



**Gloucester
City Council**

Cabinet

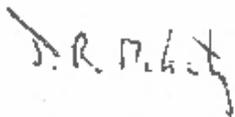
Meeting: Wednesday, 9th January 2019 at 6.00 pm in Civic Suite - North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. James (Leader of the Council and Cabinet Member for Regeneration and Economy) (Chair), Watkins (Deputy Leader and Cabinet Member for Communities and Neighbourhoods), Cook (Cabinet Member for Environment), Noakes (Cabinet Member for Culture and Leisure), H. Norman (Cabinet Member for Performance and Resources) and Organ (Cabinet Member for Planning and Housing Strategy)
Contact:	Democratic and Electoral Services 01452 396126 democratic.services@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	MINUTES (Pages 5 - 12) To approve as a correct record the minutes of the meeting held on 5 th December 2018.
4.	PUBLIC QUESTION TIME (15 MINUTES) The opportunity is given to members of the public to put questions to Cabinet Members or Committee Chairs provided that a question does not relate to: <ul style="list-style-type: none"> • Matters which are the subject of current or pending legal proceedings, or • Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers
5.	PETITIONS AND DEPUTATIONS (15 MINUTES) To receive any petitions or deputations provided that no such petition or deputation is in relation to: <ul style="list-style-type: none"> • Matters relating to individual Council Officers, or • Matters relating to current or pending legal proceedings

6.	<p>LEADER AND CABINET MEMBERS' QUESTION TIME (15 MINUTES)</p> <p>Any Member of the Council may ask the Leader of the Council or any Cabinet Member any question without prior notice, upon:</p> <ul style="list-style-type: none"> • Any matter relating to the Council's administration • Any matter relating to any report of the Cabinet appearing on the summons • A matter coming within their portfolio of responsibilities <p>Only one supplementary question is allowed per question.</p>
7.	<p>COUNCIL TAX EMPTY HOMES PREMIUM (Pages 13 - 34)</p> <p>To consider the report of the Cabinet Member for Performance and Resources seeking a Council Tax Empty Homes Premium to be applied to all homes which meet the criteria at the specified rates.</p>
8.	<p>LOCAL COUNCIL TAX SUPPORT SCHEME (Pages 35 - 42)</p> <p>To consider the report of the Cabinet Member for Performance and Resources seeking approval to retain the Local Council Tax Support Scheme (LCTS) for 2019/20.</p>
9.	<p>REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - REVIEW OF PROCEDURAL GUIDE (Pages 43 - 46)</p> <p>To consider the report of the Cabinet Member for Performance and Resources that updates Members on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).</p>



Jon McGinty
Managing Director

Date of Publication: Tuesday, 1 January 2019

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.



CABINET

MEETING : Wednesday, 5th December 2018

PRESENT : Cllrs. James (Chair), Watkins, Cook and H. Norman

Others in Attendance

Cllr. Pullen

Managing Director

Corporate Director

Corporate Director

Head of Place

Democratic Services and Elections Officer

APOLOGIES : Cllrs. Noakes and Organ

57. DECLARATIONS OF INTEREST

There were no declarations of interest.

58. MINUTES

RESOLVED that the minutes of the meeting held on 7th November 2018 be taken as read and signed by the Chair.

59. PUBLIC QUESTION TIME (15 MINUTES)

A member of the public informed Members that additional bench seats had recently been placed along the Victoria Dock positioned so as to obstruct the original seating rather than complement it. He asked why this had been done and when it would be remedied. The Cabinet Member for Environment replied that this area was maintained by the Docks Estate Company rather than the City Council, but as Chair of their Board of Directors he would investigate the matter and provide a written answer.

60. PETITIONS AND DEPUTATIONS (15 MINUTES)

There were no petitions and deputations.

61. LEADER AND CABINET MEMBERS' QUESTION TIME (15 MINUTES)

There were no questions to the Leader of the Council or Cabinet.

62. COMMUNITY BUILDING IN GLOUCESTER

Cabinet considered the report of the Cabinet Member for Communities and Neighbourhoods that outlined plans for the medium and long-term delivery of community building activities in Gloucester and sought Cabinet's support for the project.

The Cabinet Member for Communities and Neighbourhoods described the background to the report. She gave examples of how engagement with local people and communities had already changed the ways in which activities were delivered, made a positive impact and enhanced individual people's lives but advised Members that continued evaluation was needed in what was a long-term process. She further emphasised the importance of strengthening the partnerships with other organisations including the Barnwood Trust, Police and Crime Commissioner, and County Council. She commented that Gloucester was already pioneering practices recommended in the government's recent Civil Society Strategy well ahead of other councils in order to improve the lives of its residents. The Cabinet Member for Environment reminded Members of the continuing legacy from the community builder in Kingsway with successful local community initiatives such as Men's Shed, Parkrun and the Big Lunch. The Cabinet Member for Regeneration and Economy noted that these bold community building plans complemented the regeneration plans for the city.

The Cabinet Member for Communities and Neighbourhoods drew Members' attention to the recommendations of the Overview and Scrutiny Committee of 3rd December 2018 that a piece of work be undertaken on what input the community can have on community building and that a development session be organised for all Elected Members to explore Asset Based Community Development and community building more fully. Concerning the former, the Cabinet Member for Communities and Neighbourhoods reiterated that the achievements so far had been due to communities being fully engaged and endorsed the recommendation provided that the methodology of the work to be undertaken was right. Regarding the latter recommendation she stated that as partner organisations would attend a development session it had to be positive and well attended with at least 20 out of the 39 Elected Members. The Cabinet Member for Performance and Resources advised Members that she was prepared to chair the development session provided that these conditions were met.

RESOLVED to:

- (1) Agree the vision, mission and principles for a longer-term approach to community building in Gloucester.
- (2) Approve the establishment of a formal partnership agreement with Barnwood Trust to deliver community building in the short-term and to delegate authority to the Corporate Director (Partnerships) in consultation with the Cabinet Member for Communities and Neighbourhoods to finalise arrangements.

