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Nottinghamshire  
Welfare Rights  
Service  
Training Programme  
1989 – 1990

# THE COMMUNITY CHARGE (Poll Tax)





AN

INTRODUCTION

TO THE POLL TAX

Giles Blower

Sheila Hyde

Tracey Parker

John Hannam

Nottinghamshire Welfare Rights Service  
Social Services Department, County Hall

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THE POLL TAX: COURSE OUTLINE

9.30	Introduction	standard collective personal business rate unified
10.00	The Register	omissions public access issues
10.15	Collection	billing payment liability
10.45	Exemptions	
11.00	Tea Break	
11.15	Appeals	
11.30	Enforcement	
	Civil Penalties	
12.15	Rebates	
1.00	End	



### INTRODUCTION

This training pack is one of twenty produced by NWRS as part of its "core" courses on welfare law.

The Poll Tax is a new course for 1990. The pack is comprehensive and extensive because no suitable guide to this area existed at the time of writing. However, we gratefully acknowledge the help of the Child Poverty Action Group in the preparation of this pack.

The authors would welcome any comments on ways in which this pack could be improved. Comments should be sent to Saul Becker, Senior Welfare Rights Officer (Training), County Hall, West Bridgford, Nottingham.

Giles Blower, Sheila Hyde, Tracey Parker and John Hannam  
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List of Abbreviations used in this Guide

CA	Charging Authority
CCB	Community Charge Benefit
CCC	Collective/Community Charge
CCRO	Community Charge Registration Officer
CL	Community Charge
DSS	Department of Social Security
FC	Family Credit
HB	Housing Benefit
HBRB	Housing Benefit Review Boards
IS	Income Support
JSL	Joint and Several Liability
LA	Local Authority
NHS	National Health Service
PCC	Personal Community Charge
SCC	Standard Community Charge
SMI	Severe Mental Impairment
SSAT	Social Security Appeal Tribunals
UB	Unemployment Benefit
UBR	Uniform Business Rate
VCCT	Valuation and Community Charge Tribunal

The Law

The Local Government Finance Act 1988.

The Community Charges (Administration and Enforcement Regulations 1989.

The Social Security Act 1986 (as amended)

The Community Charge Benefits (General) Regulations 1989.

The Community Charge Benefits (Transitional) Order 1989.

Official Guidance

Community Charge Practice Notes (Series by DoE)

Report by the Social Security Advisory Committee on Community Charge (General) Regulations 1989 (HMSO, 1989)

DSS Circular HB/CCB(89)16: Community Charge Benefits (General) Regulations 1989 and Community Charge Benefits (Transitional) Order 1989 (6/9/89/)

DSS Circular HB/CCB(89)17: Community Charge Arrears - Deductions from income support (13/9/89/)

DSS Circular HB/CCB(89)18: Community Charge Benefits - Liaison arrangements (22/9/89/)



Other Publications

LGIU Guide to the Poll Tax (LGIU, 1989)

A Tax On All The People (CPAG, 1987)

Ability To Pay? - The Government's Proposals for Poll Tax Rebates  
(AMA/CPAG/LGIU, 1989)

A Charge on the community - The Poll Tax, Benefits and the Poor  
(CPAG/LGIU, 1989)

Association of Metropolitan Authorities - Practice Guide.



## 1. Introduction to the Poll Tax

The Poll Tax is made up of 3 different taxes. The Personal Community Charge, The Standard Community Charge and the Collective Community Charge. It is collected by "Charging Authorities" who are Local Housing Authorities in England and Wales.

### The Personal Community Charge

All adults aged 18 or over, while "solely or mainly resident" in an area are expected to pay the Poll Tax. If you move from one area to another you will have to pay a proportion of the yearly Poll Tax in each area. Each Charging Authority (The Local Council) will have to set the level of the Poll Tax each year to allow them to pay for the services that they provide. The Poll Tax payment will therefore vary from one area to another.

The Personal Community Charge is a flat rate charge on each adult. For example the charges predicted in various parts of the County are Nottingham - £247 Rushcliffe - £262 Ashfield - £208.

Very few people will be exempt from the Personal Community Charge. For example:

Prisoners (as long as they are not imprisoned for non-payment of Poll Tax)

The Queen

Severely Mentally Impaired People

Monks and Nuns

Hospital Patients

Students aged up to 20 years (New Provision)

### The Standard Community Charge

This is paid on unoccupied property or on property where the resident is 'mainly resident' elsewhere. For example:

Holiday Homes (unless let for more than 140 days per year)

Hospital Patients

Prisoners

People Absent Abroad.

The rate of The Standard Poll Tax will be set by the Local Charging Authority as a multiplier of the Personal Community Charge (0%, 50%, 100%, 150%, 200%) 0% will be for homes vacant for less than 3 months, 0% for people in hospital or residential homes for less than 1 year and 0% for the first 3 months after the death of the Poll Tax payer if the property is vacant.



### The Collective Community Charge

Where it is extremely difficult to collect the Personal Community because people will only be staying there for a short period, the landlord will be responsible for collecting the charge. For example:

YMCA  
Short Stay Hostels.

It is not intended that many premises will be designated for the Collective Community Charge. Some property will be exempt from the Collective Community Charge, for example:

Night Shelters  
Womens Aid Refuges.  
Salvation Army Hostels

### Registration Issues

The Community Charge Registration Officer is the person responsible for the collection of the Poll Tax and for keeping the Poll Tax Register. They are the Chief Finance Officer or Borough or City Treasurer.

The Local Authority is responsible for decisions about registration, for example:-

The register must be compiled before 1st December 1989 and the first version will be compiled from a canvas, compiled over the summer of 1989. It will be updated on a rolling basis. It will show the name and address of the person, the name and address of the property they live in and the date for start and finish of their liability.

The register will not be available as a whole and will not be sold to private mail order firms, however extracts of names and addresses of those liable for Poll Tax will be available including the addresses of the properties designated for The Collective Community Charge.

This extract will not contain the names of people who are living under a threat of violence if they have asked for anonymity.

The register will be compiled from all available information and the Community Charge Registration Officer has very wide powers to demand information from any Local Authority, DSS Local Offices or other Community Charge Registration Officers on: names, addresses of people and the dates of occupation - past or present as well as the relationship of couples. A very limited range of information is sacrosanct. This is:

Police Files  
Job Applications to Local Authorities

In cases of difficulty Community Charge Registration Officers (CCRO) can appoint a "responsible individual" who will have to provide information on the occupants of the home. This power will usually be used if the CCRO has difficulty in getting information. (This "responsible individual" will not however be liable for payment of other's Poll Tax).



The penalty for failing to supply information without reasonable excuse or knowingly supplying incorrect information is £50 and £200 for repeat offences.

The Electoral List will be the primary source of information. This may deter some people from registering to vote. However other information will be used such as:

Housing Waiting Lists  
Housing Benefit Files  
Registers of Births, Deaths and Marriages  
Those who have library tickets

Implication = information held on every adult in county.

#### The Government Objectives

In the 1986 Green Paper, "paying for Local Government", the following objectives for local taxation were identified: efficiency, fairness and accountability.

Critics of the Poll Tax have argued that the new system will not achieve these objectives. The Poll Tax is estimated to cost approximately as twice as much as domestic rates to collect and lead to increased bureaucracy.

The Government have argued that the Poll Tax will increase accountability. Only 18 million people out of an electoral roll of 35 million are liable for domestic rates. The more people pay for local services the more people who will be interested in the level of /Poll Tax and quality of services.

#### The Impact of the Poll Tax

The Poll Tax will be payable by greatly increased numbers of adults. Around 35 million people will be liable for the Poll Tax.

The exact impact of the Poll Tax will be affected by:

- household size; the larger the number the higher the C.C. and the greater the losses,
- location; areas with high needs assessments may well have higher Poll Tax levels,
- current rateable values, the lower the current general rate level the higher the potential losses.

Large households in poor quality accommodation living in a stress area will lose out. Whilst single people/small families living in better quality housing in more affluent areas will stand to gain. (See Local Government Information Unit Guide on the Poll Tax).

There is concern that particular groups within society will be particularly disadvantaged by the Poll Tax.

- Black & Ethnic Minority Households: this group generally tend to live in larger, extended, family groups and in accommodation with low rateable values. Poll Tax levels are likely to be significantly higher than the rates bill.



- Women: many women will be liable for local domestic tax for the first time. Where women live as part of a family (married or not) they will be liable for the Poll Tax in case of default.

(Women are also more likely to be on lower incomes than men).

- Informal Carers: it is estimated that there are 6 million informal carers looking after people who are infirm or disabled. Many carers are on low incomes. (Invalid Care Allowance is set at an inadequate level). Inevitably, the Poll Tax will increase financial pressures on informal carers.

- Students: students will have to pay 20% of their Poll Tax. Those young people who are still at school and aged under 19 will be exempt.

- Young People: young people living at home will be liable.

a) young people on benefit receive less Income Support because they are under 25. A young person in work receiving H.B. will get less housing benefit than an older person in exactly the same circumstances.

b) young people in work, generally, earn less than older people.

- Private Tenants: the amount of Poll Tax payable will no longer be linked, as rates were, to quality of accommodation. Will Landlords who collect rent inclusive of rates reduce the weekly charge or will Poll Tax be an excuse to increase the rent?



## 2. The Community Charge Scheme

### Who will administer the scheme?

The scheme will be administered by district, metropolitan and London Borough Councils. They will be known as 'charging authorities' (CAs). Each authority must appoint a Community Charges Registration Officer (CCRO) who will be the chief finance officer for that authority. Although, administratively, the work of the CA and CCRO will probably form part of the same LA department their functions are legally quite separate. In administering the scheme:

The CCRO will be responsible for:

- compiling and maintaining a register of those people subject to her/his authority's community charges;
- deciding what type of charge every person in her/his area is liable to pay, and who will be exempt from liability;

The Charging Authority will be responsible for:

- setting the rate for each type of liability;
- billing liable persons;
- collecting the charges;
- enforcement in cases of non-payment.

Some of the decisions of CAs and CROs can be challenged initially through an internal review procedure and finally at a Valuation and Community Charge Tribunal (VCCT).

### How is the scheme to be set up?

Although the CC does not come into effect until April 1990, both CAs and CCROs have a great deal of planning and preparation to undertake before then.

- |                     |    |  |
|---------------------|----|--|
| Prior to April 1989 | -> | Complete canvas of local properties.<br>Design and print documentation.                                  |
| In 1st April 1989   | -> | Reconstitute existing Local Valuation Courts as Valuation and Community Charge Tribunals (VCCT).         |
| May/June 1989       | -> | Send out CC registration forms to all households.  |
| June/July 1989      | -> | Check returned forms, send out reminders.<br><br>Identify Personal, Standard and Collective liabilities. |
| July/August 1989    | -> | Investigate where forms not returned and initiate follow-up procedures.                                  |



- Autumn 1989 -> Make rebate (CCB) application forms available to those on low incomes.
- 1st December 1989 -> CC Register completed and in force.  
 Copy of register entry to be sent to every individual.  
 Provide facilities for register inspection and copies.
- January 1990 -> Set up collective charge arrangements with relevant persons.
- February 1990 -> Set the level of the Charges.
- March 1990 -> Send out CC Bills (hopefully net of any CCB entitlement).
- 1st April 1990 -> CC comes into effect.
- September 1990 -> Review system and implement changes as necessary.



### 3. THE COMMUNITY CHARGES REGISTER

#### Information held on the register

The register compiled by the CCRO will contain all the details necessary to determine liability to any of the community charges. This will consist of:

- \* the name of each liable person
- \* their home address
- \* the type of charge payable (personal/standard/collective)
- \* the date liability begins and ends
- \* a person's student status
- \* the address of the property where a person is liable for a standard or collective charge and their home address (if different).

Individuals have a right to appeal against:

- inclusion/non-inclusion on the register
- the contents of the register entry
- any fine imposed by the CCRO for offences relating to the above.

#### Compilation of the register

The CCRO has the statutory power to require information from any of the following:

- \* any individual believed to be liable for the charge
- \* another CCRO
- \* the charging authority, including their own
- \* any precepting authority
- \* any electoral registration officer

#### Information from individuals

For the purpose of compiling and maintaining the CC register.

- \* individuals are obliged to inform the CCRO if they think they may be liable for the CC, cease to be liable, or if the liability changes;
- \* the CC registration form can be filled in by any adult over 18 who lives in the property (in most cases the head of household). Where no one lives in the property permanently the form should be filled in by the owner or by tenant/sub-tenant with a tenancy agreement of more than six months.
- \* the CCRO may designate one or more persons in a household a 'responsible individual' who must notify the CCRO of the name of everyone in that household who could be liable for the CC. There is a right of appeal against this designation;
- \* failure to provide this information, or the provision of incorrect information, could lead to a £50 fine. Failure to comply with a second request could lead to a £200 fine.



### Information from other sources

In practice, information could be obtained from a number of sources, including:

- \* the LA rates file
- \* housing department tenancies and waiting lists
- \* housing benefit files
- \* register of births, marriages and deaths
- \* education authority records
- \* lists of social services clients
- \* health authority lists
- \* library and leisure services records
- \* local DSS income support records

but not:

- \* police records
- \* employment records

Note - in all cases the power of the CCRO to require information from any source only extends to those details required for the register. The CCRO must not ask for information which relates to other aspects of the scheme, such as collection and enforcement, which are the responsibility of the charging authority (CA).

### Access to the Register

When the register comes into effect on 1st December 1989 every individual will be sent a copy of their own register entry and will be able to challenge any inaccuracies. Individuals will also have the right to inspect their own register entry (and only their own) at any time in the future and, for a small fee, to have a copy of it.

### Extract of the Register

The CCRO will also make available an extract of the register for public scrutiny. The extract will only show:

- \* the names and addresses of community chargepayers, and
- \* a list of the addresses of dwellings or parts of dwellings designated for the collective charge.

The extract will not contain any other information (e.g. the type of charge each individual is liable to pay). The public will only have the right to inspect the extract but not to have a copy.

### Omission of names from the public extract

Anyone who regards themselves as being at risk of violence may apply to the CCRO to have their name omitted from the extract of the register (this is known as anonymous registration). This could include :

- \* women in refuges;
- \* anyone who has had to move home as a result of threats of violence;
- \* political refugees, overseas students or anyone else from abroad who fears the risk of violence because of their political views;



- \* people who have served on a jury in a case where there was a threat to the jurors;
- \* retired or serving senior police officers;
- \* certain military or civilian service personnel.

