

## Appendix 1

### Proposed Changes to The Guildford Borough Council (Council Tax Reduction Scheme) (Persons who are not Pensioners) for 2018-19

#### 1. Personal Allowances

Column (1) - Person or couple	2017 Amount	Amount Proposed 2018
(1) A single claimant who -	(1)	(1)
(a) Is entitled to main phase employment and support allowance	(a) £71.70	(a) £73.10
(b) Is aged not less than 25	(b) £71.70	(b) £73.10
(c) Is aged not less than 18 but less than 25	(c) £56.80	(c) £57.90
(2) Lone Parent	(2) £71.70	(2) £73.10
(3) Couple	(3) £112.55	(3) £114.85

Column (1) - Child or young person	Column (2) – Amount 2017	Column (2) – Amount Proposed 2018
Person in respect of the period -		
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£65.62	£66.90
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday	£65.62	£66.90

#### 2. Premiums

##### Family premium

Where the Family Premium still applies and the applicant is not a lone parent the proposal is to increase the premium from £17.40 to £17.45.

##### Other premiums

17. Premium	Amount 2017-18	Proposed 2018-19
(1) Disability Premium—	(1)	(1)
(a) where the applicant satisfies the condition in paragraph 9(a);	(a) £31.00	(a) £32.55
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) £44.20	(b) £46.40
(2) Severe Disability Premium	(2)	(2)
(a) where the applicant satisfies the condition in	(a) £59.50	(a) £62.45

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paragraph 11(2)(a);		
(b) where the applicant satisfies the condition in paragraph 11(2)(b)—		
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 11(5);	(b)(i) £59.50	(b)(i) £62.45
(ii) in a case where there is no-one in receipt of such an allowance	(b)(ii) £119.00	(b)(ii) £124.90
(3) Disabled Child Premium	(3) £57.89 in respect of each child or young person in respect of whom the condition specified in paragraph 13 of Part 3 of this Schedule is satisfied	(3) £60.90 in respect of each child or young person in respect of whom the condition specified in paragraph 13 of Part 3 of this Schedule is satisfied
(4) Carer Premium	(4) £33.30 in respect of each person who satisfies the condition specified in paragraph 14.	(4) £34.95 in respect of each person who satisfies the condition specified in paragraph 14.
(5) Enhanced Disability Premium	(5)	(5)
	(a) £23.45 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied	(a) £24.78 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied
	(b) £15.15 in respect of each person who is neither	(b) £15.90 in respect of each person who is neither
	(i) a child or a young person; nor	(i) a child or a young person; nor
	(ii) a member of a couple or a polygamous marriage	(ii) a member of a couple or a polygamous marriage
	In respect of whom the conditions specified in paragraph 12 are satisfied	In respect of whom the conditions specified in paragraph 12 are satisfied
	(c) £21.75 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage	(c) £22.85 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage

### Part 6 - Amount of components

	Amount 2017-18	Proposed 2018-19
18. The amount of the work-related activity component is	28.45	29.05
19. The amount of the support component is	34.80	36.55

### 3. Non-Dependant Deductions

	Amount 2017-18	Proposed 2018-19
(1) Subject to the following provisions of this paragraph, the non-dependant deduction in respect of a day referred to in		

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paragraph 47 is -		
(a) in respect of a non-dependant aged 18 or over in remunerative work,	£11.36 x 1/7	£11.55 x 1/7
(b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply,	£3.74 x 1/7	£3.80 x 1/7
(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is		
(a) less than X, the non-dependant deduction to be made under this paragraph is the amount specified in sub-paragraph (1)(b)	X £189.00	X £196.95
(b) not less than X but less than Y, the non-dependant deduction to be made under this paragraph is b;	X £189.00 Y £328.00 b £7.52	X £196.95 Y £341.40 b £7.65
(c) not less than Y but less than Z, the non-dependant deduction to be made under this paragraph is	Y £328.00 Z £408.00 c £9.49	Y £341.40 Z £424.20 c £9.65

### 4. Increase the minimum income floor for Self Employed

In 2016 we introduced a minimum income floor into our local scheme. We based the minimum income floor on the National Minimum Wage Regulations 2015. Since then the National Minimum Wage has increased, but our rate remained frozen.

To maintain fairness and clarity we propose that the National Minimum Wage should increase to the level current at 1 January prior to the Scheme start date.