CABINET
05.12.18

- (3) Note the budget, financing and the longer term financial approach to deliver community building in Gloucester.
- (4) Authorise the Corporate Director (Partnerships) to work towards setting up a separate legal entity such as a Community Interest Company (CIC) to undertake community building and to bring a further report back to Cabinet.
- (5) Authorise the Corporate Director (Partnerships) to explore the feasibility of transferring the Gloucester Lottery into a future CIC.
- (6) Commit the 'Your Gloucester' budget (£10k pa) to the project for two years
- (7) Commit £5k per annum of the Gloucester Lottery central fund to the project for two years.
- (8) Acknowledge that fundraising continues, but agree to cover any shortfall for the first two years as set out in section 8 of the report.
- (9) Undertake a piece of work on what input the community can have on community building
- (10) Organise a development session for Elected Members to explore Asset Based Community Development and Community Building more fully and that endeavours are made for it to include all Members.

63. DRAFT BUDGET PROPOSALS (INCLUDING MONEY PLAN AND CAPITAL PROGRAMME)

Cabinet considered the report of the Cabinet Member for Performance and Resources that sought review of the Council's Money Plan for recommendation to Council.

The Cabinet Member for Performance and Resources advised Members that the plan presented was prudent given the information available, the Local Government Finance Settlement 2019/20 not having been announced yet. She highlighted the importance of the commitment to return the reserves to the recommended minimum level and the need to proactively explore investment opportunities. The Cabinet Member for Regeneration and Economy noted that the savings required this year were relatively modest because the difficult decisions had been taken early although the benefits of this were already becoming apparent. He further commented that the refurbishment of Kings Square to be delivered through the Capital Programme was an achievement to be celebrated.

RESOLVED that:

- (1) That the assumptions contained in the Council's draft Money Plan from 2019/20 to 2023/24 and revisions to the draft revenue budget be approved.

CABINET
05.12.18

- (2) That the uncertainties regarding future incomes, as shown in this report and Appendix 1, and the need to update the Draft Money Plan when there is more certainty regarding Central Government financing, be noted.

64. FINANCIAL MONITORING QUARTER 2 REPORT

Cabinet considered the report of the Cabinet Member for Performance and Resources that presented the year-end forecasts and progress made against agreed savings targets for the second quarter ended 30th September 2018.

The Cabinet Member for Performance and Resources stated that the approach taken to the report had been conservative and that she was confident in the end of year position being positive. In relation to the cost of placing families in temporary accommodation (6.2) the Cabinet Member for Communities and Neighbourhoods reminded Members that considerable progress had already been made reducing the need and took the opportunity to thank the Housing Team for their innovative work in this area, in particular with landlord incentive initiatives. The Cabinet Member for Environment commented that he was monitoring his own portfolio carefully with the expectation that contractors would improve on the previous year's performance or be penalised. The Cabinet Member for Regeneration and Economy emphasised the importance of making targets realistic and recognising that generating savings and income was a long-term process, especially in relation to Markets, Museums and Cultural services where particular challenges were being addressed.

RESOLVED that it be noted that:

- (1) The savings achieved in year to date total £150k with a further £197k in progress.
- (2) The forecast year end position is currently for a reduction to the Council's General Fund balance of £28k against a budgeted increase of £163k.
- (3) The details of specific budgetary issues identified by officers and the actions being taken to address those issues
- (4) The current level of Capital expenditure as shown on Appendix 2

65. TREASURY MANAGEMENT SIX MONTHLY UPDATE 2017/18

Cabinet considered the report of the Cabinet Member for Performance and Resources that sought to update Members on treasury management activities for the six months from 1st April 2018 to 30th September 2018 in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management.

RESOLVED that the contents of the report be noted.

66. PERFORMANCE MONITORING QUARTER 2 REPORT

Cabinet considered the report of the Cabinet Member for Performance and Resources that informed Members of the Council's performance against key measures in quarter two of 2018/19.

The Cabinet Member for Performance and Resources highlighted the trends outlined in the report. The Cabinet Member for Environment commented that the format was good way to demonstrate performance. The Cabinet Member for Regeneration and Economy acknowledged that performance had been mixed but stated that it was important to understand the context behind individual trends.

RESOLVED that the Quarter 2 Performance Report 2018/19 at Appendix 1 be noted.

67. STRATEGIC RISK REGISTER UPDATE

Cabinet considered the report of the Head of Audit Risk Assurance (Chief Internal Auditor) that presented an update to the Strategic Risk Register.

The Cabinet Member for Performance and Resources summarised the key features of the report.

RESOLVED that the Strategic Risk Register be noted and endorsed.

68. RISK BASED VERIFICATION

Cabinet considered the report of the Cabinet Member for Performance and Resources that sought approval of the annual review of the Risk Based Verification Policy in determining evidence requirements for the assessment of new Housing Benefit and Council Tax Support claims.

RESOLVED:

(1) That the reviewed Risk Based Verification Policy for verifying Housing Benefit and Council Tax Support claims be approved.

(2) That the reviewed Risk Based Verification Policy as at December 2018 be approved for immediate implementation.

69. REGENERATION AT KINGS QUARTER

Cabinet considered the report of the Cabinet Member for Regeneration and Economy that sought approval for necessary capital enabling costs to carry forward the momentum generated by the Kings Quarter regeneration project and ready the site for development.

The Cabinet Member for Regeneration and Economy emphasised the importance of maintaining the momentum for the regeneration of Kings Quarter and thanked officers for their work. He further advised Members that the recent planning application concerning Kings Walk had been successful but that outcome of the

CABINET
05.12.18

recent Culture Development Fund bid to refurbish Kings House into a creative incubation hub (3.6), was not yet known. The Cabinet Member for Communities and Neighbourhoods reiterated the importance of maintaining the pace of progress and reminded Members of the significant impact of the new Transport Hub on the area and importance of the proposed archaeological investigation for both the history of the city and the public interest it would stimulate.

