

Report to Executive

Agenda
Item:

A.9

Meeting Date: 10th December 2018
Portfolio: Finance, Governance and Resources
Key Decision: NO
Within Policy and Budget Framework YES
Public / Private PUBLIC

Title: Cumbria Care Leavers Council Tax Discount Scheme
Report of: Chief Executive
Report Number: CE 11/18

Purpose / Summary:

To seek Executive approval to implement the Cumbrian Districts Care Leavers Council Tax Discount Scheme effective from 1st April 2018 onwards.

Recommendations:

It is recommended that the Executive:

1. Pursuant to section 13A(1)(c) of the Local Government Finance Act 1992, approve the introduction of the Council Tax Discount scheme for eligible Care Leavers within the District shown as appendix 1 to the Report; and
2. Pursuant to section 13A(7) for the same Act, determine that Care Leavers are a class of case for the purpose of exercising the power under the said section 13A(1)(c).

Tracking

Executive:	
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1.0 BACKGROUND

- 1.1 Provisions under Section 13A of the Local Government Finance Act 1992 enable billing authorities to determine certain categories where discounts can be granted in respect of council tax liability.
- 1.2 A number of Councils have introduced measures to exempt Care Leavers from council tax following representations made relating to recommendations made in the Government's Care Leavers strategy "Keep On Caring" published in July 2016.
- 1.3 Nationally the Children's Commissioner for England has contacted local authorities to highlight the need to consider offering assistance to Care Leavers as they move into independence without family members to fall back on for guidance and support.

2.0 PROPOSALS

- 2.1 Cumbria County Council provide support through their Children and Young People Services to Care Leavers as they meet the challenge of various responsibilities without family support as they become independent.
- 2.2 Due to the representations received, this matter has been considered by the Six Districts who all want to support Care Leavers resident in Cumbria up to the age of 25 by introducing, with effect from April 2018, a 100% discount from Council Tax in the following circumstances:
 - Care Leavers solely liable to pay Council Tax in their own right will have their bill reduced to nil.
 - Care Leavers who are jointly liable will have their bill reduced in proportion i.e. 50% (2 adults), 33% (3 adults), 25% (4 adults)
 - Where the Care Leaver lives in a household and the liable person would be exempt if the Care Leaver did not reside with the, full discretionary discount will be applied.
- 2.3 The Cumbria Revenues Practitioners Group and relevant Finance Officers from Cumbria County Council have collaborated to determine an appropriate way to provide assistance to those affected.
- 2.4 A policy has been drafted for approval by each District detailing the procedures and criteria for a discount, whilst safeguarding the interests of local taxpayers. The policy is shown at Appendix 1
- 2.5 The principles of the proposed policy were considered and supported by the Strategic Policy Finance Group (SFPG) during Summer 2018. After consideration of the legislative provisions, approval of the scheme by the Executive is appropriate.
- 2.6 It should be noted that the Cumbrian Councils' continue to provide a means tested, 100% Council Tax Reduction Scheme. Whilst that offers support, assistance based

on the status as a Care Leaver will ensure that a consistent discount, irrespective of income, is available up to the age of 25.

- 2.7 To receive the Care Leavers discount, applications submitted will be assessed and the Care Leaver status of the individual verified with Children's Services. The proposed application form is shown at Appendix 2.
- 2.8 A Data Sharing Agreement is required for Cumbria County Council to confirm the personal information of the Care Leavers, the proposed draft document is shown at Appendix 3.

3.0 FINANCIAL CONSIDERATIONS

- 3.1 Costs arising from the scheme will be determined in proportion based on each Billing Authority area by the respective District locally, Cumbria County Council and the Police and Crime Commissioner for Cumbria, using the Council Tax charge precepting percentages.
- 3.2 Based on data provided by Children's' and Young People Services it is estimated that there are currently 30 – 50 care leavers, including several who currently receive council tax support, that would be eligible for a discount under the proposed Care Leaver policy. It is anticipated that the potential annual cost based on the City Council's share of the Council Tax charge, based on all Care Leavers identified, is approximately £7,000.
- 3.3 The value of the Care Leavers discounts granted annually will be identified and an invoice issued to Cumbria County Council and the Cumbria Police and Crime Commissioner to reimburse Carlisle City Council for their respective shares of the costs of the scheme during the financial year.

4.0 RISKS

- 4.1 Discount awards will require application and verification. Until Care Leavers have applied and eligibility awarded, there is the possibility that recovery action may be taken in relation to outstanding arrears.
- 4.2 Children's Services Advisors and Revenues Section Officers are aware of the proposals to introduce the Care Leavers Discount and accounts will be monitored to prevent unnecessary action from occurring by suppressing records until discount applications are processed.

