



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE OVERVIEW AND SCRUTINY BOARD**

**MONDAY 3RD SEPTEMBER 2018, AT 6.00 P.M.**

**PARKSIDE SUITE - PARKSIDE**

**SUPPLEMENTARY DOCUMENTATION**

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

4. Anti-social Behaviour, Crime and Policing Act 2014 (Implementation of Provisions) - TO FOLLOW (Pages 1 - 24)

Item 4 for pre-scrutiny

5. Pre-Scrutiny - Council Tax Support Scheme Review - TO FOLLOW (Pages 25 - 42)

K. DICKS  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

28th August 2018

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### ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 – IMPLEMENTATION OF PROVISIONS

Relevant Portfolio Holder	Cllr Peter Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis, Head of Community Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	No
Key Decision / Non-Key Decision	No

#### 1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to provide an overview of the Anti Social Behaviour, Crime and Policing Act 2014, as updated in December 2017 and highlight any changes in the statutory Home Office guidance which are likely to have a direct impact on the Council.
- 1.2 The report also proposes a series of amendments to the Council's Scheme of Delegation to enable this Council to best utilise and implement the ASB tools and powers under the Act.

#### 2. RECOMMENDATIONS

**The Cabinet is asked to RECOMMEND that**

- 2.1 **The powers available to the Council under the Anti Social Behaviour, Crime and Policing Act 2014, as amended in Dec 2017 are noted;**
- 2.2 **The Council's Scheme of Delegation is amended, in accordance with recommendations outlined in Section 3.6 of this report, to allow relevant officers to apply these tools and powers.**

#### 3. KEY ISSUES

##### Financial Implications

- 3.1 There are no direct financial implications arising from this report. Should additional resources be required in the future, any requests will be subject to the Council's normal budget approval process.

##### Legal Implications

- 3.2 The Anti Social Behaviour, Crime and Policing Act 2014 came into force in October 2014, with further statutory guidance issued by the Home Office in December 2017. The Act introduced changes to how local agencies deal with anti social behaviour, streamlining the tools available to them so that they can be

more effective. The 19 tools and powers provided in the previous Anti Social Behaviour Act 2003, were reduced to just 6 in the 2014 Act.

- 3.3 In order for this Council to effectively apply its powers under the 2014 Act, amendments to the Council's Scheme of Delegation are recommended.

#### **Service / Operational Implications**

- 3.4 The Anti Social Behaviour, Crime and Policing Act 2014, provides the following tools and powers which are of relevance to this Council and support the Strategic Purpose 'Keep My Place Safe and Looking Good':

- a) Civil Injunction (Sec. 1 – 21 of the Act) – is a way of stopping individuals from engaging in anti social behaviour by either prohibiting certain activity or requiring some positive intervention. An Injunction is sought against an individual who is causing nuisance or annoyance within a housing related context or whose anti social behaviour is causing harassment, alarm or distress elsewhere (i.e. non-housing related). To include a positive requirement within the terms of an injunction the Council must (i) believe it is necessary; (ii) have the resource to make it happen; and (iii) have a named individual or organisation that will ensure compliance with the requirement.
- b) Criminal Behaviour Order (Sec. 22 – 33 of the Act) – gives agencies the power to deal with the hard core of persistently anti social individuals who also engage in criminal activity. The court may make a criminal behaviour order against an offender, on conviction of **any** offence, if two conditions are met: (i) the person has also engaged in behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons; and (ii) the court considers that making the order will help in preventing the offender from engaging in such behaviour.
- c) Dispersal Power (Sec.34 - 42 of the Act) – allows police officers to direct people to leave a public place and not return for a specified time (maximum 48 hours) if two conditions are met: (i) the police officer has reasonable grounds to suspect that, the presence or behaviour of the person in the locality has contributed to or is likely to contribute to members of the public in the locality being harassed, alarmed or distressed, (or the occurrence crime or disorder); and (ii) the police officer considers that giving a direction to leave is necessary, for the purpose of removing or reducing the likelihood of anti social behaviour, crime or disorder. The police officer may also require the surrender of any item being used to harass, alarm or distress members of the public.
- d) Community Protection Notice (CPN) (Sec. 43 – 58 of the Act) - prohibits persons aged 16 or over, businesses or organisations from committing anti social behaviour, which has a detrimental effect on the quality of life of those in the locality. The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti social behaviour occurring again. In these cases the behaviour must be of a persistent or

continuing nature and be unreasonable. CPNs replaced measures such as litter clearance notices, defacement control notices and street litter control notices.

- e) Public Space Protection Order (PSPO) (Sec. 59 – 75 of the Act) – is used to stop individuals or groups from committing anti social behaviour in a public space, which has, or is likely to have a detrimental effect on the lives of those in the area. The restrictions and requirements of the order are set by the council and these can be blanket restrictions or requirements that are targeted against certain behaviours by certain groups at certain times. Orders can also restrict access to public spaces (including certain types of highway) where that route is being used to commit anti social behaviour. This tool replaces Designated Public Place Orders, Gating Orders, and Dog Control Orders and can be enforced by police officers, police community support officers and authorised council officers. **(See Appendix A)**
- f) Closure Power (Sec. 76 – 93 of the Act) – This power allows the police or council to close a premises quickly if it is being used, or is likely to be used, to commit nuisance or disorder. A Closure Notice is issued out of court in the first instance and following this the Closure Order can be applied for through the courts. The Notice can close premises for up to 48 hours out of court but cannot stop the owner or those who habitually live there from accessing the premises. The Order can close premises for up to six months and can restrict all access. Both the Notice and the Order can cover any land or any other place, whether enclosed or not, including residential, business, non-business and licensed premises. Breach of a Notice or an Order is a criminal offence with a sentence of up to three months in prison for breach of the Notice and up to six months for breach of an Order. Both can also attract an unlimited fine for residential and non-residential premises
- g) The Act also contains legislation, which is pertinent to the Council's Registered Providers of Social Housing, for the Recovery of Possession of Dwelling Houses, (Sec. 94 – 100) enables relevant landlords to expedite the eviction of anti social tenants in order to bring faster relief to those affected by their behaviour. This measure gives absolute ground for possession of secure and assured tenancies in specific cases of anti social behaviour or criminality, as long as certain conditions have been met and the landlord has also complied with its legal obligations
- h) The Community Remedy, (Sec. 100 – 103 of the Act) gives victims a say in the out of court punishment of perpetrators for low level crime and anti social behaviour. This tool is used by the Police, in consultation with their relevant partners and the Community Remedy document is produced and published by the Police and Crime Commissioner.
- i) The Community Trigger / ASB Case Review, (Sec. 104 – 105 of the Act) gives victims of ASB the ability to request action, starting with a review of their case, where a locally defined threshold is met. The West Mercia Police and Crime Commissioner has given permission locally for North

Worcestershire Community Safety Partnership to deal with all ASB Case Reviews /Community Triggers. The locally agreed threshold is that the Case Review/Trigger can be activated if a victim has made three or more reports relating to the same anti social behaviour problem in the past six months to the Council, Police or a Registered Housing Provider (Social Landlord) and they feel that no action has been taken. Or, at least three individuals and/or groups in the local community have made reports about the same problem in the past six months to the Council, Police or Registered Housing Provider (social landlord) and they feel that no action has been taken. The Case Review/Trigger can also be requested on behalf of someone else if their written consent is obtained.

