



OVERVIEW AND SCRUTINY COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Tuesday, 22nd January, 2019 at 7.00 pm.

The Members of the Overview and Scrutiny Committee are:-

Councillor Chilton (Chairman)
Councillor Michael (Vice-Chairman)

Cllrs. Bartlett, Buchanan, Burgess, Dehnel, Farrell, Feacey, Knowles, Krause, Mrs
Martin, Miss Martin

Agenda

Page Nos..

1. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure
Rule 1.2 (iii)

2. **Declarations of Interest**

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To declare any interests which fall under the following categories, as
explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests
- c) Voluntary Announcements of Other Interests

See Agenda Item 2 for further details

3. **Minutes of the previous Meeting**

3 - 8

To approve the Minutes of the previous Meeting

4. **Future Reviews & Report Tracker and Topic Selection Flowchart**

9 - 16

5. **Universal Credit Operational Update Report**

17 - 34

The report provides the latest operational update regarding the
implementation of Universal Credit, from the Revenues & Benefits
Team.

6. **Report of Budget Scrutiny Task Group**

Report to follow

Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

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Overview and Scrutiny Committee

Minutes of a Meeting of the Overview and Scrutiny Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **27th November 2018**.

Present:

Cllr. Chilton (Chairman),

Cllrs. Bartlett, Burgess, Dehnel, Farrell, Feacey, Knowles, Krause, Miss. Martin, Mrs. Martin, Michael.

Apology:

Cllr. Buchanan.

Also Present:

Head of Housing, Senior Policy & Scrutiny Officer, Member Services Officer.

229 Declarations of Interest

Cllr. Farrell made a Voluntary Announcement since he was a tenant of Moat Housing Association.

230 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 25th September 2018 be approved and confirmed as a correct record.

231 Future Reviews and Report Tracker and Topic Selection Flowchart

The Senior Policy & Scrutiny Officer advised that the status of some recommendations on the Tracker required updating in regard to their implementation status and he advised that he would seek updates from Management Team and report back to Members on this point. In response to a question asking why the Fire Brigade were not on the Tracker, he explained that they had been invited to attend this meeting, but had not yet responded. He advised that he would liaise with CSU colleagues and would continue to try and secure their attendance at a future meeting of the Committee. The Committee mentioned that the Audit Committee were planning to discuss the implications of Brexit, and this could be another item for future consideration.

The Chairman confirmed that items added to the Tracker were not subject to approval from any other Members or Officers and that the Committee set its own work programme, although some items were compulsory.

In regard to two recent recommendations related to Air Quality being rejected by Cabinet, a Member expressed disappointment and asked what the implementation status of the Air Quality Task Group's recommendations. The Senior Policy & Scrutiny Officer explained that of the 29 original recommendations made by the Task Group, the Committee were advised of four, where the update position reported to the Committee in September was felt to be inappropriate. These points had been raised with Management Team, where three had been corrected to take account of the Committee's concerns. Given that the outstanding point and the two rejected recommendations related to Planning and Development functions, the Senior Policy & Scrutiny Officer advised that the Committee could invite the Head of Planning and Development to an O&S Meeting to discuss these points in detail with Members.

Members agreed that it would be beneficial to bring forward the Report on the Town Centre Framework that was currently scheduled for March 2019. The Senior Policy & Scrutiny Officer agreed to speak to the Officers involved, to try to arrange for the report to be presented at an earlier date.

Resolved:

That the report be received and noted.

232 Housing Statement Annual Report

The Head of Housing introduced the report and explained that it outlined a new approach of an overarching statement with three priorities, of which had been agreed by Cabinet.

The report was then opened up to the Committee and the following points/questions were raised:

- A Member asked what was being done to ensure the Local Needs Housing Survey was updated, since it was frequently the case that new developments built in rural areas were not intended for local residents. The Head of Housing explained that in addition to the Survey, there were a number of other channels that helped to identify Local Needs Housing including feedback from Members and Parish Councils. The Officers relied on good communication and held a small budget for Parish Councils to assist with Local Needs Surveys. There was also an understanding of the Local Need Survey in the Local Plan.
- Regarding the point stating that it was no longer mandatory for the Council to issue long-term tenancies, it was explained that government legislation had recently changed because in some situations, tenants that were issued lifelong tenancies ultimately ended up in a property too big for their need, after grown up children had moved out. The Council had always been able to issue short hold tenancies and Cabinet had agreed on a 5-year term. Only in exceptional circumstances were tenancies not renewed. She added that safeguards were

in place and certain groups were not subject to this rule including pension age and disabled people.

- In response to a query regarding developing a new strategy in response to the removal of the HRA debt cap, the Head of Housing advised that the Housing Statement Report was written prior to that decision being made. A strategy had since been developed and was being submitted to Cabinet next week. It identified 25 sites suitable for new development and looked at increasing the debt capacity by £61 million. It would be essential to review and agree what controls would be needed to manage the debt.
- Clarification was sought regarding the Homelessness Strategy, particularly whether the Council still had a duty of care to those people deemed at threat of homelessness. The Head of Housing explained that the Homelessness Reduction Act (implemented in April 2018) had reinforced the level of duty and Local Authorities now had to support and advise those people at risk of homelessness 56 days before they were likely to become homeless (but if those people chose not to co-operate with the LA, then the Council could discharge their duty). A new post of Accommodation Officer had been created to work alongside local Landlords and funds were now available to assist in cases of rent arrears and help with deposits. Further difficulties sometimes arose when insurance companies placed restrictions on what tenants Landlords could accept e.g. not those in receipt of Housing Benefit or with previous County Court Judgments. The Council held around 5,000 properties in their housing stock, and with the removal of the debt cap it was hoped that more would be delivered. A Member picked up on an earlier point raised regarding Local Needs Housing and stated that once affordable housing had been built, it would then be beneficial to conduct a new Survey.
- The Committee went onto discuss Section 21 Notices (the official notice served by Landlords to evict tenants). It was confirmed that if the Notices were served correctly then there was no defence in court to overturn them. However, when Housing Officers were involved in cases where a Section 21 Notice had been served, they tried to negotiate with the Landlord and considered other resources to assist tenants including Discretionary Housing Payments, and guaranteed rent via the ABC Lettings scheme.
- The Head of Housing finished by reporting that the Council had zero people in B&B accommodation during the last week, and this was a significant achievement.