RESOLVED that:

- (1) the following activities are approved to assist in achieving the delivery and discharge of likely planning conditions for a newly refurbished Kings Square by the Autumn of 2020-
 - a) Procurement of a demolition contractor to remove the former Furniture Recycling Project part of Grosvenor House and the old bus station structures.
 - b) Procurement of archaeological and soil investigations for the proposed sites of Plot 1, 2 and 4.
 - c) Procurement of a below ground geotechnical survey to agree the foundation structure for a new substation on Plot 2.
 - d) Procurement of a Construction Design Management (CDM) Principal Designer. This is a legal requirement and must be in place prior to commencement of works on Kings Square and the wider quarter.
 - e) Satisfaction of various planning conditions associated with Kings Square likely to include archaeological surveys, ground investigations and detailed construction drawings to enable the procurement of the contractors by Autumn 2019.
 - f) Appointment of a legal advisor to provide assistance with the development of the S106 agreement.
- (2) it is noted that subject to any necessary consents being obtained and the bids from the procurements listed in recommendation (1) being in budget, the Head of Place, in consultation with the Council Solicitor, will award the contracts to enable those works to be undertaken before determination of the planning application.
- (3) it is noted that the cost of refurbishing Kings Square is included in the Council's draft capital programme to be presented to Full Council in February 2019. Further budget will need to be identified for the next phases of the regeneration programme. Preliminary Enabling Works associated with this have been listed in Appendix A Table 2 of the report.

Time of commencement: 6.00 pm
Time of conclusion: 6.38 pm

Chair

CABINET
05.12.18

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Report to:	Cabinet Council	Date:	9 January 2019 24 January 2019
Subject:	Council Tax – Empty Homes Premium		
Report Of:	Cabinet Member for Performances and Resources		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	No
Contact Officer:	Alison Bell – Intelligent Client Officer		
	Email: Alison.bell@gloucester.gov.uk	Tel:	396014
Appendices:	<ol style="list-style-type: none"> 1. Council Tax – Empty Homes Premium – DCLG 2. Section 12 Local Government Finance Act 2012 – as amended 3. Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 The purpose of the report is to recommend the introduction of a Council Tax Empty Homes Premium be applied to all homes which meet the criteria at the following rates;

- From 01 April 2019 – empty homes premium of 50% (total Council Tax charge of 150%) to apply to all homes which have been unoccupied and substantially unfurnished for more than two years
- From 01 April 2020 – empty homes premium of 100% (total Council Tax charge of 200%) to apply to all homes which have been unoccupied and substantially unfurnished for more than two years but less than five years
- From 01 April 2020 – empty homes premium of 200% (total Council Tax charge of 300%) to apply to all homes which have been unoccupied and substantially unfurnished for more than five years
- From 01 April 2021 – empty homes premium of 100% (total Council Tax charge of 200%) to apply to all homes which have been unoccupied and substantially unfurnished for more than two years but less than five years
- From 01 April 2021 – empty homes premium of 200% (total Council Tax charge of 300%) to apply to all homes which have been unoccupied and substantially unfurnished for more than five years but less than ten years
- From 01 April 2021 – empty homes premium of 300% (total Council Tax charge of 400%) to apply to all homes which have been unoccupied and substantially unfurnished for more than ten years

2.0 Recommendations

CABINET is asked to **RECOMMEND** that a Council Tax Empty Homes Premium of 50% is implemented from 01 April 2019 in respect of properties that have been unoccupied and substantially unfurnished for more than two years, increasing to 100% from 01 April 2020. Cabinet is further asked to recommend that the empty homes premium be implemented from 01 April 2020 at 200% on properties which have been empty for more than five years and from 01 April 2021 at 300% on properties which have been empty for more than ten years

COUNCIL is asked to **RESOLVE** that a Council Tax Empty Homes Premium of 50% is implemented from 01 April 2019 in respect of properties that have been unoccupied and substantially unfurnished for more than two years, increasing to 100% from April 2020. Council is further asked to resolve that the empty homes premium be implemented from 01 April 2020 at 200% on properties which have been empty for more than five years and from 01 April 2021 at 300% on properties which have been empty for more than ten years

3.0 Background and Key Issues

- 3.1 Council Tax charges are the means by which local residents make a contribution towards the cost of local services, for example, the police, fire services, education and housing.
- 3.2 Local authorities have the discretion to charge between 0% and 100% Council Tax on properties which are 'unoccupied and substantially unfurnished' for a period of up to six months
- 3.3 Currently empty properties in Gloucester City receive a discount of 25% for the first six months of being unoccupied, which then reverts to 100% of the Council Tax charge after that initial six month period expires.
- 3.4 Prior to April 2013 Local Authorities could charge up to a maximum of 100% council tax on domestic dwellings which had been empty for more than two years. From 01 April 2013 Section 12 of the Local Government Finance Act 2012 amended Section 11B, which allows Local Authorities in England to set Council Tax on long term empty properties at 150% of the normal liability.

From 01 April 2019 Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 increases this further in a 'stepped' approach which allows:

- From 01 April 2019, an additional empty homes premium of 100% on properties which are empty for more than two years
- From 01 April 2020, an additional empty homes premium of 100% on properties which are empty for more than two years and less than five years
- From 01 April 2020, an additional empty homes premium of 200% on properties which are empty for more than five years
- From 01 April 2021, an additional empty homes premium of 100% on properties that are empty for more than two years but less than five years
- From 01 April 2021, an additional empty homes premium of 200% on properties that are empty for more than five years but less than ten years

- From 01 April 2021, an additional empty homes premium of 300% on properties which are empty for more than ten years
- 3.5 The purpose of the Empty Homes Premium is to encourage property owners of long term empty properties to bring those properties back into use.
- 3.6 A long term empty property must have been unoccupied and substantially unfurnished for at least two years. This legislation has become known as the 'Empty Homes Premium'.
- 3.7 The premium may be applied when the property has been empty for two years irrespective of how long the current owner has owned the property. If the property is occupied for a period of six weeks or less it is regarded as not having been occupied for the purposes of the two year period.
- 3.8 There are two classes of dwellings which are exempt from the empty homes premium. These are:
- A dwelling which would normally be the sole or main residence of a member of the armed services, who is absent from the property as a result of such service
 - a dwelling [annexe] which forms part of a single property that is being treated by a resident of that property as part of the main dwelling.
- 3.9 Gloucester City has 57,256 domestic dwellings*. There are currently approximately 353 empty homes in Gloucester, which have been empty for more than two years and are unoccupied and substantially unfurnished. This represents 0.61% of properties in Gloucester. If those homeowners took no action to bring their properties back into use, then it is estimated that introducing an Empty Homes Premium of 50% will generate additional Council Tax income of approximately £225,791.78.
- 3.10 Gloucester City Council would retain approximately £26,756.23 of this with Gloucestershire County Council and Gloucestershire Police Crime Commissioner benefitting from the remainder.
- 3.11 In addition, if long term empty properties can be brought back into use then a further beneficial impact will be from the New Homes Bonus for which the City Council retains a payment per property, which is based on a national average council tax band D charge

