

MEETING OF THE COUNCIL

21 JANUARY 2014

ITEM 6 – QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR D DE LACY TO COUNCILLOR R D BAYLISS

“It has been reported in the media that thousands of people have been wrongly identified as liable for the bedroom tax as a result of an error by the Department of Work and Pensions.

It has also been reported “that the Department for Work and Pensions has issued an ‘urgent bulletin’ saying tenants meeting certain specific criteria should have the cut in their bedroom tax removed until legislation is amended and Councils should refund deductions made since last April.”

Would the Portfolio Holder inform Council whether these reports are true and if so what action has the Council taken to identify these residents in North West Leicestershire”.

RESPONSE FROM COUNCILLOR R D BAYLISS

“The DWP has issued an urgent bulletin confirming that that some tenants can have their eligible rent calculated under the Housing and Council Tax Benefit (Consequential Provisions) Regulations 2006 rather than the provisions for the spare room subsidy.

This means that someone in continuous receipt of Housing Benefit since 1 January 1996 for the same property will be exempt from any under occupancy charge.

There may also be a number of allowable breaks in these conditions. If the tenancy has been inherited it should be treated in the same way.

We are currently taking Legal and Audit advice regarding the most appropriate way to confirm Housing Benefit entitlement over this extended period, and will be advising the relevant customers of the process to claim this exemption as soon as it has been confirmed.

The DWP has advised councils where possible to identify potentially affected claimants from their records and be fully satisfied that the claimant has met the criteria before removing the charge. If it is satisfied that the conditions are fully met the under occupancy charge should be removed and the decision revised and any underpayment to date refunded to the claimant.

The DWP has also advised that a record of the case been made because they do intend to amend the legislation so that the under occupancy charge will apply to these cases and the charge will have to be reapplied when it is made law.

Of the Council tenants identified as being affected by the under-occupation charge when it was introduced, we have identified that 45 of them (8% of the total affected) were tenants in 1996. These details have been passed to the Revenues and Benefits partnership to verify continuous Housing Benefit entitlement and make contact with the customers affected”.