

Appendix A

REPORT TO: CABINET POLICY DEVELOPMENT
WORKING GROUP

DATE: 25 NOVEMBER 2021

TITLE: ANNUAL REVIEW OF LOCAL COUNCIL TAX
SUPPORT SCHEME (LCTSS)

LEAD OFFICER: SIMON FREEMAN, DEPUTY TO THE CHIEF
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(01279) 446228

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RECOMMENDED that the Policy Development Working Group:

- A** Acknowledges the current position regarding the 2021/22 Local Council Tax Support Scheme and endorses continuing stability within the scheme for 2022/23.
- B** Recommends to Cabinet that the current Local Council Tax Support Scheme remains unchanged for the 2022/23 financial year.

BACKGROUND

1. In accordance with the Welfare Reform Act 2012, and the Local Government Finance Act 2012, councils are required to implement a Local Council Tax Support Scheme (LCTS) annually, and by 11 March each year at the latest for the forthcoming financial year.
2. The Pan Essex working group, originally established to consider a County wide approach to the localisation of council tax support, has continued to work very effectively. Having focussed on the development of the local schemes, the group has looked at those exemptions and discounts awarded to council tax payers. As a result the group implemented a range of measures targeted at ensuring that each authority across Essex undertakes work on a consistent basis to help protect the tax base in each district. Work will continue to be undertaken in 2021/22 to ensure compliance and to check and challenge council tax reductions awarded for which entitlement may have subsequently changed or be no longer appropriate.

Local Council Tax Support (LCTS)

3. The national Council Tax Benefit (CTB) scheme, which was wholly funded by Central Government and administered locally by billing authorities, was abolished with effect from 1 April 2013. Each local authority was charged with designing and implementing its own local scheme for the 2013/14 financial

year against a backdrop of a 10% reduction in national funding when compared with CTB. The scheme must be reviewed annually and the Council approved its local scheme for the 2021/22 financial year at its meeting held on 10 December 2021.

4. Prior to the introduction of LCTS there had been no cap on CTB expenditure under the national scheme. However under LCTS Government funding was restricted through the introduction of a cash limit in the form of a fixed grant. In addition the grant was set at a level which was 10% less than the previous council tax benefit expenditure estimated from 2012/13. For Harlow this represents a reduction in funding of around £1.3 million per annum from April 2013.
5. The grant for LCTS was originally identified specifically within the Council's overall Revenue Support Grant and retained Business Rates income for 2013/14. The level of funding for 2014/15 and future years has not been identified in the same way and has been included in the Council's overall Formula Funding. As a result of this there is no protection for the LCTS funding and it is subject to the wider Government cuts to local government funding. Since the introduction of the scheme the Councils overall funding has reduced by over 55% but there has been no reduction in the Councils support of its LCTS scheme.
6. In order to ensure that Pensionable Age customers should be no worse off under the local scheme, national rules remain in place for this group of claimants. As protection remains in place for those of Pensionable Age, the impact of the reduction in funding has fallen upon Working Age claimants as reported during the implementation of the annual schemes since 2013/14.
7. Harlow Council is part of a Pan Essex Project Group, with a remit to design an Essex Framework for LCTS. The principles of the framework were reported to Cabinet on 12 July 2012. On 22 November 2012 Harlow Council adopted a LCTS scheme following public consultation during the summer of 2012 based on these principles, which are detailed below:
 - The scheme will be cost neutral.
 - Council tax support will continue to be assessed on a means tested basis.
 - Council tax support will not be paid above Council tax band H.
 - Council tax support is capped at 76% of council tax liability.
 - The first £25 of weekly earnings is disregarded in the calculation of support.
 - There is no entitlement to support where the applicant has capital of over £6,000
 - Second adult rebate and underlying entitlement were abolished to remove the administrative burden of these.

For comparison purposes, the LCTS schemes for the other Essex District and Unitary Councils are attached at Appendix A.

