in receipt of a low income.
- 3.12.6 63% of respondents overall stated that child benefit income should be treated as income in the support calculation (although 65% of the claimants who responded did not agree with this).
- 3.12.7 70% of respondents overall agreed that support should be capped at the amount payable equivalent to a Council Tax Band D liability. Under this option support calculations will be based on this liability for persons living in higher banded properties.
- 3.12.8 61% of respondents overall agreed that the capital limit should be reduced to £6,000. Therefore, residents with capital in excess of this level would not be eligible for support.
- 3.12.9 64% of respondents agreed that non-dependent contributions should be increased by £5 per week. Non-dependent deductions are made when there are other adults, not including the Council Taxpayer or their partner, living in the household, and deductions are made from the Council Tax Benefit paid. A further 3.5% of respondents stated that the increase should be higher than £5 per week.
- 3.12.10 Consultation results showed in some cases a marked difference in opinion between those that receive Council Tax Benefits and those that do not.

3.13 Other changes not in the draft scheme, as determined by the Cabinet Member for Finance, but were consulted on included:

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Direct Dial 01793 464661, [anstevens@swindon.gov.uk](mailto:anstevens@swindon.gov.uk).



# Council Tax Support Scheme

**Council**

**Date: 20th December 2012**

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- 3.13.1 Reducing the 'Applicable Amounts' in the calculation. These are levels set by the Government as the minimum amounts that claimants need to cover their basic needs. 71.5% of respondents to the consultation did not wish to see this adopted.
- 3.13.2 Changing the rate at which Council Tax Benefit is withdrawn where a person has income above their applicable amount. Council Tax Benefit is currently withdrawn at a rate of 20p for each additional £1 earned. Any large change could have an impact on the incentive for claimants to take work. 43% of respondents to the consultation believe this amount should increase, 11% believe it should be less and 46% believe it should not be changed.

## Vulnerable Groups Considered For Protection

- 3.14 The Department of Communities and Local Government issued guidance on the duties of Local Authorities in relation to Vulnerable Persons and this has been considered together with the anticipated obligations in relation to carers (Care and Support Bill). The proposed scheme protects households where an individual has disabilities, and protects War Disablement Pensioners, War Widows and Widowers. The impacts on families with children have been considered and such families will be adversely impacted. The Council has a duty to prevent homelessness and it is not envisaged that the payment by households of increased Council Tax on its own will cause significant difficulties. However, these changes along with other welfare reforms and reductions in Housing Benefits may result in large increases in expenditure for some households. Discretionary Housing Payments may be available under the current scheme to prevent the most vulnerable with Housing Benefit shortfalls from being made homeless. Carers that live in households with individuals with disabilities will also be protected and many 'live in' carers already receive discounts from Council Tax.

## Proposed Council Tax Scheme

- 3.15 The proposed scheme is shown in Appendix 2 and the main changes are summarised below.
- 3.16 The support for pensioner age claimants is prescribed in the regulations and continues as a national scheme.
- 3.17 The Council has discretion to set its own 'Local scheme' for 'working age claimants'. The main elements of the draft and proposed scheme are:
  - 3.17.1 Protect Households where individuals have a disability allowance (see Appendix 2 for a full list), as this group is considered vulnerable and may have difficulties securing employment;

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# Council Tax Support Scheme

**Council**

**Date: 20th December 2012**

- 3.17.2 Limit Council Tax Support to 80% of the Council Tax bill. Everyone except those protected (i.e. pensioners, war widows and those with disabilities) will pay at least 20%;
- 3.17.3 Include Child Benefit as an income in the calculation;
- 3.17.4 Claimants with savings above £6,000 will be not be eligible for support;
- 3.17.5 Increase all non-dependant deductions by £5pw;
- 3.17.6 Withdraw the second adult rebate for working age Council Tax payers. Currently second adult rebate of up to 25% can be claimed in cases where there is a second adult residing in the property with a low income (not the Council Tax payer or their partner); and
- 3.17.7 Cap Council Tax Support to that payable in respect of a Band D property.
- 3.18 It has been estimated that if all of these measures are adopted this would reduce expenditure by the following amounts.

	Reduction In Support Expenditure (with 25% non-collection)	Less Amount Protected for Disability Households	Increase In Council Tax Collected	SBC share of Council Tax collected (85%)
Maximum 80% for working Age Claims	£1,215,000	£400,000	£815,000	£692,750
Capping support - Band D	£39,000	£10,000	£29,000	£24,650
End Second Adult Rebate	£34,000	£2,000	£32,000	£27,200
Capital Limit of £6,000	£56,000	£30,000	£26,000	£22,100
Non-dependant deduction increase £5pw	£53,000	£3,000	£50,000	£42,500
Income Disregards - Child Benefit income included	£235,000	£35,000	£200,000	£170,000
Totals	£1,632,000	£480,000	£1,152,000	£979,200

- 3.19 The reduction in Benefit expenditure for the collection fund, which includes income for the fire & police authorities, would be £1,152,000 (Swindon Borough Council's share of this is £979,200). Proposed reductions in Council Tax empty

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# Council Tax Support Scheme

**Council**

**Date: 20th December 2012**

exemptions and discounts will make up another £620,000 (£527,000 as Swindon Borough Council's share) of the £2 million reduction in subsidy.

## Council Tax Support Voluntary Grant Offer

- 3.20 On the 16<sup>th</sup> October 2012, the Department for Communities and Local Government issued a new grant to support the Council Tax support scheme. This proposes new centrally imposed requirements that had previously not been known. Councils will be invited to bid for a one off grant to support the transition where:
- 3.20.1 Those who would be on 100% support under current council tax benefit arrangements pay between zero and no more than 8.5% of their council tax liability;
  - 3.20.2 The taper rate for those with incomes above the applicable amount does not increase above 25%; and
  - 3.20.3 There is no sharp reduction in support for those entering work - for claimants currently entitled to less than 100% support, the taper will be applied to an amount at least equal to their maximum eligible award.
- 3.21 The amount offered to the Swindon collection fund is £318,182 (Swindon B C share £267,892). If the grant was taken and the scheme was altered accordingly, then most of the original options being consulted upon would not be allowed. The grant and reduction in expenditure for 2013/14 would be as follows:

	Reduction In Support Expenditure (with 25% non-collection)	Less Amount Protected for Households with Disabilities	Increase In Council Tax Collected	SBC share of Council Tax collected (85%)
Maximum 91.5% for working Age Claims	£525,000	£150,000	£375,000	£318,750
Capping CTS to Council Tax Band D	Not allowed		0	0
End Second Adult Rebate	£34,000	£2,000	£32,000	£27,200
Capital Limit of £6,000	Not allowed		0	0
Non- dependant deduction increase– Not for those on 100% maximum benefits & “others	£25,000	£2,000	£23,000	£19,550

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## Council Tax Support Scheme

**Council**

**Date: 20th December 2012**

must not have to large an increase.”				
Income Disregards - Child Benefit income included	Not allowed		£0	£0
One off Grant			£318,182	£267,892
Totals			£748,182	£633,392

- 3.22 The grant must be applied for before 31<sup>st</sup> January 2013 and the DCLG will be approving schemes in February 2013. There is a risk that the changes to the non-dependant deductions, which “must not be too large”, and changes to second adult rebate, where the Council Tax payer is in receipt of another discount may not be approved. The DCLG has advised that Local Authorities may find it easier not to change non-dependant deductions.
- 3.23 If the scheme is altered from what is being proposed then between the Council, Fire and Police authorities at least a further £404,000 of savings would be required. Swindon’s share of this would be £346,000.
- 3.24 The fact that it is only a one off grant, which will require changes next year, and that it will only fund a small proportion of the imposed reduction in grant, means that it is not recommended for acceptance.
- 3.25 If the proposed scheme is altered, practitioners have expressed the view that a further public consultation would have to be undertaken.

