

Council Tax Support Scheme

April 2013

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1. Background

On 1 April 2013, Council Tax Benefit, the method of supporting low income households to pay their Council Tax, was abolished by the Government. It was replaced by a new local scheme of Council Tax Support defined and administered by each Local Authority.

The Government has stated that pensioners are to be protected from these changes and entitlement will be subject to the provisions of nationally defined regulations, similar to that of the former Council Tax Benefit scheme.

Working age claimants are subject to the provisions of a new local scheme of Council Tax Support determined by Birmingham City Council.

2. Introduction

As part of the process to introduce a local scheme, a consultation exercise with citizens of Birmingham was embarked upon and concluded on 2nd December 2012.

We have taken on board the views and comments that have arisen from the result of the consultation exercise and this document outlines the scheme of Council Tax Support in Birmingham.

This Scheme sets out a number of rules; however it will still be subject to amendments on secondary legislation in relation to:

1. Local Government Finance Act and subsequent secondary legislation;
2. Welfare Reform Act 2012 and any secondary legislation.

In this document 'the new Scheme' means the Council Tax Support Scheme (CTS).

In this document 'the current Scheme' means the former Council Tax Benefit Scheme (CTB).

3. Classes of Persons

This Scheme sets out rules for working age claimants. The Government has concluded that support for pensioners should be delivered through a national framework of criteria and allowances. As such regulations prescribe a scheme for claimants of state pension credit age. They also prescribe certain classes of persons who are not eligible to claim Council Tax Support, principally those citizens from abroad and refugees who do not have leave to remain in the country.

Eligibility for Council Tax Support is means tested and determined by reference to the household composition, income and capital of the claimant

and any partner; and by the income, capital and number of non-dependants in the household.

This Scheme states that the key principals and methods set out within the Government's default scheme regulations will be used to determine Council Tax Support, except where amendments are set out in this Scheme, by statute under the Local Government Finance Act, Welfare Reform Act and accompanying legislation, by changes as a result of the introduction of Universal Credit or where Birmingham City Council deems fit.

4. **Key Features of the Scheme**

Our Scheme is based on the following principles:

- people of working-age (unless specified) will have their Council Tax Support assessment based 80% of their council tax liability,
- people with disabilities (entitled to the disability premium, severe disability premium, enhanced disability premium or disabled child premium) should be protected from this requirement;
- people in receipt of Employment Support Allowance with a qualifying disability related benefit should also be protected,
- people with dependant children under 6 should be protected,
- people in receipt of a war pension should be protected,
- people who qualify for the carer's premium should be protected,
- the backdating of claims will be limited up to one month.
- A discretionary fund be set up to support people suffering from hardship

5. **Classes of Reduction**

Council Tax Support is calculated as a means tested discount, defined in principle by the terms of the Government's default scheme with the exceptions as identified below:

The eligible Council Tax will be limited in the following way:

- a) A 'cap' of 80% will be set as a proportion of the claimant's eligible Council Tax liability

This means the assessment of Council Tax Support for claimants other than those listed below will be set at 80% of their Council Tax charge. This capped liability will be used in the calculation of entitlement based on the claimant's circumstances.

As such most claimants of working age will be expected to contribute some payment towards their Council Tax bill the amount of which will be, dependent upon individual financial circumstances.

6. People with the Greatest Need of Support

Certain claimants shall be affected by the changes implemented and will continue to have their Council Tax Support assessment based on 100% of their Council Tax liability if the:

- Claimant or their partner is a pensioner
- Claimant or their partner is entitled to the disability premium, severe disability premium, enhanced disability premium or disabled child premium
- Claimant or their partner is in receipt of Employment Support Allowance with a qualifying disability related benefit
- Claimant or their partner receives a war disablement pension, war widows pension or war widower's pension
- Claimant or their partner has a dependent child under 6
- Claimant or their partner qualifies for the carer's premium

As such people with the greatest need of support, pensioners, carers, those with a disability, those in receipt of a war pension, those with dependant children under 6 years of age and those with a disabled child shall be excluded from the liability cap as detailed in section a) and will continue to receive support at the same level as Council Tax Benefit.

7. Backdating

This Scheme introduces a maximum limit for backdating Council Tax Support claims up to one month. This is in line with Government plans for Universal Credit.

8. Hardship Fund

A discretionary Hardship Fund has been created to support people suffering from genuine hardship, whether or not they fall into the category of people with greatest need of support. This reflects our aim to support the most vulnerable in our society.

9. General Administration of the Scheme

The section below details in general how the Council Tax Support Scheme shall be administered:

9.1 Applications

An application shall be required for all new claims.

Applicants may apply either:

- By going to our website and completing an online application form
- By telephone should they require any assistance with completing the online form
- In writing, stating that they wish to make a claim. We will then contact them to help them make a claim.

When an application is made online, the claimant must complete all sections of the application. If this cannot be done in the first instance, they can save the claim and return to it later. Please note that the claimant has 14 days in which to complete and submit their application. If this is not done within 14 days, the online application will be deleted and they will need to make a new application.

Where an application is received which is not supported by all necessary evidence we will write to the claimant to give notice of this and provide an opportunity for this to be corrected by supplying the required information.

A review process will be implemented by Birmingham City Council for new and existing awards. Awards will be reviewed in a time period to be determined by Birmingham City Council and failure of the claimant to fulfil any request during a review of their award may result in the termination of that award.

9.2 Electronic Communication

Claimants may use electronic communication in relation to their claim.