In case where the omission of a name would result in an address being listed with no corresponding name, the address will also be omitted, in order not to draw attention to properties where people at risk are resident.

Refusal to omit a name from the public extract

CCRO's are advised to treat all requests for anonymous registration on the presumption that the applicant has a well founded fear of violence, whether or not this can be verified. But there is no right of appeal to a VCCT against a decision of the CCRO not to omit a name from the public extract. However, CCRO's have been advised that individuals could apply for a judicial review of the decision or, in the event of suffering violence as a result of failing to have their name removed from the extract, sue the CCRO for damages.



#### 4. LIABILITY FOR THE COMMUNITY CHARGE

##### Poll Tax for Couples

Partners or couples may be held liable for each other's debts; this is known as joint and several liability (jsl) and extends also to poll tax.

Joint and several liability already exist in the context of local government finance. Married Council Tenants for example are jointly and severally liable for the payment of rent.

##### Joint and several liability as it applies to the community charge

Each community charge should be primarily an individual liability. A single name should appear on the community charges register for each individual who is subject to a community charge of the authority concerned. Charging authorities will in most cases send out bills addressed to those individuals and enforce against them if they do not pay. However where the individual whose name appears on the register fails to pay the bill, another person may be jointly and severally liable under section 16, 17 or 19 of the Act and the charging authority may decide that it is more appropriate to seek payment from that person. However authorities have a wide degree of discretion. They will need to consider how to use those powers and when it might be appropriate to write off debts.

##### Joint and several liability spouse.

Section 16 of the Act defines those spouses and partners who are jointly and severally liable as follows:

- a) A man and a woman who are married to each other and are members of the same household; or
- b) A man and a woman who are not married but are living together as husband and wife.

##### Married Couple.

Joint and several liability applies to couples who are married to each other and members of the same household. Joint and several liability does not apply to married couples where one spouse is under the age of 18. But it does apply if one or both is a student liable to pay only 20% of the personal community charge, and in theory joint and several liability would also apply if either the husband or the wife were exempt though in practice it seems unlikely that charging authorities would wish to use the powers in those circumstances. Under current legislation joint and several liability will not exist for liabilities incurred after married couples separate. Separation can also mean where couples are leading sufficiently independent lives to be regarded as having ceased to be members of the same household even though they are still living under the same roof.

Joint and several liability applies only to a community charge liability for each full day when a couple are married. It does not apply on the day a couple get married or on the day they cease to be married.



### Unmarried couples

Section 16 also applies to couples who are not married to each other but who are living together as husband and wife. In such cases the rules apply as if the couple were married. This means:

- a) that the couple are jointly and severally liable for the charges for the period they are living together (but not the first or last day)  
  
and
- b) that the liability cannot be enforced unless, both partners are 18 or over.

Note when referring to partners they are referring to one of each of the opposite sex as opposed to two people of the same sex.

### Other relationships

Parents will not be liable for their children's community charge, nor will joint and several liability apply to elderly people living with relatives.

### Polygamous marriage

Where there are more than two partners in a marriage contracted in a country where polygamy is lawful it is likely having regard to Social Security legislation that all the parties to the marriage are jointly and severally liable and charging authorities will proceed on this basis.

### Limited indemnity

A person who has been forced to pay her/his partner's poll-tax under the jsl rules may be entitled to take action against their partner to recover that amount (Section 16(7) and (8)). This arises if the non-payer could have paid, but didn't out of wilful refusal or culpable neglect.

However, this should not arise very often in practice, because government advice to local authorities is not to enforce jsl when the person originally billed had the resources to pay the community charge. (Practice Note No 16, Para 2.12). This is, though, only advice, and a local authority might choose to ignore it.

### Indemnity

Section 16(7) and (8) provides a limited indemnity where joint and several liability has been enforced against a spouse.

The provisions give a person who has been required to pay their spouse's community charge under the jsl provisions the right to recover that amount from the defaulting spouse if that spouse's failure to pay was due to wilful refusal or culpable neglect; that is he or she knew of the liability and was able to pay but did not do so. Where the original failure to pay was not due to wilful failure or neglect, there will be no right for the spouse who does pay the bill to recover that amount from whom the bill was originally sent.



### Establishing joint and several liability

Charging authorities will wish to ensure that people in their areas are aware of the existence of the jsl provisions. Authorities might also include a similar note with community charge bills.

Such warning will, however be in general terms. Charging authorities will not usually know at that stage whether two individuals at an address are jointly and severally liable for payment, and they will not need to know if both bills are paid.

Even where a bill is unpaid, charging authorities will find that the most effective course is usually to pursue enforcement against the person to whom the bill was originally sent at least until a liability order has been obtained against that person. That is because by obtaining a liability order the authority will be able to use powers to obtain information to discover whether enforcement against that person is practicable. Whether the person is financially dependant on someone else in the household and may be jointly and severally liable with that person.

The authorities have the power to ask in the case of individuals whose bills have not been paid and who have no income of their own, from whom they receive the money to live on. If it is established that he or she is financially dependent on someone else in the household then the authority will consider as to whether to continue with the enforcement action against that person or to invoke joint and several liability.

### Appeals against joint and several liability

When an authority does decide joint and several liability with or without first obtaining a liability order against the person to whom the bill was originally sent it will have to go through three stages (1) bill, (2) reminder, (3) liability order. It is possible to offer pay at any of these three stages, or he or she may seek to deny that they are jointly and severally liable with the chargeable person.

If the person seeks to deny jsl at the bill or reminder stage the authority will have to consider the claim that has been made. It may be that at this stage the authorities will tell the person concerned what information it has and it intends to press on with enforcing the liability. If however the authorities can be persuaded that the person is not jsl the authority will revert to enforcement against the individual to whom the bill was originally sent.

It will be possible to argue in magistrates court that jsl does not apply.

If the appeal is frivolous or the authority can provide the necessary evidences the magistrate will hear and dismiss the appeal immediately and grant the liability order. In other circumstances if sufficient evidence is not available a further date for a hearing may be set. Or if they are satisfied with the merits of the appeal the liability order may be refused.



## 5. BILLING

Charging authorities will set their community charges annually in advance. Liability of individuals to make payments will not begin until 1st April. Most charging authorities will prepare community charge bills in advance of this date.

Regulations say "no payment of the chargeable amount due is required to be made unless a community charge form has been issued".

The bill must be properly issued under section 233 of the act in any of the following ways:

- a) By post addressed to the chargepayer at his usual or last known place of abode or, in the case of a standard or collective community charge addressed to the chargepayer (whether a person or a limited company) at the premises by virtue of which the chargepayer is liable to the charge. Proof of posting the bill will be taken as proof of delivery by section 7 of the Interpretation Act 1978 or may be governed by regulations.
- b) In the case of a limited company (in respect of standard or collective charges) by post addressed to the registered office of the company or their usual place of business.
- c) By delivering the bill to the chargepayer.
- d) By leaving it at the usual or last known place of abode of the chargepayer or, in the case of a limited company at its registered office.
- e) By delivering the bill to some person on the premises by virtue of which the chargepayer is subject to the charge, or by fixing it on some conspicuous part of the premises.

On occasions the charging authority will have to specify the day on which the bill (or notice) was issued - this will be :

- a) If the bill is served by being left at a person's proper address or sent by post within the meaning of section 233(2) of the 1972 Act, the day on which it is so left or posted.
- b) In any other case the day on which the bill is served.

The regulation will allow 14 days for payment instead of the 10 days allowed for rates.

Where the charge is not divisible into equal instalments it will be necessary to adjust the first instalment; to be rounded downwards to the nearest £1.00 below.

The bill giving the chargeable amount and stating the amounts due and dates of the instalments should be sent 14 days before the date of the first instalment; but failure to do so will not invalidate the bill. However in the event of a bill being issued late, the period within which payment must be made may not be less than 14 days after the bill is issued. If a chargepayer fails to pay an instalment within the statutory time limit he or she becomes liable to pay the whole of the amount outstanding.



Where a chargeable person becomes liable to pay a community charge during the financial year i.e. from 2nd April onwards, the minimum number of instalments will be specified in the prescribed scheme by reference to the dates on which the community charge bill is issued.

#### Payments by instalments

As previously stated a community charge bill must show the amount due. It must also specify the payments to be made by instalments which when completed will discharge the full amount. The instalment details must be printed on the bill. The bill or instalment notice will show the 10 (or other appropriate number) of instalments, or any other arrangements made by the chargepayer and the authority. Usually the payments will be calculated on the assumption that the position at the time the bill is issued will continue until the end of the chargeable financial year.

Chargepayers will pay by instalments unless arrangements are made to the contrary.

The instalment scheme will provide for a minimum of ten instalments payable at monthly intervals. However authorities may agree to weekly or fortnightly instalments for council tenants or others in order to coincide with the frequency of rent or benefit payments.

An individual bill must be issued to each chargepayer who appears in the register. Where a person is subject to more than one charge (e.g. a personal and a standard community charge) regulations will provide that he or she must be issued with a separate bill for each charge.

The community charge bills that are sent to chargepayers who have been awarded community charge benefit should show the amount of benefit entitlement as a deduction from the gross chargeable amount.

Charging authorities have the right to demand the payment of a penalty in one amount by a separate bill, but for practical purposes, authorities may wish to include penalties in their community charge bills.

<u>Month in Which CC bill issued</u>	<u>Minimum Number of instalments</u>
April	10
May	9
June	8
July	7
August	6
September	5
October	4
November	3
December	2
January	1
February	1
March	1

Bills issued before the beginning of a financial year must provide for at least 10 instalments.



The regulations may prescribe that, where the amount due is less than £10 and the normal instalment would produce instalments of less than £5, the charging authority may, if it wishes, require payment in a single instalment. If the amount due is more than £10, the charging authority may require payment in the greatest number of instalments compatible with individual instalments of at least £5.

#### Billing and Collection of the Collective Community Charge

Charging authorities will be required to serve a demand notice on a landlord as soon as reasonably practicable after they have either set the level of their personal community charge for the part of their area which contains the designated dwelling, or designated the dwelling, if the designation takes place part way through a year. The collective community charge demand notice will differ from the bills which will be sent to personal and standard chargepayers in that it will not normally be based on an estimate of the charge due in the year. It will tell the landlord what the daily contribution will be and will require payment in accordance with the special arrangements contained in the regulations.

#### Returns and Payments

For the purposes of the collective community charge each calendar month will be a "return period". Within 14 days of the end of every month the landlord must make a return to the charging authority. The return is to state the amount payable for each individual in the return period to which it relates, and is to be accompanied by the amount of charge payable in respect of that period.

The contributions payable by residents are based on the level of the personal community charge. For each day a resident has his or her sole or main residence in a designated dwelling he or she is liable to pay (in a non-leap year)  $1/365$  of the personal charge rounded to the nearest penny. The landlord, however, is entitled to retain 5% of the amount collected towards his or her administrative expenses. The sum to be paid in each return period will therefore be the total number of resident-days multiplied by the daily contribution rate, less 5% calculated on the total amount due. A resident is liable to pay the charge on the day he or she takes up residence, but is not liable in respect of the day he or she leaves the designated dwelling.

As an example of a calculation, if 7 residents spend, respectively, 9, 30, 21, 2, 14, 30 and 18 days in a property in April there will have been 124 resident-days in the period. If the daily charge is 67p the sum of the contributions payable will be £83.08, and the amount to be paid by the landlord to the charging authority, after the deduction of 5% (£4.15 - the deduction is also rounded to the nearest penny), will be £78.93.



## 6. EXEMPTIONS

### Who has to pay - who is exempt?

Everyone over 18 has to pay the Personal Community Charge, unless they are covered by exemptions.

Schedule 1 to the Local Government Finance Acts lists the people who are exempt. The Personal Community Charge. (Exemptions) order provides more detail of who is covered. SI 1989/442.

Even though someone may be exempt from the list they may still have a liability under the arrangements for collective or standard community charge.

### Persons In Detention

People in prison, on remand or on sentence or detained under the immigration act or the mental health act will normally be exempt from personal community charge, however people sent to prison for non-payment of community charge or non-payment of a fine will not be exempt. Exemption ends on release whether this comes as completion of sentence, on parole or on licences, prisoners granted short-term leave e.g. to attend a funeral will continue to be exempt. Prisoner or someone on his/her behalf needs to make a claim for exemption by applying to the community charge registration officer.

### Visiting Forces

A member of the visiting forces or a civilian support worker and their dependants are exempt from community charge, however if their dependant is a UK citizen or otherwise ordinary resident in UK, they will not be exempt. Similar arrangements apply for staff of NATO and other treaty organisations based here.

### Foreign Diplomats

There are no specific rules in the community charge system exempting foreign diplomats but international law on diplomatic immunity provides them with exemption from municipal dues i.e. community charge, again dependants are also exempt unless the dependant are ordinary resident UK citizens.

### Severely Mentally Impaired (SEE STOP PRESS)

To be exempt on the grounds of severe mental impairment. A person must not only be severely mentally impaired (see below) but also either be over pension age (60 women 65 men) or be entitled to a qualifying benefit.

Qualifying benefits are: Invalidity Benefit  
Severe Disablement Allowance

Under the old Industrial Injury scheme. Unemployability supplement.  
Under the armed forces scheme. Unemployment allowance.



## Severe mental impairment

Severe Mental Impairment is defined as (a) a state of arrested or incomplete development of mind which involves severe impairment of intelligence and social functioning or (b) an injury to the brain causing severe impairment of intelligence and social functioning which appears to be permanent.

In summary therefore there are two conditions.

- 1) Pensionable age or specified invalidity benefits.
- 2) Certified by a doctor as severely mentally impaired.

### First Condition.

A person or someone on their behalf will normally prove the first condition by producing a birth certificate to prove pensionable age, or by producing a benefit order book to show they are receiving a qualifying benefit, if not being paid by order book they will need to produce written confirmation from DSS of entitlement for benefit. There may be cases where someone is entitled to a qualifying benefit but is not getting it because of entitlement to another benefit which gives them more cash e.g. someone may be entitled to SDA but is also a widow and would be getting more money by claiming widows pension (she cannot get both). In such cases a person would have to get written evidence from DSS of notional entitlement to the qualifying benefit.

### Second Condition

People applying for exemptions under this heading will also have to supply the name of their doctor and agree to the registration office contacting the doctor for a certificate of mental impairment. The applicant will be sent a copy of that certificate which may be useful if they move to a different area and have to apply to a new registration office for exemption.