### Council Tax Support Further Assistance, Implications & Collection

- 3.26 If the scheme is adopted the Revenues and Benefits Department is planning to carry out further analysis of the likely collection rates. There is considerable risk that the estimated non-collection rate could be higher than 25%.
- 3.27 A review will be held as to how the authority can assist residents pay Council Tax charges for the first time or pay increased charges. It is a priority to encourage people to pay, rather than having to undertake recovery action, which in addition to increasing the costs of the service would also incur court costs, which may be passed on to the customer. Options may include offering 12 monthly instalments, increasing the use of text reminders prior to paper reminders and summonses, financial management advice for customers, and if recovery action does become necessary, reviewing the level of court costs charged. If court action is undertaken then recovery via attachment to benefits or wages will continue be used in preference to bailiffs.

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# Council Tax Support Scheme

**Council**

**Date: 20th December 2012**

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- 3.28 It should be noted that some of the individuals having to make payment or increase payments may also be experiencing other reductions in benefits, since other welfare changes are being made in April 2013. These measures include reductions in Housing Benefits, due to the 'occupancy regulations' for Social rented sector tenants and the 'benefit caps' for couples with over £500 per week benefits and individuals receiving over £350 per week. These may make payment of any Council Tax charges more difficult and the Council Tax office will need to take this into account. The Discretionary Housing Payments Fund is available to help the most vulnerable with any reductions in Housing Benefit to pay their rent.

## **4. Alternative Options**

- 4.1 The options available are to amend the scheme and to apply for the grant being offered. This would require some reductions in Council services or increases in Council Tax, which if above 2% would trigger a referendum. If a scheme is not adopted, larger savings from the overall Council budget, or increases in Council Tax will be required.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 The adoption or non-adoption of the draft Council Tax Support scheme will have an impact on the finances of the Council. The Council's share of the £2 million reduced benefits subsidy is approximately £1.7 million. The adoption of a draft scheme and the changes to empty discounts and exemptions would mitigate this loss for the authority.

### Legal and Human Rights Implications

- 5.2 The Local Government Finance Act 2012 and the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 enable Local Authorities to set their own local Council Tax Support schemes.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 Impacts on residents have been considered under the Diversity Impact Assessment for Council Tax Support. Implications on staffing will be reviewed with Capita as part of the analysis of collection and recovery planning.

### Links to One Swindon, Strategic Objectives, Plans and Policies

- 5.4 Council Tax Support is linked to the One Swindon aim of Living Independently, protected from harm, leading healthy lives and making a positive contribution.

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# Council Tax Support Scheme

**Council**

**Date: 20th December 2012**

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## Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment for the Council Tax Support scheme has been undertaken and updated as a result of the consultation process. There are approximately 16,000 households claiming Council Tax Benefit; with 6,000 pensioner claimants and 10,000 working age claimants. It is estimated that 2,500 of the 10,000 working age claimants are households where someone has a disability and approximately 5,000 households have children. Under the proposed scheme households where an individual is in receipt of a disability benefit or premium are being protected. There will be an adverse impact on households with low incomes, particularly families with children. As mentioned above, support to those having to make payments or increased payments will be reviewed. It is a priority to help encourage customers to pay. Options may include offering 12 monthly instalments, increasing the use of text reminders, financial management advice for customers and reviewing the level of court costs charged. If court action is undertaken then recovery via attachment to benefits or wages will continue to be used in preference to bailiffs.

## Risk Management

- 5.6 There are a number of risks associated with the adoption of a Council Tax Support scheme. These include the fact that Central Government have not finalised all of the legislation, such as the contracting out regulations, and the creation of software to support the scheme. The adoption of the scheme may also result in an increase in Council Tax debts, have an impact on the collection of other Council incomes and has impacts on the lives of many residents.

## **6. Consultees**

- 6.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None attached.

## **8. Appendices**

- 8.1 Appendix 1 - Consultation summary  
8.2 Appendix 2 - Proposed scheme

## **9. Key Decision/Decision in Forward Plan**

- 9.1 The Council Tax Support scheme is designed to help mitigate the loss in Council Tax Benefit and protect the most vulnerable.

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## Council Tax Support

Council

Date: 20<sup>th</sup> December 2012

### Council Tax Support Scheme Consultation Summary

The consultation ran from 16<sup>th</sup> August 2012 until 9<sup>th</sup> November 2012. There were 348 formal responses and a number of other comments, which are shown below. Of the formal responses, 328 were made online and 20 paper copies were received.

In order to publicise the consultation, press releases were issued at the beginning and towards the end of the consultation period and promoted on social media. Officers went to a number of Locality meetings and held a Welfare reforms conference attended by over 200 people and included representatives from the Advice Agencies, Tenants Representatives and other Voluntary Sector bodies. All 10,000 working age Council Tax Benefits claimants who may be impacted were written to, in addition to 10,000 other residents chosen at random.

#### 1.1 Formal responses to the questions were as follows:

<b>Q1 Should the Council protect all households in Swindon which contain an individual with a disability from the financial impact of any changes under the move to a local Council Tax Support scheme?</b>							
Responses from Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
Yes	No	Yes	No	Yes	No	Yes	No
82	25	118	118	16	17	205	143
76.6%	23.4%	50%	50%	48.5%	51.5%	58.9%	41.1%
<b>Q2 Are there any other specific groups that should be protected from any changes in the move to a local Council Tax Support scheme?</b>							
Responses from Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
Yes	No	Yes	No	Yes	No	Yes	No
69	37	40	195	21	12	115	232
65.1%	34.9%	17%	83%	63.6%	36.4%	33.1%	66.8%

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## Council Tax Support

Council

Date: 20<sup>th</sup> December 2012
**Suggestions for other groups that should be protected and numbers of responses include :**

Single Parents : 21  
 Families/children: 18  
 Unemployed: 12  
 Low Income: 12  
 ESA claimants: 10  
 Carers: 4 (\*many 'live in' carers can qualify for Council Tax discounts)  
 Single Persons: 4  
 Low paid: 4  
 War Disability Pensions: 2  
 Students : 2 (\*already exempt or discounted from Council Tax)  
 Foster carers: 1

**Q3. Should the maximum level of Council Tax Support be set at 80% of the Council Tax bill?**

Responses from Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
Yes	No	Yes	No	Yes	No	Yes	No
34	73	141	96	11	22	175	173
31.8%	68.2%	59.4%	40.1%	33.3%	66.6%	50.3%	49.7%

**Q3b. If you have answered "no" to Q3, what do you believe the maximum level of Council Tax Support should be?**

Responses from Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
More than 80%	Less than 80%	More than 80%	Less than 80%	More than 80%	Less than 80%	More than 80%	Less than 80%
38	34	44	50	15	7	85	85

