

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 9 AUGUST 2022
REPORT OF THE DIRECTOR (FINANCE AND TRANSFORMATION)

DISREGARD OF WAR PENSIONS POLICY

1 Executive Summary

- 1.1 The purpose of this report is to document existing working practices to ensure that members of the armed forces who have been disabled during service or the widows, widowers or surviving civil partner of those who died in the service of their country should not be penalised by having their pensions or payments made in relation to their service, taken into account in the calculation of their housing benefit or council tax support entitlement.
- 1.2 The Council disregards in full war widows and war disablement pensions when calculating entitlement to housing benefit.
- 1.3 The Council Tax Support Scheme replaced council tax benefits from April 2013 and our scheme for working age recipients and pensioners, allows for the full disregard of war widow and war disablement pensions.

2 Recommendation(s)

- 2.1 The Council's disregard of war pensions procedure when calculating housing benefit and council tax support is agreed and recommended by Cabinet to Full Council.

3 Explanation

- 3.1 The Housing Benefit Regulations make provision for the first £10 of a war disablement or war widow's pension to be disregarded when calculating an applicant's income relating to an application for housing benefit or council tax support. The cost of this disregard is fully reimbursed to the Council by the government.
- 3.2 The legislation also allows the Council to disregard any other part of these pensions and this Council has wholly disregarded the payments for a number of years when calculating housing benefit or council tax support entitlement.
- 3.3 The Council's council tax support scheme is aligned to housing benefit regulations and disregards war disablement or war widow pension.
- 3.4 Appendix A lists the war disablement and war widows' pensions that are disregarded.

Implications

4 Legal Implication(s)

- 4.1 The Regulations providing for this are the Housing Benefit Regulations 2006 paragraph 40(2) and schedule 5, and Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 paragraph 33(9).
- 4.2 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.

5 Financial Implication(s)

- 5.1 The estimated cost to the Council is built into the cost of existing council tax support scheme and in 2021/22 this was £4,527.
- 5.2 We receive 75% subsidy for housing benefit war widow payments and in 2021/22 our expenditure was £9,966; we received £7,475 subsidy with a cost to the Council of £2,491.

6 Risk Management Implications

- 6.1 The key financial risk related to our council tax support scheme is the possible loss of council tax revenue if residents are unable to pay. This is mitigated by assuming an element of non-collection within the tax base but a greater level of non-collection, or increase in demand for support, would need to be met by the major preceptors and this Council would need to find its share.

7 Security & Terrorism Implication(s)

- 7.1 There are no security and terrorism implications with the recommendation in this report.

8 Procurement Implication(s)

- 8.1 There are none.

9 Climate Change Implication(s)

- 9.1 The proposals in this report will not impact on greenhouse gas emissions.

10 Human Resources Implication(s)

- 10.1 There are none.

11 Health and Wellbeing Implication(s)

- 11.1 Those people who are on a means tested benefit required to meet their basic living needs could also be in receipt of council tax support which they require to meet their council tax liability. Any changes could cause financial hardship.

12 Communication and Engagement Implication(s)

- 12.1 There has been liaison with Hertfordshire County Council and the Police & Crime Commissioner on our council tax support scheme.

13 Link to Corporate Priorities

13.1 The subject of this report is linked to the Council's Corporate Priority: Our Council and promoting equality and fairness.

14 Equality and Diversity

14.1 An Equality Impact Assessment has been completed and no negative impact was identified on any of the protected groups under Equalities legislation. Potential positive impacts have been identified for the protected characteristics of age and disability.

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Appendix A

The following war disablement and war widows' pensions will be disregarded.

1. A war disablement pension.
2. War widow's/widower's pension.
3. A pension payable a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provisions about pensions, for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown.
4. Guaranteed Income Payments (GIPs) under the Armed Forces and Reserve Forces Compensation Scheme (AFRFCS) payments.
5. A payment made to compensate for the non-payment of such a pension as is mentioned in any of the preceding sub-paragraphs.
6. A pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in preceding paragraphs.
7. Any comparable payment paid by the government of a country outside Great Britain, a pension paid under the law of the Federal Republic of Germany or Austria to victims of National Socialist persecution.