



## **Council Tax Support Scheme**

**This scheme relates to the financial year beginning with 1 April 2023 and should be cited as Slough Borough Council – Council Tax Support Scheme. S13A and Schedule 1a of the Local Government Finance Act 1992.**

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## Glossary

Capital	Money or other assets owned or jointly owned by a person.
Capital Disregard	Windrush Compensation Scheme.
Change of Circumstance	Any change of circumstances affecting entitlement to CTS, including but not limited to changes to income, liability, household members or residence that would affect entitlement to CTS.
Council Tax payer	Person liable to pay Council Tax on the property.
Council Tax Support (CTS)	The Slough Borough Council scheme.
Default scheme - Pensioner	The default scheme contained in the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 SI 2886/2012
Banded Scheme - Working Age	Council Tax Support for Working Age customers will be calculated against an income banded scheme.
Dispute	Where the CTS recipient disagrees with the amount of CTS awarded or the refusal to award CTS applicant.
Disregards	Deductions allowed against the income.
Earned Income	Has the meaning given with paragraphs 18 and 21 of Schedule 1 of the Prescribed Requirements Regulations.
Excess Income	The amount the taxpayer's weekly income exceeds their applicable amount for pensioner claims.
Extended Reduction - Pensioner	An amount awarded for a period after the applicant, or their partner has started work or increased their hours of work and is therefore no longer entitled to a qualifying benefit or qualifying contributory benefit.

Income - Pensioner	Income from all sources not limited to earnings. Some income will be wholly or partly disregarded.
Income – Working Age	Council Tax Support will be calculated solely on earnings to set the appropriate band.
Local Authority Error	Change following a Local Authority or official error
Maximum liability	The maximum liability is the maximum band after any Council Tax discounts or band reductions awarded under the Local Government Finance Act 1992. For example, single person discounts or band reductions due to disability.
Minimum Income Floor	A self-employed person declaring less income than the national living wage will have their Council Tax Support calculated on a notional income equal to that of the national living wage.
Non-Dependant	Anyone who lives with you and is not your partner, a dependent child, joint tenant or sub-tenant.
Non-Dependant Deduction	An amount deducted from your entitlement depending on the Non-Dependants circumstances.
Overpayment	Any amount of CTS awarded to which the recipient is not entitled.
Pension Age	The age at which a person is eligible to claim State Pension Credit. Please note the age is changing to reflect the equalisation of pension ages between men and woman and the planned increase in retirement age.
Premium	An additional element forming part of the applicable amount relating to the individual or couple's circumstances. For working age claimants there will be no applicable amounts as an income banded scheme calculates entitlement by categorising income against the correct band.
Prescribed Requirements Regulations	Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 SI 2885 2012.

Taper	The rate at which CTS is withdrawn if the income including tariff income is greater than the applicable amount or living allowance. Not applicable to working age customers who will have their CTS calculated under a banded income scheme.
Tariff income – Pensioners (Default)	Income generated by savings and capital between the lower and upper capital thresholds.
Work	Employed or self-employed.
Working Age	The age below which a person or couple is eligible to claim State Pension Credit.
1992 Act	Local Government Finance Act 1992.

# 1 Introduction

Slough Borough Council (SBC) Council Tax Reduction Scheme is based on the default scheme and prescribed requirements regulations **for pension age customers**, except where the contrary is set out within the scheme. Definitions and detail from the regulations are not replicated in this document and the detail can be found by following the links below.

[Council Tax Reduction Schemes \(Prescribed Requirements\) \(England\) Regulations 2012 SI 2885/2012 \(as amended\)](#)

[Council Tax Reduction Schemes \(Default Scheme\) \(England\) Regulations 2012 SI 2886/2012 \(as amended\)](#)

[The Council Tax Reduction Schemes \(Prescribed Requirements\) \(England\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

[The Council Tax \(Demand Notices and Reduction Schemes\) \(England\) \(Amendment\) Regulations 2022 \(legislation.gov.uk\)](#)

The scheme for **working age applicants** is an income banded scheme, which compares income against a range of discounts available. Full details of the working age scheme of the authority are contained within this document.

