

To: Cabinet
Date: 26 January 2022
Report of: Head of Financial Services
Title of Report: Council Tax Reduction Scheme 2022/23

Summary and recommendations	
Purpose of report:	To consider the feedback from the recent consultation on the proposed changes to the 2022/23 Council Tax Reduction Scheme and to agree the principles of the new scheme to be drawn up for approval by Council
Key decision:	Yes
Cabinet Member:	Councillor Shaista Aziz, Inclusive Communities
Corporate Priority:	All
Policy Framework:	Council Strategy 2020 - 24
Recommendation(s): That Cabinet resolves to:	
<ol style="list-style-type: none"> 1. Note the outcome of the consultation on the proposed Council Tax Reduction Scheme. 2. Delegate authority to the Head of Financial Services to draft the details of the new Council Tax Reduction Scheme for 2022/23 in accordance with paragraphs 8 to 11 of this report which sets out the proposed implementation and changes to the Scheme; and 3. Recommend to Council to resolve to adopt the new Local Council Tax Reduction Scheme for 2022/23 taking into account the following: <ul style="list-style-type: none"> • To increase the Income Bands in line with para 8 Table 1 using CPI for the Benefit Cap uprating • To continue to support a 100% CTR entitlement • To continue with a Banded Scheme based on Income rather than family composition • To leave non dependant deductions as they are currently 	

Appendices	
Appendix 1	Response to consultation
Appendix 2	Risk Register
Appendix 3	Equalities Impact Assessment
Appendix 4	Glossary of Terms

Introduction and background

1. Councils are required to review their Council Tax Reduction (CTR) Scheme for working age recipients on an annual basis and consider any appropriate revisions. The scheme that exists for pension age recipients is a national scheme prescribed by regulations and cannot be varied locally.
2. In order to change its scheme a council is required by law to:
 - Consult with the major precepting authorities
 - Consult with other persons it considers are likely to have an interest in the operation of the scheme

The CTR Scheme itself must be adopted by full Council, it cannot be delegated to an officer or committee.

3. Local Schemes must take account of and support:
 - Work incentives and in particular avoid disincentives for those moving into work
 - The Council's duties to protect vulnerable people (under the Equality Act 2010, the Care Act 2014, the Child Poverty Act 2010 and the Housing Act 1996)
 - The Armed Forces Covenant

Proposed changes to scheme

4. At its meeting on the 15 September 2021, Cabinet agreed to consult on a new CTR Scheme for 2022/23. Public consultation was undertaken for a period of 8 weeks from 22 September 2021 to 17 November 2021 in both electronic and paper format where required. The Council consulted directly with existing CTR claimants, the major preceptors, Oxfordshire County Council and the Thames Valley Police and Crime Commissioner and also advice agencies in Oxford.
5. A number of new proposals were submitted for consultation. The proposals related to:
 - Whether or not to increase the Income Bands or to freeze at current levels. Where wages are being increased freezing income bands to current levels will reduce the amount of CTR given although clearly in the current environment post pandemic this impact may be negligible since wage rises in

most sectors are unlikely to increase rapidly as business try to initiate their recovery.

- If the Council were to increase income bands, to use CPI instead of RPI where stated, in line with the DWP up-ratings. CPI is generally lower than RPI and will lead to lower CTR payments.
- To consider if the banded income approach should take into account family size. Currently the scheme has a single structure for a total income for all applications, with no regard to household composition
- To consider giving a reduction of up to 100% for passported cases, limiting the reduction to a % or a fixed weekly amount for all other claims. If the Council were to reduce the % award, or ask all claimants to pay a set amount, the Council's tax base (the total of Band D properties used in the calculation of council tax income) would increase in future years, as there would be fewer Band D equivalents lost as a result of awarding CTR.
- To automatically reduce the CTR award to a maximum of 75% if there is a non-dependant (adult aged 18 or over) in the property. In cases where there is a disability benefit in payment for the applicant or an additional adult, then the reduction would not be applied. This mirrors the application of the single person discount.

Summary of consultation responses

6. Appendix 1 provides a summary of the responses to the consultation on the proposed changes to the CTR Scheme. Details of those consulted with directly are listed at 4. above
7. Paper copies were distributed to libraries and were sent to those that requested a paper version.
8. 294 online responses (8 from organisations and precepting authorities) and 6 paper responses were received, the majority of responses were fully completed, with many providing very detailed feedback and showing a good understanding of the issues. In summary:
 - There is support for continuing to use income bandings and for the method of uprating the bandings used in the income band scheme (see Section 9, Table 2), (46% agreed, 32% disagreed). 28% of respondents commented, and most wanted to see the uprating of the bands continue rather than freezing at the current level. It is clear those on low incomes are struggling with other increasing living costs. That said, 47% of respondents then agreed to a freeze on uprating the bands, but the comments suggested the Council should continue to increase the bands (see Section 9, Table 2). There were lots of comments regarding pensioners, however it is only the Working Age Scheme the Council has any control over.
 - 52% thought we should consider the household structure in relation to the bands, however there were comments around income being more relevant than household make up. Many want to keep the scheme as it is to avoid complication

- 54% said that they did not want to see everyone having to pay something towards their Council Tax. 60% did not want to see everyone having to pay something regardless of their income, which highlights how important maintaining a 100% CTR scheme is to claimants. Comments were mixed though, with those clearly struggling already keen to still receive full support
- Changes to restrict the award to 75% where there is a non-dependant deduction were mixed, with this not receiving a great deal of support and the comments suggest this is not supported
- The majority of respondents did not want to see an increase in Council Tax or Fees and Charges, but supported cutting other services to fund the CTR Scheme.