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## Council Tax Support

Council

Date: 20<sup>th</sup> December 2012

52.8%	47.2%	46.8%	53.2%	68.2%	31.8%	50%	50%
<b>Q4. Should the second adult rebate be withdrawn?</b>							
Responses From Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
Yes	No	Yes	No	Yes	No	Yes	No
56	51	178	59	24	9	234	112
52.3%	47.6%	75.1%	24.9%	72.7%	27.3%	67.6%	32.4%
<b>Q5. Should child benefit be treated as a source of income when calculating a household's entitlement to Council Tax Support?</b>							
Responses From Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
Yes	No	Yes	No	Yes	No	Yes	No
38	70	179	58	14	19	218	129
35.2%	64.8%	75.5%	24.5%	42.4%	57.6%	62.8%	37.2%
<b>Q6. Should the maximum level of Council Tax Support payable be capped at the entitlement for a Band D property?</b>							
Responses From Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
Yes	No	Yes	No	Yes	No	Yes	No
61	44	177	59	22	11	242	103

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## Council Tax Support

Council

Date: 20<sup>th</sup> December 2012

58.1%	41.9%	75%	25%	66.6%	33.3%	70.1%	29.9%
<b>Q6b. If you have answered “no”, to question 6, at what level should a cap be set?</b>							
Responses From Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
Higher / no cap	Lower	Higher / no cap	Lower	Higher / no cap	Lower	Higher / no cap	Lower
41	3	39	19	10	2	80	22
93.2%	6.8%	67.2%	32.8%	83.3%	16.7%	78.4%	21.6%
<b>Q7. Should the minimum level of savings held before people start contributing to their Council Tax bills be reduced from £16,000 to £6,000?</b>							
Responses From Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
Yes	No	Yes	No	Yes	No	Yes	No
61	43	150	86	20	10	211	133
58.6%	41.4%	63.6%	36.4%	66.6%	33.3%	61.3%	38.7%
<b>Q7b. If you have answered “no” to question 7, what level of savings do you believe should be the minimum held before people are expected to contribute to their Council Tax bills?</b>							
Lower than £6,000						6	

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Between £6,001 and £10,000						18	
Between £10,001 - £16,000						56	
More than £16,000						48	
<b>Q8. Should the expected contribution to Council Tax from non-dependent household members be increased by £5 (per week)?</b>							
Responses From Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
Yes	No	Yes	No	Yes	No	Yes	No
50	56	173	63	17	16	223	123
47.2%	52.8%	73.3%	26.7%	51.5%	48.5%	64.4%	35.6%
<b>Q8b. If you have answered “no” to question 8, what change should be made to the expected contribution from non-dependent household members?</b>							
Higher than £5						12 (9.5%)	
Lower than £5						24 (19%)	
No change						90 (71.5%)	
<b>Questions On Alternative Options</b>							
<b>Q9. Should recipients of Council Tax Support contribute to their Council Tax bill a different amount than the current 20p for every £1 earned, if their income increases?</b>							
Responses From Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making		Total responses	

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				claims			
Yes	No	Yes	No	Yes	No	Yes	No
36	70	149	87	13	20	186	158
34%	66%	63.1%	36.9%	39.4%	60.6%	54.1%	45.9%
<b>Q9b. If you have answered “yes” to question 9, how much of every extra £1 earned should recipients of Council Tax Support contribute to their Council Tax bill?</b>							
Responses From Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
Less than 20p	More than 20p	Less than 20p	More than 20p	Less than 20p	More than 20p	Less than 20p	More than 20p
19	15	12	131	6	7	33	146
<b>Q10. Should the amount assessed as the minimum basic living level be reduced from the nationally determined amount?</b>							
Responses From Council Tax Benefit claimants		Responses from other Council Tax payers		Responses from people who assist people in making claims		Total responses	
Yes	No	Yes	No	Yes	No	Yes	No
18	89	80	155	12	20	98	246
16.8%	83.2%	34%	66%	37.5%	62.5%	28.5%	71.5%
<b>Q10b. If you have answered “yes” to question 10, by how much should the minimum basic living level be reduced from the nationally determined amount?</b>							

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Up to 10%	40	41.6%
Between 11% and 20%	34	35.4%
More than 20%	22	23%

### 1.2 Informal Responses from organisations:

Swindon Carers – “I would invite the council to exempt all carers who are responsible for paying council tax from the changes. Although carers ultimately have the decision as to whether to be carers or not, they save the council significant sums in care costs. I feel that carers should not be penalised for giving up their time and their ability to increase their income from work in order to support people with disabilities.”

British Legion – Requested protection for War Disablement Pensioners, War widows and widowers and that such pensions and compensation payments continue to be disregarded as income.

Swindon Tenants Voice & Housing Advisory Forum responses:

1. Asked the Council to request that Central Government reverse the reduction in Council Tax Benefit subsidy.
2. That irrespective of the answer to question one above, no reductions in Council Tax Benefits or Support be made.

### 1.3 Other Informal comments and responses from individuals include:

- Swindon Borough council should petition Central Government for additional funding.
- Do not wish to see reductions in services (concerned about Home Line)
- Swindon Borough Council should ask Central Government to create a new higher Council Tax band.
- Reduce Council Tax Benefits.
- Increase Council Tax for all Council Taxpayers.

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### 1.4 Equalities Monitoring

Age	Consultation numbers (% in brackets)	Swindon Population Estimate (2009 estimates)
Up to 19	1 (0.3%)	24.35%
20-29	14 (4.0%)	12.98%
30-39	63 (18.2%)	15.64%
40-49	73 (21%)	16.00%
50-59	74(21.3%)	11.67%
60-64	29 (8.4%)	9.26%
65 & over	45 (13%)	10.11%
Rather not say	48 (13.8%)	
Consider themselves to have a disability	Consultation numbers (% in brackets)	Swindon Population Estimate
Yes	40 (11.5%)	15.26%
No	225 (64.8%)	84.74%
Rather not say	82 (23.6%)	

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Gender	Consultation numbers (% in brackets)	Swindon Population Estimate
Male	172 (49.6%)	50.01%
Female	124 (35.7%)	49.99%
Transgender	3 (0.9%)	
Rather Not Say	48 (13.8%)	
Ethnic Background	Consultation numbers (% in brackets)	Swindon Population Estimate
White British	262 (75.5%)	88.53%
Any other white background	11 (3.2%)	4.56%
Black or Black British	4 (1.2%)	1.07%
Asian, Indian & Pakistan,	9 (2.7%)	3.16%
Any other mixed heritage	4 (1.2%)	1.45%
Chinese	1 (0.3%)	
Any other background	1 (0.3%)	1.23%
Rather not say	55 (15.9%)	
Religion/belief	Consultation numbers (% in brackets)	Swindon Population Estimate
No religion	103 (29.7%)	19.13%
Christian	144 (41.5%)	

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Buddhist	0 (0%)	0.28%
Muslim	5 (1.4%)	1.03%
Hindu	2 (0.6%)	0.56%
Jewish	1 (0.3%)	0.07%
Sikh	0 (0%)	0.56%
Other	12 (3.5%)	0.36%
Rather not say	80 (23.1%)	7.95%
Sexual orientation	Consultation numbers (% in brackets)	Swindon Population Estimate
Lesbian , Gay, Bisexual	11 (3.2%)	6%
Heterosexual/ Straight	253 (72.9%)	94%
Rather not say	83 (23.9%)	

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## Council Tax Support

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# Swindon Borough Council

## Council Tax Support Scheme



**Council Tax Support****Council****Date: 20<sup>th</sup> December 2012**

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<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Comments</b>
1	1 <sup>st</sup> August 2012	Andy Stevens	Draft Scheme
2	12 <sup>th</sup> November 2012	Andy Stevens	A Woodward comments
3	3 <sup>rd</sup> December 2012	Andy Stevens	Regulations finalised

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### 1.0 Introduction

From April 2013 Council Tax Benefit will be replaced with a localised Council Tax Support scheme, set by Local Authorities. Pensioner's support (persons of pension credit age) will continue to follow a national framework of rules and eligibility, but the schemes for 'working age' claimants will be agreed locally.