8. Harlow has ensured that in the development of its local scheme the eligibility criteria for LCTS remains aligned with the previous national council tax benefit scheme, with specific protection for families and persons with disabilities. In addition and despite the reductions in overall Government grant received by the Council the scheme has been supported and maintained without variation to the above principles.
9. The 2013/14 scheme was designed to deliver savings of £1,361,235 to ensure that expenditure on LCTS did not exceed the total Government funding allocated for the scheme. At the time of writing this report the LCTS scheme costs for the current and previous financial years are detailed below. In the current financial year and previous financial year there has been an increase in working age claimants linked to increased claims to Universal Credit following the Covid 19 pandemic.

LCTS Award	Pensionable Age		Working Age		Total LCTS Award
	Live Case load	LCTS Spend	Live Case load	LCTS Spend	
1 April 2013	3,819	£3,535,031	5,302	£3,810,068	£7,345,099
31 March 2014	3,673	£3,483,230	5,189	£3,741,202	£7,117,494
31 March 2015	3,547	£3,240,964	4,890	£3,363,313	£6,604,277
31 March 2016	3,291	£2,941,981	4,469	£3,184,219	£6,126,200
31 March 2017	3,099	£2,936,255	4,510	£3,068,939	£6,005,195
30 September 2017	3,027	£2,895,860	4,147	£3,144,517	£6,040,377
30 September 2018	2843	£,2859,265	4,427	£3,378,867	£6,238,132
30 September 2019	2706	£2,850,114	4,307	£3,434,117	£6,284,231
30 September 2020	2486	£2,753,754	4,690	£3,883,891	£6,637,645
30 September 2021	2397	£2,697,949	4,808	£4,008,503	£6,706,452

10. In response to Covid 19 the government announced in 2020 its intention to award a “hardship” payment of up to £150 to council tax payers in England in receipt of

LCTS. Harlow Council and made payments totalling £837,780 to 6,602 households, with £96,011 to support households going forward.

11. The Government sets a Formula Funding Settlement for monies it will pay across to local authorities to support their services and legal obligations. In recent years the funding provided by Central Government has fallen substantially with consistent annual reductions on previous years' funding. So, whilst the cost to Harlow Council for LCTS has reduced by just over £638,000 between 2013/14 and 2021/22 the Council received a reduction in mainstream central government funding of £3.5 million over the same period.
12. It was estimated that the in-year council tax collection rate for 2013/14 in Harlow would be affected by the introduction of LCTS and could fall by over 3% compared to the collection rate in 2012/13. The collection rate at the end of the second quarter in 2021/22 is 53.83% and this is attributable to the impact of Covid 19 and suspension of recovery action. Formal recovery action has recommenced in this financial year, but many taxpayers will have arrears of council tax to pay in addition to the current year's liability and this is impacting the current in year collection rate.

Date	Council Tax Collection Rate
30 September 2012	56.83%
30 September 2013	56.60%
30 September 2014	56.28%
30 September 2015	56.71%
30 September 2016	56.75%
30 September 2017	56.48%
30 September 2018	56.07%
30 September 2019	56.30%
30 September 2020	53.83%
30 September 2021	53.58%

At the time of writing this report –

- Council tax collection rate is impacted due to the Covid 19 pandemic. The introduction of a 12 month instalment scheme by the Government in 2014 will also impact on the collection statistics when compared with prior years with income having been collected predominantly over 10 months.
 - The additional funding provided within the agreement with the precepting bodies has enabled employment of extra staff dedicated to working with LCTS claimants.
 - There is continuing good engagement with LCTS claimants meaning that it has been possible to agree payment arrangements with residents at an early stage, and reducing or avoiding the need for further recovery action.
13. Formal recovery action for council tax was suspended during the 2020/21 financial year as a result of the Covid 19 pandemic. Officers undertook “soft” recovery action where payment of instalments had not been made, and those in receipt of LCTS received specialist advice from the LCTS officers where

appropriate. As formal recovery action was not undertaken in 2020/21, those in receipt of LCTS were not issued with a Final Notice or Summons in year, and action has been taken in this financial year. The table below provides details of action taken in previous and current financial years at the end of quarter two in respect of those with open or closed LCTS claims.

