



REPORT OF: EXECUTIVE MEMBER FOR FINANCE AND GOVERNANCE

TO: FINANCE COUNCIL

DATE: 24th FEBRUARY 2020

SUBJECT: Council Tax Support Scheme 2020/21

1. PURPOSE OF THE REPORT

To seek approval for the adoption of the Council Tax Support Scheme for 2020/21.

2. OPTIONS

None to consider.

3. RECOMMENDATIONS

That Finance Council:

- i. Notes the contents of the report, and;
- ii. Approves the Council Tax Support Scheme for the financial year 2020/21

4. BACKGROUND

The Welfare Reform Act contained provisions which abolished the national Council Tax Benefit scheme and recommended localised schemes to be administered by Local Authorities throughout England with effect from 1st April 2013.

This report, and Appendix A, set out how the scheme will operate for pension age and working age applicants in accordance with Section 13A of the LGFA 1992.

In accordance with the legislation, the Council is obliged to formally continue the scheme already agreed, or to make any adjustments prior to the 31st March 2020. This report seeks to fulfil the necessary legal requirements and to confirm Blackburn with Darwen's Council Tax Support scheme for 2020/21.

5. RATIONALE

Whilst the majority of the Council Tax Support scheme will remain identical to the scheme adopted in 2019/20, a national report was issued by the Local Government and Social Care Ombudsman in August (Council Tax Reduction Guidance for Practitioners) which did highlight some concerns over the rules concerning retrospective reversal of awards. As a consequence of this guidance, from the 1st April 2020, retrospective

reversals that are as a result of an error by a Council Officer will be reviewed by a Senior Manager. This review will seek to ascertain if the individual claimant could have reasonably been expected to know that the award was incorrect. If this were the case, the Council would not pursue the affected Council Tax charge.

It is expected that there will be very few cases affected by the change to the policy, however this amendment will prevent any undue criticism from the Local Government and Social Care Ombudsman.

The scheme will also continue to operate a Discretionary Hardship scheme under section 13A (1) c of the Local Government Finance Act 1992.

6. POLICY IMPLICATIONS

By maintaining the main body of the Council Tax Scheme from the previous year, and only making minor changes as detailed in Section 5, there are no significant policy changes to consider.

The scheme will continue to operate on the same basis as in previous years, with an annual uprating being made to benefit amounts, allowances and premiums within the scheme. These figures have been taken from the government circular issued in January 2020.

7. FINANCIAL IMPLICATIONS

Whilst any increase in the number of claimants, or the amount of Council Tax Support awarded, would increase the financial cost to the Council, the real terms expenditure has consistently decreased over a number of years. There is no reason to suspect that this trend will not continue into 2020/21.

8. LEGAL IMPLICATIONS

The Local Council Tax Support Scheme must be agreed before the 31st of March each year by full Council.

9. RESOURCE IMPLICATIONS

There are no other resource implications associated with this report.

10. EQUALITY IMPLICATIONS

In preparing for the transfer of Council Tax Benefit to local authorities, the DCLG completed an initial Equality Impact Assessment in January 2012, with a further updated Impact Assessment in June 2012. In addition, Blackburn with Darwen Borough Council completed a major Equality Impact Assessment prior to the introduction of its own scheme. As the scheme remains the same, the EIA is still valid and applicable for 2020/21.

11. CONSULTATIONS

The Council undertook a major public consultation exercise to develop a localised Council Tax Support scheme for implementation across Blackburn with Darwen from 1st April 2013. In addition, a further consultation was undertaken in September/October 2018 concerning a number of significant changes to the scheme.

As the scheme for 2020/21 remains broadly the same as last year's scheme, there is no further requirement to undertake a new consultation exercise.

Chief Officer/Member

Contact Officer: Louise Mattinson – Director of Finance and Customer Services

Date: February 2020

Background Papers: Appendix A – Council Tax Support Scheme 2020/21