

Report to Council

Subject: Council Tax Reduction Scheme

Date: 27 January 2021

Author: Director of Corporate Resources and S151 Officer

Purpose

This report seeks approval for the current Council Tax Reduction Scheme (CTRS) to continue without revision in 2021/22.

Recommendation(s)

THAT:

The Council Tax Reduction Scheme (CTRS) 2021/22, to apply from 1 April 2021, be approved and adopted by full Council, and that there are no changes to the CTRS for working age people as described in Section 2 of this report, except for the annual uprating and amendments of allowances and premiums in line with Housing Benefit levels.

1 Background

- 1.1 Members will recall that from 1 April 2013, the Council Tax Benefit Scheme was replaced by a localised support scheme for Council Tax known as the Council Tax Reduction Scheme (CTRS). All billing authorities (district and unitary authorities) were required to devise their own scheme for working age claimants. Pensioners are protected by Government legislation and continue to receive discount equivalent to that received under the Council Tax Benefit Scheme i.e. up to 100%.
- 1.2 On 19 December 2012, following a full consultation exercise, Gedling Borough Council adopted a Council Tax Reduction Scheme very similar to the previous national Council Tax Benefits scheme, enabling a maximum award entitlement of up to 100% discount but with the following main differences for working age claimants:

- a) No entitlement to CTRS for claimants whose savings were greater than £6,000;
 - b) Removal of the Second Adult Rebate;
 - c) A flat rate non-dependant deduction of £7.50 for each adult member of the household;
 - d) Automatic backdating of CTRS for a maximum of 3 months; and
 - e) Entitlement to the extended payments “back to work” incentive for the long term unemployed, increased from four weeks to twelve weeks.
- 1.3 On 22 January 2014, Council resolved to adopt a CTRS that included provision to allow for the annual uprating of allowances and premiums without this being classed as a material change to the scheme.
- 1.4 Since the 22 January 2014 the Council has continued with its CTRS without revision, and this is the scheme currently in use by the Council.
- 1.5 Paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 requires the Council to consider whether the CTRS is to be revised or replaced for each financial year. The Act required that where the scheme is to be revised or replaced, the Council has to have made a decision no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 1.6 The Council Tax Reduction Scheme (Amendment) England S.I. 2017 No. 1305 amended the date of 31 January to 11 March to allow for a longer period of consideration and consultation if required.

Funding Arrangements

- 1.7 At the outset of the CTRS scheme in 2013/14 Central Government provided non-ring-fenced grant funding to Gedling via the Revenue Support Grant mechanism. Revenue Support Grant has been reduced year on year and was fully removed from the 2019/20 financial settlement.
- 1.8 Since 2013/14, the resulting shortfall in funding of the CTRS has had to be met by a combination of:
- Raising more income through further changes to Council Tax empty property discounts/premiums;
 - Additional income through the Business Rates Retention Scheme;
 - Raising income or reducing expenditure through other service area efficiencies.
- 1.9 The other option for meeting any shortfall in funding is to reduce the total spend on the CTRS i.e. change from a 100% scheme.
- 1.10 The 2020/21 scheme was agreed by full Council in January 2020 based on a reducing caseload and expenditure forecast of £7.2m. However, due to the

Covid-19 pandemic, the Council has received higher numbers of applications for Council Tax Support. The current caseload has increased by an average of 240 claims since the start of the financial year and together with other changes in circumstances this means CTRS expenditure is now expected to be around £7.7m at the year-end (March 2021). The costs of CTRS are proportionately shared by the Council and the major preceptors.

- 1.11 With the Coronavirus Job Retention Scheme (furlough scheme) due to end in April 2021 it is projected that the caseload will increase further in 2021/22. Council tax increases are also expected to be applied by the major preceptors in 2021/22 and therefore CTRS expenditure is expected to increase again.