This document sets out the Council's scheme, which will be subject to approval by the Council no later than 31st January 2013.

The Swindon Local scheme should help meet the needs of the One Swindon and Swindon Borough Council priorities. One of the aims of the One Swindon Partnership is that residents are helped in:

"Living independently, protected from harm, leading healthy lives and making a positive contribution."

"People feel in control at times of crisis, and are protected from family breakdown and are more resilient and regain independence. Within this helping residents remain in their properties and reducing poverty is important."

Council Tax Support may help in achieving the following aims.

- Prevent homelessness and alleviate poverty.
- Reduce worklessness by encouraging residents of the Borough to obtain and sustain employment.
- Support the vulnerable in the local community.
- Keep families together.
- Help claimants through personal crises and difficult events.
- Help those who are trying to help themselves.

### 2.0 Prescribed Requirements

The Regulations prescribe a number of requirements regulations that will apply to all local schemes, in addition to the scheme for persons of State Pension Credit eligible Age. The following apply to both working age and non-working age claims alike.

#### 2.1 Persons from Abroad

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The national regulations prescribe restrictions to local schemes. These exclude foreign nationals with limited immigration status and non-economically active EEA individuals who are not exercising EU treaty rights from receiving Council Tax reductions.

### 2.2 Refugees

Those persons that have recognised refugee status, humanitarian protection, discretionary leave or exceptional leave to remain in the country, outside of the immigration rules, and who are exempt from the habitual residence test are entitled to apply for Council Tax Support (as long as their status has not been revoked).

### 2.3 Permitting a Person to Act for another Person

Current arrangements for a person to act on behalf of another continue. For example, where a person has been granted a power of attorney for a Council Tax Payer or in cases where a couple wishes to make an application.

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### Pension Age Claimants

#### 3.0 Groups of persons who are entitled to a reduction under the scheme

There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from support defined within statute, such as a person from abroad with limited leave to remain.

The 3 groups are:

- Class A - Pensioners whose income is less than the applicable amount
- Class B - Pensioners whose income is greater than the applicable amount
- Class C - Alternative council tax reduction (second adult rebate) – pensioners

#### 3.1 Class A - Pensioners whose income is less than the applicable amount

The individual must (on the day concerned):

- a) Be liable to pay Council Tax in respect of a dwelling in which they are resident
- b) Not be absent as described under the regulations
- c) Be somebody in respect of whom a maximum council tax reduction amount can be calculated
- d) Who does not fall within a class of person not entitled to a reduction under this scheme
- e) Whose income (if any) for the relevant week does not exceed his or her applicable amount (as defined in regulations),
- f) Has applied for the scheme.
- g) Have attained the qualifying age for state pension credit,
- h) Not be someone or have a partner who is in receipt of Income Support, income based Jobseeker's Allowance or income based Employment and Support Allowance or Universal Credit.
- i) Not have capital savings above £16,000 (or amount specified in legislation).

#### 3.2 Class B - Pensioners whose income is greater than the applicable amount

The individual must (on the day concerned):

- a) Be liable to pay Council Tax in respect of a dwelling in which they are resident
- b) Not be absent as described under the regulations

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- c) Be somebody in respect of whom a maximum Council Tax reduction amount can be calculated
- d) Who does not fall within a class of person not entitled to a reduction under this scheme
- e) Whose income (if any) for the relevant week is greater than his or her applicable amount (as defined in regulations),
- f) In respect of whom amount A exceeds amount B where—
  - i. Amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
  - ii. Amount B is 2 6/7 % of the difference between his/her applicable amount (and this equates to a 20% reduction per £1 of income above the applicable amount)
- g) Has applied for the scheme.
- h) Has attained the qualifying age for state pension credit,
- i) Not be someone or have a partner who is in receipt of Income Support, income based Jobseeker's Allowance or income based Employment and Support Allowance,
- j) Not have capital savings above £16,000 (or amount specified in regulations)

### 3.3 Class C - Alternative maximum council tax reduction – pensioners

The individual must:

- a) Be liable to pay Council Tax in respect of a dwelling in which they are resident
- b) Not be absent as described under the regulations
- c) Be somebody in respect of whom a maximum council tax reduction amount can be calculated
- d) Who does not fall within a class of person not entitled to a reduction under this scheme
- e) Has applied for the scheme
- f) Has attained the qualifying age for state pension credit,
- g) Be somebody who has at least one second adult living with them who is not their partner, not somebody who pays rent, and who is on a prescribed low wage and / or prescribed benefit, as set out in regulations

## 4.0 The reduction to which persons in each class are entitled:

For A to C the reductions are specified in Regulations.

### 4.1 Class A Reduction

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Direct Dial 01793 464661, [anstevens@swindon.gov.uk](mailto:anstevens@swindon.gov.uk).

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If an individual matches the criteria in Class A, where income is less than their applicable amount (as set out in regulations) in their case, that person qualifies for 100% reduction on their Council Tax liability, subject to any non-dependent deduction (see section 4.4) or any other deduction specified in regulations.

### 4.2 Class B Reduction

If an individual matches the criteria in Class B, it will mean that their income is greater than their living allowance / applicable amount (as defined in the regulations). The regulations specify the amount of the reduction in Council Tax Support equate to a 20% per cent reduction for each £1 of income above the applicable amount. This is subject to any non-dependant deductions and any other adjustments as specified in the regulations.

### 4.3 Class C Reduction (Alternative or Second Adult Rebate)

Under the existing national Council Tax Benefit scheme, the class 3 reduction is known as second adult rebate. This may be awarded in respect of a second adult sharing the household who would normally be expected to contribute towards the council tax bill but who cannot afford to do so based on their low income as indicated by prescribed low wages bands or prescribed working-age benefit indicators.

This reduction will equate to the existing second adult rebate and may be awarded at 25%, 15% or 7.5% (or as specified in regulations) of the council tax liability, depending upon individual circumstances.

### 4.4 Non Dependent Deductions

Once a reduction amount is calculated, it will continue to be subject to a downward adjustment to take into account non-dependent adults that normally reside in the dwelling who would be expected to contribute to Council Tax. Deductions for such non-dependent adults will be calculated with differing prescribed amounts being deducted according to individual circumstances in accordance with the regulations (national scheme).

### 4.5 Determination of Class and Award

Determination of the class an individual is put into and the reduction they will receive will continue to be determined in two ways:

1. In respect of Class A and Class B, through means testing which will continue according to the rules and criteria and
2. Through application of rules for calculation of Class C known known as the Alternative Council Tax reduction calculation.

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### 4.6 Means Test for Class 1 and Class 2

The means test is defined within the regulations and aligned with the previous regulations for council tax benefit for those of state pension credit age.

The means test is based upon a comparison of income defined in regulations and a deemed living allowance also defined in regulations. The way in which these elements will be defined and evaluated for the pension credit age scheme is set out below.

### 4.7 Living Allowance (Applicable Amount)

The individual's living allowance or applicable amount is made up of four elements. The amounts are specified in regulations. The elements are:

1. A personal allowance in respect of the applicant,
2. An amount in respect of any child or young person who is part of their family,
3. A family premium element (where the applicant is part of a family of which at least one member is a child or young person), and
4. Any premium amount set out in regulations.