Date	Percentage of all working age LCTS claimants receiving a Final Notice in the financial year	Percentage of all working age LCTS claimants receiving a Summons In the financial year
30 October 2013	26.7%	16.6%
30 October 2014	29.8%	18.4%
30 October 2015	25.6%	23.1%
30 September 2016	23.36%	15.34%
30 September 2017	22.24%	16.51%
30 September 2018	23.67%	16.0%
30 September 2019	24.7%	17.8%
30 September 2020	0.0%	0.0%
30 October 2021 2020/21 financial year	32.82%	15.91%
30 October 2021 2021/22 financial year	9.45%	0%

14. Whilst the collection position is currently lower than expected due to the impact of Covid 19 and the level of support being awarded has increased, recovery of amounts falling due can take several years to collect and it is currently too early to be able to forecast what the impact of Covid 19 will have on the overall final collection position for each year.

LCTS 2022/23 Proposals

15. Officers are keeping the performance of the LCTS scheme under review and as the Council plans for 2022/23 the scheme is in its eighth year of operation. Given the complexities of the scheme, the large claimant base and other national factors outside of the Council's control this is still seen as a relatively short period on which to base judgements and future estimates. There are ongoing significant impacts of Covid 19, the longer term impacts of which are difficult to analyse and quantify at this time.
16. Universal Credit Full service was introduced in Harlow in September 2017. Where claimants of Universal Credit (UC) are in work, UC is calculated using real time information Pay As You Earn (PAYE) information. This can result in varying UC entitlement levels from month to month. Where the claimant is in receipt of LCTS, this variation in UC entitlement may result in a change in the level of LCTS each month, which increases or reduces the balance of council tax payable. This interaction with the council tax statutory instalment scheme can result in customers receiving multiple bills over the financial year, with

revised monthly instalments becoming due. This can lead to confusion, non-payment, and potentially a hampering of the collection and recovery process.

17. During the pandemic it became apparent to officers that the increasing LCTS caseload and interaction with UC was creating an ever increasing workload of monthly UC changes, which often results in very small increases or decreases in the overall level of LCTS, and results in the issue of revised bills, instalments and notifications to customers. These monthly changes cause considerable confusion and dissatisfaction for customers and generate unnecessary repeat contact for the customer and service.
18. Officers have explored alternative options to smooth out the interaction with UC for the benefit of the customer utilising a change to the scheme approved by Cabinet on 7 December 2017. This change affords the Revenues & Benefits service discretion in regards to Department of Works & Pensions notifications for working age CTS claims, and enables the service to implement a regular review process, as opposed to monthly updates to claims. The Revenues and Benefits service will continue to receive the DWP UC notifications, but will use these when the claim is reviewed, along with other DWP data that is available to the service. The review process will ensure those claims that have fluctuating earnings will be reviewed more regularly. Any changes which affect the level of LCTS will be reflected in the ongoing award and will only be implemented retrospectively where the change is significant, e.g. a change in the household make up, a change in the level of capital / savings. All LCTS claimants in receipt of UC will be reminded of their responsibility to report significant changes. It is envisaged this change in procedure will deliver an improved service to customers, and will also aid council tax collection.
19. Overall, monitoring of the local scheme indicates that it is still operating well and whilst collection of the amounts billed to claimants and residents overall has reduced this is not attributable to the scheme itself. Engagement with residents impacted by the changes has also been extremely good. In order to maintain certainty for both claimants and the Council, in these challenging times, the proposals for the scheme in 2022/23 are to maintain the restriction on the entitlement to support at 24% for a ninth year and that the reductions to the Council's core Formula Funding will not be passed on to claimants despite the current uncertainty around funding for local government in 2022/23.
20. A full equalities impact assessment was carried out on the current scheme. This has been reviewed and is attached to this report at Appendix B.

Conclusions

21. The LCTS scheme operated by the Council has performed well in its eight years of operation. Claimants have been very well supported by the dedicated officers appointed utilising the resources provided through the funding agreement with the key precepting bodies.
22. It is again proposed to retain the scheme largely unchanged for the reasons set out in the report.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

No implications specifically arise from the Council Tax Benefit reforms. Welfare Reform more widely will have a range of different impacts on delivery of service objectives.

Author: **Andrew Bramidge, Director of Strategic Growth & Regeneration**

Finance (Includes ICT, and Property and Facilities)

Financial impacts of the LCTS scheme are being considered as part of the wider budget process and development of the Medium Term Financial Strategy.