4.0 Reasons for Recommendations

- 4.1 The Government encourages local authorities to tailor council tax policy and discounts towards local situations and priorities. Locally in Gloucester we have seen homelessness increase year on year, and some housing is in short supply. The purpose of the Empty Homes Premium is to encourage property owners of long term empty properties to bring those properties back into use. In Gloucester there are currently approximately 160 households in temporary accommodation, so even if the policy were to bring a small number of empty properties back to the market then this would be beneficial to the local housing supply.

- 4.2 From April 2019, legislation does allow Gloucester City Council to impose a 100% levy on Council Tax to those owners of long term empty properties. However, by imposing a 50% premium initially, it is considered that this is a more moderate approach and will give those long term empty owners time to consider their options prior to a more significant increase in April 2020.
- 4.3 At the same time the policy would help address some negative community effects associated through long term empty properties which are more likely to fall into disrepair and be subject to anti-social behaviour, such as squatting or vandalism.
- 4.4 Some long term properties can be a source of complaint before the new proposed council tax measures can be implemented (properties empty for less than two years) and where a property is found to be causing a statutory nuisance, poses a risk to health and safety or is deemed an 'eyesore', the Council can take enforcement action through its regulatory functions including environmental health, planning enforcement and building control
- 4.5 In Gloucestershire, Stroud District Council, Cotswold District Council, Tewkesbury Borough Council and Cheltenham Borough Council all charge the Empty Homes Premium – it is not yet known how many of these will choose to apply the new premium level being introduced from April 2019
- 4.6 Nationally 291 out of 326 local authorities applied an Empty Homes Premium in the 2017/18 year. It is not yet known how many will choose to apply the new premium level being introduced from April 2019

5.0 Alternative Options Considered

- 5.1 The alternative is to do nothing, however, the Council is being proactive in attempting to incentivise Empty Home owners to bring the empty dwellings back into use, whilst also having a positive effect on reducing the anti-social behaviour associated with long term empty properties.

6.0 Future Work and Conclusions

- 6.1 By setting out the policy now, for introduction over the next three financial years, Gloucester City Council would be using the most recent legislation and encouraging those owners of long term empty properties to bring those properties back into use. Gloucester City Council has also recently launched a private landlord incentive scheme to encourage landlords to bring properties back into use.
- 6.2 All potentially affected council tax payers would be written to and the letter would include details of the private landlord incentive scheme

7.0 Financial Implications

- 7.1 There are currently approximately 353 empty homes in Gloucester, which have been empty for more than two years and are unoccupied and substantially unfurnished. If these homeowners took no action to bring their properties back into use, then it is estimated that introducing the lower 50% Empty Homes Premium will generate additional Council Tax income of approximately £225,791.78, of which

Gloucester City Council would retain around £26,000. However, the additional income is likely to be less than this in practice as it is expected that the new premium will have the desired effect to encourage those homeowners to bring their properties back into use instead.

8.0 Legal Implications

8.1 Section 11B Local Government Finance Act 1992 (as amended).
Section 67(2) of the Act provides that the power to decide to introduce a premium can only be exercised by full Council

The Rating (Property in Common occupation) and Council Tax (Empty Dwellings) Act 2018 provides for the premium to be increased as detailed in 3.4 of this report

There is a legal requirement for the Council to publish any decision using these powers in a local newspaper with 21 days of the decision

Contact Officer: peter.lewis@teWKesbury.gov.uk 01684 272012

9.0 Risk & Opportunity Management Implications

9.1 It may be difficult to collect the increased Council Tax due, but all available options will be explored to mitigate this risk

9.2 The premium may be viewed as unnecessarily punitive to empty home owners however this is mitigated by the positive social benefits that would accrue if more empty homes are brought back into use as a result of this policy

10.0 People Impact Assessment (PIA):

10.1 A PIA screening assessment has been undertaken and the assessment is neutral. A full PIA is not required

11.0 Other Corporate Implications

Community Safety

11.1 The Empty Homes Premium should have a positive effect on reducing anti-social behaviour associated with long term empty properties

Sustainability

11.2 Not applicable

Staffing & Trade Union

11.3 Not applicable

Background Documents: None

*data as at 01.12.2018

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Department for
Communities and
Local Government

Council Tax - Empty homes premium

Guidance for properties for sale and letting

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Council Tax - Empty homes premium

Guidance for properties for sale and letting

1. In its summary of responses report, *Technical Reforms to Council Tax: when dwellings should not be liable to the empty homes premium* (November 2012), the government made a commitment to issue guidance to help authorities to reflect the state of the housing market in their decision making process for administering the premium.
2. This guidance paper should not be treated as an interpretation of the legislation or as statutory guidance. Billing authorities are free to make their own decisions when administering the premium.
3. From 1 April 2013, billing authorities may charge a premium on a class of property that has been unoccupied and unfurnished for two years or more. The premium can be up to 50% of the council tax on the property.
4. Under the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, the government has prescribed two classes of dwellings which are exempt from the premium. These are:
 - a dwelling which would otherwise be the sole or main residence of a member of the armed services , who is absent from the property as a result of such service
 - a dwelling, which forms part of a single property that is being treated by a resident of that property as part of the main dwelling
5. While the decision to make a determination under Section 11B of the Local Government Finance Act 1992 is for billing authorities to make, the government would expect that due consideration is given to the health of the local housing market when making determinations.
6. The government's intention behind the decision to provide billing authorities with the power to charge a premium was not to penalise owners of property that is genuinely on the housing market for sale or rent.
7. The government expects billing authorities to consider the reasons why properties are unoccupied and unfurnished, including whether they are available for sale or rent, and decide whether they want such properties to be included in their determination. When considering the reasons an authority may want to take account of the following:
 - on average, how long are properties in their area been available for sale or rent before completion/occupation
 - what is the average price/rent in the local area?
8. The above list is not exhaustive and billing authorities will want to consider all factors they think are relevant before making a decision.