5.0 CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 5.1 The Executive is asked to consider and approve the introduction of the Care Leavers Council Tax Discount in Carlisle, which is fully supported across Cumbria. If approved, discounts will be awarded to eligible Care Leavers from 1st April 2018 onwards or the date that council tax liability commences if later.

6.0 CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 6.1 The provision of a Council Tax Care Leavers Discount can be seen, to have a direct and positive impact by contributing to the vision of the Carlisle Plan:

- *“To improve the health, wellbeing and economic prosperity of the people of Carlisle.”* – through the provision of financial assistance to Care Leavers as they develop the essential skills needed to live independently within Carlisle.

Contact Officer: Reg Bascombe

Ext: 7102

Appendices attached to report: Appendix 1 – Cumbria Care Leavers Council Tax Discount Draft Policy.
Appendix 2 – Council Tax Discount Application Form
Appendix 3 – Data Sharing Agreement with Cumbria County Council Social Services

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

LEGAL – the Local Government Finance Act 1992, s13A(1)(c) provides that the Council is able to reduce the amount of Council Tax payable in any case. S13A(1)(7) states that the power may be exercised by determining a class of case in which liability is to be reduced, i.e. care leavers.

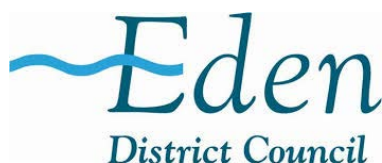
FINANCE - As the proposed discount is classed as a local discretion it will not affect the Council's Collection Fund or tax base calculations. The cost to the City Council is anticipated to be £7,000, and the costs attributed with Cumbria County Council and Police and Crime Commissioner shares will be recovered. The City Council cost will therefore fall as a cost on the General Fund budget in the year the discount is applied.

EQUALITY – None

INFORMATION GOVERNANCE – None

Cumbria Care Leavers

Council Tax Discount



Draft Policy

Contents

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2. Care Leaver - Definition
3. Legislation
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1. Introduction and Purpose

- 1.1 A number of Councils have introduced measures to exempt care leavers from Council Tax following the recommendations made in the Government's care leavers strategy, "Keep On Caring", published in July 2016, which encouraged local authorities to do so.
- 1.2 While being supported by Children and Young People's Services, care leavers are faced with a new set of potentially overwhelming responsibilities, often without the family support and wider network that most other young people can rely on.
- 1.3 In Cumbria, the corporate parent is Cumbria County Council.
- 1.4 The six district councils and the Police and Crime Commissioner for Cumbria want to do as much as possible to support Cumbria County Council and care leavers up to the age of 25 years. By granting up to 100% discount on their Council Tax, the Councils will be providing practical help and financial assistance to care leavers whilst they are developing independent lives and their life skills.
- 1.5 This Policy sets out the Councils' approach to the award of discretionary Council Tax discount in respect of Council Tax liability for resident care leavers living in Cumbria. There are two elements to the Policy:
 - Care leavers who are solely liable to pay Council Tax in their own right will have their bill reduced to nil (100% discount).
 - Care leavers who are jointly liable to pay Council Tax will have the bill reduced in proportion. A half (50%) (if 2 adults), a third (33%) (if 3 adults), a quarter (25%) (if 4 adults).

There will be no discount where the care leaver is not liable to Council Tax, except where the liable person to Council Tax is exempt (for example, a student).

- 1.6 The discretionary discount will be awarded only after entitlement to other legislative discounts or exemptions have been applied (except Council Tax Reduction) and will apply to all care leavers living in Cumbria.
- 1.7 Councils have the power to reduce the amount of Council Tax a person has to pay. This includes the power to reduce an amount to nil and may be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced to an extent provided for by the determination¹.

This Policy has been written to:

- Set procedures for awarding the discount to care leavers living in Cumbria.
- Establish an appeals procedure for customers dissatisfied with a decision made in the determination of entitlement to this discount.
- Safeguard the interest of the local taxpayers by ensuring that funds that are allocated for the award of the discount are used in the most effective and economic way.

¹ Local Government and Finance Act, s13A(7)

1.8 The Policy will apply retrospectively from 1 April 2018; awards can be made back to this date without restriction, providing the relevant circumstances apply.

1.9 The costs arising from this Policy will be shared in proportion to the precept between Cumbria County Council, the Police and Crime Commission for Cumbria and the six Billing Authorities (Allerdale, Barrow, Carlisle, Copeland, Eden and South Lakeland in relation to their own specific area).

