



## DECISION ITEM

| REPORT OF                                   | MEETING                         | DATE             | ITEM NO |
|---|---------------------------------|------------------|---------|
| FINANCE                                     | FINANCE AND DEMOCRACY COMMITTEE | 26 NOVEMBER 2018 | 4       |
| <b>COUNCIL TAX REDUCTION SCHEME 2019/20</b> |                                 |                  |         |

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

From April 2013 the local Council Tax Reduction Scheme (CTRS) replaced the previous national scheme of Council Tax Benefit. The scheme that operates within Fylde borough for 2018/19 was approved by this Council in December 2017 for 2018/19 only.

This report sets out the proposals in respect of the scheme for 2019/20. At the 10<sup>th</sup> December 2018 Council meeting Members will be requested to agree the details of a CTRS for 2019/20.

### RECOMMENDATIONS

Having due regard to the Equality Analysis as detailed in section 5 of this report the Committee is requested to:

1. Recommend to Council the continuation of the existing CTRS scheme for 2019/20 as set out in section 3 of this report;
2. Recommend to Council the continuation of Discretionary Hardship Relief for 2019/20 to provide additional support for claimants in exceptional circumstances;
3. Recommend that Council approve, as necessary, that the financial implications are reflected in the Council's Revenue Budget and Financial forecast for 2019/20 onwards; and
4. Authorise the Director of Resources to make any necessary final amendments to the scheme arising from changes in the Ministry of Housing, Communities and Local Government's guidance or elsewhere and to bring any such changes to the Council meeting on the 10<sup>th</sup> December 2018 for approval.

### SUMMARY OF PREVIOUS DECISIONS

The Council Tax Reduction Scheme in operation for 2018/19 was approved at the Council meeting of 4th December 2017. The full scheme is available on the Fylde Borough Council website at: <http://www.fylde.gov.uk/council/finance/counciltaxfinance/localisationofcounciltax/>

| CORPORATE PRIORITIES   |   |
|--|---|
| Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )       | ✓ |
| Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )             |   |
| Working with all partners ( <b>Vibrant Economy</b> )   | ✓ |
| To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> ) |   |
| Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )                            |   |

## REPORT

### 1. Background to the CTRS Introduction and the adopted schemes for 2013/14 to 2018/19

- 1.1 As part of the 2012 Welfare Reform Act the national Council Tax Benefit (CTB) scheme was abolished and individual local authorities were instead required to introduce a local Council Tax Reduction Scheme (CTRS) with effect from 1<sup>st</sup> April 2013. The Council introduced such a scheme from that date and has updated the scheme annually since that date.
- 1.2 In December 2017 the Council approved a scheme for 2018/19. For working-age claimants (i.e. those not protected by the national scheme for pension-age claimants) there would be a means-tested assessment to establish entitlement and a maximum percentage reduction in the level of support at the end of that assessment of 22.7%. This is the same maximum percentage reduction in the level of support has operated since the commencement of the scheme in 2014/15.

### 2. Key points arising from implementation of the local CTRS to date

- 2.1 No evidence has emerged to suggest that the scheme is in need of fundamental revision. The scheme has embedded well with no formal legal challenge to the principle of the scheme.
- 2.2 Experience to date indicates that 22.7% maximum reduction in the level of support is the correct level at which the scheme becomes self-funding.
- 2.3 For 2018/19 as at 30<sup>th</sup> September 2018 a total of 8 hardship awards have been made in a total sum of £562.

### 3. Proposed CTRS for 2019/20

- 3.1 It is proposed that the 22.7% maximum reduction in the level of support is retained for the 2019/20 CTRS.
- 3.2 It is further proposed that the scheme for 2019/20 will continue to provide for an additional discretionary award which may also be granted in accordance with S13A (1) (a) or S13A (1) (c) of the Local Government Finance Act 2012.