The revised scheme rule will be as follows. Bold text indicates new or changed text.

#### 54. Average weekly earnings of self-employed earners

(4) The “minimum income floor” is the amount that a person of the same age as the claimant would be paid for thirty-five hours work per week at the hourly rate applicable under Regulation 4 of the National Minimum Wage Regulations 2015 **(as amended and in force on 1 January preceding this scheme’s effective start date)** minus-

### 5. Backdating

From 1 April 2016, the maximum period for which Housing Benefit claims could be backdated for working age claimants reduced from six months to one month.

We propose to reduce backdating for Local Council Tax Support from 1 April 2018 from the existing three months to one month.

The revised scheme rule will be as follows. Bold text indicates new or changed text.

#### 106. Back-dating of applications

(1) Where an applicant—

(a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and

(b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with sub-paragraph (2).

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- (2) That date is the latest of—
- (a) the first day from which the applicant had continuous good cause;
  - (b) the day **one** calendar **month** before the date the application was made;
  - (c) the day **one** calendar **month** before the date when the applicant requested that the application should include a past period.

### 6 Family Premium

The family premium has been excluded from the Housing Benefit applicable amount for new entitlements to Housing Benefit beginning on or after 1 May 2016 or for any existing claimants who have a child or become responsible for a child (under 16) or young person (under 20) for the first time after 30 April 2016.

We propose to introduce the same exclusion for Local Council Tax Support from 1 April 2018

The revised scheme rule will be as follows. Bold text indicates new text.

#### Part 2 - Family premium

4. (1) The amount for the purposes of paragraphs 44(1)(c) and 45(1)(d) in respect of a family of which at least one member is a child or young person shall be—
- (a) where the applicant is a lone parent to whom sub-paragraph (2) applies, £22.20;
  - (b) in any other case, where sub-paragraph (5) applies £17.45.**
  - (c) in all other cases £nil**
- (2) The amount in sub-paragraph (1)(a) shall be applicable to a lone parent—
- (a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under paragraph 3(1)(a) of Schedule 1 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 as in force on that date; or
  - (b) on becoming entitled to council tax benefit where that lone parent—
    - (i) had been treated as entitled to that benefit in accordance with sub-paragraph (3) as at the day before the date of claim for that benefit; and
    - (ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006,and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.
- (3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—
- (a) the applicant has not ceased to be entitled, or has not ceased to be treated as entitled, to:
    - (i) council tax benefit (in relation to the period prior to 1st April 2013), and
    - (ii) a reduction under this scheme (in relation to the period commencing on 1st April 2013);
  - (b) the applicant has not ceased to be a lone parent;
  - (c) where the applicant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or income-related employment and support allowance or a combination of those benefits;
  - (d) where the applicant was not entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has not become entitled to income support, an income-based jobseeker's allowance or an income-related employment and support allowance; and
  - (e) a premium under paragraph 9 or a component under paragraph 21 or 22 has not become applicable to the applicant.
- (4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), an applicant is to be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and—
- (a) throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 3 to the Housing Benefit Regulations 2006 (lone parent rate of family premium); or
  - (b) he would have been awarded housing benefit during that period had that period not been a rent free period

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as defined in regulation 81 of the Housing Benefit

Regulations 2006 and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 3 to those Regulations.

**(5) The amount in sub-paragraph (1)(b) shall be applicable where a person who, on 31 March 2018, is liable to pay council tax at a reduced rate by virtue of a council tax reduction under The Guildford Borough Council (Council Tax Reduction Scheme) (Persons who are not Pensioners) 2017 scheme, and is**

**(a) a member of a family of which at least one member is a child or young person; or**

**(b) a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.**

**(6) Paragraph (5) does not apply if—**

**(a) sub-paragraph (a) or (b) of that paragraph ceases to apply; or**

**(b) the person makes a new application for a reduction under The Guildford Borough Council (Council Tax Reduction Scheme) (Persons who are not Pensioners) 2017 scheme or later.**

### **7. Temporary absence outside Great Britain**

From 28 July 2016 the allowable period of temporary absence outside Great Britain for Housing Benefit claims reduced from 13 weeks to 4 weeks.

We propose to reduce the allowable period of temporary absence outside Great Britain for Local Council Tax Support from 1 April 2018 to 4 weeks. The revised scheme rule will be as follows. Bold text indicates new text.