- 3.5 **Appendix B** sets out more detailed information about each of the key provisions of the Anti Social Behaviour, Crime and Policing Act 2014, as updated in December 2017.

#### Proposed Amendments to Council's Scheme of Delegation

- 3.6 In order to enable all relevant Council officers to utilise the powers under the Act, the following amendments to the Council's current Scheme of Delegation are recommended:

- a) That the Head of Community Services, in consultation with the Principal Solicitor be given delegated authority to seek a Civil Injunction in accordance with Sec. 1 – 21 of the Anti Social Behaviour, Crime and Policing Act 2014.
- b) That the Head of Community Services, the Head of Environmental Services, the Head of Worcestershire Regulatory Services and the Head of Planning and Regeneration Services be given delegated authority to serve Community Protection Notices, (and Fixed Penalty Notices in the event of a breach) in accordance with Sec. 43 – 58 of the Anti Social Behaviour, Crime and Policing Act 2014.
- c) That the Head of Community Services, Head of Environmental Services and Head of Leisure and Cultural Services be given delegated authority to initiate and implement the consultation process required to make a Public Space Protection Order in accordance with Sec. 59 – 75 of the Anti Social Behaviour, Crime and Policing Act 2014.

As recommended in the amended statutory guidance, the decision to make a Public Space Protection Order will be put to Cabinet/Council.

- d) That the Head of Community Services, the Head of Environmental Services, the Head of Planning and Regeneration Services and the Head of Worcestershire Regulatory Services be granted delegated authority to issue a Closure Notice (up to 48 hour) and to apply for a Closure Order in

accordance with Sec. 76 – 93 of the Anti Social Behaviour, Crime and Policing Act 2014.

#### **Customer / Equalities and Diversity Implications**

- 3.7 The Act provides opportunities to improve how the Council deals with anti social behaviour, providing a variety of tools and powers that help the Council and its community safety partners to resolve issues in the community quickly and effectively. The Act also enables the Council to continue to work closely with its partners to achieve the best results for its residents and provides a mechanism by which agencies actions can be scrutinised by those directly affected by anti social behaviour.
- 3.8 Use of these ASB tools and powers will have a positive impact on residents and customers affected by anti social behaviour, including members of minority communities that may be targeted by harassment for a variety of reasons.

#### **4. RISK MANAGEMENT**

- 4.1 The Council has a statutory duty to exercise its functions with due regard to the effect of those functions on crime, disorder, ASB and reoffending. The Council must also do all it reasonably can to prevent crime, disorder, ASB and reoffending throughout the District. Failure to appropriately implement the powers and tools available to the Council to address these issues could result in the potential for legal challenge by those affected by crime and disorder. There is also the potential for reputational damage to the Council.

#### **5. APPENDICES**

Appendix A – NWCSP Briefing Paper on Public Space Protection Orders

Appendix B – Provisions of the Anti Social Behaviour, Crime and Policing Act 2014, as updated in December 2017

#### **6. BACKGROUND PAPERS**

Anti Social Behaviour, Crime & Policing Act 2014 – Updated Statutory Guidance from the Home Office (Dec 2017)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/679712/2017-12-13\\_ASB\\_Revised\\_Statutory\\_Guidance\\_V2.1\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679712/2017-12-13_ASB_Revised_Statutory_Guidance_V2.1_Final.pdf)

CPS - Criminal Behaviour Orders Legal Guidance

<https://www.cps.gov.uk/legal-guidance/criminal-behaviour-orders>

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North Worcestershire  
**Community Safety Partnership**

# PSPO – Public Space Protection Order

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Bev Houghton  
Community Safety Manager  
23<sup>rd</sup> January 2018



# Purpose of a PSPO

- Designed to stop people committing anti-social behaviour in a public space.
- Behaviour having or likely to have a detrimental effect on quality of life
- Persistent or continuing in nature
- Unreasonable



# Who can make a PSPO

- District Councils in consultation with Police, PCC and other relevant bodies
- Restrictions set by Council and enforced by a Police Officer, a PCSO or Council Enforcement Officer.
- Breach of a PSPO is a criminal offence, a fine of up to £100 can be issued and a fine up to level 3 (£1,000) can be imposed on prosecution.



# What can be tackled

- PSPO legislation replaced DPPOs, Gating Orders and Dog Control Orders
- Any previous orders in place at October 2017 automatically transitioned into PSPOs

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The transitioned orders remain in force up to a maximum of 3 years from the point of transition (i.e. until October 2020)

- A single order can include multiple restrictions and requirements
- It can prohibit or restrict certain activities or place requirements on individuals carrying out certain activities (i.e. dogs must be kept on leads in a designated area)

# Where can a PSPO be used



- On any public space within the Council's area of operation. The definition of public space is wide and can include any place which the public or section of the public have access

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The Council must consult with partners, stakeholders and community representatives, particularly any specific groups likely to have a particular interest such as resident's associations, regular users of a park or those involved in specific activities in the area e.g. buskers and other street entertainers.

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# What to consider

- **Vulnerability** - Any use of these powers must be compliant with the Human Rights Act 1998 and the Equality Act 2010 (in particular the public sector equality duty pursuant to section 149) along with all other relevant legislation. Particular consideration should be given to the needs and circumstances of the most vulnerable when applying any powers to ensure that they are not disproportionately and unreasonably impacted upon. Local agencies must be satisfied that the behaviour meets the legal tests
- **Risk Assessment** - Agencies should assess the risk of harm to the victims, and their potential vulnerability, when they receive a complaint about anti-social behaviour. This should be the starting point of a case-management approach to dealing with anti-social behaviour complaints. The welfare, safety and well-being of victims must be the main consideration at every stage of the process



# What to consider

- **Proportionality** – as PSPOs restrict what people can do or how they behave, the order must focus on specific behaviours and must be proportionate to the detrimental effect being caused; and must be necessary to prevent the behaviour continuing/recurring
- **Reasonableness** – The restrictions being introduced should be reasonable and designed only to prevent or reduce the detrimental effect of the behaviour taking place
- **Openness and accountability** – The council must publish the draft order in accordance with Secretary of State regulations and ensure that the draft is on the website as a minimum



# What to consider

- **Controlling the presence of dogs** – When making requirements or restrictions on dogs and their owners, local councils should consider whether there are suitable alternative public areas where dogs can be exercised without restrictions. Councils should also consider if the proposed restrictions will displace dog walkers onto other sensitive land, such as farm land or nature conversation areas
- Consideration must also be given to how any dog walking restrictions would affect those who rely on assistance dogs, ensuring that any prohibition or requirement is compliant with the provisions of Equality Act 2010 or consider what exemptions should apply for assistance dogs





# What to consider

- **Homelessness and rough sleeping** – PSPOs should not be used to target people solely on the fact they are homeless/sleeping rough. Orders should only be used to address the specific behaviour that is causing a detrimental effect on the community in the area's quality of life
- **Group hanging around/standing in groups/playing games** - Councils should not inadvertently restrict everyday sociability in public spaces. A PSPO should target specifically the problem behaviour that is having a detrimental effect on the community's quality of life, rather than everyday sociability, such as standing in groups which is not in itself a problem behaviour



# What to consider

- **Young People** - Councils should think carefully about restricting activities that young people are most likely to engage in. Restrictions that are too broad or general in nature may force the young people into out-of-the-way spaces and put them at risk. In such circumstances, councils should consider whether there are alternative spaces that they can use.