If a doctor refuses to certify SMI the applicant or representative may get a second medical opinion. Doctors should not charge for completing a certificate.

### People under 20 still at school or non-advanced education.

Pupils aged under 20 will be exempt from the Poll Tax. No regulations were available on 14.11.89.

(See new guidelines)

Students studying in Scotland or Northern Ireland fulltime are expected to register with the authority in the area where their term time address is, those studying at colleges or university outside England and Wales therefore are exempt under English law. They may of course have liabilities to pay community charge or rates at the relevant term time address. Note that full time students in England and Wales are liable to pay only 20% of the community charge in the area where they are registered.



### Members of some Religious Communities

Paragraph 7 of Schedule 1 to the 1988 Act provides an exemption for members of some religious communities. There are two conditions which a person must fulfil before he or she qualifies for the exemption:

- a) he or she must be a member of a religious community whose principal occupation is prayer, contemplation, the relief of suffering, education, or any occupation consisting of a combination of the occupations listed below. The Secretary of State has no current intention to prescribe additional occupations; and
- b) he or she must have no income or capital of his or her own and must be dependent on the community concerned for his or her material needs. However, income by way of pension in respect of a former employment is to be ignored.

The terms of the exemption will mean the monks and nuns of established religious groups including, for example, Buddhist communities, will be exempt, provided that they fulfil the conditions above. It should be clear from the facts of each case whether the conditions are fulfilled. The test is intended to be strict and, with one or two exceptions, to include only those who do not have the means to pay the community charge.

Members of religious orders, defined in similar terms, are generally excluded from entitlement to Income Support and Housing Benefit. An individual who is receiving Income Support and/or Housing Benefit will not therefore qualify for the exemption.

### Hospital Patients

Patients whose sole or main residence is within a NHS hospital or NHS nursing home will be exempt from personal community charge. However as with prisoners they remain liable to a standard community charge if they still have a home outside the hospital that is empty (see below). People admitted to hospital for a limited time even though it may be a fairly long time, will remain liable to pay community charge from their home address the test is whether they intend, and are likely to be able to return to their home address.

Although there is no firm rule contained in community care legislation it seems likely that registration officers will follow housing benefit practice and define a patient as permanently resident in hospital after 52 weeks. It may well be in a persons interest to argue that the hospital has become their main residence at an earlier stage, thus gaining exemption earlier, however this could conflict with the need to protect their right to housing benefit by arguing that they are only temporarily in hospital, at the time of writing it is still not clear how this will work in practice so if dealing with a patient who will be hospitalised for a long time but not permanently get further specialised advice at the time.

### Summary

- 1) If it is clear from day 1 in hospital that the patient will be permanently resident, exemptions will start from day one.
- 2) Other patients will be exempt after 52 weeks and may be able to claim exemption earlier.



## Residents of Residential Care and Nursing Homes

People are exempt, if they are living in, and receiving care from,

- a private hospital;
- or - a non-NHS nursing home;
- or - a public sector or private residential care home;
- or - a hostel

AND if the hospital, home, or hostel has become their sole or main residence. Similar considerations apply as for NHS hospital patients (see above) in deciding when such a home has become the patient's sole or main residence.

What counts as a nursing or residential care home follows the practice of Income Support i.e.

- registered with Social Services Department or the Health Authority
- or - managed or provided by a Government Department, Local Authority
- or - body constituted by Act of Parliament or incorporated by Royal Charter,
- or - small residential care homes (3 beds or fewer) which meet certain minimum staffing standards.

If a resident is getting IS at the appropriate nursing home or residential care home rate, this will be sufficient proof of the home's status for exemption purposes.

## Care Workers, Low Paid Care Workers.

A person can gain exemption if he or she is employed to provide care or support or both to a person or persons and

- 1(a) The carer's employer must be a public authority, a charity or
- 1(b) The carer could be directly employed by the patient(s) by a charity; and
- 2) the carer's contract must require her/him to work at least 24 hours per week and
- 3) the carer's wages must not be more than £25 per week (but they could have a further outside job and still qualify) and
- 4) the carer has to live in premises provided by or on behalf of the employer for the better performance of his/her duties. The value of this board and lodging does not count for the purpose of the £25 per week. Voluntary organisations who place care workers are being asked to provide the care workers with a certificate confirming that they meet these conditions, someone without such a certificate could still claim exemption, Registration Officer would have to check that they meet the conditions.

Government guidance to Registration Officers warns them to watch out for contrived applications and so people providing this service under these conditions for friends or relatives may find it hard to get exemption. This provision is intended for Community Service Volunteers.



Residents of Certain Crown Buildings.

Regulations exempt certain residents: The Royal Family are exempt.

Residents of Short Stay Hostels

A person is exempt if his or her sole or main residence is in a building which is:

- a) A hostel, night shelter or other building providing residential accommodation;
- b) Which does so predominately -
  - (i) in other than separate and self-contained sets of premises and
  - (ii) for people who have no fixed abode and no settled way of life and
  - (iii) under licences to occupy the accommodation which do not constitute tenancies

People with no fixed abode

Paragraph 14 of schedule 1 to the 1988 Act provides that a person is exempt on a particular day if:

- a) throughout the day he or she has no fixed abode in England and Wales or elsewhere: and
- b) at the end of the day the place of his or her sole or main residence does not consist of a building, caravan or residential boat i.e. one which is designed or adapted for human habitation.



## 7. COMMUNITY CHARGE APPEALS

### Structure

There is a two-stage, formal appeals procedure for chargepayers who disagree with some of the decisions made by CRO's and CA's.

### Grounds for Appeal

There are a number of grounds on which an appeal may be made. These are:

- entry on, or exclusion from, a CA's register;
- the contents of the register entry (e.g. refusal to recognise that the person is a student or exempt);
- designation as a "certification officer" in respect of an educational establishment or failure to revoke such designation;
- designation of premises for the collective community charge or failure to revoke such designation;
- an estimate of the amount a landlord is liable to pay in respect of the collective community charge;
- designation as a "responsible individual" or failure to revoke such designation;
- the imposition of a fine;
- the class of property for which a particular property is listed as being liable under the standard community charge.

But there is no right of appeal on:

- the amount of the community charge of the standard charge multipliers;
- issues concerned solely with an individual's personal financial circumstances;
- a refusal to omit a name from the public extract of register;
- matters relating to joint and several liability (these will be dealt with in magistrates courts since they arise from the recovery process).

### Who may appeal?

Only the person directly affected by the decision concerned may appeal against it. However, an appellant may engage another person to make the appeal on their behalf (e.g. a friend or advice worker). The members of a couple or family may wish to submit a combined appeal where all the individuals concerned are appealing on identical grounds.

### Appeal Procedure

There is a two-stage appeal procedure. Initially, there is a review by CCRO's and CA's of their previous decision. Where this does not resolve the matter to the appellant's satisfaction, the appeal will be determined by a valuation and community charge tribunal.



### Stage 1 - review by the CCRO or CA

An appeal must be made in writing and give the reasons why the person disagrees with the decision concerned. In most cases the appeal must be made to the CCRO, except where it relates to:

- \* an estimate by the CA of the amount payable by a landlord in respect of the CCC; or
- \* a penalty imposed by the CA;

in which case the appeal must be made to the CA.

The CCRO/CA must consider the appeal and notify the appellant that either their appeal has been accepted, and steps taken to rectify the matter, or that their appeal has not been accepted, giving reasons. In many cases, the CCRO/CA must consider the appeal and notify the appellant that either their appeal has been accepted, and steps taken to rectify the matter, or that their appeal has not been accepted, giving reasons. In many cases, the CCRO/CA will be able to decide the case on the basis of written arguments and evidence. However, in some instances it may be necessary to interview those concerned and/or inspect premises.

### Stage 2 - Hearing by a Valuation and Community Charge Tribunal

The aggrieved person may take their appeal on to a valuation and community charge tribunal (VCCT) in three circumstances:

- \* where the CCRO or CA has rejected the appeal;
- \* where, despite steps taken by the CCRO or CA as a result of the appeal, the person is still dissatisfied;
- \* where no decision had been notified by the CCRO or CA within two months of the date of the appeal having been made.

### Method of Appeal

Appeals to a VCCT must be in writing and made on a special appeal form. This should be sent automatically by the CCRO or CA with any notification that an appeal has been rejected. Appeal forms will also be available directly from tribunal offices.

### Adjudication by the Tribunal

On receiving the appeal, the tribunal will ask the CCRO/CA to provide a written statement of reasons for their decision and the appellant will have the opportunity to comment in writing on this. Copies of all the relevant documents will be sent to each of the interested parties. Where all the parties agree, the appeal will be determined on the basis of written representations. However, a tribunal hearing will be convened where any of the parties request this. The appellant has the right to be represented but, as with SSAT's and HBRB's, legal aid will not be available for this purpose.



### Liability pending the outcome of an appeal

The community charge liability of the appellant remains unaffected until the outcome of the appeal. There are only two exceptions:

- where a civil penalty imposed by the CCRO or CA is the subject of the appeal, it will not be payable or enforceable until the appeal has been determined;
- where a person is registered as subject to the PCC in two or more areas, and has appealed against one or more entries, until the appeal is determined that person will only have to pay the PCC in the area where the first registration was made.

### Further appeals to the High Court

Anyone who is dissatisfied with the decision of a VCCT will be able to appeal to the High Court on a point of law. Legal aid will be available for this purpose. Where all the parties to an appeal agree in writing, an appeal that would normally be heard by a VCCT may be heard directly by the High Court. It is intended that this 'short-cut' should be used where it is clear at the outset that the appeal involves a major interpretation of legislation, which was likely to set a precedent.



## 8. ENFORCEMENT

### Procedure of Enforcement

The Community Charge - is a daily bill - i.e. over 365 days.  
The Local Authority is legally obliged to offer 10 monthly instalments.  
They could offer others - e.g. weekly, fortnightly etc. Monthly instalments could be a problem for low earners and people on H.B. e.g. £30 owed = £5 x 6.

- 1) A bill is issued with a due date.
- 2) A second notice is issued.  
This serves as:
  - a) a reminder
  - b) a letter warning of further action

Each Local Authority (L.A.) will decide on a time-span.

- 3) After 7 days - if no payment:
  - a) loss of instalment rights
  - b) whole year's charge due
- 4) Liability Order - issued for whole year's charge. This is an all-purpose order from the Magistrates Court, enabling the L.A. to go for enforcement without further recourse to court.

By issuing a Liability Order the L.A. is:

- a) laying a complaint before the Magistrates
- b) listing the Debtor's they want summonsed (method - by post, delivery etc.)
- c) requiring the Debtor's appearance before the court to show good reason why a Liability Order should not be issued.

### The Hearing

The Magistrates will grant the Liability Order if they are satisfied the Community Charge is payable, but remains unpaid.

It includes costs and any penalties already imposed. The Magistrates must be satisfied that all statutory procedures have been followed e.g. the person is registered, has received all the reminders etc.

### Defences against the issue of a Liability Order are:

- 1) The person was not on the Community Charge Register at the time.
- 2) The Community Charge was not determined in accordance with the statutory provisions.
- 3) The amount has been paid.
- 4) The amount is not in accordance with the Register entry.

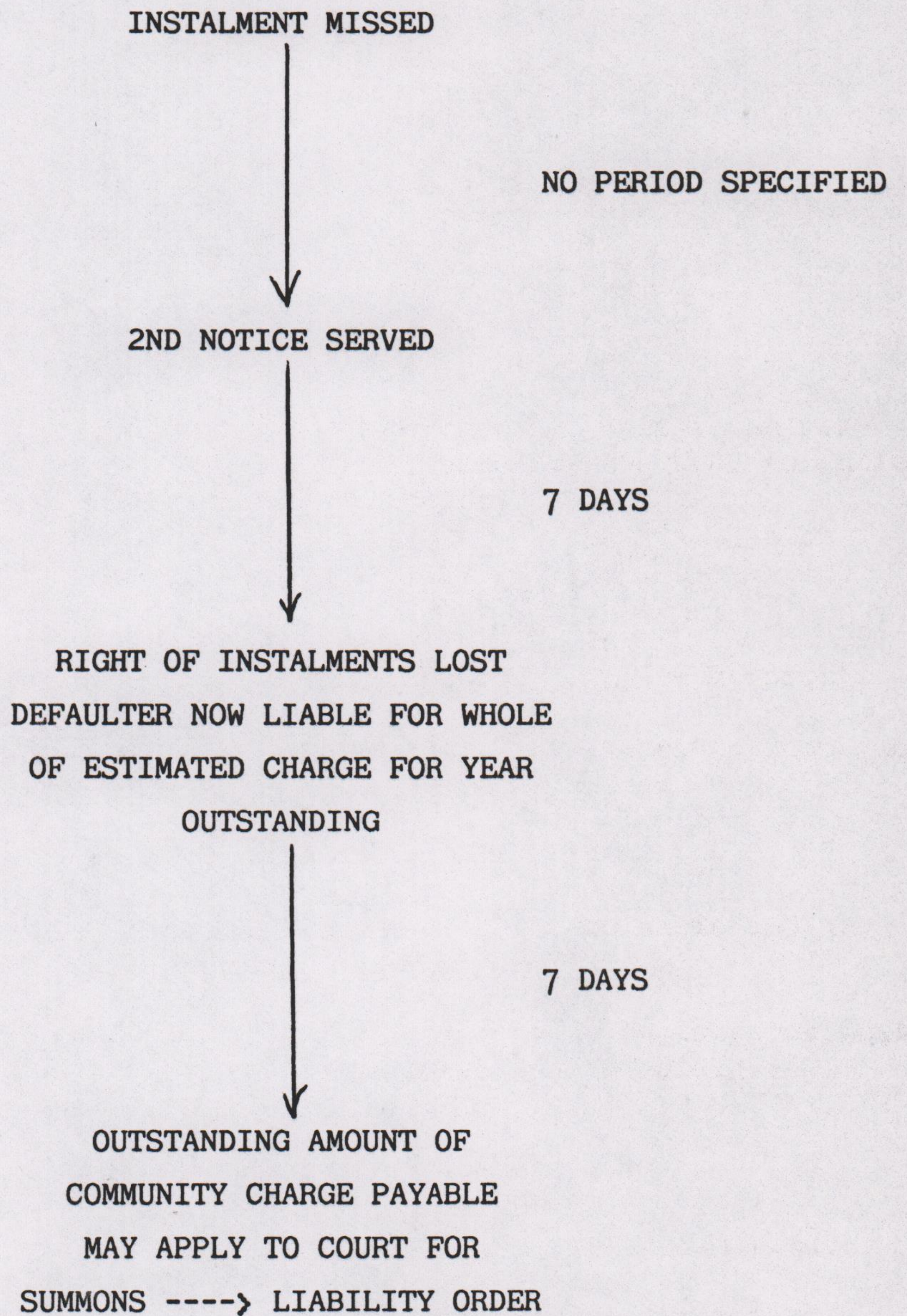


- 5) The person is on the Register of two or more Authorities, one of the entries is subject to appeal, and the due amount was paid in the area where the person was first registered.
- 6) Joint and Several Liability - the person was not in the relationship at the time the debt was incurred by the defaulter.