### 4.8 Calculation of Income and Capital

Income and capital will be calculated for a person who has reached the qualifying age for state pension credit in line with previous provisions. The income and capital of a claimant's partner or partners in the case of a polygamous marriage will continue to be treated as income of the claimant.

Income or capital of any child or young person will not be treated as income or capital of the claimant, unless it appears to the Council that the two have entered into arrangements to take advantage of the system.

### 4.9 Income and capital for those on State Pension Credit

The regulations instruct Councils to disregard income and capital for those in receipt of state pension credit.

For those in receipt of the guarantee credit element of state pension credit, the whole of their income and capital will be disregarded meaning that they will automatically qualify under Class A for a 100% council tax reduction.

For those in receipt of the savings credit element of state pension credit, the Council will be able to use the Department for Work and Pensions' Pension Service's assessment of the income and capital of the individual, and adjust this to take into account income from this benefit and any other relevant requirements.

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### 4.10 Calculation of Income Where a Person is not in Receipt of State Pension Credit

For those who have reached the qualifying age for state pension credit, but are not in receipt of this benefit themselves, provisions relating to income, its calculation on a weekly basis, what is to be regarded as income and what is to be disregarded as income are specified in the regulations and replicate the operation of Council Tax Benefit.

### 4.11 Income and Wider Welfare Changes

In relation to income, wider welfare changes mean new working age benefits will be introduced to replace some of the existing working age benefits.

Despite these changes being mainly to working-age benefits, they may have relevance for individuals living with a person of pension-credit age and consequently, it may be taken into consideration in the assessment.

New applicants will be migrated onto these benefits over time, so both benefits will co-exist for a number of years (for example, the Universal Credit migration will take place over five years). Where such benefits are mentioned in these regulations, an equivalent approach for an individual on the new benefit will be identified and agreed with the Department for Work and Pensions. Draft regulations will mark the points where such arrangements will need to be set out. These changes will be formalised in regulations to be laid before Parliament.

### 4.12 Calculation of capital

Calculation of capital where a person is not in receipt of state pension credit are specified in the regulations, such as the capital savings limit of £16,000 (after which individuals will not be eligible for council tax reductions), what is to be regarded as capital; what is to be disregarded as capital and other capital calculations.

### 4.13 Notional capital

Regulations will continue to stipulate that individuals will be treated as possessing capital of which they have deprived themselves for the purposes of securing council tax reductions.

The notional capital will continue on the same basis, for example, disregarding the value of any holding in a company where the applicant is the sole owner or partner, but will include an amount of capital equal to the value (or their share of the value of) the capital of such a company. This notional capital (which the individual is treated as in

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possession of) will be reduced over time as set out in regulations, to reflect payment of additional council tax liabilities incurred.

### 4.14 Tariff income on capital

Once an amount of capital is calculated, net of any amounts to be disregarded, this will be treated as if it is income as prescribed in the regulations. The amounts specified in the 2012 regulations are £1 for every £500 (or part of £500) in excess of £10,000. This amount of tariff income will be added to the initial income calculation to give a total income amount.

### 4.15 Calculation of Reduction

Once the total income amount has been calculated, it will be compared with the living allowance / applicable amount, to determine whether the individual falls into Class A (income less than applicable amount) or Class B (income greater than applicable amount).

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### Working – Age Claimants Local CTS Scheme

#### 5.0 Introduction

The amount of support will be based upon individual circumstances and changes of circumstances will also be taken into account.

There will be four main working age groups for each of which there will be a number of qualifying criteria.

#### **Claimant Groups**

##### 5.1 Class D: Income is less than the Applicable Amount

The individual must be:

- a) Liable to pay council tax in respect of a dwelling of which he is a resident;
- b) Not be absent as described under the regulations
- c) Be somebody in respect of whom a maximum council tax reduction amount can be calculated
- d) Who does not fall within a class of person not entitled to a reduction under this scheme
- e) Whose income (if any) for the relevant week is less than his/her applicable amount
- f) Has applied for the scheme
- g) Has not attained the qualifying age for state pension credit or has reached this age but has a partner who is claiming Income Support, income-based Jobseeker's Allowance or income-based Employment Support Allowance or Universal Credit.
- h) Not have capital savings above £6,000.

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- i) Is not a person or household that is entitled to one of the following themselves or has a dependant in the household entitled to one of the following. Disability premium, enhanced disability premium, disabled earnings disregard, Disability Living Allowance or Personal Independence Payment, Disabled Persons Reduction for Council Tax purposes, War Disablement Pension and War Widow's Pension or their equivalents under Universal Credit and/or Personal Independence Payment regulations.

### 5.2 Class E: Income is greater than the Applicable Amount

The individual must be:

- a) Liable to pay council tax in respect of a dwelling of which he is a resident;
- b) Not be absent as described under the regulations
- c) Be somebody in respect of whom a maximum council tax reduction amount can be calculated
- d) Who does not fall within a class of person not entitled to a reduction under this scheme
- e) Whose income for the relevant week is greater than his/her applicable amount
- f) In respect of whom amount A exceeds amount B where—
  - i. Amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
  - ii. Amount B is 2 6/7 % of the difference between his/her applicable amount (and this equates to a 20% reduction per £1 of income above the applicable amount)
- g) Has applied for the scheme.
- h) Has not attained the qualifying age for state pension credit or has reached this age but has a partner claiming Income Support, income-based Jobseeker's Allowance or income-based Employment Support Allowance or universal credit.
- i) Not have capital savings above £6,000.
- j) Is not a person or household that is entitled to one of the following themselves or as dependant in the household is entitled to one of the following. Disability premium, enhanced disability premium, disabled earnings disregard, Disability Living Allowance or Personal Independence Payment, Disabled Persons Reduction for Council Tax purposes, War Disablement Pension and War Widow's Pension or equivalent under Universal credit and/or Personal Independence Payment regulations.

### 5.3 Swindon No Class F: - No Alternative Council Tax Reduction

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### 5.4 Class G – Households with Persons with Disabilities & Income below the Applicable Amount

The individual must be:

- a) Liable to pay council tax in respect of a dwelling of which he is a resident;
- b) Not be absent as described under the regulations
- c) Be somebody in respect of whom a maximum council tax reduction amount can be calculated
- d) Who does not fall within a class of person not entitled to a reduction under this scheme
- e) Whose income (if any) for the relevant week is less than his/her applicable amount
- f) Has applied for the scheme &
- g) Has not attained the qualifying age for state pension credit or has reached this age but has a partner claiming Income Support, income-based Jobseeker's Allowance or income-based Employment Support Allowance or Universal Credit.
- h) Not have capital savings above £16,000
- i) Be a person who is either entitled to one of the following themselves or as dependant in the household is entitled to one of the following. Disability premium, enhanced disability premium, disabled earnings disregard, Disability Living Allowance or Personal Independence Payment, Disabled Persons Reduction for Council Tax purposes, War Disablement Pension and War Widow's Pension or equivalents under Universal credit and/or Personal Independence Payment regulations.