However the claimant must use an approved method of

- Authenticating their identity
- Communicating electronically
- Authenticating any claim or notice delivered in this manner

Where a claimant uses electronic communication that is not approved, then the information or evidence will not be accepted as being received.

Birmingham City Council may make use of intermediaries in relation to electronic communication and may require other persons to use intermediaries.

Electronic information shall not be treated as being received until such time as it is accepted by Birmingham City Council's computer system.

If necessary to prove the date of receipt of an electronic communication, the date of receipt shall be the date of receipt shown on Birmingham City Council's computer system.

9.3 Evidence

Birmingham City Council may request such evidence as it requires to determine entitlement.

Claimants will be given one month to provide any information requested.

9.4 Amendment and Withdrawal of Application

Claimants may amend any application before Birmingham City Council has made a decision on it.

Claimants can withdraw an application at any time.

9.5 Claimant's Duty to Notify Change in Circumstances

Claimants have a duty to notify Birmingham City Council of any changes in their circumstances that may affect entitlement, in the same manner as within the former Council Tax Benefit regulations.

9.6 Decisions

Apart from where statutorily required, advice of any Council Tax Support granted, removed or revised will be by an adjustment to the Council Tax Bill and the bill itself will be the formal notification. Birmingham City Council also reserves the right to include additional notifications informing of an award or non-award made under the new scheme of Council Tax Support.

9.7 Overpayments

Any overpayment of Council Tax Support granted to which a claimant was not entitled to receive shall be recovered by an adjustment to the Council Tax bill.

9.8 Time and Manner of Granting a Reduction

The manner in which Council Tax Support should be applied is the same as under former Council Tax Benefit rules, i.e. made to the customers Council Tax account for the relevant financial year unless extenuating circumstances apply.

Where Birmingham City Council revises a decision and deems that the claimant was entitled to more support, it has a duty to make good that shortfall by reducing any future payments required for Council Tax.

Where the claimant has since died and Birmingham City Council is unable to make payment to the account, such payment should be made to the administrator of the estate.

9.9 Appeals Process

Birmingham City Council shall give all claimants the opportunity to make written representation where they believe their claim has been dealt with incorrectly and we will look at this decision again.

Where a claimant remains unhappy with a decision following the above process, they may appeal to the Valuation Tribunal.

9.10 Annual Reassessment

Any figures set out in the Scheme may be updated, to take effect on 1st April each year, by the consumer price index, retail price index rate of inflation set out in the preceding September, or by another rate determined with reference to provisions made for Housing Benefit and Universal Credit or as decided by Birmingham City Council.

9.11 Discretionary Reduction

Discretionary reductions will be considered by Birmingham City Council under section 13A (1) (c) of the Local Government Finance Act where customers can demonstrate severe hardship. An application must be made in writing or by electronic communication.

10. Other Matters

This document may be subject to change following public consultation, Government statute or any other means deemed appropriate by Birmingham City Council.

Further proposals may be set for subsequent years of the Scheme starting 01 April 2014 and beyond but should this happen these will be subject to further consultation.

The final local Scheme for 2013/14 was approved by the Council in January 2013 and shall be reviewed annually thereafter.

Glossary of Terms

Backdated Award – Backdating will be limited up to one month.

Carers – For the purpose of Council Tax Support – Carers are defined for this purpose as a claimant or their partner who is in receipt of carer's allowance and as a result qualifies for the carers' premium within the current Council Tax benefit system.

Council Tax – A local tax based on the property valuation. It is used to fund public services.

Council Tax Benefit – This is the current system to help someone on a low income or no income to pay their Council Tax.

Council Tax Support – This is the new scheme to help someone on low income or no income to pay their Council Tax

Council Tax Liability – The amount of Council Tax that a person is liable to pay before any Council Tax Benefit is deducted.

Dependant – A child (under 16) or young person up to the age of 20 who lives with the claimant and for who the claimant or their partner receives Child Benefit in respect of.

Disabled – For the purpose of Council Tax Support - People with a disability are defined for this purpose as a claimant or their partner who is entitled to the disability premium, severe disability premium or enhanced disability premium within the current Council Tax benefit system. This includes claimants or their partners who are registered blind, have been off sick for 52 weeks or more or are getting benefits such as Disability Living Allowance, Attendance Allowance, Severe Disablement Allowance, long term Incapacity Benefit etc (see http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/OtherBenefitsAndSupport/DG_068683 for further information).

This definition also includes a claimant or their partner who are entitled to the disabled child premium for a dependant child who is registered blind or is getting Disability Living Allowance.

Employment Support Allowance with a qualifying disability related benefit – For the purpose of Council Tax Support - People with a disability are also defined for this purpose as a claimant or their partner who is in receipt of Employment Support Allowance and a qualifying disability related benefit.

A qualifying disability related benefit is defined by the disability premium, severe disability premium or enhanced disability premium within the current Council Tax benefit system. This includes claimants or their partners who are registered blind, have been off sick for 52 weeks or more or are getting benefits such as Disability

Living Allowance, Attendance Allowance, Severe Disablement Allowance, long term Incapacity Benefit etc (see http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/OtherBenefitsAndSupport/DG_068683 for further information).

Pensioner – We will follow the definition of a pensioner in line with the statutory guidance. On the 01 April 2013 this will be someone who was born before 06 October 1951

War Pension - For the purpose of Council Tax Support - Someone who is in receipt of War Disablement Pension, a War Widows Pension or War Widower's Pension.

Working Age - We will follow the definition of working age in line with the statutory guidance. On the 01 April 2013 this will be someone who was born on or after 06 October 1951

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