The Committee thanked the Head of Housing for attending the Meeting and commended the Housing Department on their outstanding work.

Resolved:

That the report be received and noted.

233 Quarter 2 Performance Report 2018/2019

The Senior Policy & Scrutiny Officer introduced the report, which summarised performance against the Council's suite of Key Performance Indicators (KPIs).

Members again welcomed the new format and the inclusion of Gas Safety Certificates. A number of points for clarification were raised, including;

- In respect of KPI03 (car park average spend) a Member commented that it would be interesting to see the amount of time people spent in the Town Centre, since the average car park spend was relatively low. In addition to this, a metric to show the type of retail units in the Town Centre would also be beneficial.
- Regarding KPI01 (Park Mall vacancy rates) a Member queried the percentage increase from 6.25% to 9.38%, since this seemed disproportionate owing to only one unit becoming vacant; and asked if the metric could be revised to show change in occupied floor space. The Senior Policy & Scrutiny Officer noted that the percentage change was predicated on 32 units in Park Mall and so the closure of a single unit, regardless of size, would equate to a roughly 3% change in the metric. He agreed that calculation on the basis of floor space may be a better metric and would explore whether it could be amended.
- A Member observed the reduction in the business start-up rate (KPI08). The Senior Policy & Scrutiny Officer said that the number of businesses supported by the Council did fluctuate over the course of a year, but he would seek an update from the Economic Development Team and report back to the Committee.
- An additional KPI was requested to record the length of time taken for planning contraventions to be resolved.
- A Member queried the variance between figures in KPI23 and KPI24 (Refugee persons settled) and it was explained that one referred to individuals, whilst the other displayed households.

The Committee agreed that it was important for Portfolio Holders to attend the Meetings to enable Members to direct their queries to them.

Resolved:

That the report be received and noted.

234 Budget Scrutiny Task Group Membership

Resolved:

That Cllr. Feacey be the 5th Member on the Budget Scrutiny Task Group.

Queries concerning these Minutes? Please contact Member Services:
Telephone: 01233 330491 Email: membersservices@ashford.gov.uk
Agendas, Reports and Minutes are available at - <http://ashford.moderngov.co.uk>

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Overview and Scrutiny Committee

Report Tracker – 18 December 2018

Report Title	Date due to O&S	Reporting Service	Scope of what is to be scrutinised
Universal Credit roll-out progress	22 January 2019	Finance and IT	An update for Members on the early impacts and outputs of the wider Universal Credit roll-out in the borough.
Budget Scrutiny Task Group - Final report	22 January 2019	Corporate Policy, Economic Development and Communications/ Finance and IT	Presentation of the findings of the Budget Scrutiny Task Group for discussion and approval by the Committee.
Town Centre Place Making	22 January 2019	Corporate Policy, Economic Development and Communications	Members advised that they would like to examine the town centre place making strategy in advance of its consideration by Cabinet in order to allow for effective scrutiny of the proposals
Community Safety Partnership and Safeguarding updates	26 February 2019	Community Safety and Wellbeing/ Housing	Annual updates to the Committee on the work of the Community Safety Partnership and the council's work on safeguarding adults and children at risk.
Quarter 3 2018/19 performance	26 February 2019	Corporate Policy, Economic Development and Communications	Information and analysis of performance against key performance indicators for the council for quarter 3 of 2018/19.
S106 – process and position	26 February 2019	Planning and Development	To understand the current position with regard to s106 - how much ABC has collected, what is outstanding and how the use of s106 has changed and may change in the future.
Planning Resourcing	26 February 2019	Planning and Development	In reviewing the Q2 performance data notes for Planning, members requested information on the restructure and resourcing of Planning and Development
Air Quality	26 February 2019	Planning and Development	Members wanted to speak to Planning Officers in regard to resolutions not to pursue the requirement of low NOx boilers as a planning condition as part of the Air Quality Strategy and not to pursue an Air Quality SPD.
Community Toilet Scheme	26 March 2019	Environment and Land Management	The Committee have requested a review of the operation of the community toilet scheme, including scope for expansion, advertising and public reception.

Void properties	23 April 2019	Housing	Following discussions raised during scrutiny of the 2018/19 draft budget, the Committee has requested a report on work undertaken to address void properties in the PSL sector.
Broadband provision and planning	23 April 2019	Corporate Policy, Economic Development and Communications/ Planning and Development	Following discussions raised during scrutiny of the 2018/19 draft budget, the Committee has requested a report on the council's work on delivering high-speed broadband to new and existing properties within the borough.
Overview and Scrutiny Annual Report and 2019/20 Work Programme	28 May 2019	Corporate Policy, Economic Development and Communications	The council's Constitution requires the O&S Committee to make an annual report to full Council. This report will summarise the Committee's work over the past year and detail its work programme for 2019/20.
Quarter 4 2018/19 performance	28 May 2019	Corporate Policy, Economic Development and Communications	Information and analysis of performance against key performance indicators for the council for quarter 4 of 2018/19.
Ashford For You	28 May 2019	Corporate Policy, Economic Development and Communications	A review of the Magazine's first year of publication, its reception among residents and plans/potential for development/digitalisation of the magazine/other communications
Items for future consideration			
Aspire performance	July 2019	Environment and Land Management	The Committee would like an overview of the performance and development of Aspire Landscape Management.
Staff Resources – Legal & Democratic		Legal and Democratic;	Requested to be considered by the Budget Scrutiny Task Group
Future plans for public transport		Community Safety and Wellbeing	Requested by the Vice-Chairman in regard to the use of low emission and fit for purpose buses in Ashford

Ashford Waste Water Treatment Works		Community Safety and Wellbeing	Requested by the Leader in regard to odours impacting on the quality of residents' lives in Kennington/Little Burton Farm
Kent Fire and Rescue Service – volunteer support		Community Safety and Wellbeing	Requested by the Committee in regard to a shortage of volunteer support for KFRS being noted at Tenterden.

