AGENDA ITEM NO 9 a)

ORDINARY COUNCIL

22nd March 2023

Subject: Council Tax Support Fund 2023-24

Cabinet Member: Councillor Mountford – Resources

1. Purpose of Report

To request approval from Council to the recommendation from Cabinet for the proposed arrangements for the dispersal of surplus funding resulting from the Council Tax Support Fund for 2023-24.

2. Links to Council's priorities and objectives

Efficient and Effective Customer Focussed Services

3. Recommendations

- 1. That Council note the content of section 5 of this report and specifically the content of paras 5.8 and 5.9.
- 2. That Council approve the recommendation from Cabinet specifically the proposals set out in para 5.8, in regard to the use of surplus funding and treatment of newly eligible Working Age Council Tax Reduction (WACTR) and Local Council Tax Support (LCTS) claimants during the year.

4. Background Information

- 4.1 On 23rd December 2022, recognising the impact of rising bills, Central Government issued Guidance to Local Authorities confirming the distribution of £100 million of Council Tax Support Funding which Local Authorities are required to use to support economically vulnerable households in their area with council tax payments during 2023-24 (Appendix A).
- 4.2 Local Authorities are required to use this funding to reduce bills for current Working Age Council Tax Reduction (WACTR) claimants and pension age Local Council Tax Support (LCTS) claimants by up to £25 using its discretionary powers under s13A(1)(c) of the Local Government Finance Act 1992).

5. The Council Tax Support Fund 2023-24

- 5.1 The Council has received Council Tax Support funding of £114,090 for 2023-24 and, in line with Government guidance, the Council is required to allocate this funding as a one-off payment of up to £25 to residents where they are;
 - a) in receipt of WACTR or LCTS on 1st April 2023, and;
 - b) have an outstanding Council Tax liability in respect of 2023-24
- 5.2 Where the outstanding Council Tax liability for 2023-24 is less than £25, Council Tax Support will be awarded to a level that will reduce the liability to nil.
- 5.3 Where the outstanding Council Tax liability for 2023-24 is already nil, no Council Tax Support will be awarded.
- Where residents are eligible on 1st April 2023, but their eligibility ceases later in the year (either because their Council Tax liability ends, or they fail to remain entitled to WACTR or LCTS) the £25 award will automatically be apportioned pro rata to the relevant date of the change.
- 5.5 Under the guidance the Council has discretion to use surplus funding as they see fit to support vulnerable households with Council Tax bills.
- 5.6 The Council also has discretion to determine how they wish to treat households which are liable for Council Tax on 1st April 2023 but only become newly eligible for WACTR or LCTS during the financial year (i.e. whether they will also be considered eligible for pro rata payments or not, or whether some other such arrangement shall apply).
- 5.7 Spend in line with the main criteria and based on current caseload is expected to equate to just under £65k, leaving an estimated £49k of surplus funding.
- 5.8 It is therefore proposed that;
 - a) households that are liable for Council Tax at 1st April 2023 but only become newly eligible for WACTR or LCTS during the financial year will not be considered eligible for a pro rata payment or any other such automatic payment, and
 - b) any surplus funding is allocated to the Council's existing Exceptional Hardship Scheme and is thereby used to provide substantive support to vulnerable households under the usual rules of that scheme.
- 5.9 These proposals allow the Council to;

- a) provide more substantive and meaningful support to those who have demonstrated high levels of vulnerability and financial hardship
- b) keep the scheme simple and easy to understand and apply for
- c) reduce the administrative burden and costs associated with making more frequent but smaller and less impactful payments to a wider caseload (as would be the case if payments were issued pro rata as per para 5.6).
- 5.10 The surplus funding will be ringfenced within the Exceptional Hardship budget and normal Exceptional Hardship rules (as set out in the EHF Policy **Appendix B**) will apply in terms of determining eligibility and award levels.

6. Corporate Implications

a) Financial Implications

6.1 In line with the new burdens' doctrine, Central Government has confirmed that it will assess additional costs associated with the implementation of this scheme, such as staffing and software costs, and will confirm the value and payment date of any such new burdens funding in due course.

