

Housing Benefit and Council Tax Reduction (Electronic Communications) (City Of Bristol) Direction 2019

The Chief Executive of Bristol City Council in accordance with -

The Housing Benefit Regulations 2006¹, including:

- Regulation 83A 'Electronic claims for benefit'
- Regulation 87 'Amendment and withdrawal of claim'
- Regulation 88A 'Notice of changes of circumstances given electronically'
- Schedule 11 'Electronic communication'

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006², including:

- Regulation 64A 'Electronic claims for benefit'
- Regulation 68 'Amendment and withdrawal of claim'
- Regulation 69A 'Notice of changes of circumstances given electronically'
- Schedule 10 'Electronic communication'

The Council Tax Reduction Scheme (Prescribed Requirements)(England)Regulations 2012³ as incorporated into the relevant sections of the Council Tax Reduction Scheme, including:

- Schedule 7 Part 1⁴ 'Applications'
- Schedule 7 Part 3⁵ 'Discretionary reductions'
- Schedule 7 Part 4⁶ 'Electronic Communication'
- Schedule 8 Part 2(8)⁷, 'Amendment and withdrawal of application'
- Schedule 8 Part 2(9)⁸ 'Duty to notify changes of circumstances'

- hereby makes the following Direction:

Citation and commencement

1 This Direction may be cited as the Housing Benefit and Council Tax Reduction (Electronic Communications) (City Of Bristol) Direction 2019 and shall come into force on **01 April 2019**.

¹ SI 2006/213

² SI 2006/214

³ SI 2012/2885

⁴ The Council Tax Reduction Scheme Schedule 1 Part 1

⁵ The Council Tax Reduction Scheme Schedule 1 Part 3

⁶ The Council Tax Reduction Scheme Schedule 1 Part 4

⁷ The Council Tax Reduction Scheme paragraph 114

⁸ The Council Tax Reduction Scheme paragraph 115

Interpretation

2 In this Direction -

'the 1992 Act' means the Local Government Finance Act 1992;

'approved method' means a method as specified in the relevant section of this Direction. Any such method is also approved as satisfying the conditions for the use of electronic communication;

'the authority' means Bristol City Council;

'the authority's website' means the official website of Bristol City Council;

'conditions for the use of electronic communication' means sub-paragraphs 3-6 of the conditions for electronic communication in Schedule 11 Part 2(2) to the Housing Benefit Regulations 2006, sub-paragraphs 3-6 of the Schedule 10 Part 2(2) to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, and sub-paragraphs 3-6 of Schedule 7 Part 4(11) to The Council Tax Reduction Scheme (Prescribed Requirements)(England) Regulations 2012 as incorporated into Schedule 1 Part 4(13) of the City Of Bristol Council Tax Reduction, whichever may apply;

'the Council Tax Reduction Scheme' means the City Of Bristol Council Tax Reduction Scheme as published;

'direction' means this direction the Housing Benefit and Council Tax Reduction (Electronic Communications) (City Of Bristol) Direction 2019;

'discretionary reduction' means a reduction under Section 13A(1)(c) of the 1992 Act;

'electronic communication' has the same meaning as section 15(1) of the Electronic Communications Act 2000⁹;

'head of the benefits service' means the head of the authority's Housing Benefit and Council Tax Reduction department or such other person with delegated authority;

'prescribed email address' means any of the following -

- (a) benefits@bristol.gov.uk,
- (b) benefits.enquiry@bristol.gov.uk,
- (c) benefits.evidence@bristol.gov.uk,
- (d) benefits.policy@bristol.gov.uk,
- (e) benefits.e.a.team@bristol.gov.uk,
- (f) any other email address (or addresses) that is, at that time, authorised by the head of the benefits service by means of a written record in electronic form in accordance with paragraph 11 of this Direction;

'relevant Housing Benefit regulations' means the Housing Benefit Regulations 2006 or as the case may be; the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, whichever may apply.

⁹ 2000 c. 7

Part 1 - Electronic claims and applications

3 Housing Benefit - a person who (in accordance with the relevant Housing Benefit regulations) makes a claim for Housing Benefit is authorised to do so by an electronic communication provided that the person uses an approved method for Housing Benefit as set out in paragraph 9.

4 Council Tax Reduction - a person who (in accordance with the Council Tax Reduction Scheme) makes an application for a Council Tax Reduction is authorised to do so by an electronic communication provided that the person uses an approved method for Council Tax Reduction as set out in paragraph 10.

