

Report to the Cabinet

Report reference: C-068-2012/13
Date of meeting: 11 March 2013



**Epping Forest
District Council**

Portfolio: Finance and Technology
Subject: Review of the Housing Benefit Local Scheme
Responsible Officer: Janet Twinn (01992 564215).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) To approve a 100% disregard of War Pensions, War Widow's Pensions, War Widower's Pensions and Armed Forces Compensation Payments or any other successor scheme in the calculation of Housing Benefit.

Executive Summary:

The Members of Epping Forest District Council resolved to adopt a modification to the Housing Benefit scheme at a Council meeting on 4 July 1989. The adopted Local Scheme allows for 100% of any War Pension or War Widow's Pension to be disregarded in the calculation of Housing Benefit entitlement. Since that time there has not been a review of the Local Scheme and there is therefore no resolution to disregard any Armed Forces Compensation Payments which have replaced War Pension payments.

Reasons for Proposed Decision:

The resolution by Members to disregard 100% of War Pensions and War Widow's Pensions has not been reviewed for many years and a new resolution is required to enable Armed Forces Compensation Payments to also be fully disregarded.

Other Options for Action:

The Council could choose not to modify the Housing Benefit scheme and to disregard only the statutory £10.00 per week from any War Pension or Armed Forces Compensation Scheme. Alternatively Members could adopt a scheme whereby a percentage of less than 100% of the pension is disregarded.

Report:

1. When calculating Housing Benefit entitlement, the Housing Benefit Regulations 2006 provide for the first £10.00 of income from any War Pension, War Widow's/Widower's Pension or Armed Forces Compensation Payment to be disregarded in the calculation. Section 134(8)(a) of the Social Security Administration Act 1992 allows Local Authorities to modify the Housing Benefit scheme so as to disregard more than the statutory £10.00 disregard of these pensions. Where there is a modified scheme, the cost of the scheme is borne by the Local Authority. This is the only area of the Housing Benefit scheme where a Local Authority can modify the statutory scheme and the majority of other Local Authorities

operate a 100% disregard.

2. The Armed Forces Compensation Payments were introduced in 2005 to replace the old War Pension scheme. As the current resolution does not allow for these payments to be disregarded, the scheme has been reviewed and Members are asked to confirm that 100% of any War Pension, War Widow's Pension, War Widower's Pension, and Armed Forces Compensation Payment be disregarded in the calculation of Housing Benefit.

3. The number of war pensioners and war widows benefiting from the scheme has decreased over the years. However, with the recent conflicts in the middle east, the numbers could rise again and we may receive claims from ex-service personnel receiving an Armed Forces Compensation Payment. To date, we have not received any claims where the claimant is receiving an Armed Forces Compensation Payment. We have only had claims from people who receive either a War Pension or a War Widow's Pension. There are currently only 2 Housing Benefit claimants that benefit from the disregard, both of whom receive a War Pension.

4. The Local Council Tax Support Scheme adopted by the Council on 18 December 2012 provides that 100% of any War Pension, War Widow's Pension, War Widower's Pension or Armed Forces Compensation Payment is disregarded in the calculation.

Resource Implications:

The cost of the Local Scheme to the Authority in 2012/13 is expected to be in the region of £5,500.

Legal and Governance Implications:

A modification to the Housing Benefit scheme in respect of any form of war pension disregard, can only be adopted by resolution of the Authority.

Safer, Cleaner and Greener Implications:

There are no specific implications.

Consultation Undertaken:

None.

Background Papers:

Council minute 23(7) 4 July 1989.

Impact Assessments:

Risk Management

The 100% disregard of these pensions assists ex-service personnel who have been injured in conflict to maintain affordable housing.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.