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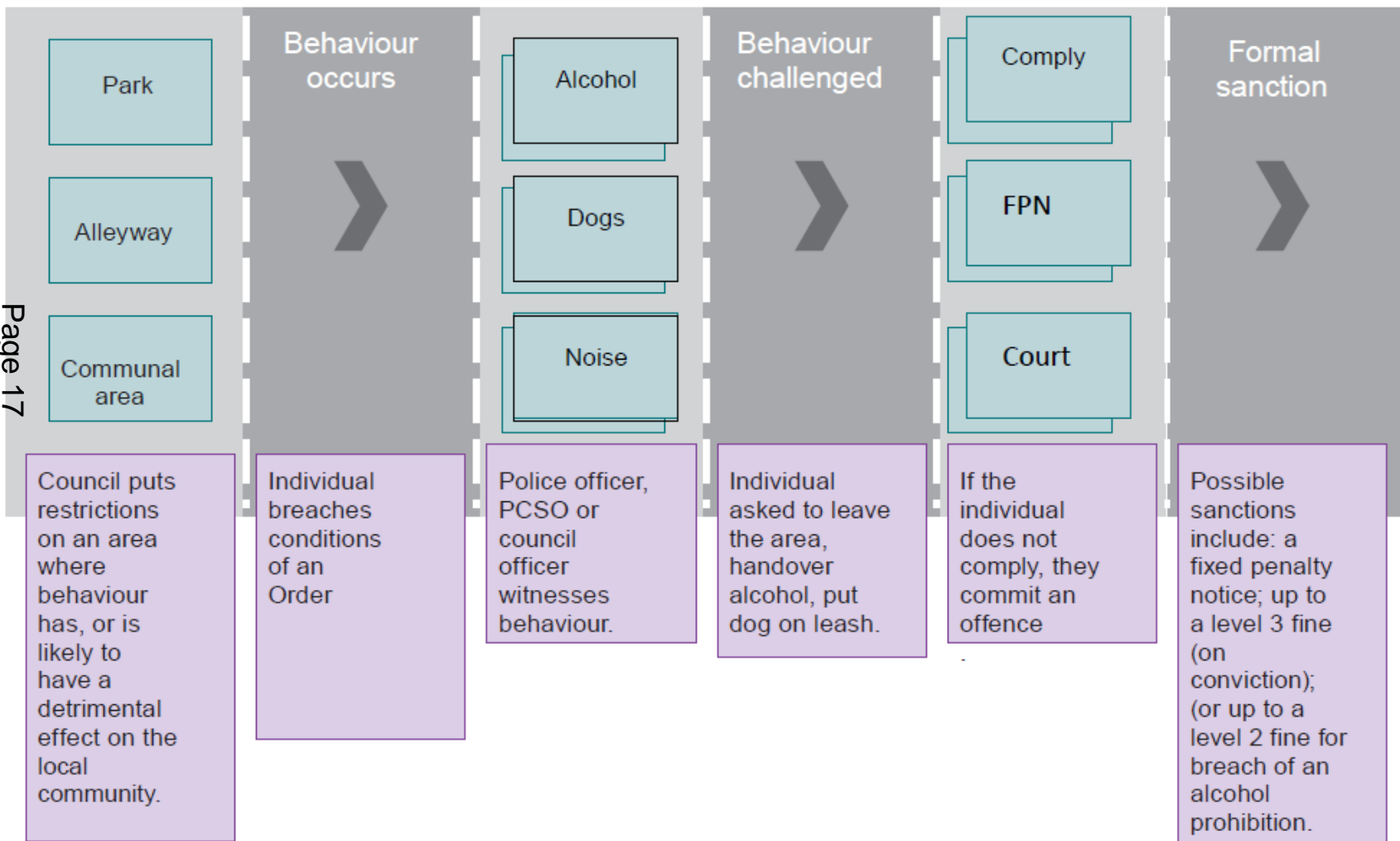
**Early and informal interventions** - Early intervention, especially through informal approaches, may often be all that is necessary to stop incidents of anti-social behaviour. Such interventions can establish clear standards of behaviour and reinforce the message that anti-social behaviour is not tolerated. It is recommended that the use of informal methods be considered first in most cases, and particularly when dealing with young people as a means of preventing poor behaviour from escalating

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# Process



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# Summary



Purpose	Designed to stop individuals or groups committing anti-social behaviour in a public space.
Who can make a PSPO	<ul style="list-style-type: none"> <li>Councils issue a Public Spaces Protection Order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.</li> </ul>
Test	<p>Behaviour being restricted has to:</p> <ul style="list-style-type: none"> <li>be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;</li> <li>be persistent or continuing nature; and</li> <li>be unreasonable.</li> </ul>
Details	<ul style="list-style-type: none"> <li>Restrictions and requirements set by the council.</li> <li>These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times.</li> <li>Can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.</li> <li>Can be enforced by a police officer, police community support officers and council officers.</li> </ul>
Penalty on breach	<ul style="list-style-type: none"> <li>Breach is a criminal offence.</li> <li>Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate.</li> <li>A fine of up to level 3 on prosecution.</li> </ul>
Appeals	<ul style="list-style-type: none"> <li>Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue.</li> <li>Further appeal is available each time the PSPO is varied by the council.</li> </ul>
The legislation	Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014.
Protecting the vulnerable	<ul style="list-style-type: none"> <li>Consideration should be given to how the use of this power might impact on the most vulnerable members of society.</li> <li>Consideration should also be given to any risks associated with displacement, including to where people may be dispersed to</li> <li>There is value in working in partnership to resolve ongoing problems and find long term solutions.</li> </ul>



North Worcestershire  
**Community Safety Partnership**

## Questions

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## Appendix B:

### **Provisions of Anti-Social Behaviour, Crime and Policing Act 2014, as updated in December 2017**

**Civil Injunction:** This is a civil power that can be applied for by a range of agencies to deal with anti social individuals. Agencies that can apply for an injunction include; District Councils, Housing Providers, the Environment Agency and the Police. Applications must be made to County Court or High Court and to Youth Court for those under 18 years of age.