The full details of the proposed scheme for 2019/20 is available on the Fylde Borough Council website at:

[www.fylde.gov.uk/council/finance/counciltaxfinance/localisationofcounciltax/](http://www.fylde.gov.uk/council/finance/counciltaxfinance/localisationofcounciltax/)

- 3.3 A consultation paper was distributed to the Major Preceptors - Lancashire County Council, Lancashire Fire and Rescue Service and the Lancashire Police and Crime Commissioner in September 2018 seeking their views on the proposed scheme for 2019/20. The consultation and a summary of the responses of each are set out in the appendices to this report. In summary, all of the major preceptors are supportive of the proposals for the 2019/20 CTRS set out in this report.
- 3.4 Although there are no changes to the scheme proposed for 2019/20, the Equality Analysis that has been carried out in previous years for the CTRS scheme has been reviewed. This aims to mitigate the impact on protected groups. **As part of their consideration of the CTRS scheme for 2019/20 Members must read the Equality Analysis which is available on the Fylde Council website at:**

[www.fylde.gov.uk/council/finance/counciltaxfinance/localisationofcounciltax](http://www.fylde.gov.uk/council/finance/counciltaxfinance/localisationofcounciltax)

### 4. Hardship Relief

- 4.1 The provision of Discretionary Hardship Relief to provide support for claimants in exceptional circumstances, and who are unable to increase their income from other means, is a key element of the operation of the scheme. Section 76 of the Local Government Act 2003 in respect of Council Tax (as amended by section 13A of the Local Government Finance Act 2012) empowers a billing authority to reduce the amount of Council Tax as it thinks fit. Funding for such reductions must be provided by the Council and major preceptors as necessary.
- 4.2 In order to mitigate part of the impact of the CTRS on the most vulnerable households, the Council has adopted a Discretionary Discount Policy under the above powers. Strict criteria are used to determine if any additional relief is appropriate and the level of any such award. Awards are made only in exceptional

circumstances to those unable to increase their income. The Council's Discretionary Discount Policy is available on the Fylde Borough Council website at:

<http://www.fylde.gov.uk/resident/council-tax/>

- 4.3 It is proposed that for 2019/20 the Council Tax Reduction Scheme will continue to provide for additional discretionary awards which may also be granted in accordance with S13A (1) (a) or S13A (1) (c) of the Local Government Finance Act 2012.

## **5. Equality Analysis**

- 5.1 The Council has carried out a detailed and robust Equality Analysis which is available on the Council's website as described in paragraph 3.4. The impact of CTRS has been considered on people based on the following characteristics:

- Age
- Disability
- Sex and sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief

The analysis also contains a detailed action plan showing how the issues identified will be addressed and the monitoring arrangements that have been put in place.

## **6. Conclusion**

- 6.1 At the meeting of 10<sup>th</sup> December 2018 the Council will be requested to agree a local Council Tax Reduction Scheme for 2019/20 which (as is the case for the scheme currently in operation) will incorporate a reduction in awards to working age claimants.
- 6.2 The Council will be presented with the proposals for the 2019/20 scheme as described in this report, subject to any required changes in the intervening period as a consequence of new government regulations or other announcements. For 2019/20 it is proposed that the percentage reduction made at the end of the assessment for working age claimants shall remain as for previous years at 22.7%.
- 6.3 Schedule 6 of the Council Tax Reduction Scheme will detail the percentage reduction in support to working age claimants once the scheme design has been determined by Council and following any final minor adjustments to the calculation of costs for 2019/20. That Schedule forms part of the adopted scheme.
- 6.4 A review of the Scheme (including the percentage reduction in support detailed within Schedule 6 of the Scheme) is carried out annually to ensure it remains fit for purpose taking account of ongoing changes in legislation, caseload and financial requirements. Therefore any decision with regard to changes to the CTRS will be in respect of 2019/20 only.