Additional comments to note:

- Many comments are relating to the National Minimum Wage not covering the cost of living for Oxford. Comments are ranging from the Council needs to uplift to not penalise the increase in wages from the budget and other comments are the rise in inflation post Brexit.
- There are many comments regarding to the Oxford Living Wage stating that they work locally and are not on this hourly rate or that the scheme assumes that people are in receipt of the higher hourly rate.
- People who are in privately rented accommodation are already paying higher living costs.
- Comments relate to disparity of wealthy residents to poor and that the wealthy should contribute towards the CTR scheme to help with lower income families. There is a further comment asking if wealthy people could pay an additional amount in their CT charge to cover the increase cost in the CTR scheme to reduce the burden to the Council.
- People have noted that the current scheme works, so why change it and there are comments that they agree with the banded approach.
- There is a single comment that the council are not supportive and send out letters when they are behind with the instalments. As this questionnaire is anonymous, we are unable to establish who this is, to make contact with them.

Implementation of the Responses

Income Banded Scheme

- To continue with the same methodology for updating income bands for 2022-23 for assessing the entitlement for the percentage of council tax reduction.
- To apply the CPI rate for the uplift to Band 5 which as at September 2021 was 3.1%

Table 1- 2022 proposed bands

Band	Weekly Income	Discount received	No of working age claimants at Sept 2021
1	£0 - £152.00	100%	793
2	£152.01 - £228.00	75%	734
3	£228.01 - £315.00	50%	1,350

4	£315.01 - £396.99	25%	1,197
5	£397 and above	0%	1,912

The rationale for the weekly income figures above is as follows:

Band 1 is equivalent to 16 hours on the National Minimum Wage (NMW £9.50 per hour from April 2022) rounded upwards

Band 2 is equivalent to 24 hours on the NMW rounded upwards

Band 3 is equivalent to 30 hours on the Oxford living wage (OLW £10.50 per hour from April 2022) rounded upwards

Band 4 equivalent to the difference between the top of Band 3 and the Band 5 figure

Band 5 is the Benefit Cap amount for couples (£384.62) increased by CPI at Sept 21 of 3.1% instead of RPI of 4.9%, in line with DWP benefit uprating)

Council Response – To keep the methodology of updating the bands as highlighted above, and to increase Band 5 by CPI instead of RPI which as at September 2021 was 3.1%

Making a minimum charge

- In preparing the Consultation Budget presented to Cabinet, the Council resolved to continue to provide maximum financial support for residents in receipt of CTR, factoring in the cost of such support into its budget plans. This is in line with the consultation responses which equally indicated little support for capping the amount of financial support provided.

Council Response - In view of the current effect of the pandemic and increases in the cost of living, it is recommended that the Council continues to award up to a maximum 100% CTR

Family Composition

- To consider if the banded income approach should take into account family size. Currently the scheme has a single structure for a total income for all applications, with no regard to household composition

Council Response - Whilst there is support for this there were also a range of comments including keeping the scheme as it is to avoid complication. It is recommended that the bands stay as they are currently as this appears to be working well, but that officers will investigate options other Councils implement around the bands/income and family composition and model options for the 2023/24 CTR Scheme

Non-Dependants

- To automatically reduce the CTR award to a maximum of 75% if there is a non-dependant (adult aged 18 or over) in the property. In cases where there is a disability benefit in payment for the applicant or an additional adult, then the reduction would not be applied. This mirrors the application of the single person discount.

Council Response -There was little support for this change and as the numbers are small it is recommended that the Council does not take this forward.

Other considerations taken into account in the proposed scheme

9. The Council will always endeavour to maximise the CTR award. Where the customer has a minimal change in Income and doesn't move from one Income Band to another they will not need to report changes and their CTR award remain the same.
10. As part of the new CTR scheme, the Council will continue to disregard most disability benefits. The Council will however take into account Employment Support Allowance Contributions Based, as this benefit is based on National Insurance contributions and the claimant may have other Income.
11. There will be some administrative work required to implement the amendments to the scheme and inform the public about the changes. This includes revising the scheme, updating any legislative changes required, amending the functionality of the software used for administering the CTR Scheme, amending local processes, training staff and producing communications for customers. This will lead to a better customer experience by having an easier application process, with no need to notify of minor income changes unless this would mean moving into a lower or higher band and regular reviews of claims.