An injunction can prohibit the offender from doing certain things (prohibitions) but can also require them to undertake certain activities (positive requirements). These should aim to tackle the underlying causes of the anti-social behaviour and could include such requirements as attending an anger management course, participating in substance misuse awareness sessions, or attending a job readiness course.

Breach of an injunction is not a criminal offence but is dealt with by a civil contempt of court, which is punishable by up to two years in prison and/or an unlimited fine. For those aged under 18, breach proceedings are dealt with in youth court and could result in a supervision order, curfew or an activity requirement. Only in the most serious of cases, would the court consider imposing a detention order on a young person for breaching the terms of an injunction. This would be limited to those between 14 and 17 years of age and limited to a maximum of 3 months detention.

The 2017 amendments to the Home Office guidance add information to emphasise the potential use of injunctions to tackle gang related activity, either directly on gang members or on those being exploited by gangs, in order to disrupt their activities. Specific reference is now made to tackling issues such as 'county lines' where urban gangs exploit children and vulnerable people to move drugs and money to suburban areas, market and coastal towns.

**Criminal Behaviour Order (CBO):** The CBO is available on conviction for **any** criminal offence in any criminal court and can be used to curb the anti-social behaviour of an offender, even if the behaviour is not linked to the original conviction.

For instance, updated guidance highlights that a CBO can be used to address the anti-social behaviour of gang members to prevent them from associating with certain individuals or to require them to attend a job readiness course to help them to get employment. It is similar to the Civil Injunction in that it can include prohibitions and positive requirements. However, unlike the Injunction, it is a criminal offence to fail to comply with an order without reasonable excuse. Breaches of CBO by those aged under 18 are dealt with in the youth court. In all other cases, the offence will be considered by Magistrates or Crown Court.

Updated guidance draws attention to a guide published by the Crown Prosecution Service to assist the police and local councils in preparing CBO applications, setting out the general principles to consider.

**Dispersal Power:** This power can be used by the police to disperse anti-social individuals from a specific locality for up to 48 hours, to provide immediate short-term respite to the local community. The power is authorised by a Police Inspector or above and as well as dispersing of individuals from a location, police officers can also confiscate any item that they believe has been used, or is likely to be used, in anti-social behaviour. Failure to comply with the direction is an offence, which can result in imprisonment or a fine. Although there is no requirement to consult the council before authorising use of the dispersal power, the authorising officer in the police may consider doing so in some circumstances.

**Community Protection Notice (CPN):** The CPN is intended to deal with particular, on-going problems, or nuisances that negatively affect a community's quality of life by targeting those responsible. CPNs can be used to tackle a wide range of problem behaviours including graffiti, rubbish and noise. It can be issued against any person over the age of 16 or a body, including a business. A person found guilty of failing to comply with a CPN without reasonable excuse is liable to a fine of up to £2,500 (£20,000 in the case of a body).

In addition to designated council officers, CPNs can also be issued by police officers and police community support officers. The Home Office notes that councils already take the lead in dealing with many of the issues that can be targeted by a CPN and the updated statutory guidance recommends that other issuing bodies should involve local councils when deciding whether or not to proceed.

The guidance now also emphasises that the issuing body should be satisfied that there is sufficient evidence that the activity in question is having a detrimental effect on others' quality of life, is persistent or continuing and is unreasonable. It is also noted that there is some cross over with the Council's responsibilities to deal with statutory nuisance and the updated guidance details how these powers can and should work together to achieve the best results for the affected residents. There is also a need to have due regard to the Equality Act 2010.

**Public Spaces Protection Order (PSPO):** A PSPO is intended to deal with a particular nuisance or problem in a particular area, which is detrimental to the local community's quality of life by imposing conditions on the use of the area that apply to everyone. They are intended to help ensure that the law abiding majority can use and enjoy public spaces, safe from anti social behaviour. District Councils are responsible for making a PSPO, but police officers and police community support officers can also play a role in enforcing the orders. Orders are issued by councils after consultation with the police, PCC and other relevant bodies.

Council officers, if granted powers by their Chief Executive, can also enforce the restrictions and requirements. It is an offence to fail to comply with an order without reasonable excuse and can result in a fine of up to £1,000. Following a number of legal challenges to PSPOs nationally, a large proportion of the updates to the statutory guidance relate to clarifying the consultation and implementation of these orders. The guidance gives additional information about the need for proportionality, comprehensive consultation, accountability and the need to consider the impact on vulnerable and at risk groups when considering implementation. (Appendix A)



The Act provides the ability for authorised local authority officers, police and police community support officers to issue a fixed penalty notice for failure to comply with both a CPN and a PSPO as an alternative to prosecution. The amount of the fixed penalty notice can be set by the local authority but cannot exceed £100

**Closure Power:** The closure power can be used by local authorities and the police to close premises that are causing nuisance or disorder. The power comes in two stages. The closure notice can be used out of court to provide short term relief up to a maximum of 48 hours. The notice can then be extended upon application for a closure order to the magistrates' court for a period of up to three months. At any time before the expiry of the closure order, an application may be made to the court for an extension (or further extension) of the order up to a total of six months.

**Recovery of Possession of Dwelling-Houses:** The purpose of the new absolute ground for possession is to speed up the possession process in cases where anti-social behaviour or criminality has already been proven in another court. Landlords will no longer have to prove that it is reasonable to grant possession but, instead, courts must grant possession if the landlord followed the correct procedure and at least one of the specified conditions is met.

The updated guidance provides more detail about the notice required to the tenant and also provides more technical detail on requirements to seek possession on discretionary grounds and also further technical information referring to secure or assured tenancies.

**Community Remedies:** The Act requires The West Mercia Police and Crime Commissioner to prepare a community remedy document for his area with a list of actions to be carried out by a person who has a) engaged in anti-social behaviour or has committed an offence and b) is to be dealt with for that behaviour or offence without court proceedings.

An action is considered appropriate to be carried out by a person only if it has one or more of the following objects:

- assisting in the person's rehabilitation;
- ensuring that the person makes reparation for the behaviour or offence in question;
- punishing the person

The Act sets out rules for out-of-court disposals for anti-social behaviour and conditional cautions. This includes a duty to consult victims before deciding what conditions to attach to a conditional caution.

**ASB Case Review / Community Trigger:** The Case Review/Community Trigger allows victims who feel that they have not received an adequate response to their ASB complaint to call for a review of their case.

At the request of the West Mercia PCC North Worcestershire Community Safety Partnership leads on the implementation of ASB Case Reviews on behalf of the Council and the other responsible authorities. An agreed countywide process is in place to ensure a consistent approach and to avoid confusion for victims.