The proposed scheme is not expected to generate significant additional burdens for the Local Authority – software costs are £8K and administration is generally expected to be absorbed within existing resources.

b) Legal Implications

6.2 The Council has a legal responsibility to create, maintain and renew its CTS scheme on annual basis. These powers are contained in Section 13A of the Local Government Finance Act 1992 as amended. Discretionary powers under s13A(1)(c) of the Local Government Finance Act 1992 allow the Council to ringfence surplus funds and use for the purposes proposed.

c) Human resources/equality/human rights

6.3 A Stage 2 EQiA (Appendix C) has previously been completed in respect of the Council Tax Reduction Scheme for 2023/24, which incorporates the Exceptional Hardship Scheme. As the surplus funding will be allocated to the EHF scheme a separate EQiA is not therefore required.

7. Timescale for implementation and risk factors

Key milestones from this point going forward are as follows:

Milestone	Timeframe	Purpose	
Cabinet	15 th March 2023	Approval of CTSF Discretionary element	
Council	22 nd March 2023	Approval of CTSF Discretionary element	
Go Live	1 st April 2023	Scheme commences	

Risks are recorded on the Corporate Risk Register and are reviewed on a monthly basis.

Appendix A - Council Tax Support Fund guidance - GOV.UK (www.gov.uk)

Appendix B - EHF Policy 2023-24

Appendix C - 2023-24 CTR Scheme Stage 2 EQiA

Report Author:

Edwina Mosuro – Head of Customer & Digital Services



2023/2024

Exceptional Hardship Fund

"Council Tax Support Payment Using Section 13.1a"

EHF and Support under section 13.1a schemes.

A customer does not have a statutory right to a payment or award.

EHF/Section 13.1a is a separate scheme to that of the Statutory Housing Benefit Scheme (HB), Local Council Tax Support Scheme (LCTS) and Council Tax Reduction (CTR).

Local Council Tax Support Scheme and Council Tax Reduction Scheme is covered by two schemes, Exceptional Hardship Fund, and the Council Tax Support scheme under Section 13.1a.

Exceptional Hardship Fund (EHF) Discretionary Housing Payment under Section 13.1a

Background

From the 1st of April 2013 the Council Tax Benefit Scheme operated by all local authorities was withdrawn for working age applicants and replaced by a "Local Council Tax Scheme" (LCTS). Each local authority has designed and consulted upon a scheme that came into being from the 1st of April 2013.

The scheme for the current year for "working age applicants" can be viewed on the "Council's Website", the scheme has been consulted on and has been approved by elected members of Castle Point Borough Council and for the working age scheme has been renamed as Council Tax Reduction (CTR).

It has been agreed to include within the CTR scheme an Exceptional Hardship Fund to assist those working age applicants most at risk and considered to be the most vulnerable.

The EHF scheme allows authorities to grant additional support within legislative and budgetary constraints to claimants deemed to be most at risk and considered most vulnerable. The scheme also needs to be flexible and adapt to changes within the economic climate of the borough. Officers will be able to increase EHF awards or Section 13.1a awards if required after evidence is gathered ad interpretated.

Additional support can be given under a scheme, **Under Section 13.1a** CTR support, it relates to help towards the Council Tax liability of the customer for the financial year 2023/2024.

Objective of the EHF/ CTR Support under Section 13.1a,

The aim is to.

- Assist claimants of CTR to meet their Council Tax liability.
- Prevent exceptional hardship where possible.
- Reduce potential write offs of Council Tax.
- To utilise other Council Tax legislation to assist Council Taxpayers, where exceptional hardship is proven under CTR section13.1a,

Approach

The approach to be taken will be like that operated with the DHP scheme, the customer is required to complete an on-line application form and supply evidence to establish a requirement to receive help through this scheme. The customer will be given a list of evidence that is required and how this can be provided to the Local Authority, digitally or through other methods.

If the customer wishing to claim this support has no access to claiming online or is not able to undertake this task assistance will be provided.

