

**REPORT TO THE SCRUTINY PANEL for RESOURCES
MEETING OF 10th MARCH 2011**

Status: For Consideration
Title: Discretionary Housing Payments Policy (Revised)
Originator: Leigh Butler
Where from: Management Board
Where to next: Executive

Objective : The purpose of this report is to present the revised Discretionary Housing Payments Policy for the Revenues and Benefits Service.

1. Outcome sought from Panel

1.1 To panel is asked to consider the revised Discretionary Housing Payments Policy (DHP) as outlined in Appendix A.

2 Background

2.1 The Discretionary Financial Assistance Regulations 2001 provides the statutory framework for the DHP scheme. Each year central government sets the Council a permitted total to spend on DHP awards. It is unlawful for a local authority to exceed its permitted total. Government contributes the first 40% of the permitted total so there is no cost to the Council when the total annual spend on DHP awards is below the government contribution. However, it is in the Council's interests to use the government's contribution because any under-spend is repaid to government and spend in previous financial years affects future allocation. For 2010/11 the government contribution (being 40% of the permitted total) is £5,839 and the permitted total being £14,598.

2.2 This scheme gives the Council a limited annual budget to grant an award to individuals where the Council considers that a person requires further help in addition to the Housing Benefit or Council Tax Benefit that they already receive.

2.3 A DHP award is not a payment of benefit but it is only available to someone who qualifies for some housing benefit or council tax benefit and where the Council considers that the person is in need of further financial help. Awards are potentially made in the following situations:

- a) meeting the shortfall between the rent charged and the restricted market rent that is used to decide housing benefit;

- b) making up for the effect of the means-test by covering the shortfall between benefit entitlement and rent or council tax that exists because income is too high to qualify for maximum benefit; and
- c) meeting the amount of a non-dependant deduction (a non-dependant is an adult living in the benefit claimant's household and the deduction is made to reflect an assumed contribution towards rent and council tax).

2.4 That the policy is reviewed as it has not been the case since 2001 and satisfy the requirements of the Audit Commission benefit inspection 'Key line of enquiries' for this specific area.

3 Points for discussion

3.1 The attached revised Discretionary Housing Payments Policy as in Appendix A.

4 Equality Impact Assessment Implications/Outcomes (attach completed EIA)

4.1 An initial equality impact assessment (Appendix B) confirms that there is no requirement to carry out a full assessment as the policy as it is clear that there is no discrimination against any groups identified.

5 Impact on Communities

5.1 Help customers with rent and Council Tax liabilities.

6 Legal Issues

6.1 All functions relating to the administration of a claim for a DHP under the Discretionary Financial Assistance Regulations 2001 are considered to be executive functions, as they are not specifically identified as non-executive functions in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 or in any other functions and responsibilities regulations made thereafter.

6.2 As explained elsewhere in the report, there is no legal requirement for the Council to undertake a review of a decision made in respect of a claim for DHP. As such any dispute regarding a decision so made does not constitute an appeal.

7 Resource Issues

7.1 There are no implications arising from this report.

8 Community Safety Implications

8.1 There are none arising directly out of this report.

9 Carbon Management Implications

9.1 There are none arising directly out of this report.

10 Risk Management Implications

10.1 There are none arising directly out of this report.

11 Consultation

11.1 None

12 Background Papers

12.1 HB/CTB Subsidy Circular S1 of 2010 (Revised)

Previous report(s): Discretionary Housing Payments report to Executive meeting held on 6th June 2001

Information Issued Under Sensitive Issue Procedure: N

Appendices:

A. Discretionary Housing Payments Policy (Revised)

B. Discretionary Housing Payments Policy Equality Impact Assessment