2. Care Leaver - Definition

2.1 The term 'care leaver' is defined in The Children (Care Leavers) Act 2000 and refers to eligible, relevant and former relevant children:

- Eligible children are those young people aged 16 to 17 who are still in care and have been 'looked after' for a total of 13 weeks from the age of 14 and including their 16th birthday.
- Relevant children are those young people aged 16 and 17 who have already left care, and who were 'looked after' for at least 13 weeks from the age of 14 and have been 'looked after' at some time while they were 16 or 17.
- Former relevant children are those young people aged 18, 19, or 20, who have been eligible and/or relevant.

2.2 For the purposes of this Policy, support will be offered up until the 25th Birthday of the care leaver.

3. Legislation

3.1 Council Tax discretionary discount awards are included in Section 13A of the Local Government Finance Act 1992.

3.2 There is a cost to the Council in respect of any discount awarded and this is met by the Council's General Fund.

3.3 There are a series of discounts, disregards and exemptions available under current Council Tax legislation for people and properties in certain circumstances.

3.4 Exemption from Council Tax means that there is no liability to pay Council Tax.

3.5 A discount from Council Tax usually relates to people and means that a person is liable for less than the full amount of Council Tax. For example:

- A liable person living on their own would be entitled to a 25% single person discount.
- A liable person living on their own who is a full-time student would be entitled to a full exemption.
- A liable person who is a student but resides with another person would be 'disregarded' and entitled to a 25% discount.

4. The Application

4.1 An application form will be required, to be completed by the care leaver (or his/her appointee, or a recognised third party acting on his/her behalf), or, another liable

person where relevant (the liable person at the property in which the care leaver resides).

- 4.2 Applications should be made in writing and may be received electronically. Contact details for each Authority party to this scheme are detailed below:

Contact Details for each Authority		
Allerdale Borough Council Allerdale House Workington CA14 3YJ revenues@allerdale.gov.uk	Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG customerservices@carlisle.gov.uk	Eden District Council Town Hall Corney Square Penrith CA11 7QF counciltax@eden.gov.uk
Barrow Borough Council Town Hall Duke Street Barrow LA14 2LD counciltax@barrow.gov.uk	Copeland Borough Council Market Hall Market Place Whitehaven Cumbria CA28 7JG Ctax@copeland.gov.uk	South Lakeland DC South Lakeland House Lowther Street Kendal Cumbria LA9 4DQ Counciltax@southlakeland.gov.uk

- 4.3 The application form requires only pertinent details to be submitted in order to process the award of this discount. Basic information requirements include:

- Full name.
- Date of birth.
- Which Authority is the corporate parent.
- Current address.
- Details of any other relevant addresses.
- Details of any other adults in the property.
- Details of any circumstances that would be relevant to entitlement to legislative discounts, disregards or exemptions.
- Contact details.

- 4.4 The application form should be as clear and concise as possible in order to encourage take-up and expedite administration.

- 4.5 A new application may need to be completed, if the care leaver moves, to confirm any change in circumstances.

5. The Procedure System

- 5.1 Awards under this scheme are Local Discounts and therefore will have no financial impact upon the collection fund or the Council Tax Bases of the Billing Authorities.
- 5.2 The discount will also be detailed separately to any other appropriate discount, disregard, or exemption, on the actual Council Tax demand notice (bill).
- 5.3 The system will work to award a discretionary discount on a percentage basis, that is, 25%, 50%, 75% or 100%, where appropriate and prior to the calculation of Council Tax Reduction, therefore, Council Tax Reduction will be assessed using the net charge.

Administration

- 5.4 Applications will be administered by the individual Local Authorities. Children and Young People's Services will be requested to confirm the care status of the applicant; this will need to be confirmed with:
 - The Children and Young People's Service, where Cumbria is the corporate parent (protocol to be agreed between the Districts and County Council).
 - Where the corporate parent is another Authority, written confirmation will be sought from the relevant council.
- 5.5 The general principles of awarding the discretionary discount are as follows:
 - Care leavers who are solely liable to pay Council Tax in their own right will have their bill reduced to nil.
 - Care leavers who are jointly liable to pay Council Tax will have the bill reduced in proportion, 50% (if 2 adults), 33% (3 adults), 25% (4 adults).
 - There will be no discount where the care leaver is not liable to pay Council Tax, except where the care leaver lives in a household where the liable person would be exempt if the care leaver did not reside with them. In this case full discretionary discount will be applied.
- 5.6 Awards will be made directly by a reduction in liability on the Council Tax account only and notification of the award of discretionary discount will be by way of the Council Tax bill.
- 5.7 The care leaver (or his/her appointee or a recognised third party acting on his/her behalf) or the liable person where relevant (the liable person at the property in which the care leaver resides) must advise of any change of circumstances which may impact the Council Tax charge within 21 days.
- 5.8 Any overpaid discretionary discount will be reclaimed through the relevant Council Tax account and collected and recovered under the Council Tax (Administration and Enforcement) Regulations 1992.