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Local Government Finance Act 2012

- 2012 c. 17
- Council tax
- Section 12

- ## 12 Power to set higher amount for long-term empty dwellings

(1) The LGFA 1992 is amended as follows.

(2) After section 11A insert—

“11B Higher amount for long-term empty dwellings: England

(1) For any financial year, a billing authority in England may by determination provide in relation to its area, or such part of its area as it may specify in the determination, that if on any day a dwelling is a long-term empty dwelling—

(a) the discount under section 11(2)(a) shall not apply, and

(b) the amount of council tax payable in respect of that dwelling and that day shall be increased by such percentage of not more than 50 as it may so specify.

(2) The Secretary of State may by regulations prescribe one or more classes of dwelling in relation to which a billing authority may not make a determination under this section.

(3) A class of dwellings may be prescribed under subsection (2) by reference to such factors as the Secretary of State thinks fit and may, in particular, be prescribed by reference to—

(a) the physical characteristics of, or other matters relating to, dwellings;

(b) the circumstances of, or other matters relating to, any person who is liable to the amount of council tax concerned.

(4) Where a determination under this section has effect in relation to a class of dwellings—

(a) the billing authority may not make a determination under section 11A(3), (4) or (4A) in relation to that class, and

(b) any determination that has been made under section 11A(3), (4) or (4A) ceases to have effect in relation to that class.

(5) A billing authority may make a determination varying or revoking a determination under this section for a financial year, but only before the beginning of the year.

(6) A billing authority which makes a determination under this section must publish a notice of it in at least one newspaper circulating in its area and do so before the end of the period of 21 days beginning with the date of the determination.

- (7) Failure to comply with subsection (6) does not affect the validity of a determination.
- (8) For the purposes of this section, a dwelling is a “long-term empty dwelling” on any day if for a continuous period of at least 2 years ending with that day—
- (a) it has been unoccupied, and
 - (b) it has been substantially unfurnished.
- (9) In determining whether a dwelling is a long-term empty dwelling, no account is to be taken of any one or more periods of not more than 6 weeks during which either of the conditions in subsection (8)(a) and (b) is not met (or neither of them is met).
- (10) The Secretary of State may by regulations substitute a different period, of not less than 6 weeks, for the period which is for the time being specified in subsection (9).”
- (3) In section 11(2) (discounts: no chargeable residents), after “sections 11A” insert “, 11B”.
- (4) In section 11A (discounts: special provision for England), after subsection (4B) (inserted by section 11) insert—
- “(4C) Subsections (3), (4) and (4A) are subject to section 11B(4).”
- (5) In section 13(3) (amounts which may be reduced by regulations), after “section 11, 11A” insert “, 11B”.
- (6) In section 66(2)(b) (matters to be questioned only by judicial review), after “section 8(2), 11A” insert “, 11B”.
- (7) In section 67(2)(a) (functions to be discharged only by authority), after “section 8(2), 11A” insert “, 11B”.
- (8) In Schedule 2 (administration), paragraph 4 (discounts) is amended as follows.
- (9) In sub-paragraph (2), after “discount” (in both places) insert “or increase”.
- (10) In sub-paragraph (3)—
- (a) after “discount” in the first and third places insert “or to an increase”;
 - (b) after “discount” in the second and fourth places insert “or increase”.
- (11) In sub-paragraph (5)(a), for “is subject to a discount of a particular amount; and” substitute “—
- (i) is subject to a discount of a particular amount, or
 - (ii) is not subject to any increase; and”.
- (12) In sub-paragraph (5)(b), for the words from “is not in fact” to “smaller amount,” substitute “—
- (i) is not in fact subject to any discount, or is subject to a discount of a smaller amount, or
 - (ii) is in fact subject to an increase (whether or not the person is aware of the amount of the increase),”.
- (13) After sub-paragraph (6) insert—

“(7)In this paragraph, “increase” means an increase under section 11B(1)(b) (higher amount of tax for empty dwellings).”

(14)In the heading preceding that paragraph, after “Discounts” insert “and increases”.

(15)A determination may be made for the purposes of the section inserted by subsection (2) for a financial year beginning with or after 1 April 2013 (and it does not matter whether the period mentioned in subsection (8) of that section begins before this section comes into force).

the latest amendments to section 11B of the Local Government Finance Act 1992 are in black text below:

(1) For any financial year, a billing authority in England may by determination provide in relation to its area, or such part of its area as it may specify in the determination, that if on any day a dwelling is a long-term empty dwelling—

(a) the discount under section 11(2)(a) shall not apply, and

(b) the amount of council tax payable in respect of that dwelling and that day (“the relevant day”) shall be increased by such percentage of not more than 50 the relevant maximum as it may so specify.

(1A) For the financial year beginning on 1 April 2019 the “relevant maximum” is 100.

As confirmed by One Legal – 03.12.2018

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Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018

CHAPTER 25

Explanatory Notes have been produced to assist in the
understanding of this Act and are available separately

£4.90



Rating (Property in
Common Occupation)
and Council Tax (Empty
Dwellings) Act 2018

CHAPTER 22

For signature, please have the original document
with you when you sign the document.



Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018

CHAPTER 25

CONTENTS

Non-domestic rating in England

- 1 Hereditaments occupied or owned by the same person

Council tax in England

- 2 Higher amount for long-term empty dwellings

General provisions

- 3 Extent, interpretation and short title



Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018

2018 CHAPTER 25

An Act to make provision, where two or more hereditaments occupied or owned by the same person meet certain conditions as to contiguity, for those hereditaments to be treated for the purposes of non-domestic rating as one hereditament; and to increase the percentage by which a billing authority in England may increase the council tax payable in respect of a long-term empty dwelling.

