

Leighton Andrews AC / AM
Y Gweinidog Gwasanaethau Cyhoeddus
Minister for Public Services



Llywodraeth Cymru
Welsh Government

David Melding AM
Chair, Constitutional & Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

17 November 2014

Dear David,

I am writing in relation to the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2015 ("the uprating Regulations"). These Regulations are required to amend the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 to uprate the financial figures in line with cost-of-living increases. In addition to the uprating, these Regulations will make other minor amendments to the 2013 Regulations.

The calculation of the uprating is dependent on financial figures set out in the Chancellor's Autumn Statement, as well as the uprating schedule produced by the Department of Work and Pensions, for interrelated social security benefits, for example, Child Benefit and Savings Credit.

The Autumn Statement is being made on 3 December 2014 and we have been provisionally advised the uprating schedule will not be published by DWP before 4 December. Consequently, I will not be able to lay the amending Regulations until 5 December at the earliest. This means a plenary debate could not be held, in accordance with Standing Orders, until 27 January 2015.

Whilst this does not present issues in relation to the Regulations themselves, it does pose practical challenges for Local Authorities as they must incorporate the uprated financial figures into their Council Tax Reduction Schemes via full Council no later than 31 January, in order for the uprated figures to have effect in the proceeding year.

There are no provisions to allow Local Authorities to make in-year changes to their Schemes. Therefore, there is no mechanism to ensure a Local Authority adopts the uprated financial figures if a Council meeting to adopt its Scheme is held in advance of the Assembly debating the amending Regulations. This poses the risk that not all Local Authorities will use the uprated figures, meaning applicants from different areas may be treated differently and some applicants will be made worse off if cost of living increases are not reflected.

Local Authorities have been made aware of the timescales for making the amending Regulations and have been asked to ensure they have arrangements in place to incorporate the uprated financial figures into their adopted Schemes. However, in order to facilitate their preparations and to ensure all Local Authorities are able to adopt the uprated figures, I would be grateful if the Constitutional and Legislative Affairs Committee would be willing to consider and report on the Regulations ahead of 27 January, to enable an earlier plenary debate to be arranged. You kindly facilitated such preparations for the purposes of uprating the 2014-15 Regulations.

The amending Regulations are a short set of Regulations and my officials would be happy to engage with yours to support the scrutiny process. I would also be happy to share a copy of the draft Regulations with the Committee which I anticipate will be available by 5 December, although these may only contain provisional figures, depending on when the uprating schedule is published by DWP.

Members may also wish to be aware, due to the timing of the Autumn Statements, it is likely we will face a similar situation in future years when uprating the Council Tax Reduction Scheme Regulations.

*Yours sincerely,
Leighton Andrews*

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