Recommendation Tracker

Report				
A Better Choice for Property Ltd – Cabinet minute 99/7/18 refers				
Recommendations	Accepted/ Rejected	Response	Implementation responsibility	Status
That the Board of Directors for A Better Choice for Property Ltd produce a statement for Members clarifying whether the company will seek to acquire or provide properties outside of the borough.	Accepted		Board of Directors for A Better Choice for Property Ltd	
That the appointment of non-executive Directors to A Better Choice for Property Ltd should be subject to appropriate background and credit checks being completed and the adoption of an anti-bribery and fraud policy.	Accepted		Legal and Democratic, Trading and Enterprise Board	
Report				

Kent Savers – minute 145/9/18 refers

Recommendations	Accepted/ Rejected	Response	Implementation responsibility	Status
The Cabinet instruct officers to work with Kent Savers to establish a working relationship and identify ways in which the council and Kent Savers can work together with particular reference to homelessness prevention and relief.	Accepted	Cabinet approved this recommendation and officers from Finance and Housing have met with Kent Savers to discuss joint working opportunities.	Housing, Finance and IT, Corporate Policy	Ongoing
The council contribute a subordinated loan of £10,000 to Kent Savers to support their work.	Accepted	Council approved this contribution at its meeting of 18 October 2018 and the subordinated loan has been issued.	Finance and IT	Completed
<i>Additional recommendation by Management Team:</i> The Cabinet actively promote Kent Savers to residents and council staff.	Accepted	Adopted by Cabinet		
<i>Additional recommendation by Cabinet:</i> A Bi-annual review of the proposals be reported to the Cabinet, the first of which would be in September 2020	Accepted	Adopted by Cabinet	Finance and IT, Housing	
<i>Additional recommendation from Cabinet:</i> No further financial commitment be made to Kent Savers without Cabinet approval	Accepted	Adopted by Cabinet	Finance and IT	
Report				

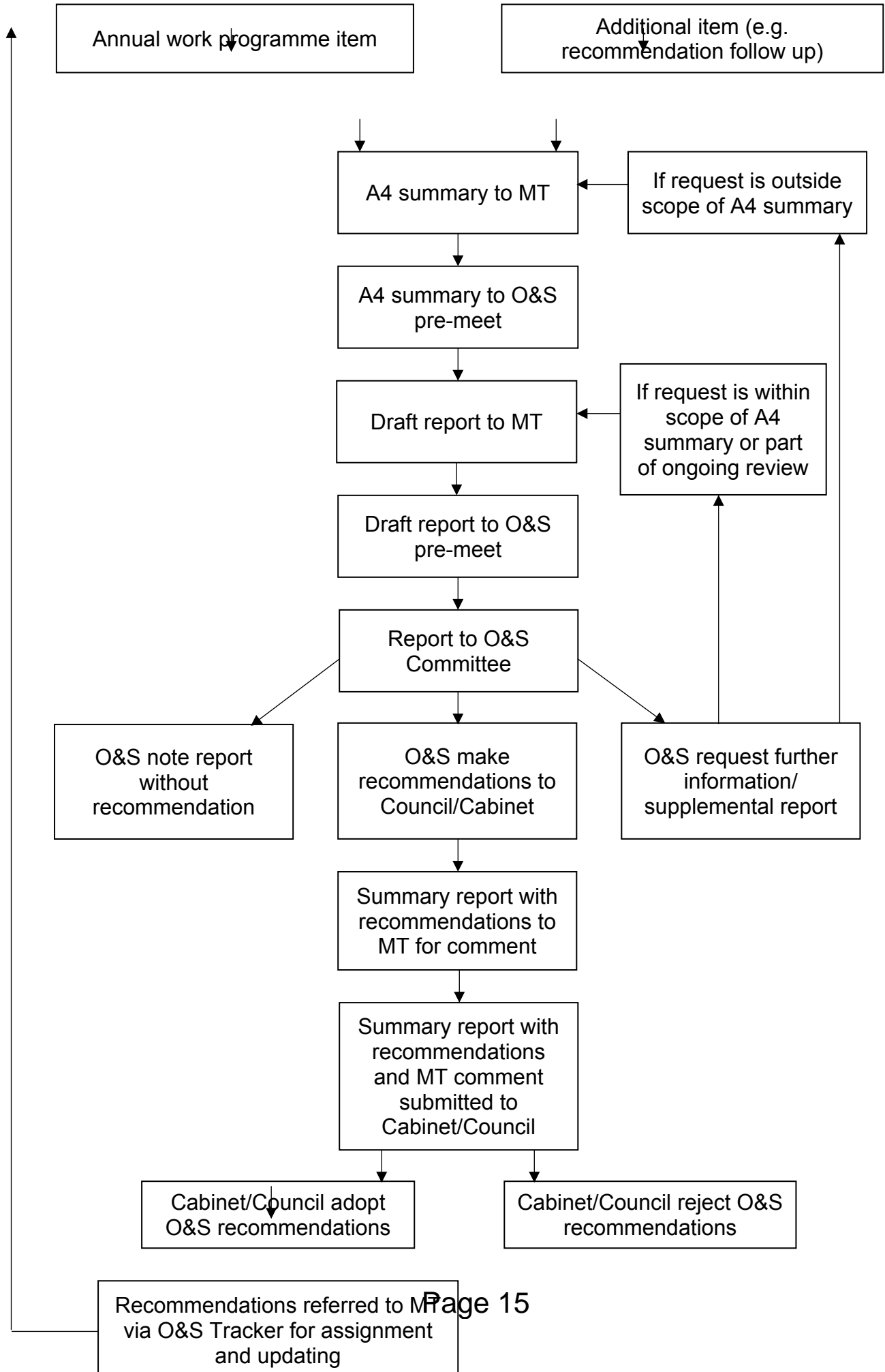
Chilmington Management Organisation

Recommendations	Accepted/ Rejected	Response	Implementation responsibility	Status
Where development are granted planning permission within which a management company will be established, planning conditions should be stipulated which will require that the local planning authority be notified of the management company's formation and registration with Companies House. Developers must also detail how residents will be involved in the management of the company and their rights, and the Local Planning Authority should approve this	Accepted		Planning and Development	
<p>Where developments are granted planning permission within which a management company will be established, planning conditions should be stipulated which require the developer to supply prospective occupiers of new dwellings with comprehensive information on the management arrangements for the development, including such information as:</p> <ul style="list-style-type: none"> • The Right to Manage (for leaseholders) • Residents' rights under a management company • Challenging a management company's mechanisms • Challenging service charge levels • The process for changing a management company 	Accepted		Planning and Development	