The scheme for working age only applies to a person who:

- a. has not attained the qualifying age for state pension credit; or
  - b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based Jobseeker's Allowance, on an income-related Employment and Support allowance or on Universal Credit.
- The number of calculations following changes in Universal Credit will be reduced under the banded scheme as we will only make adjustments if the change affects the banding group. This reduces the regular monthly changes brought about by Universal Credit therefore reducing the possibility of monthly rebilling.
  - Only earned income will be used in the calculation within the banded scheme. All other income will be disregarded. I.e. Disability Living Allowance, War Pensions and Child Benefit will continue to be disregarded in the calculation.
  - For working age claims, the weekly liability will be reduced if there is a Non-Dependant deduction.
  - A minimum income floor will apply for the self-employed. A self-employed person declaring less income than the national living wage will have their

Council Tax Support calculated on a notional income which is equivalent to that of the national living wage.

- All payments made under the £150 Energy Rebate Scheme 2022 are to be treated as local welfare provision and will be disregarded in the calculation of Council Tax Support for both pension age (prescribed) and working age claims (banded).

## 2 Classes of Persons

### 2.1 Classes of persons excluded from the scheme

Classes of persons to be excluded from the scheme are as set out in the prescribed requirements regulations, including persons treated as not in Great Britain and persons subject to immigration control.

### 2.2 Classes of person entitled to a reduction under this scheme

#### Pensioners

Classes A-C Pensioners who fall within any of classes A to C in the prescribed requirements regulations.

#### Working age persons

Persons who are not pensioners who have no earned income will fall into income band 1 of the scheme – please see the table below.

Persons who are not pensioners who have earned income will receive a maximum level of support depending on what earnings threshold they fall into, as per the table below. Earned income will be calculated net of income tax, national insurance and 50% of pension contributions, there will be no other deductions.

Income Band	Discount off CT liability (9.99%)	Earnings threshold (weekly)
1	100.00%	No earnings
2	75.00%	<£115.38
3	60.00%	£115.39-£184.61
4	40.00%	£184.62-£253.84
5	30.00%	£253.85-£323.07
6	20.00%	£323.08-£392.30
7	10.00%	£392.31-£461.53
8	0.00%	£461.54 and above

Persons in receipt of Universal Credit will have their Council Tax Support calculated using the earnings verified by the DWP on their Universal Credit award. For the sake of clarity universal credit earnings are calculated by reducing the gross earnings during the universal credit assessment period by any tax, national insurance or 50% pension contributions assessed by the secretary of state for work and pensions (DWP).

Persons not in receipt of Universal Credit will be required to evidence their circumstances, such as earnings.

Persons who do not have any earned income will have all other income disregarded and be placed in Band 1 of the above table and receive a maximum award of 100%.

### **3 Maximum Council Tax Support for the purposes of calculating eligibility for support under this scheme and amount of reduction**

3.1 Maximum Council Tax Support under this scheme: For classes A to C, the maximum council tax reduction is as set out in regulation 29 of the default scheme.

3.2 Maximum Council Tax Support under this scheme: For persons who are not pensioners the maximum Council Tax Support is calculated as per section 2.2. Non-dependant deductions will be calculated as per section 4.

### **4 Non-dependant deductions: pensioners and persons who are not pensioners**

The non-dependant deductions for pensioners (classes A –C) are as set out in the prescribed requirements regulations.

The non-dependant deductions for working age from 1<sup>st</sup> April 2023 are as set out in appendix B.

### **5 Amount of reduction under this scheme**

5.1 Amount of reduction under this scheme

Council Tax Support will then be calculated as per section 2.2.

5.2 Where a working age person is not in receipt of earned income, the award is

- the actual liability for the Council Tax at 100%
- less any non-dependant deductions set out in appendix B



5.3 Where a working age person is in receipt of earned income, the award is

- the actual liability for the Council Tax
- less any non-dependent deductions set out in appendix B
- less the contribution, depending on earnings threshold as per the table below

Income Band	Contribution towards Council Tax Liability (9.99%)	Earnings threshold (weekly)
1	00.00%	No earnings
2	25.00%	<£115.38
3	40.00%	£115.39-£184.61
4	60.00%	£184.62-£253.84
5	70.00%	£253.85-£323.07
6	80.00%	£323.08-£392.30
7	90.00%	£392.31-£461.53
8	100.00%	£461.54 and above

## 6 Capital

The capital rules for calculating eligibility for a reduction are as set out in the default scheme, save that for working age – where capital exceeds £6,000, there will be no entitlement to Council Tax Support.