Therefore, defences do not include problems and disputes over such matters as Community Charge and Housing Benefit - BUT a Liability Order is not likely whilst the position is not clear. Also, it does not include exemptions, residence, student status etc., as these are V.C.C.T. matters.



TIMETABLE OF ENFORCEMENT ACTION  
(Personal & Standard Charge)





## ENFORCEMENT POWERS - Following Issue of Liability Order

The Statement of Means - or personal information form. It makes sense for the L.A. to conduct a means enquiry to establish the position and the options.

e.g.	Employed?	INCOME?
	Self employed?	EXPENDITURE?
	Income support?	LIABILITIES?
	Other source of income?	DEPENDANTS?
	Already on an Attachment of Earnings Order?	
	Joint Liability?	

It is a criminal offence to:

- a) fail to supply the information within 14 days. (£100 max fine)
- b) give false information (£400 max fine)

The Local Authority must request the information in writing.

The Local Authority is not obliged to demand the information.

The Local Authority can then decide on the appropriate method of enforcement. It can pursue any remedy, in any Order, and alternately. BUT, not more than one remedy can be pursued at a time. A remedy can be resorted to more than once.

There is no obligation on the Debtor to let the L.A. know if circumstances change (c/f DSS/HB). The L.A. can request information at any time whilst the debt is outstanding.

The Community Charge is a hybrid, i.e. it is a civil debt pursued in the Magistrates Court. Costs of enforcement are agreed locally, with the court.

Methods of Enforcement are:

- 1) Deduction from Income Support (new)
- 2) Attachment of Earnings Order (new)
- 3) Distress
- 4) Bankruptcy

- 1) Deductions from Income Support

There is an order of priority for deductions:

Housing Costs  
Fuel  
Water Rates  
Community Charge  
Social Fund  
Overpayments

Deductions will be made at the rate of 5% of the over 25 rate for a single person, and 5% of the highest couple rate.

i.e. £1.75 p/wk (single) NB arrears may accrue at this rate.  
£2.75 p/wk (couple)



Payments will be sent by DSS to the L.A. quarterly. If there is more than one Liability Order, they will be dealt with consecutively.

The Income Support claimant has to be named on the Liability Order.

Deductions can be made from a couple rate only where two names (and one is the claimant) are named in the Liability Order.

Deductions cannot be made if less than 25% of the I.S. personal amount plus premiums is left (unless the claimant wishes it).

It is estimated that 600,000 people will have direct deductions per annum, and cost £26 for each deduction in administration. 600 people will be specially employed for this task.

## 2) Attachment of Earnings Order

The power to deduct direct from earnings has hitherto only existed in relation to County Court debts.

Under the Community Charge legislation, there is no need to use the courts, the Attachment of Earnings can be proceeded with as soon as a Liability Order is obtained.

1. Net earnings are used. (including fees, bonuses, overtime, etc.)
2. Deductions are made at a flat rate (see tables at end). i.e. There is no duty to take account of circumstances, liabilities etc.
3. There is no protected earnings level (based on I.S. rates, as in county court). But, the Employer will alter the deductions if earnings change.
4. If there is more than one Liability Order, they are paid consecutively, in the order in which they were made.

Obviously low levels of deductions (as under Income Support) may lead to a situation where the debt accrues.

### Role of Employer:-

#### The Employer

- Is under a statutory duty to comply with the Attachment of Earnings Order.
- Is able to deduct up to £1 extra towards the costs of administration.
- Must give the employee a statement at each deduction (including of costs).
- Within 14 days the employer must notify the Local Authority of changes in employment.
- Any new employer must notify the Local Authority if they know the order is in force.



### Offences

If an employer gives false information they will be fined up to £400.

If an employer fails to comply with any aspects of the Attachment of Earnings Order they will be fined up to £400.

### Role of Debtor:-

- must supply the relevant information requested after a Liability Order is made - e.g. gross/net income, employment details etc.
- must notify the Local Authority if she/he leaves or changes their job.

### 3) Distress

This is the same as the old powers under Rates recovery.

N.B. The bailiff can seize more goods in distraint than the Official Receiver or Trustee in bankruptcy.

i.e. the only exempted goods are:-

- a) loose money
- b) articles presently in use
- c) clothes, bedding, but only to the value of £100
- d) tools of the trade to the value of £150
- e) goods belonging to any other person (NB this will be a problem where there are several adults in the house)
- f) goods under a hire purchase agreement

The bailiffs used are certified (or private enterprise) bailiffs where in-house bailiffs are not employed.

1. The bailiff is issued with a written instruction to recover the debt by the Local Authority.
2. The bailiff visits to gain peaceful entry and levy distress
3. The bailiff either earmarks/lays claim to certain goods (called walking possession) or removes them for sale immediately. (In practice, property is not usually removed on the initial visit, but pressure is put on the Debtor to pay by the threat of removal).
4. The Debtor has to either pay the debt, plus costs in full or have the goods seized and sold at auction to settle the bailiff costs plus debt.

NB Costs may be high - as they will cover the warrant, the visit to levy distress, removal of goods, storage, walking possession, valuation (if appropriate) and sale by auction costs (commission).

Use of distraint is likely to increase, and there will be a need for Local Authorities to increase the numbers of in house bailiffs or increase their use of external bailiffs.



4) Charging Order

This is an order securing an outstanding debt against the Debtor's property (like a mortgage). A Charging Order can only be applied for in instances where the collective Community Charge is owed. The owner or landlord of the hostel, or lodgings, etc. is responsible for collection and payment of the charge. Where the arrears accrue to over £1000, a Charging Order can be applied for in the County Court. If the debt still remains unpaid, the Local Authority can apply to the County Court for possession proceedings to commence.

This would ultimately lead to the sale of the property to settle the debt.

5) Bankruptcy

The Local Authority can issue a petition in Bankruptcy, once the Debtor owes a minimum of £750.

Alternatively, they can join together with one or more other Creditors to reach this figure. The cost of a Creditor petition is £212.

The Community Charge is not a priority debt in Insolvency, and it is, therefore, unlikely that bankruptcy will be used very often. Furthermore costs are high, and payment of the debt is unlikely where assets are not substantial.

Bankruptcy does not alter the Debtor's liability for the on-going Community Charge.

6) Imprisonment

The Local Authority can proceed to imprisonment only if they have previously attempted distraint, and have failed to settle the debt due to:

- a) no goods
- b) insufficient goods
- c) no entry

Imprisonment for Community Charge arrears is a civil matter, not a criminal one, so the Debtor has no criminal record or sentence of imprisonment.

Steps leading to imprisonment:

- 1) The Debtor is summonsed on a committal summons. A means enquiry is conducted (in theory).
- 2) The magistrates make an order for committal. This is usually suspended if an offer of payment is made. The offer does not have to clear the debt by the end of the year, but should be based on what is reasonable in the circumstances. (based on the means enquiry)



- 3) A committal warrant is issued for 'wilful refusal or culpable neglect'. That is, the 'punishment' is not for the debt, but for deliberate failure to pay. The magistrate should therefore be sure that wilful refusal or culpable neglect has occurred.

This does not clear the debt, as there is nothing expressly written, as now. But, as now, the magistrates will, in practice, make a decision to remit.

The maximum term of imprisonment is three months. If part or all of the sum is paid, the term of imprisonment is reduced.

e.g. £300 owed = 90 days imprisonment  
£200 paid = sentence reduced to 30 days

i.e. one day remitted per 1/90th paid.

#### 'WRITE OFF'

Currently, in rates arrears cases, the Local Authority have a discretionary power to write off rates arrears under Section 53, e.g. on the grounds of poverty, or person untraceable. There is no such power of write off with the Community Charge, therefore the arrears will continue to exist as a debt, and it will become a practice decision that is uncollectable.

#### Powers of the Court

The court will issue a warrant of commitment only if it is satisfied that failure to pay is due to a person's "wilful refusal or culpable neglect". The maximum period of imprisonment is three months. However, the court may also:

- \* postpone the issue of a warrant on any condition of its choosing (including an arrangement to pay), or
- \* remit all or part of the amount due.

Given the above possibilities, it is important that debtors are adequately represented in the proceedings.

#### Termination of Proceedings

Any proceedings for recovery will terminate if the outstanding debt (including costs) is paid.

Where a person has been committed to prison and

- \* the whole of the outstanding amount is paid - they will be released.
- \* part of the outstanding amount is paid - their sentence will be reduced on a proportionate basis.

- between co-owners (SCC)

Joint and several liability can be challenged in the magistrates court when the CA are seeking a liability order against the defaulter and the person alleged to be jointly and severally liable.



### Spouses and Partners

Those spouses and partners who are jointly and severally liable for the PSS/SCC are defined as follows:

- \* a man and a woman who are married to each other and are members of the same household; or
- \* a man and a woman who are not married to each other but are living together as man and wife (co-habitation).

The above definition is the same as the one which applies under the rules for IS, FC, and HB (and now CCB). When considering the question of whether unmarried couples are "living together as husband and wife" (co-habitation), CA's are advised to use the same criteria developed for social security purposes.

### When can joint and several liability be enforced?

Joint and several liability exists for each full day when a couple are married or cohabiting, including where:

- \* either of the spouses or partners are exempt
- \* either one or both spouses/partners are students liable for the reduced rate PCC.
- \* they have now separated but where the liability concerned accrued while they were still living together

but not:

- \* on the day they marry or divorce or where cohabitation began or ended.
- \* where one spouse/partner is under 18.
- \* for any liability accruing after the couple have ceased to live together as members of the same household.
- \* where a married couple live under the same roof but as members of different households.

Note - that there is no joint and several liability between any other members of a household (e.g. in relation to a person's parents, children, brothers and sisters etc.

### Indemnity

The intention behind this provision is that CA's should not normally enforce joint and several liability where the person originally liable for the charge has the resources to pay it.

However, where a person has been made to pay their spouse's or partners' CC under the joint and several liability provisions, that person has the right to recover that amount in court, but only where it can be shown that the defaulter:

- knew of the liability; and
- had the resources to meet it; but
- chose not to do so.

However, there is no indemnity where the failure to pay occurred for some other reason (i.e. the spouse/partner simple could not afford it).



### Managing Agents

Where the landlord or owner of a property on which the SCC or CCC is payable defaults on their payment, the CA can enforce joint and several liability against any agent appointed by that person to manage the property. This applies for any day or part day that a management arrangement exists. Where this happens, however, the managing agent has indemnity and can recover the amount from the landlord or owner in all cases.

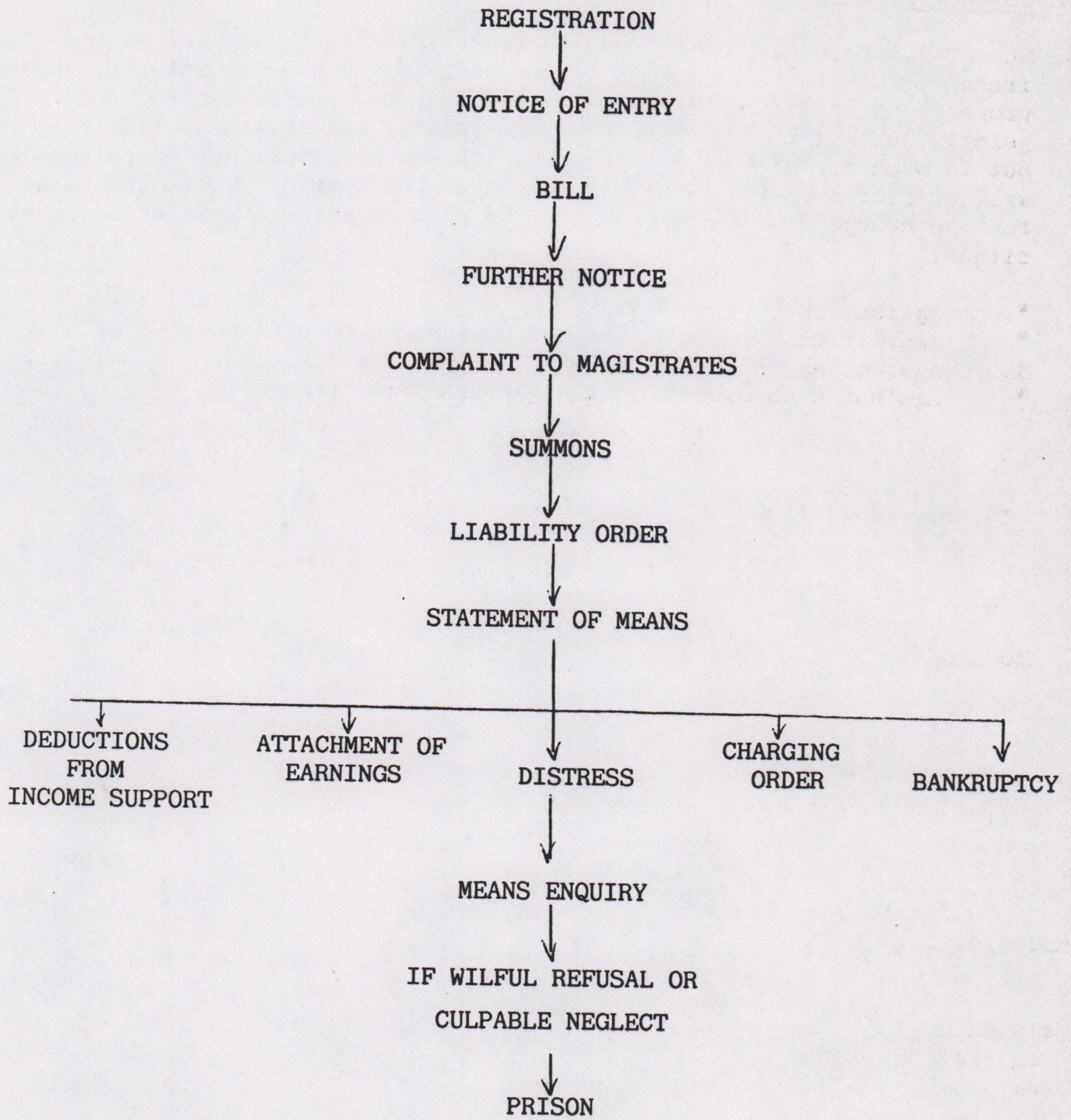
### Co-Owners

There will only be one Poll Tax or Poll Tax liability for each property, irrespective of the number of individuals who have an interest in the property at any time. However, where there are co-owners, they will jointly subject to the charge, and jointly and severally liable to pay it. But in practice only one co-owner (chosen by agreement, where possible) will be billed for the whole amount of the charge. Where the person billed for the charge does not pay, the CA will be able to take enforcement action either:

- \* against that person; or
- \* against the spouse/partner or manager of that person; or
- \* against any other co-owner of the property; or
- \* against a co-owner's spouse/partner or manager.