Author: **Simon Freeman, Deputy to the Chief Executive and Director of Finance**

Housing

None Specific

Author: **Andrew Murray, Director of Housing**

Community Wellbeing

Contained within the report at this stage. The implications of the final scheme will be assessed for impact on vulnerable groups, as outlined in the report

Author: **Jane Greer, Director of Communities & Environment**

Governance (includes HR)

None specific

Author: **Simon Hill, Director of Governance & Corporate Services**

Appendices

Appendix A – Essex LCTS Schemes

Appendix B- Equality Impact Assessment

Background Papers

LCTS Scheme Policy

<https://www.harlow.gov.uk/benefits/council-tax-support/council-tax-support-scheme>

Glossary of terms/abbreviations used

CTB – Council Tax Benefit

LCTS – Local Council Tax Support

DWP – Department of Work & Pensions

UC – Universal Credit

	Basildon	Braintree	Brentwood	Castle Point	Chelmsford	Colchester	Epping Forest	Harlow	Maldon	Rochford	Southend-on-Sea	Tendring	Thurrock	Uttlesford
Changes made to non-dependent deductions	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	No	No
Support restricted to a particular council tax band?	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	No	No
Council Tax band support is restricted to	n/a	D	n/a	D	D	D	D	n/a	D	n/a	D	-	-	-
Introduce minimum council tax support payment?	Yes	No	Yes		No	Yes	Yes	No	No	Yes	No	No	No	Yes
Minimum weekly council tax support payment	-	-	-	50p -£2	-	-£2	£0.50	-	-	25%	-	-	-	£2.00
Taper rate	N/A - Banded	24%	N/A - Banded	20%	20%	20%	20%	20%	20%	n/a Banded	20%	20%	20%	20%

	Basildon	Braintree	Brentwood	Castle Point	Chelmsford	Colchester	Epping Forest	Harlow	Maldon	Rochford	Southend-on-Sea	Tendring	Thurrock	Uttlesford
Changes made to backdating rules to one month	No restriction	yes	No Restriction	Yes	No, unlimited backdating as long as claim received within a month of first notification of liability and delay notifying liability isn't the claimant's fault	No	No, 3 months	Yes	Yes	No Restriction	yes	No	Yes	yes
Change Temporary Absence rules	No	No	No	Yes	No	No	Yes	Yes	yes	No	yes		yes	yes
Disregard the new Bereavement Support payments for working age applicants	Yes	n/a	Yes	n/a	Yes	Yes	Yes	Yes	consulting	No			No	N/A

	Basildon	Braintree	Brentwood	Castle Point	Chelmsford	Colchester	Epping & Forest	Harlow	Malton	Rochford	Tendring	Thurrock	Uttlesford
Introduce discretion in regards to DWP notifications for working age CTS claims.	N/A				Yes	No	Yes	Yes	consulting	No		No	No
Accept documentation from the DWP as an intention to claim Council Tax Support	No		No		Yes	No	Yes	Yes	Consulting	No	Yes	Yes	Yes

Harlow District Council

Equality Impact Assessment – Local council tax support scheme

Name of service, function or policy being assessed	<p>Localised Council Tax Support Scheme 2022/23</p> <p>This Equality Impact Assessment has been developed considering the following national Equality Impact Assessments:</p> <ul style="list-style-type: none"> • Local Government Finance Bill: Localising support for council tax • Local Government Finance Bill: Technical reforms to council tax • Local Government Finance Bill: Summary impact assessment
Service/Department	Finance / Revenues and Benefits
Names and roles of officers completing the assessment (indicate Lead officer)	Donna Beechener, Revenues and Benefits Manager (Lead Officer)
Contact telephone number of Lead officer	01279 446245
Date assessment completed	10 November 2021

1. Aims of the policy/service/function and how implemented

	Key Questions	Notes
1.1	Is this a new policy/service/function or a review of an existing one?	This is a review of an existing policy and function
1.2	Briefly state the main purpose of the policy/service/function?	To help people with low incomes to afford their Council Tax liability, in line with the Local Government Finance Act 2012.
1.3	Briefly state the main activities of the policy/service/function?	Payment of Council Tax Discounting of Council Tax
1.4	Who are the main beneficiaries? Whose need's is it designed to meet?	Those liable for Council Tax within Harlow. Adults on a low income with low savings Any authority that can levy a Council Tax
1.5	Which staff carry out the policy/service/function?	Revenues nd Benefits staff