| IMPLICATIONS                            |  |
|---|--|
| Finance                                 | The financial implications are contained within the body of the report.  |
| Legal                                   | As part of the 2012 Welfare Reform Act the national Council Tax Benefit (CTB) scheme was abolished after 2012/13, with individual local authorities instead being required to introduce a local Council Tax Reduction Scheme (CTRS) with effect from 2013/14 and subsequent years. |
| Community Safety                        | None   |
| Human Rights and Equalities             | An Equality Analysis has been carried out and is available on the Council's website as detailed in the report.   |
| Sustainability and Environmental Impact | None   |
| Health & Safety and Risk Management     | The elements of the working age scheme will need to be reviewed annually to avoid increased financial risk to the Council.   |

| LEAD AUTHOR                              | CONTACT DETAILS | DATE          |
|--|-----------------|---------------|
| Paul O'Donoghue, Chief Financial Officer | 01253 658566    | November 2018 |

| BACKGROUND PAPERS |      |                                |
|-------------------|------|--------------------------------|
| Name of document  | Date | Where available for inspection |
| n/a               | n/a  | n/a                            |

Attached documents

Appendix A - Consultation and responses from major preceptors

**Preceptor Consultation Letter – sent to LCC, Police and Fire Authorities - September 2018**

Dear Sirs

**Fylde Borough Council - Council Tax Reduction Scheme 2019/20 – Consultation with major preceptors on the design of the local scheme.**

**Summary:**

This paper sets out the proposed Council Tax Reduction Scheme (CTRS) that will operate in Fylde borough for the year 2019/20.

**Introduction:**

The scheme that currently operates within Fylde borough was approved by this Council in December 2017.

That Scheme, in summary, is one which:

- maintains most of the previous council tax benefit rules but reduces the award by a standard percentage at the end of the calculation for working age claimants such that the CTRS is self-funding ie. That the scheme does not result in the loss of Council Tax income to Fylde Council or the major preceptors. The claimant has to pay this amount to the Council as their contribution to Council Tax.
- in 2018/19 the maximum percentage reduction in support in respect of working-age claimants is 22.7%.
- includes the national scheme which protects claimants of pensionable age from any reductions.
- provides a Discretionary Hardship Fund to support claimants in exceptional circumstances who are unable to increase their income from other means.

The full Scheme is available on the Fylde Borough Council website at

[www.fylde.gov.uk/council/finance/counciltaxfinance/localisationofcounciltax](http://www.fylde.gov.uk/council/finance/counciltaxfinance/localisationofcounciltax).

**The proposed 2019/20 Scheme:**

It is proposed that for 2019/20 the scheme be one which maintains most of the previous council tax benefit rules but reduces the level of the award by a standard percentage at the end of the calculation for working age claimants. Each of the adopted local schemes since 2013/14 have been in accordance with this principle. It is not intended to change this element of the design in respect of 2019/20.

Council Members will be asked to agree a scheme of Council Tax Support in December 2018. The principles for the 2019/20 scheme will remain that it needs to:

- be affordable in terms of grant received, revenue loss and costs to operate
- be as fair as possible and a detailed 'map' of those affected is required; a detailed Equality Analysis is required
- be transparent, understandable to customers and practical to operate
- be feasible to implement within the constraints of the timescales and available software
- be simple in design avoiding unnecessary complexity
- avoid the costs and risks associated with collecting additional data

## **Changes to the Scheme for 2019/20**

It is proposed that the 2019/20 scheme will have the same design principles as that currently in operation and no changes are proposed.

### **It is proposed that the scheme for 2019/20 will:**

- Maintain the current council tax support rules and reduce the level of support by a specified percentage level at the end of the calculation (bottom slice) such that the CTRS is self-funding. It is estimated that for working-age recipients the maximum reduction in the level of support will be between 20% - 25%.
- Provide for an additional discretionary award which may also be granted in accordance with S13A (1) (a) or S13A (1) (c) of the Local Government Finance Act 2012.
- Include the national scheme for pension age claimants for whom there is no reduction in the level of support.

### **Hardship Fund**

The existence of a Discretionary Hardship Fund to provide support for claimants in exceptional circumstances who are unable to increase their income from other means is a key element of the operation of the scheme.

It is proposed that for 2019/20 the Council Tax Reduction Scheme will provide for an additional discretionary award which may also be granted in accordance with S13A (1) (a) or S13A (1) (c) of the Local Government Finance Act 2012.