It is not the intention of the EHF/Section 13 to just pay additional levels of support to Council Taxpayers, as this will be seen to be enhancing the CTR scheme, but to aid and assist the most impoverished and vulnerable families of the borough.

To claim EHF

To claim Support under Section13.1a (2023/24)

The customer can apply if he/she considers they require additional support above that already awarded if they qualify for CTR.

The customer can apply if he/she can show that even if they do not qualify for the CTR support due to the schemes qualifying criteria, they have exceptional circumstances that could be worsened, both financially and personally by having to pay their full Council Tax Liability

Claiming EHF/Section 13.1a

A claim for an EHF/Section 13.1a should be made on-line on the claim form approved by the Council (*The form used is the Discretionary Housing Payment/Exceptional Hardship Fund Form, which is online*).

A request for an EHF/Section 13.1a may be made initially in writing, verbally or electronically.

The Council will advise the applicant in the way in which application should be made.

All applications for an EHF/Section 13.1a must be made by the potential CTR applicant or be in receipt of CTR or be the Council Tax liable person requiring assistance due to exceptional circumstances.

In the case of a married, unmarried couple or civil partnership the claim will be made jointly.

The Council may request any reasonable evidence in support of an application.

The Council will make such requests in writing, verbally or electronically. The applicant should provide the evidence where possible within ten working days and not longer than one calendar month from the date of request.

If the applicant does not provide the required evidence, within a reasonable amount of time, the application will be treated as withdrawn. As a guide ten working days would seem a reasonable amount of time, though given consideration to the fact that some customers are vulnerable and may need longer or require help getting the information additional time will be considered.

The Council may in any circumstances verify any information or evidence provided by the claimant(s) by contacting third parties, other organisations and the claimant(s).

As part of the application process the authority and claimant will as required.

- Assist with claim form completion.
- Signpost customer to financial organisation that help with debt management and support (non-fee paying).
- Identify potential changes in payment methods and arrangements to assist the taxpayer.
- Minimise council tax liability by ensuring that all discounts, exemptions, and reductions are granted.

- Maximising income through the application for other welfare benefits.
- Maximise income from increased hours worked, where able.
- Identifying the most economical tariffs for the supply of utilities.
- Provide full details of their income and expenditure.

Decision Process

The decision maker will request all relevant information.

- To recommend that the claim for EHF/Section 13.1a be accepted or be refused.
- Consider alternative Council Tax Legislation to assist Council Taxpayers, where hardship is proven.
- If accepted, the period of payment and the level of the award.
- The effect on the authority's budget will be reported.
- Reasons for the decision will be documented and scanned into the authorities' workflow system.

See below under "Notification of Decision "

Period of award

The Council will decide the length of time or the manner in which the EHF/Section 13.1a will be awarded if a payment can be made under this scheme.

The minimum period for which the Council will award an EHF/Section 13 is one day. An award will not exceed the council tax liability, or span financial years.

The Council may set agreed criteria for an award in some cases, where the claimant is required to undertake specific actions, such as:

- Any savings or capital that might be held by the applicant or their family or could be made available to the applicant or their family.
- Any assets that may be realised.
- The availability and any steps taken by the claimant(s) to obtain extra income or to reduce expenditure of the applicant or their family.
- A reduction in the level of indebtedness of the applicant(s) and their family.

The authority will be required to be aware of the impact any award will have on the Council's budgets and its ability to make further awards within the financial year.

The impact the non-award of an EHF/Section 13.1a will have on the applicant.

Notification of decision

The authority will put in writing the decision to award or refuse the request. Setting out where applicable the amount of the award, the period covered and the revised outstanding Council Tax amount.

The claimant should be reminded within the notification of their duties and responsibility to advise the local authority of any changes in their family or financial circumstances.

Appeal rights

There are no statutory appeal rights with regard to a non-award of EHF/Section 13.1a, however the claimant can request a review by the authority into the reasons for the original decision and can also provide additional information that may alter the original decision.

However, if additional information is provided the claimant will be required to give an explanation for not submitting the information at the time of the original claim.

EHF Review

The monitoring and review process come under two headings.

To monitor the expenditure of EHF/Section 13.1a against the allocated budget within the designated financial year.

