

# Bath & North East Somerset Council

MEETING:	<b>Council</b>	
MEETING DATE:	<b>30<sup>st</sup> November 2023</b>	
TITLE:	<b>Housing Benefit War Pension Disregard Policy (Modified scheme)</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Housing Benefit War Pension Disregard Policy (Modified scheme)		
Extract from Grant Thornton HBAP Report 2021/22		

## 1 THE ISSUE

To formally adopt a policy to disregard War Pension income in the assessment of Housing Benefit.

## 2 RECOMMENDATION

**Council is asked to adopt the policy included in the appendix to this report which gives officers a direction to disregard War Pension income in the assessment of Housing Benefit.**

## 3 THE REPORT

- 3.1 The Housing Benefit regulations 2006 make provision for the disregard of the first £10.00 of War Pension income in the assessment of Housing Benefit entitlement. The Social Security Contributions and Benefits Act 1992 makes further provision that Local Authorities may modify the Housing Benefit scheme by disregarding a further amount or all War Pension Income as part of a local policy.
- 3.2 Since Bath and North East Somerset Council was first established, the custom of disregarding this income in full has been carried out by staff assessing Housing Benefit entitlement.
- 3.3 It has been noted on the council's annual Housing Benefit Assurance Process (HBAP) audit report for benefit paid out in respect of 2021/22, that the council was unable to evidence the decision to adopt a local policy to disregard War Pension income, and so it is necessary for the council to formally record its local policy of disregarding this income in full in the assessment of Housing Benefit.

There is already a corresponding disregard of this income in the council's Local Council Tax Support scheme rules.

#### **4 STATUTORY CONSIDERATIONS**

The legislation which covers these arrangements is as follows:

- The Housing Benefit Regulations 2006 paragraph 40(2) and schedule 5
- Housing Benefit (Persons who have attained the age qualifying for the State Pension Credit) Regulations 2006 paragraph 33(9) and schedule 5
- Sections 134 and 139 of the Social Security Administration Act 1992 provide the Council with the discretion to modify the Housing Benefit scheme by disregarding a further amount, or all, of specified war disablement pensions and payments.
- The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 (as amended) prescribe which pensions and payments are in scope for the local policy.

#### **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

Because the council has been disregarding this income in full in previous years, there are no additional resource implications.

#### **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.
- 6.2 There is a risk that if the council does not adopt this policy and record this decision that officers undertaking Housing Benefit assessments will not be able to continue to disregard this income, or if it continues to be disregarded that the council's external auditor will qualify the Housing Benefit subsidy claim for benefit paid out in 2022/23 and subsequent years. This would have financial costs for the council and is a reputational risk.

#### **7 EQUALITIES**

An Equalities Impact Assessment has not been carried out because the new policy does not make any changes to the current practices which have been in place for many years.

#### **8 CLIMATE CHANGE**

This policy does not impact on climate change.

#### **9 OTHER OPTIONS CONSIDERED**

None

#### **10 CONSULTATION**

S151 Officer, Monitoring Officer, Cabinet Member for Resources.

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<b>Background papers</b>	
<b>Please contact the report author if you need to access this report in an alternative format</b>	