### 5.5 Class H – Households with Persons with Disabilities & Income above the Applicable Amount

The individual must be:

- a) Liable to pay council tax in respect of a dwelling of which he is a resident;
- b) Not be absent as described under the regulations
- c) Be somebody in respect of whom a maximum council tax reduction amount can be calculated
- d) Who does not fall within a class of person not entitled to a reduction under this scheme

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- e) Whose income for the relevant week is greater than his/her applicable amount
- f) In respect of whom amount A exceeds amount B where—
  - i. Amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
  - ii. Amount B is 2 6/7 % of the difference between his/her applicable amount (and this equates to a 20% reduction per £1 of income above the applicable amount).
- g) Has applied for the scheme
- h) Has not attained the qualifying age for state pension credit or has reached this age but has a partner claiming Income Support, income-based Jobseeker's Allowance or income-based Employment Support Allowance or Universal Credit.
- i) Not have capital or savings above £16,000
- j) Be a person who is either entitled to one of the following themselves or as dependant in the household is entitled to one of the following. Disability premium, enhanced disability premium, disabled earnings disregard, Disability Living Allowance or Personal Independence Payment, Disabled Persons Reduction for Council Tax purposes, War Disablement Pension and War Widow's Pension or equivalents under Universal credit and/or Personal Independence Payment regulations.

### 6.0 Calculation of Council Tax Support (Determination of award)

Determination of the class the individual is put into, and the reduction they will receive, shall be determined in respect of Classes D-H through means-testing that will be applied using similar rules and criteria as was applied for the purposes of the previous national Council Tax Benefit scheme and where specified in accordance with the new regulations. The local scheme will specify some differences to the amounts awarded and these will apply to classes D and E.

#### 6.1 Differences

The main differences with the existing or previous national scheme are that for classes D and E. Support will be limited to a maximum of 80% of Council Tax liability; the calculation will be based on a maximum Council Tax Band D liability; persons with capital over £6,000 will not be eligible for support; Child Benefit will be included as an income (and not disregarded); and non-dependent deductions will be increased by £5 per week. There will be no Second Adult Rebate scheme for working age residents.

#### 6.2 Living allowance (known as the applicable amount).

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The claimant's living allowance or applicable amount will be made up four elements. These will be:

- (i) A personal allowance in respect of the claimant (and partner, where relevant);
- (ii) An amount in respect of any child or young person who is part of their family;
- (iii) A family premium element (where the claimant is part of a family of which at least one member is a child or young person); and
- (iv) Any premium amount, which is applicable to the individual as set out in the local Council Tax Support scheme and national Default Scheme.

The applicable amounts used in the calculations will be those set out in the national Default scheme and updated each financial year in accordance with those set nationally. If no changes are made nationally, increases will be made in line with the Consumer Prices Index (CPI) increases as at the end of September previous for the following financial year.

### 6.3 Calculation of Income and capital

Income will be calculated for a person who has not attained the qualifying age for state pension credit in accordance with the prescribed requirement regulations and the Default Scheme, and in line with the previous national Council Tax Benefit provisions, except that in respect of classes D and E, Child Benefit income will be treated as income in the calculation (and will not be disregarded).

The income and capital of a claimant's partner or partners in the case of a polygamous marriage will continue to be treated as income of the applicant.

Income or capital of any child or young person will not be treated as income or capital of the claimant. The Council shall be permitted to treat the income or capital of a non-dependent as if it were the income or capital of the applicant in a case where it appears to the Council that the two have entered into arrangements to take advantage of the system.

Income for those in receipt of income support, income-related jobseekers' allowance and income-related employment and support allowance will be disregarded. Provided that capital held is less than £6,000, this shall also be disregarded. Such persons will automatically qualify, under Class D, for an 80% council tax reduction subject to any non-dependent deductions.

An equivalent consideration may be identified for individuals who are in future in receipt of Universal Credit.

### 6.4 Calculation of capital where this is not disregarded

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Provisions relating to capital – other than the revised £6,000 capital savings limit proposed for classes D and E, including for example, what is to be regarded as capital and what is to be disregarded as capital; will be those shown in the Prescribed Requirement Regulations 2012 and the National Default Scheme, or if not will be those that operated in the previous Council Tax Benefit regulations.

There is also provision for certain elements of income to be treated as capital (for example, in relation to certain lump sum payments or tax credit arrears).

Individuals may be treated as possessing capital of which they have deprived themselves for the purposes of securing council tax reductions. This notional capital (of which the individual is treated as in possession) will be reduced over time to reflect payment of additional council tax liabilities incurred.

### 6.5 Tariff income for Working Age Claimants

Tariff income for capital held will apply to claims for persons within class G & H.

Once an amount of capital is calculated, net of any amounts to be disregarded, this will be treated as if it is income of £1 for every £250 (or part of £250) in excess of £6,000. This amount of tariff income will be added to the initial income calculation to give a total income amount.

### 6.6 War Widows & Widowers & War Disablement Pensions

Existing arrangements whereby £10 of weekly war widow's pension, war widower's pension and war disablement pension and certain other guaranteed income payments including for example under the Armed Forces and Reserve Forces Compensation Scheme is disregarded, continue to apply.

Additionally, the Council is replicating existing local arrangements whereby the remainder of any weekly war widow's pension, war widower's or war disablement pension are also disregarded in full in the assessment of a claimant's income within the local Council Tax Support scheme.

### 6.7 Calculation of income where not in Receipt of a Prescribed Working-Age Benefit

Other provisions relating to income, its calculation on a weekly basis, what is to be regarded as income and what is to be disregarded as income will operate in accordance with the Prescribed Requirements Regulations 2012, the Default Scheme, and in line

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with the previous national Council Tax Benefit regulations. In particular, earnings of employed earners and earnings of self-employed earners (both net of tax and contributions) will be taken into account as currently.

These regulations specify which earnings or amounts are to be disregarded, but for Swindon's scheme Child Benefit is included as an income and not disregarded.

Unless specified in national regulations Personal independence payments are to be treated in the same manner as disability living allowance (i.e. fully disregarded) and the following are to be fully disregarded : income received for War Disablement Pension, War Widower's Pension and War Widow's Pension.

Treatment of other income (in relation to which the applicant has deprived themselves of) will be calculated according to the rules as under the 2012 regulations or in accordance with previous relations as applied under the former national Council Tax Benefit scheme.

### 6.8 Child Benefit

Child benefit income will be included as income in the calculation for classes D & E (and will not be disregarded).

### 6.9 Band D Liability

The maximum Council Tax liability for the purpose of calculating the amount of Support to be granted will be based on Band D property charges for claimants that fall into classes D & E.

### 6.10 Students

Generally Students and students who are persons from abroad will be excluded from entitlement to Council Tax Support and the Council's scheme shall replicate the provisions in the Default scheme regulations 2012 as regards students.

### 6.11 Welfare Changes

In relation to income, wider welfare changes mean new working age benefits will be introduced to replace some of the existing working age benefits. New applicants will be

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migrated onto Universal Credit and other new benefits over time, so both old and new benefits will co-exist for a number of years (for example, the Universal Credit migration will take place over four years).

### **7.0 Reductions attracted by classes: working age awards**

#### **7.1 Class D Reduction**

If an individual matches the criteria in Class D (income is less than their Applicable Amount) that person qualifies for Council Tax Support entitlement equivalent to 80% of their weekly council tax liability after;

- Any applicable discounts and/or relevant deductions; and/or:
- Any restriction to Council Tax band D liability has been made.

This amount will subsequently be subject to any non-dependant or other relevant deductions.

An individual in receipt of income support, income-related jobseeker's allowance or income-related employment and support allowance will have income and earnings counted as zero. The same shall apply to capital held that totals less than £6,000. This means that the individual's income will automatically be less than their applicable amount, and they will qualify for Council Tax Support entitlement equivalent to 80% of their weekly council tax liability or a maximum Council Tax band D liability (i.e. after discounts and any other relevant deductions) subject to any relevant non-dependant deductions.