REGISTRATION - BILLING - ENFORCEMENT





SCHEDULE 4

DEDUCTIONS MADE UNDER ATTACHMENT OF EARNINGS ORDER

TABLE A

DEDUCTIONS FROM WEEKLY EARNINGS

(1) Net Earnings	(2) Deduction
Not exceeding £35	Nil
Exceeding £35 but not exceeding £55	£1
Exceeding £55 but not exceeding £65	£2
Exceeding £65 but not exceeding £75	£3
Exceeding £75 but not exceeding £80	£4
Exceeding £80 but not exceeding £85	£5
Exceeding £85 but not exceeding £90	£6
Exceeding £90 but not exceeding £95	£7
Exceeding £95 but not exceeding £100	£8
Exceeding £100 but not exceeding £110	£9
Exceeding £110 but not exceeding £120	£11
Exceeding £120 but not exceeding £130	£12
Exceeding £130 but not exceeding £140	£14
Exceeding £140 but not exceeding £150	£15
Exceeding £150 but not exceeding £160	£18
Exceeding £160 but not exceeding £170	£20
Exceeding £170 but not exceeding £180	£23
Exceeding £180 but not exceeding £190	£25
Exceeding £190 but not exceeding £200	£28
Exceeding £200 but not exceeding £220	£35
Exceeding £220 but not exceeding £240	£42
Exceeding £240 but not exceeding £260	£50
Exceeding £260 but not exceeding £280	£59
Exceeding £280 but not exceeding £300	£68
Exceeding £300	£68 in respect of the first £300 plus 50% of the remainder.



TABLE B  
DEDUCTIONS FROM MONTHLY EARNINGS

(1) Net Earnings	(2) Deduction
Not exceeding £152	Nil
Exceeding £152 but not exceeding £220	£5
Exceeding £220 but not exceeding £260	£8
Exceeding £260 but not exceeding £280	£11
Exceeding £280 but not exceeding £300	£14
Exceeding £300 but not exceeding £320	£18
Exceeding £320 but not exceeding £340	£21
Exceeding £340 but not exceeding £360	£24
Exceeding £360 but not exceeding £380	£27
Exceeding £380 but not exceeding £400	£30
Exceeding £400 but not exceeding £440	£36
Exceeding £440 but not exceeding £480	£42
Exceeding £480 but not exceeding £520	£48
Exceeding £520 but not exceeding £560	£54
Exceeding £560 but not exceeding £600	£60
Exceeding £600 but not exceeding £640	£66
Exceeding £640 but not exceeding £680	£75
Exceeding £680 but not exceeding £720	£85
Exceeding £720 but not exceeding £760	£95
Exceeding £760 but not exceeding £800	£105
Exceeding £800 but not exceeding £900	£135
Exceeding £900 but not exceeding £1000	£170
Exceeding £1000 but not exceeding £1100	£207
Exceeding £1100 but not exceeding £1200	£252
Exceeding £1200 but not exceeding £1300	£297
Exceeding £1300	£297 in respect of the first £1300 plus 50% of the remainder.



TABLE C  
DEDUCTIONS BASED ON DAILY EARNINGS

(1) Net Earnings	(2) Deduction
Not exceeding £5	Nil
Exceeding £5 but not exceeding £9	£0.20
Exceeding £9 but not exceeding £11	£0.50
Exceeding £11 but not exceeding £13	£1.00
Exceeding £13 but not exceeding £15	£1.20
Exceeding £15 but not exceeding £17	£1.40
Exceeding £17 but not exceeding £19	£1.70
Exceeding £19 but not exceeding £21	£2.10
Exceeding £21 but not exceeding £23	£2.50
Exceeding £23 but not exceeding £25	£3.00
Exceeding £25 but not exceeding £27	£3.60
Exceeding £27 but not exceeding £30	£4.50
Exceeding £30 but not exceeding £33	£5.30
Exceeding £33 but not exceeding £36	£6.70
Exceeding £36 but not exceeding £39	£8.00
Exceeding £39 but not exceeding £42	£9.40
Exceeding £42	£9.40 in respect of the first £42 plus 50% of the remainder.



## CIVIL PENALTIES

The Local Authority (L.A.) are responsible for billing, collection, and recovery of the Community Charge.

The Community Charge Registration Officer (CCRO) is responsible for the registration of charge payers.

Where either meet with an intentional lack of co-operation from charge payers, they can impose a penalty in relation to their separate areas of responsibility or function.

This is a discretionary and not an obligatory power. (Schedule 3).

The CCRO and L.A. are told to exercise their discretion carefully and use their judgement.

They must be:-

- a) satisfied a breach of duty has occurred
- b) satisfied that there is no reasonable excuse and that the breach was committed knowingly
- c) mindful of the appeals process

Examples would be; to knowingly supply false information; or to be deliberately inaccurate in a material particular such as not reporting all the adults in a house.

The penalty for the first breach of duty is £50.  
The penalty for the second breach of duty is £200.

Where:

- a) a £50 penalty has already been imposed
- b) the second breach of duty is the same as the first precisely.
- c) further, identical breaches of duty attract a penalty of £200 each.

e.g. failure to respond to canvass = £50 penalty  
failure to respond to canvass again = £200 penalty.

BUT supplying inaccurate information = £50  
Supplying different inaccurate information = £50

The L.A. can CCRO must be sure they have fully established that there was no reasonable excuse, and that there was a deliberate intention, and this can be done by sending reminders, writing, visiting etc.

## Appeals

These are:

- 1) To the L.A. or CCRO (as appropriate)
- 2) To the Valuation and Community Charge Tribunal (the old Rating and Valuation)



Grounds for appeal are that:

- a) the alleged breach of duty was not actually committed
- b) there was a reasonable excuse for the alleged breach of duty
- c) the alleged breach of duty was not committed knowingly

A civil penalty cannot be imposed where criminal proceedings are likely.



## 10. COMMUNITY CHARGE BENEFIT

### SECTION ONE: INTRODUCTION

#### What is Community Charge Benefit?

Community charge benefit (CCB) is a scheme run by local authorities which will help some people on low incomes pay their community charge bills. The benefit calculation is very similar in many respects to that for rate rebates under the current housing benefit scheme. The maximum benefit payable in any case will be 80% of liability.

#### Who is eligible for Community Charge Benefit?

Community chargepayers can only claim CCB for the following kinds of liability:

- the full-rate personal community charge (PCC) payable by those aged 18 or over who are solely or mainly resident in the authority's area;
- the collective community charge contribution (CCC contribution) payable by the residents of a property designated for the collective community charge.

It does not matter how short the period of liability is. However, benefit entitlement will always be calculated on a weekly basis. Absences from home will not affect a claimant's benefit entitlement as long as they continue to remain liable for their community charge while they are away.

People from abroad who are held liable for the PCC or for CCC contributions will not be excluded from claiming CCB on the grounds they are citizens of a foreign country or that they have been permitted to enter the UK on a limited leave. This is because, unlike housing benefit, income support and family credit, CCB will not count as 'recourse to public funds' under the immigration rules.

#### When is Community Charge Benefit Not Payable?

No CCB can be paid for:

- the 20% PCC liability payable by registered students;
- the standard community charge (SCC) payable for a second or additional home, etc;
- the collective community charge (CCC) payable by the landlord or owner of a property designated by the CCRO.

#### Who Can Claim?

The claim will normally be made by the person liable to pay the charge. The exceptions to the rule are:-

- couples - who must be assessed jointly. One partner must claim on behalf of both. Either partner may make the claim (even where only one of them is liable). Gay/lesbian couples are treated as two single people who can each claim for their own individual liability:



- where someone cannot act on their own behalf - a claim can also be made on behalf of a claimant by:
  - \* someone formally appointed to act legally for them;
  - \* someone appointed to act on their behalf for social security purposes by the DSS;
  - \* anyone aged over 18 whom the local authority agrees to accept as an appointee.

#### Procedures for Claiming

Prior to the 1st April 1990, LA's will have the discretion to treat any claim for HB also as a claim for CCB. Such claims will start from the 1st April 1990, but may be determined before that date. In any other case:

- claims must be made in writing - either on an official claim form or in some other written manner (e.g. a letter) acceptable to the LA;
- claim forms will be obtainable from the LA. New IS claimants will find a shortened combined HB/CCB claim form (NHB1) folded into the IS claim form given to them by the DSS or the UB office;
- applications must be accompanied by all the information and evidence reasonably required by the LA to assess the claim. Any further information requires and requested by the LA must be sent within 4 weeks, or longer at the LA's discretion, otherwise the claim will lapse.

This will vary, depending on the circumstances.

#### a) People in Receipt of HB Prior to 1.4.90.

- \* LA sends CCB claim form 3 months before CC starts.
- \* Claimant returns completed form to LA benefit office.
- \* LA calculates benefit entitlement and, in PCC cases, deducts benefit from forthcoming CC bill.

#### b) People in Receipt of IS but not HB prior to 1.4.90.

- \* DSS sends CCB claim form 3 months before CC starts.
- \* Claimant returns completed form to DSS.
- \* DSS forwards claim form to LA benefit office, confirming that IS is in payment.
- \* LA calculates benefit entitlement and, in PCC cases, deducts benefit from forthcoming CC bill.

#### c) New IS Claimants

- \* DSS provides claimant with combined HB/CCB claim form (NHB1) together with IS claim form.
- \* Claimant returns both completed forms to DSS.
- \* DSS forwards completed CCB/HB form(s) to LA benefit office(s), confirming whether or not IS is in payment.
- \* LA calculates benefit entitlement accordingly.

#### d) All Other Cases

- \* Claimant obtains HB/CCB claim form from LA, CAB, etc.
- \* Claimant returns completed form(s) to LA benefit office(s).
- \* LA calculates benefit entitlement.



### What is the Effective Date of Claim?

The effective date of claim is not always the same as the day on which the claim is actually received by the LA. The effective date of claim is important because it will, in turn, determine the date from which benefit begins.

#### a) Special Rules

- The effective date of claim will be 1st April 1990 in any case where:
  - \* the claim was made before the 1st April 1990;
  - \* the person was getting HB before the 1st April 1990 and the LA decided to treat this as a claim for CCB;
  - \* the person was liable for the CC on 1st April 1990 and made a claim for CCB within 56 days of either the 1st April 1990 or the date they received their first CC bill where this is later - unless the bill was delayed because the person had attempted to avoid registration.
- Where an existing CCB claimant notifies the LA that they have acquired a new partner, the notification will be treated as a claim for CCB on behalf of the new partner made on the day it is received at the LA.
- Where a person claims CCB up to 13 weeks before they expect to become liable for the full CC (e.g. before becoming 18 or ceasing to be a registered student) the LA has the discretion to treat their claim as having been made in the benefit week before expected entitlement. Advance claims may be accepted in this way, even though the person has not yet been entered on the CC register.
- Where a person is:
  - registered for the PCC in two or more LA's for the same period; and
  - appeals against one or more register entries; and
  - claims CCB within 14 days of the appeal decision confirming to which LA the PCC must be paid; and
  - that LA is satisfied the person would have been entitled to CCB for any of the days for which the PCC is now due, thenthe LA must treat that person's claim as having been made on the first day on which CCB entitlement arose.

#### b) General Rules

These rules apply to any claim for CCB not covered by the special rules above. The general rules are that:

- where the claimant or partner has successfully claimed IS and the CCB claim reaches either the DSS or LA within 4 weeks of the IS claim - the effective date of the claim for CCB is the first day of entitlement to IS.



- where the claimant or partner have claimed IS but are not entitled to it - the effective date of claim for CCB is the date the CCB reaches either the DSS or the LA, whichever is the earlier.
- in any other case, the effective date of claim is date on which the CCB claim is received by the LA.

### Backdating

The LA must backdate the effective date of claim for CCB where the claimant can show they had 'continuous good cause' for making a late claim throughout the past period. A claim cannot be backdated for more than 52 weeks. Where a claim is backdated, the amount of benefit the claimant will receive (if any) will depend on their circumstances over the period for which backdating is being sought.

### On What Date Does Benefit Start?

#### a) New CC Liability

Where a person becomes liable for either the full PCC or a CCC contribution, following a period when they were not liable for either the full PCC or CCC contribution in the LA's area because they were either exempt or a registered student, their CCB entitlement will start on the same day as their new CC liability - provided their effective date of claim for CCB occurs in the same benefit week in which liability begins.

#### b) In Any Other Case

- \* For those liable for the PCC - CCB entitlement will start at the beginning of the benefit week following the effective date of claim.
- \* For those liable for a CCC contribution - CCB entitlement will start on the effective date of claim.

### On What date does Benefit end?

LA's will set a benefit period for each claim. This can be any period of up to 60 weeks at the LA's discretion - after which the claimant must reapply. However, the benefit period will end earlier than this where either:

- \* the claimant ceases to get income support, or
- \* there is some other important change of circumstances.

Most changes in circumstances take effect from the beginning of the following benefit week. However, where a person ceases to be liable for the PCC or a CCC contribution, benefit will end of the same day as that liability.



