

Cheltenham Borough Council

Council – 24 July 2023

Housing Benefit War Pensions Disregard

Accountable member:

Councillor Peter Jeffries, Cabinet Member Finance, Assets and Regeneration

Accountable officer:

Jayne Gilpin, Head of Revenues and Benefits

Accountable scrutiny committee:

n/a

Ward(s) affected:

All

Key/Significant Decision:

No

Executive summary:

The purpose of this report is to reconfirm that war disablement and war widow(er)'s pensions should be disregarded as income when calculating entitlement to Housing Benefit entitlement

Recommendations: That Council

- 1. Approves the Housing Benefit War Pensions Disregard Policy in appendix 2 to confirm that war pensions should continue to be fully disregarded in the calculation of Housing Benefit**
 - 2. Delegate decisions relating to the application of these income disregards to the Head of Revenues and Benefits and officers in the Revenues and Benefits team**
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1. Implications

1.1. Financial implications

This report proposes that the Council continues to disregard these pensions as it has done for many years. The Government will fund 75% of the additional disregard provided it does not exceed 0.2% of the total Housing Benefit subsidy received in any year. This council is required to fund 25%. In 2022/23 the cost to this council was just under £5,000.00 which is well below the 0.2% threshold. The cost is not expected to increase significantly and will be funded within existing budgets.

Signed off by: Gemma Bell, Director of Finance and Assets, gemma.bell@cheltenham.gov.uk

1.2. Legal implications

2. [*please send to legalservices@onelegal.org.uk to summarise any legal implications of the recommendations*]

Under section 134(8) of the Social Security Administration Act 1992 the Council has a discretion to disregard income from war pensions when calculating any entitlement to Housing Benefit.

Signed off by: One Legal; legalservices@onelegal.org.uk

2.1. HR implications

There are no HR implications arising from the content of the report

Signed off by: Georgie Tweddle, HR Business Partner, georgie.tweddle@publicagroup.uk

Environmental and climate change implications

There are no environmental and climate change implications arising from the content of the report or recommendations

Signed off by: Laura Tapping officer, Climate Emergency Programme Officer, laura.tapping@cheltenham.gov.uk

2.2. Property/asset implications

There are no property implications arising from the content of the report or recommendations

Signed off by: Gemma Bell, Director of Finance and Assets, gemma.bell@cheltenham.gov.uk

2.3. Corporate policy framework implications

The disregard is directly for claimants in receipt of War Disablement or War Widows(er)'s Pensions to ensure the support provided through Housing Benefit is maximised. In terms of the impact on groups that have protected characteristics under the Equality Act 2010, the

proposal will support those that are older or are living with disabilities. No negative impacts are identified, therefore no equality impact assessment has been required

Signed off by: Richard Gibson, Head of communities, wellbeing and partnerships
richard.gibson@cheltenham.gov.uk

3. Promoting equality and reducing discrimination

The disregard is directly for claimants in receipt of War Disablement or War Widows Pensions to ensure the support provided through Housing Benefit is maximised.

4. Performance management – monitoring and review

The number of disregards and total awarded are reviewed and reported to the Department for Work and Pensions annually.

5. Background

- 5.1. Cheltenham Borough Council administers Housing Benefit on behalf of the Department for Work and Pensions and the Government reimburses the Council for the cost via the Housing Benefit Subsidy claim.
- 5.2. Whilst almost every aspect of Housing Benefit is determined by legislation local authorities do have the discretion to approve a local policy regarding how much of a person's income from War Disablement Pension and War Widow(er)'s Pensions should be disregarded. Housing Benefit rules provide for the first £10 to be disregarded but the council can decide to disregard some or all of the income in addition to the £10.
- 5.3. The Council is required to fund 25% of the cost of the local disregard and the Government funds 75%.
- 5.4. A small number of Housing Benefit customers currently receive the 100% disregard at a cost to this council of just under £5,000.00 in 2022/23.
- 5.5. The caseload is unlikely to increase as these pensions are only paid to those who qualified prior to 2005, when they were overhauled and a new scheme introduced. The current scheme provides a full statutory disregard.
- 5.6. This report recommends that the Council resolves to continue applying the 100% disregard for War Disablement and War Widow(er)'s Pensions, in relation to the Housing Benefits scheme.

6. Reasons for recommendations

- 6.1. Cheltenham Borough Council has previously agreed that War Disablement or War Widow(er)'s Pensions should be fully disregarded for Housing Benefit purposes and the proposal in this report provides for continuity in our approach.

6.2. During the latest audit of the Housing Benefit Subsidy claim our auditors recommended that the policy is renewed.

6.3. War pensions are also fully disregarded in the local Council Tax Support Scheme so this will ensure a consistent approach.

7. Alternative options considered

7.1. None. Reducing or revoking the disregard would potentially bring financial hardship to war pensioners and war widow(er)'s.

8. Consultation and feedback

8.1. No consultation has been undertaken

9. Key risks

9.1. The risks are in Appendix 1

Report author:

Jayne Gilpin, Head of Revenues and Benefits, Jayne.gilpin@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. The Housing Benefit War Pensions Disregard policy

Background information:

1. The Social Security Administration Act 1992
2. The Housing Benefit Regulations 2006
3. The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007