#### **40. Periods of absence from a dwelling<sup>39</sup>**

(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In sub-paragraph (1), a “period of temporary absence” means -

a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation **in Great Britain** where and for so long as -

(i) the person resides in that accommodation;

(ii) the part of the dwelling in which he usually resided is not let or sub-let; and

(iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

(b) **subject to subparagraph (2B), a period of absence within Great Britain** not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as -

(i) the person intends to return to the dwelling;

(ii) the part of the dwelling in which he usually resided is not let or sub-let; and

(iii) that period is unlikely to exceed 13 weeks;

(c) **subject to sub-paragraph (2D), a period of absence within Great Britain** not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as -

(i) the person intends to return to the dwelling;

(ii) the part of the dwelling in which he usually resided is not let or sub-let;

(iii) the person is a person to whom sub-paragraph (3) applies; and

(iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period, **and**

**(d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as—**

**(i) the person intends to return to the dwelling;**

**(ii) the part of the dwelling in which he usually resides is not let or sub-let; and**

**(iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.;**

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**(2A)** The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

**(2B)** Where—

- (a)** a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b)** that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
- (c)** at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

**(2C)** The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

**(2D)** Where —

- (a)** a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b)** that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
- (c)** at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

**(2E)** This sub-paragraph applies where—

- (a)** a person is temporarily absent from Great Britain;
- (b)** immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

**(2F)** If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

- (a)** the person's partner or a child or young person for whom the person or the person's partner is responsible;
- (b)** the person's close relative;
- (c)** the close relative of the person's partner; or
- (d)** the close relative of a child or young person for whom the person or the person's partner is responsible,

then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in subparagraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).;

**(3)** This sub-paragraph applies to a person who -

**(a)** is a person to whom sub-paragraph (3A) applies

- (i)** in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
- (ii)** in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;
- (b)** is resident in a hospital or similar institution as a patient;
- (c)** is undergoing, or whose partner or dependent child is undergoing, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d)** is following a training course;
- (e)** is undertaking medically approved care of a person;
- (f)** is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g)** is receiving medically approved care provided in accommodation other than residential accommodation;
- (h)** is a student;
- (i)** is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
- (j)** has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

**(3A)** This sub-paragraph applies to a person ("P") who is—

- (a)** detained in custody on remand pending trial;
- (b)** detained pending sentence upon conviction; or
- (c)** as a condition of bail required to reside—

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- (i) in a dwelling, other than a dwelling P occupies as P's home; or
- (ii) in premises approved under section 13 of the Offender Management Act 2007, and who is not also detained in custody following sentence upon conviction.

**(3B) This sub-paragraph applies where—**

- (a) a person is temporarily absent from Great Britain;**
- (b) the person is a member of Her Majesty's forces posted overseas, a mariner or a continental shelf worker;**
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.**

**(3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—**

- (a) the person intends to return to the dwelling;**
- (b) the part of the dwelling in which he usually resided is not let or sub-let;**
- (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.**

**(3D) This sub-paragraph applies where—**

- (a) a person is temporarily absent from Great Britain;**
- (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of subparagraph (3);**
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.**

**(3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—**

- (a) the person intends to return to the dwelling;**
- (b) the part of the dwelling in which he usually resided is not let or sub-let;**
- (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.**

**(3F) This sub-paragraph applies where—**

- (a) a person is temporarily absent from Great Britain;**
- (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);**
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.**

**(3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—**

- (a) the person intends to return to the dwelling;**
- (b) the part of the dwelling in which he usually resided is not let or sub-let;**
- (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.**

**(4) This sub-paragraph applies to a person who is -**

- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and**

**(b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952(86) or the Prisons (Scotland) Act 1989(87).**

**(5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release -**

- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;**
- (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;**
- (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.**

**(6) In this paragraph -**

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**“continental shelf worker”** means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

**“designated area”** means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

**“mariner”** means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

**“medically approved”** means certified by a medical practitioner;

**“member of Her Majesty’s forces posted overseas”** means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces; and

**“patient”** means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

**“prescribed area”** means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

**“residential accommodation”** means accommodation which is provided in -

(a) a care home;

(b) an independent hospital;

(c) an Abbeyfield Home; or

(d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

**“training course”** means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.