[1st November 2018]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Non-domestic rating in England

1 Hereditaments occupied or owned by the same person

(1) In Part 3 of the Local Government Finance Act 1988 (non-domestic rating), in section 64 (hereditaments), after subsection (3) insert—

“(3ZA) In relation to England, where—

- (a) two or more hereditaments (whether in the same building or otherwise) are occupied by the same person,
- (b) the hereditaments meet the contiguity condition (see subsection (3ZC)), and
- (c) none of the hereditaments is used for a purpose which is wholly different from the purpose for which any of the other hereditaments is used,

the hereditaments shall be treated as one hereditament.

(3ZB) In relation to England, where—

- (a) two or more hereditaments (whether in the same building or otherwise) are—
 - (i) owned by the same person, and
 - (ii) unoccupied,
- (b) the hereditaments—
 - (i) ceased to be occupied on the same day, and
 - (ii) have each remained unoccupied since that day,
- (c) immediately before that day, the hereditaments were, or formed part of, a single hereditament by virtue of subsection (3ZA), and
- (d) the hereditaments meet the contiguity condition (see subsection (3ZC)),

the hereditaments shall be treated as one hereditament.

(3ZC) The hereditaments meet the contiguity condition if—

- (a) at least two of the hereditaments are contiguous, and
- (b) where not all of the hereditaments are contiguous with each other—
 - (i) one or more of the other hereditaments is contiguous with one or more of the hereditaments falling within paragraph (a), and
 - (ii) each of the remaining hereditaments (if any) is contiguous with at least one hereditament that falls within sub-paragraph (i) or this sub-paragraph.

(3ZD) For the purposes of subsection (3ZC) two hereditaments are contiguous if—

- (a) some or all of a wall, fence or other means of enclosure of one hereditament forms all or part of a wall, fence or other means of enclosure of the other hereditament, or
- (b) the hereditaments are on consecutive storeys of a building and some or all of the floor of one hereditament lies directly above all or part of the ceiling of the other hereditament,

and hereditaments occupied or owned by the same person are not prevented from being contiguous under paragraph (a) or (b) merely because there is a space between them that is not occupied or owned by that person.”

- (2) The amendments made by subsection (1) have effect for financial years beginning on or after 1 April 2010.

Council tax in England

2 Higher amount for long-term empty dwellings

- (1) Section 11B of LGFA 1992 (higher amount for long-term empty dwellings: England) is amended as follows.
- (2) In subsection (1)(b) (maximum percentage by which council tax may be increased)—
 - (a) after “that day” insert “(“the relevant day”)", and
 - (b) for “50” substitute “the relevant maximum”.

- (3) After subsection (1) insert—
- “(1A) For the financial year beginning on 1 April 2019 the “relevant maximum” is 100.
- (1B) For the financial year beginning on 1 April 2020 the “relevant maximum” is—
- (a) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is less than 5 years, 100;
 - (b) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is at least 5 years, 200.
- (1C) For financial years beginning on or after 1 April 2021 the “relevant maximum” is—
- (a) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is less than 5 years, 100;
 - (b) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is at least 5 years but less than 10 years, 200;
 - (c) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is at least 10 years, 300.”

(4) The amendments made by subsections (1) to (3) have effect for financial years beginning on or after 1 April 2019 (and it does not matter whether the period mentioned in section 11B(8) of LGFA 1992 begins before this section comes into force).

(5) In this section “LGFA 1992” means the Local Government Finance Act 1992.

General provisions

3 Extent, interpretation and short title

- (1) This Act extends to England and Wales.
- (2) In this Act “financial year” means a period of 12 months beginning with 1 April.
- (3) This Act may be cited as the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018.

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Gloucester City Council

Meeting:	Cabinet Council	Date:	9 January 2019 24 January 2019
Subject:	Local Council Tax Support Scheme 2019/20		
Report Of:	Cabinet Member for Performance & Resources		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	No
Contact Officer:	Alison Bell, Intelligent Client Officer (Revenues and Benefits) Email: alison.bell@gloucester.gov.uk Tel: 396014		
Appendices:	1. Gloucester City Council Local Council Tax Support Scheme for 2019/20		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To seek approval to retain the Local Council Tax Support Scheme (LCTS) for 2019/20.

2.0 Recommendations

- 2.1 **Cabinet** is asked to **RECOMMEND** that the current Local Council Tax Support scheme as the approved scheme for Gloucester City Council in 2018/19 be adopted for 2019/20.
- 2.2 **Council** is asked to **RESOLVE** that the current Local Council Tax Support scheme as the approved scheme for Gloucester City Council in 2018/19 be adopted for 2019/20.

3.0 Background

Members will be aware that the current LCTS scheme was adopted and approved at the meeting of full Council of 25th January 2018.

- 3.1 Council Tax charges are the means by which local residents make a contribution towards the cost of local services.
Prior to April 2013 Council Tax Benefit was administered under a national scheme set by Central Government which allowed eligible local residents to claim up to 100% reduction from their Council Tax bill – subject to legislative and means tested income requirements. The Council were able to receive full funding from the Government to cover all of the Council Tax Benefit awards made.
- 3.2 From April 2013 Council Tax Benefit was abolished and replaced with a Local Council Tax Reduction scheme. Any person who is liable to pay Council Tax can

apply for a reduction in their Council Tax under the Local Council Tax Reduction scheme. The scheme is not legislated by Central Government, rather each local authority now has its own scheme. Central Government no longer fully funds this locally administered award, as there was an expectation that Local Authorities would amend their local schemes to fund the shortfall

- 3.3 Our neighbouring districts plans have been considered whilst drafting this report, some are reshaping their schemes for 2019-20, whilst others are retaining their old schemes
- 3.4 Gloucester City Council intends to retain its existing scheme for the 2019/20 financial year
- 3.4 **Pension Age Customers** - It is important to note that those customers who are of a pension age are **NOT** affected as Council Tax support for pensioners was never localised and remains under the jurisdiction of a national scheme
- 3.5 **War pensions income:** To note, we will continue to disregard £10 of the War disablement pensions and war widows pensions and in addition will disregard the remainder of the War disablement element of a war pension and the war widows element of a war widows pension, when assessing a reduction under the local Council Tax Support scheme.

