

COUNCIL

15 SEPTEMBER 2015

ITEM 6 – QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR N CLARKE TO COUNCILLOR R D BAYLISS

In light of the recent High Court decision in respect of R Hardy v Sandwell Metropolitan Borough Council, in which, it was ruled unlawful to take disability living allowance (DLA) into account as an income when assessing discretionary housing payments (DHP's), is this Council planning to review its policy when assessing DHP's for those in receipt of DLA?

RESPONSE FROM COUNCILLOR R D BAYLISS

The High Court decided that a local authority's decision to take the care component of disability living allowance (DLA) into account when assessing a discretionary housing payment (DHP's) was unlawful. The Court has decided to quash the local authority decision and ordered them to make a fresh one.

Following the ruling by the high court we have amended our calculations for DHP cases (income versus essential expenditure) to exclude the care component of Disability Living Allowance as a form of income, thus giving those in receipt of this benefit a greater chance of qualifying for additional help. This has been implemented from 1 April 2015 for all new claims as well as renewals.