<p>The Council produce a 'Resident Trustee Pack' for occupiers of existing and new developments with a management company, including such information as:</p> <ul style="list-style-type: none"> • The Right to Manage (for leaseholders) • Resident's right under a management company • Challenging a management company's mechanisms • Challenging service charge levels • The process for changing a management company 	Accepted		Planning and Development	
<p>The Council establish and maintain a record of all Management Companies operating in the borough and the assets that these companies maintain</p>	Accepted		Planning and Development	
<p>The Council lobby central Government to introduce a legal requirement for resident Management Companies to register with the relevant local planning authority</p>	Accepted		Management Team	

O&S Reporting flowchart

O&S Tracker records Committee forward plan and recommendations made



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Agenda Item No:



Report to Overview and Scrutiny Committee

Universal Credit Operational Update – January 2019

The Overview and Scrutiny Committee is asked:

1. Note the contents of the report
-

Date of O&S meeting:

Chair of O&S Committee: Cllr Chilton

Relevant Portfolio(s): Cllr Shorter

Summary: The report gives the latest operational update regarding the implementation of Universal Credit, from the Revenues & Benefits Team

Exempt from Publication: **NO**

Background Papers: **None**

Contact: vikki.baker@ashford.gov.uk – Tel: (01233) 330440

Report Title: **Universal Credit Operational Update – January 2019**

Introduction and Background

1. All of Ashford has now gone live with Universal Credit Full Service for new working age claims. The final postcodes **TN27 9* TN17 4* TN18 5* ME17 2***, went live on **21st November 2018**. (Aligned with Maidstone & Tonbridge Jobcentres).

UC Live Service to Full Service

2. Old Universal Credit (UC) customers that were receiving the UC live service, were invited to claim UC full service from 5th September 2018. Letters were sent to these customers over a 7 week period starting 5th September. The customers received a letter asking them to go into the Jobcentre where they could receive help to reclaim UC. Their UC live claim does not transfer to a UC full service claim. They had to reapply. DWP should have fully supported them to make the new claim, however if they failed to respond to the DWP's letters, their UC Live Service claim will have ended. Only in a very few cases will UC be backdated so this could cause some problems if customers didn't engage in the process. An e mail was sent to Housing Benefit staff, Customer Service Advisors, Welfare Intervention Officer's, Housing staff, Citizens Advice Bureau explaining the process, so they could prompt claimants to engage in the process if they came across them. There's no way of knowing if any UC live claimants failed to successfully claim their Full Service UC but there have been no known issues reported to the Revenues & Benefits Teams