2 Proposal

- 2.1 An objective review of the CTRS for the 2021/22 financial year has been completed and has considered alternative options for amending the current CTRS against the backdrop of the financial challenges being faced by working families due to the Covid-19 pandemic.
- 2.2 Of the £7.7m estimated 2020/21 cost of the CTRS, £3.1m is awarded to those customers of a pensionable age with £4.6m awarded to the working age client group. Any reductions to the Council's CTRS expenditure are only available in respect of our Working Age claimants as pensioners are 100% protected.
- 2.3 The total number of working age claimants is in the region of 4,300 households on low incomes, of which 2,800 are classed as Vulnerable groups. "Vulnerable groups" are households where the claimant or their partner is in receipt of Disability Living Allowance or Personal Independence Payments, or the household includes a disabled child.
- 2.4 During 2020/21 the Government recognised some of the financial challenges being faced by working families as a result of Covid-19 and provided Council Tax Hardship funding of £873,000 which the Council is using to reduce the 2020/21 Council Tax liability for working families in receipt of CTRS by up to £450, and to date this has provided support to over 2,200 households. Whilst the CTRS caseload is expected to increase further in 2021/22, as detailed above, there is currently no indication that government hardship funding support at the same level will be available for claimants next year meaning that pressures will be increased for this financially vulnerable group.
- 2.5 The Government has announced a Local Council Tax Support Grant for 2021/22 which is being provided directly to Billing and Major Precepting

Authorities to cover some of the additional cost associated with increases in CTRS caseload.

Review of the options

- 2.6 There is a fine balance between the cost of the scheme, the available funding, and the ability of people on low incomes being able to afford to pay their council tax. As the current CTRS offers a maximum award of 100% any alternative option is based upon reducing the level of financial support to low income working age claimants which may then deliver a saving for the Council.
- 2.7 The individual option that would generate the highest saving for the Council and which would be simple to administer, would be to reduce the current maximum entitlement from 100% to, for example, 90% or 80% therefore requiring all working age households to pay a minimum of at least 10% or 20% of their annual council tax bill. For example, each household in a Band A property in a non-parished area, who currently has a zero Council Tax charge would be required to pay £268 pa (based on 2020/21 Council Tax levels) if the maximum award is reduced to 80%. The total annual savings that would be generated and shared proportionately by the Council and major preceptors would be in the region of:
- Reducing the maximum award to 90% would make a saving of £460,000 (GBC saving of 9.24% amounts to £42,500);
 - Reducing the maximum award to 80% would make a saving of £920,000 (GBC saving 9.24% amounts to £85,000)
- 2.8 Whilst these savings in total are significant, this would require 4,800 low income households to start paying Council Tax that have not done so before, and this will require an increase in administration resources to manage the additional collection and recovery workload, particularly as council tax arrears would be expected to increase. This could negate any anticipated savings for Gedling, because Gedling will pay the full costs of the additional officers whilst only keeping our share (9.24%) of any additional amount collected.
- 2.9 Many Councils that have implemented this option, including some in Nottinghamshire, have previously reported that their Council Tax in-year collection rate decreased and that this was entirely due to their scheme change so it is probable that the savings detailed above would be lower, particularly in the early years of the introduction of such a change. Nationally, studies have shown that if the Council was minded to change the scheme, the best results in terms of maintaining cash collection levels would

be to incrementally change the scheme e.g. a 10% reduction in year one and then reducing the scheme year on year

- 2.10 Nationally and locally, households reliant on financial support such as the CTRS are considered some of the most financially vulnerable residents. For Gedling, this has been evidenced by the increase in claimant reliance on the Council's Discretionary Housing Payments scheme and the Housing Needs Repossession Prevention support scheme. Consequently, these households would have even greater difficulty than other households in being able to afford increases in their expenditure, and it would therefore be more likely that their Council Tax would remain unpaid. It would also be more difficult to collect, and households may be subject to court action and associated Magistrates Court and Enforcement Agency fees.
- 2.11 The DCLG have previously issued guidance on administrative matters to be considered in any CTRS, such as duties to vulnerable people, and that schemes should contain work incentives. Gedling's CTRS currently contains all of these in the form of income and earnings disregards (in line with housing benefit levels) and protection from restricted liability for severely disabled people.