4.0 Financial Implications

- 4.1 The financial implications are contained in the body of the report – Appendix 1.

5.0 Legal Implications

- 5.1 The Welfare Reform Act 2012 abolished Council Tax Benefit and instead required each authority to design a scheme specifying the reductions which are to apply to amounts of Council tax.

The Local Council Tax Support 'LCTS' scheme is required under Section 13A of the Local Government Finance Act 1992 ("the Act") (updated by the Local Government Finance Act 2012). The Act states that for each financial year, councils must consider whether to revise their LCTS scheme or replace it with another scheme.

The prescribed regulations set out the matters that must be included in such a scheme. Before making any changes, under Section 40 of the Act, the Council must, in the following order:

1. Consult with any major precepting authorities
2. Publish the draft scheme
3. Consult other parties likely to have an interest in the scheme

- 5.2 Pensioners (those over state pension age) are protected from any changes, but otherwise the Council has discretion to decide how it wishes to design its scheme to cover any shortfall, in accordance with the prescribed requirements.

5.3 The deadline for making decisions is now 11 March in the financial year preceding that for which the revision or replacement scheme is to take effect (under Para 5, Schedule 1A of the Act). If the Council does not make/revise a LCTS scheme by 11 March 2019, a default scheme will be imposed on the Council which will be effective from April 2019.

Contact officer: peter.lewis@tewkesbury.gov.uk 01694 272012

6.0 Reasons for Recommendations

6.1 Having a local Council Tax Support Scheme is a statutory function.

7.0 Alternative Options Considered

7.1 None

8.0 Risk & Opportunity Management Implications

8.1 Potential risks as a result of this report are potential income shortfall

9.0 People Impact Assessment (PIA):

9.1 A PIA screening assessment has been undertaken and the assessment is neutral. There is no evidence to suggest that continuing with that scheme will unfairly affect any particular group of persons. A full PIA is not required

10.0 Other Corporate Implications

Community Safety

10.1 None

Sustainability

10.2 None

Staffing & Trade Union

10.3 None

Background Documents: None

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Gloucester City Council – Local Council Tax Support scheme 2019/20

Introduction

Gloucester City Council adopted the Council Tax Reduction Scheme (Default Scheme)(England) Regulations 2012 when Council Tax Benefit was abolished in 2013. Since then, Gloucester City have run a Local Council Tax Support Scheme which broadly supports claimants at the same level that would have been available under Council Tax Benefit.

A Local Council Tax Support scheme which included some alignment of reforms to Housing Benefit and Universal Credit changes was approved by Council in January 2017 to come into place from 1st April 2017.

Gloucester City Council is to continue with this scheme for 2019/20. This document outlines the amendments that have been made to the scheme since 2013 which lie outside of the Council Tax Reduction Scheme (Default Scheme)(England) Regulations 2012.

Gloucester City Council scheme for 2019/20

Our local Council Tax Support scheme for 2019/20 will continue to be based on The Council Tax Reduction Scheme (Default Scheme) (England) Regulation 2012 and The Council Tax Reduction Schemes (Prescribed Requirements) (England) 2012 for those of state pension credit age.

- Personal allowances and premiums will be increased in line with the changes in the statutory housing benefit scheme for working age claimants each year,
- Earned income disregards will be increased in line with the statutory housing benefit scheme,
- For non-dependant deductions, both the 'income brackets' for non-dependants' incomes, and the amounts of non-dependant deductions, will be increased in line with the increases in the prescribed requirements for pension age claimants.
- For 'alternative maximum second adult reduction' the 'income brackets' for the income of second adults will be increased in line with the increases in the prescribed requirements for pension age claimants.

Universal Credit

Universal Credit full service was introduced in Gloucester on 21st February 2018. This implementation has not required Gloucester City Councils scheme to change as The Council Tax Reduction Scheme (Default Scheme) (England) Regulation 2012 and Universal Credit Regulations 2013 continue to apply in the same way.

However regarding a change in circumstances, if in receipt of Universal Credit, Gloucester City Council has introduced a tolerance level by which changes in circumstances that affect Universal Credit entitlements of up to £40 a month will be ignored for the purposes of reassessing any Council Tax Support entitlement. This

includes both increases and decreases in entitlement and these changes will not be actioned by default. The claimant can request at any time that changes of this level in their Universal Credit are processed for the purpose of Council Tax Support if required, and recalculation of their Council Tax billing be processed.

This has been introduced to help create simplicity for the customer and avoid unnecessary administrative complications to those whose Universal credit entitlement may fluctuate regularly and by small amounts which will generate recalculation of Council Tax Support and a rebilling of Council Tax.

Some specific provisions were added to our LCTS scheme in 2013/14. These additional provisions remain unchanged since then and remain present as part of the scheme for 2018/19:

- **War pensions income** - We will continue to disregard the statutory £10.00 per week of the War disablement pensions and War widows pensions, and in addition the Council will disregard the remainder of the 'War Disablement Pension' element of a war pension and the 'War Widows pension' element of a war widows pension, when assessing a reduction under the local Council Tax Support scheme.
- **Overpayment of a reduction** - When we calculate whether we have overpaid a recipient for a reduction under the local Council Tax Support scheme, we will offset any Council Tax Support that would have been due for the same period as the overpayment, had we been aware of the true circumstances of the claimant at that time (this is called 'underlying entitlement'). It is the responsibility of the claimant to request offsetting and to provide the information necessary to enable a calculation of underlying entitlement to be made.

Some changes are required by law and are set by government. Most of the changes the Council has decided to make to its working age council tax support scheme to date are intended as a way of taking account of inflation and mirroring changes being made in the statutory Housing Benefit regulations 2006 and the Universal Credit Regulations 2013.

Some changes cannot be automatically adopted into the scheme and the changes we have adopted into the Local Council Tax Support scheme for 2017/18 were consulted on and approved by Council. No changes that require consultation are being made for 2018/19.