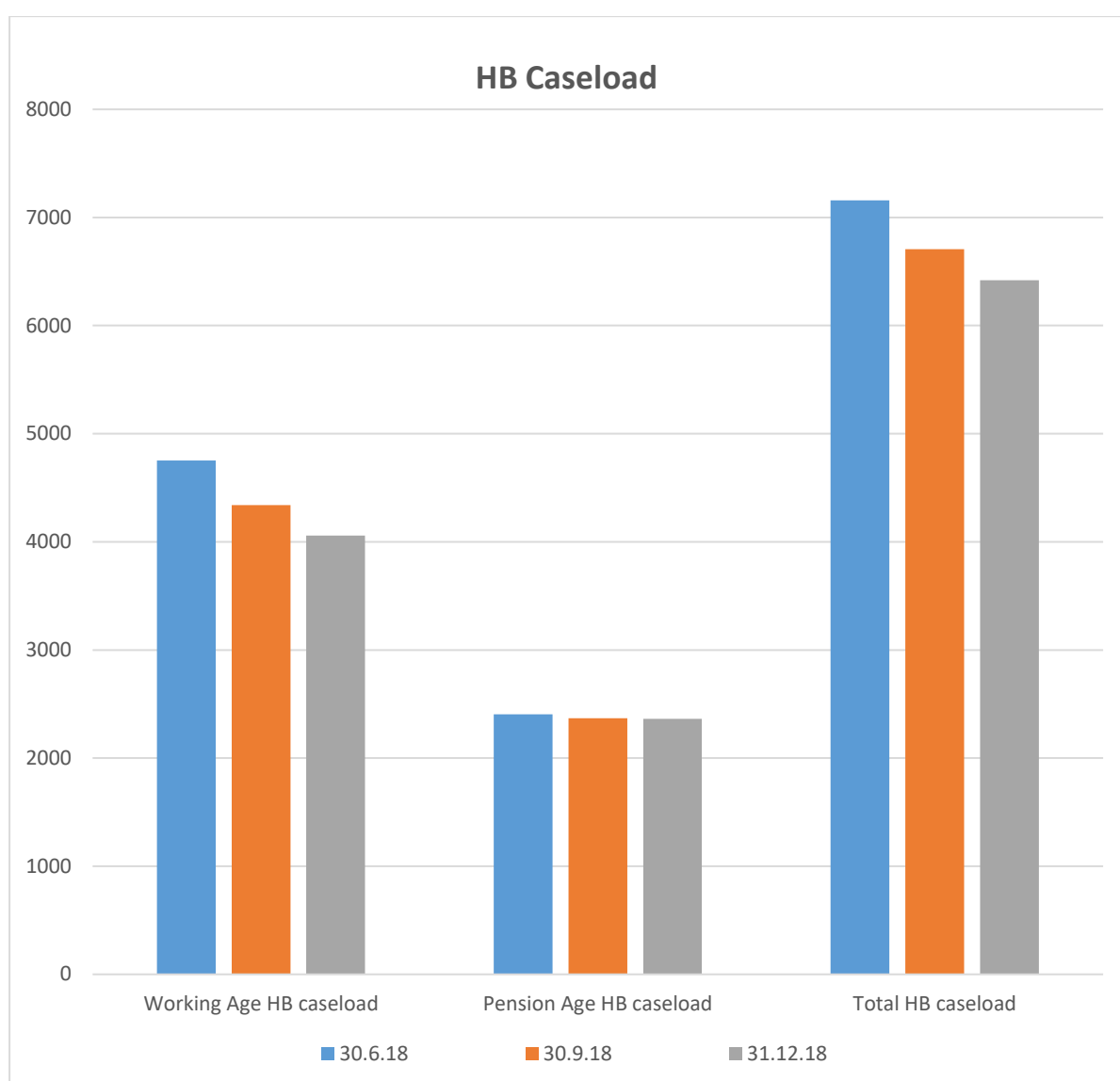
Housing Benefit Caseload

3. Universal Credit Full Service went live in Ashford on 20th June 2018. The Housing Benefit caseload for working age claimants was 4752 on 30th June 2018. By 31st December 2018 the Housing Benefit caseload for working age claimants has reduced to 4057, a decrease of 695 claims. The pension age Housing Benefit caseload remains, in the main, unchanged. The Local Authority also retain the Council Tax Support caseload for all pension age claimants as well as the working age claimants who have moved onto Universal Credit. The Council Tax Support caseload on 31st December 2018 was 7643.
4. As you can see from the graphs whilst the Housing Benefit caseload has dropped, the amount of notifications that the Local Authority receive within the Revenues & Benefits department, from the Department of Work & Pensions (DWP), in relation to Universal Credit has dramatically increased since June

2018. During the month of November 2018 1357 Universal Credit notifications were received & require action to be taken on them. The Working Age Housing Benefit caseload has decreased by 695 claims between June & December 2018, however the Universal Credit notifications have increased from zero to 1357 between June & November 2018.

Breakdown between working age & pensioner Housing Benefit Claims

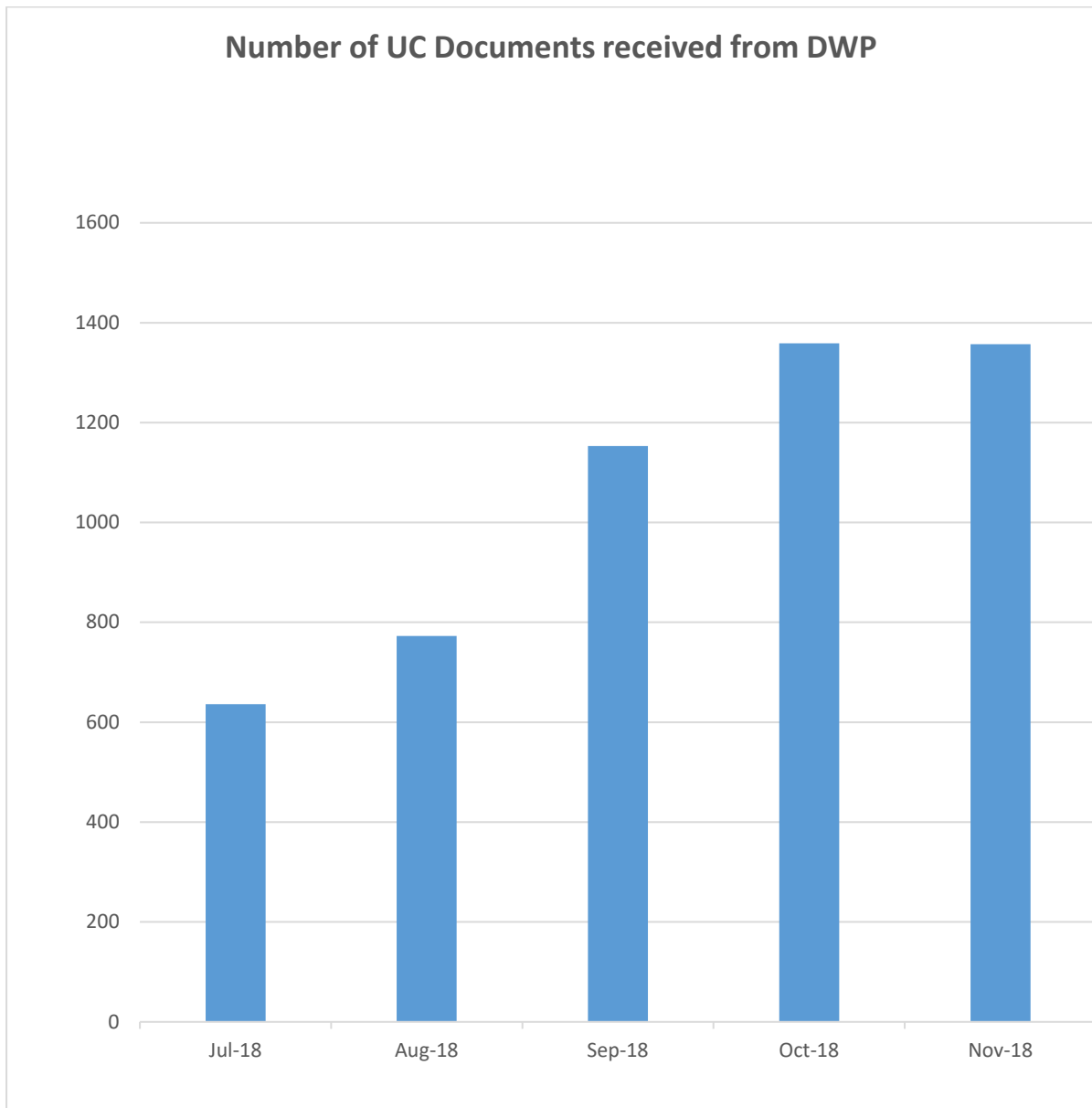
5.	Date	Working Age HB caseload	Pension Age HB caseload	Total HB caseload
	30.6.18	4752	2405	7157
	30.9.18	4340	2368	6708
	31.12.18	4057	2362	6419



6.