2. Information Gathering and Data Collection

	Key Questions	Notes	If further data collection is needed – state by whom, when and how is it going to be done?
2.1	<p>What quantitative (numerical) data do you already have (e.g. national and local demographic data, equality monitoring data, employee data, customer profile data etc) about those who use or will use the policy or service? What gaps are there in the data? What else do you need?</p> <p>NB. Attach copies of the relevant data that you are using for this assessment</p>	<p>The scheme was originally modelled based on existing costs, taking account of a potential council tax increase, demand for the scheme and the reduction in Revenue Support Grant. The scheme was originally modelled to be cost neutral, but current estimates are that the scheme costs more than the current level of grant received.</p>	<p>It is not possible to identify the actual grant received to support the scheme as this has been subsumed into overall formula funding.</p>
2.2	<p>What qualitative data do you already have (e.g. results of customer satisfaction surveys, results of previous consultations, staff surveys, analysis of customer complaints/comments, feedback from community groups or individuals etc) about those who use or will use the policy or service? What gaps are there in the data? What else do you need?</p>	<p>The proposed scheme for 2021/22 for working age claimants does not vary from the current scheme. Consultation is legally required where there are proposed changes to the scheme.</p>	

3. Consultation

Please state below what formal or informal consultation has taken place or that you are planning to hold with appropriate stakeholders in relation to this policy/function			
	Key Questions	Notes	If further consultations are needed/ planned – state with whom, by whom, when and how is this going to be done?
3.1	<p>What consultations have been held and with whom did you consult?</p> <p>What were the main issues raised?</p>	<p>Public consultations have been carried out annually, prior to the introduction of the policy and when changes have been considered. Consultations were conducted by way of an online questionnaire.</p> <p>The consultation was publicly announced.</p>	<p>The scheme will be reviewed annually, and if changes are proposed, then further public consultation will be conducted.</p>
3.2	<p>What consultations were held specifically with the equality target groups?</p> <p>What were the main issues raised?</p>	<p>In introducing a local council tax support scheme in 2013, representatives of equality target groups were identified and contacted electronically alerting them to the consultation and asking them to participate. Locally and nationally concerns were raised about the new liabilities created for those unable to work due to disability. We have addressed these by confirming that the current system of applicable amounts which protect these groups will remain in place.</p>	<p>As 3.1</p>

	Key Questions	Notes	If further consultations are needed/ planned – state with whom, by whom, when and how is this going to be done?
3.3	<p>Is the Council working in Partnership with other organisations to implement this policy/function?</p> <p>Should this be taken into consideration? (E.g. Agreeing the equalities monitoring categories)</p> <p>Should the partnership arrangements have an EIA?</p>	<p>All major precepting authorities in Essex, which work together to devise the support scheme.</p> <p>HDC – Corporate Housing; Resource Management</p> <p>Department for Work and Pensions</p> <p>Ministry Of Housing Communities and Local Government .</p> <p>Each LA participating in the Essex project will conduct their own EQIA. DWP & DCLG have undertaken EQIA's which are publicly available.</p>	As 3.1

Note

- It is a legal requirement that consultation takes place with appropriate stakeholders as part of the EIA process.
- You must ensure that you record all the main areas of concern raised by equality and customer groups during consultations and how you aim to address these concerns.

4. Assessment of Impact

Based on the data you have analysed and provided, and the results of the consultation or research you have undertaken, list below how the policy or function will or does work for each of the following equalities groups.

Identify any differential impact and consider whether the policy/function meets any particular needs identified for each of the six equalities groups.

NB:If you do identify any adverse impact you must:

- a) **Seek appropriate advice as to whether it is highlighting unlawful discrimination or is potentially discriminatory, and**
- b) **Identify steps to mitigate any adverse impact**

Include any examples of how the policy or function helps to promote race, disability, age and/or gender equality.