### Examples

1. Can the following people claim CCB?
  - a) an owner occupier YES
  - b) a full-time student at University NO
  - c) a 17 year-old studying for his/her 'A' levels NO
  - d) a council tenant YES
  - e) a person with a holiday home in the lake district YES/NO
  - f) the owner of a commercial guest house NO
  - g) someone in a hostel designated for the CCC who is
    - a resident YES
    - the landlord NO
2. Carmel is currently in receipt of HB for rent and rates. Will she have to make a new claim for CCB in April 1990? NO
3. Vicki makes a claim for CCB two months before her 18th birthday. Does her claim have any effect - if so, how will it be treated by the LA? YES

### EXERCISE 1

1. Carey is currently in receipt of CCB. Her partner moves in with her and she notifies the LA accordingly. How will this affect the existing benefit claim?
2. Martin becomes liable for the PCC on 1st April 1990 but does not claim any CCB until 6 weeks later. Assuming he is entitled to CCB, from what day will it be awarded?
3. Sarah becomes liable for the full PCC on Wednesday, after ceasing to be a full-time student. Her claim for CCB reaches the LA on the Friday of the same week. Assuming she is entitled, when would her benefit start?
4. Goulam has been living in a hostel, designated for the CCC and paying a contribution to his landlord for some time. A friend advises him to claim CCB. His claim form reaches the LA on Friday. Assuming he is entitled, on what day will his benefit start? How quickly should he receive his first payment?
5. You discover that Goulam (in the above question) has been liable for a CCC contribution since 1st April 1990 but did not claim CCB because his social worker mistakenly told him he would not be entitled. It is now July 1990. What would you advise him to do when he puts in his claim for benefit?



## SECTION TWO: ENTITLEMENT TO COMMUNITY CHARGE BENEFIT

### Whose circumstances will be taken into account

In assessing claims for CCB, the LA will take into account the combined needs and resources of the claimant and their family. The family will consist of:

- \* their married or unmarried partner; and
- \* a child or young person for whom they are responsible.

### Living together as husband and wife

The law defines an 'unmarried couple' as a man and a woman who are members of the same household and who live together as husband and wife. 'Living together as husband and wife' is not defined. DSS guidance suggests the following criteria should be applied -

- \* Are the couple living in the same household?
- \* Is the relationship stable?
- \* What are the financial arrangements?
- \* Is there a sexual relationship?
- \* Is there shared responsibility for any children?
- \* How do the couple present themselves in public?

All of the above should be considered as a whole. The presence of any individual factor is not, by itself, conclusive.

### Who counts as a child or young person

A child is a person under the age of 16

A young person is someone over 16, but under 19, who is following a course of 'relevant education'.

A young person ceases to be counted as a dependant from the week after they become 19 or on the first of the following 'child benefit terminal dates' after they leave school or college:

- \* the first Monday in January;
- \* the first Monday after Easter Monday;
- \* the first Monday in September.

Where a Child Benefit Extension (CBE) period applies beyond the terminal date, the young person will count as a dependant until the CBE ends.

### Other people who may affect the claimant's benefit

These are:

- tenants
- sub-tenants
- boarders

In these cases any payments made to the claimant are counted as income with set disregards.



Note that:

- a) as with HB, a boarder is someone whose accommodation charge includes a payment for cooked or prepared meals made and eaten in that accommodation or in some other accommodation associated with it;
- b) unlike HB, there are no non-dependant deductions under the CCB scheme.

EXERCISE 2

1. Ruth is separated from her husband. Her two children spend roughly equal amounts of time living with her and their father. Ruth continued to claim child benefit following her separation and her husband has not contested this. Which parent would be treated as responsible for the children for CCB purposes.
2. Will a child in local authority care be treated as a member of the claimant's household for CCB purposes where:
  - a) they are living in a children's home?
  - b) they are living with the claimant under supervision?

SECTION THREE: CALCULATION OF COMMUNITY CHARGE BENEFIT

Points to remember

- Benefit entitlement is always calculated over a complete benefit week (a period of 7 days from Monday to Sunday).
- All the figures used in calculating CCB must be weekly amounts.
- Couples are assessed jointly and any benefit apportioned between them.
- The assessment of income, capital and applicable amounts are virtually the same as for the current HB scheme but, unlike HB, there are no non-dependant deductions.
- While many of the rules for CCB and HB are very similar, the calculations for HB and CCB are quite separate.
- The LA has a power to award additional CCB in exceptional circumstances.
- Examples of CCB assessments are contained in Appendix A.

Maximum CCB

The starting point for all CCB calculations will be the claimant's 'maximum CCB'. This consists of either:

- \* 80% of full liability for a PCC, or
- \* 80% of full liability for a CCC contribution.

Note: in cases where

- the LA offers a discount for prompt payment etc., CCB is always calculated on the basis of the full liability.
- the person is liable simultaneously both for a PCC and for a CCC contribution (this won't happen in Scotland), separate claims must be made for each liability, even where both are due in the same LA area. This means that both liabilities cannot be added together. CCB for each liability must be calculated separately as though the other liability did not exist.



## Assessment

### a) Income Support Cases

Where the claimant (or their partner) gets IS, they receive maximum CCB, i.e. benefit equivalent to 80% of their full liability.

### b) Non-Income Support Cases

The claimant's income is assessed and their needs (applicable amount) worked out. These figures are then compared.

- \* Where the assessed income is less than/equal to the applicable amount, the claimant is awarded maximum CCB, i.e., benefit equivalent to 80% of their full liability.
- \* Where the assessed income is greater than the applicable amount, the excess income is multiplied by the taper (15%) and the result deducted from the maximum CCB figure to give the benefit payable.

## Special rules for couples

Despite the fact that the CC is an individual liability couples are assessed for CCB jointly. One partner must claim on behalf of both. The calculation is based on their combined liability, joint income and the couple's applicable amount. Any CCB entitlement will be divided between them in proportion to their individual liabilities. So they will each receive separate benefit payments. In most cases, couples will have the same liability and will have any CB divided equally between them (see Appendix A).

Where one partner is exempt from liability, however, the calculation will be based solely on the other partner's liability - but will still take into account the couple's joint income and applicable amount etc. Any CCB will be paid in full to the liable partner (see Appendix A). The same process applies where one partner is a student with reduced liability. But, in this case, the student's 20% liability is completely ignored in the calculation and any benefit paid to the non-student partner (see Appendix A).

## Minimum benefit entitlement

If entitlement is less than 50p then no CCB is payable. The minimum is 50p per claim - not per person. So the minimum is 25p each for a couple unless one of them is liable, in which case the whole 50p applies to the liable partner's benefit.

## Additional benefit in exceptional circumstances

The LA has the discretion to pay additional CCB in any case where the circumstances are considered to be 'exceptional'. However, benefit may not be increased to more than the maximum benefit figure (i.e. 80% of full liability).



### Examples of benefit calculations

See the examples set out in appendix A illustrating the way benefit is calculated in different situations,

#### Exercise 3

1. What is the maximum amount of a community charge that can be met by CCB?
2. Mr. Karim receives his CC bill of £500 and decides to pay it in one go by using his savings. The LA gave him a £10 discount for prompt payment. How will the discount affect his possible entitlement to CCB?
3. Peter already receives CCB at this home address. He is away from home for 4 weeks staying in a hostel designated for the CCC. Will he have to pay any CCC contributions and, if so, can he get any additional benefit, and how?
4. Ken and Jean are a couple on income support. Jean is severely mentally handicapped as a result of a head injury some years ago and is exempt from the PCC. Ken is liable for the full PCC which is £5 per week. What is the entitlement to CCB in this case?

#### SECTION FOUR: CALCULATION OF APPLICABLE AMOUNT

The applicable amount is the measurement of the claimants needs for CCB purposes. It is only applied in non-IS cases.

CCB applicable amounts are made up of three components:

- a personal allowance for the claimant and partner;
- a personal allowance for any dependant child or young person;
- premiums, depending on certain personal and family circumstances.

#### Personal allowances for claimants and partners

Single claimant -	
aged 18-24	£27.40
aged 25 or over	£34.90
Single parent	£34.90
Couple	£54.80

#### Personal allowances for children and young persons

Aged under 11	£11.75
Aged 11 to 15	£17.35
Aged 16 or 17	£20.80
Aged 18	£37.40



## Premiums

The seven premiums and rates at which they are paid are:

Family premium	£6.50
Lone parent premium	£8.60
Disabled child premium	
For each child	£6.50
Pensioner premium (60-74 years)	
Single claimant or single parent	£11.20
Couple	£17.05
Enhanced pensioner premium (75-79 year)	
Single claimant or single parent	£13.70
Couple	£20.55
Higher pensioner premium	
Single claimant or single parent	£16.20
Couple	£23.00
Disability premium	
Single claimant or single parent	£13.70
Couple	£19.50
Severe disability premium	
Single claimant or single parent	£26.20
Couple (single rate)	£26.20
Couple (double rate)	£52.40

### Where more than one premium applies

General Rule - When more than one premium applies only the highest one will be awarded.

The three exceptions to this rule are:

- the family premium, which can be awarded in addition to any other premium;
- the disabled child premium, which can be awarded for each child who qualifies and in addition to any other premium;
- the severe disability premium, which is awarded in addition to either the disability premium or the higher pensioner premium.

### Family Premium

Awarded where there is one or more dependant children or young persons in the claimant's family.

### Lone Parent Premium

Awarded in addition to a family premium where the claimant has no partner.

### Disabled Child Premium

Awarded for each child in the claimant's family who:

- \* receives attendance or mobility allowance; or



- \* is registered blind or who has regained their eyesight within the last 28 weeks.

#### Pensioner Premium

Awarded if the claimant or partner are aged 60 or over but under 80 (once the claimant or partner reach 80 or more the higher pensioner premium becomes payable).

#### Enhanced Pensioner Premium

For non disabled pensioners aged between 75-79

#### Disability Premium

Awarded where the claimant or partner is under 60 and satisfies a test of disability.

A single claimant or single parent will get a DP where any one of the following applies:

- a) they get one or more of the following benefits - attendance allowance (or equivalent benefit), mobility allowance, mobility supplement, invalidity pension or severe disablement allowance; or
- b) they are registered as blind or regained their eyesight within the last 28 weeks; or
- c) they have an NHS invalid car or get an allowance to run a car because of disability; or
- d) they have been accepted by the DSS as being incapable of work for social security purposes for the last 28 weeks or more.

A couple will get a DP where either:

- the claimant satisfies any of the conditions (a) to (d) above; or
- the claimant's partner satisfies any of the conditions (a) to (c) above.

#### Higher Pensioner Premium

Awarded where the claimant or partner are either 80 or over or between 60 and 79 and satisfy a test of disability.

A single claimant or single parent will get an HPP where either:

- i) They are 80 or over; or
- ii) they are 60 or more but under 80 and they satisfy one of the conditions (a), (b) or (c) for a DP (see above); or
- iii) they are 60 or more but under 80 and were entitled to CCB which included a DP for any week within the last 8 weeks before reaching 60 and have been getting HB continuously since their 60th birthday.



A couple will get an HPP where either:

- i) the claimant or partner are 80 or over; or
- ii) the claimant or partner are 60 or over but under 80, and whichever of them is 60 or more satisfies one of the conditions (a), (b) or (c) for a DP (see above); or
- iii) the claimant satisfies the condition for an HPP set out in (iii) for a single claimant/parent (see above).

#### Severe Disablement Premium

Awarded in addition to either the disability premium or the higher pensioner premium where the claimant or partner also satisfy a test of severe disability.

A single claimant or single parent will get an SDA where:

- they get attendance allowance (or equivalent benefit); and
- they have no non-dependants other than any;
  - aged under 18; or
  - who themselves get attendance allowance; or
  - who are boarders; and
- no one receives invalid care allowance to care for her/him.

A couple will get an SDA:

- at the double rate - where they both satisfy the whole condition set out above: or
- at the single rate - where they both satisfy the whole condition above, except that someone receives an invalid care allowance for caring for only one of them.

#### EXERCISE 4

1. A claimant has two disabled children:-
  - a) Can her applicable amount include a disabled child premium in respect of both of them?
  - b) What effect does the disabled child premium have on other premiums?
2. Mary is a single parent with one child aged 16 who will be leaving school at the beginning of the summer holiday.
  - a) When will she lose her dependant's allowance for her child?
  - b) What effort will this have on her family premium and lone parent premium.
3. Mr. & Mrs. Lister have a disabled child who receives mobility allowance. This child also has £4,000 placed in a Building Society in her name by her grand-parents. What is the applicable amount in this case?



4. Mrs. Arnot is aged 67 and has been registered blind for the last 3 years. Would she be entitled to the pensioner premium or the higher pensioner premium?
5. Mr. & Mrs. Wood are a disabled couple aged 57 and 55 respectively. They both receive Attendance Allowance. They live alone but a friend living nearby provides a lot of support from Mrs. Wood and receives Invalid Care Allowance for doing so.
  - a) Is a disability premium payable?
  - b) Would a severe disability premium apply also?
6. Mr. Smith is 59 and gets a disability premium. His 60th birthday is next week. How will his premium be affected on that day?
7. Robert is claiming on behalf of himself and his wife Eileen. They have two children, Beth aged 6 and Sarah aged 9. Robert is unemployed and Eileen has just lost her job after being away from work, receiving sick pay and SSP for six and a half months. She has a very bad back and the doctor has given her a further sick note for 3 months. What is the maximum applicable amount they could receive, and what would they need to do to get it?

#### SECTION FIVE: CAPITAL

##### Assessment of Capital

Capital includes:

- money in bank or building society accounts
- premium bonds
- unit trusts
- stocks and shares
- lump sum and redundancy payments
- lump sum payments from charities
- savings in cash
- houses or land owned.

General Rules:

- A person is not entitled to CCB if s/he and any partner have capital over £8,000.
- Capital under £3,000 is ignored, and any capital between £3,000 and £8,000 is assumed to produce a tariff income.
- A child/young person's capital is not treated as belonging to the claimant but if they have more than £3,000 no personal allowance or disabled child premium is paid for that child/young person.
- Capital jointly owned is assumed to be shared equally between the joint owners.
- Interest on capital in a bank or building society account is treated as capital and not income.



### Treatment of Capital

- \* Capital is calculated at its current market value, or surrender value, less:
  - any debt or mortgage secured on it; and
  - 10% for expenses.
  
- \* Capital held abroad is valued:
  - in the normal way there is no prohibition on transferring assets to the UK; or
  
  - at the price a willing buyer in the UK would pay for it where there is a prohibition.
  
- \* Special rules apply to the valuation of National Savings Certificates.