6. Exclusions

6.1 Houses in Multiple Occupation (HMOs) where occupants:

- Do not constitute a single household.
- Are a tenant or have a licence to occupy only part of the dwelling.
- Share living space.
- Are not the liable party to pay Council Tax.

6.2 HMOs are generally run as a business, with the liable party for Council Tax being the landlord(s). For that reason, these properties and respective liable parties are excluded from this Policy.

7. Review of Decision/Appeals

7.1 The Council will accept a written request from a care leaver (or his/her appointee or a recognised third party acting on his/her behalf), or the liable person where relevant (the liable person at the property in which the care leaver resides), for a re-determination of its decision.

- Re-determination of the decision will be made by an officer who has not previously been involved with the award.
- The re-determination will be reviewed by a senior officer within the service.
- In the case where the customer has been notified of a decision and they exercise their rights to appeal, payment cannot be withheld pending an appeal decision. In the event that an appeal is successful, any interim overpayment will be refunded.
- The Council will consider whether any additional information has been provided that will justify a change to its original decision.
- The Council will notify the Council Tax payer of its final decision within 21 days of receiving a request for a re-determination.
- Whilst every effort will be made to meet the deadline outlined above, failure by the Council to do so does not qualify the applicant for a discount.
- If an applicant remains dissatisfied with refusal of their application, they may appeal to the Valuation Tribunal for England. They have two months to do this from the date of our reply to their request for a re-determination.

Valuation Tribunal

Hepworth House

Trafford Court

Doncaster

DN1 1PN

vtndoncaster@vts.gsi.gov.uk

8. Costs of the Scheme

- 8.1 The scheme will be funded in proportion to the precept between the District Councils, Cumbria County Council and the Police and Crime Commissioner for Cumbria as agreed.
- 8.2 The District Council will reimburse the full cost of the scheme to the collection fund, in accordance with legislation.
- 8.3 District Councils will submit an invoice annually to the County Council and the Police and Crime Commissioner Cumbria, as soon as is practicable, after the 1st April for the preceding year.

9. Monitoring and Reporting

- 9.1 Discretionary awards made under this Policy will be monitored and all awards made will be subject to regular quality assurance checking and annual reviews as appropriate.
- 9.2 Quarterly monitoring figures will be provided via the Cumbria Revenues and Benefits Heads of Service Group.

10. Policy Review

- 10.1 This Policy will be reviewed on an annual basis.



Corporate Support

Civic Centre, Carlisle, CA3 8QG • Telephone (01228) 817000
 Typetalk 18001 01228 817000 • www.carlisle.gov.uk

APPLICATION FOR DISCRETIONARY COUNCIL TAX DISCOUNT FOR CARE LEAVERS

With effect from 1 April 2018, Carlisle City Council has introduced a new discretionary discount for care leavers up to the age of 25 years. The level of discount will depend upon who lives in the property.

Part A – About you

Your full name.

Current address and post code

Council Tax account number

Date of Birth

Details of any previous properties
where you were liable for Council Tax
since 1 April 2018

Email address

Contact telephone

I agree to receive my bill electronically

YES / NO

Part B – Further information

The term 'care leaver' is defined in The Children (Care Leavers) Act 2000 and refers to eligible, relevant and former relevant children:

- Eligible children are those young people aged 16-17 who are still in care and have been 'looked after' for a total of 13 weeks from the age of 14 and including their 16th birthday;
- Relevant children are those young people aged 16 and 17 who have already left care, and who were 'looked after' for at least 13 weeks from the age of 14 and have been 'looked after' at some time while they were 16 or 17;
- Former relevant children are those young people aged 18, 19 or 20 who have been eligible and/or relevant.

If you are a care leaver under Cumbria County Council, we will check your status with Cumbria County Council for the purposes of deciding to award a discount. If you are a care leaver under a different Local Authority, we will also contact them to confirm your information. Please provide relevant details below

Name of Local Authority:

Personal Advisor:

Please provide details of all adults living in the property (including yourself)

Full name	Relationship to you	Are they liable to pay council tax	Are they a care leaver	Are they a full-time student	Are they severely mentally impaired

I understand the information provided will be used by the billing authority to determine if I am eligible for a discretionary discount for my Council Tax. I agree to you contacting the appropriate Children's Services to check the details provided.