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Wherever possible, the CSP also tries to mirror arrangements across West Mercia and Warwickshire. To activate the Review/Trigger victims need to meet the agreed threshold of three or more reports relating to the same anti social behaviour problem in the past six months to the Council, Police or a Registered Housing Provider (Social Landlord) where they believe no action has been taken. Or at least three individuals and/or groups in the local community have made reports about the same problem in the past six months to the Council, Police or Registered Housing Provider (Social Landlord) and they believe that no action has been taken. The Community Trigger can also be activated by a third party with the victim's consent

Within 5 working days of receipt of the application a member of the respective District/Borough Council's community safety team will confirm whether the threshold has been met. Within 10 working days of this confirmation, a case review will be conducted by a review Panel made up of the responsible organisations and any other partners involved, to discuss the anti-social behaviour and what further actions can be considered and taken. Recommendations will be made as necessary to progress the case in consultation with the victim.

A final written response is sent to the applicant(s) by the Community Safety Partnership, explaining the findings of the Review Panel and detailing any suggestions and actions that will be taken to resolve the anti-social behaviour case.

Updated Home Office guidance on implementing the review process focuses on the vulnerability of victims and suggests that a risk assessment process is employed as part of the decision on whether the threshold has been met and also makes recommendations on information sharing and publicising of the process.

#### LOCAL COUNCIL TAX SUPPORT SCHEME 2019/20

Relevant Portfolio Holder	Cllr Brian Cooper
Portfolio Holder Consulted	Yes
Relevant Head of Service	Amanda Singleton
Ward(s) Affected	All
Ward Councillor(s) Consulted	None Specific
Key Decision / Non-Key Decision	Key Decision

#### 1. SUMMARY OF PROPOSALS

- 1.1 The Council Tax Support Scheme (CTSS) for working age applicants must be reviewed annually.
- 1.2 This report provides information on the work undertaken by the Customer Access and Financial Support Service to date in respect of the redesign of the CTSS for implementation by 1<sup>st</sup> April 2019 and sets out proposals for public consultation.

#### 2. RECOMMENDATIONS

**The Cabinet is asked to RESOLVE:**

**to undertake a formal consultation with the major preceptors and the public on the proposed design of a revised scheme to take place for 8 weeks from 1<sup>st</sup> October. The results of the consultation will be presented to Overview and Scrutiny and Cabinet in January when it will consider any recommendations that will go to full Council in February.**

#### 3. KEY ISSUES

- 3.1 The CTSS replaced Council Tax Benefit with effect from 1 April 2013.
- 3.2 Under the Government's Council Tax Reduction provisions, the scheme for Pensioners is determined by Central Government and the scheme for working age applicants is determined by the Council. Pensioners broadly receive the same level of support that was previously available under the Council Tax Benefit scheme.
- 3.3 The current scheme for working age applicants is a means tested one, but has been amended since 2015 both to require a minimum payment from working age applicants of 20% and to update the scheme in line with changes to Housing Benefit that have occurred since its introduction.
- 3.4 The scheme has also been amended each year for general changes in applicable amounts and for non-dependant deductions.
- 3.5 Council has previously agreed a minimum council tax contribution from working

age claimants as 20%. Further to this it was agreed to consider reducing the minimum contribution to 15% with effect from 2019. The proposals set out in this report suggest the contribution remain at 20% for the lowest income households, however modelling at the higher level of support is being carried out in order to understand the impact on the budget position.

Additionally, consultation will be carried out on increasing the maximum support to 85% as agreed by Council in January 2018

The results of the modelling and the consultation will be reported as part of the final recommendations.

- 3.6 The introduction of full service Universal Credit (UC) in Bromsgrove will introduce many challenges for the Council in terms of the administration of Council Tax Support Scheme as well as the collection of Council Tax. At Councils where roll out has already occurred it has resulted in a delay in eligible persons claiming CTSS, and created additional paperwork for claimants to complete. This is because claimants on UC must now claim separately for CTSS whereas previously it would have been dealt with in conjunction with their Housing Benefit application.
- 3.7 In view of the problems being experienced, it is proposed that the CTSS is fundamentally redesigned to address;
- a. The problems with the introduction of full service Universal Credit; and
  - b. The inevitable increase in administration costs due to the high level of changes received in respect of Universal Credit.

### **Financial Implications**

- 3.8 The financial impacts for existing claimants will continue to be profiled and the final scheme presented following the consultation period.
- 3.9 It is proposed that the overall costs of the scheme itself will remain broadly within current expenditure and therefore there will be no significant financial impact to the Council and the Major Precepting Authorities (Worcestershire County Council, Fire Authority and Police). Worcestershire County Council have already indicated that they would not support a scheme which increases their costs.
- 3.10 The estimated current level of expenditure for the support provided to working age claimants only is approximately £1.7m (exclusive of administration costs). The changes proposed are primarily designed to prevent additional administration costs that will inevitably occur with the introduction of full service Universal Credit and not to reduce the costs of the scheme or make the less financially able to pay more council tax. The scheme will be easier for the public to understand and provide a greater degree of personal financial independence.

Not changing the CTSS for a simpler model is expected to increase administration costs but it is not possible at this stage to estimate what that might be.

- 3.11 The income changes for claimants migrating to Universal Credit are unknown and therefore the profiling that has been carried out is based on existing legacy benefits across the current caseload. The predicted expenditure is therefore subject to change when claimants migrate from legacy benefits to Universal Credit.
- 3.12 Where an individual may suffer exceptional hardship, the scheme will include provisions to allow for transitional support to be given through the hardship fund. To establish hardship and whether a payment should be made through this scheme, officers carry out a financial assessment with the claimant and establish income, expenditure, nature of expenditure and where hardship is apparent support will be provided from the most appropriate fund. If it is evident that hardship has been caused by the change to the CTSS this will be through the CTSS hardship fund.
- 3.13 There is a cost to upgrade the Revenues and Benefits computer system in order to administer an income banded scheme. This includes a one off cost of approximately £45,000 and annual maintenance of approximately £9,000. The initial cost would be paid for from existing reserves held for the administration of the Council Tax Support Scheme and Impact of UC.

#### **Legal Implications**

- 3.14 On 1 April 2013 Council Tax Benefit was abolished and replaced by a new scheme discount scheme. Under s13A and Schedule 1A of the Local Government Finance Act 1992 (inserted by s10 Local Government Act 2012), each local authority was required to make and adopt a Council Tax Support Scheme specifying the reductions which are to apply to the amounts of council tax payable within their districts
- 3.15 Statutory Instrument 2012/2885, "The Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012" ensured that certain requirements prescribed by the Government were included in each Scheme (subsequently amended by S.I. 2012/3085)
- 3.16 As the billing authority the Council is required by the Local Government Finance Act 2012 to consider whether to revise its scheme or to replace it with another scheme, for each financial year.
- 3.17 The Authority must adopt its scheme, and make any revisions, no later than 11<sup>th</sup> March in the financial year preceding the one when it will take effect.
- 3.18 Paragraph 3 to Schedule 1A into The Local Government Finance Act 1992 set out the preparation that must be undertaken prior to the adoption or revision of a scheme, including prescribed consultation requirements.
- 3.19 In addition, where there are changes to the scheme, the authority is obliged

under paragraph 5(4) of Schedule 1A if any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the authority thinks fit.