### Notional Capital

A claimant can be treated as though they have a capital which they do not, in fact, possess. This will apply where:

- a) the claimant has disposed of capital in order to become entitled to, or increase the amount of, CCB;
  
- b) there is capital available to the claimant if they applied for it - but not in the case of a trust which is either discretionary or set up as a result of a personal injury;
  
- c) capital has been paid to a third party (i.e. the electricity board or building society) to meet the cost of the claimant's fuel, food, clothing, shoes, rent/rates for which HB is payable, or community charge for which CCB is payable;
  
- d) capital is paid to the claimant for the needs of someone who is not a member of the family - but only where the claimant does not use the money for this purpose;
  
- e) the claimant has a capital share in a company because they are the sole owner or one of the partners in that company - but this does not apply if the claimant is working for the company.

### Disregarded Capital

Some capital is ignored for CCB purposes, including:

- where the claimant is on income support, the whole of their capital;
  
- the value of the home normally occupied by the claimant;
  
- the value of a property a claimant has brought and intends to occupy within 26 weeks\*;
  
- money from the sale of a house which is to be used to buy another home within 26 weeks\*;



- the value of property not lived in by the claimant but which is wholly or partly occupied by:
  - a partner or relative who is 60+ or disabled; or
  - the former partner of the claimant, but not if they are divorced or estranged (see next).
- the value of property vacated by the claimant following divorce or estrangement from a former partner will be ignored:
  - indefinitely where that former partner is a single parent and remains living in the home:
  - in any other case, for 26 weeks\*
- the value of property not lived in by the claimant who:
  - is taking reasonable steps to sell the property; or
  - is taking legal action to occupy the property; or
  - is carrying out essential repairs or alternatives to the property so that they can live there;

will be ignored for 26 weeks\* after the claimant takes any of the above action;
- the business assets of a self employed person or, where the claimant has ceased to be so, for as long as it takes to dispose of them;
- arrears of attendance allowance, mobility allowance or an income related benefit but only for 52 weeks;
- compensation for loss or damage to the home or personal possessions which is to be used for their repair or replacement, for 26 weeks\*;
- loans acquired for essential repairs or improvements to the home, for 26 weeks\*;
- personal possessions, unless they were bought in order to become entitled to, or increase the amount of, HB;
- the surrender value of an annuity or life insurance;
- money in a trust fund which comes from a payment for personal injuries (2 years for adults - indefinitely for children);
- Social fund payments;
- tax refund on mortgage interest relief.

\*These time limits may be extended where it is considered reasonable to do so.

#### EXERCISE 5

1. Frank is claiming CCB and has £7,900 in the building society. Six monthly interest of £350 is due to be paid next week. What effect will this have on Frank's entitlement?



2. Will the following items be taken into account as capital?
  - premium bonds
  - arrears of mobility allowance
  - an income support claimant's savings
  - social fund payments
  - the value of a TV set or Hi-Fi.
  
3. Mr. Richardson's wife and 13 year old child have just been left £5,000 each in the will of a rich uncle.
  - a) How much of this capital will be taken into account for CCB purposes?
  - b) What effect will it have on Mr. Richardson's CCB assessment?
  
4. Martin is a self employed window cleaner. His van and cleaning equipment are worth £6,200. How will this affect his claim for CCB?
  
5. Dennis and Margaret have just separated. Dennis has moved out leaving Margaret in the home with the two children Mark (aged 20) and Carol (aged 15). How will the value of his former home affect Dennis' claim for CCB:
  - at the moment
  - when Carol leaves school next year
  - if Margaret moves in a new partner, Nigel, before then

#### SECTION SIX: INCOME

Income includes:

- earnings
- occupational pensions
- social security benefits
- maintenance payments
- regular payments from a charity
- tariff income from capital

General Rules:

- Income taken into account is always the net amount.
- Income of a partner is treated as the income of the claimant.
- The way the income of a child or young person is treated depends on the circumstances:
  - \* where the child/young person is not included in the claim because they possess capital of over £3,000 all their income is ignored;
  - \* in any other case,
    - any unearned income of the child/young person is treated as belonging to the claimant;
    - any earnings of a child/young person are ignored while they are still at school;



- any earnings of young person who leaves school and gets a job before the child benefit terminal date will be ignored where the work is for less than 24 hours per week. Otherwise it will be assessed in the normal way for earnings and treated as belonging to the claimant, but only up to an upper limit (see next);
- \* where the total of any income of a child/young person from any source which is to be treated as belonging to the claimant is higher than the dependant's allowance for that child/young person (including a child DP, if paid) the excess is ignored:
- Any income of a partner or child/young person treated as belonging to the claimant will be assessed in the same way as the claimant's own income;
- All income figures used for HB purposes must be weekly amounts. Payments for a week or less must be counted as weekly payments. Social Security benefits are only taken into account over the period for which they are due to be paid rather than actually paid, if this is different;

#### Notional Income

The rules are similar to those for notional capital in cases a) to d) plus:

- where the claimant performs a service for someone else and they are either unpaid for the work they do, the LA can treat the claimant as receiving the going rate for the job - unless the recipient of the service cannot afford to pay, or pay more;
- where the claimant receives another social security benefit at the time of the uprating of CCB, the LA can assume that it is uprated on the same day as CCB - providing the actual uprating is within 2 weeks of the 1st April.

#### SECTION SEVEN: EARNINGS

##### Employed Claimants

In addition to wages or salary, earnings from employment also include:

- \* bonus, commission and tips;
- \* payments made in lieu of wages (i.e., when employer goes bankrupt);
- \* payments in lieu of notice and compensation for loss of earnings (i.e. following unfair dismissal);
- \* holiday pay (except where paid more than 4 weeks after the job ended);
- \* any retainer;
- \* payments from expenses not totally and necessarily incurred in the course of work;
- \* payments under employment protection legislation;
- \* statutory sick pay/maternity pay.



## Assessment of Earnings from Employment

These are averaged out:

- \* where weekly paid - over the previous 5 weeks;
- \* where monthly paid - over the previous 2 months;
- \* where earnings vary - over whatever period is likely to give an accurate picture of the weekly average.

Net earnings are calculated as:

- Gross earnings, less
- income tax
- NI contributions
- half of any occupational pension contributions

NB. There is no disregard of work expenses such as fares to work, TU subscriptions, child care etc (i.e., net earnings are not necessarily the same as take-home pay). But there is an additional fixed earned income disregard (see later).

### Final Earnings from a Job

- If a man ends at retirement age (60 for a woman, 65 for a man) all final payments are ignored.
- In all other cases, final payments are ignored apart from a retainer and, in case of full-time work, any pay in lieu of notice/remuneration, holiday pay, employment protection payments and statutory sick pay/maternity pay.

### Self-employed Claimants

CCB assessment is based on the claimant's net profit according to the last year's trading account (where possible).

Net profit is

- \* gross earnings/profit over the assessment period;
  - plus
  - \* any enterprise allowance or regional development grant;
  - less
  - \* any expenses wholly and exclusively incurred for the purposes of the business over the assessment period.
- less
- income tax
  - NI contributions
  - half of any occupational pension contributions

Expenses which may be deducted for CCB purposes include:

- general running costs (e.g. fuel, telephone, postage, cleaning, advertising, insurance, delivery and transport, employee's wages, business travel, raw materials etc);



- repayment of capital on any loan for business equipment or machinery;
- interest paid on business loans;
- VAT paid in excess of VAT received;
- income spent on repairing business asset (not covered by insurance);
- proven bad debts;
- expenses incurred attempting to recover bad debts.

Expenses which cannot be deducted for CCB purposes are:

- any expense the LA thinks has not been reasonably incurred;
- any capital expenditure;
- depreciation of capital assets;
- money used to set up or expand the business;
- any loss made before the assessment period;
- repayment of capital on business loans;
- business entertainment expenses;
- any debts (except proven bad debts);
- any loss suffered in another business;
- any expenses to do with domestic or personal use rather than the running of the business.

NB - Not all the expenses deducted for tax purposes are also allowed in CCB assessments (i.e. the net profit figure for HB purposes is not the same as the one used to calculate tax liability). But there is an additional fixed earned income disregard (see below).

- The expenses for a childminder are automatically taken as two thirds gross profit.

#### Earned Income Disregards

The following disregards apply to net earnings from employment and net profit from self employment.

- i) A £15 disregard applies where:
  - a) the applicable amount includes the disability premium or the severe disability premium;



- b) the applicable amount includes the higher pensioner premium, and
- \* before reaching 60 the claimant was entitled to a £15 disregard under a) above; and
  - \* the claimant has carried on working;
- c) the claimant is a member of a couple who satisfy the conditions for both a disability premium and a higher pensioner premium/pensioner premium (75-79) but who have been awarded either
- \* the higher pensioner premium; or
  - \* pensioner premium (75-79)
- because it is worth more; and
- \* either the claimant or partner is working;
- d) the applicable amount includes a lone parent premium;
- e) the claimant is not covered by the above rules but is employed as:
- \* a part-time fire-fighter; or
  - \* an auxiliary coastguard; or
  - \* a part-time member of the lifeboat service;
  - \* a member of the territorial reserve force.

ii) A £10 disregard applies in the case of a couple who are not covered by any of the conditions for a £15 disregard.

iii) A £5 disregard applies in the case of a single claimant who is not covered by any of the conditions for a £15 disregard.

#### Unearned Income

Some income is counted in full, some is partially ignored, and some is ignored completely.

Income counted in full includes:

- all benefits unless specifically excluded;
- occupational pensions;
- maintenance payments;
- tariff income from capital (see below).

Income partially disregarded includes:

- £5 of regular charitable or voluntary payments;
- £5 of war disablement pension or war widows pension;
- £4 of payments from a sub-tenant, and a further £7.00 if payment includes heating;
- the first £11 of any payment from a boarder and 50% of any amount above this;
- any tax due on income to be taken into account.



Income completely disregarded includes:

- where the claimant is on income support, all of their income;
- mobility allowance;
- attendance allowance;
- payments from a non-dependant
- educational maintenance allowances;
- income in kind;
- social fund payments;
- Social Services payments made to prevent children from being received into care; and payments made to children who have recently left care.

Weekly tariff income from capital

Capital held	tariff	Capital held	tariff
£	£	£	£
3,000.01 - 3,250.00	1	5,500.01 - 5,750.00	11
3,250.01 - 3,500.00	2	5,750.01 - 6,000.00	12
3,500.01 - 3,750.00	3	6,000.01 - 6,250.00	13
3,750.01 - 4,000.00	4	6,250.01 - 6,500.00	14
4,000.01 - 4,250.00	5	6,500.01 - 6,750.00	15
4,250.01 - 4,500.00	6	6,750.01 - 7,000.00	16
4,500.01 - 4,750.00	7	7,000.01 - 7,250.00	17
4,750.01 - 5,000.00	8	7,250.01 - 7,500.00	18
5,000.01 - 5,250.00	9	7,500.01 - 7,750.00	19
5,250.01 - 5,500.00	10	7,750.01 - 8,000.00	20



## SECTION EIGHT: NOTIFICATION, PAYMENT AND RECOVERY OF EXCESS BENEFIT

### Notification

LA's are required to notify any person who is affected by a determination. Apart from the claimant, this could include:

- \* a partner;
- \* an appointee;
- \* the landlord of a property designated for the CCC where benefit is paid direct to her/him for a former resident's liability;
- \* anyone with whom a local authority has a formal agreement about payment of the claimant's bill (i.e. the bill is sent directly to a 3rd party);

Notification is to be within 14 days of making a determination or, where this is not practical, as soon as possible after that. Notifications for CCB must be separate from HB notifications for rent rebates/allowances.

### Time and method of payment

Payment of benefit for a PCC should in all cases be within 14 days or, where this is not practical, as soon as possible after that. This will normally take the form crediting the claimant's CC account (in the same way as for rate rebates). There are two exceptions to the rule:

- [ ] where the amount of benefit is greater than the claimant's liability (i.e. they have already paid their current PCC instalment), the LA may reduce the level of any future instalments during that financial year. However, any CCB outstanding at the end of the financial year must be paid by cash or cheque direct to the claimant, within 14 days wherever possible;
- [ ] where the claimant has already paid their annual PCC bill in full, and their account has been closed, the outstanding CCB must be paid by cash or cheque direct to the claimant, within 14 days wherever possible.

Payment of benefit for a Collective Community Charge contribution follows the same rules, in general, as rent allowances, except:

- [ ] there is no provision for a payment on account;
- [ ] the first payment should be within 7 days of the receipt of the claim or, where this is not practical, as soon as possible after that.
- [ ] payment may be by voucher rather than cash or a cheque;

In deciding the frequency of payments, LAs must take into account:

- \* the times at which and the frequency with which a person's liability to pay a CCC contribution arises; and
- \* the reasonable needs and convenience of the claimant.



Where vouchers are used, the landlord is obliged to accept them in part-payment of the person's CCC contribution (the CA will, in turn, be obliged to accept the voucher as part-payment of the Landlord's CCC). The voucher must state:

- the name of the person entitled to benefit
- the address of the premises the payment relates to
- the daily amount of CCB entitlement
- the day(s) for which it is awarded

Payment may be made direct to landlords where the claimant requests or consents to this.

#### Changes of circumstances

Claimants must report any changes in circumstances which they might reasonably know are likely to affect their CCB. If they fail to do this and overpayment arises as a result, it will be recoverable. In most cases, the change will normally take effect from the start of the benefit week after the one in which it actually occurred.

The exceptions to the rule are changes in:

- \* tax and NI - which may be disregarded for up to 30 weeks;
- \* PCC or CCC contributions - which must take effect from the same day they occur;
- \* the CCB Regulations - which must take effect from the date of the amendment;
- \* changes in the regulations affecting other social security benefits at the April uprating - which may be taken into account up to two weeks before the uprating date.

Where two changes occur in the same benefit week but would normally take effect in different benefit weeks, and one of the changes relates either to the amount of the PCC/CCC contribution or the CCB regulations, all the changes will take effect on the same day as the PCC/CCC contribution or CCB Regulations change. Where both the PCC/CCC contribution and the CCB Regulations change in the same benefit week, but on different days, all changes take effect from the date of whichever of these two changes first occurred.

#### Excess Benefits

Overpayments are referred to as 'excess benefits' under the CCB scheme. The rules are generally the same as those which apply overpayments under the current HB scheme.

Excess benefit may arise from a number of causes:

- \* claimant error or fraud;
- \* official error (by LA, DSS or DoE);



- \* third party error (by employer bank manager etc);
- \* other errors (e.g. backdated pay increase);

Where overpayments have more than one cause, each cause must be recorded separately (cause affects both whether the O/P is legally recoverable and the amount of subsidy payable to the LA).

