

Policy on Residency (occupation) requirements to Qualify for Local Council Tax Support in Tendring District Council's jurisdiction.

1. Introduction

The aim of this policy is to ensure that from 1 April 2013 Local Council Tax Support (**LCTS**) is only paid to those claimants who have resided in this Council's jurisdiction for at least 5 years. Anyone of working age who moves into this area will not normally be considered as eligible for LCTS until after 5 years from the commencement of their occupation of accommodation in this area.

Persons who are classified as being of pensionable age are automatically exempt from this policy.

Any LCTS awarded will be subject to the conditions of the whole LCTS scheme agreed by the Council.

2. Aims of this policy.

The main aims of limiting qualification for LCTS to those who have long term connection with this area is to

- Prevent those of working age who have no long term connection with the area gaining access to the limited funds available to the local authority for those who are in need of financial support currently residing in this area, and in particular to limit assistance to those who may move to the area to specifically benefit from the scheme.
- To encourage those of working age to find employment
- To deter people in other areas from coming to the Tendring area without being able to contribute economically to the District.

3. Background

In the Spending Review 2010, the Government announced that it would localise financial support for council tax from 1 April 2013. This meant that Council Tax Benefit (CTB), the means of helping people on low incomes meet their Council Tax obligations, is replaced by a new localised support scheme. Contrary to the national CTB scheme, these local support schemes have to be designed, implemented and managed by individual local authorities from 1 April 2013.

The main points of the reform are:

- The amount of funding provided to local authorities to run a localised scheme will be at least 10% less than the amount previously available to spend on the outgoing national CTB scheme.
- Continued support for pensioners who will not be affected as under CTB.

- The local scheme rules will only apply to working age people.

4. Criteria for LCTS award

A claim will be considered on the condition that the working age claimant has continuously occupied a property (or properties if the claimant has moved) within Tendring District Council's jurisdiction for at least 5 years and that the amount of support given to any individual will be subject to the conditions of the whole scheme

This condition will be met if the person making a claim can provide evidence that they have occupied a dwelling continually for at least 5 years in the Tendring District Council area.

Evidence will be verified against such records as the electoral roll, council tax records, and any other council records that are deemed to be relevant.

Where necessary the claimant will be asked to provide additional evidence to support their claim from their own personal records such as water rates, utilities, bank records etc.

The above lists are neither exclusive nor exhaustive.

5. Exemptions from this policy

a) Physically and / or mentally unable to work.

- Those who are in receipt of Personal Independence Payment.
- Those in receipt of Disability Living Allowance receiving Care Component and / or Mobility Component.
- Those in receipt of Employment Support Allowance award classification circumstance is "Support Group".
- Those in receipt of Incapacity Benefit higher rate and / or long-term rate.

b) Redundancy

- Has been in paid employment working at least 16 hours per week for at least 6 months and has been made redundant. LCTS will be allowed for 6 months from the date of the claim is made and will be based upon the qualifying criteria in force during the financial year in which the claim is made.

c) Armed forces and emergency service personnel.

- Where residential occupation comes about as a consequence of the local authority discharging its duty as part of its armed forces criteria within its housing policies and the claimant is placed into Social Housing.
- Where personnel have purchased their own property from their own resources as an owner occupier.
- Part-time Lifeboat, Fire Service, Coast guard services are included in this category.

d) Fleeing Domestic violence

- Victims of domestic violence; racial harassment amounting to violence or threats of violence; same sex couples who are victims of harassment amounting to violence or threats of violence;
- Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.

e) Tendring Housing Service

- **Homelessness**

Where this local authority has to meet its statutory obligation on a homelessness application under the homelessness legislation.

- **Mutual Exchanges**

All secure council and assured housing association tenants have an unfettered right to exchange homes subject to their respective landlords' permission.

6. Exceptional hardship

Any household that can demonstrate that they would suffer extreme or exceptional hardship by not having LCTS. The Exceptional Hardship Policy covers the considerations to assist applicants for Council Tax Support who are facing 'exceptional hardship'.

7. Appeals

Appeals against an officer decision will be dealt with by the Valuation Tribunal. The Valuation Tribunal is an independent legal body, which means its decisions are not influenced by the council.