Changes to the scheme from 1st April 2017

Restrictions on Amounts for Children and Qualifying Young persons

From 1st April 2017 a limit to the number of personal allowances which can be included in the applicable amount for Council Tax Support in respect of children and young people will be introduced. These changes are in line with Child Tax Credit reductions announced in the Summer Budget of 2015 which in turn affect the applicable amounts for Housing Benefit.

The limit to support no more than 2 children will apply to all new entitlements to Council Tax Support arising on or after 1st April 2017, or where in an existing case, a new child or young person becomes part of the family on or after that date, they are not included in the assessment for Child Tax Credits.

The restriction only applies to the personal allowances for the children/young people to be included in the applicable amounts for Council Tax Support. If there are more than 2 children as part of an existing decision for Child Tax Credits, the restriction will not apply and the Council Tax Support decision will follow the Child Tax Credit award. As the general rule, there will be no cases where the applicable amount is more or less than that Child Tax Credit award.

Abolition of the Family Premium and limiting backdating

In April 2016 Housing Benefit regulations were amended to remove the family premium for all new Housing Benefit entitlements and restrict all working age backdated claims to 1 calendar month.

From 1st April 2017 our Council Tax Support scheme will incorporate the restriction to the family premium for all new claims (including those of state pensionable age) and those who become responsible for a child (under 16) or young person (under 20) for the first time after 31st March 2017. This change also means that those who cease to have responsibility for any children or young people will then not be able to regain the family premium in the future if they become responsible again for any children or young persons.

Backdating will be restricted to 1 month for all working age claims. The good cause provisions remain in place and claimants will need to continue to demonstrate good cause throughout the period which they are requesting backdating in all cases.

Temporary Absence Amendments

Continuing alongside the changes to Housing Benefit regulations, in July 2016 a reduction of the allowable period of temporary absence outside of Great Britain was reduced from 13 weeks to 4 weeks.

Following this, from 1st April 2017 this restriction will also apply to those who claim Council Tax Support and who are temporarily absent from Great Britain for more than 4 weeks. The entitlement to Council Tax Support will cease from the date they depart Great Britain in line with Housing Benefit regulations if the date they intend to return home is outside these provisions.

Note: GB includes England, Scotland and Wales. Northern Ireland, the Channel Islands and the Isle of Man are not part of GB for HB or LCTS purposes and therefore, any absences to those areas should be considered under the new absence from GB provisions.

Legislative requirements

The Government has also set out rules in the following Regulations:

- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, which protect claimants of state pension credit age;

- Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
- Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013

These Regulations are available on the following website: <http://www.legislation.gov.uk>

The 'Prescribed Requirements' regulations detail how Council Tax Support will be worked out for people of state pension credit age. In designing a local Council Tax Support scheme for people of state pension credit age, local authorities must include the provisions of the council tax reduction schemes 'Prescribed Requirements' regulations.

The Council Tax Reduction Schemes (Default Scheme) (England) 2012 Regulations include all of the provisions of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, ensuring that claimants of state pension credit age are protected, and they also made provision for deciding CTS entitlement for working age claimants.

If you have any questions about our scheme please contact the Council on benefits@gloucester.gov.uk, or on 01452 396396.



Meeting:	Cabinet	Date:	9 January 2019
Subject:	Regulation Of Investigatory Powers Act 2000 (RIPA) – Review of Procedural Guide 2018 and Six Monthly Report		
Report Of:	Cabinet Member For Performance And Resources		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Jon Topping, Head of Policy & Resources		
	Email: jon.topping@gloucester.gov.uk	Tel:	396242
Appendices:	1. RIPA Procedural Guidance (to follow)		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To report to Cabinet on the Council’s use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

2.0 Recommendations

2.1 Cabinet is asked to **RESOLVE** that the six monthly update on the use of RIPA powers be noted.

3.0 Background and Key Issues

3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into force in 2000. Both the legislation and Home Office Codes of Practice strictly prescribe the situations in which and the conditions under which councils can use their RIPA powers. All authorities are required to have a RIPA policy and procedure that they adhere to in using their RIPA powers.

3.2 The Council reviews and updates its RIPA policy annually. The procedure requires the use of RIPA powers to be reported to Cabinet on a six monthly basis.

3.3 Since the last report to Cabinet, the Council has not used its RIPA powers and there are no further actions to report at this stage.

3.4 The RIPA Procedural Guidance is currently being updated in line with changes in legislation and when completed will be presented to Cabinet

4.0 Alternative Options Considered

4.1 The Council still has and can make use of other investigatory powers, such as overt surveillance, when investigating potential criminal offences, but must comply with RIPA when it carries out Directed Surveillance or CHIS. There are therefore no real alternative options relevant to the Council's use of its RIPA powers.

5.0 Reasons for Recommendations

5.1 No action is required and the recommendation is therefore for Council to note the Council's use of its RIPA powers.

6.0 Future Work and Conclusions

6.1 Further revisions to the Procedural Guide may be required, depending on any changes to the legislation or statutory Home Office Guidance.

7.0 ABCD Implications

7.1 There are no ABCD implications arising out of this report.

8.0 Financial Implications

8.1 There are no financial implications arising out of this report.

9.0 Legal Implications

9.1 The legal implications are set out in the main body of the report.

10.0 Risk & Opportunity Management Implications

10.1 Reporting on the Council's use of its RIPA policy and procedure helps to ensure that the Council's use of its powers remain appropriate.

11.0 People Impact Assessment (PIA):

11.1 The RIPA legislation requires the Council to give substantial consideration to the people impact of using its RIPA powers each and every time a RIPA application is authorised.

11.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

12.0 Other Corporate Implications

Community Safety

12.1 The use of RIPA powers by the Council can contribute to ensuring community safety.

Sustainability

12.2 There are no sustainability implications arising out of this report.

Staffing & Trade Union

12.3 There are no staffing implications arising out of this report.

Press Release drafted/approved

12.4 Not applicable for this report.

Background Documents:

Investigatory Powers Act 2016

Protection of Freedoms Act 2012

Gloucester City Council Regulation of Investigatory Powers Act 2000 Procedural Guide

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