7. Universal Credit notification stats

Date	Number of UC Documents received from DWP
July 2018	636
August 2018	773
September 2018	1153
October 2018	1359
November 2018	1357



Universal Credit - Challenges faced by the Benefits Team

8. The sheer volume of UC notifications makes it difficult for the Local Authority Benefits Team to keep up to date & process those notifications. Many of the notifications are unnecessary, duplicates, or for claimants who don't live in the Ashford area. The issue has been raised time & time again with the DWP but they seem unable to reduce the amount of notifications that the Local Authority receive. Ashford is not alone in this problem. Every other Local Authority that Ashford has had contact with over the past 6 months is also experiencing the same issue.
9. The information populated on the Universal Credit notification is not clear & often the Benefits Officers have to make further enquiries & checks to clarify the details.
10. The Local Authority computer system is unable to match Local Authority records to the DWP UC notifications, which means that a human needs to look at every UC notification & make a decision as to what to do with it. 1357 UC notifications were received in November 2018.
11. Universal Credit teams are not allowed to share data with the Local Authority. If there are issues with a Housing Benefit or Council Tax Support claim, the Benefits Team need to contact the claimant to ask them whether they consent to the UC Teams sharing their information with the Local Authority. If the claimant is willing to share their information, they then need to contact the UC Teams via their online journal to give that consent. Once that has been done the Local Authority can then contact the UC team again to discuss a claimants circumstances & obtain the information they require. Under legacy benefits the DWP would just have shared information with the Local Authority.

Universal Credit – Challenges faced by the customer

12. There are many challenges faced by the customer, many of which have been highlighted in the press recently:
13. <https://www.bbc.co.uk/news/uk-46834533>
14. Customers in receipt of Universal Credit, who receive two wage payments within their Universal Credit Assessment period, perhaps because they were paid early due to Christmas or a bank holiday, have been considered by Universal Credit to have had a double income in that month, which has in turn drastically reduced or cancelled out altogether their Universal Credit award.
15. <https://www.independent.co.uk/money/spend-save/two-child-cruel-universal-credit-u-turn-child-poverty-benefits-a8722201.html>
16. Customers who have more than two children, can only claim support through Universal Credit or Housing Benefit, for subsequent children if they were born before 1st April 2017. When claimants migrate onto Universal Credit, it was

planned that support for children, regardless of when they were born, would be limited to two children only. This has now been amended so that the limit will remain to two children, only if subsequent children were born after 1st April 2017. Children born before this date will be protected.

17. <https://www.independent.co.uk/news/uk/home-news/universal-credit-benefits-disabled-people-report-austerity-welfare-work-pensions-a8689086.html>
18. Some disabled customers who are currently in receipt of Legacy Benefits, qualify for a Severe Disability Premium. This premium means that they receive up to an additional £64pw (according to this news article). This premium has been lost under Universal Credit. Since 20th June 2018, when Ashford went live with Universal Credit Full Service, anyone with the Severe Disability Premium who had to make a claim for Universal Credit, lost up to £64pw in benefits. From 16th January 2019 any cases like this will be prevented from naturally migrating to Universal Credit. This will mean they can remain on Legacy Benefits, until managed migration happens, thus retaining their Severe Disability Premium & any additional benefit award this entitles them to. At the point they migrate onto Universal Credit, the level of benefits they are receiving under the old Legacy Benefits system, will be transitionally protected. Any claimants in this situation who have already made a claim for UC, unfortunately remain on UC & will not be transferred back to Legacy Benefits and therefore have lost their Severe Disability premium, and the additional income this premium entitles them to. However, the House of Commons have issued a statement on 11th January 2019, confirming that those claimants that have already moved onto UC, who have lost their Severe Disability premium, will receive Transitional Protection (presumably through UC) (annexe A)
19. There have been problems with some of the most vulnerable customers who cannot make a claim for UC online or indeed maintain their claim online. The Welfare Team have been dealing with a few customers who need to make a claim over the phone. There is supposed to be a phone helpline for customers like this but so far we have not been able to access this phone service for our vulnerable customer. The Welfare Team have been e mailing DWP, the DWP partnership manager, phoning the various helplines to try & resolve this for these particular customers. The issue has now been resolved. The Service Centre have been told that they must take a phone claim from customers who can't transact online. Since the resolution has been put in place, the Welfare Team haven't needed to refer anyone for a phone claim, so this new solution is still to be tested.

Other changes

20. It has now been confirmed by DWP that from 1st February 2019, all new claimants with more than two children, must now claim Universal Credit. The gateway allowing them to claim Housing Benefit is closed from this date. This should mean that the Working Age Housing Benefit caseload should start to decrease more rapidly, however, the number of UC notifications that the Local Authority receive will increase more rapidly.

21. All current legacy benefit customers were due to migrate over to Universal Credit. The aim is to start this in 2019, and for the migration to be complete by 2023. There are still no details on how this will happen or what group of customers will be the first ones to migrate. Recent news stories report that Amber Rudd confirmed she would again delay asking MPs to authorise the transfer of three million people from the old benefits system.
22. Instead, the government will run a pilot involving 10,000 people migrating to universal credit. This will start around July 2019
23. <https://www.bbc.co.uk/news/uk-politics-46836799>

Comments from the Benefits Team

24. On a daily basis Benefits Processing staff come across case specific issues/problems & email DWP for advice/ guidance/ answers. The DWP answer all of the queries, usually within a short timeframe, certainly within 2 weeks.
25. Local DWP have, in the main, been helpful in resolving any issues we have had. In some instances it has involved lots of toing & froing but Local Authority staff are persistent & determined to get a resolution to their queries, so whilst it can sometimes be a little frustrating, we get there in the end.

Quotes from LA staff

26. *“DWP have taken ownership of any problems that we are reporting to them and getting back to us in a timely fashion with any feedback/comments and seem to be much more customer focussed. In my experience they have always tried to deal with any UC problems there and then and often come to a customer focused resolution.....”* Julie Waissen, Welfare Intervention Officer
27. *“On a positive note, the advance payments are working well, the work coaches are issuing same day payments where required”* Tracey James, Welfare Intervention Officer

Conclusion

28. Ashford has now been live with Universal Credit since 20th June 2018. It's a little confusing for Benefits Staff, customers & DWP staff at times to establish what customers can claim UC because the rules are very complex. Housing Benefit staff are working very closely with internal staff such as Housing Staff, Customers Service Staff & the Welfare Intervention Officers, as well as with external organisations such as local Job Centre staff & the UC Service Centre to provide the right outcome for each & every Ashford resident that makes a claim for benefit.

