

**2022/2023**

# **The Council Tax Support Scheme for Blaby District Council**



Revenues and Benefits  
Team

Blaby District Council

2022/2023

# **The Council Tax Support Scheme for Blaby District Council Summary – 2022/23**

## **Introduction**

The Blaby District Council Tax Support Scheme is based on the Council Tax Reduction Scheme (CTRS) (Default) Scheme Regulations 2012 except where otherwise stated and the Prescribed Regulations updated and issued annually by Government.

The definition and detail of the above Regulations can be found on the National Legislation website below.

[Government Legislation](#)

The full Blaby District Council (BDC) CTRS Scheme for 2021/22 can be found at the following link –

[CTRS Scheme for 2021/22](#)

## **Principals of the Scheme for 2021/22**

The principles of the scheme continue to provide for a system based on -

- Ensuring that those who can afford to pay make a fair contribution
- The Scheme provides an incentive to work
- Support is provided for those in difficult circumstances
- The Scheme protects the most vulnerable
- The reduction in Council Tax Support for working age reflects the on-going reduction in Government funding for the scheme and other services

## Classes of Persons

Classes of persons excluded from the Scheme are set out in the Prescribed Regulations, including those treated as not resident in Great Britain and who are subject to immigration control.

## Uprating

**Working Age claimants** – The uprating of applicable amounts, premiums and disregards are updated in line with the Housing Benefit Statutory Regulations 2006 as amended.

**Pensionable Age claimants**– The uprating of applicable amounts, premiums and disregards are updated in line with the Prescribed Regulations issued by the Department for Communities and Local Government.

## Pensionable Age Claimants

It is a legislative requirement that those of Pension Age continue to receive support by way of a Council Tax Reduction on the same terms as would have applied under the old Council Tax Benefit scheme. This scheme adopts the provisions as set out in the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and subsequent amendments.

The legislation sets out the definition of pensioner for the purposes of the scheme. Those not defined as pensioners are by default defined as of working age.

BDC understands that any figures set out in this part of the scheme will be subject to an annual review by the government and that they will be set each year by order of the secretary of state. The extent of the minimum provision for those of Pension Age is a matter for Central Government. Authorities are able to extend that provision to the benefit of Pension Age recipients. This includes the disregard of any War Pensions in full as well as the revised rules regarding the award of a Family Premium and the previous Temporary Absence rules. BDC has always disregarded those war pensions in full under the old Council Tax Benefit scheme and continue to do so under the Council Tax Reduction scheme.

The upper capital threshold remains at £16,000. Persons (and any partner) who have combined capital exceeding £16,000 are not able to apply for CTS unless they remain in receipt of Guaranteed Pension Credits.

## Working Age Claimants

For working age claimants:

- The upper Capital threshold is £16,000. Persons (and any partner) who have combined capital exceeding £16,000 are not able to apply for CTS. Regulations state what should and should not be treated as capital but this will include savings and income generating assets
- The second adult rebate (2AR) for working age claimants was removed from April 2013
- Working age claimants will have their entitlement to Council Tax Support based on 85% of their council, tax liability. Working age claimants will have to pay at least 15% of their council tax liability
- All non-dependant deductions have been increased in line with the Prescribed Regulations as amended
- Universal Credit is a new welfare benefit that has been introduced to replace most other Welfare Benefits during the life of this scheme. At the time of writing this scheme, BDC have adopted an approach to Universal Credit as income for the purposes of this scheme, as set out by government in The Council Tax Reduction Scheme (Default Scheme) Regulations 2012. BDC reserves the right to change its approach to the way that Universal Credit is treated as income for the purposes of this scheme, and will continue to develop alternative approaches as its understanding develops
- From 1 April 2019, the restriction on Personal Allowances to two children is aligned with Housing Benefit. This restriction will only apply where a new application for CTS is made, a claimant reapplies after a break in their claim or a claimant becomes responsible for a new young person
- From 1 April 2019 all self-employed income shall be calculated using the "minimum income floor. This will apply to all new claims, and any claims subject to review after that date. The Minimum Income Floor (MIF) is an assumed level of earnings for a self-employed claimant and/or their partner that matches their work expectations, for example the expected hours (35 hours for a couple and