To review claims EHF/Section 13.1a awards and circumstances of the claimant during the award period.

As part of the Review process at the end of the financial year, it will at the authorities' discretion to award a further EHF payment to a customer without a claim if the circumstances are such that the family and/or financial circumstances cannot be improved. **This does not apply to support awarded under Section 13.1a.**

It will be down to the discretion of the authority to invite application at the start of the financial year to customers in receipt of EHF in the previous year.

Overpaid Support

Where there is an amount of overpaid Section 13.1a, the authority will determine the recovery action to be taken.

<u>Fraud</u>

The Council is committed to the fight against fraud in all its forms. Any applicant who tries to fraudulently claim by falsely declaring their circumstances, providing a false statement or evidence in support of their application, will have committed an offence.



Council Tax Reduction Scheme 2023-24

Equality Impact Assessment (EqIA)

Nov 2022

Strategy and Policy EqIA

All strategies and policies must be initially screened for their positive and negative equality impacts.

This initial screening will determine whether or not it is necessary to carry out a full EqIA for the strategy or policy.

This template has been designed to help you initially screen your strategy or policy and, if necessary, undertake a full EqIA.

Title of strategy or policy:	Council Tax Reduction Scheme
Person undertaking EqIA:	Nick Bale
Head of Service:	Eddie Mosuro
Department:	Customer & Digital Services
Date EqIA completed:	22.11.22

Strategy and policy overview

Strategy and policy overview

What is the strategy or policy intending to achieve?

What are the summary aims and objectives of the strategy or policy?

To fulfil the Local Authorities legal obligation under the Localism Act to provide a Localised Council Tax Support Scheme with effect from 1st April 2023.

To provide a simplified Council Tax Reduction Scheme that replaces the current Local Council Tax Support (LCTS).

The Council has the ability to determine the level of support given to working age applicants only - the scheme for pension age applicants is prescribed by Central Government, and therefore not something which the Council can vary.

CTR provides support to working age council tax payers who have a low income. The level of support (the % by which their Council Tax liability is reduced) is determined by the total income and household make up.

Since the introduction of LCTS in 2013, the overall scheme adopted by the Council has remained broadly the same, with only minor technical changes allowed, to replicate changes to the wider Central Government welfare system, changes to Housing Benefit legislation, and to reflect the roll out of Universal Credit.

Who will benefit from implementing the strategy or policy?	The proposed CTR scheme for 2022/23 will benefit working age people on low incomes by providing them with support to pay their Council Tax.
What are the links to the Council's corporate priorities?	This Policy is an essential 'Enabler' to Resources within the Council's Corporate Plan - sound and strategic financial management is essential to ensuring that resources are available to support the Council's priorities and to help maintain and/or improve services.
What are the links to other Council strategies and policies?	The CTR scheme links to; The Exceptional Hardship Policy The Homelessness & Rough Sleeping Strategy: Castle Point Homelessness and Rough Sleeping Strategy 2019 - 2024
What are the links to other community strategies and policies?	The National Child Poverty Strategy: https://www.gov.uk/government/publications/a-new-approach-to-child-poverty-tackling-the-causes-of-disadvantage-and-transforming-families-lives https://www.gov.uk/government/publications/a-new-approach-to-child-poverty-tackling-the-causes-of-disadvantage-and-transforming-families-lives

Equality Act 2010

The Equality Act 2010 introduces 2 specific statutory duties on public bodies such as local authorities:

Socio-economic duty:

 Have due regard when making strategic decisions to the need to reduce inequalities of outcome which result from socioeconomic disadvantage

• Single (integrated) equality duty:

- o Eliminate discrimination, harassment and victimisation or any other conduct prohibited by the Act
- o Advance equality of opportunity between persons who share a "protected characteristic" and those who do not
- o Foster good relations between people who share a "protected characteristic" and those who do not

The Equality Act 2010 brings together all of the different equality strands and refers to them as "protected characteristics":

- o Age
- Disability
- o Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- o Race
- o Religion or belief
- Sex
- Sexual orientation

Initial screening

This initial screening template will determine whether or not the strategy or policy requires a full EqIA If any of the answers to the 6 screening questions is "yes", then a full EqIA will be required.