29. The amount of UC notifications that the Local Authority receives is increasing every week & is set to continue to increase as new claimants with more than two children move over to claiming Universal Credit rather than Housing Benefit. This poses a challenge for the Benefits Team, to handle the increased volume of work that Universal Credit creates.
30. Currently UC is very much a manual process for Housing Benefit staff. The Benefits Team are in the process of looking at more automation of UC notices that are received direct from DWP, however this is a very complex task as the quality of the information provided by the DWP is not compatible with LA IT systems (which is not just an Ashford specific problem). If some of the notices can be configured to automatically populate back office systems & then complete automatically, this will reduce the resources required to manually deal with the notifications. Other Local Authorities across the country find themselves in the same position.
31. The Council Tax Support scheme is another area under review & careful consideration is being made with regards to the effect that Universal Credit has on a claimants Council Tax Support entitlement.
32. Universal Credit requires a lot of manual intervention from Local Authority staff to enable the information to be processed. The internal processes of the Benefits Team are constantly under review to try & find the most efficient ways to deal with the information being received.

Annexes

33. A – House of Commons Statement received 11th January 2019
34. B – Housing Benefit Circular A1/2009

Contact and Email

35. vikki.baker@ashford.gov.uk 01233 330440

House of Commons: Written Statement (HCWS1243)

Department for Work and Pensions

Written Statement made by: **Minister of State for Employment (Alok Sharma)**
on 11 Jan 2019.

Universal Credit

Universal Credit is a vital reform. It overhauls a legacy system which trapped people out of work. As we move to the next stage, known as managed migration, it is vital that Universal Credit works for all.

To deliver this, the Government will seek powers for a pilot of managed migration so that the Department cannot issue any more migration notices once 10,000 people have been awarded Universal Credit through this process. This approach provides the opportunity for the Government to develop the best support for claimants.

This entails replacing the current regulations laid before the House, with two separate Statutory Instruments.

The first is a negative Statutory Instrument to provide for the Severe Disability Premium Gateway. This prevents legacy claimants who are in receipt of the Severe Disability Premium from moving naturally to Universal Credit and allows them to continue to claim legacy benefits until they are moved over as part of the managed migration process. We committed to bringing this important extra protection into force on 16 January and this provision ensures that we will meet that commitment.

A second affirmative Statutory Instrument will contain the remaining regulations as laid on 5th November 2018. These deliver our commitment to provide the vital transitional protection for claimants who are moved by the Department, which is worth over £3 billion for claimants over 10 years. These also provide for transitional payments to those claimants who were previously in receipt of Severe Disability Premium and have moved to UC before the gateway came into force.

In addition, we are including a new provision in this Statutory Instrument, which will mean that once 10,000 claimants have been moved onto Universal Credit as part of managed migration, no further migration notices can be issued. In this way the Government is legislating for 'piloting powers' rather than the migration of all claimants. This is in line with suggestions from both the Secondary Legislation Scrutiny Committee and the Work and Pensions Select Committee. The Government will report on our findings from the pilot before bringing forward legislation to extend managed migration.

The pilot will begin - as planned - from July 2019 and does not affect the timeline for delivering Universal Credit, which will be completed in 2023.

The current legislation provides that, from 1 February new claims to Universal Credit will support a maximum of two children, regardless of the date of birth of the children.

The Department has looked again carefully at this issue with particular focus on the families making a new claim whose children were all born prior to the implementation of the policy. We have concluded that including these families would not be right and therefore they will be entitled to support for any children born before 6 April 2017, the date that the policy was introduced. I am bringing forward the necessary legislation to enable this change.

The policy to provide support for a maximum of two children ensures that parents in receipt of

benefits face the same financial choices when deciding to grow their family as those supporting themselves solely through work. Parents who support themselves solely through work would not usually see their wages increase simply because of the addition of a new child to their family. Exceptions are in place to support those who are not able to make decisions about the number of children in their family.

Housing Benefit Circular

Department for Work and Pensions
Caxton House, Tothill Street, London SW1H 9NA

HB A1/2019

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	All Housing Benefit staff
ACTION	For information
SUBJECT	HB gateway – Severe Disability Premium and claimants with 3 or more children

Guidance Manual

The information in this circular does not affect the content of the HB Guidance Manual.

Queries

extra copies of this circular/copies of previous circulars can be found at <https://www.gov.uk/government/collections/housing-benefit-for-local-authorities-circulars>

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MGP1 form attached as a separate Appendix A

Reinstatement of HB template attached as a separate Appendix B

Severe Disability Premium

Introduction

1. The announcement on 7 June 2018 by the then Secretary of State for Work and Pensions set out the government's plans to make provision for those claimants who are or were receiving the Severe Disability Premium (SDP) as part of their income-related benefits.
2. Once the regulations become lawful, they will ensure that, from 16 January 2019, existing claimants entitled to an award of an existing benefit that includes the SDP are prevented from naturally migrating to UC following a change of circumstances. In addition, claimants who have a short break in their legacy benefit that received an SDP in the last month, and continue to satisfy the conditions of entitlement to the premium, will be prevented from naturally migrating to UC.
3. These claimants will continue to receive the relevant legacy benefit(s) appropriate to their change of circumstance and will only move to UC via managed migration and will, therefore, at that time be eligible for transitional protection; safeguarding their existing benefit entitlement.
4. However, until these regulations come into force, claimants who have a change of circumstances that would previously have resulted in them making a claim to an existing benefit that Universal Credit (UC) is replacing, in other words, Jobseeker's Allowance (Income Based) (JSA(IB), Employment & Support Allowance (Income Related) (ESA(IR), Income Support (IS), Tax Credits and Housing Benefit (HB), have been legally required to make a new claim to UC.

Background

5. The SDP is an amount paid to severely disabled people as part of the following legacy benefits:
 - JSA(IB)
 - ESA(IR)
 - IS
 - HB
6. These claimants also need to be in receipt of one of the following disability benefits, and live alone (or be classed as living alone) and no one must be in receipt of Carer's Allowance (CA) or the UC Carer Element for caring for them:
 - Disability Living Allowance (DLA) care component at the middle or higher rate
 - Personal Independence Payment (PIP) daily living component at the standard or enhance rate
 - Attendance Allowance or Constant Attendance Allowance
 - Armed Forces Independence Payment (AFIP).
7. Claimants who receive a legacy benefit which includes the SDP, will no longer receive SDP or any other premium once they make a claim to UC. These premiums are not payable under UC regulations.