Income and capital payments in relation to the Windrush Compensation Scheme will be disregarded in line with Housing Benefit regulations.

## 7 Extended reductions and qualifying conditions for an extended reduction

Extended reductions and qualifying conditions for extended reductions for those of pensionable age will be as set out in the default scheme.

## 8 Procedural Matters

### 8.1 Applications

CTS will only be paid upon receipt of an application. Applications must be made in writing and received by SBC's Revenues and Benefits Service designated offices or received electronically via SBC's website or in some other format as SBC may decide. If a request for CTS is received by the Revenues and Benefits Service by

any means including one that is not in the correct format SBC will invite the applicant to complete an appropriate application. If the applicant does so and it is received within one month of being asked to do so then the application date will be the date the original request was received.

When an application for CTS is made during the same week as the Council Tax liability start date, the CTS award will commence from the liability start date. For applications made outside the first week of liability, the CTS award will commence from the following Monday of the date of application.

If a claim is made for Housing Benefit and the person claiming is also liable for Council Tax at the same dwelling then the Housing Benefit claim will be treated as a claim for Council Tax Support.

For those of working age, where an application is defective or incomplete and the applicant or the person acting for them has not supplied all the information requested or properly completed an application form within one month (or such longer period as SBC considers reasonable) of being asked to do so then SBC will decide that the applicant no longer wishes to apply for council tax support.

Where following a change of circumstance the person receiving a reduction is asked to supply evidence or information in support of their claim and fails to do so within one month (or such longer period as SBC considers reasonable) then the CTS award will be amended based upon an adverse inference of the information held from the date the change of circumstances occurred. This could lead to the council tax support award being ended.

Where an application is made for Universal Credit, Income Support, Jobseekers Allowance (Income Based) or Income Related Employment and Support Allowance and the Department of Work and Pensions or the CTS applicant makes SBC aware of this fact within one calendar month of them becoming entitled to one of the above benefits then the date of application will be treated as made on the date they become entitled to one of the above benefits.

Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

Applications for CTS can be made up to 13 weeks in advance prior to an event that would entitle them to CTS.

## 8.2 Backdating an award

For those of Pensionable age the rules for backdating a claim are set out in the default scheme and prescribed requirement regulations.

For those of working age where an applicant requests backdating for a period prior to the effective date of claim, the authority may, at its discretion, backdate the claim up to one calendar month prior to the date it was made or treated to be made provided continuous good cause is proven.

## **9 Effective date of a change of circumstance**

For those of Pensionable age the effective date of a change of circumstance is as set out in the default scheme.

For those of working age the effective date of a change of circumstances is as set out Regulation 107 of the Default regulations. However, where an applicant is required to notify a change of circumstances and:

- (a) the change of circumstances is a change of circumstances that is required by this scheme to be notified and
- (b) that change of circumstances is notified more than one month after it occurs, or such longer period as may be allowed and
- (c) the superseding decision is advantageous to the claimant,

the date of notification of the change of circumstances may be treated as the date on which the change of circumstances occurred.

A longer period of time may be allowed for the notification of a change of circumstances in so far as it affects the effective date of the change where special circumstances are relevant and as a result of those special circumstances it was not practicable for the applicant to notify the change of circumstances within one month of the change occurring.

In determining whether it is reasonable to allow a longer period of time regard shall be given to the principle that the greater the amount of time that has elapsed between the date one month after the change of circumstances occurred and the date the application for a superseding decision is made, the more compelling should be the special circumstances on which the application is based.

## **10 Reconsideration & Appeals**

If you disagree with the decision, you have one calendar month from the date of decision to request a reconsideration or statement of reasons in writing.

If as a result of the reconsideration the decision is upheld then if you are still not happy with the decision, you can then ask for an appeal against the decision.

If you disagree with our decision about your council tax reduction, in some cases you will be able to appeal to the Valuation Tribunal. The Tribunal is independent of SBC.

You can appeal to them regarding SBC's decision about:

- whether you are entitled to a council tax reduction

- how much of a reduction SBC have awarded you under the local scheme.

The Tribunal cannot hear appeals about what is SBC's scheme, only about the way the scheme has been applied in your case.