### **Service / Operational Implications**

#### **Council Tax Reduction and the Full Service Roll Out of Universal Credit**

- 3.20 The introduction of Universal Credit brings a number of challenges to the administration of CTS and also the collection of Council Tax generally. Since the Universal Credit full service roll out in other areas across the country, including Redditch we have seen the following:
- The reluctance of Universal Credit claimants to make a prompt claim for CTS leading to loss of entitlement;
  - A high number of changes to Universal Credit cases are received from the Department for Work and Pensions (DWP) requiring a change to CTS entitlement. On average 40% of Universal Credit claimants have between eight and twelve changes in entitlement per annum.
  - These changes result in amendments to Council Tax liability, the re-calculation of instalments, re-issued bills, delays and the loss in collection; and
  - An increased costs of administration as a result creating a need for additional staff resource.
- 3.21 The existing means tested CTSS is too reactive to change and is no longer viable. UC changes frequently and each change currently results in a re-assessment of CTS because of the way the current scheme is structured. To be able to manage the workload and maintain administrative costs we must consider a scheme which is less reactive to every small change in income.
- 3.22 The move to a new more efficient scheme from 2019 is now imperative to avoid increased staffing costs and simplify the administration scheme for the Council and for applicants.
- 3.23 An income banded scheme is proposed to both address the administration problem of dealing with high numbers of changes to income, as well as simplify the process for claimants.

#### **How the new scheme will address the issues**

- 3.24 It is proposed that the new CTSS is more clearly defined as a Council Tax

Discount. Along with a number of disregards and exemptions the scheme will discount council tax according to the claimants income band.

3.25 The proposal is for a simple scheme which will address the problems associated with Universal Credit as follows:

3.25.1 The scheme will require a simplified claiming process. In the case of Universal Credit applicants *any* Universal Credit data received from the DWP will be treated as a claim for CTS. Where information is received from DWP, the entitlement to CTS will be processed without the need to request further information from the taxpayer. This will have the following distinct advantages namely:

- Speed of processing – claims will be able to be calculated simply and promptly without the need to request further information which inevitably leads to delays.
- Maximising entitlement to every applicant. As there will be no requirement for Universal Credit applicants to apply, entitlement to CTS will be maximised with a reduced risk of loss of discount or the need for backdating.
- Maintenance of collection rates – the new scheme will avoid constant changes in discount, the need for multiple changes in instalments and therefore assist in maintaining collection rates.

3.25.2 The income bands will be wide and therefore avoid constant changes in discount. The current CTSS is very reactive and will alter even if the overall change to the person's liability is small. This is leading to constant changes in Council Tax liability, the need to recalculate monthly instalments and the requirement to issue a large number of new Council Tax demands. The effect of this is that Council Tax collection is reduced and administration of both CTS and CT collection increases..

The new scheme, with its simplified income banding approach, will have the following advantages:

- Only significant changes in income will affect the level of discount awarded;
- Council Taxpayers who receive CTS will not receive multiple Council Tax demands and adjustments to their instalments.

3.25.3 It provides a modern approach to changes in entitlement. The current CTSS is based on a traditional, old-fashioned benefit approach, which alters entitlement on a weekly basis when there is a variation in income. The amount households are asked to contribute to their council tax from their income is calculated by comparing their income with their 'applicable amount'. This is the minimum income set by Government which a household sharing the same circumstances is expected to live on. A taper is then applied for every additional £1 earned resulting in frequent changes every time a household income varies. The new scheme is designed to reflect a more

modern approach. Where discount changes it will be effective from the day of the change rather than the Monday of the following week;

3.25.4 It is a simpler scheme. The current CTSS documentation is large, benefits based and is unduly complex. The intention is to make the new scheme document simpler, reducing the level of complexity and making it more understandable to applicants.

3.26 Any liable person adversely affected by the proposals will be supported through transitional arrangements funded from the Hardship Fund.

### Customer / Equalities and Diversity Implications

#### **The proposed 2019/20 Scheme**

3.27 It is proposed that the CTS scheme is fundamentally redesigned to address;

- The problems with the introduction of full service Universal Credit; and
- The inevitable increase in administration costs due to the high level of changes received in respect of Universal Credit.

3.28 Work has been carried out on a proposed new scheme design, the main features of which comply with the original principles of the scheme as follows:

**Principle 1** Every household with working age claimants should pay something;

**Principle 2** The scheme should incentivise people into work;

**Principle 3** The most vulnerable people should be protected.

3.29 It is proposed that the current means tested scheme is replaced by a simple income band model.

3.30 An example of the approach is shown below but is **purely indicative to add context** at this stage. The actual figures Council will be asked to approve later in the year are likely to be different. Profiling of the current claims will continue over the summer time to ensure that the scheme is still in line with budget expectations and also looks to minimise any losses to individual claimants.

### Indicative Example of potential Grid Model Approach

Client Group		Example Weekly Income Band	Council Tax Discount %
<b>Single</b>	<b>A</b>	£0 - £74.99	<b>80%</b>
	<b>B</b>	£75 - £149.99	<b>60%</b>
	<b>C</b>	£150 - £224.99	<b>40%</b>
	<b>D</b>	£225 - £299.99	<b>20%</b>
<b>Couple</b>	<b>A</b>	£0 - £114.99	<b>80%</b>



	<b>B</b>	£115 - £189.99	<b>60%</b>
	<b>C</b>	£190 - £264.99	<b>40%</b>
	<b>D</b>	£265 - £339.99	<b>20%</b>
<b>Family + 1 child</b>			
	<b>A</b>	£0 - £164.99	<b>80%</b>
	<b>B</b>	£165 - £239.99	<b>60%</b>
	<b>C</b>	£240 - £314.99	<b>40%</b>
	<b>D</b>	£315 - £389.99	<b>20%</b>
<b>Family 2 or more children</b>			
	<b>A</b>	£0 - £214.99	<b>80%</b>
	<b>B</b>	£215 - £289.99	<b>60%</b>
	<b>C</b>	£290 - £364.99	<b>40%</b>
	<b>D</b>	£365 - £434.99	<b>20%</b>

- 3.31 The income levels will be based on:
- The overall expenditure of the scheme to remain as at present;
  - The changes have only been made to the working age scheme as the current scheme for pensioners is prescribed by Central Government;
  - Ensuring maximum number of applicants are protected wherever possible; and
  - Ensuring any losses to individual applicants are minimised.
- 3.32 Any change to the scheme will inevitably result in both winners and losers and the aim is to design a scheme that minimizes both the number of losers and any financial loss incurred. The Hardship Fund will be available to minimize the impact and protect individuals where appropriate, through transitional support.
- 3.33 The proposed scheme aims to help those in receipt of CTS to manage their finances more easily and over a longer term by reducing the amount changes to their CTS.
- 3.33 The proposed scheme also aims to provide claimants with more surety as the amount of discount they will receive over a period of time provided their income remains broadly similar.
- 3.34 The aim of the schemes set out in 3.33 and 3.34 are in line with our strategic purpose to help people be more financially independent.
- 3.35 The initial modelling will provide projected effects from separate income banded schemes. This will allow identification of the effects of the changes to the scheme at a household level, and will show where claimants will be better off if changes are made and where household income will reduce as a result of the changes.
- 3.36 The modelling will also include the impact of the “no change” option. The retention of the existing LCTS scheme and the natural migration of claimants from legacy benefits to Universal Credit will create winners and losers and these need to be considered alongside the effects of a change to an income banded scheme.