4A Discretionary Reduction - a person who (in accordance with the Council Tax Reduction Scheme) makes an application for a Discretionary Reduction is authorised to do so by an electronic communication provided that the person uses an approved method for a Discretionary Reduction as set out in paragraph 10A.

Part 2 - Electronic amendments and withdrawals

5 Housing Benefit - a person who (in accordance with the relevant Housing Benefit regulations) makes an amendment to or a withdrawal of a claim is authorised to do so by an electronic communication provided that the person uses an approved method for Housing Benefit as set out in paragraph 9.

6 Council Tax Reduction - a person who (in accordance with the Council Tax Reduction Scheme) makes an amendment to or a withdrawal of an application for a Council Tax Reduction is authorised to do so by an electronic communication provided that the person uses an approved method for Council Tax Reduction as set out in paragraph 10.

Part 3 -Electronic notice of changes in circumstances

7 Housing Benefit - a person who (in accordance with the relevant Housing Benefit regulations) gives notice of a change in circumstances is authorised to do so by an electronic communication provided that the person uses an approved method for Housing Benefit as set out in paragraph 9.

8 Council Tax Reduction - the authority agrees¹⁰ to accept electronic notification of changes of circumstances for Council Tax Reduction provided the conditions for the use of electronic communication are also satisfied. A person who (in accordance with the Council Tax Reduction Scheme) gives notice of a change of circumstances is therefore authorised to do so by an electronic communication provided that the person uses an approved method for Council Tax Reduction as set out in paragraph 10.

¹⁰ SI 2012 2885 Schedule 8 Part 9(2)(c), the Council Tax Reduction Scheme paragraph 115(c).

Part 4 - Approved methods

9 The approved methods for Housing Benefit

The approved methods are -

- (a) the methods and form set out on the authority's website at the time.
- (b) an email to a prescribed email address for the purposes of the delivery of such a claim as referred to in paragraphs 3, an amendment to or the withdrawal of a claim as referred to in paragraph 5, or a notice of a change in circumstances as referred to in paragraph 7.

10 The approved methods for Council Tax Reduction

The approved methods are -

- (a) the methods and form set out on the authority's website at the time.
- (b) an email to a prescribed email address, for the purposes of the delivery of such an application as referred to in paragraph 4, an amendment to, or the withdrawal of an application as referred to in paragraph 6, or a notice of a change in circumstances as referred to in paragraph 8.

10A The approved methods for a Discretionary Reduction

The approved methods are -

- (a) the methods and form set out on the authority's website at the time.
- (b) an email to a prescribed email address, for the purposes of the delivery of such an application as referred to in paragraph 4A.

Part 5 - Prescribed email address authorisation or revocation

11 For the purpose of this Direction -

- (i) the head of the benefits service shall have the authority to authorise or revoke (or to authorise or revoke retrospectively) any prescribed email address or addresses with the exception of the revocation of those addresses listed in Paragraph 2, Interpretation, prescribed email address, (a)-(e)¹¹.
- (ii) any such authorisation or revocation shall only be authorised by this Direction if a written record of the authorisation or revocation is kept in electronic form.

¹¹ (a)-(e) are individual addresses listed in this Direction so may only be revoked for these purposes by a new or amended Direction.

Part 6 – Revocations and amendments

12 The following Directions are revoked -

(a) The Housing Benefit and Council Tax Reduction (Electronic Communications)(City of Bristol) Directions 2014

13 This Direction may be amended or revoked at any time by the issue of a further Direction.

Signed:



Date: 27th March 2019

Mike Jackson

Executive Director Resources – Head of Paid Service

Explanatory Note (this note is not part of the Direction)

Housing Benefit and Council Tax Reduction regulations require a Direction by the authority's Chief Executive in order to permit the use of electronic communications to receive claims and changes of circumstances.

The regulations also set out various other conditions that must be satisfied in order that an electronic communication may be accepted.

The new Direction has been made to update and replace the previous Directions and it sets out how an electronic communication may be made which satisfies those other conditions.

It permits the Authority to continue to accept electronic communications (email and online notifications) in respect of claims, amendments, and changes of circumstance provided the person sending the communication uses an 'approved method' as set out in the Direction.

It also permits the Authority to start to receive electronic communications (email and, when available, online notification) in respect of requests for a Discretionary Reduction.

Provisions are made for additional email addresses to be added or removed from the list of prescribed email addresses without the need for a new or amended Direction.