Conclusion

- 2.12 It is concluded that a reduction in CTRS for Gedling's most financially vulnerable households combined with the difficulties of collection, when compared to the potential savings for Gedling, would not yield any major financial or social benefit for the Council at a time of major economic uncertainty and the likely ongoing challenges the Covid-19 pandemic will present to our residents. The Government is providing grant to Councils which is intended to cover the costs of increased CTRS caseload so there is no current pressure to make additional savings from changes to the CTRS scheme for caseload increases.
- 2.13 It is proposed that the current Council Tax Reduction Scheme continues for the financial year 2021/22 without revision, except for any relevant national uprating which is covered within the current scheme, enabling the current maximum award entitlement to continue at 100% discount to ensure our financially vulnerable households continue to be supported.

3 Alternative Options

- 3.1 There are a variety of alternative options available to amend the CTRS, all of which require a reduction in financial support to working age claimants, and which in the current financial climate due to the impact of the Covid-19 pandemic, are not recommended. The option that individually delivers the largest reduction in CTRS support is the percentage reduction in the award,

as detailed in paragraph 2.7 above. Examples of other alternative options and their potential impact on individual households include:

- Council Tax Band Restriction – For example, a claimant in a Band C property would only get the CTRS level of a Band A property. Typically, for a household of 2 parents and two children in a Band C property on Job Seekers Allowance this would mean paying £447 per year or £8.58 per week.
- Increase non-dependant deduction – under the current scheme any entitlement to CTRS is reduced by £7.50 per week for any additional resident over the age of 18. One option for consideration is to increase the deduction from £7.50 per week to £10.00, increasing the cost per household to £130.00 per year.
- Reduce the capital limit – the limit of a claimant's savings in the current scheme before being excluded from CTRS is £6,000. This limit could be reduced, for example to £2,000, which would mean in the region of 250 to 300 households would no longer be entitled to a discount.

3.2 The implementation of any proposed change to the CTRS would be subject to a period of public consultation.

3.3 There is not the option to do nothing, as the Council is required to make a decision on this matter.

4 Financial Implications

4.1 The total discounts given under the CTRS are estimated to be £8m for the 2021/22 financial year, of which Gedling's share is £0.7m. The Council's current MTFP assumes continuation of the CTRS without revision and does not anticipate any savings from a change to the scheme. This indicates affordability of the scheme in 2021/22, if agreed by Council. This excludes the financial impact of an increased caseload but the Government has announced a Local Council Tax Support Grant for 2021/22 which is intended to meet some additional costs associated with increases in CTRS caseload. Major Preceptors will also receive a Local Council Tax Support Grant directly so there is no pressure to make savings by applying reductions directly to CTRS claimants in 2021/22.

5 Legal Implications

5.1 Section 13A of The Local Government Finance Act 1992 ("the Act") requires billing authorities to make a scheme specifying the reductions which apply

to amounts of council tax payable (CTRS). Schedule 1A of the Act, and regulations made thereunder, provide the statutory framework for billing authorities in relation to the CTRS and provide detail as to what must and what could be included in a CTRS. The Act requires authorities for each financial year to consider whether to revise or replace its CTRS by 11 March in the preceding financial year. This report reflects that statutory consideration.

6 Equalities Implications

- 6.1 The Equality Impact Assessment (EIA) for the Scheme has been reviewed with no issues identified if the scheme continues without revision as recommended and is shown in Appendix 1.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 None arising.

8 Appendices

- 8.1 Appendix 1 – Equality Impact Assessment (EIA)

9 Background Papers

- 9.1 Current Council Tax Reduction Scheme.

10 Reasons for Recommendations

- 10.1 To comply with the requirements of Paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 and the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012/2885

Statutory Officer approval

Report authored by the Chief Financial Officer
Date: 19 January 2021

Approved by the Monitoring Officer
Date: 15 January 2021