#### **7.2 Class E Reduction**

If an individual matches the criteria in Class D (income is less than their applicable amount in their case) that person qualifies for Council Tax Support entitlement equivalent to 80% of their weekly council tax liability after;

- Any applicable discounts and/or relevant deductions; and/or:
- Any restriction to Council Tax band D liability has been made.

For class E applicants a further reduction of 20% of the difference between the claimant's applicable amount and their income will be applied to their Council Tax Support.

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This amount will subsequently be subject to any non-dependant or other relevant deductions.

### 7.3 Class G Reduction

If an individual matches the criteria in Class G, including that income is less than the applicable amount in their case, that person qualifies for protection such that they shall qualify for a 100% reduction of their weekly council tax liability (i.e. after discounts and reductions) subject to any relevant non-dependant deductions. Effectively, they shall be protected from the requirement to meet a minimum 20% of their council tax liability.

### 7.4 Class H Reduction

Claimants who fulfil class H will be entitled to help with up to 100% of their Council Tax liability, subject to reduction by other discounts. A further reduction of 20% of the difference between the claimant's applicable amount and their income will be applied to their Council Tax Support.

## 8.0 Non-dependent deductions

Once the reduction award is calculated, it will continue to be subject to a downwards adjustment to take into account non-dependent adults that normally reside in the dwelling who would be expected to contribute to council tax. Deductions for such non-dependent adults will be calculated with differing amounts being deducted according to the individual's circumstances.

Non-dependant deductions will continue not to be made in the following circumstances:

- The claimant or partner are registered blind or have recently regained their sight,
- The claimant or partner are receiving the care component of a disability living allowance or attendance allowance,
- The non-dependant is receiving pension credit,
- The non-dependant is a prisoner,
- The non-dependant is severely mentally impaired,
- The non-dependant is over 18 but child benefit is still payable for them,
- The non-dependant is a student nurse or apprentice or on Youth Training,
- The non-dependant has been a hospital patient for 52 weeks or more. If the non-dependant leaves hospital but is readmitted to hospital within 28 days, the total number of days in hospital are added together,
- The non-dependant is living in a care home or nursing home,

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- The non-dependant is an overnight carer,
- The non-dependant is a resident of a hostel or night shelter for the homeless,
- The non-dependant is a full-time student (even if they work full-time in the summer vacation).

The table below sets out the weekly amounts of deductions to be applied to the local CTS scheme and also shows the deductions from Council Tax Benefit made in 2012/13.

The amounts of the deductions will be increased each year in line with the percentage increase for the national default scheme (or if these are not increased, increased each financial year in line with the Consumer Price Index at the end of the previous September).

<b>Description of Deduction</b>	<b>Amount of Weekly Deduction in 2012/13</b>	<b>CTS Scheme Deduction</b>
Adult in receipt of pension credit guarantee credit or savings credit	Nil	Nil
Adult in receipt of Job Seekers Allowance (income Based)	Nil	£5.00
Adult in receipt of Income Support or Universal credit if not in remunerative work	Nil	£5.00
Adult in receipt of employment support allowance (income related) main or assessment phase	nil	£5.00
Adult in receipt of Job Seekers Allowance (Contribution Based) or Employment Support Allowance (Contribution Based)	£3.30	£8.30

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Gross income of adult in remunerative work is less than £183	£3.30	£8.30
Gross income of adult in remunerative work is greater than or equal to £183 but less than £316	£6.55	£11.55
Gross income of adult in remunerative work is greater than or equal to £316 but less than £394	£8.25	£13.25
Gross income of adult in remunerative work is greater than or equal to £394	£9.90	£14.90
Adult working less than 16 hours per week or is on maternity, paternity adoption or sick leave	£3.30	£8.30
Any other adult not included in the above descriptions	£3.30	£8.30

### 9.0 Extended payments

Existing provisions concerning extended payments for working age claimants shall continue as currently.

An applicant (or their partner) in receipt of Employment Support Allowance (Income Related), Job Seekers Allowance (Income Based), Job Seekers Allowance (Contribution Based), Income Support, Employment Support Allowance (Contribution Based), Incapacity Benefit or Severe Disablement Allowance or any combination of these continuously for at least 26 weeks, who ceases to receive any of these benefits (other than Job Seekers Allowance (Contribution Based) because they have returned to work, increased their earnings or increased their hours (and where that improvement in their situation is expected to last five weeks or more), will continue to receive a council tax reduction calculated as if they were still in receipt of these benefits for four weeks

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where the resulting reduction amount is greater than the reduction amount would be if it were re-calculated to take into account their loss of these benefits.

If a person moves from the Swindon area to the area of a new Council during the week where entitlement to the qualifying benefit ceases, Swindon Borough Council will cease to make payment for the extended payment period, unless specified otherwise in regulations.

For persons moving into the Swindon area receiving extended payments from another authority, the support payments due in respect of the Swindon address should be reduced by the same amount being received as per the regulations.

It is anticipated that Universal Credit will provide for transition into work for claimants from October 2013 onwards. Consequently, the above provision for income related benefits will not apply to Universal Credit claimants that would have met the above conditions had Universal Credit not become effective.

### 10.0 Applications – prescribed regulations

A person may apply for Council Tax Support using the following methods:

- In writing using an application form published by the Council for that purpose

Any application made using the above method may be subject to additional validation as required by the Council or the Regulations in order to calculate the claimant's entitlement to support. Such validation will include, but not be limited to, a number of recent payslips, verification of self-employed income and bank or building society statements.

The Council shall not determine entitlement for an incomplete claim until all relevant information and evidence is provided. This information must be provided by the claimant within one month of the Council's request.

A claimant who is in receipt of Council Tax Benefit immediately prior to 1<sup>st</sup> April 2013 shall be treated as having made an application for Council Tax Support under the provisions of the new scheme from 1<sup>st</sup> April 2013. Any application made before 1<sup>st</sup> April 2013 that is not determined by 1<sup>st</sup> April 2013 will be calculated under the provisions of the new scheme.

Current advice is that the DWP may advise the Council when claims for DWP Benefits are made, but this may not constitute an application for Council Tax Support. In such cases the Council may encourage the claimant to apply.

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A claim for support may be amended or withdrawn by the claimant at any time prior to the Council making a decision regarding entitlement. This should be made in writing.

Further work will be undertaken in due course to enable online or telephone claims to be made.

### **11.0 Claim Start & End Dates & Backdating**

Entitlement to a working-age council tax reduction will begin on the first day of the first week after the application is made. Any entitlement to Council Tax Support shall normally be awarded from the Monday following the date of receipt of a claim.

In terms of back-dating, people of working age will be able to back-date their applications for up to six months, provided they are able to demonstrate they had continuous good cause for failing to make an application on an earlier date.

Where a claimant becomes liable for Council Tax at their home in the same week that they apply for Council Tax Support, any entitlement shall be awarded from the date that their liability for Council Tax commenced. For the purposes of Council Tax Support, a week in this context shall comprise a Monday to Sunday.

If a claimant notifies the Council of an intention to claim Council Tax Support and submits their application form using one of the specified approaches for claiming within one month of when it was sent out or such longer period as may be reasonable in the circumstances, the date of the claim shall be the date of notice of their intention and any entitlement to Council Tax Support shall be awarded from the Monday following that date.

If a claimant applies for Council Tax Support within one month of the death or separation from their partner and the partner was in receipt of Council Tax Support at the time of their death or separation, the date of claim shall be the date of the death or separation in question and any entitlement to Council Tax Support shall be awarded from the Monday following the date of their claim.