I understand that I must notify the billing authority if there are any changes in my household that might affect the level of discount (e.g. if I gain or lose a partner, or if any adults move in or out of the property, or if any adults become or cease to be a full-time student, etc.)

Signed _____

Date _____

Returning your form by post

You can email your completed form to customerservices@carlisle.gov.uk

Alternatively, if you are submitting your application by post, please send it to:

Freepost CE497
Revenues & Benefit Services
Carlisle City Council
Carlisle
CA3 8BR

If you require any further advice or information, please contact us on 01228 817200

Data Sharing Agreement for the Supply of Care Leaver Data by Cumbria County Council to Carlisle City Council

This is an agreement between

Cumbria County Council: Social Services Division

and

Carlisle City Council: Council Tax Section

This agreement covers the provision of data by Cumbria County Council Social Services Division to Carlisle City Council for Cumbria Care Leaver Council Tax Discount purposes to verify eligibility and the accuracy of the data held by Carlisle City Council on the status of young persons' ceasing to be Looked After. Data sharing for this purpose is in accordance with Article 6(1)(e) of GDPR which is Section 13A of the Local Government Finance Act 1992. The details of the data to be provided, its subsequent use and certain restrictions are described in the Annex.

In providing this information Cumbria County Council expects that this information will be used solely for this purpose and does not take any responsibility for the subsequent use of the data or the timeliness or accuracy of information subsequently produced by Carlisle City Council for Council Tax purposes.

Cumbria County Council: Social Services Division hereby agree as follows:

1. To provide Carlisle City Council: Council Tax Section with the data of Care Leavers who ceased to be Looked After who apply for a Cumbria Care Leaver Council Tax Discount within the Carlisle City Council area.

Carlisle City Council: Council Tax Section undertakes to:

2. use the data only to aid in the assessment of eligibility relating to Cumbria Care Leaver Council Tax Discount of young people ceasing to be Looked After, and to verify the accuracy of the data held by Carlisle City Council: Council Tax Section.
3. comply fully with the other restrictions detailed in the Annex.
4. fully indemnify Cumbria County Council: Social Services Division and shall keep Cumbria County Council: Social Services Division fully indemnified against all losses, damages, costs, liabilities, expenses, claims and others which may arise directly or indirectly
 - a. under the General Data Protection Regulation, Data Protection Act 2018, the Human Rights Act 1998 or any other statute or under common law as a result of the provision of such data by Cumbria County Council: Social Services Division to

- b. Carlisle City Council: Council Tax Section or any third party who has sourced data directly, or
- c. as a result of Carlisle City Council breaching any of the terms of this agreement, or
- d. as a result of any act, omission or negligence by Carlisle City Council: Council Tax Section or their employees, agents, representatives or others acting on their behalf or for whom they are responsible in law.

Signed

For: Carlisle City Council: Council Tax
Section

For: Cumbria County Council: Social
Services Division

Name: Reg Bascombe

Name: *A. N. Other*

Job Title: Revenues & Benefits
Operations Manager

Job Title: *XX Officer/Manager*

Signature:

Signature:

Date: XXth November 2018

Date: XXth November 2018

Annex to agreement between Cumbria County Council: Social Services Division and Carlisle City Council: Council Tax Section

Part 1

Care Leaver data to be provided by Cumbria County Council: Social Services Division to Carlisle City Council.

- Carlisle City Council: Council Tax Section require details to be verified of young persons who ceased to be Looked After who apply for a Care Leaver Discount.
- Carlisle City Council: Council Tax Section will supply Cumbria County Council: Social Services Division with the young persons' Name, Address, Council Tax Account Reference Number and Date of Birth which will be used to identify the details in the Cumbria County Council database held by the Social Services Division.
- Carlisle City Council: Council Tax Section will only request information for young people for whom that Local Authority has had, or currently has, a Council Tax liability

Part 2

Data uses:

1. Cumbria County Council: Social Services Division will provide Carlisle City Council: Council Tax Section with individual level data where individuals can be identified by their Name and Date of Birth.
2. The data should only be used for Cumbria Care Leaver Council Tax Discount purposes to verify eligibility and the accuracy of the data held by Carlisle City Council: Council Tax Section and should be held securely and arrangements should be in place to ensure that no-one else can access it.
3. Neither the Cumbria County Council: Social Services Division or Carlisle City Council: Council Tax Section will retain the information for longer than is required for the purposes of the Cumbrian Council Tax Care Leaver Discount Scheme.

Part 3

1. Carlisle City Council; Council Tax Section will not disclose the individual details to any external organisation or individual.