- 3.37 These projected effects from the modelling of no change, and the two income banded schemes will be included in the final recommendations report. Where as a result of a change to an income banded scheme the award is reduced applicants will be able to apply to the Hardship fund for transitional support.
- 3.38 Officers will continue to provide support to any person liable for council tax who is experiencing severe hardship. This may be in the form of personal budgeting advice, short term financial support, debt management advice, or support to maximise income. Officers work with the local DWP, BDHT and local job coaches to provide a holistic approach to financial support needs. This will continue and be supported by an enhanced Hardship fund
- 3.39 At this time it is suggested that the highest level of discount will remain at 80% and will be awarded to those in Band A of the table. This will automatically apply to claimants that are in receipt of a passported benefit such as Income Support, Jobseeker's Allowance (income based) and Employment Support Allowance (income related) or the maximum award of Universal Credit.

#### **Other proposals**

- 3.40. The scheme allows for variation in the size of the household as the levels of income per band increase when an applicant has a partner and/or dependants.
- 3.41 The current scheme applies a deduction for non-dependants living in the household. The proposed schemes suggests reducing the number of non-dependant disregards to two, with a higher and lower rate of £3.50 per week where the non-dependent is in receipt of welfare benefits and £7.00 per week where they are in work. This continues to ensure fairness within the schemes as the whole household income will be considered when LCTS is determined..
- 3.42 The current disability benefits such as Disability Living Allowance, Personal Independence Payment will continue to be disregarded for income purposes as will Employment Support Allowance (support component) and Carer's Allowance. This is to ensure maximum support for disabled persons.
- 3.43 War pensions and war disablement pensions will continue to be disregarded.
- 3.44 Child benefit and child maintenance payments will continue to be disregarded.
- 3.45 The proposed schemes are being modelled with a capital limit for working age claimants will be set at £6,000 and also retaining the current £16,000 limit. Any capital below this amount will not affect a claimant's entitlement to CTS. The £6,000 limit is significantly lower than the current scheme and recognises that the aim of the scheme is to support the most vulnerable. The effect of lowering the limit will be shown from the full modelling, and included in the full consultation.

- 3.46 A new provision will be included to provide support for care leavers who will be provided with 100% Council Tax support up to the age of 21. Additional support will be provided for care leavers aged 21 and up to 25, where care leavers on the lowest incomes will receive 100% support, and as their income increases support will be removed in line with the income banded scheme. Currently 25 leavers of Worcestershire County Council care are being supported through the hardship fund as agreed by Council earlier this year.
- 3.47 Changes will be effective from the date of change rather than the Monday of the following week.

#### **Hardship Policy**

- 3.48 The current CTSS scheme contains provision for taxpayers to make an application for additional discount where they experience exceptional hardship. It is proposed that the new scheme contains the same provisions to protect individuals who experience exceptional hardship.
- 3.49 The existing hardship fund has a budget of £85,000 allocated for the provision of additional support. In 2017/18 79 CTSS Claimants were provided with support through the hardship fund.
- 3.50 The hardship scheme has an allocated budget, however, decision on hardship support are made in accordance with the hardship policy and are not limited by the availability of a specific budget. Claimants meeting the criteria set out in the policy will be provided with support.
- 3.51 Where any specific groups of people are likely to experience hardship, this will be addressed as part of the overall scheme design, for example, with the proposal to provide additional support to care leavers. The consultation will provide the opportunity for other groups to be identified.
- 3.52 The Hardship Policy and discretionary fund will continue to be an integral part of the scheme for the foreseeable future providing support to individuals experiencing temporary hardship or transitioning to or from Council Tax Support.

#### **Consultation**

- 3.53 As the proposals are a fundamental change to the current approach full consultation is required with major precepting authorities and with the public. It is intended that the consultation take place over 8 weeks. It will consist of an online survey, and paper copies will be available on request. Existing working age claimants will be advised via letter that the consultation is taking place. The general public will be alerted via press release, social media and our website. The major preceptors will be written to, as will a variety of CVS organisations.

The result of the consultation will be included in the report to Overview and Scrutiny and Cabinet, setting out the final recommendation

- 3.51 Under the Public Sector Equality Duty (section 149 of the Equality Act 2010) the Council must have due regard to (i) eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advancing equality of opportunity between people from different groups, and (iii) fostering good relations between people from different groups. To this end an equality impact assessment (Appendix 1) has been carried out to inform the final recommendations.

#### **4. RISK MANAGEMENT**

- 4.1 Any changes to council tax support can have financial implications for the Council and the major preceptors as well as for our residents and therefore extensive financial modelling has been carried out to understand the implications of the proposals.
- 4.2 Officers ensure that support on managing finances and advice on other potential benefits is made available to anyone experiencing financial hardship.
- 4.3 Any changes to the CTSS must be consulted on. The consultation must be meaningful and allow an appropriate period of time as failure to do so could result in a challenge.
- 4.4 There is a risk of increased staffing resource requirements and/or deterioration of service levels due to increased variation/complexity in administration processes if the scheme is not revised to take into account Universal Credit changes.
- 4.5 Council Tax collection rates are likely to reduce as the impact of Universal Credit and the administration it is driving into our systems grows, unless the scheme is revised to take account of these challenges.

#### **5. APPENDICES**

Appendix 1 – Equality Impact Assessment  
Appendix 2 – Current discounts and disregards.

#### **6. BACKGROUND PAPERS**

Held in Revenues Service

#### **AUTHOR OF REPORT**

Name: Amanda Singleton, Head of Customer Access and Financial Support  
email: a.singleton@bromsgroveandredditch.gov.uk  
Tel.: 01527 881241

## Equality Assessment Record

**1. What is the name of the service, policy, procedure or project being assessed?**

Council Tax Support Scheme (CTSS)

**2. Briefly describe the aim of the service, policy, procedure or project. What needs or duties are it designed to meet?**

The CTSS provides assistance to people on low incomes to help them pay their council tax.

When council tax benefit was abolished and replaced by localised council tax schemes in 2013, central government protected pensioners with a view that they are unable to take advantage of employment and unable to alter their financial situation.

The proposed alterations to the scheme will continue to protect pensioners who will get the same level of council tax support as they do now.