Council Tax Support may be backdated for up to six months prior to a written request being received if good cause can be shown as to why the claim was not made earlier. In such circumstances, the Council Tax Support rules prevailing at the date the claim is backdated to shall apply.

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A claimant may apply for Council Tax Support up to 13 weeks prior to an event that would entitle them to Council Tax Support or up to 8 weeks prior to becoming liable for Council Tax at their home.

Where a Council Tax is set after 31st March and a claim for Council Tax Support is made within four weeks following the date the Council Tax was set, entitlement starts either on the 1st April or from the week in which their entitlement begins, if this is between the 1st April and the date their claim was received.

There shall be no fixed time limit to an award for Council Tax Support although entitlement may change or cease if there is a change of circumstances or be terminated if the claimant fails to respond to a request for information or evidence within one month or such longer period as may be considered reasonable in the circumstances.

### **12.0 Decisions**

An authority must make a decision on an application under its scheme within 14 days or as soon as reasonably practicable thereafter, providing all relevant information and evidence relating to the application has been received. Notification will be made in writing and this will include information on how an appeal.

### **13.0 Changes of Circumstance**

Claimants have a duty to notify the Council of a change of circumstances. Ideally this should be undertaken as soon as the change has occurred, but always within 21 days of the change. Where requested to provide further information a claimant shall have one month to provide additional information and evidence.

### **14.0 Suspension and Termination of Council Tax Support**

The Council may suspend or terminate Council Tax support if any of the following situations apply.

- There is a doubt concerning whether the entitlement conditions for Council Tax Support are met,
- The claimant or another person acting on their behalf has failed to provide information or evidence required for changing a decision concerning Council Tax Support,

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- An appeal has been made or leave to appeal has been sought against a decision to award Council Tax support of the Valuation Tribunal for England or another organisation designated by English law to consider such appeals concerning Council Tax Support. This includes but is not limited to appeals to higher courts such as the High Court, Court of Appeal and House of Lords. This provision will also apply to a case where similar cases are subject to appeal that may affect the case concerned.

Council Tax Support may be reinstated when the Council is satisfied that there are no outstanding matters to be resolved, the Council decides not to make an appeal or further appeal, or the appeal or request for leave has been decided, or the claimant has provided the information or evidence required as the case may be. Where Council Tax Support has been suspended for failure to provide information or evidence and the claimant does not respond within one month or such longer period as may be considered reasonable in the circumstances, entitlement may be terminated.

### **15.0 Time and Manner of Granting Relief and Recoveries of Over-Payments**

Matters relating to the time and manner of granting relief, persons paid and dealing with over- and under-payments shall operate in the local Council Tax Support scheme in a similar way to how they currently operate under the existing Council Tax Benefit scheme.

Where the council tax payer is entitled to an increase or decrease in their reductions following a reported change of circumstance, the Council can issue a revised Council Tax bill taking into account the increase or decrease in liability.

### **16.0 Wider Welfare Changes to Benefits – Universal Credit and Personal Independence Payments**

The Government intends to reflect any relevant changes to the welfare and benefits system in regulations. In particular, it is intended that Universal Credit will be introduced for some new and existing claimants from October 2013.

A number of benefits and tax credits (Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Housing Benefit, Working Tax Credit and Child Tax Credit) are expected to be incorporated within Universal Credit.

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It is therefore proposed that treatment of Universal Credit under the Council's proposed local Council Tax Support scheme should wherever possible be made equivalent to the treatment of the corresponding income-related benefits (listed above) in existence prior to the introduction of Universal Credit, subject at all times to any statutory requirements concerning its treatment. A similar principle to this is intended to be applied to Personal Independence Payments that will replace Disability Living Allowance from 2013 onwards.

### 17.0 Annual Updates

A local authority must, each financial year, 'consider whether to revise its scheme or replace it with another scheme'. Any updates to the scheme as it relates to working age claimants may therefore be considered at that time including for example uprating of allowances and premiums used to determine basic living needs for the purposes of the means test.

In the absence of any changes being made to the scheme each year, allowances, applicable amounts, premiums and non-dependant deductions will be increased in line with the national schemes (or in line with CPI for the previous 30<sup>th</sup> September if there is a failure to increase the amounts under the national scheme).

### 18.0 Department for Work and Pensions Changes to State Pension Credit Age

The Department for Work and Pensions is intending to make changes to the way in which new applicants comprising couples of mixed age (i.e. where one member of the couple has attained state pension credit qualifying age and one has not) are treated for new applications. Currently, such couples would generally be treated under pension credit age regulations apart from a few exceptions.

It is anticipated that in future (from the point of change and for new pension credit applicants only) that it will not be possible for a couple to claim pension credit until both members have reached the qualifying age. It is anticipated that such couples will have access to Universal Credit though if they meet all the other eligibility criteria.

The government proposes to align this change for new applicants to local Council Tax Support schemes on the same basis once it takes effect, so that Councils do not find themselves defining an individual in a mixed age couple differently from the way they are defined by the Department for Work and Pensions.

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It is the Government's intention that mixed age couples already applying for or receiving a pension-credit age council tax reduction at the point of change (whether or not they are also receiving pension credit), will retain pension-credit age council tax reduction whilst their entitlement continues.

### **19.0 Appeals**

A claimant or a person acting on their behalf may appeal against the Council's decision concerning entitlement to a reduction under the local CTS scheme or the amount of a reduction by writing to the Council specifying the nature of the appeal and the grounds on which the appeal is made.

The Council will consider the appeal and notify the applicant in writing of the outcome of their appeal and the reasons for the decision.

Where the Council has considered the appeal and notified the applicant of the outcome in writing but they remain dissatisfied, or a response has not been given within a period of two months from the date of the written appeal, the applicant may further appeal in writing to the Valuation Tribunal for England or such other organisation as may be provided for within statute.

The following specific matters shall not be the subject of an appeal under these provisions:

- The Council Tax Support scheme as set by the Council
- Any discretion applied to recover an overpayment of Council Tax Support
- Who to recover an overpayment of Council Tax Support from
- Suspending or restoring Council Tax Support
- Any decision to refuse the grant of a reduction under Section 13A of the Local Government Finance Act 1992

A claimant may also at any time in writing request the Council to review their entitlement to Council Tax Support or the amount of any reduction to Council Tax Support outside of the provisions for appeals detailed above.

### **20.0 Publicity**

The scheme will be publicised on Council Tax bills, reminders and other documentation, on the Council's web site and promotion at stakeholder engagement meetings for

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example with other Local Authority Departments such as Housing, Revenues, Councillors, or organisations such as CAB, Wiltshire law centre etc.

### **21.0 Fraud**

The Council is committed to the fight against fraud in all forms. Where fraud is suspected in relation to a claim a referral will be made to the Council's Fraud team who will investigate the matter and this may lead to criminal proceedings being instigated.

### **22.0 Glossary of Terms**

#### **Applicable Amount**

Means the combination of allowances and premiums used to determine a claimant's basic living needs and against which their income is compared for the purposes of the means test performed.

#### **CTB**

Means Council Tax Benefit (i.e. the existing or previous national scheme)

#### **CTS**

Means Council Tax Support (i.e. the Council's proposed local scheme and prescribed requirements)

#### **Excess Income**

Means the amount by which a claimant's weekly income exceeds their applicable amount.

#### **Non Dependant**

A non-dependant is a person who is living with the claimant but who is not dependent upon them, and not living in their home on a commercial basis, (i.e. as a joint tenant or sub tenant). Non-dependants generally include an adult son or daughter, a mother or father, friend, etc. of the claimant.

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