### **Consultation Questions**

1. Do you agree or disagree that the 2019/20 Fylde Council Tax Reduction Scheme should be based on the existing rules with the final award made to a working age claimant being reduced so that the maximum reduction in the level of support is between 20% - 25%? (note: the maximum reduction in the level of support under the scheme for 2018/19 is 22.7%).
2. Do you agree or disagree that the 2019/20 Fylde Council Tax Reduction Scheme should remain the same as the scheme in operation for 2018/19?
3. Do you have any suggested changes to the 2019/20 Fylde Council Tax Reduction Scheme?
4. Hardship Fund – Please provide your views on the proposal to continued operation of a Hardship Fund alongside the CTRS scheme to provide support in exceptional circumstances to the most vulnerable claimants.
5. Hardship Fund – Please provide your views on the inclusion of a hardship fund as an additional discretionary award which may also be granted in accordance with S13A (1) (a) or S13A (1) (c) of the Local Government Finance Act 2012.
6. Do you have any other comments to make about the proposed 2019/20 Fylde Council Tax Reduction Scheme?

The Council appreciates the potential impact of the final scheme on its own finances and those of other preceptors. However, at the same time it needs to balance this against the impact it will have in respect of low income Council Tax payers of the Borough. The Council recognises that other preceptors may have strong opinions in respect of the final scheme that is adopted. It is important therefore that the opinion of all interested parties is reported and forms part of the consideration by the elected members in making a final decision.

### **Responses**

Please provide your responses by e-mail / hard copy at the contact points shown above by **31<sup>st</sup> October 2018**.

## Summary of Responses from Major Preceptors

### A. Neil Kissock, Director of Financial Services, Lancashire County Council



Mr P O'Donoghue  
Chief Financial Officer  
Fylde Council  
Town Hall  
LYTHAM ST ANNES  
Lancashire FY8 1LW

Phone: (01772) 536154  
Email: [neil.kissock@lancashire.gov.uk](mailto:neil.kissock@lancashire.gov.uk)

Your ref  
Our ref NK/JR/Fylde  
Date: 1<sup>st</sup> October, 2018

Dear Paul

#### **COUNCIL TAX REDUCTION SCHEME CONSULTATION 2019/20**

Thank you for your letter of 26<sup>th</sup> September 2018 consulting Lancashire County Council on the approach that Fylde Borough Council intends to adopt in continuing its scheme for Council Tax Support. We very much welcome the opportunity to provide our views on the proposals.

It remains the strong view of Lancashire County Council that the proposed scheme for Council Tax Support must:

- Be affordable in terms of grant received, revenue loss and costs to operate;
- Be as fair as possible
- Be transparent, understandable to customers and practical to operate;
- Be feasible to implement within the constraints of the timescales and available software;
- Be simple in design, avoiding unnecessary complexity;
- Avoid the costs and risks associated with collecting additional data.

In response to your questions I would submit the following:

1. *Do you agree or disagree that the 2019/20 Fylde Council Tax Reduction Scheme should be based on the existing rules with the final award made to a working age claimant being reduced so that the maximum reduction in the level of support is between 20% - 25%? (note: the maximum reduction in the level of support under the scheme for 2018/19 is 22.7%).*

The County Council agrees that the existing rules should continue and that the maximum reduction in support should remain between 20%-25%

2. *Do you agree or disagree that the 2019/20 Fylde Council Tax Reduction Scheme should remain the same as the scheme in operation for 2018/19?*

The County Council agrees that the 2019/20 scheme should remain the same as the current 2018/19 scheme.

Contd .....

**Neil Kissock**  
**Director of Finance**  
County Hall, PO Box 100, Preston, Lancashire PR1 0LD  
DX 710928 PRESTON COUNTY HALL





3. *Do you have any other suggested changes to the 2019/20 Fylde Council Tax Reduction Scheme?*

None

4. *Hardship Fund – Please provide your views on the proposal to continued operation of a Hardship Fund alongside the CTRS scheme to provide support in exceptional circumstances to the most vulnerable claimants.*

The County Council agrees with the continued operation of the Hardship Fund to provide support in exceptional circumstances.