#### Recoverable Excess Benefit

Like overpaid HB, all overpayments of CCB are legally recoverable except where they are due to official error and the claimant or person to whom benefit was paid could not have reasonably been expected to know that they were being overpaid at the time payment was made. The LA does not have to recover a recoverable overpayment - it may do so at its discretion.

#### From whom may recovery be sought?

- In all cases, the LA has the power to recover a recoverable excess payment from either the claimant or the person to whom benefit was paid.
- Excess benefit may also be recovered from the CCB of the partner of a claimant where they were members of the same household both at the time when the excess payment was made and when recovery is sought.

#### Method of recovery

The LA may recover excess benefit through any lawful method. This may include:

- requesting the claimant/payee to make repayments in the form of a lump sum or through instalments;
- where the claimant has not repaid the excess benefit within 21 days of being notified of the amount due, the LA may commence action to effect recovery through the courts;
- adding the amount of the excess benefit onto the claimant's personal community charge account and treating the excess benefit as though it were arrears of community charge;
- requesting the DSS to recover the excess benefit by making deductions from social security benefits (including IS and FC). The DSS will comply with such a request only where they are satisfied that:
  - \* the excess benefit arose as a result of misrepresentation or failure to disclose a material fact by the claimant/payee; and
  - \* that person is receiving sufficient amounts of one or more benefits to enable deductions to be made.

Note - deductions will not be made from guardians allowance, or from attendance allowance payable for a child.



- [ ] In the event of the death of the person from whom recovery is being sought, the LA may consider recovering any outstanding excess CCB from that person's estate.

The LA cannot recover excess CCB:

- [ ] by making deductions from the claimant's HB
- [ ] where the claimant is liable for a CCC contribution, by adding the amount to the landlord's CCC liability and asking the landlord, in turn, to recover this by increasing the CCC contribution payable by the claimant.

#### Excess benefit and fraud

Where benefit has been obtainable by fraud, the LA has the power both to recover the excess payment and to prosecute the culprit for fraud. Any fine imposed by the court (a fine not exceeding £2,000 or up to three months imprisonment) will have to be paid in addition to any repayment of the excess benefit.

#### Review Procedure

There is a two-stage review process which is essentially the same as that for the current HB scheme. Basically the procedure is that:

- \* any person who is affected by a determination may request a review if they disagree with it.
- \* the request must be made in writing within 6 weeks of the notification of the determination being sent out. The review will be carried out internally by a senior LA benefit officer.
- \* where the claimant finds the outcome of the internal review unsatisfactory, a further review by a Review Board may be held. This must be requested by the applicant in writing within 4 weeks of being notified of the outcome of the internal review.
- \* where a claimant appeals against both an HB and CCB determination, both appeals may be heard by the same Review Board providing that everyone concerned agrees.
- \* the members of the Review Board are elected Council Members who should conduct the further review within 6 weeks of the request for it, wherever possible. The applicant should be given at least 10 days notice of the hearing and can be represented if they wish.
- \* the Review Board are only bound by the CCB/HB regulations and any case-law made by the courts. They can overturn the LA benefit officer's determination and replace it with any other decision the LA could have legally made. The applicant should be notified in writing of the Review Board's decision within 7 days, if possible.



COMMUNITY CHARGE BENEFIT

EXAMPLES OF HOW REBATE ENTITLEMENT WILL BE CALCULATED

A People on Income Support

For a single person on Income Support where the weekly community charge liability is £5.75, the weekly rebate entitlement will be £4.60 (80% of £5.75). For a couple on Income Support whose weekly community charge liability is £5.75 each, the weekly rebate entitlement will be £9.20 (80% of £11.50), which will then be divided equally between the two partners; i.e. £4.60 each.

B Single Persons

For a single person aged 30 with no capital, earning £47 net per week, whose weekly community charge liability is £5.75, the weekly rebate entitlement will be £3.54, calculated as follows:

A - weekly community charge liability -	£5.75
B - maximum rebate (80% of A) -	£4.60
C - applicable amount -	£34.90
D - net weekly income - earnings -	£47.00
- less disregard -	£ 5.00
	£42.00
E - excess income (D-C) -	£7.10
F - apply taper (15% of E) -	£1.06
G - rebate entitlement (B-F) -	£3.54

C Couples with Children

For a couple with two children aged under 11, with no capital, earning £100 net per week, whose weekly community charge liability is £5.75 each, the weekly rebate entitlement will be £3.13 for each partner, calculated as follows:

A - aggregated community charge liability -	£11.50
B - maximum rebate (80% of A) -	£9.20
C - applicable amount - personal allowance for couple -	£54.80
personal allowances for children -	£23.50
family premium -	£ 6.50
	£84.80
D - Joint net weekly income - earnings -	£100.00
less disregard -	£ 10.00
plus child benefit -	£ 14.50
	£104.50



- E - excess income (D-C) - £19.70
- F - apply taper (15% of E) - £2.95
- G - rebate entitlement for couple (B-F) - £6.25
- H - rebate entitlement for each partner (50% of G) - £3.13

D Couples with different liabilities

For a couple with two children aged under 10, with no capital, where the wife has no income and is liable for £5.50 a week in community charge, and where the husband has net earnings of £90.50 per week and is liable for £4.50 in community charge, the wife's weekly rebate entitlement is £3.56 and the husband's weekly rebate entitlement is £2.91, calculated as follows:

A - aggregated community charge liability of both partners (£4.40 plus £5.50) - £10.00		
B - maximum rebate (80% of A) - £8.00		
C - applicable amount - personal allowances for couple -	£54.80	
personal allowances for children -	£23.50	
family premium -	£ 6.50	
	TOTAL	£84.80

D - joint net weekly income - earnings -		£90.50
less disregard -		£10.00
plus child benefit -		£14.50
		£94.00

- E - excess income (D-C) - £10.20
- F - apply taper (15% of E) - £1.53
- G - rebate entitlement for couple (B-F) - £6.47
- H - husband's rebate entitlement (he is liable for 45% of A, so is entitled to 45% of G) = £2.91
- I - wife's entitlement (she is liable for 55% of A, so is entitled to 55% of G) = £3.56

E Couples where one partner is a registered student

For a couple with no children and no capital, where the wife is a registered student and the husband earns £72 net per week, and where the weekly community charge liability is £5.75, the wife will pay £1.15 per week (20% of £5.75) and receive no rebate. The husband's weekly rebate entitlement will be £3.52 irrespective of which partner is the claimant. The calculation is as follows:

- A - aggregated community charge liability disregarding the liability of the student partner - £5.75



B - maximum rebate (80% of A) - £4.60  
C - applicable amount for the couple - £54.80  
D - joint net weekly income - earnings - £72.00  
    less disregard - £10.00

TOTAL      £62.00

E - excess income (D-C) - £7.20  
F - apply taper (15% of E) - £1.08  
G - rebate entitlement for couple (B-F), which applies only to the  
    husband's liability - £3.52



STOP PRESS

EXEMPTIONS PAGE 30-31

Exemption on the grounds of severe mental impairment.

Information obtained on the 3rd November indicated that the government was intending to widen the definition of severe mental impairment so that it would include people whose impairment resulted from mental illness or dementia. The Government also intends to include more benefits to make it easier for people to claim exemptions.

Unfortunately at the time of writing (23.11.89) the new legislation was not available, however it was believed that the exemption procedure would be as follows.

The person seeking exemption will have to satisfy ALL of the following conditions.

- a) They are severely mentally impaired
- b) They are in receipt of (or had been immediately prior to reaching pensionable age) at least one of the following benefits:
  - i) an invalidity pension
  - ii) severe disablement allowance
  - iii) an unemployability supplement or allowance
  - iv) an attendance allowance
  - v) constant attendance allowance
- c) they are stated to be severely mentally impaired in a certificate signed by a registered medical practitioner

When assessing severe mental impairment Doctors have been advised that the criterion for exemption is whether in the doctor's clinical judgement the applicant is severely mentally impaired, to the extent that the applicants social functioning and intelligence are severely impaired due to arrested or incomplete development of mind, mental illness, or dementia whether resulting from brain injury or other causes and that the impairment appears to be permanent.

If the doctor is uncertain about whether the applicants condition falls within the above criterion, they can seek further information about the applicants from other doctors, caring professionals and carers who are familiar with the applicant.



## ANSWERS TO EXERCISES

### EXERCISE 1

1. If Carey's partner is liable for a P.C.C. Carey can now become the claimant for both of their liabilities. This is because couples entitlement to Community Benefit must be assessed jointly. If Carey and her partner are still entitled to C.C.B. this joint entitlement will start from the date that Carey notified the L.A. about her partner (see page 59).
2. Under the Special Rules (see page 61) Martin will be entitled to a C.C.B. starting from the 1st April 1990.
3. Sarah's claim reached the L.A. within the same benefit week that her P.C.C. liability started, her entitlement to a Community Charge Benefit will start on the Wednesday (see page 62-3).
4. Goulam's entitlement to a Community Charge Benefit following his claim, will start on the date that his claim arrived at the L.A. e.g. the Friday (see page 63).

### HOWEVER

5. Goulam or yourself should explain why he did not claim e.g. because he received poor advice from a professional upon whose advice he believed he could depend. This should be sufficient to allow "good cause" for a late claim and for Goulam's entitlement to be backdated to the 1st April 1990 (see page 62).

### EXERCISE 2

1. Ruth will be treated as responsible for the children as she is the recipient of their child benefit.
2. a) No, because the family are no longer allowed to receive child benefit.  
b) Yes, as long as the child is residing with the family for at least two nights, and they therefore qualify for child benefit.

### EXERCISE 3

1. The maximum amount of Community Charge Benefit is 80% of a claimant's full liability for P.C.C. or C.C.C. Contributions.
2. Mr. Karim's £10 discount will not affect his possible entitlement to C.C.B. However his entitlement to C.C.B. will be on his full liability and not £500 less the £10 discount.
3. Yes Peter will be liable to pay Collective Community Charge contributions. Peter will be able to get assistance but this won't be added to his existing C.C.B. entitlement. Peter will have to make a fresh claim for C.C.B. to meet his new liability.
4. As a couple on Income Support Ken will get 80% of his liability paid for him (see page 68).



#### EXERCISE 4

1. a) Yes if both children get either the Attendance Allowance, Mobility Allowance or are registered as blind.  
or  
b) NONE
2. a) Many will lose the dependant's allowance for her child on the first Monday in September.  
b) Mary will lose both premiums.
3. Mr. and Mrs. Lister would just receive an applicable amount for themselves. Their child will not be seen as dependant upon them, therefore they will not get the appropriate dependant addition nor the disabled child premium (see page 76).
4. Mrs. Arnot would qualify for a Higher Pensioner Premium (see page 73).
5. Mr. and Mrs. Wood a) qualify for a disability premium and b) they would be entitled to the single rate of a Severe Disability Premium on top of their Disability Premium.
6. As Mr. Smith qualifies for a Disability Premium when he is 60 he will qualify for a Higher Pensioners Premium.
7. As Eileen will qualify for a Disability Premium (because she has been incapable of work for 28 weeks) Eileen should become the claimant.

This would mean that Eileen could get an applicable amount of £54.80 + £11.75 + £11.75 + £6.50 + £19.50 = £104.30. Instead of Robert just getting an applicable amount of £84.70.

#### EXERCISE 5

1. Frank will not be entitled to C.C.B. because the interest he receives will be treated as part of his capital (see page 76) and this will take him over the £8,000 limit.
2. Yes premium bonds are treated as capital. No Mobility Allowance arrears will not be treated as capital for 52 weeks.  
No, Income Support claimants will not have their savings taken into account.  
No, a Social Fund payment will be disregarded.  
No, the value of a TV set or Hi Fi will be disregarded.
3. a) Mrs. Richardson bequest of £5,000 will be taken into account for Mr. Richardson's claim. However because their son has now got over £3,000 in savings they will not get a child addition on their C.C.B. assessment.



b) As well as losing his son's child addition off his applicable amount, Mr. Richardson will also have £8 taken off his applicable amount because of the weekly tariff income from capital (see page 87).

4. Martin's van and cleaning equipment will be disregarded as business assets.

5. The value of Dennis's former home will be ignored for the moment. When Carol leaves home Margaret will no longer be a single parent and therefore the value of Dennis's former home will be taken into account after 26 weeks following Carol's departure.

If Nigel moves in with Margaret, Margaret will once again lose her single parent status and the value of the property will cease to be ignored after 26 weeks after Nigel has moved in.



NOTTINGHAMSHIRE WELFARE RIGHTS SERVICE: SOCIAL SECURITY LAW

TRAINING COURSES

EVALUATION

We hope that you have found your training day both enjoyable and informative. To help us plan and improve our training courses we would be pleased to have a few comments from you about this course. Please could you complete the form. It will only take a few minutes and will be of real value to us. Thank you.

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Consider the day as a whole, generally.....

(1) Was the course of value to you? Did you learn what you think you needed to learn? Were there any major omissions?

(2) Did you enjoy the course? What did you particularly enjoy about it? What did you particularly dislike?

Consider the teaching methods used

(3) Were the methods appropriate? What worked well? What didn't work so well?



Consider any course handouts and Guide.....

- (4) Was the literature of value to you? If so, in what way(s)?  
How might they have been improved?

Again, consider the Course as a whole. Please indicate on the scale (10 being excellent - 1 being bad) how you feel the course "scored" on these items:

- (5) Administration (pre-course publicity, confirmation, maps, etc) 1 2 3 4 5 6 7 8 9 10
- (6) Content 1 2 3 4 5 6 7 8 9 10
- (7) Teaching Methods (Flip Charts, Overhead Projectors, Workshops) 1 2 3 4 5 6 7 8 9 10
- (8) Guides, Handouts, etc. 1 2 3 4 5 6 7 8 9 10
- (9) Learning value to you. 1 2 3 4 5 6 7 8 9 10
- (10) Venue (included car parking, accessibility, building, facilities, lunch etc) 1 2 3 4 5 6 7 8 9 10
- (11) Your enjoyment of the course 1 2 3 4 5 6 7 8 9 10
- (12) Anything you may wish to add )  
to add ) \_\_\_\_\_  
here? ) 1 2 3 4 5 6 7 8 9 10

Any other comments you may wish to add?

Date and Name of Course.....

Your name/Work address (only if you wish to provide this)

.....

Please return to Saul Becker, Senior WRO (Training). NWRS, Social Services, County Hall, West Bridgford, Nottingham.