HB gateway

8. From the 16 January 2019 any claimants who are entitled and remain entitled to SDP (including those who have had a break in claim but have been entitled within the last month) will remain on their existing legacy benefit or can claim another legacy benefit relevant to their change of circumstance. Where the claimant is no longer entitled to SDP then they would have to contact UC to make a claim (other exceptions permitting – see paragraph 11).
9. Therefore, if a claimant moves to a new local authority (LA) area but they are in receipt of SDP with their HB this change of circumstance will no longer trigger natural migration to UC and they will remain on legacy benefits. From 16 January 2019 this would be a new HB claim as long as the claimant remains entitled to SDP. If the claimant is to remain on legacy benefits, then the transitional payment should not be made. This payment is to help claimant transition from legacy to UC, so would not be appropriate.

Example 1

John is living in Blackpool and in receipt of the HB and ESA IR with SDP. He moves house to Liverpool and, therefore, out of the current LA area. Blackpool LA would need to check the Customer Information System (CIS) when closing down the claim to see if John was entitled to SDP. If so, Blackpool LA should not pay the transition to UC housing payment as the claimant will be claiming HB in the new area.

10. Standard SDP rules apply to a claimant's entitlement and the rules for these are available on www.gov.uk. Examples of when a claimant may lose their entitlement to SDP would be, losing entitlement to a qualifying disability benefit, another person claiming carers allowance or forming a new couple.
11. Where a claimant makes a claim for HB, the LA will need to ensure that they meet one or more of the following:
 - living in specified accommodation
 - living in temporary accommodation
 - entitled to SDP
 - have 3 or more children (only until 31 January 2019 – see paragraph 30)
12. The LA would also need to check if the claimant is entitled to SDP with another legacy benefit JSA, ESA or IS. This information can be found on CIS within the Award History details for the benefit. SDP will be displayed if it is in payment. The LA will need to ensure that UC is not in payment as if the claimant has migrated across to UC or claimed UC before 16 January 2019 we are not intending to move any of these claimants back to the legacy benefits.

UC hard gateway changes – The process

13. UC are changing the gateway and adding additional questions to prevent relevant claimants applying for UC. We are aware that most claimants do not know they are receiving SDP in their legacy benefit so there will be an 'I don't know' option (with additional guidance) as a claimant goes through their UC claim.
14. Where appropriate the claimant should be signposted to make a legacy benefit claim. Where the claimant makes a claim through the integrated claims process, the LA will continue to receive a Local Authority Input Document (LAID) or Local Authority Claim Information (LACI). Where the claimant has housing costs only they will be signposted directly to the LA.

UC claim made in error as claimant is in receipt of SDP

15. If a claimant does get through the gateway and makes a claim for UC, then a stop notice will be issued to all the legacy benefits in payment where the Interest marker is set in CIS.
16. If the LA receive a HB Stop notification and they confirm that the claimant is entitled to SDP with their HB, the HB claim should not be closed. The LA should complete the MGP1 with the new drop down option for 'Severe Disability Premium in payment – HB not closed' and return this to the email address on the form – see Appendix A.
17. The LA must select SDP where this is in payment before any of the other options on the MGP1 even if they do apply.
18. The LA should then return the MGP1 to the service centre and annotate the email heading to include 'SDP in payment'. Additionally, in the body of the email they should note if the claimant is single or part of a couple. If they are part of a couple they need to include the partner's full name.
19. On receipt of the MGP1 in UC, the agent should check whether there has been any change in the claimant's circumstances which would end their SDP entitlement. For example, they have separated from their partner and claimed UC as a single person. Where the change of circumstance would end entitlement to SDP the UC agent should email the LA to state that the HB claim does need to be closed down.
20. The LA would then need to complete a second MGP1 and return this to the service centre with any overlapping benefit included. This MGP1 should include if the claimant is living in temporary or specified accommodation and that the HB should remain in payment for this alternative reason.

HB closed in error as claimant is in receipt of SDP

21. As from 16 January 2019, once the HB claim has been closed, if it is then established that the claimant is entitled to any other legacy benefit with SDP then the LA will be contacted by the UC SDP team. Even if the claimant has received a UC payment after 16 January 2019, UC should move the claimants back to the legacy benefits. We only expect LAs to reinstate HB where they receive a 'Reinstatement of HB template for claimants in receipt of SDP' template (Appendix B) from the UC SDP team.

Example 2

An existing claimant entitled to HB and ESA has a change of circumstance so is sign-posted to UC. Stop notices will be issued to both the LA and ESA. The HB claim is then closed. ESA confirm SDP is in payment. Therefore, a Re-instatement of HB template should be sent to the LA to re-open the HB claim.

22. The LA would need to consider the transition to UC housing payment when reinstating the benefits and calculate any over/underpayments that could have occurred.
23. If a claimant has a change of address out of the LA area, then the LA will need to check CIS to see if SDP is in payment with the HB or other legacy benefits. If the claimant is entitled to SDP, then the transition to UC housing payment should not be made. This payment is in place for claimants migrating to UC and not moving to a different LA or legacy benefit.

No SDP entitlement

24. If the LA receives an HB Stop notification and they see that the claimant is not entitled to SDP with their HB, then they should close down the HB claim as per the normal 'business as usual' process instructions. This includes paying the transition to UC housing payment.
25. In the majority of cases the claimant will remain on HB with the SDP entitlement. There will be exceptions but the volumes of these will be minimal.

Data sharing

26. If the claimants make new claims to legacy benefits, then the information will continue to be shared through ATLAS (Automated Transfer to LA Systems).
27. Where the claimant is signposted back to the legacy benefits, if the claimant makes a claim for JSA, ESA or IS with an associated HB claim, then the claim data will come through on either LAID for JSA/IS claimants or LACI for ESA claimants. The LA should only receive a LAID or LACI where the claimant is entitled to SDP.
28. The HB stop notification will be issued and should be actioned as above.

New Burdens consideration

29. New Burdens are being considered and we will update you further about this shortly.

3 or more children

30. From 1 February 2019, the HB gateway for households with 3 or more children will be closed. All new claims should be signposted to UC to make a claim and no longer taken for legacy benefit. Exceptions still apply (see paragraph 11).

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