Financial Implications

12. The Council is one of less than 40 councils in the country to maintain a 100% CTR scheme for the payment of CTR i.e. one that requires no minimum payment of council tax but provides financial support at much the same level for claimants as existed within the old Council Tax Benefit scheme, before the new CTR scheme came into force on 1st April 2013. Most other councils have reduced the cost of their schemes by providing a lower level of support. Whilst the Government initially provided funding for the new local schemes, the funding has reduced each year in line with the reduction in the Council's Revenue Support Grant (RSG) which has now reduced to zero, consequently no Government funding is provided towards the CTR Scheme.
13. Some authorities are considering or have returned to providing 100% support.
14. Due to Covid-19 the Council received a one off funding payment of £1.1m from Central Government for 2020/21 as a hardship fund to help support CTR recipients with the payment of Council Tax. The Government recommended

payments of up to £150 to cover outstanding council tax liability although given the Council's 100% funded CTR scheme the Council has been able to increase this up to £250 as a discount towards the residual element of Council Tax. From 2022 this fund will not be available but anyone in difficulty can apply for a discretionary discount as in previous years.

15. When the tax base for 2021/22 was estimated in January 2021 a gross figure of £11.874m was included as the estimate of CTR expenditure for the year. As at Nov 1st 2021 expenditure on CTR was £12.621m, an increase of around £747k or 6.3%. The City's share of this revised estimated spend is £1.932m, an increase of £114k on that estimated. This increase in CTR spend will be factored into budget setting for 2022-23
16. By continuing to award up to 100% CTR this continues to support the residents of Oxford from going further into poverty and building up Council Tax debts. It is important that those on low incomes are not penalised by reducing the support currently available.
17. Staff savings of £70k were achieved in the Benefits Team as a result of moving to an Income Banded Scheme for all Working age claimants in 2021.
18. The scheme is administered alongside payment of Housing Benefit by 24.8 FTE staff at a gross cost of £1.00m per annum for 2021-22 .Central Government issues a grant to compensate local authorities for the cost of administering Local Council Tax Support (LCTS) and Housing Benefit. For 2021/22 OCC will receive £174,819 for CTR administration, and Housing Benefit Administration grant of £397,420. With some other smaller grants for increased workloads this results in a net annual cost for administration of both Housing Benefit and CTR of £427,342. As universal credit is rolled out the administration grant is likely to be reduced further as will the cost of administration. Provision has been made in the Council MTFs for both these eventualities.
19. The proposed changes to the scheme may increase the scheme's cost slightly. The bandings in the income band scheme are being updated in line with expected increases in wages, and so this change should ensure current recipients of support stay in the same band as their income increases. With furlough ending and seasonal work going through peaks and troughs, it is unclear if we will see any increase in claimants as the jobs market is buoyant at present.
20. Universal Credit changes, wage increases and National Insurance Contribution increases are likely to balance each other out.

Legal issues

21. Local Council Tax Support came into effect on 1 April 2013 pursuant to the Local Government Finance Act 1992. Section 13A(2) of that Act (as amended) provides:
Each billing authority in England must make a scheme specifying the reductions which are to apply to amounts of council tax payable, in respect of dwellings in its area, by—
 - (a) persons whom the authority considers to be in financial need, or
 - (b) persons in classes consisting of persons whom the authority considers to be, in general, in financial need.'

22. Schedule 1A of that Act prescribes what must be included in a Council Tax Reduction Scheme, and places a duty on the authority, each financial year, to consider whether to revise its scheme or replace it with another scheme. The scheme states the classes of person who are to be entitled to a reduction, the type of reduction and whether there are different reductions for different classes. The scheme should also set out the procedure to apply for a reduction and the appeal procedure.
23. Before preparing a scheme, the authority must (in the following order)—
 - (a) Consult any major precepting authority which has power to issue a precept to it,
 - (b) Publish a draft scheme in such manner as it thinks fit, and
 - (c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.
24. In considering changes to the CTR Scheme, the Council must take into account the provisions of The Council Tax Reduction Schemes (Prescribed Requirements) (England) 2012 and subsequent amendments.
25. Since the introduction of CTR Schemes, there have been a number of legal challenges against other local schemes. Most of these challenges have been in relation to the consultation undertaken and have questioned whether due regard was given to any equality impact assessment when changes were made to schemes. A Supreme Court ruling in 2014 (R (Moseley) v London Borough of Haringey) has determined that consultation on changes to council tax reduction schemes must also include an option for any current scheme to be retained on the same level of funding with a consequent reduction in funding for other services. There were questions in the consultation paper on these options.
26. The CTR Scheme itself must be adopted by Council, and the approval of the scheme cannot be delegated to an officer or committee.

Level of risk

27. A risk register is attached at Appendix 2.

Equalities impact

28. The changes proposed in this report do not have any new equality impacts attached to them. The equality impact of the income band scheme was considered in a report to Cabinet dated 19 December 2017. An Equalities Impact Assessment is attached at Appendix 3.
29. When the scheme is published on the Council website we will ensure customers are aware of our translating and interpreting services available.

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Background Papers: None

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