		State evidence of impact or potential impact/How helps to promote equality
4.1	Gender – identify the impact/potential impact of the policy/function on women, men and transgender people And/or Proposed measures to mitigate any adverse impacts	None identified
		State evidence of impact or potential impact/How helps to promote equality

4.2	<p>Disability – identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including visual and hearing impairments, mobility impairments, learning disability etc) And/or</p> <p>Proposed measures to mitigate any adverse impacts</p>	<p>All Disability Living Allowance Benefits will continue to be disregarded thereby protecting those with specific long term conditions who fall within this group. People with disabilities will continue to receive additional premiums as part of the calculation.</p> <p>The above helps to “advance equality of opportunity between people who share a protected characteristic and those who do not.”</p>
4.3	<p>Age – identify the impact/potential impact of the policy/function on different age groups</p> <p>And/or</p> <p>Proposed measures to mitigate any adverse impacts</p>	<p>Older people (Pensionable Age); This group is specifically protected under Government Regulations.</p> <p>Younger people (17-25); 17 year olds may be disadvantaged indirectly if their parents have to pay more as a result of this policy. People over 18 of working age liable to pay council tax will be required to pay more than that afforded under CTB.</p> <p>The Council has agreed an exceptional hardship fund to assist those in extreme hardship.</p>
4.4	<p>Race – identify the impact/potential impact of the policy/function on different black and minority ethnic groups, including Gypsy and Traveller communities</p> <p>And/or</p> <p>Proposed measures to mitigate any adverse impacts</p>	<p>None identified</p>
		<p>State evidence of impact or potential impact/How helps to promote equality</p>

4.5	<p>Sexual orientation – identify the impact/potential impact of the policy on lesbians, gay men, bisexual and heterosexual people</p> <p>And/or</p> <p>Proposed measures to mitigate any adverse impacts</p>	None identified
4.6	<p>Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no faith</p> <p>And/or</p> <p>Proposed measures to mitigate any adverse impacts</p>	None identified
4.7	<p>Socio-economic disadvantage – identify any impact on those who have a low income, or whose family circumstances/history may affect their ability to access services eg. carers and the cared for; pensioners; single-parents; long-term unemployed; history of abuse/domestic violence; benefits claimants; housebound; chronically ill;</p>	<p>The impact of the proposed scheme will be felt most by those of working age who are not disabled, some of the affects will be mitigated by more generous incentives to work.</p> <p>The Council has agreed an exceptional hardship fund to assist those in extreme need.</p>

4.8	<p>Any other groups, if appropriate e.g. children leaving care; pregnant or breast-feeding mothers; carers etc</p>	<p>Parents will continue to receive a child allowance. Working parents receive a higher disregard of their earnings reflecting their childcare costs.</p> <p>The Council has agreed an exceptional hardship fund to assist those in extreme hardship.</p> <p>The above helps to “advance equality of opportunity between people who share a protected characteristic and those who do not.”</p>
		<p>Notes</p>
4.9	<p>Are there any additional measures that could be adopted to further equality of opportunity in the context of this policy/service/function and to meet the particular needs of equalities groups that you have identified?</p>	<p>None identified.</p>

5. Summary Overview of EIA

As a summary overview of information and findings provided in the earlier sections of this Equality Impact Assessment, please tick the relevant boxes as appropriate to denote the OUTCOME of this process for each of the Equality Characteristics.

Equalities category	No adverse impact AND promotes equality and diversity <i>Please tick ✓ if appropriate</i>	No adverse impact BUT equality and diversity NOT promoted <i>Please tick ✓ if appropriate</i>	Evidence of adverse impact <i>Please tick ✓ if appropriate</i>
Gender and transgender	<input checked="" type="checkbox"/>		
Race	<input checked="" type="checkbox"/>		
Disability	<input checked="" type="checkbox"/>		
Age			<input checked="" type="checkbox"/>
Sexual orientation	<input checked="" type="checkbox"/>		
Religion and belief	<input checked="" type="checkbox"/>		
Socio-economic disadvantage			<input checked="" type="checkbox"/>

NB: Tick relevant box as appropriate and based on information provided in section

Signed
Project Manager

Countersigned
Head of Service

Print Name

Print Name

Date

Date

Under the Freedom of Information Act, this completed EIA form will be placed on the Harloweb and be available on request to the general public.