Initial screening					
Does the strategy or policy aim to reduce inequalities of outcome which result from socio-economic disadvantage?	Yes / No	The Policy fundamentally aims to provide financial assistance in meeting Council Tax costs for those disadvantaged by socio-economic factors.			
Does the strategy or policy aim to eliminate discrimination, harassment and victimisation?	Yes /-No	The pension age scheme is prescribed by Central Government. The working age scheme is prescribed by the Council with due regard to Guidance that has previously been issued by government in relation to the treatment of vulnerable groups and work incentives. The design of the working age scheme seeks to eliminate discrimination.			
Does the strategy or policy aim to advance equality of opportunity?	Yes / No	The Policy aims to provide support with Council Tax for those who are socio-economically disadvantaged whilst also encouraging people into work. It is recognised that opportunities for some groups may not be equal and therefore the Policy has been designed to provide protection for those groups where advancement of equal opportunity would be restricted.			

Appendix C

Does the strategy or policy aim to foster good community relations?	Yes / No	Not applicable.
Does the strategy or policy have the potential to make a negative contribution to equality?	Yes / No	The scheme may make a negative contribution to equality for certain groups – children, families, lone parents etc.
Does the strategy or policy make a positive contribution to equality?	Yes / No	Pension age people are specifically protected under Government Regulations.
Initial screening outcome	Full EqIA	Initial screening outcome
	is	
	required	

Full assessment

Information gathering				
What quantitative and qualitative information is there?	Appendix A of the September 2022 Cabinet Report sets out some of the qualitative information considered when proposing the preferred options for the 2023/24 CTR scheme to Council for public consultation.			
	Analysis was undertaken across a sample of cases from each household type/ income band to understand the average financial impact the scheme would have in range of different scenarios and as a consequence enhancements were added to the basic scheme option to 'smooth out' the impact.			
What additional information is required?	Following consultation, further analysis was undertaken with specific regard to the impact on large families and those existing claimants who may 'lose out' from the transition from LCTS to CTR;			
	S:\Corporate\LCTS\Reports\2023 - 24 Scheme Reports\2023 - 24 Council Reports 30.11.22\Council Report - CTR Impact Analysis APPENDIX B.docx			
	This identified the need for a Transitional Protection Policy aimed at mitigating the impact to those existing customers who would lose 75% or more in support as a result of the transition from LCTS to LCTR;			
	\\cpbc-data02.cpbc.local\Shared\Corporate\LCTS\Reports\2023 - 24 Scheme Reports\2023 - 24 Council Reports 30.11.22\Council Report - Transitional Protection Policy 2023.24 APPENDIX D.docx			
What are the outcomes of any internal and/or external consultation with stakeholders?	Consultation on the scheme took place between September and November 2022. The results of the consultation are available here:			

	S:\Corporate\LCTS\Reports\2023 - 24 Scheme Reports\2023 - 24 Council Reports 30.11.22\Council Report - CTR Consultation Results APPENDIX A.docx			
What further consultation is required?	No further consultation is required.			
What examples are there of existing good practice?	The scheme mirrors the CTR schemes adopted by Basildon and Brentwood Council's, however the configuration of the banding table and the disregarding of certain income types has been designed to meet the local needs of Castle Point residents and minimise the impact to customers of the move from the existing LCTS scheme to the new CTR scheme. As such the scheme is regarded as still reflecting the guidance from DCLG outlining good practice with regards to treatment of vulnerable groups and incentives to work (both published in May 2012) which were previously used to inform the LCTS scheme design;			
	http://www.communities.gov.uk/publications/localgovernment/lsctvulnerablepeople http://www.communities.gov.uk/publications/localgovernment/lsctworkincentives			
	The Local Government Finance Bill: Localizing Support for Council Tax – Updated Impact Assessment (published Aug 2011) also informed the LCTS scheme and has therefore been reflected into the CTR scheme. http://www.communities.gov.uk/publications/localgovernment/lgfblocalisingcounciltax			