5. *Hardship Fund – Please provide your views on the inclusion of a hardship fund as an additional discretionary award which may also be granted in accordance with S13A (1) (a) or S13A (1) (c) of the Local Government Finance Act 2012.*

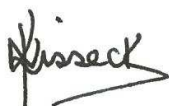
The County Council does not object to the additional discretionary award. However it feels that it is fair and appropriate that Fylde Borough Council maintains a cost neutral scheme. At a time when resources are extremely limited and will be reduced significantly in 2019/20 and future years, it is vital that the operation of the scheme does not pass on additional costs to precepting authorities.

6. *Do you have any other comments to make about the proposed 2019/20 Fylde Council Tax Reduction Scheme?*

The County Council has no further comments to make about the proposed scheme.

We thank you for the opportunity to take part in the consultation and are happy to discuss our response with you further should you wish.

Yours sincerely



Neil Kisson  
Director of Finance



**B. Police and Crime Commissioner for Lancashire**

Paul Swindells



**BY EMAIL**

Phone: 1772 535259  
Fax:  
Email: Steve.freeman@lancashire.gov.uk  
Your ref: P O'Donoghue  
Our ref: SF  
Date: 25 October 2018

Dear Paul

**Fylde Borough Council - Council Tax Reduction Scheme 2019/20 – Consultation with major preceptors on the design of the local scheme.**

---

Thank you for your letter consulting the Police and Crime Commissioner for Lancashire on the approach that Fylde Borough Council intends to adopt in continuing its scheme for Council Tax Support from April next year. We very much welcome the opportunity to provide our views on the proposals.

It remains the strong view of the Commissioner that the proposed scheme for council tax support must:

- Be affordable in terms of grant received, revenue loss and costs to operate;
- Be as fair as possible
- Be transparent, understandable to customers and practical to operate;
- Be feasible to administer within the constraints of the timescales and available software;
- Be simple in design, avoiding unnecessary complexity;
- Avoid the costs and risks associated with collecting additional data.

In respect of your scheme for 2019/20 the Commissioner agrees that the proposed approach is appropriate as it offers protection to the most vulnerable individuals as identified within the existing Council Tax system and offers no additional costs to the Billing and Precepting authorities.

At a time when resources are extremely limited and will continue to reduce in future years it is vital that the operation of the scheme does not pass on additional costs to precepting authorities.

In response to your specific consultation questions please see the following:

1. Do you agree or disagree that the 2019/20 Fylde Council Tax Reduction Scheme should be based on the existing rules with the final award made to a working age claimant being reduced so that the maximum reduction in the level of support is between 20% - 25%? (note: the maximum reduction in the level of support under the scheme for 2018/19 is 22.7%).

*Agree*

2. Do you agree or disagree that the 2019/20 Fylde Council Tax Reduction Scheme should remain the same as the scheme in operation for 2018/19?

*Agree*

3. Do you have any other suggested changes to the 2019/20 Fylde Council Tax Reduction Scheme?

*None*

4. Hardship Fund – Please provide your views on the proposal to continued operation of a Hardship Fund alongside the CTRS scheme to provide support in exceptional circumstances to the most vulnerable claimants.

*We agree this arrangement should remain in place*

5. Hardship Fund – Please provide your views on the inclusion of a hardship fund as an additional discretionary award which may also be granted in accordance with S13A (1) (a) or S13A (1) (c) of the Local Government Finance Act 2012.

*We agree this should be in place provided decision making on such awards is the responsibility of elected members*

6. Do you have any other comments to make about the proposed 2019/20 Fylde Council Tax Reduction Scheme?

*None*

We thank you for the opportunity to take part in the consultation and are happy to discuss any of the responses we have provided with you further.

Yours sincerely

Steve Freeman  
Chief Finance Officer  
The Office of the Police and Crime Commissioner for Lancashire

### **C. Lancashire Fire & Rescue Service (by e-mail)**

#### **Responses to Consultation Questions:**

1. Yes, we support continuing on the same principles as the current scheme

2. Yes

3. No

4. Yes, we support continuing on the same principles as the current fund

5. Yes, we support continuing on the same principles as the current fund

6. No

**Keith Mattinson, Director of Corporate Services**