16 hours for lone parents). The MIF is calculated by multiplying the number of expected hours by the National Minimum Wage (or equivalent national scheme) for the claimant's or their partner's age group and deducting the relevant income tax and national insurance, the income for CTS is calculated based on this net figure. If the claimant's or their partner's actual earnings are above the MIF, the CTS is calculated based on those earnings. The MIF will not be applied to the newly self-employed claimants for a maximum period of 12 months. If both claimant and partner are self-employed, their total self-employed income is calculated as a whole, MIF would be applied if their total self-employed earnings were lower than this figure

- From April 2019, for working age claims, the maximum amount of time that we can backdate entitlement to a discount will be reduced from up to six months down to one month
- From 1 April 2019, in line with Housing Benefit regulations, the date of change for those reporting a change in their circumstances will be the Monday following the notification of the date of change, or if the change took place within the previous one month, the Monday following the date of change
- From 1 April 2019, foreign nationals subject to immigration control within the meaning of s.115 Immigration and Asylum Act 1999 and non-economically active EEA nationals who are not exercising EU treaty rights, are not able to apply for CTS. However, persons who have recognised refugee status; have been granted humanitarian protection; have been granted limited leave to enter or remain in the UK outside of the immigration rules; or are deemed not to be a person subject to immigration control and who were removed from another country to the UK by compulsion of the law; will be able to apply for CTS so long as their status has not been revoked
- The following income and capital disregards (ignored income and capital) will be applied to the CTS scheme from 1 April 2019:
  - Any payments made from the Infected Blood Schemes for England, Wales and Northern Ireland (this includes the following schemes The Eileen Trust, The MacFarlane Trust, MFET Ltd, the Skipton Fund and the Caxton Foundation)
  - Payments made from the London Emergencies Trust
  - Payments made from the We Love Manchester Emergency fund
  - Payments made to children with special educational needs under the Education, Health and Care (EHC) plan
- If a claimant decides to access their contribution pension fund, anything they draw from their pension will be treated as income or capital for the purposes of their CTS claim

## Protected Groups

The following group is exempt from the contribution towards their council Tax.

- Care Leavers under 25 years old

## Second Adult Rebate

- The second adult rebate (2AR) is retained for those of pensionable age only

## Disregarded Income

Blaby District Council's Local Council Tax Support Scheme will also maintain the existing local policy of disregarding 100% of any income received from the following from the benefit calculation of all classes of claimant as defined by the default scheme regulations:

- Armed Forces Compensation Scheme
- War Disablement Pension
- War Widows Disablement Pension
- War Widows Pension

The following incomes are also disregarded in line with the Prescribed Regulations:

- Disability living allowance
- Attendance allowance
- Mobility allowance
- Personal Independence payments
- Child Benefit
- Maintenance for Children

## Changes in circumstance

The date of change for those reporting a change in their circumstances is the Monday following the date of change, regardless of the date notified.

Where Housing Benefit and Council Tax Support is already in payment, a new claim for Council Tax Support will not be required if the claimant ceases to be eligible for Housing Benefit because they are claiming Universal Credit.

## Appeals

A claimant can make an appeal to the Council concerning their entitlement to a Council Tax reduction under the Scheme or the amount of reduction they are entitled to. The appeals procedure is set out in the Prescribed Regulations.

If you disagree with a decision on your council tax support, you can ask for it to be explained or looked at again. You can challenge the amount of council tax you have to pay for any of the following reasons:

- You think that, under the local council tax support scheme, the council should have given you a reduction on the council tax you have to pay but it has not done this
- You think the amount of reduction the council has given you under its local scheme is incorrect

An appeal must be made within one month of the date of the decision notice and include the reason for the appeal and the period it applies to. Any additional evidence to support the appeal should be provided. The Council will consider the appeal and inform the customer of the outcome.

Or

Were a customer remains dissatisfied they can appeal further to the Valuation Tribunal.

## **Discretionary Council Tax Reduction**

A Discretionary Council Tax Support Fund was introduced in 2013. Information regarding the fund is available at the following link.

[Discretionary Council Tax Support](#)

February 2021