The stages to making an appeal are:

1. You must first contact SBC in writing explaining why you believe the decision to be wrong. SBC have 2 months to reply to your contact.
2. If SBC do not agree with your reasons for the decision being wrong, you can then appeal to the Valuation Tribunal.
3. If you decide to appeal, you must contact the Valuation Tribunal within 2 months of SBC decision and include a copy of the decision with your appeal form. You can either submit and electric appeal form, download a copy of the decision with your appeal form.
4. If SBC have failed to respond to your contact at point 1 above within 4 months you can refer your matter to the Valuation Tribunal without SBC's decision.

Further details can be obtained from the Valuation Tribunal at the following link. You will be able to download the appeals form or complete the online form from this link also. Should you wish to contact the Valuation Tribunal their contact details can also be obtained from the link below.

<https://www.valuationtribunal.gov.uk/your-appeal-type/council-tax/council-tax-reduction/>

## **11 Discretionary Reduction see Part 3 of Schedule 1 of the default scheme (Discretionary Council Tax Hardship payment)**

Where an application to the authority is made under the Discretionary Relief Scheme, it shall be determined in accordance with the policy of the authority for that year and be made –

- (a) In writing, or.
- (b) By means of an electronic communication in accordance this scheme or.
- (c) Where the authority has published a telephone number for the purpose of receiving such applications, by telephone or;
- (d) Via SBC's website.

The applicant must state why the request is being made and supply such evidence and information as the Council may require in support of the request.

If for any reason the request is not in a form that SBC can accept then the applicant will be supplied with a suitable form.

Where practicable and the local authority is aware, the authority will make claimants aware of their ability to apply for support.

Applications will be considered based on hardship and remain discretionary.

## **12 Time and manner of granting relief and recoveries / overpayments**

Where the Council Tax payer is entitled to an increase or decrease in their reductions following a reported change of circumstance, SBC will issue a substitute demand notice taking into account the increase or decrease in liability.

SBC will:

- (a) Recover over-entitlement of council tax support – this will be treated as an underpayment of Council Tax and collected via Council Tax enforcement methods;
- (b) Take recovery action according to the circumstances of the applicant.
- (c) Credit the Council Tax account with any underpayment of CTS.

**Effective from 1 April 2023**

## **Appendix A Non-Dependant deductions**

Description	Deduction
Where the non-dependant is in remunerative work and his gross average income is of £200.00 or more per week.	£11.00 per week
Where the non-dependent is in receipt of Pension Credit, Income Support, Income Based Jobseeker's Allowance, Income Related Employment and Support Allowance, an award of Universal Credit without earnings. On a contributory benefit such as new style Employment and Support Allowance, new style Job Seeker's Allowance. Working less than 16 hours per week on average; or working 16 hours or more per week on average but gross average income of £199.99 or less per week. This will also apply to any non-dependent not in receipt of any income or in receipt of any other income.	£5.00 per week
Where the non-dependent is under 18 years of age or a full time student.  No deduction shall apply where the applicant or their partner is in receipt of the care component of Disability Living Allowance at any rate or receiving the Daily Living component of the Personal independence Payment or registered Blind or in receipt of Armed Forces Independence Payments.	£0.00 per week

Where the non-dependent is a member of a couple, only one deduction shall apply, the highest.

### **Explanatory Notes**

These Regulations amend the Council Tax (Demand Notices) (England) Regulations 2011 (S.I. 2011/3038) ("the 2011 Regulations") and the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (S.I. 2012/2885) ("the 2012 Regulations").

The 2011 Regulations make provision about matters to be contained in, and information to be supplied with, council tax demand notices. Regulation 2 amends the 2011 Regulations to provide that demand notices relating to liability to pay council tax for 1st April 2022 in respect of dwellings in valuation bands A to D must contain prescribed information in relation to the Government's rebate scheme to provide financial support in respect of energy bills ("the Energy Rebate Scheme 2022").

Section 13A of the Local Government Finance Act 1992 (“the 1992 Act”) requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of council tax payable by persons, or classes of person, whom the billing authority considers are in financial need. The 2012 Regulations prescribe matters which must be included in such a scheme in addition to those matters which must be included in such a scheme by virtue of paragraph 2 of Schedule 1A to the 1992 Act.

Regulation 3 amends the 2012 Regulations to provide that billing authorities’ schemes must include provision that any payments made under the Energy Rebate Scheme 2022 are not to be taken into account in determining council tax reductions.