Making a judgement				
How will the strategy or policy eliminate discrimination, harassment and victimisation?	Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long-term conditions. and customers may also receive additional financial support through the Exceptional Hardship Fund. Without these elements the policy could potentially be discriminatory to those who fall within the 'disability' characteristic group.			
How will the strategy or policy advance equality of opportunity?	No other impacts on protected groups have been identified. The Policy is compliant with prescribed Regulations that protect Pension Age people. This advances equality of opportunity for those who fall within the 'age' characteristic group (specifically those of Pension age) who would otherwise be disadvantaged by the schemes fundamental incentives to work. Working parents will continue to receive an earnings disregard, as part of the calculation of their income. Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions. People with disabilities may also receive additional financial support through the Exceptional Hardship Fund.			

	This advances equality of opportunity for those who fall within the 'disability' characteristic group who would otherwise be disadvantaged and may have less opportunity to improve their financial circumstances through work. The policy seeks to advance equality of opportunity for those within communities that are more likely to have larger families for religious reasons, through the adoption of a CTR Transitional Protection Scheme – which will afford automatic additional support those who might otherwise see their support levels significantly reduced under CTR.
	No other impacts on protected groups have been identified.
How will the strategy or policy foster good community relations?	No impacts on protected groups identified – not applicable.
Does the strategy or policy have the potential to make a negative contribution to equality?	Working Age people aged over 18 will be required to pay more than those of Pension Age.
If so, which groups with "protected characteristics" will be affected and what are the reasons?	People with disabilities who are below pensionable age will need to pay more than those above pension age. This is due to the Prescribed Regulations which automatically protect people of Pension Age.
	The locally funded nature of the scheme that applies to those of working age, compared to the Prescribed Regulations that apply to those of pension age, mean it is not financially viable to completely protect all protected characteristic groups from the full effects of this scheme.
What can be done to address any contribution to inequality caused by the strategy or policy?	Working Age people aged over 18 will be required to pay more:

	The Council actively supports customers with information and advice on income maximisation, financial capability, and debt management. A flat rate earnings disregard remains part of the scheme to incentivise work.
	People with disabilities who are below pensionable age will need to pay more:
	Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions.
	A discretionary Exceptional Hardship Fund is available to provide additional financial assistance to those who are particularly vulnerable and suffering exceptional financial hardship.
What can be done to assist understanding of the strategy or policy?	Details of the scheme will be publicised on the Council's website.
	Hard copy and alternative formats of the scheme documents will be made available (i.e. Braille, Large Print, Audio) on request.
	An on-line 'Calculator' is available to assist those who want to find out if they would be entitled to CTR.
	First Contact staff are available to explain the scheme to any individuals or organisations who require assistance.
	Partners, national bodies, and local advice and support agencies are notified of the scheme adopted each year.

Action plan

Equality objective	Action(s)	Lead responsibility	Resources	Timescale(s)	Outcome(s)
Assist understanding of the Policy	Refresh website and hard copy information once 2023/24 Final Scheme is formally adopted.	First Contact Manager	Staff time	Jan '23 – Mar '23	All affected groups fully aware of the Policy and how it will affect them.
Assist understanding of the Policy	Engage with and raise awareness amongst local advice and support groups.	Benefits Manager	Staff time	Jan '23 - Mar '23	All local advice and support groups fully aware of the policy and how it will affect their customers.
Advancing equality of opportunity	Proactively identify suitable cases for Exceptional Hardship and Transitional Protection awards, using internal knowledge of debts and losses of more than 75% of CTR compared to LCTS, and administer awards accordingly.	Benefits Manager	Staff time, Exceptional Hardship funding	Apr '23 – Mar '24	Reduce impact of the scheme on those suffering exceptional financial hardship.
Advancing equality of opportunity	Maintain an effective range of advice and support services to	Head of Customer & Digital Services	Staff time, General Advice & Support Services funding	Apr '23 – Mar '24	Customers adequately supported and equipped with

Appendix C

ensure robust assistance with		skills to manage financial impact.
financial capability,		
budgeting, and debt		
related issues.		