The proposals to change the CTRS from 2019/20 are as follows:

- Move to an income banded scheme instead of a means tested benefit. Claimants will fall into one of 4 bands depending on their household income. The grid has been developed to include single people, couples, families with 1 child and families with 2 or more children. Each band has 4 income brackets which entitles the claimant to either a 80%, 60%, 40% or 20% reduction in their Council Tax.
- The scheme allows for variation in the size of the household as the levels of income per band increase when an applicant has a partner and/or dependants.
- The proposed scheme does not apply a deduction for non-dependants living in the household.
- A standard earnings disregard will be applied across all claimants of £25. This will encourage people to move into work.
- Current income disregards will continue such as Disability Living Allowance, Personal Independence Payments, the support component of Employment Support Allowance, Carer's Allowance, war pensions, war disablement pensions, child benefit and child maintenance payments.
- The capital limits before entitlement is stopped will be £6,000.
- Extended payments and student provisions will be removed.
- Care leavers who will be disregarded for Council tax purposes up the age of 21 and then will receive a diminishing discount up to the age of 25 regardless of income

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**3. Indicate which of the following applies:-**

This is a current service or policy and should be equally accessible to all sections of the Community or all employees

No

A decision is likely to be made to change, reduce or stop providing this service.

No

A new initiative or service is being considered or proposed.

Yes

**4. List your known customers and stakeholders (e.g. partner organisations, community groups)**

People of working age on low incomes.

**5. Describe simply how you know who they are?**

The Local Government Finance Act prescribes details of the scheme to be used for pension age applicants under the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012.

Certain aspects of the scheme for working age applicants are also included within those regulations.

**6. How relevant is the General Equality Duty to this service, policy or procedure?**

Rate as H, M, L (high, medium or low) or No relevance. If all answers are “low” or “no” relevance go straight to question 10. When considering relevance for each protected group, use professional judgment and experience, previous Equality Impact Assessments, or any other information that you have to hand which demonstrates how relevant a service is to a particular protected group.

Protected Group	Indicate H/M/L or No Relevance	Evidence used	Further evidence needed Yes/No
Age	L	The changes will impact negatively on some working age claimants. Where hardship is established they will be supported through transitional hardship funding.  Pensioners are protected so the impact is not considered to be significant.	N

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		<p>The retention of the discretionary hardship fund will support low income working age claimants to mitigate the impact on working age households that are unable to pay the liability or who are detrimentally affected.</p> <p>Current caseload shows that 50% of our caseload is working age and 50% are pensioners</p>	
Disability	<b>N</b>	The proposed changes to the scheme continues to disregard disability benefits	<b>N</b>
Transgender (Gender Dysphoria)	<b>N</b>	No impact	<b>N</b>
Marriage and Civil Partnership	<b>N</b>	No impact	<b>N</b>
Pregnancy and Maternity	<b>N</b>	No impact	<b>N</b>
Race	<b>N</b>	No impact	<b>N</b>
Religion or Belief	<b>N</b>	No impact	<b>N</b>
Sex (Male/ Female)	<b>N</b>	No impact	<b>N</b>
Sexual Orientation	<b>N</b>	No impact	<b>N</b>

**7. Is there evidence of actual or potential unfairness for the following equality groups?**

<b>Protected Group</b>	<b>Indicate Yes or No</b>	<b>Evidence of unfairness</b>	<b>Further Evidence Needed Yes/No</b>
Age	<b>N</b>	<p>When creating the local scheme, the Council have given due regard to central government's stipulation that people of pension age must be protected.</p> <p>In previous public consultation the principle of 'Every household with working age claimants should pay something' was agreed.</p> <p>This principle ensures a degree of fairness as it applies across all groups who are of working age.</p>	<b>N</b>

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		<p>The scheme is devised to incentivise working age people to seek employment.</p> <p>For those who are in severe hardship or unable to increase their income, the Council manages a discretionary hardship fund to support them following a detailed review of the individual's and household's circumstances.</p>	
Disability	<b>N</b>	The proposed changes to the scheme continues to disregard disability benefits	<b>N</b>
Transgender ( Gender Dysphoria )	<b>N</b>	n/a	<b>N</b>
Marriage and Civil Partnership	<b>N</b>	n/a	<b>N</b>
Pregnancy and Maternity	<b>N</b>	n/a	<b>N</b>
Race	<b>N</b>	n/a	<b>N</b>
Religion or Belief	<b>N</b>	n/a	<b>N</b>
Sex (Male/ Female)	<b>N</b>	n/a	<b>N</b>
Sexual Orientation	<b>N</b>	n/a	<b>N</b>

**If all answers are “No”, go straight to Question 10.**

**8. What is the justification for any actual or potential unfairness identified in question 7, for example, disproportionate cost? Describe briefly your reasons.**

Protected Group	Justification for actual or potential unfairness
Age	<b>N/A</b>
Disability	<b>N/A</b>
Transgender ( Gender Dysphoria )	<b>N/A</b>
Marriage and Civil Partnership	<b>N/A</b>
Pregnancy and Maternity	<b>N/A</b>
Race	<b>N/A</b>
Religion or Belief	<b>N/A</b>
Sex (Male/ Female)	<b>N/A</b>
Sexual Orientation	<b>N/A</b>

**9. If you have identified any area of actual or potential unfairness that cannot be justified, can you eliminate or minimise this?**



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Hardship Fund is available to people of any age to apply for additional support and their need would be assessed on a case by case basis.

**10. Describe simply or list the additional information used to complete this assessment including professional judgment and how that was used in your decisions.**

Research and financial modelling by Policy in Practice, along with professional judgement, data and evidence of Council Tax support claimants, and feedback from FIT Officers has been used to consider whether this proposal is fair and equitable.

**11. What plans do you have to monitor any changes identified?**

The following will be will be monitored each year.

Claim numbers

Cost of the scheme

Applications for hardship and/or transitional relief

**12. The actions required to address these findings are set out below.**

Action Required	By Whom	By When	Signed when completed	Priority	Expected outcomes
Agree consultation on scheme	Council	October 2018			
Agree final scheme	Council	February 2019			

**13. Equality assessment undertaken by Amanda Singleton, Head of Customer Access and Financial Support**

**7<sup>th</sup> August 2018**

When you have completed this assessment, retain a copy and send an electronic copy to the Policy Team (Equalities) attaching any supporting evidence used to carry out the assessment.

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### STATUTORY DISREGARDS

- ◆ These are the people that are disregarded for the purpose of calculating Council Tax discounts.
  - ◆ Under 18s or where child benefit is still in payment
  - ◆ 18 and 19 year old who are at or have just left school
  - ◆ Full time students and their non-British spouses/dependants including student nurses, apprentices and people on youth training schemes.
  - ◆ People who are severely mentally impaired.
  - ◆ Some care workers.
  - ◆ People in certain hostels or night shelters
  - ◆ Prisoners, people on remand, or other detainees except those charged of or convicted for non-payment of Council Tax or fines.
  - ◆ People who are being looked after in care homes
  - ◆ People who are resident in hospital or in hospital for more than six weeks
  - ◆ Diplomats and members of visiting forces or international bodies with headquarters in the UK
  - ◆ Members of religious communities such as monks and nuns.

### STATUTORY DISCOUNTS

- ◆ Single person discount, for people living on their own = 25% reduction.

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